

▶ **FILE #:** 2-C-10-RZ

**AGENDA ITEM #:** 37

**AGENDA DATE:** 2/11/2010

▶ **APPLICANT:** CITY OF KNOXVILLE

OWNER(S): JS&A LLC

TAX ID NUMBER: 72 A A PART OF 026 PORTIONS WITH COUNTY ZONING

JURISDICTION: City Council District 4

▶ **LOCATION:** **North side S. Ruggles Ferry Pike, east side E. Governor John Sevier Hwy.**

▶ **APPX. SIZE OF TRACT:** 1.6 acres

SECTOR PLAN: East County

GROWTH POLICY PLAN: Urban Growth Area (Inside 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:** **No Zone (formerly CA (General Business), CA with conditions, RB (General Residential))**

▶ **ZONING REQUESTED:** **C-3 (General Commercial), C-3 with conditions, R-1 (Low Density Residential)**

▶ **EXISTING LAND USE:** **Vacant land**

▶ **PROPOSED USE:** **Commercial**

EXTENSION OF ZONE: Yes, extension of C-3 from the north and east

HISTORY OF ZONING: A portion of the property was rezoned CA with conditions in 2009 (9-G-09-RZ).

SURROUNDING LAND USE AND ZONING: North: Commercial / C-3 (General Commercial)

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)

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 City Council APPROVE R-1 (Low Density Residential) zoning in the RB portion and C-3 (General Commercial) zoning, subject to 1 condition in the CA portion.**

1. A Type 'A' landscaping screen (see attached as marked) must be installed within the area highlighted on the attached site plan (as revised by MPC on 9/10/09). Species must consist of medium and large species as listed in the attached, circled section from the Knoxville-Knox County Tree Conservation and Planting Plan.

C-3 is an extension of zoning from the north and west. With the recommended condition, which was approved by MPC as part of a 2009 zoning request to CA (9-G-09-RZ), the impact on adjacent properties will be minimized. (See attached documentation from that case.) This is a 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). The recommended condition to install a landscape screen will provide added buffering between the incompatible uses.

