

▶ **FILE #:** 10-G-18-RZ

AGENDA ITEM #: 43

AGENDA DATE: 10/11/2018

▶ **APPLICANT:** MICHELLE MOKRY

OWNER(S): David Dewhirst

TAX ID NUMBER: 94 D N 012

[View map on KGIS](#)

JURISDICTION: City Council District 6

STREET ADDRESS:

▶ **LOCATION:** East side N. Broadway, south of Central St.

▶ **APPX. SIZE OF TRACT:** 0.238 acres

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access via N. Broadway, a major arterial street 46' of pavement width within 60' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

▶ **PRESENT ZONING:** C-3 (General Commercial)

▶ **ZONING REQUESTED:** C-2 (Central Business District)

▶ **EXISTING LAND USE:** Commercial

▶ **PROPOSED USE:** Church

EXTENSION OF ZONE: Yes

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Commercial / C-3 (General Commercial) and C-2 (Central Business District)

South: Commercial / C-3 (General Commercial) and C-2 (Central Business District)

East: Commercial / C-3 (General Commercial)

West: Commercial / C-3 (General Commercial) and C-2 (Central Business District)

NEIGHBORHOOD CONTEXT: The area is developed with a variety of residential, office, commercial, and industrial uses under the C-3 and C-2 zoning.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE C-2 (Central Business) zoning, subject to one condition.**

1. If a new building is proposed, either in the location of an existing building or surface parking lot, use on-review approval by MPC shall be required before issuance of any building permits, subject to Appendix 3 (Mixed-Use Development Guidelines) of the Broadway, Central, Emory Place Small Area Plan (2007).

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. The properties are located within the Downtown North Mixed Use District (MU-CC1) of the Central City Sector Plan (2014), which recommends a mix of uses, including residential, office and commercial development.
2. 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.
3. C-2 zoning for the subject properties will allow the current business use, or the redevelopment of the buildings or site for mixed uses, as proposed by the sector plan.

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

1. The C-2 zoning district, with complementary office, medical, civic, residential, and historical areas, forms the metropolitan center for 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 MU-CC1 district is described as being an extension of downtown to include areas around Emory Place, in which these properties are located.

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 and zoning pattern.
2. The C-2 zoning is compatible with the surrounding scale and intensity of development if it is conditioned upon Appendix 3 (Mixed-Use Development Guidelines) of the Broadway, Central, Emory Place Small Area Plan (2007), as recommended by staff. The C-2 zone allows intensity of development beyond the existing built environment of the Emory Place area and does not have urban design standards to ensure the compatibility new development.
3. The rezoning will not create any direct or indirect adverse effects in the surrounding area or any other part of the County.

