



USE ON REVIEW REPORT

▶ **FILE #:** 4-C-19-UR

AGENDA ITEM #: 46

AGENDA DATE: 4/11/2019

▶ **APPLICANT:** **CONSENSIO COLLECTIVE, INC. DBA OAK GROVE HOME SCHOOL COOPERATIVE**

OWNER(S): Ed Blackburn / Rocky Hill Baptist Church

TAX ID NUMBER: 133 D A 018, 019

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 7409 S Northshore Dr

▶ **LOCATION:** **North side of South Northshore Drive, East of Rocky Hill Road, West of Whitower Drive**

▶ **APPX. SIZE OF TRACT:** **5.6 acres**

SECTOR PLAN: West City

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

ACCESSIBILITY: Access is via S. Northshore Dr., a major arterial street with a 22' pavement width within a 50' right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

▶ **ZONING:** **A-1 (General Agricultural)**

▶ **EXISTING LAND USE:** **Church**

▶ **PROPOSED USE:** **Use on Review for a part time use of church facilities for homeschool cooperative classes**

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Residences - R-1 (Low Density Residential)

South: Cemetery - R-1 (Low Density Residential)

East: Residences - R-1 (Low Density Residential)

West: Shopping center - SC-1 (Neighborhood Shopping Center)

NEIGHBORHOOD CONTEXT: This church site is within a transition area between a developed commercial node around the Northshore/ Morrell Rd intersection to the west and established residential neighborhoods to the north and east.

STAFF RECOMMENDATION:

▶ **APPROVE the part time use of the Rocky Hill Baptist Church site for homeschool cooperative classes as identified in the attached documentation, subject to 3 conditions:**

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance
2. Meeting all applicable requirements of the Knoxville Fire Prevention Bureau..

3. Meeting all applicable requirements of the Knoxville Engineering Department

With the conditions noted above, this request meets all requirements of the A-1 (General Agricultural) zoning district, as well as other criteria for approval of a use on review.

COMMENTS:

The applicant is proposing to utilize space at the Rocky Hill Baptist Church site for homeschool cooperative classes, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. They will be leasing classroom and administrative space, including restroom facilities and storage areas as well as permissive use of the kitchen, playground, sanctuary, fellowship hall, ballfield, storage buildings, grounds and parking lot.

Both the church and school require use on review approval in the A-1 (General Agricultural) zoning district. Both uses are compatible for shared use of a facility since there is very little overlap of use of the site.

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

1. The proposed school will have minimal impact on local services since all utilities are available to serve this site.
2. The proposed used is compatible with the exiting church and adjoining neighborhood.

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

1. With the recommended conditions, the proposed school meets the standards for development within the A-1 zoning district and all other requirements of the Zoning Ordinance..
2. The proposed use is consistent with the general standards for uses permitted on review: The proposed development 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 area 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 site is located on a major arterial street.

