

**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
 PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 1-O-17-RZ
 1-G-17-PA

AGENDA ITEM #: 54
AGENDA DATE: 1/12/2017

▶ **APPLICANT:** **DIXON GREENWOOD**
 OWNER(S): Dixon Greenwood

TAX ID NUMBER: 107 N E 012 [View map on KGIS](#)

JURISDICTION: Council District 2

STREET ADDRESS: 4811 Lyons View Pike

▶ **LOCATION:** **Northwest side Lyons View Pike, southwest of Colony Way**

▶ **TRACT INFORMATION:** **0.47 acres.**

SECTOR PLAN: West City

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

ACCESSIBILITY: Access is via Lyons View Pike, a minor arterial street with 23' of pavement width within 45-50' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** **MU (Mixed Use) (MDR-Medium Density Residential, LDR-Low Density Residential) / R-2 (General Residential)**

▶ **PROPOSED PLAN DESIGNATION/ZONING:** **O (Office) / O-1 (Office, Medical, and Related Services)**

▶ **EXISTING LAND USE:** **Church**

▶ **PROPOSED USE:** **Real estate office using existing building (Offices)**

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, the MU-SD area to the north allows consideration of office uses

HISTORY OF ZONING REQUESTS: None noted for this site. Two requests for O-1 in the immediate area have been denied recently (12-O-05-RZ & 4-B-08-RZ) (see attached)

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: Houses / MU-SD / O-1 (Office, Medical & Related Services)
 South: Lyons View Pike, residence / LDR / R-1 (Low Density Residential)
 East: Condominiums / MU (LDR, MDR) / R-2 (General Residential)
 West: Detached dwellings / MU (LDR, MDR) / R-2 (General Residential)

NEIGHBORHOOD CONTEXT: All of the properties fronting along this section are developed with low density residential uses, zoned R-1 and R-2. To the north are some office uses, accessed by different streets. Cherokee Country Club is to the west along Lyons View Pike, zoned OS-1.

STAFF RECOMMENDATION:

▶ **DENY O (Office) One Year Plan designation.**

The One Year Plan uses the MU (LDR, MDR) designation as a clear buffer between the Bearden mixed area to the north and the LDR area along the south side of Lyons View Pike. Colony Way to the east is the current stopping point for non-residential uses along Lyons View Pike on the sector plan. This pattern is appropriate. Approval of office uses for this site only would be an unwarranted spot sector plan amendment.

► **DENY the rezoning to O-1 (Office, Medical & Related Services), consistent with the denial recommendations for the associated plan amendments.**

There is a large area of O-1 zoning directly north of this property, not accessed from Lyons View Pike. Approval of O-1 zoning for this site would be a spot rezoning, giving the applicant development rights that neighboring properties on either side do not have. The residential zoning pattern is well established in this area and should be maintained. Also, the current R-2 zoning allows reasonable use of the property and the existing building on it. For example, R-2 zoning allows use on review consideration of a medical facility, nursing home, assisted living facility, assembly hall, church or child day care facility.

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)

A. **AN ERROR IN THE PLAN** - The One Year Plan appropriately designates this site for low or medium density residential uses, consistent with the current R-2 zoning. As stated above, approval of office use for the subject property would be an unwarranted spot plan amendment. The large mixed use area to the north allows office uses and those uses should be located there.

B. **A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA** - No known improvements have been made in the vicinity of this site. The zoning and development pattern for this area is well established and appropriate as is.

C. **A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN** - There has been no change in public/government policy that warrants the requested amendment to the sector plan. Two past requests for O-1 zoning along the north side of Lyons View Pike between Colony Way and Cherokee Country Club have been denied since 2000, one in 2005 and one in 2008. Nothing has changed since those two denials to warrant a plan amendment at this time.

D. **NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT** - No new information has become available that would reveal the need for a plan amendment at this particular location.

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. There is adequate O-1 zoning available in the area to meet demand.
2. The West City Sector Plan recommends only residential land uses and zoning on Lyons View Pike, west of Colony Way,
3. The existing zoning pattern is appropriate, as it establishes a transition between the Bearden mixed use area to the north and the low density residential use on the south side of Lyons View Pike.

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

1. The O-1 zone, as described in the zoning ordinance, is intended to provide areas for professional and business offices and related activities that require separate buildings surrounded by landscaped yards and open areas. The intent is to provide centralized, compact locations for business offices, clinics, medical and dental offices, as well as suburban locations near residential neighborhoods.
2. Based on the above general intent, this site is not appropriate for O-1 zoning.

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 residential zoning pattern along Lyons View Pike, west of Colony Way, should be maintained in its current form. It creates a transitional area between the Bearden mixed use area to the north and low density residential uses to the south.
2. Allowing office use of this property could have a negative impact on the established residences to the north, east and west.
3. Two similar rezoning requests were denied in this same area in 2005 and 2008 (see attached map), further establishing the policy of reserving this area for residential uses only.
4. Public water and sewer utilities are available to serve the site.