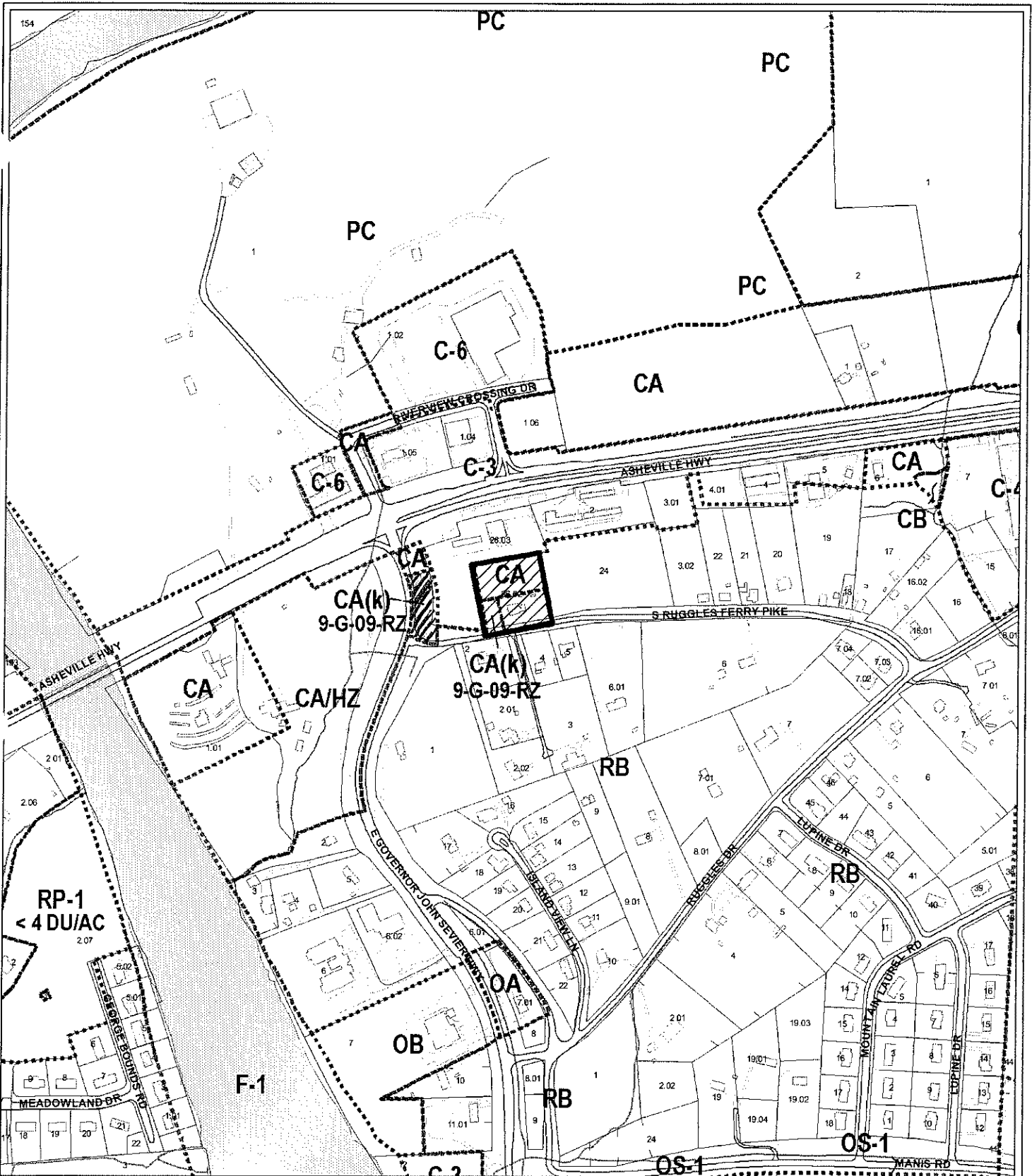
**COMMENTS:**

With the recommended condition, C-3 zoning is compatible with surrounding development and zoning. R-1 zoning is also compatible. C-3 is a comparable City zone to the former County CA zone and R-1 is a comparable City zone to the former County RB zone. The sector plan proposes commercial uses for the site.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 3/9/2010 and 3/23/2010. 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.



**2-C-10-RZ  
GOVERNMENTAL REZONING**

From: No Zone

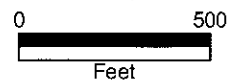
To: C-3 (General Commercial), C-3 with conditions R-1 (Low Density Residential)



Petitioner: City of Knoxville

Map No: 72

Jurisdiction: City



Original Print Date: 1/27/2010      Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

▶ **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.

