

▶ **FILE #:** 11-D-18-RZ

AGENDA ITEM #: 32

AGENDA DATE: 11/8/2018

▶ **APPLICANT:** RUSSELL BALEST STEPHANIE

OWNER(S): Russell Balest

TAX ID NUMBER: 96 I D 026

[View map on KGIS](#)

JURISDICTION: City Council District 6

STREET ADDRESS: 800 S Central St

▶ **LOCATION:** East side of S. Central St., across from terminus of Cumberland Ave.

▶ **APPX. SIZE OF TRACT:** 8825 square feet

SECTOR PLAN: Central City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is from S. Central St, a minor arterial with a 50 right of way and 38' of pavement.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT ZONING:** C-3 (General Commercial) / D-1 (Downtown Design Overlay)

▶ **ZONING REQUESTED:** C-2 (Central Business District) / D-1 (Downtown Design Overlay)

▶ **EXISTING LAND USE:** Vacant, previously a church

▶ **PROPOSED USE:** Theatre

EXTENSION OF ZONE: Yes, C-2 to the south

HISTORY OF ZONING:

SURROUNDING LAND USE AND ZONING: North: Right of Way / O-1 (Office, medical, and related services district) and D-1 (Downtown Design Overlay)

South: Office /O-1 (Office, medical, and related services district) and D-1 (Downtown Design Overlay)

East: James White Parkway / O-1 (Office, medical, and related services district) and D-1 (Downtown Design Overlay)

West: Parking / C-3 (General commercial district)

NEIGHBORHOOD CONTEXT: Mixed use downtown district

STAFF RECOMMENDATION:

▶ **WITHDRAW, per applicants request**

Notice sent to staff on 11/1/18 to withdraw this application.

Both the One Year Plan and Central City Sector Plan designate this parcel as ROW (Right-of-Way). This is a mapping error, since the parcel is not part of the James White Parkway right-of-way. The parcels on the east side of S. Central St. should be designated MU-RC (Mixed Use Regional Center) in the One Year and Central City Sector Plan. The adjacent parcels in downtown are designated MU-RC and many of them are zoned C-2 (Central Business District) zone.

The Central City Sector Plan is being proposed to be amended for this parcel and the parcel to the south (11-B-18-SP). The One-Year Plan will be updated for this area during the 2019 update.

COMMENTS:

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. C-2 (Central Business District) zoning is compatible with the surrounding land uses and zoning. Other properties in the area have been rezoned C-2 in recent years, consistent with approved land use plans for the area.
2. C-2 zoning allow the current business use or the redevelopment of the building.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. C-2 zoning was developed for downtown that includes a mixture of commercial, financial, professional, governmental, and cultural activities. The intent is to protect and improve the central business district for the performance of its primary functions. In addition, uses are discouraged which do not require a central location or would create friction in the performance of functions that should be centralized.
2. The D-1 (Downtown Design Overlay) district is intended to foster attractive and harmonious development and rehabilitation in Downtown Knoxville that reflects the goals of adopted plans and the principles of the downtown design guidelines.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. The C-2 zoning is compatible with the surrounding land uses, zoning pattern, scale and intensity of development.
2. The rezoning will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.