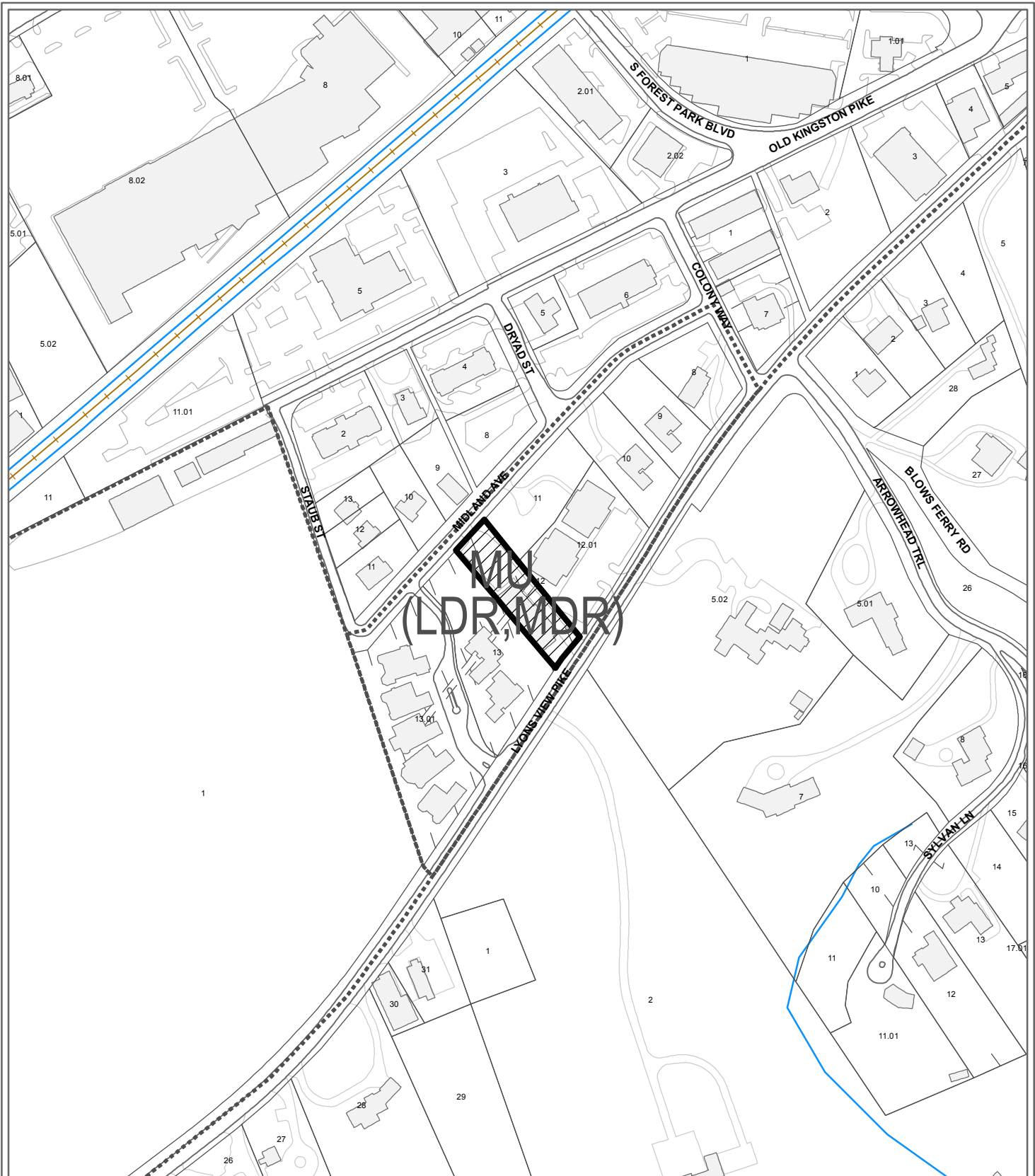
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. With approval of the requested One Year Plan amendment to O, the requested O-1 zoning would be consistent with the plan.
2. With approval of the requested West City Sector Plan amendment to O, the requested O-1 zoning would be consistent with the sector plan.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. This current zoning does not present any apparent conflicts with any other adopted plans, and should be maintained.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 2/14/2017 and 2/28/2017. 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.



