

KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION REZONING REPORT

► FILE #: 8-J-12-RZ (REVI	ED)	AGENDA ITEM #: 20
POSTPONEMENT(S):	8/9/12-11/8/12	AGENDA DATE: 12/13/2012
APPLICANT:	KINGSTON PIKE, LLC	
OWNER(S):	Kingston Pike, LLC	
TAX ID NUMBER:	132 PT OF 02709 MAP ON FILE AT MPC	
JURISDICTION:	City Council District 2	
► LOCATION:	South side Kingston Pike, west of Moss Grove Blvd.	
APPX. SIZE OF TRACT:	1.51 acres	
SECTOR PLAN:	Southwest County	
GROWTH POLICY PLAN:	Urban Growth Area (Inside City Li	mits)
ACCESSIBILITY:	Access is via Kingston Pike, a ma turn lane within 95' of right-of-way	jor arterial street with 4 lanes and a center
UTILITIES:	Water Source: Knoxville Utilitie	es Board
	Sewer Source: Knoxville Utilitie	es Board
WATERSHED:	Sinking Creek and Ten Mile Creek	K
PRESENT ZONING:	PC-1 (Retail and Office Park) / H	-1 (Historic Overlay) with conditions
ZONING REQUESTED:	PC-1 (Retail and Office Park) with modified conditions	
EXISTING LAND USE:	Vacant residential structure	
PROPOSED USE:	Conversion of historic Sherrill house to office use.	
EXTENSION OF ZONE:	Yes, extension of PC-1 from the east	
HISTORY OF ZONING:	H-1 overlay area was previously re	educed in 2011 (2-E-11-RZ).
SURROUNDING LAND USE AND ZONING:	North: Kingston Pike - Retail bus Center)	sinesses / SC-3 (Regional Shopping
	South: Vacant land under develo	opment / PC-1 (Retail & Office Park) with
	East: Vacant land under develo	opment / PC-1 (Retail & Office Park) with
	West: Historic residence / PC-1 Overlay)	(Retail & Office Park) / H-1 (Historical
NEIGHBORHOOD CONTEXT:	developed under conditioned PC-	s Sherrill property, which is currently being 1, O-1 and RP-1 zoning. To the north is including Home Depot, zoned SC-3. To

STAFF RECOMMENDATION:

RECOMMEND that City Council APPROVE the reduction of the H-1 (Historical Overlay) on the subject property, subject to 2 conditions;

1. The property shall be developed in accordance with the attached conceptual plan. No direct access to Kingston Pike shall be permitted from this site. Further details will be addressed by MPC as part of the required use on review development plan consideration.

2. The PC-1 condition requiring a 50 foot undisturbed area adjacent to residential uses shall be modified to allow parking spaces in that area, as per the attached development plan. This modification only applies within

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the subject parcel 27.09.

As long as the property is developed in accordance with the attached plan, staff is comfortable with the proposed reduction in the H-1 overlay. The Historic Zoning Commission approved the reduction in the H-1 overlay at their meeting on 11/15/12, noting that the proposed plans meet the 2 conditions they placed on the property. They are as follows: 1. Provide sufficient buffer for landscaping around the house and 2. Maintain an unobstructed view of the front of the house. A proposed site plan is attached, showing the current and proposed lot lines and H-1 boundary, the detention basin location, and the location of the proposed commercia structures to the east. The previously approved PC-1 zoning for the overall site included a condition that an H-1 overlay must be placed over the historic structure.

COMMENTS:

This request is proposed to align the zoning line with the proposed new lot line between the historic structure and future commercial development to the east. It would remove the H-1 overlay from the proposed sliver of land to the north and east of the historic structure. An administrative plat (6-E-12) has been filed with MPC to reduce the lot size for parcel 027.09, on which the historic structure is located. As of the date of this report, this plat has been reviewed but has not yet been recorded. The H-1 overlay area was previously reduced in 2011 (2-E-11-RZ). The historic house is currently unoccupied and has not been adequately maintained by the current owner. A new owner has been proposed to redevelop the house for office use. The attached plans were submitted by the new owner and are acceptable to staff in concept. However, the development plan will have to be approved by MPC as a use on review before improvements and office use may proceed.

NEW INFORMATION SINCE THE OCTOBER 11 MEETING

This rezoning proposal includes a request to revise the current conditions that are attached to the PC-1 zoning. This need has been identified because there is a proposal to locate some parking spaces within the undisturbed 50-foot buffer along the west side of the property. There is a proposal for a local developer to purchase and take control of the parcel with the historic Sherill house and convert it into an office use. MPC staff has met with the developer numerous times, and a conceptual site plan (attached) has been submitted, based on our discussions. In previous meetings to date, staff has generally been satisfied with the developer's proposed plans for the property and fully supports restoration and reuse of the historic Sherill house. Based or the plan submitted and the HZC decision on 11/15/12, staff is now comfortable changing the previous denial recommendation to approval. The attached site plan, as submitted, is acceptable to address the staff's previous concerns with the proposal. Staff is now recommending approval of the reduction of the H-1 overlay, as well as the modification of the condition requiring a 50-foot undisturbed buffer, as requested.

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. As proposed on the attached site plan, the further reduction of the protective H-1 overlay is acceptable to allow for the house to be restored and converted for office use.

2. Approval of this request will allow the rear, utility side of commercial buildings to be located in very close proximity to the historic house, but the impact is less with an office use of the house than it would be with residential use. A proposed shared-access driveway will provide some buffer from the adjacent commercial development.

3. A large portion of the area between the house and Kingston Pike is now in use as a detention basin for the adjacent commercial development. However, the applicant has provided a plan demonstrating that sufficient parking and access drives can be provided without impacting the detention basin.

4. This request is proposed to align the zoning boundary and the proposed parcel boundary between the residential use and future commercial development to the east. It would remove the H-1 overlay from this sliver of land. Staff recommends approval of the reduction and revision of the PC-1 conditions that were approved in 2007 (8-F-07-RZ). The revision is to allow parking spaces within the required 50-foot undisturbed buffer area. The original MPC approval conditions for the overall development were as follows:

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.

City Council revised the conditions to require 75 feet building setbacks and 50 feet undisturbed areas along periphery, an RP-1 density of up to 9 du/ac, and no two story buildings within 100 feet from boundary in O-1.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE

AGENDATIENT#. 20 TILL#. 05-12-12 TILL#. 20-2		AGENDA ITEM #: 20	FILE #: 8-J-12-RZ	12/5/2012 08:37 PM	MICHAEL BRUSSEAU	PAGE #:	20-2
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APPLICABLE 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 with the reduced H-1 overlay.

Based on the above general intent, this area is appropriate for PC-120ning with the reduced H-1 overlay.
The H-1 (Historical Overlay) is intended to preserve and protect historic structures and areas which serve as visual reminders of the history and cultural heritage of the City of Knoxville, State of Tennessee and the United States of America. This district is also intended to assist in stabilizing and improving property values in historic areas by encouraging rehabilitation or new construction harmonious with the historic area. Through this district, historic structures and areas of sufficient historical or architectural significance are designated for public protection. It is the intent of this district to regulate the construction, repair, alteration, rehabilitation, relocation or demolition of any building or other structure which is located or proposed to be located in an H-1 overlay district, This district is not intended, however, to regulate the use of land, buildings or structures.
The H-1 overlay must include an adequate yard to provide the proper context for the historic structure and to allow adequate buffering from adjacent uses, especially non-residential ones. Staff is of the opinion that, as proposed on the attached plan, an adequate yard is provided with minimal visual obstruction from Kingston Pike to the front of the house.

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 proposal will have no impact on schools. The impact on the street system will depend on the type of development proposed, but the site has frontage on and indirect access to a major arterial street. 2. The PC-1 zone requires MPC review of a site plan prior to development. This will be required if the commercial development is proposed to be extended to the west toward the house beyond what has been previously approved. The site plan will need to show all aspects of the proposal that have not been approved or are not consistent with previously approved plans. 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 future users of the still H-1 protected Sherrill house.

3. Water and sewer utilities are in place to serve this 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. The Southwest County Sector Plan designates the area containing this site as a mixed use special district, eligible for PC-1 zoning.

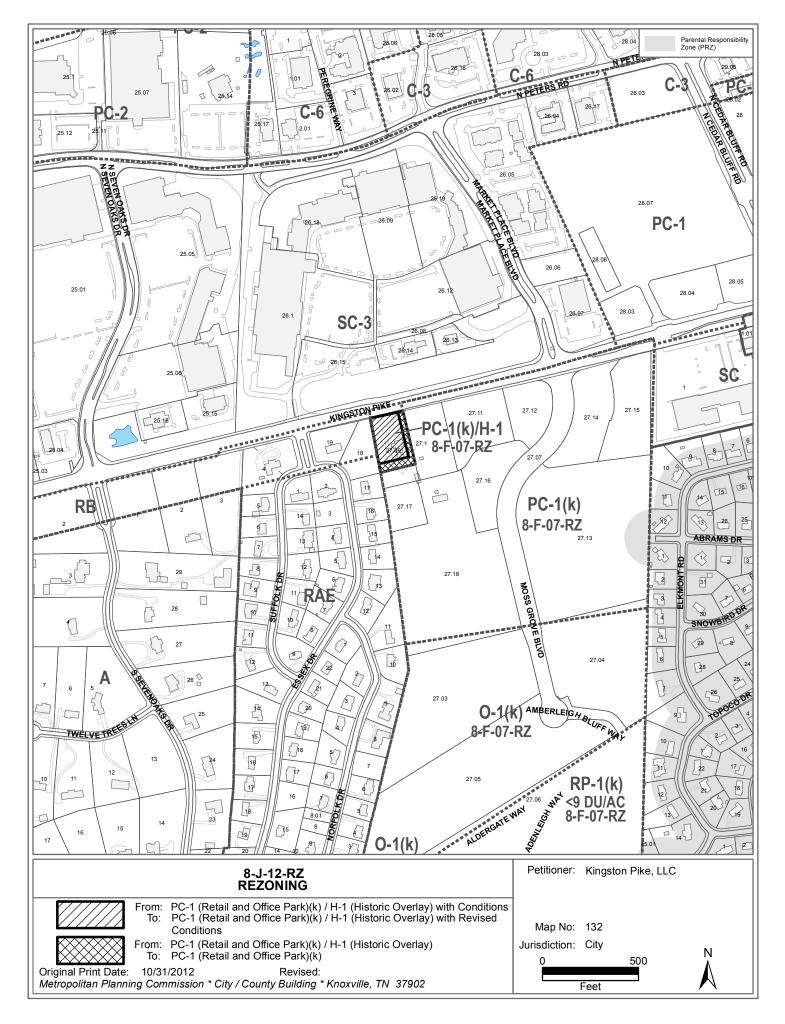
2. The City of Knoxville One Year Plan designates the site for general commercial uses, consistent with the request.

3. This proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not calculated.

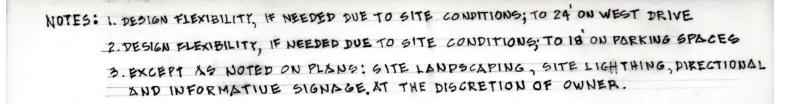
ESTIMATED STUDENT YIELD: Not applicable.

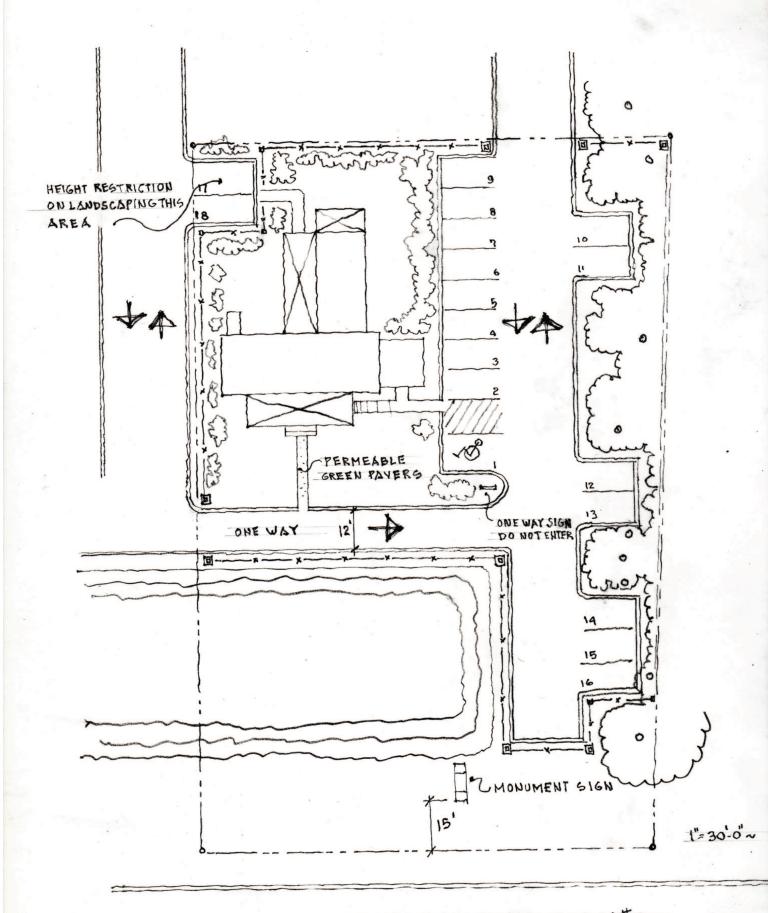
If approved, this item will be forwarded to Knoxville City Council for action on 1/8/2013 and 1/22/2013. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