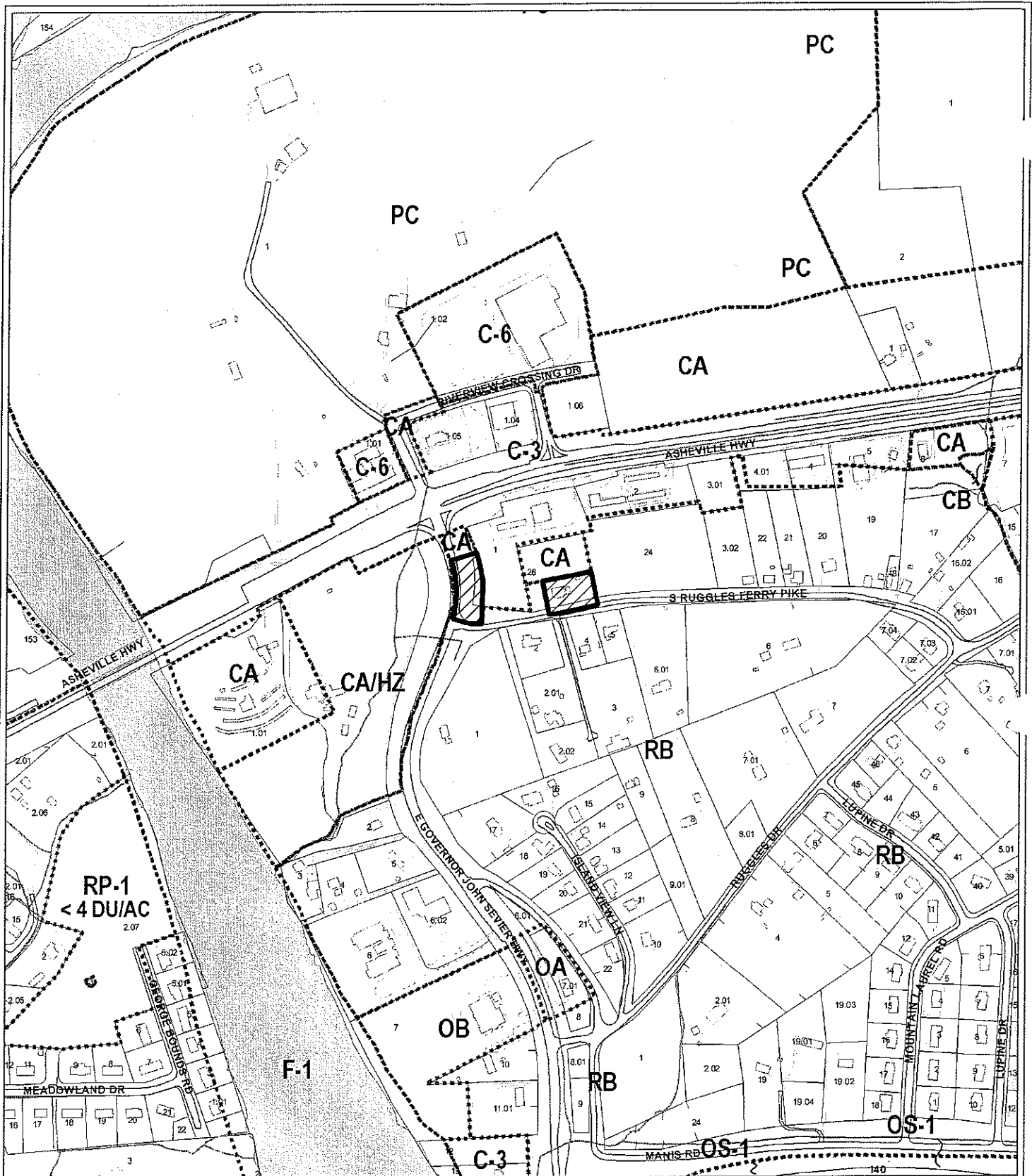
##### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

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)

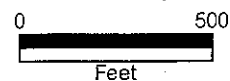


To: CA (General Business)

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

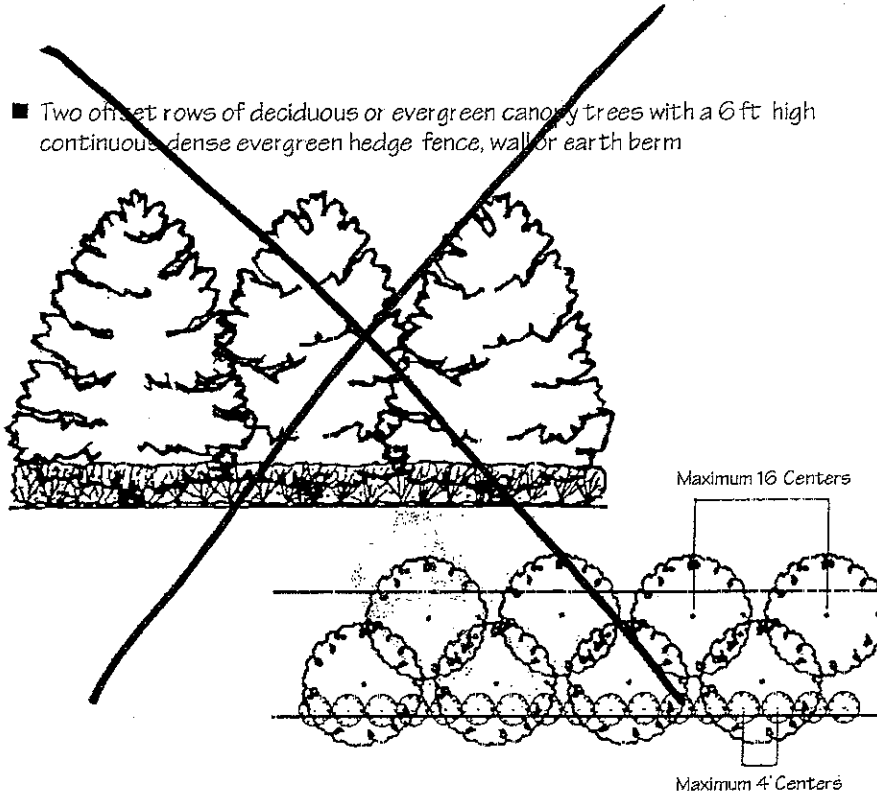
**APPROPRIATE LOCATION:** Boundaries of commercial and industrial developments adjoining residential areas

**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

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

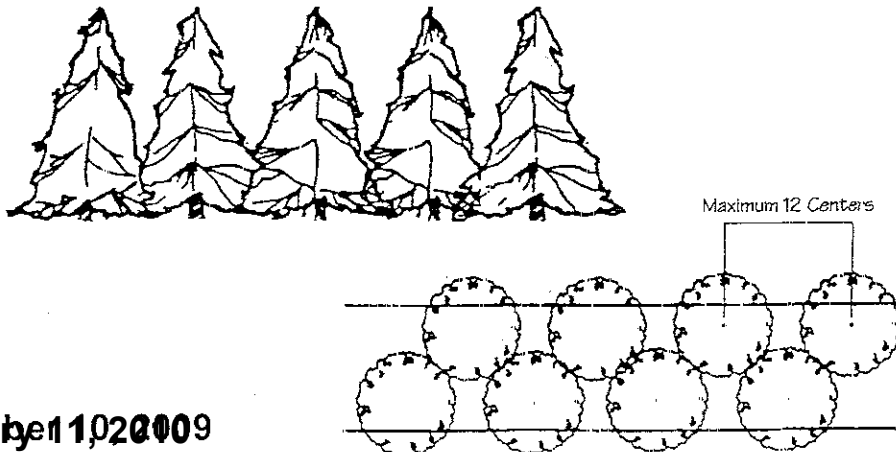
TREE HEIGHT  
Installed: 8 ft.  
Mature: 40 ft.

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.