**1-G-17-PA / 1-O-17-RZ
PLAN AMENDMENT**

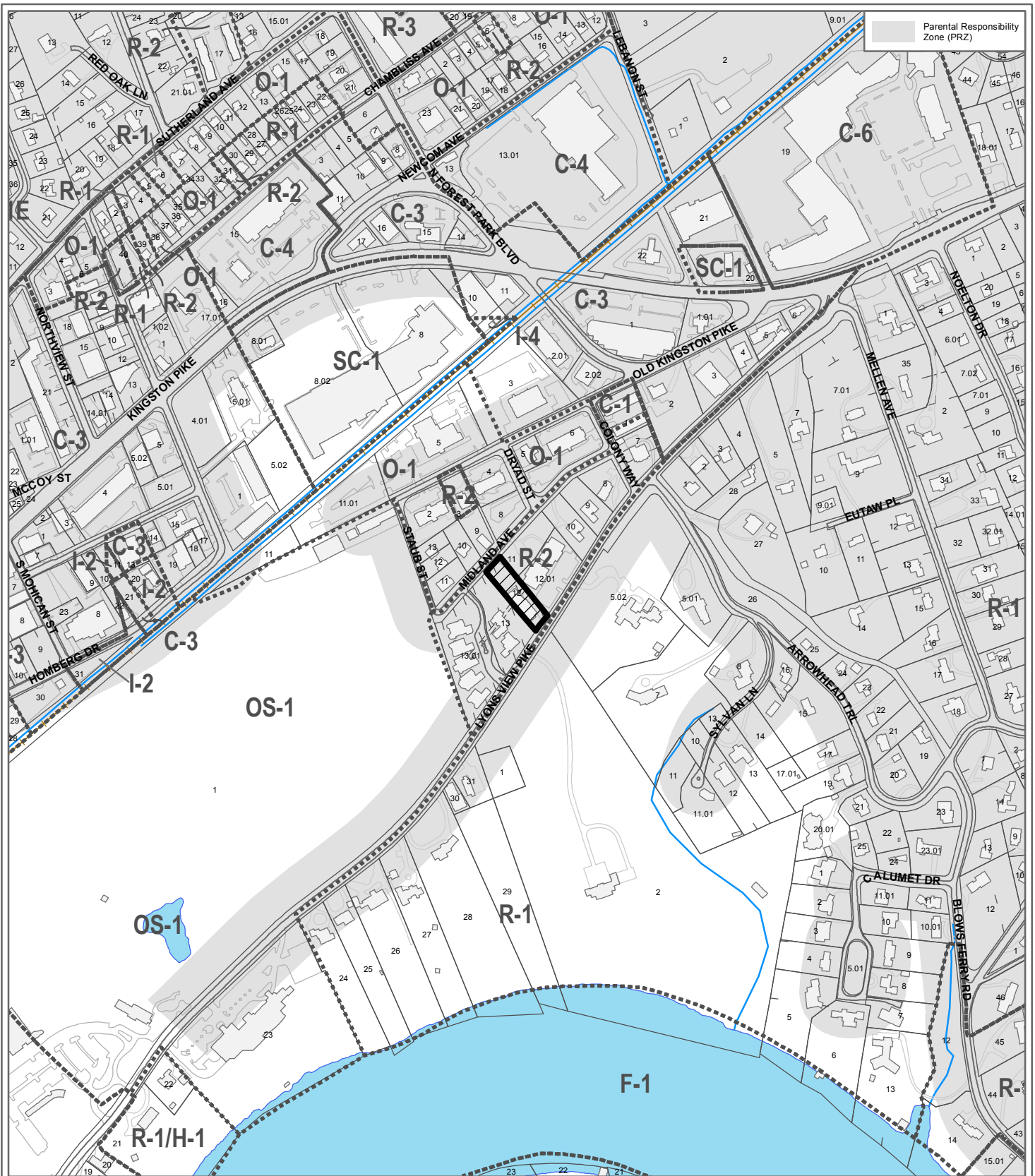
Petitioner: Greenwood, Dixon



From: MU (Mixed Use) (MDR-Medium Density Residential, LDR-Low Density Residential)
To: O (Office)

Map No: 107
Jurisdiction: City





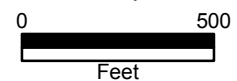
**1-O-17-RZ
REZONING**

From: R-2 (General Residential)
To: O-1 (Office, Medical, and Related Services)

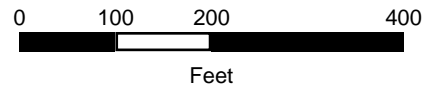
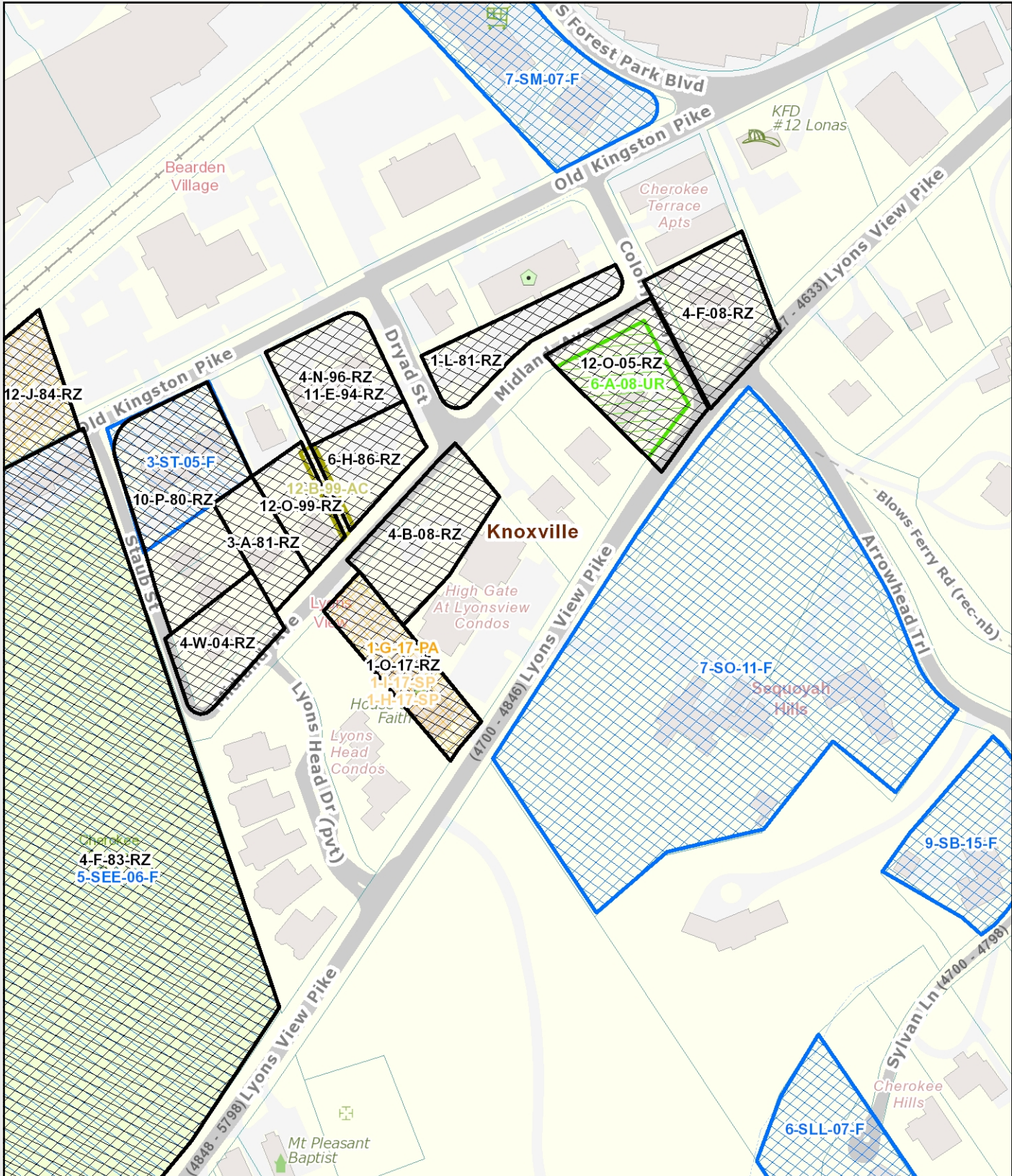