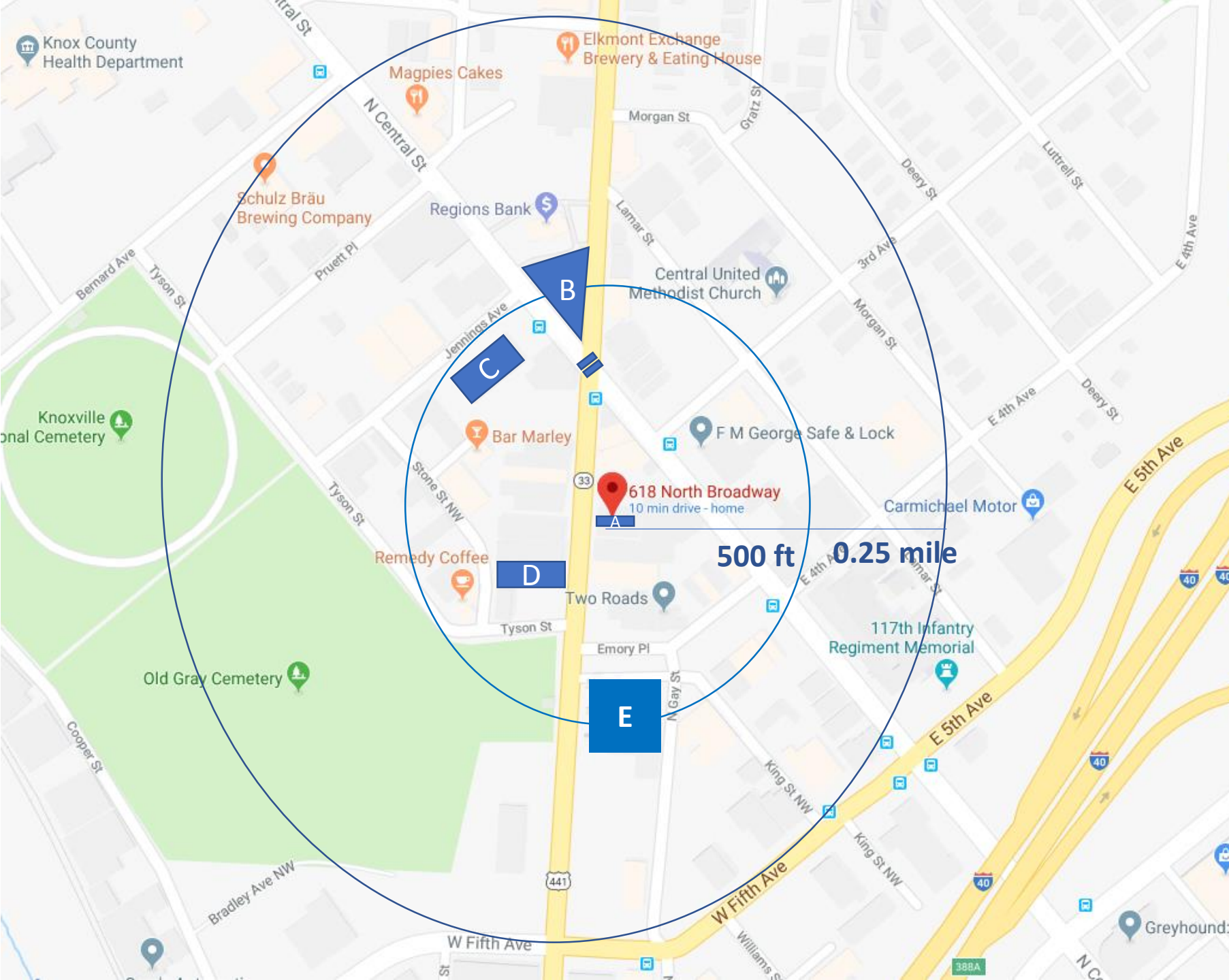
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OR KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Downtown North Mixed Use District (MU-CC1) of the Central City Sector Plan recommends several land use classifications that can be considered. The land use classifications applicable for this review should have general descriptions and location criteria that are compatible with the proposed site.
2. The MU-CC1 district allows consideration of the Regional Mixed Use Center (MU-RC) land use classification which states, among other things, that the district should be served by sidewalks and transit systems and located on a major arterial, adjacent to an Interstate highway or adjacent to downtown, and the location does not include auto and truck-oriented uses. This proposal is compatible with the general description and location criteria of the MU-RC.
3. The MU-RC land use classification specifically recommends an adapted C-2 zoning district for the 'Downtown North' area. If such a zone has not been adopted the sector plan recommends conditioning rezoning's with the 'Mixed-Use Development Guidelines' (Appendix 3) of the Broadway, Central, Emory Place Small Area Plan. These guidelines have been attached to this report.
4. The Central City Sector Plan recommends adopting new mixed use zoning specifically for this area, such as a Form District or Corridor Overlay District, or a new basic or planned zone that allows mixed use development in small areas or individual lots along urban commercial corridors where a form district or corridor overlay district are not anticipated in the near term or feasible because of location and size.
5. This proposal does not present any apparent conflicts with any other 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 11/6/2018 and 11/20/2018. 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.



Private parking available within walking distance (500ft and (0.25-mile) to 618 N. Broadway

Confirmed (115)

- A = 618 N. Broadway (7)
- B = Regions Bank (26)
- C = Cor-Tenn (18)
- D = Dixie Kitchen (14)
- E = St. John's Lutheran Church (50)

In thinking about compliance with the proposed new zoning codes, we estimate a requirement of 44 car, 1 handicap van, and 1 handicap car space, based on a 217-seat capacity in the main assembly room of the building. The number of confirmed spaces that are 1) within 500 feet and 2) accessible via sidewalks and marked crosswalks exceed this threshold.

 4-direction pedestrian crosswalk

ALL SOULS CHURCH

Thursday, September 20, 2018

Pastor Steve Misenheimer
St. John's Lutheran Church
544 N. Broadway
Knoxville, TN 37917

Dear Steve,

Thank you for taking time to talk with me about the neighborhood and the possibility of All Souls Church becoming a part of it. I appreciate your hospitality and your sharing of some history of the community.

Per the MPC's request, I wanted to confirm that we agree in principle that All Souls Church is allowed to use the parking lot of St. John's Lutheran Church, located at 544 N. Broadway, on Sunday evenings, at a lease price of \$350 per month. We won't need it for at least 18 months. The terms of the contract will be negotiated between All Souls and St. John's, at a later date.