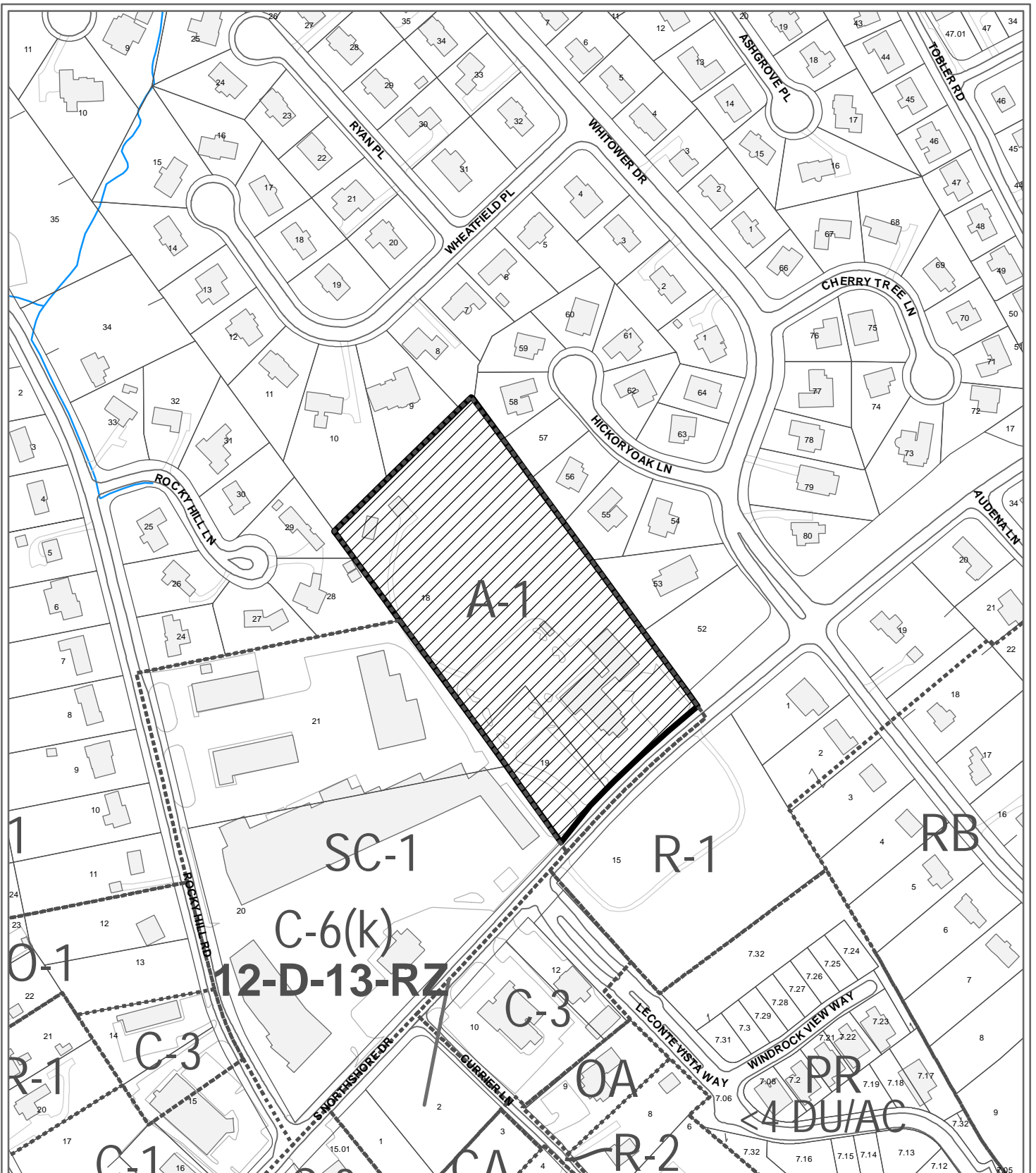
CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The West City Sector Plan and One Year Plan identify this property for civic and institutional uses which is conforms to the proposed use.
2. The site is identified as being within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



**4-C-19-UR
USE ON REVIEW**

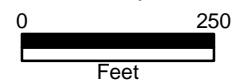


Use on Review for a part time use of church facilities for homeschool cooperative classes in A-1 (General Agricultural)

Petitioner: Consensio Collective, Inc. dba
Oak Grove Home School
Cooperative

Map No: 133

Jurisdiction: City



Original Print Date: 3/18/2019

Revised: 3/20/2019

Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



4-C-19-UR



1 inch = 80 feet

0 80 160 Feet



Knoxville - Knox County - KUB Geographic Information System

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January 27, 2019

Dr. Scott Whaley
7409 S. Northshore Dr.
Knoxville, TN 37919

RE: Letter of Intent to Lease Certain Space and Permissive Use of Other Space

Dear Dr. Whaley:

This letter shall serve as a Letter of Intent by and between Consensio Collective, Inc. d/b/a Oak Grove Cooperative School (“Oak Grove”) and Rocky Hill Baptist Church (“Rocky Hill”) to lease certain classroom and administrative space, including the restroom facilities and storage areas, As more fully set forth in the diagram attached hereto as Exhibit A, as well as permissive use of the kitchen, playground, sanctuary, fellowship hall, ballfield, storage buildings, grounds, and other spaces of Rocky Hill located at 7409 S. Northshore Dr., Knoxville, Tennessee 37919.