Petitioner: Greenwood, Dixon

Map No: 107
Jurisdiction: City



Original Print Date: 12/21/2016 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



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January 10, 2017

Knoxville-Knox County MPC
400 Main Street, Suite 403
Knoxville, TN 37902
Attn: Commissioners

RE: 4811 LYONS VIEW PIKE—PROPOSED REZONING FROM R-2 TO O-1 (FILE #'s 1-0-17-RZ/1-G-17-PA/1-H-17-SP)

Dear Commissioners:

I wanted to take this opportunity to introduce myself and my partners to the Commission, but more importantly explain the reasoning behind our request and why we believe it makes sense for you to approve. This property sits between Lyons Head Condos and High Gate Apartments (on the Cherokee Country Club golf course side of Lyons View). This property is relatively hidden with mature landscaping, an adjoining wall, and narrow frontage, and it is our intention to keep it that way. The property is currently zoned R-2 and our plan for the property is to repair/restore the existing structure for use as our professional office space similar to those zoned O-1 nearby, but first let me tell you about our group.

The new ownership entity for this property will consist of myself (Dixon Greenwood), Todd Miller, Lori Wood, and Tim Zitzman. Each of us is involved in various development projects across the country. Although we all live in Knoxville, we rarely have business before the MPC because most of our projects are located outside the region. However, I think it's imperative that you understand who we are and how we intend to use the property to make an informed decision.

Locally, Zitzman and I are partners with Mark Heinz and David Dewhirst on two recent/current development projects in the heart of Knoxville. **The Central Market** located at 1721 Central Avenue involves the redevelopment of the old Higginbotham auto service buildings. These buildings stood unoccupied for years before we repurposed them for a bakery (Wild Love Bakehouse) and a vintage furniture/clothing store (Mid-Mod Collective). Additionally, Zitzman and I are also partners with Dewhirst and Heinz on the **Kern's Bakery Building** in South Knoxville. The building was awarded a façade grant and has recently undergone work to restore the original 1931 portion of the bakery to its historic condition. We are excited about how the Kern's redevelopment can contribute to South Knoxville's current momentum and look forward to discussing that project with the City in the near future.

Zitzman is also a partner on a few other completed development projects in downtown Knoxville including: The **Arnstein Building** (Urban Outfitters and Barber McMurry and lofts), the **New Union Shops** (Casual Pint, Citi-Fi-Do, Nothing Too Fancy, Tree & Vine and Lellyett and Rogers), and the **Davis Carpet Building** (K-Brew and Nothing Too Fancy).

Myself, Zitzman, and Wood also own/manage larger shopping center projects in Pigeon Forge and Kingsport, TN, and Winston-Salem, NC.

Finally, all four owners are involved in the development of single-tenant retail outparcels across the country. Our most recent completed project was in Slidell, Louisiana and we are currently in development of similar projects in Virginia, Illinois, Indiana, Florida, and Oklahoma. Because our projects are mostly not located in Tennessee, we rarely host meetings of any appreciable size or deal with our vendors on a face-face basis.

Up until now, we have been able to accomplish these projects out of home offices. However, our growth necessitates that we establish a central office where we can store development files, conduct partnership meetings, and maintain the books and records of managed development projects. Other than one part time employee, there would be no other person regularly using the office.