Thank you, again, for welcoming us in this way.

Please sign and date below.

Sincerely,
Doug Banister, Pastor
All Souls Church

Acknowledged and Agreed:



Signature

Senior Pastor

Title

September 20, 2018

Date

ALL SOULS CHURCH

Thursday, September 6, 2018

Dixie Kitchen Distributors
Clark Coffey
605 N. Broadway
Knoxville, TN 37917

Dear Clark,

Thank you for meeting with me Thursday, August 30 to talk about the neighborhood and the possibility of All Souls Church becoming a part of it.

Per our meeting, I wanted to confirm that we agree in principle that All Souls Church is allowed to use the parking lot of Dixie Kitchen Distributors, located at 605 N. Broadway, on Sundays.

If this is amenable to you, please sign and date below. It is our great hope that we can be neighbors one day.

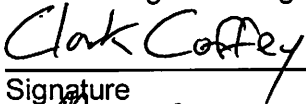
Thank you for your time.

Sincerely,



Doug Banister, Pastor
All Souls Church

Acknowledged and Agreed:



Signature

Title

9-7-18

Date

Date

ALL SOULS CHURCH

Thursday, September 6, 2018

Regions Bank
Jocelyn Findley
707 N. Broadway
Knoxville, TN 37917

Dear Jocelyn,

Thank you for meeting with me Thursday, August 30 to talk about the neighborhood and the possibility of All Souls Church becoming a part of it.

Per our meeting, I wanted to confirm that we agree in principle that All Souls Church is allowed to use the parking lot of Regions Bank, located at 707 N. Broadway, on Sundays.

If this is amenable to you, please sign and date below. It is our great hope that we can be neighbors one day.

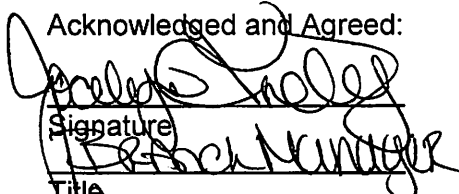
Thank you for your time.

Sincerely,



Doug Banister, Pastor
All Souls Church

Acknowledged and Agreed:



Signature

Title

Date

ALL SOULS CHURCH

Thursday, September 6, 2018

Cor-Tenn Company
Gary Reeves
803 N Central Street
Knoxville, TN 37917

Dear Gary,

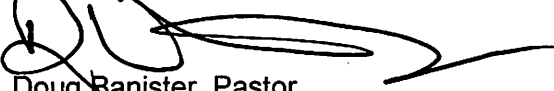
Thank you for meeting with me on Thursday, August 30, to talk about the neighborhood and the possibility of All Souls Church becoming a part of it.

Per our meeting, I wanted to confirm that we agree in principle that All Souls Church is allowed to use the parking lot of the Cor-Tenn Company, located at 803 N. Central, on Sundays.


If this is amenable to you, please sign and date below.

Thank you for your time. It is our great hope that we can be neighbors one day.

Sincerely,


Doug Banister, Pastor
All Souls Church

Acknowledged and Agreed:


Signature
Managing Member
Title
9/7/18
Date

REZONING **PLAN AMENDMENT**

Name of Applicant: Michelle Mokry
 Date Filed: 8/27/18 Meeting Date: October 11, 2018
 Application Accepted by: M. Byrne
 Fee Amount: 1,000.00 File Number: Rezoning 18-G-18-RZ
 Fee Amount: File Number: Plan Amendment

PROPERTY INFORMATION

Address: 618 N. Broadway
 General Location: South of the intersection of Broadway and Central. North of Emory Place.
 Parcel ID Number(s): 094DN012
 Tract Size: 0.238 acres
 Existing Land Use: CO - Commercial
 Planning Sector: Central City
 Growth Policy Plan:
 Census Tract: 66
 Traffic Zone: 49
 Jurisdiction: City Council 6 District
 County Commission 1 District

**Requested Change
 REZONING**

FROM: C-3
 TO: C-2

PLAN AMENDMENT

One Year Plan Sector Plan
 FROM:
 TO:

PROPOSED USE OF PROPERTY

church
 Density Proposed Units/Acre
 Previous Rezoning Requests:

PROPERTY OWNER **OPTION HOLDER**

PLEASE PRINT
 Name: David Dewhirst
 Company: Twofold Purchase GP
 Address: 123 S. Gay Street
 City: Knoxville State: TN Zip: 37902
 Telephone: (865) 971-3137
 Fax: (865) 546-1236
 E-mail:

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:
 PLEASE PRINT
 Name: Michelle Mokry
 Company: Smee & Busby Architecture
 Address: 2554 Sutherland Avenue
 City: Knoxville State: TN Zip: 37919
 Telephone: (865) 521-7550
 Fax: (865) 521-7551
 E-mail: mmokry@smeebusby.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: Michelle Mokry
 PLEASE PRINT
 Name: Michelle Mokry
 Company: Smee & Busby Architecture
 Address: 2554 Sutherland Avenue
 City: Knoxville State: TN Zip: 37919
 Telephone: (865) 521-7550
 E-mail: mmokry@smeebusby.com

618 N. Broadway
Rezoning Request from C-3 to C-2

The prospective church is requesting the rezoning because:

- (1) the site is not large enough to accommodate their parking needs and C-2 does not require off-street parking, and
- (2) sometime in the future they may want to expand the building and C-2 allows 100% coverage.

The Church Pastor will be reaching out to some of the neighbors to see if they would be open to The Church using their parking. Some of the "neighbors" they have discussed talking with include St John's, Regions Bank, Harb's Carpet and Central United Methodist.

The Church's peak parking requirements will be during Sunday worship service. These are currently held at 5:00 PM. Hence, they are optimistic that neighbors like St John's and Central United Methodist will be open to their request.

Average attendance on Sundays is +/- 150. Assuming 2 people per car, it is estimated we would need +/- 75 parking spaces.

The Church's current space downtown does not have onsite parking and the congregation is accustomed to finding a parking space and walking to the service. Furthermore, several members of the congregation live nearby and may walk or ride a bike to church.

David Dewhirst has said that the Church can use his adjoining parking lot (the lot north of 618 Broadway). As he begins work on the Dempster building (the parcel east of 618 Broadway), some of his parking could be obstructed by equipment, scaffolding, etc... Eventually, he will have tenants in that building that will likely use the adjoining parking lot. But for now, he's okay with us using it on a nonexclusive basis.

The Church can also park in Emory Place which has +/- 50 spaces.

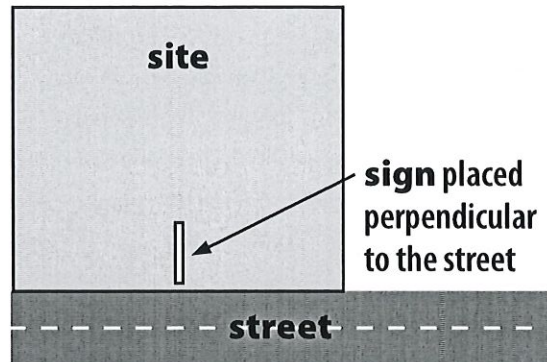
REQUIRED SIGN POSTING AGREEMENT

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:

9/26/18 and 10/12/18
(15 days before the MPC meeting) (the day after the MPC meeting)

