

▶ **FILE #:** 2-E-11-RZ

AGENDA ITEM # 28

AGENDA DATE: 2/10/2011

▶ **APPLICANT:** KINGSTON PIKE, LLC

OWNER(S): Kingston Pike, LLC

TAX ID NUMBER: 132 PT OF 02710 PORTION WITH H-1 OVERLAY

JURISDICTION: City Council District 2

▶ **LOCATION:** South side Kingston Pike, east of Essex Dr.

▶ **APPX. SIZE OF TRACT:** 0.15 acres

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Kingston Pike, a major arterial street with 4 lanes and a center turn lane within 95' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board

WATERSHED: Ten Mile Creek

▶ **PRESENT ZONING:** PC-1 (Retail and Office Park) / H-1 (Historic Overlay)

▶ **ZONING REQUESTED:** PC-1 (Retail and Office Park)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Commercial development

EXTENSION OF ZONE: Yes, extension of the conditioned PC-1 zoning from the east

HISTORY OF ZONING: The 100 acre plus property was rezoned conditional PC-1, O-1 and RP-1 in 2007 (5-D-07-RZ).

SURROUNDING LAND USE AND ZONING: North: Kingston Pike - Retail businesses / SC-3 (Regional Shopping Center)

South: Vacant land under development / PC-1 (Retail & Office Park) with conditions

East: Vacant land under development / PC-1 (Retail & Office Park) with conditions

West: Historice residence / PC-1 (Retail & Office Park) / H-1 (Historical Overlay)

NEIGHBORHOOD CONTEXT: This site is within the 100 acre plus Sherill property, which is currently under development, under conditioned PC-1, O-1 and RP-1 zoning. To the north is regional commercial development including Home Depot, zoned SC-3. To the west is residential development.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE PC-1 (Retail & Office Park) zoning with conditions as approved in 2007 for MPC file number 5-D-07-RZ (See attached case review).**

This request is needed to correct an inconsistency between the zoning boundary and the parcel boundary between the historic residential use to the west and future commercial development with the subject property and to the east. It removes the H-1 overlay from this small sliver of land.

COMMENTS:

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

1. The conditioned PC-1 zoning is compatible with the scale and intensity of the surrounding development and zoning. The conditions are listed in the attached case summary for MPC rezoning file number 5-D-07-RZ.
2. This small site is part of a parcel that is located within about 40 acres of conditioned PC-1 zoning.
3. This request is needed to correct an inconsistency between the zoning boundary and the parcel boundary between the residential use to the west and future commercial development on the subject property and to the east. It removes the H-1 overlay from this small sliver of land. The staff recommendation simply brings the parcel boundary and zoning boundary into consistency and uses the same conditioned PC-1 zoning that was approved in 2007.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The PC-1 (Retail & Office Park) zoning district is established to provide for the unified development of uses ranging from retail stores and services such as are found in neighborhood shopping centers and community shopping centers to businesses and professional offices. In the interest of promoting orderly design and development, the district regulations emphasize rational placement of activities, traffic and pedestrian circulation, access and parking, loading, landscaping and the mitigation of adverse off-site impacts.
2. Based on the above general intent, this area is appropriate for PC-1 zoning.

THE EFFECTS OF THE PROPOSAL:

1. Water and sewer utilities are in place to serve this site.
2. The proposal will have no impact on schools. The impact on the street system will depend on the type of commercial development proposed, but the site has access to a major arterial street.
3. A site plan will have to be submitted for MPC review prior to development on the subject property. As part of this review, staff will expect that some buffering/screening will be provided along the western property line of parcel 27.10. This will minimize the impact on any possible residential users of the still H-1 protected Kennedy-Baker home next door.