So getting back to the property...as you may have ascertained, we appreciate unique and historic structures, which is what attracted us to this location to start with. From the information we've been able to gather at this point, the rear portion of the structure was a "craftsman style" home built prior to 1935 and the front portion (sanctuary) was added sometime around 1950. While the church is still active, its membership has dwindled and we feel there is an opportunity to fit our needs while preserving a structure that has been on Lyons View for a long time. It is a distinctive building and we would like to take the steps necessary to preserve the structure. In places, the brickwork on the old house portion needs to be retooled. Minor structural and mechanical repairs need to be made. The building needs to be scraped/repainted and some windows will require replacement. However, our use requires NO STRUCTURAL CHANGES to the building and NO ADDITIONAL STRUCTURES built on the property.

In your consideration of this rezoning request, please note the building is not suited for use as either a single-family home, or as a multi-unit dwelling. Accordingly, if the building remains zoned as R-2, it could potentially be torn down and replaced with an apartment building that could create more traffic and more inconvenience for the neighbors than our intended use as owner/occupier of professional offices. We also believe that the current building is more aesthetically pleasing than a multi-story apartment building, and lends itself to the other unique structures and uses that have been a part of Lyons View's diverse and varied history.

In closing, we deal with planning commissions all over the country and we certainly appreciate and respect the work you do as a public service to this community. We would not approach you with a concept that we felt would do harm to the long-term growth plans of the City we call home, as our love for this place runs deep. Included with this letter you will find some examples of our work in Knoxville. We thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dixon Greenwood", written in a cursive style.