#### 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.

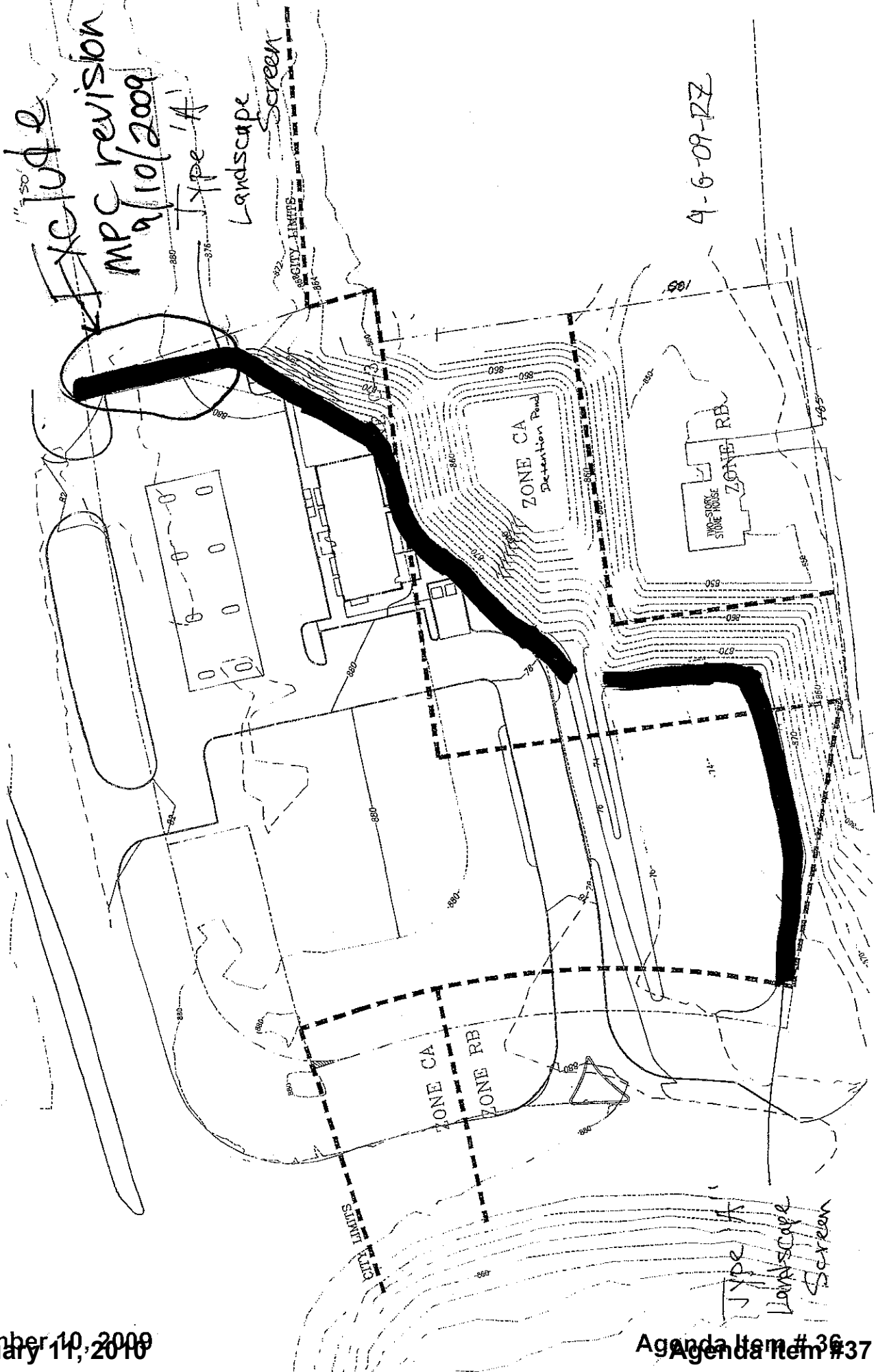
MPC uses these guidelines to illustrate desirable levels of screening appropriate to various site planning situations. Creative alternatives which achieve a comparable effect are encouraged.

