

**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
 SUBDIVISION REPORT - CONCEPT/USE ON REVIEW**

► **FILE #:** 8-SE-09-C
 8-J-09-UR

AGENDA ITEM #: 18
AGENDA DATE: 8/13/2009

► **SUBDIVISION:** SHERRILL HILL
 ► **APPLICANT/DEVELOPER:** KINGSTON PIKE, LLC
 OWNER(S): Raymond A. Higgins

TAX IDENTIFICATION: 132 027.01 & 027.02
 JURISDICTION: City Council District 2

► **LOCATION:** South side of Kingston Pike, east and west side of Moss Grove Blvd.

SECTOR PLAN: Southwest County
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 WATERSHED: Ten Mile Creek & Sinking Creek

► **APPROXIMATE ACREAGE:** 36.48 acres

► **ZONING:** PC-1 (k) (Retail and Office Park) & PC-1 (k) (Retail and Office Park) / H-1 (Historic Overlay)

► **EXISTING LAND USE:** Vacant land

► **PROPOSED USE:** Planned Commercial Subdivision

SURROUNDING LAND USE AND ZONING: North: Shopping center / SC-3 (Regional Shopping Center)
 South: Vacant land / O-1(k) (Office, Medical, and Related Services) with conditions
 East: Residences and shopping center / RB (General Residential) & SC (Shopping Center)
 West: Residences / RAE (Exclusive Residential) & RB (General Residential)

► **NUMBER OF LOTS:** 11

SURVEYOR/ENGINEER: Cannon & Cannon, Inc.

ACCESSIBILITY: Access is via Kingston Pike, a major arterial street with a four and five lane cross section within a required right-of-way of 100' and Moss Grove Blvd., a private Joint Permanent Easement.

► **SUBDIVISION VARIANCES REQUIRED:** 1. Variance from the access requirements for lots to allow cross access easements as a legal access for the subdivision.

STAFF RECOMMENDATION:

► **APPROVE variance 1 because restrictions on access to Kingston Pike restrict compliance with the Subdivision Regulations, and the proposed variance will not create a traffic hazard.**

APPROVE the Concept Plan subject to 14 conditions:

1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
2. Provision of street names which are consistent with the Uniform Street Naming and Addressing System within Knoxville (City Ord. 0-280-90) if required.

3. Installation of the street improvements recommended in the Traffic Impact Study prepared by Cannon & Cannon, Inc. At the design plan stage of the subdivision, the applicant shall work with the Knoxville Engineering Division on the design, timing and implementation of the recommended street improvements.
4. Installation of the sidewalks as designated on the concept plan and in compliance with the requirements of the City of Knoxville.
5. Installation of the landscape plan designated for the boulevard as required by the Sherrill Hill Master Plan. Landscape plantings shall not interfere with sight distance for vehicles traveling on or entering the street.
6. At the design plan stage of the subdivision, the applicant shall submit for review and approval by the Knoxville Department of Engineering the design details for the access that will be located within the access easements to provide legal access to all lots.
7. Meeting all applicable requirements of the Knoxville Department of Engineering.
8. Obtaining a street connection permit from the Tennessee Department of Transportation (TDOT).
9. Placing a note on the final plat that all lots will have access only to the internal street system except for Lots 10 and 11 that will be allowed the shared right-in/right-out curb-cut identified on the concept plan and as approved by TDOT.
10. Clearly marking in the field the 50' undisturbed buffer area that adjoins the existing residential neighborhoods prior to any clearing or grading in the vicinity of the required buffer. The dripline for specimen trees that are located within the buffer shall also be protected as outlined in the approved master plan (11-B-07-OB).
11. Revising the concept plan to extend the access easement to Lot 14.
12. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
13. Recording protective covenants (meeting the requirements of the PC-1 (Planned Commercial) zoning district) for the subdivision along with the initial final plat based on this concept.
14. A final plat application based on this concept plan will not be accepted for review by the MPC until certification of design plan approval has been submitted to the MPC staff and documentation has been provided that the driveways located within the access easements that serve the lots have been installed in compliance with the approved design plan.

► **APPROVE the development plan for up to 11 commercial lots meeting PC-1 standards subject to 3 conditions.**

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance and conditions of the approved rezoning.
2. Meeting all applicable requirements of the approved Master Plan for the Sherrill Hill development (11-A-07-PA).
3. A use-on-review approval shall be required for proposed development on each lot.

With the conditions noted, this plan meets the requirements for approval in the PC-1 District of a Concept Plan and Use-on-Review.

COMMENTS:

The applicant is proposing to subdivide lots 1 and 2 of the recorded subdivision creating a total of 11 lots within the commercial portion of the Sherrill Hill development. The area included in this resubdivision totals 36.48 acres. The lots range in size from 1.09 acres to 11.6 acres. The original concept plan was approved by the Planning Commission on November 8, 2007.

Access to the subdivision is provided by Moss Grove Blvd., a private joint permanent easement. All lots will have access only to the internal street and driveway system except for Lots 10 and 11 that will be allowed the shared right-in/right-out curb-cut identified on the concept plan and as approved by TDOT. Under the Minimum Subdivision Regulations all lots must have 25' of frontage on a public street or be served by an exclusive or joint permanent easement. The applicant is requesting a variance from that requirement to allow some of the lots to be served access easements that will function as permanent cross access easements that will be amended as sites are developed and additional driveways (and parking) are incorporated. To guarantee that all lots will have completed driveways for access, Staff is recommending that prior to submitting a final plat based on this concept plan, documentation shall be provided to Staff that the driveways located within the access easements that serve the lots have been installed in compliance with the approved design plan.

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

1. Public water and sewer utilities are available to serve the site.
2. The traffic impact study that had been prepared for the entire Sherrill Hill development recommended

improvements that will address the traffic impacts of this development.

3. The conditions of the zoning approval regarding setbacks and buffers will help to reduce the impact of this commercial subdivision on the adjoining low density residential homes.

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 PC-1 zoning as well as the general criteria for approval of a use-on-review.

2. The proposed commercial subdivision 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 substantial additional traffic through residential areas since the development is located off an arterial street. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The amended Southwest County Sector Plan identifies this as a mixed use development area allowing commercial use. The One Year Plan also designates the site for commercial use. The development complies with both the Sector Plan and One Year Plan.

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

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this concept plan request is final, unless the action is appealed to Knox County Chancery Court. The date of the Knox County Chancery Court hearing will depend on when the appeal application is filed.

MPC's approval or denial of this use on review 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.