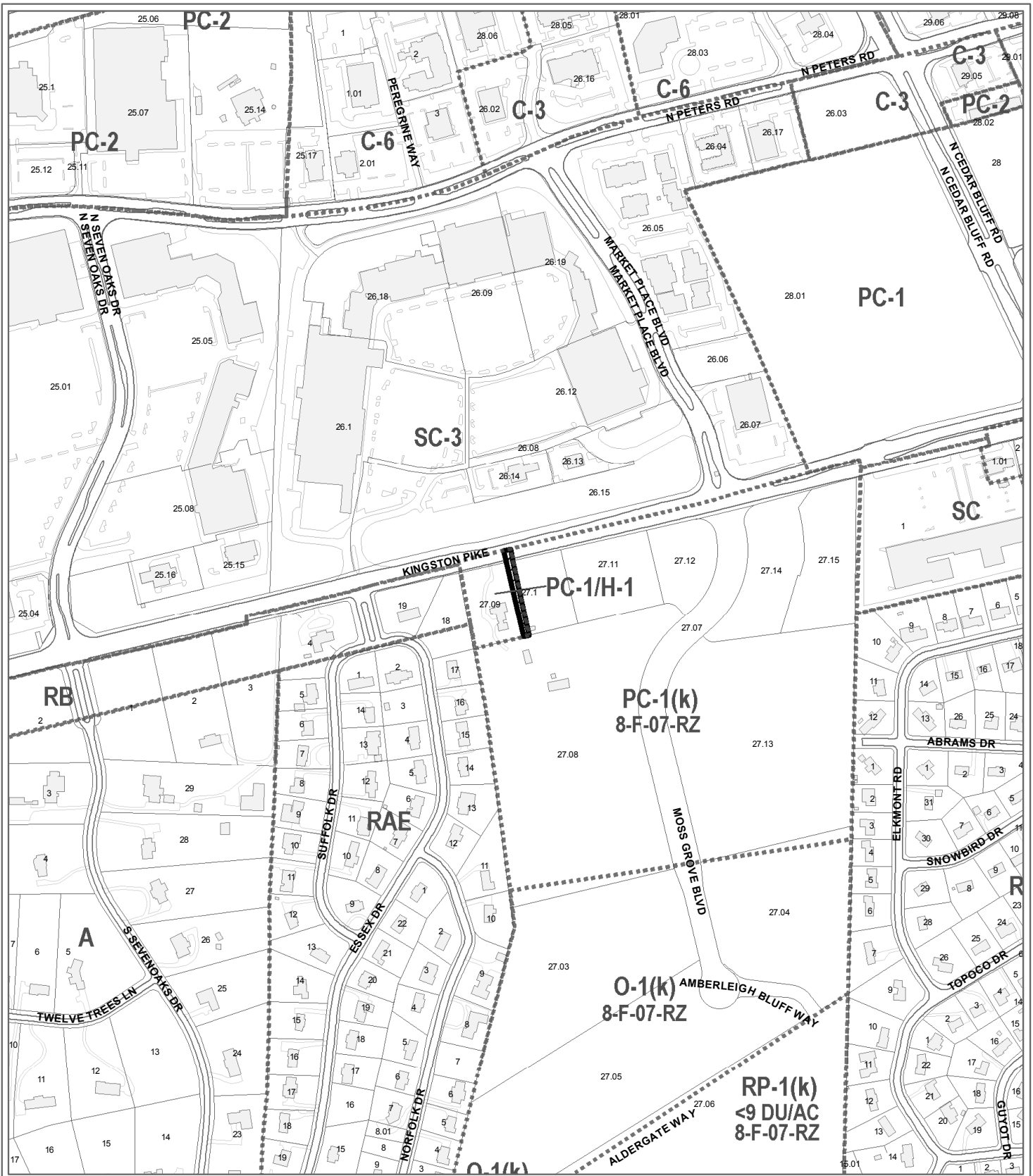
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Southwest County Sector Plan designates the area containing this site as a mixed use special district, eligible for PC-1 zoning.
2. The City of Knoxville One Year Plan designates the site for general commercial uses, consistent with the request.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 3/8/2011 and 3/22/2011. 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-E-11-RZ
REZONING**

From: PC-1 (Retail and Office Park) / H-1 (Historic Overlay)

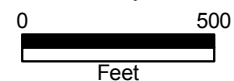
To: PC-1 (Retail and Office Park) (k) 8-F-07-RZ



Petitioner: Kingston Pike, LLC

Map No: 132

Jurisdiction: City



Original Print Date: 1/26/2011
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

CASE SUMMARY

APPLICATION TYPE: REZONING

KNOXVILLE · KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

File Number: 8-F-07-RZ **Related File Number:** 8-C-07-SP
Application Filed: 6/29/2007 **Date of Revision:**
Applicant: ANDREWS PROPERTIES, INC.