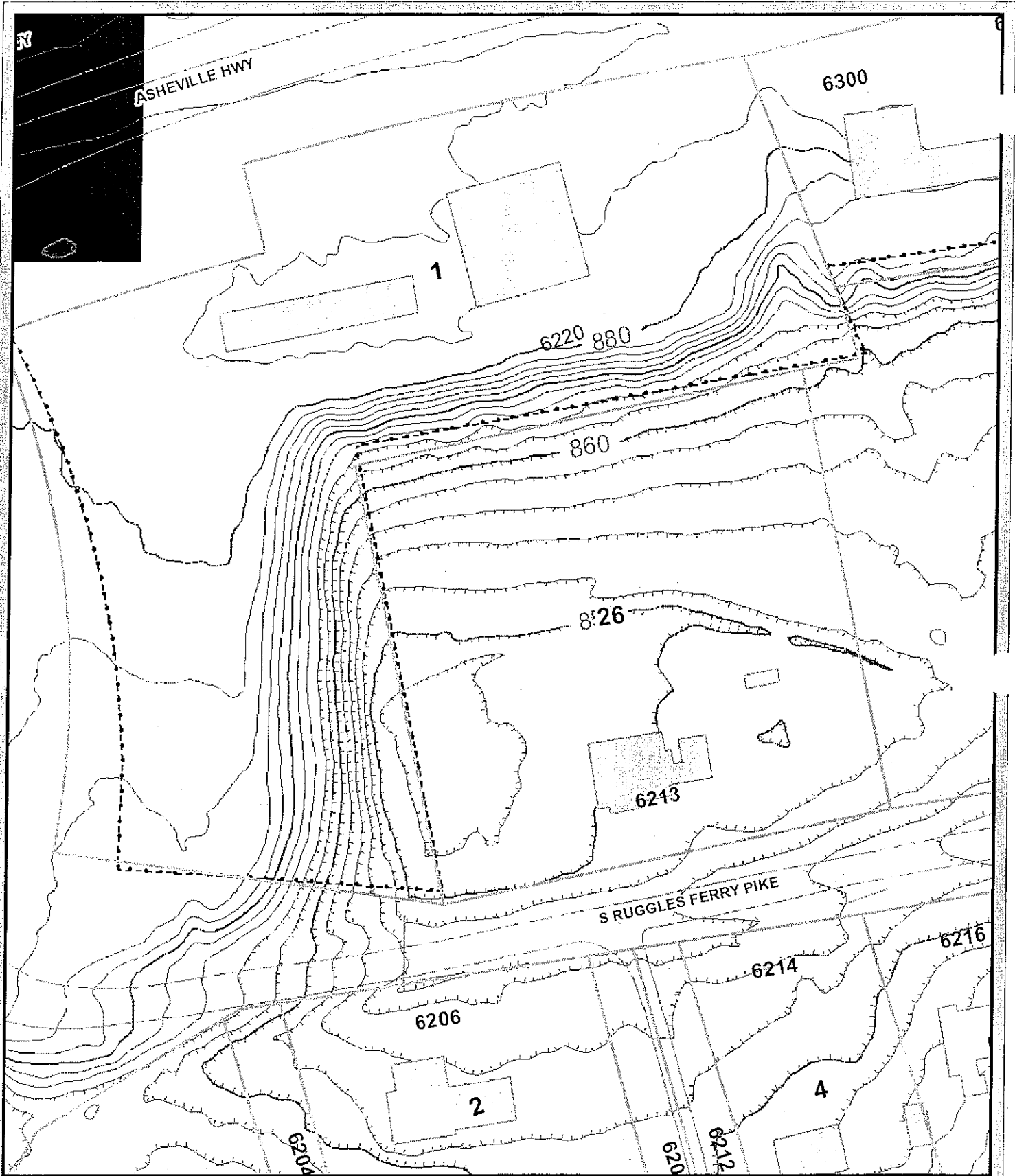
#### For more information: MPC

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](http://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...







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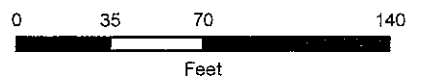
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Knoxville - Knox County - KUB Geographic Information System



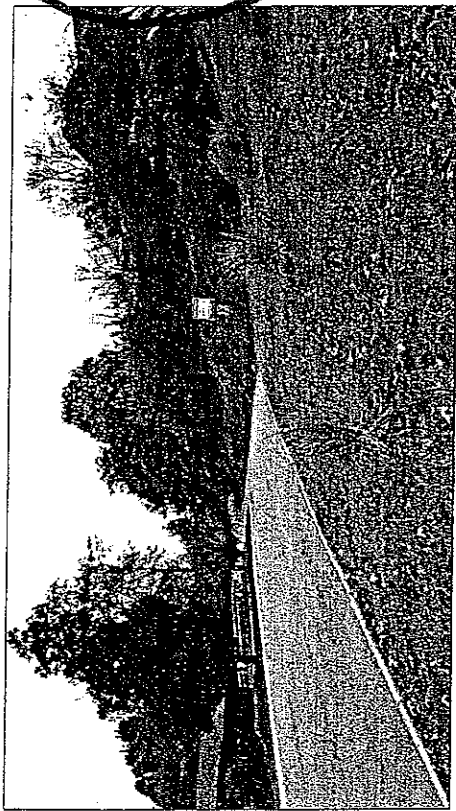
Printed: August 31 2009



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MPC February 11, 2010  
MPC September 10, 2009

Agenda Item #37  
Agenda Item # 36



*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
- Clewra
- Firethorn
- Fortune Tea Olive
- Flowering Quince
- English Laurel
- English Holly
- Glossy Abelia
- Japanese Yew
- Lusterleaf Holly
- Otto Lukeyn Laurel
- Rhododendron
- Winterberry Barberry
- Winterberry Holly
- Carolina Jessamine and Trumpet Honeysuckle (vines for fence planting)