Dixon Greenwood

THE CENTRAL MARKET

BEFORE

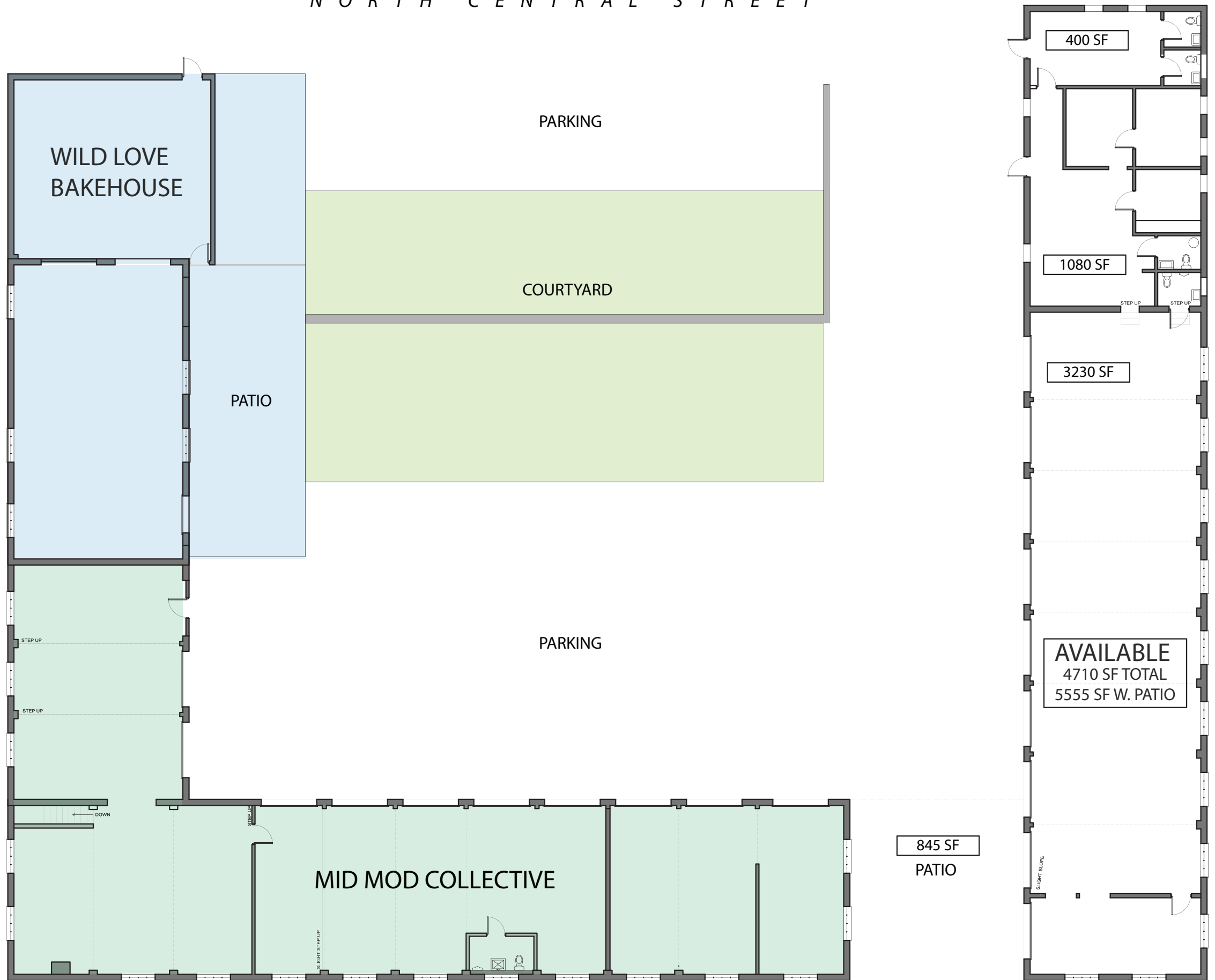


CONCEPT





N O R T H C E N T R A L S T R E E T



1617 N. CENTRAL STREET - LEASING INFO: 865.585.2307 - CENTRAL MARKET

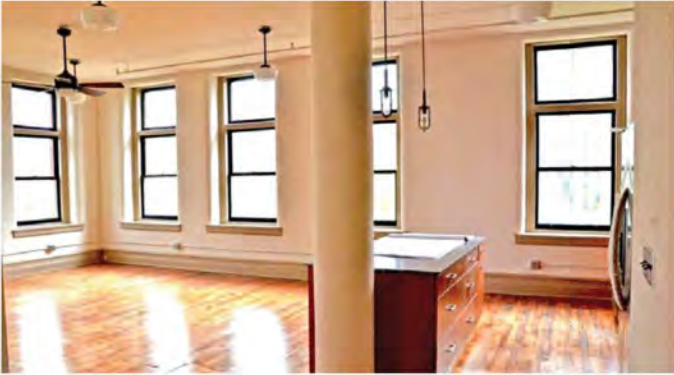
The Arnstein

BEFORE



The Arnstein

AFTER



KERN'S BAKERY

History

Kern's Bakery was built just across the river from downtown Knoxville in 1931. The company expanded from a beloved Market Square bakery and ice cream parlor to a large scale factory serving the southeast. Kern's Bread became one of the best known brand names in the region. The bakery on Chapman Highway produced Kern's bread from 1931 until 1989 when it was purchased by Sara Lee. The Kern's recipe was brought back by popular demand in 2008 and the brand was produced solely at the Knoxville location until it closed in 2012. The building's historic facade restoration will be completed in 2016 and the building is in process of nomination for the National Register of Historic Places.



Kern's Bakery c.1938



Kern's Bakery Garage c.1931

Kern's Bakery c.1931



KERN'S BAKERY

Site

Historic Kern's Bakery sits on a 14 acre site, adjacent to a wooded mountain scape and Civil War fort. Fort Stanley is in process of becoming a public park and will be incorporated into Knoxville's Urban Wilderness as part of the Battlefield Loop. The large site provides an opportunity for new construction to create more density and walkability in the area. The overall goal is a mixed-use site with the potential to have a hotel, residential, restaurants, retail and other commercial uses. New development along the hillside would offer spectacular downtown views. As the South Waterfront and Urban Wilderness develop as major attractions to Knoxville, and the city center expands, the Kern's Bakery site will be an excellent location for a new mixed-use development.



KERN'S BAKERY

Mixed-Use Proposal

Kern's Bakery is a rare historic structure in the South Waterfront area. Its redevelopment has the potential to simultaneously support the existing identity of South Knoxville while also inspiring its growth. With over 70,000 square feet, the overall plan for the project is to create a commercial, mixed-use campus. This will likely include both larger and smaller commercial tenants, utilizing the varied and unique spaces within the factory. The goal is to create a lively campus which has diverse yet continuous activity both day and night. The location of the bakery creates an amazing opportunity to be both an urban connection and destination within Knoxville's Urban Wilderness. The successful redevelopment of Kern's Bakery will honor the historic nature of the building and translate the beloved brand into a beloved place for years to come.



January 11, 2017

Re: Three Items of concern to Bearden Council members on the January 12, MPC Agenda

Dear Mr. Green and MPC Commissioners,

The Bearden Council is composed of neighborhood representatives from five neighborhoods in the Bearden community, (Westhood, Forest Heights, Historic Sutherland Heights, Lyons View and Kingston Pike/Sequoyah Hills).

Our group has worked since 2001 to implement the goals put forth in the MPC Bearden Village Opportunities Plan. We have worked with over 150 business owners and numerous developers, local government and state organizations, etc. to help beautify, add greenways and improve pedestrian safety/public transit in the area. A great deal of our success thus far can be attributed to the willingness of business owners and developers to join with us in our efforts to implement the Village plan.

Re: Agenda Item 53

3822 Sutherland Avenue rezoning:

In late December I phoned Mr. Hall and invited him to meet with our group re: the property at 3822 Sutherland Avenue to talk about his plan, the need for additional trees in this area, landscaping, small monument signage, etc; design elements which are recommended in the Bearden Village Plan. ***I told him that members of our group believed that the request for the rezoning to C-1 was appropriate, but we would like to see his plan before we supported the rezoning.*** I followed up with an email to him but had no response re: a meeting with our group.

Bearden Council request for a postponement:

We are requesting a postponement of Agenda Item 53 so that we will have an opportunity to meet with Mr. Hall, acquaint him with the Bearden plan, see his site plans and talk with him about ways in which he might contribute to the success of the Bearden Village. **If Commissioners do not want to postpone this item, we request that Commissioners attach a condition to the rezoning approval requiring development of the property to be in compliance with the adopted Bearden Village Opportunities Plan.**

Re: Agenda Item 54: 4811 Lyons View Pike; Bearden Council members support the MPC staff recommendation against the requested rezoning.

Re: Agenda Item 59:

Montessori School request to expand; We oppose the request to expand their facilities. This is a very congested area and the traffic is going to get worse with the completion of the Biltmore shopping center located on the west side of the Montessorri School. This area will also become an even more popular pedestrian destination for Bearden residents. We are concerned for pedestrians and the safety of children and their parents entering and exiting this school in their cars and do not believe it would be wise to allow an increased population of students at this school.

We appreciate your consideration of these important matters. Sincerely,
Terry Faulkner,
President: Bearden Council

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
 F A X • 215 • 2068
 www.knoxmpc.org

REZONING **PLAN AMENDMENT**

NOV 28 2016

Name of Applicant: Dixon Greenwood
 Date Filed: 1/28/16 Meeting Date: Jan 12, 2016
 Application Accepted by: Brusseau (I-17-SP)
 Fee Amount: \$1000 File Number: Rezoning 1-0-17-RZ
 Fee Amount: \$600 File Number: Plan Amendment 1-G-17-PA

PROPERTY INFORMATION

Address: 4811 Lyons View Pike
 General Location: NW side Lyons View
Pk, SW of Colony Way
 Parcel ID Number(s): 107NE012
 Tract Size: 0.47 acre
 Existing Land Use: Church
 Planning Sector: West City
 Growth Policy Plan: Inside Knoxville
 Census Tract: 77
 Traffic Zone: 114
 Jurisdiction: City Council 2nd District
 County Commission _____ District

PROPERTY OWNER **OPTION HOLDER**

PLEASE PRINT
 Name: Dixon Greenwood
 Company: -
 Address: 2112 Woodmere Lane
 City: Knoxville State: TN Zip: 37920
 Telephone: 865-585-2307
 Fax: _____
 E-mail: dgreenwood@ballrealty.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:
 PLEASE PRINT
 Name: Dixon Greenwood
 Company: -
 Address: 2112 Woodmere Lane
 City: Knoxville State: TN Zip: 37920
 Telephone: 865-585-2307
 Fax: _____
 E-mail: dgreenwood@ballrealty.com