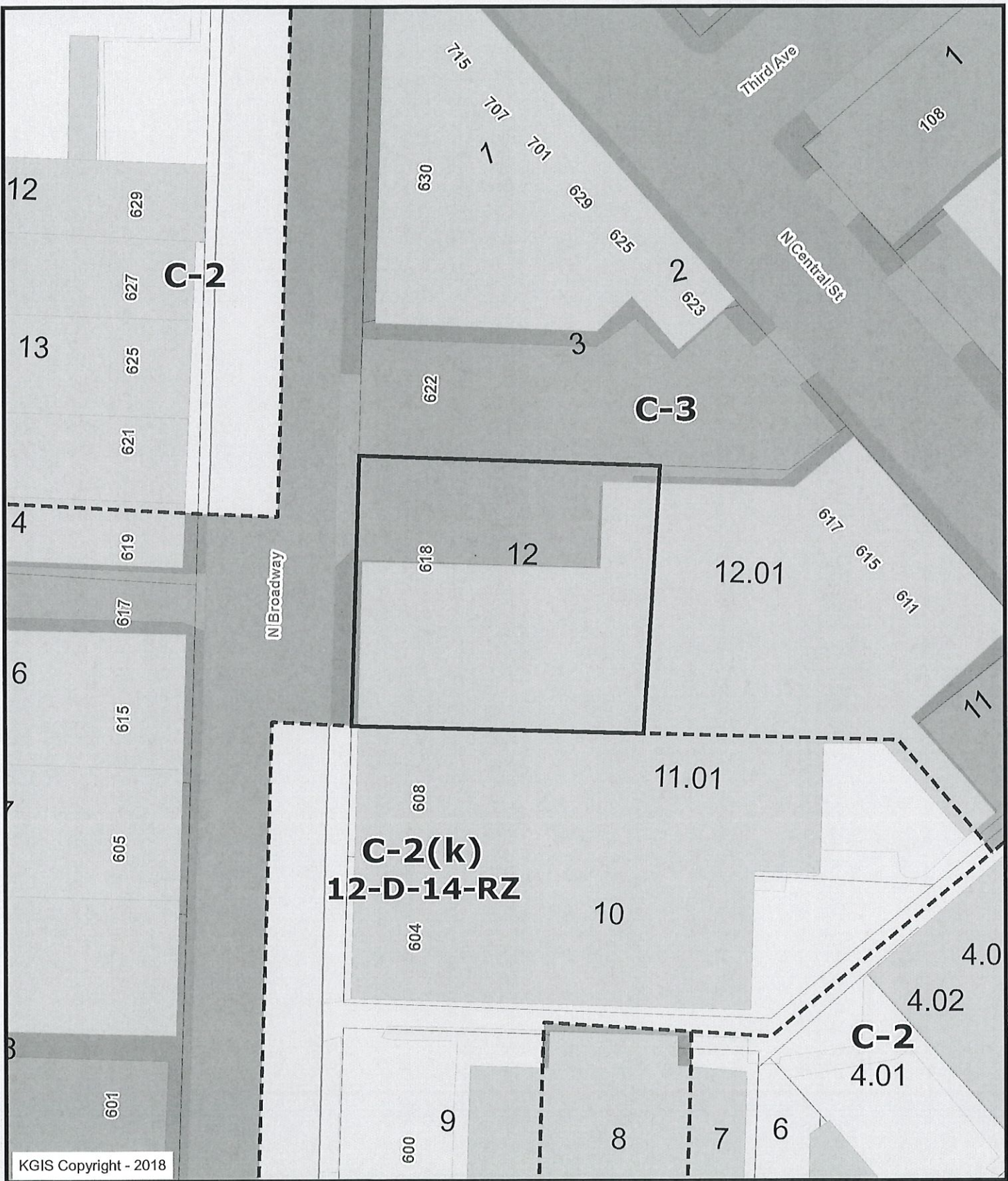
Signature: Michelle Mokry

Printed Name: Michelle Mokry

Phone: (945) 521-7550 Email: mmokry@ameebosky.com

Date: 8/27/18

MPC File Number: 10-G-18-RZ

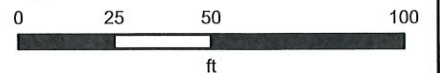


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Michael Brusseau <mike.brusseau@knoxmpc.org>

Fwd: 618 N. Broadway Re-Zone Request Letter

1 message

Mike Reynolds <mike.reynolds@knoxmpc.org>
To: Mike Brusseau <mike.brusseau@knoxmpc.org>

Tue, Aug 28, 2018 at 9:35 PM

This goes with the Oct. zoning application at this address.

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

From: **Michelle Mokry** <mmokry@smeebusby.com>

Date: Tue, Aug 28, 2018 at 5:33 PM

Subject: 618 N. Broadway Re-Zone Request Letter

To: mike.reynolds@knoxmpc.org <mike.reynolds@knoxmpc.org>, marc.payne@knoxmpc.org
<marc.payne@knoxmpc.org>

CC: David Dewhirst (david@dewhirstproperties.com) <david@dewhirstproperties.com>

Mike/Marc,

See approval below from David Dewhirst, property owner of 618 N. Broadway Re-Zone application.

Thanks,
Michelle

SMEE + BUSBY ARCHITECTS**Michelle R. Mokry** | Associate Architect

2554 Sutherland Avenue

Knoxville, TN 37919

865.521.7550

From: David Dewhirst <david@dewhirstproperties.com>**Sent:** Tuesday, August 28, 2018 5:11 PM**To:** Michelle Mokry**Subject:** RE: 618 N. Broadway Re-Zone Request Letter

Hi Michelle,

You have my approval.

Thanks,

David Dewhirst

From: Michelle Mokry [mailto:mmokry@smeebusby.com]
Sent: Monday, August 27, 2018 5:29 PM
To: david@dewhirstproperties.com
Cc: Gregor Smee
Subject: 618 N. Broadway Re-Zone Request Letter

David,

You can respond directly to this email with your approval authorizing the re-zone application request for 618 N. Broadway property.

Thank you,

Michelle

SMEE + BUSBY ARCHITECTS

Michelle R. Mokry | Associate Architect

2554 Sutherland Avenue

Knoxville, TN 37919

865.521.7550

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Michael Reynolds, AICP
Knoxville-Knox County Metropolitan Planning Commission
www.knoxmpc.org

Sent from my smartphone