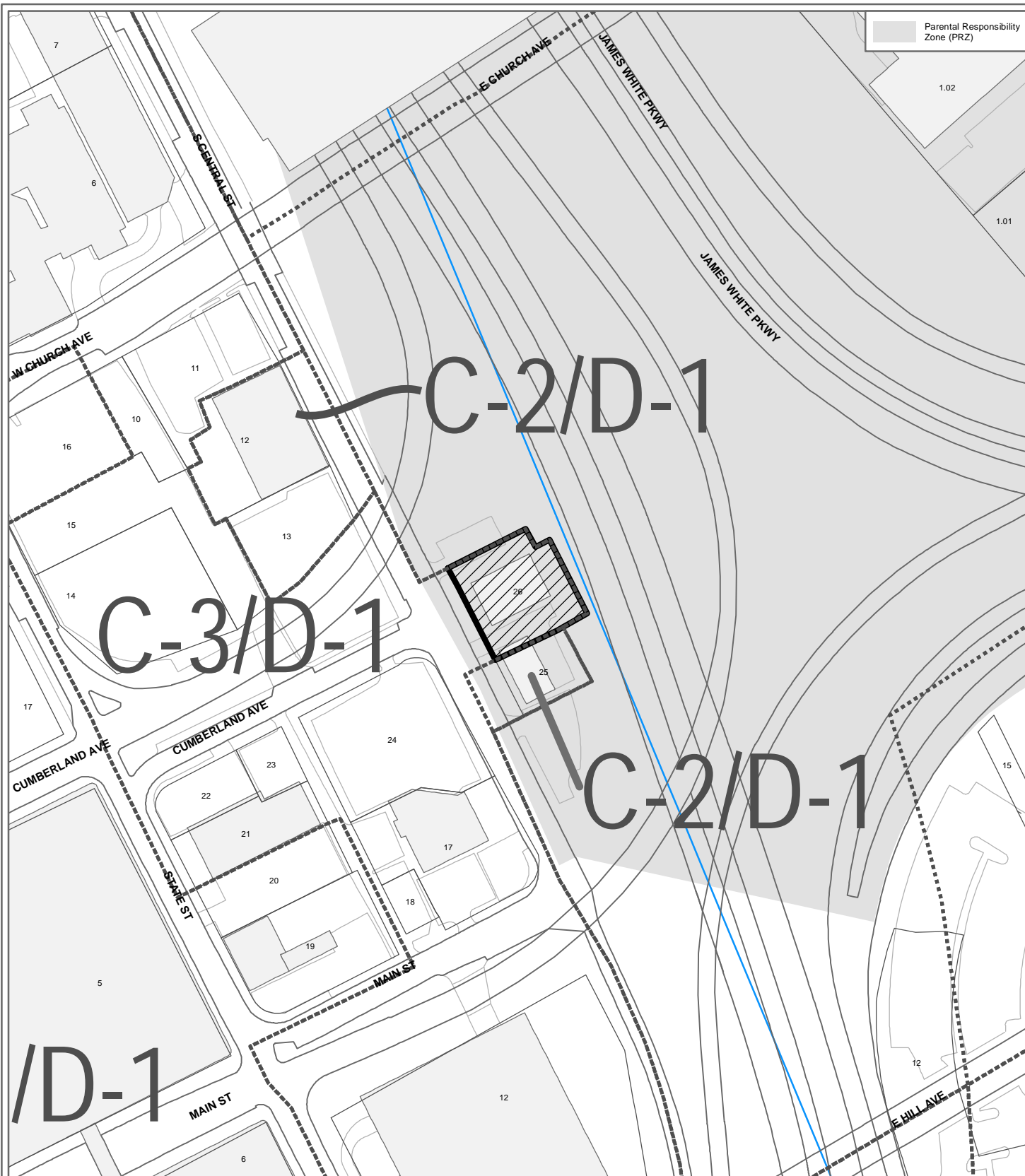
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OR KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Regional Mixed Use Center (MU-RC) land use classification recommends C-2 zoning district within the downtown area.
2. This proposal does not present any apparent conflicts with adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 12/4/2018 and 12/18/2018. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**11-D-18-RZ
REZONING**

From: C-3 (General Commercial) / D-1 (Downtown Design Overlay)

To: C-2 (Central Business District) / D-1 (Downtown Design Overlay)



Petitioner: Balest, Russell, Stephanie

Map No: 96

Jurisdiction: City



Original Print Date: 10/16/2018 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Fwd: Rezoning request

1 message

Mike Reynolds <mike.reynolds@knoxmpc.org>

Thu, Nov 1, 2018 at 2:59 PM

To: Amy Brooks <amy.brooks@knoxmpc.org>, Jeff Archer <jeff.archer@knoxmpc.org>

FYI

----- Forwarded message -----

From: **Russell J. Balest** <russell@balest.com>

Date: Thu, Nov 1, 2018 at 2:47 PM

Subject: Rezoning request

To: <gerald.green@knoxmpc.org>

Cc: <mike.reynolds@knoxmpc.org>, <pahrens@knoxvilletn.gov>



Draft:

Dear MPC Staff,

An application for rezoning was recently submitted for my property located at 800 S Central St to accommodate a parking need for our Tenant, Theatre Downtown Knoxville. After our meeting on October 17, 2018 with the Downtown Review Board, Peter Ahrens and Mike Reynolds determined that RECODE and a hardship variance would take care of the parking issue we had there and there will be no need for a rezoning. In addition, the imminent rezoning of our property as part of the DKZ area would render our original rezoning request useless in a matter of 3-12 months in any case, it seems.