Requested Change

REZONING

FROM: R-2
 TO: O-1

PLAN AMENDMENT

One Year Plan Sector Plan
 FROM: MU (MDR, LDR)
 TO: 0

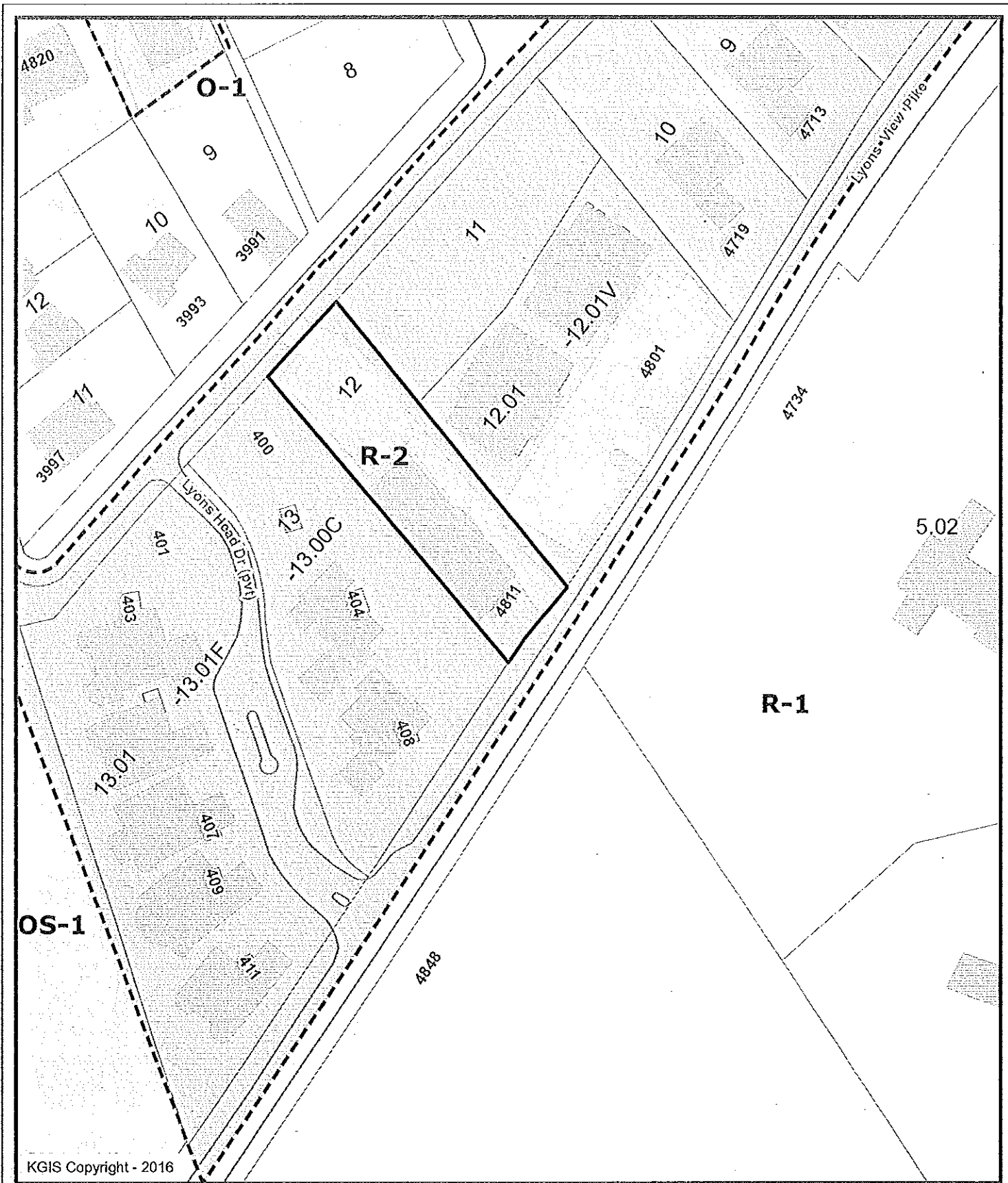
APPLICATION AUTHORIZATION

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: Dixon Greenwood
 Company: -
 Address: 2112 Woodmere Lane
 City: Knoxville State: TN Zip: 37920
 Telephone: 865-585-2307
 E-mail: dgreenwood@ballrealty.com

PROPOSED USE OF PROPERTY

Real estate using
existing building
(offices)
 Density Proposed _____ Units/Acre
 Previous Rezoning Requests: None noted

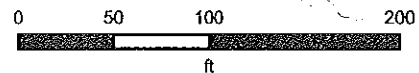


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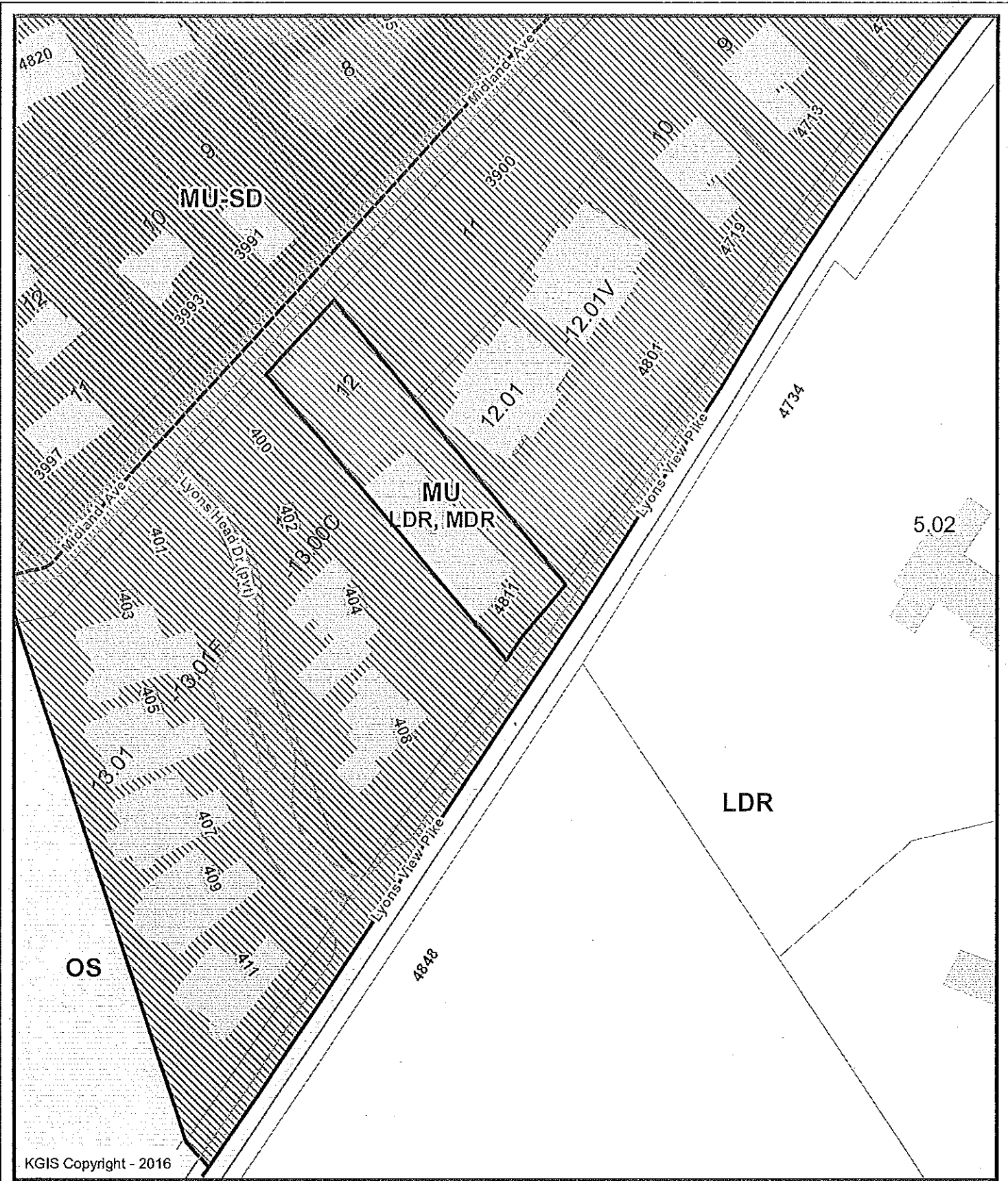
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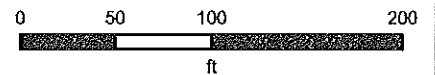


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