Oak Grove desires to lease this space to provide a Christian Cooperative model for education that combines homeschool education with a traditional classroom setting. The Mission Statement of the Oak Grove is attached hereto as Exhibit B. Upon agreement to the terms set forth herein, or as modified and agreed to by the parties, Oak Grove shall have access to architectural and building plans, if available, to assist in any required state or local codes, zoning review and/or administrative approval and to more fully identify the spaces to be leased and incorporated in a final agreement. The following terms shall serve as the basis of our final agreement.

- Year lease renewable annually. Oak Grove shall lease the space described more fully above for [REDACTED] per month commencing on June 1, 2019.
- As depicted in Exhibit A, Oak Grove is leasing classroom and administrative space, including the restroom facilities and storage areas as well as permissive use of the kitchen, playground, sanctuary, fellowship hall, ballfield, storage buildings, grounds, and other spaces of Rocky Hill. Oak Grove uses certain rooms as dedicated spaces for the benefit of Oak Grove while other spaces will be shared with Rocky Hill for Sunday School classes and after hour Bible Studies and other Church Business. Spaces that will be shared are designated as either shared spaces Cat A or Cat B on Exhibit A. However, Oak Grove shall have exclusive use of shared spaces Cat A and priority preference Cat B from 8:00 a.m. through 5:00p.m. Monday through Friday.
- Oak Grove shall be responsible for any costs associated with preparing and presenting design plans to the City of Knoxville or the State of Tennessee for fire and life safety code review and approval. If changes or renovations are required to make the Property code compliant for Oak Grove’s use, then Oak Grove shall have the option to (a) pay for any necessary changes to the facility to make them code compliant, (b) to negate this LOI, or (c) to negotiate an agreeable split with Rocky Hill for any costs associated

with necessary changes to the existing facilities to make them code compliant. Oak Grove will be responsible for all classroom furnishings and furniture.

- Time is of the essence for Oak Grove and Rocky Hill agrees to notify Oak Grove if any terms are negotiable in time for this letter of intent, as modified, to be executed by the parties by no later than **February 1, 2019**.
- Upon execution, Oak Grove shall have reasonable access, as needed, for codes inspections and viewings/inspections of membership, so long as requests are reasonably made and will not unreasonably interfere with the regular operations of Rocky Hill.
- This letter, if executed, shall constitute a binding lease commitment for the parties; however, execution of the final lease will be contingent upon the following:
 - state or local codes, zoning review and/or administrative approval; and associated costs negotiated between parties;
 - sufficient student enrollment in Oak Grove for the 2019/2020 academic year; and
 - final approval from the membership of Oak Grove and Rocky Hill.
- Once committed, the final terms of the lease shall be negotiated in good faith between Oak Grove and Rocky Hill executed prior to June 1, 2019. Execution of a final lease shall not be unreasonably withheld.
- By executing this letter, the signatories represent that they have the full authority to bind Oak Grove and Rocky Hill to the terms of this Letter of Intent. This document may only be modified by agreement of the parties and in writing. This document may also be executed in counterparts.

Dr. Scott M. Whaley
Dr. Scott Whaley
Rocky Hill Baptist Church

Date: 1-30-2019

Benjamin C. Mullins
Benjamin C. Mullins
Board President
Concensio Collective, Inc. d/b/a
Oak Grove Cooperative School
Date: 1-30-19

Rocky Hill Baptist Church
Board of Directors

Tina Hertz

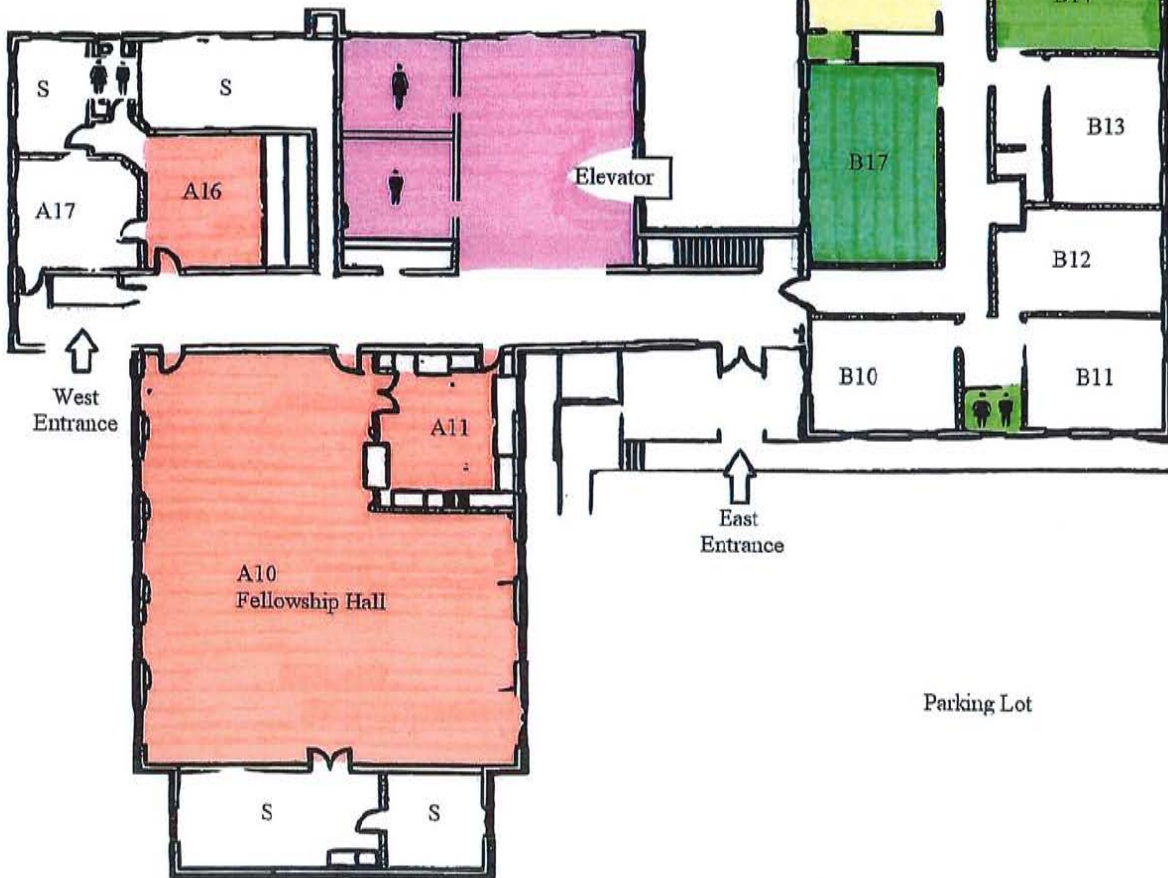
Tina Hertz

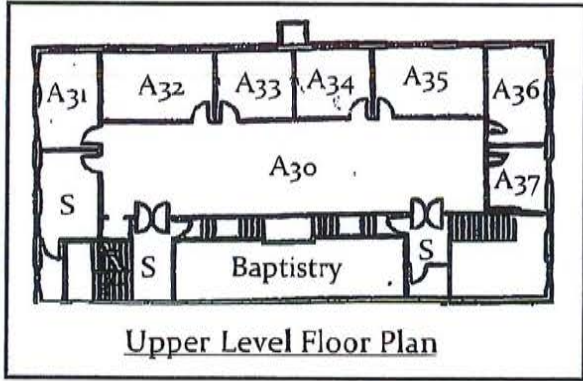
[Signature]

Parking Lot

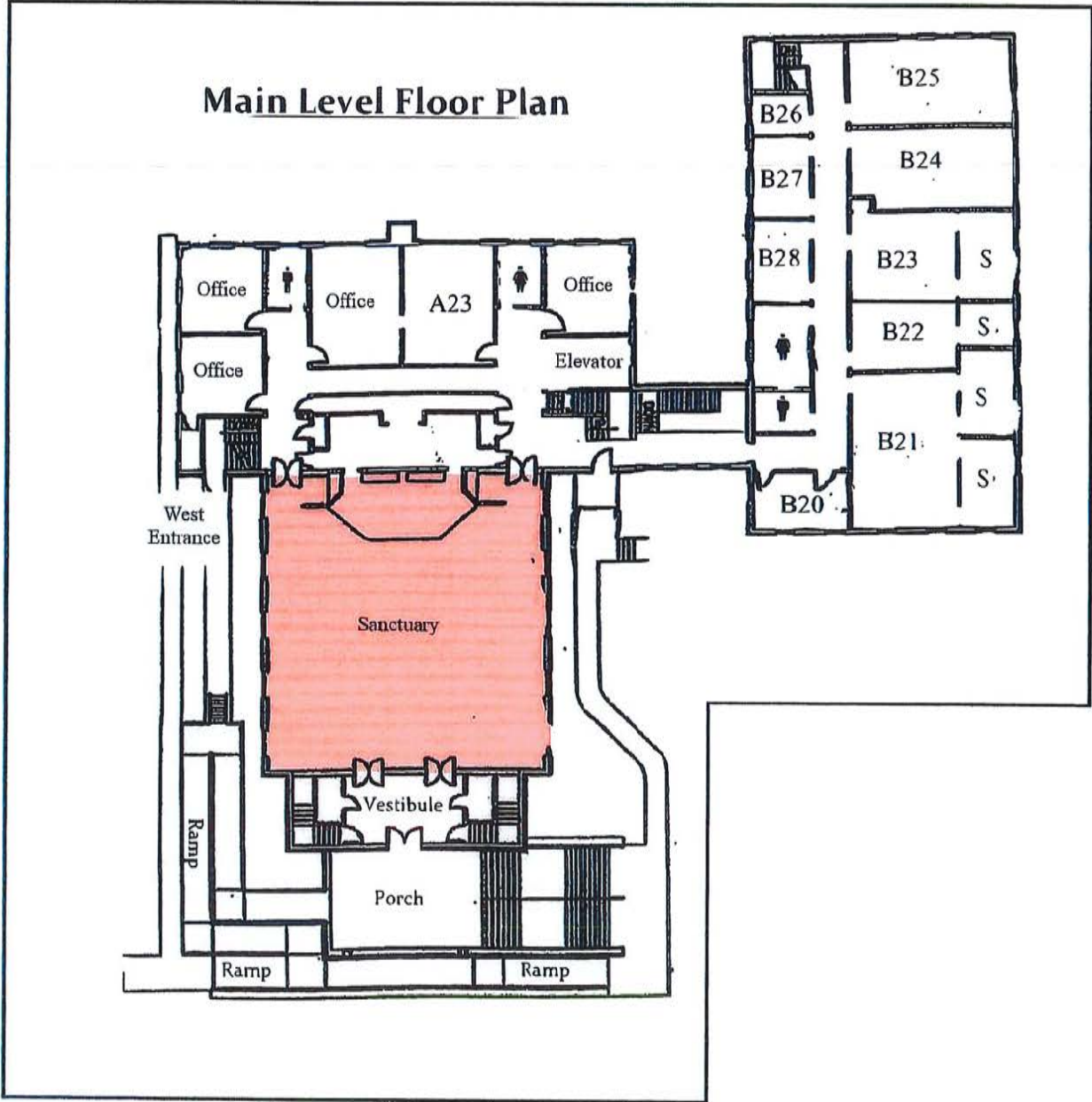
Playground

Lower Level Floor Plan





Upper Level Floor Plan



Main Level Floor Plan

Shared Space –

Category A – During the lease, Monday-Friday, 8:00am-5:00pm, OGHC shall have sole use of these rooms/facilities (Room B14, Room B15, *Room B17, and the three highlighted restrooms in the children’s wing). [*Note: Room B17 shall be made available for RHBC’s use each Wednesday by 3:00pm.]

Category B – During the lease, Monday-Friday, 8:00am-5:00pm, OGHC shall share with RHBC the use the new bathrooms and new lobby.

Travel Space – All necessary hallways, doors/entryways, and means of travel (stairs, elevator, etc.) leading to and from the spaces used by OGHC shall be accessible to both RHBC and OGHC during the lease period (Monday-Friday, 8:00am-5:00pm). The main hallway in the children’s wing may be locked if OGHC chooses to do so, with the understanding that RHBC staff and/or maintenance personnel may admit themselves.

Dedicated Space – This space (Room B16) shall belong solely to OGHC during the duration of the lease. RHBC shall not have access to this room with the exception of necessary access for maintenance, custodial, repair work, etc., which shall be scheduled with both RHBC and OGHC. Per this exception, a copy of any door/entry keys belonging to OGHC must remain in the lock box of the church office.

Permissive Space – Use of these Permissive Spaces (A16 – Music Room, A11 – Kitchen, A10 – Fellowship Hall, Playground, and Sanctuary) requires approval from RHBC.



OAK GROVE

HOMESCHOOL

cooperative

Mission Statement

Desiring that our children reach their maximum, God-given potential, we are a supportive community of homeschool families seeking to give our children a rich and full education through the best of classroom and homeschool instruction.

We value:

Inspired Learning

Psalm 139:14b: Wonderful are your works; my soul knows it very well.

We view learning as a joyful adventure. To that end, we make our classrooms a safe, inviting, and nurturing place where children feel comfortable, and we invite children to engage with each area of study through stimulating, creative, and hands-on activities that promote depth of understanding. We weave the story of God's amazing creativity and his redemptive love through each subject and seek to honor him in the quality and depth of our teaching.

Dynamic Development

Luke 2:52: And Jesus increased in wisdom and in stature and in favor with God and man.

We believe each child is a unique creation of God, and we value each child's growth in mind, body, character, faith, and gifting. We desire to challenge our students with strong curriculum and instruction so that they can rise to their full potential and grow in their ability to think and learn for themselves. Just as important, we envision each student growing in character as they develop and interact in our dynamic learning community.



Engaging Partnerships

Proverbs 1:8-9: Hear, my son, your father's instruction, and forsake not your mother's teaching, for they are a graceful garland for your head and pendants for your neck.

Proverbs 12:15b: A wise man is he who listens to counsel.

We seek to partner with parents as they walk with God in their responsibility to educate their children. We provide a culture of open, respectful, and engaging dialogue between home teacher and classroom teacher with the goal of helping each child to reach his or her full, God-given potential.

Authentic Relationships

Matthew 22:37-39: And he said to him, "You shall love the Lord your God with all your heart and with all your soul and with all your mind. This is the great and first commandment. And a second is like it: You shall love your neighbor as yourself."

In relating to God, to one another, and to our children, we desire to be a God-honoring community who walk together in grace and truth. We provide an environment of support and encouragement for parents, encourage healthy relationships for our children, and seek to draw on the gift of relationship with our God and Father for every aspect of our school culture.

Structured Flexibility

Hebrews 10:24: And let us consider how to stir up one another to love and good works.

We believe strongly in the twin educational gifts of structure and flexibility. We provide the structure and accountability of a classroom community working together while maintaining freedom for each family to organize their home teaching in a way that provides the desired growth for their children.

Use on Review **Development Plan**

Name of Applicant: Consensio Collective, Inc. d/b/a Oak Grove Home School Cooperative

Date Filed: 02/25/2019 Meeting Date: 04/11/2019

Application Accepted by: M. Payne

Fee Amount: File Number: Development Plan

Fee Amount: \$1,200 File Number: Use on Review 4-C-19-UR



PROPERTY INFORMATION

Address: 7409 S. Northshore Dr.

General Location: Rocky Hill
due west of Whitower Drive

Tract Size: approx. 5.6 acres No. of Units:

Zoning District: A-1

Existing Land Use: church

Planning Sector: West City

Sector Plan Proposed Land Use Classification:
C-1

Growth Policy Plan Designation: City

Census Tract: AA.01

Traffic Zone: 161

Parcel ID Number(s): 133DA018; 133DA019

Jurisdiction: City Council 2nd District
 County Commission District

PROPERTY OWNER/OPTION HOLDER

PLEASE PRINT

Name: Ed Blackburn

Company: Rocky Hill Baptist Church

Address: 7409 S. Northshore Dr.

City: Knoxville State: TN Zip: 37919

Telephone: (865) 691-7685

Fax:

E-mail: ebb625@yahoo.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: Benjamin C. Mullins, Esq.

Company: Frantz, McConnell & Seymour, LLP

Address: 550 W. Main Street, Suite 500

City: Knoxville State: TN Zip: 37902

Telephone: (865) 546-9321

Fax: (865) 637-5249

E-mail: bmullins@fmsllp.com

APPROVAL REQUESTED

Development Plan: Residential Non-Residential

Home Occupation (Specify Occupation)
N/A

Other (Be Specific)
Use on Review for part time use of church facilities
for homeschool cooperative classes.

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: [Signature]

PLEASE PRINT

Name: Benjamin C. Mullins, Esq.

Company: Frantz, McConnell & Seymour, LLP

Address: 550 W. Main Street, Suite 500

City: Knoxville State: TN Zip: 37902

Telephone: (865) 546-9321

E-mail: bmullins@fmsllp.com

SIGNATURES OF ALL PROPERTY OWNERS INVOLVED OR HOLDERS OF OPTION ON SAME MUST BE LISTED BELOW:

Please Sign in Black Ink:

(If more space is required attach additional sheet.)

Name

Address

City

State

Zip

Owner

Option

Edward B. Blae Dubun 413 Battle Front TR. Knoxville TN 37934

✓

Oak Grove by Ben McKiss 9908 Kingston Pike Knoxville TN 37922

✓

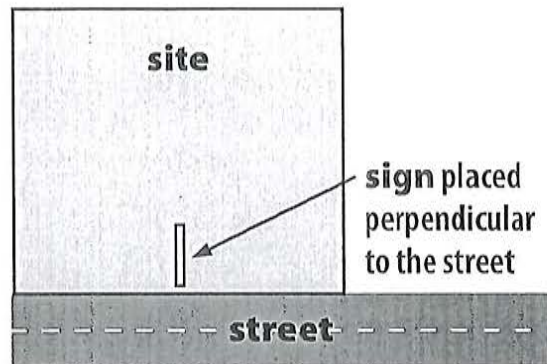
REQUIRED SIGN POSTING AGREEMENT

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:

3/27/19 and 4/12/19
(15 days before the MPC meeting) (the day after the MPC meeting)

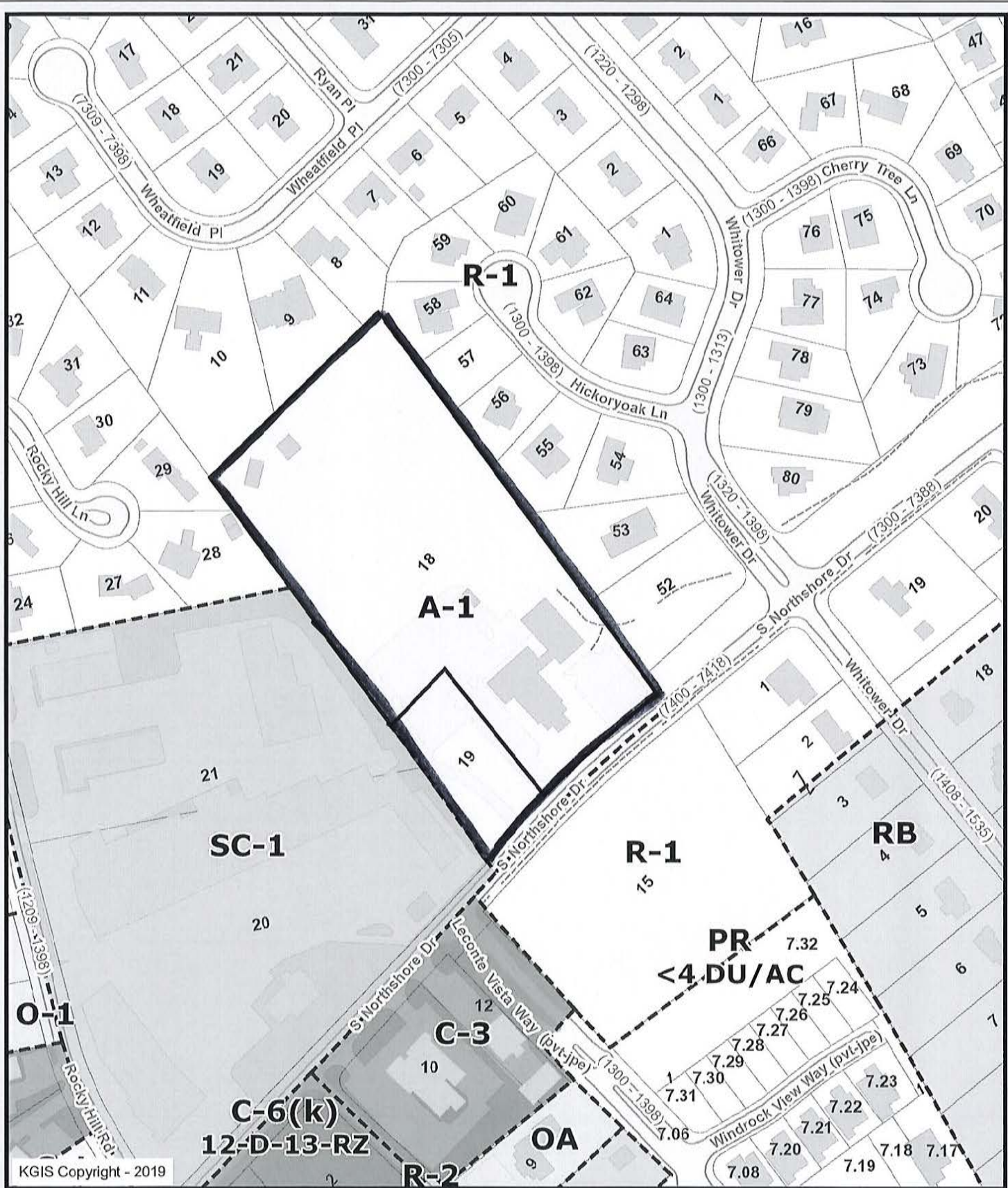
Signature: 

Printed Name: Benjamin C. Mullins

Phone: 865-546-9321 Email: bmullins@fmsllp.com

Date: 2-25-19

MPC File Number: A-C-19-UR



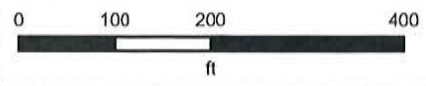
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Letter Portrait

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