With the above being said, this letter is to formally withdraw my application for rezoning and to kindly requests a refund of our \$1,000 application fee.

Please advise and your consideration is appreciated.

Thank you,

Russell Balest and Stephanie Balest

KNOXVILLE-KNOX COUNTY

M P C
METROPOLITAN
PLANNING
COMMISSION
T E N N E S S E E

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

REZONING **PLAN AMENDMENT**

Name of Applicant: Russell Balest and Stephanie Balest

Date Filed: 9/24/18 Meeting Date: 11/8/18

Application Accepted by: M. Payne

Fee Amount: 1,000.00 File Number: Rezoning 11-D-18-RZ

Fee Amount: X File Number: Plan Amendment X



PROPERTY INFORMATION

Address: 800 S. Central St Knoxville, TN 37902

General Location: Downtown Knoxville
833 Central Street @ Cumberland Ave

Parcel ID Number(s): 0951D026

Tract Size: 8,825 Square Feet

Existing Land Use: None, previously a church

Planning Sector: Central City

Growth Policy Plan: City

Census Tract: 1

Traffic Zone: 6

Jurisdiction: City Council 6th District
 County Commission _____ District

Requested Change
REZONING

FROM: C-3 / D-1

TO: C-2 / D-1

PLAN AMENDMENT

One Year Plan _____ Sector Plan

FROM: ROW

TO: C-2

PROPOSED USE OF PROPERTY

Theatre Downtown Knoxville

Density Proposed _____ Units/Acre

Previous Rezoning Requests: _____

PROPERTY OWNER **OPTION HOLDER**

PLEASE PRINT

Name: Russell Balest and Stephanie Balest

Company: South Central LLC

Address: 800 S Central St

City: Knoxville State: TN Zip: 37902

Telephone: 617-251-5011

Fax: _____

E-mail: russell@balest.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: Russell Balest

Company: South Central LLC

Address: 3228 Great Meadows Dr

City: Knoxville State: TN Zip: 37902

Telephone: 617-251-5011

Fax: _____

E-mail: russell@balest.com

APPLICATION AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.

Signature: Russell Balest 09/22/2018

PLEASE PRINT

Name: Russell Balest

Company: South Central LLC

Address: 3228 Great Meadows Dr

City: Knoxville State: TN Zip: 37920

Telephone: 617-251-5011

E-mail: russell@balest.com

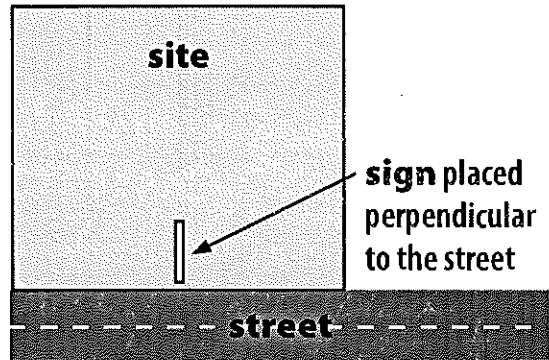
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC Administrative Rules and Procedures.

At the time of application, MPC staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the MPC offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. MPC staff may recommend a preferred location for the sign to be posted at the time of application.



TIMING

The sign(s) must be posted 15 days before the scheduled MPC public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next MPC meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

10/24/18 and 11/9/18
(15 days before the MPC meeting) (the day after the MPC meeting)

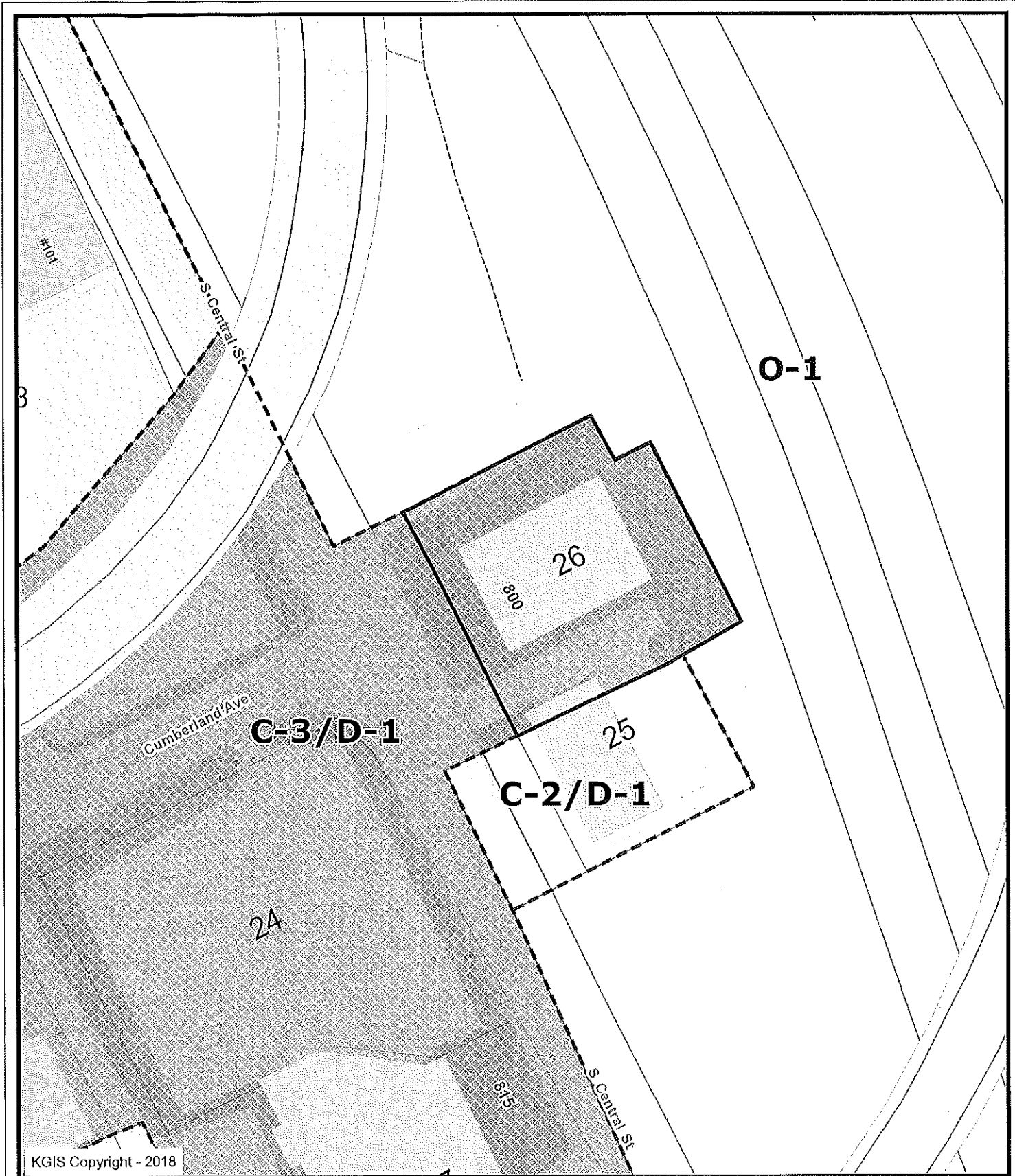
Signature: Forrest W. Bennett

Printed Name: FORREST W. BENNETT

Phone: 423 794-8791 Email: fbennett@dollar-ewers.com

Date: 9/24/18

MPC File Number: 11-D-18-RZ



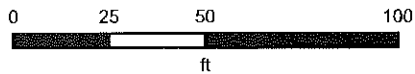
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Letter Portrait

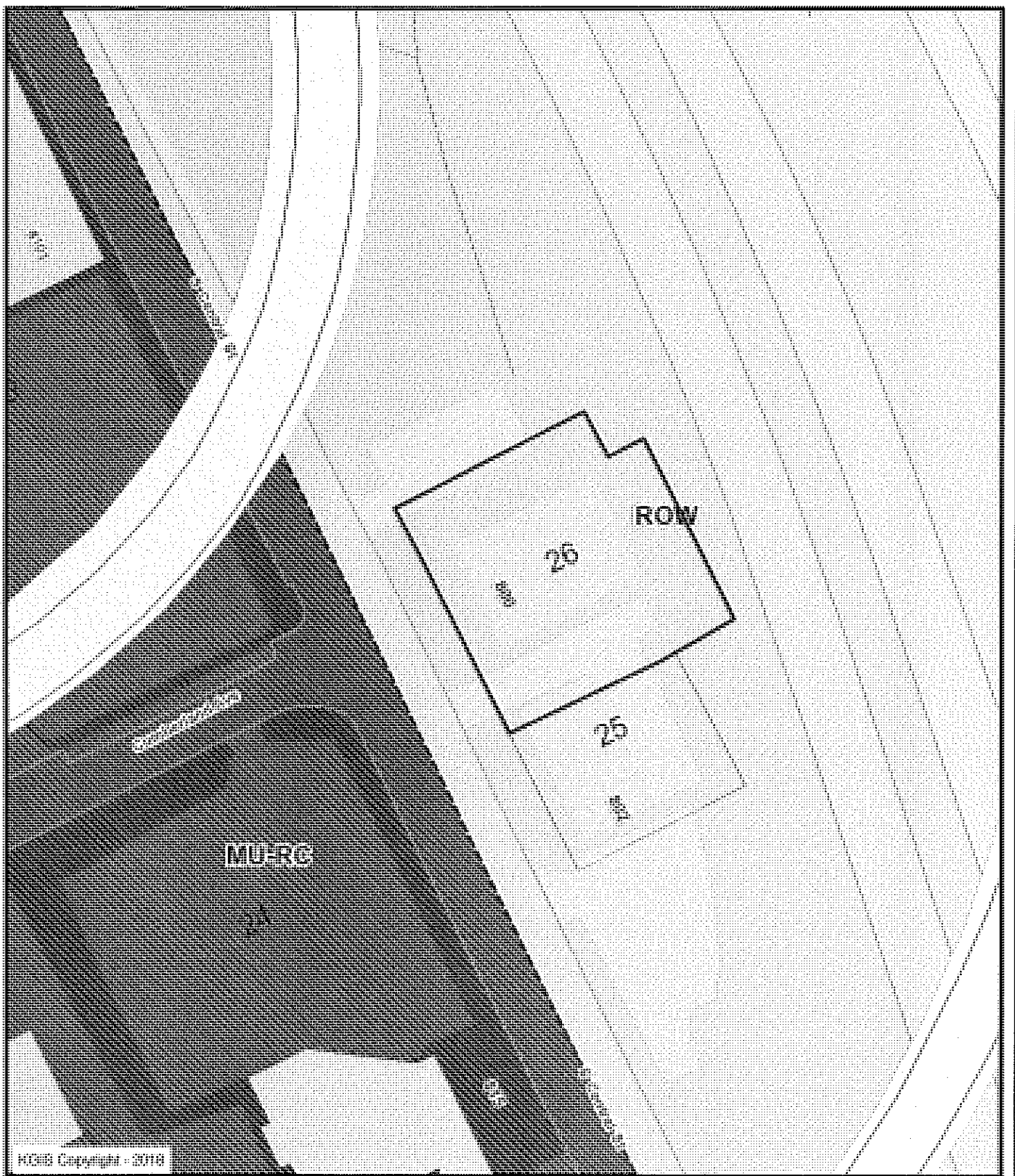
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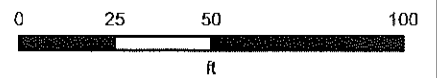


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Letter Portrait



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