PROPERTY INFORMATION

General Location: South side Kingston Pike, south of Market Place Blvd., west of N. Cedar Bluff Rd.
Other Parcel Info.:
Tax ID Number: 132 027 OTHER: MAP ON FILE AT MPC **Jurisdiction:** City
Size of Tract: 104.93 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Residence
Surrounding Land Use:
Proposed Use: Mixed uses - Commercial (40 acres), offices, attached dwellings **Density:** 9 du/ac.
(apartments) and assisted living facility
Sector Plan: Southwest County **Sector Plan Designation:** Mixed Uses and Slope Protection Area
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context:

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 9320 Kingston Pike
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A-1 (General Agricultural)
Former Zoning:
Requested Zoning: PC-1 (Retail and Office Park), O-1 (Office, Medical & Related Services) & RP-1 (Planned Residential)
Previous Requests: 5-F-91-RZ (Annexation)
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category:
Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

MPC ACTION AND DISPOSITION

Planner In Charge:

Ken Pruitt

Staff Recomm. (Abbr.):

APPROVE PC-1 (Retail and Office Park) & H-1 zone (40 acres+-), O-1 (Office Medical and Related Services) (26 acres) and RP-1 (Planned Residential) at up to 8 du/ac on 39 acres south of the gas easement, subject to the following conditions:

Staff Recomm. (Full):

MPC staff recommended the following conditions for these rezonings, which were not included in the Planning Commission recommendation:

The PC-1 is subject to: 1) a transitional office area a minimum of 100' wide, including 20' of undisturbed area, adjacent to the residentially zoned project boundary, as depicted on the attached Land Conservation and Development Diagram, 2) providing at least 2 points of access to Kingston Pike; 3) preserving the Sherrill House under an H-1 (Historic Overlay) District, and 4) providing a pedestrian and bicycle access to surrounding development, and vehicle access to the adjacent SC zone.

The O-1 zoning is subject to: 1) two-story height limitation within 100 feet of the adjacent residential property, 2) screening of any parking area within 100 feet of adjacent residential lots, and 3) leaving a 50 foot undisturbed tree and landscape buffer plus a 25 foot building setback from the undisturbed buffer along the edge of the property.

The RP-1 zoning at up to 8 du/ac. (The applicant requested up to 9 du/ac.) with a 75 foot undisturbed tree and landscape buffer around the east, west, and south boundary of the site, and three story height limitation.

Both the PC-1 and RP-1 zones require MPC approval of a development plan prior to construction, and the O-1 zone requires MPC site plan approval for multi-family and other more intensive uses such as hotels and motels, assisted living facilities, colleges and churches. Additionally, a condition of the sector plan approval was the requirement for a comprehensive development plan for the entire site which would be expected to show a master development plan for the overall development that integrates and encourages easy vehicular and pedestrian-oriented access between the major land use activities of the site, including:

- a. A street profile and circulation plan (including sidewalks and greenways) with at least two connections to Kingston Pike;
- b. lighting plan;
- c. signage plan; and
- d. landscape and tree conservation plan (including slopes and buffers that are to be protected.)

On August 16, 2007 the Historic Zoning Commission approved the H-1 Historic Overlay for the Sherrill House property as shown on the attached map.

Comments:

Action:

Approved as Modified

Meeting Date: 8/9/2007

Details of Action:

Summary of Action:

PC-1 (Retail and Office Park) (40 acres+-), PC-1/H-1 (Historic Overlay), including the Design Guidelines, O-1 (Office Medical and Related Services) (26 acres) and RP-1 (Planned Residential) at up to 8 du/ac on 39 acres south of the gas easement

Date of Approval:

8/9/2007

Date of Denial:

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: Action Appealed?:

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 9/11/2007

Ordinance Number:

Disposition of Case: Approved as Modified

If "Other":

Amendments:

Date of Legislative Appeal:

Date of Legislative Action, Second Reading: 9/25/2007

Other Ordinance Number References:

Disposition of Case, Second Reading: Approved as Modified

If "Other":

Amendments:

Conditions added on 75 feet setbacks and 50 ft. undisturbed areas, density 9 du/ac, no two story buildings 100 feet from boundary in O-1.

Effective Date of Ordinance: