

▶ **FILE #:** 9-G-09-RZ (REVISED)

AGENDA ITEM #: 36

AGENDA DATE: 9/10/2009

▶ **APPLICANT:** JS & A, LLC

OWNER(S): JS & A, LLC

TAX ID NUMBER: 72 A A 001 & 026 PART OF RB ZONED AREA-MAP ON FILE AT MPC

JURISDICTION: County Commission District 8

▶ **LOCATION:** South side Asheville Hwy., east side E. Governor John Sevier Hwy.

▶ **APPX. SIZE OF TRACT:** 0.57 acres

SECTOR PLAN: East County

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

ACCESSIBILITY: Access is via Asheville Hwy., a major arterial street with 4 lanes and center turn lane within 185' of right of way, E. Governor John Sevier Hwy., a minor arterial street with 36' of pavement width within 170' of right of way, or S. Ruggles Ferry Pike, a local street with 16' of pavement width within 50' of right of way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Holston and French Broad

▶ **PRESENT ZONING:** RB (General Residential)

▶ **ZONING REQUESTED:** CA (General Business)

▶ **EXISTING LAND USE:** Residence

▶ **PROPOSED USE:** Property is be developed as part of adjacent commercial development

EXTENSION OF ZONE: Yes, extension of CA or C-3 zoning from the north.

HISTORY OF ZONING: MPC approved CA for the northern portion of this site on May 8, 2008 (5-M-08-RZ).

SURROUNDING LAND USE AND ZONING: North: Cleared, graded land / CA (General Business)

South: S. Ruggles Ferry Pike / Residences / RB (General Residential)

East: Vacant land / RB (General Residential)

West: E. Governor John Sevier Hwy. - Vacant land / CA (General Business)/HZ (Historic Overlay)

NEIGHBORHOOD CONTEXT: This site is within a mixed use area of commercial and residential uses that have developed under CA, C-3 and RB zoning.

STAFF RECOMMENDATION:

▶ **RECOMMEND that County Commission APPROVE CA (General Business) zoning, subject to 1 condition.**

1. A Type 'A' landscaping screen (see attached as marked) must be installed within the area highlighted on the attached site plan. Species must consist of medium and large species as listed from the attached circled section from the Knoxville-Knox County Tree Conservation and Planting Plan.

CA is an extension of commercial zoning from the north and west. With the recommended condition, the impact on adjacent properties will be minimized. The applicant has revised the original application to exclude

the southeastern most portion of the parcel 26 (about a half acre) where the existing house is located, leaving it zoned RB. This factor, as well as the fact that the commercial site, which has been filled and graded to create an elevated, flat site at street level (approximately 30 feet higher in elevation than the adjacent residential uses to the south), make the application more acceptable, as requested. In addition, the recommended condition to install a landscape screen will provide added buffering between the incompatible uses. Even though some of the land where the Type 'A' landscape screening is being recommended is outside of the area requested for rezoning, the applicant owns and controls all of parcels 1 and 26, on which the entire area for screening is recommended. The original application requested the entire RB zoned portion of parcel 26 (0.57 acre) be rezoned CA. The other half of parcel 26 is already zoned CA.

COMMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. The recommended CA is an extension of zoning from the north and west and is compatible with surrounding development and zoning.
2. In May 2008, an rezoning request was filed for the entire parcel 26. MPC and County Commission approved the CA zoning for the northern half of the property only, after an agreement was reached between residents and the applicant. This request is for about 7,000 sq. ft. of the remaining RB to be rezoned CA.
3. Most of the southern portion of parcel 26 will remain zoned RB. Retaining the RB zoning provides a buffer for the residential properties on the southern side of S. Ruggles Ferry Pike from the commercial area. There is a house located within the southeastern portion of parcel 26 to remain RB. The recommended landscape screen will provide additional buffer between the incompatible uses.
4. Based on the attached topography map, which is based on conditions prior to the site preparation that has already occurred, there appears to be a large sinkhole/depression in the area that includes the entire parcel 26. The inward hatched contour lines indicate a possible sinkhole location. The applicant contends that the area is just a depression that was created when Gov. John Sevier Hwy. and S. Ruggles Ferry Pike were constructed at higher elevations than the adjacent site. The low depression area drains through a 36 inch pipe that runs under Gov. John Sevier Hwy. However, the possible sinkhole area has not been drilled or tested for the actual existence of a sinkhole. TDEC approval may be required if this is a sinkhole.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CA zone is intended for general retail business and services, but not for manufacturing or for processing materials.
2. Retail businesses should not be located directly across from residential uses, therefore the revised area for rezoning is better than zoning the entire parcel 26 commercial, as originally requested. The exclusion of the half acre portion of the site where the house is located, the recommended landscape screen, and the elevation change between the commercial and residential zoning, provide a sufficient buffer between the incompatible uses.
3. Staff would suggest that if commercial zoning is necessary on the whole site in the future, then the applicant should come back and seek rezoning to PC or PC-1 on the entire corner (the entire parcels 1 and 26). Both parcels are under the same ownership and are to be developed as one. A planned commercial zone would allow the opportunity for staff to review a development plan as a use on review. As part of this review, concerns with the sinkhole/depression could be addressed and landscape buffering/screening could be established to minimize impacts on adjacent residential properties. If the County portions of the property are annexed into the City of Knoxville, a planned zone may be recommended on the annexation related rezoning.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to serve the site. The impact on traffic would depend on the type of commercial development proposed.
2. The requested CA zoning is compatible with surrounding development and should have a minimal impact on adjacent properties.
3. CA zoning does not provide for plan review by MPC, so the possible sinkhole and buffering issues may not be adequately addressed. A planned zone would be preferable, but the entire commercial site would need to be rezoned to a planned zoning district.

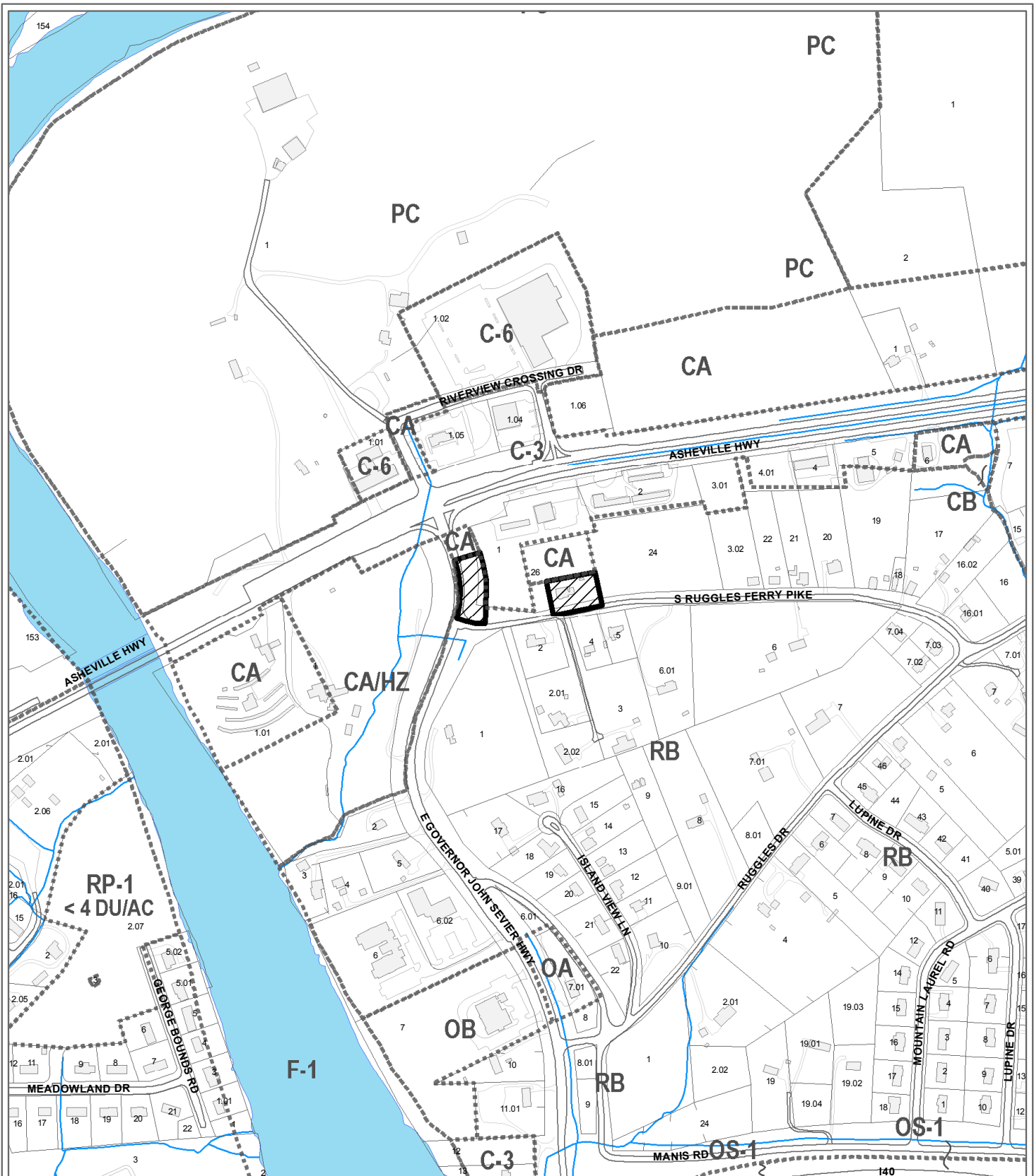
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The East County Sector Plan proposes commercial uses for this site, consistent with the proposed CA zoning.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of this request could lead to further requests for commercial zoning to the south or east along S. Ruggles Ferry Pike, which would not be consistent with the sector plan proposals in the area.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 10/26/2009. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**9-G-09-RZ -REVISED
REZONING**

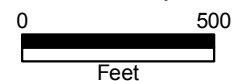
From: RB (General Residential)
To: CA (General Business)



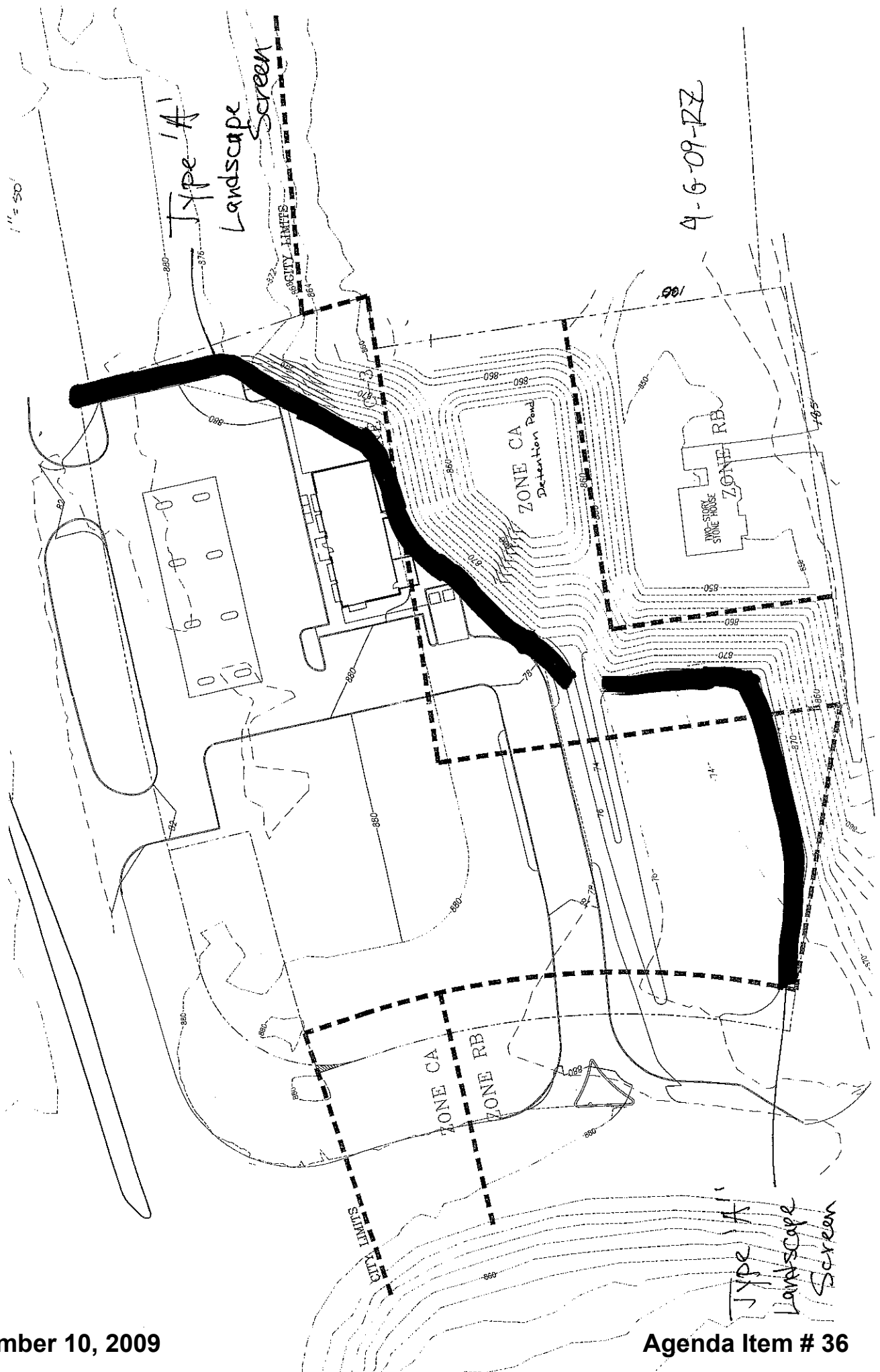
Petitioner: JS & A, LLC

Map No: 72

Jurisdiction: County



Original Print Date: 8/24/2009
Revised: 9/3/2009
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





GUIDELINES

LANDSCAPE SCREENING

DESIGN

Type "A" Screen: Dense

APPROPRIATE LOCATION: Boundaries of commercial and industrial developments adjoining residential areas

NOTE: Landscape buffer strips should be a minimum of 15 feet in width, and sown with grass or ground cover for their full width, allowing for mulch at the base of plantings

INTRODUCTION

Landscape screening reduces the impact of intense development upon adjacent land uses by providing visual separation, reducing the transmission of glare and air pollution, and limiting access. Screening also promotes the aesthetic appeal of a neighborhood and promotes higher property values.

This series of design guidelines defines several types of landscape screen. Each type is applicable to a certain intensity of conflict between adjacent land uses. Each screen type is illustrated by several planting schemes with an equivalent height, density and opacity of landscaping.

MPC uses these guidelines to illustrate desirable levels of screening appropriate to various site planning situations. Creative alternatives which achieve a comparable effect are encouraged.

For more information:

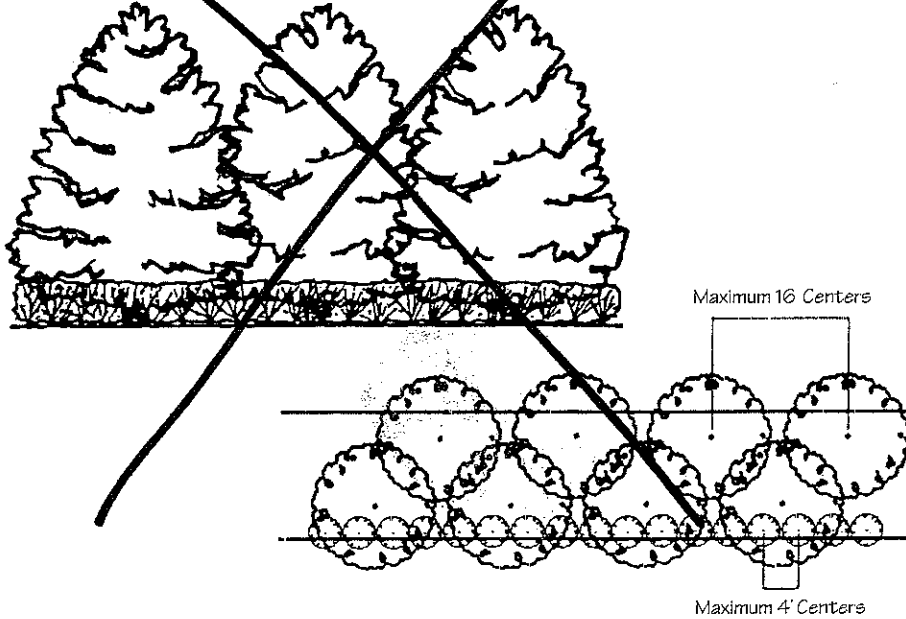
MPC
Development Services
Suite 403
City County Building
400 Main Street
Knoxville, TN 37902
Phone: 865 215-2500
Fax: 865 215-2068
Web: www.knoxmpc.org

The contents of these guidelines are advisory and are intended to supplement, but not replace, the requirements of the Knoxville Zoning Ordinance and the Knox County Zoning Ordinance.

- Two offset rows of deciduous or evergreen canopy trees with a 6 ft high continuous dense evergreen hedge fence, wall or earth berm

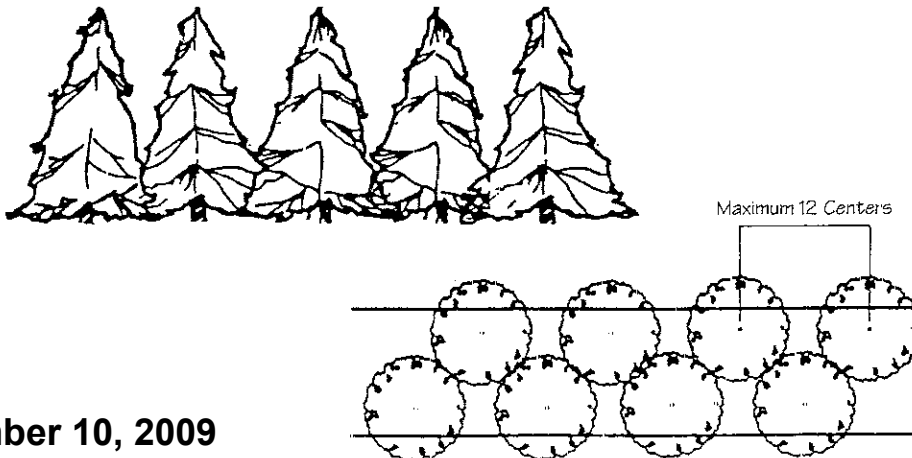
TREE HEIGHT
Installed: 8 ft.
Mature: 40 ft.

SHRUB HEIGHT
Installed: 4 ft.
Mature: 6 ft.



- Two offset rows of evergreen trees with branches touching the ground

TREE HEIGHT
Installed: 8 ft.
Mature: 30 ft.





This landscape buffer in west Knox County provides a nice mix of evergreen and deciduous trees, separating office and residential development.

Recommended Species

Medium and Large Evergreen or Near-evergreen Trees

- Eastern Hemlock
- Eastern Red Cedar
- Laurel Oak
- Loblolly Pine
- Short Leaf Pine
- Virginia Pine
- White Pine
- Southern Magnolia
- White Fir
- Japanese Cryptomeria
- Leyland Cypress
- Cherry Laurel
- Western Red Cedar
- Canadian Hemlock
- Carolina Hemlock

Small Evergreen Trees

- American Holly
- Foster Holly
- Savannah Holly
- Sweet Bay Magnolia
- Little Gem Magnolia
- Star Magnolia
- Yaupon Holly

Live Screen Options establish a standard number of evergreen trees, flowering and shade trees, and shrubs per linear foot; for example (based on height at maturity), 4 large or medium-maturing evergreen trees, 2 small evergreen trees, 1 shade and 2 flowering trees, and 10 shrubs (capable of growing to a 5-foot height) per 100 linear feet. Staggering in natural patterns could also be a design standard.

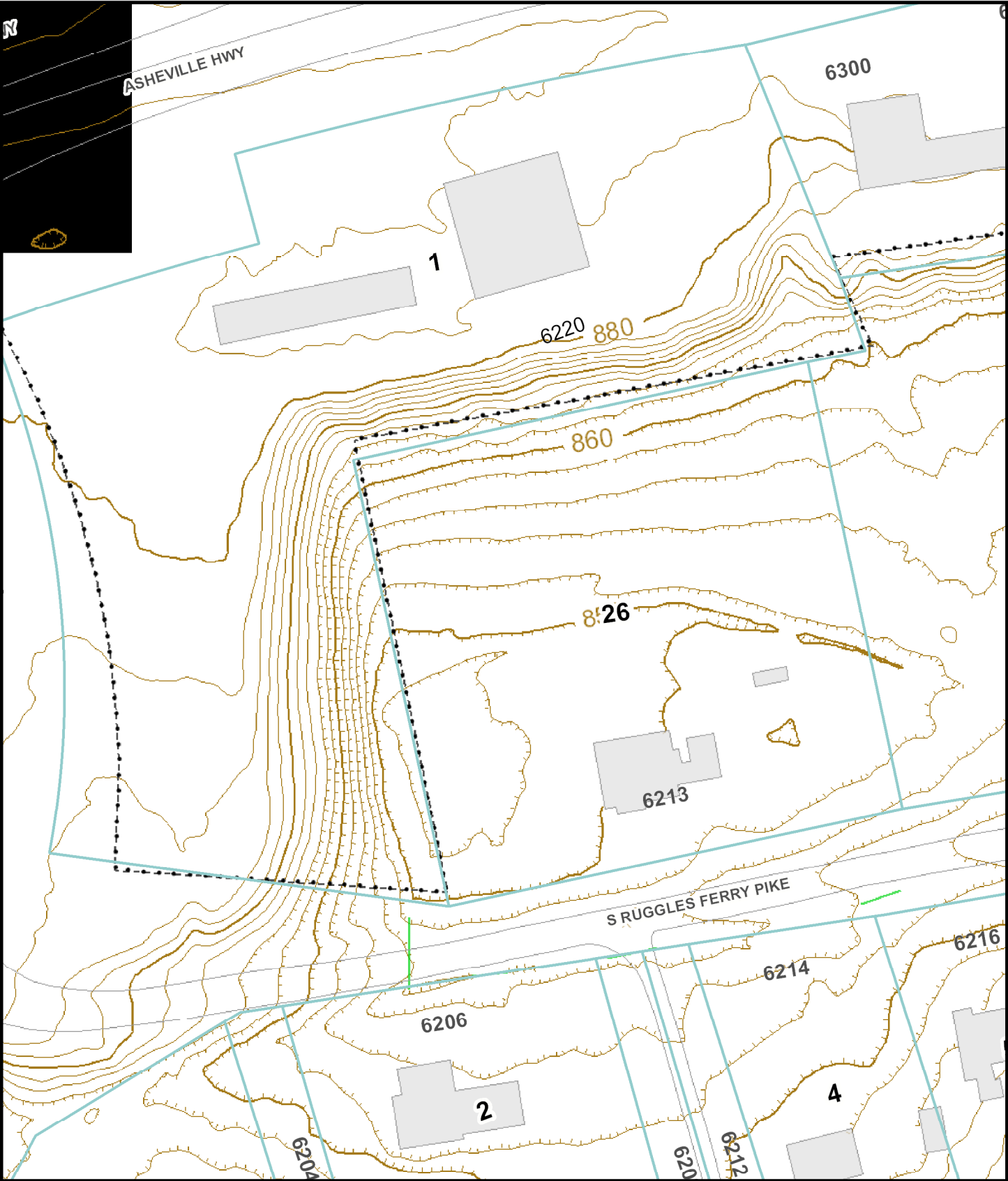
Fence or Wall Options set standards for fence or wall height and accompanying landscaping. For example, a solid 6-foot high wall or fence with 2 evergreen trees, 2 flowering trees, and 5 large shrubs per 100 linear feet.

Berm Options set a standard for a berm and its accompanying vegetation (for example, a minimum 25-foot rear buffer yard with berming not to exceed 1:3 slope, 3 large evergreen trees, and 2 flowering trees per 100 linear feet, and sufficient evergreen shrubs to form a continuous screen within three years).

Evergreen Shrubs and Vines

(Native and non-native, typically growing to a height of 4 to 15 feet)

- Anise Bush
- Azaleas, native and hybrids
- Boxwood
- Camellia Japonica
- Clevera
- Firethorn
- Fortune Tea Olive
- Flowering Quince
- English Laurel
- English Holly
- Glossy Abelia
- Japanese Yew
- Lusterleaf Holly
- Otro Lukeyn Laurel
- Rhododendron
- Winterberry Barberry
- Winterberry Holly
- Carolina Jessamine and Trumpet Honeysuckle (vines for fence planting)



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Knoxville - Knox County - KUB Geographic Information System



Printed: August 31, 2009

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Feet

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