

# CASE SUMMARY

## APPLICATION TYPE: USE ON REVIEW



**File Number:** 3-D-19-UR **Related File Number:**  
**Application Filed:** 1/28/2019 **Date of Revision:**  
**Applicant:** PYA WALTMAN CAPITAL

### PROPERTY INFORMATION

**General Location:** East side of Ebenezer Rd., East of Highbridge Dr.  
**Other Parcel Info.:**  
**Tax ID Number:** 144 088 **Jurisdiction:** County  
**Size of Tract:** 0.82 acres  
**Accessibility:** Access is via Ebenezer Rd., a minor arterial street, with a five lane configuration within a 70-80' right-of-way.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Landscaping business office  
**Surrounding Land Use:**  
**Proposed Use:** Professional Office, approx. 6,100 sq.ft. **Density:**  
**Sector Plan:** Southwest County **Sector Plan Designation:** LDR (Low Density Residential)  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** This area consists primarily of single family detached houses developed in the A, RA and PR zones. There is a daycare facility to the southwest that is in the RA zone. Blue Grass Elementary is approximately .35 miles to the south.

### ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

**Street:** 1402 Ebenezer Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** T (Transition) (k)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** Property was rezoned from A (Agricultural) to T (Transition) in February 2019 (1-G-19-RZ). The T zone has a condition that requires the existing house to be maintained.

### PLAN INFORMATION (where applicable)

**Current Plan Category:**

Requested Plan Category:

### **SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

### **OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

### **PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge: Mike Reynolds

Staff Recomm. (Abbr.): APPROVE the Development Plan for a professional office of approximately 6,100 square feet, subject to 7 conditions.

Staff Recomm. (Full):

1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
2. Obtaining a variance from the Board of Zoning Appeals to reduce the parking lot side setback or purchases sufficient land from the adjacent property owner to satisfy the minimum parking lot setback.
3. If a parking lot setback variance is required, the applicant must submit a screening plan to Planning Commission staff for review and comment before action by the Board of Zoning Appeals.
4. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
5. Installing all landscaping as identified on the site plan (sheet UOR300) within six months of the issuance of an occupancy permit for this project, or posting a bond with the Knox County Department of Engineering and Public Works to guarantee such installation. The "new evergreen landscaping" that is installed must be from the "Trees for Screening Purposes" list that is attached (see Exhibit A).
6. Meeting all applicable requirements of Knox County sign regulations (Article 3, Section 3.90) subject to approval by Knox County Codes Administration and Planning Commission staff.
7. Meeting all applicable requirements of the Knox County Zoning Ordinance.

With the conditions noted above, this request meets the requirements for approval in the T (Transition) zoning district, as well as other criteria for approval of a use on review.

Comments: This proposal is to renovate an existing building (2,700 sqft) that was a house converted to an office for a landscape contractor, and is proposed as an office for a financial planning firm. A new 1-story building is also proposed behind the existing building that will have a similar scale and roof design (3,400 sqft). The new building will be partially built into the hill on the south side and rear of the property to reduce the amount of grading or retaining walls. The new building will be approximately 20' tall to the top of the roof and the residential properties to the rear are approximately 10' higher than the floor elevation of the new building, so only the roof line will be visible (excluding other visual barriers such as fencing and landscaping).

The driveway access Ebenezer Rd. will need to be improved and moved slightly to the south to accommodate the new parking lot, which will be side and rear of the existing building. The parking lot setback is 10' when adjacent to residential properties and the parking lot, as proposed, is built up to the property line. The applicant is in discussion to purchase the necessary amount of land from the adjacent property owner to obtain the required setback. If the land cannot be purchased, a variance must be approved by the Board of Zoning Appeals or the parking spaces must be moved out of the 10' setback. If a variance is considered by the Board of Zoning Appeals, the applicant should demonstrate how they intend to mitigate the buffer that the setback would provide, such as by adding a decorative fence or wall that will screen the parking lot, or if the parking lot can be shifted a few feet away from the property line, evergreen shrubs and/or trees.

Landscape screening is proposed on the south side and rear property lines to replace existing evergreen trees that cannot be retained. Staff is recommending the trees planted to be chosen from the list of trees presented in Exhibit A, which are native or otherwise appropriate for East Tennessee.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTIES AND THE COMMUNITY AS A WHOLE

1. All public utilities are available to serve the site.
2. The proposed commercial center is compatible with the scale and intensity of the surrounding

development and zoning pattern.

3. The proposed landscape screening will replace trees that must be removed and provide privacy for adjacent residential properties.

#### CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. With the recommended conditions, the proposal meets all requirements of the T zoning as well as the general criteria for approval of a use on review.

2. The proposed professional office building with the recommended conditions is consistent with the following general standards for uses permitted on review: The proposal is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas since the development is located off of an arterial street. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.

3. The intent of the T (Transition) zone is to insure the development of land adjacent to residential areas, between other types of commercial and residential classifications, promotes the public health, safety, morals, and general welfare of the citizens of the county. The purpose of the T zone is to allow non-residential uses that are not major traffic generators and compatible with adjacent residential areas.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANNING COMMISSION PLANS

1. The Southwest County Sector Plan proposes residential uses for this site. The proposed office use is permitted within the T (Transition) zone, which has been determined to be an appropriate zone for the Low Density Residential land use classification when the property meets the intent and purpose of the T zone.

2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

**Action:** Approved

**Meeting Date:** 3/14/2019

#### **Details of Action:**

**Summary of Action:** APPROVE the Development Plan for a professional office of approximately 6,100 square feet, subject to 7 conditions.

**Date of Approval:** 3/14/2019

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:** ☐ **Action Appealed?:**

### **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Board of Zoning Appeals

**Date of Legislative Action:**

**Date of Legislative Action, Second Reading:**

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:**

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**