MPC December 13, 2012

Agenda Item # 20





MPC December 13, 2012 INAL CONCEPTUAL SITE PLAAgenda Item # 20



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Fwd: MPC Meeting Information Update

1 message

Sarah Powell <sarah.powell@knoxmpc.org> To: "Mahan, Betty Jo" <bettyjo.mahan@knoxmpc.org> Thu, Nov 8, 2012 at 8:16 AM

------ Forwarded message ------From: John McCook <jmccook125@aol.com> Date: Wed, Nov 7, 2012 at 11:41 PM Subject: Re: MPC Meeting Information Update To: "sarah.powell@knoxmpc.org" <sarah.powell@knoxmpc.org>

The Sevenoaks Homeowners Association is in agreement with the plan presented by Mr. Bill Hodges last Friday, November 2, 2012 at the officer's meeting of the association. We agree to the postponement of the historic overlay request based on the condition that the approved plan be the one presented to the association. In the event that the developer represented by Mr. Arthur Seymour does not enter into the specific plan presented by Mr. hodges to us, then the association opposes the adjustment of the historic overlay and to any further postponement.

John E. McCook, President Sevenoaks Homeowners Association

Sent from my iPad

On Nov 5, 2012, at 11:35 AM, Knoxville-Knox County Metropolitan Planning Commission <mark.donaldson@knoxmpc.org> wrote:

Having trouble viewing this email? Click here

You are receiving this email because you signed up to be notified of updates to MPC meeting information.

You may unsubscribe if you no longer wish to receive our emails.

MPC Announcements banner

Information for the November 8, 2012 MPC meeting has been updated.

The <u>first round of updates to the Agenda Package</u> for the November 8, 2012 MPC meeting is now available on our website.

There will be a second posting on Wednesday afternoon and updates will continue as needed on Thursday morning. Follow the link above and choose "Additions, Changes, and Corrections to the Agenda Package." Quick Links

MPC Agenda Site Deadlines & Fees Meeting Location Tips for Attending Meeting Minutes Agenda Archive MPC website

Contact us

<u>Email</u> <u>Staff List</u> Commissioners

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Agenda Item # 20^{1/2}



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Sevenoaks Opposition to Agenda Item #30 for the MPC meeting 9/13/12

2 messages

TootieM125@aol.com <TootieM125@aol.com> To: bettyjo.mahan@knoxmpc.org Cc: TootieM125@aol.com Wed, Sep 12, 2012 at 3:09 PM

Ms. Mahan,

This email concerns Agenda Item #30, File # 8-J-12-RZ. I sent an email to all residents of Sevenoaks subdivision regarding the reduction of the H-1 historic overlay for the home on the Sherrill Hill property, which borders Sevenoaks subdivision. I asked that anyone who was not opposed to this reduction send me an email as the homeowners association's officers had voted on behalf of the association to **adamantly oppose** any reduction or removal of the historic overlay for this property. As of this time, not one homeowner has emailed me their lack of opposition. Every email I have received is in opposition to the removal or reduction of the historic overlay.

I request that this **opposition** of the Sevenoaks Homeowners Association, which would be directly affected by any reduction or removal of the historic overlay, be placed into the record for tomorrow's MPC meeting. I will be in attendance at the meeting. I appreciate your help in this matter.

John E. McCook, Ed.D. Pres. Sevenoaks HOA 125 Essex Drive Knoxville, TN 37922

Betty Jo Mahan <bettyjo.mahan@knoxmpc.org> Wed, Sep 12, 2012 at 3:11 PM To: Tom Brechko <tom.brechko@knoxmpc.org>, Buz Johnson <buz.johnson@knoxmpc.org>, Mark Donaldson
<mark.donaldson@knoxmpc.org>

[Quoted text hidden]

Betty Jo Mahan Administrative Assistant Metropolitan Planning Commmission (865) 215-2506

COUNCIL OF WEST KNOX COUNTY HOMEOWNERS, INC.

Representing Homeowners since 1971

Admiral's Landing Ashley Oaks Knoxville/Knox County MPC September 12, 2012 Belmont West **Bunker Hill** re: please DENY #30 Kingston Pike, LLC (8-J-12-RZ) Cedardale Charles Town Landing Cobblestone Park Crestline Dear MPC commissioners and staff, Crestwood Hills Farrington At the September 2012 meeting of the Council of West Knox County Homeowners, Foxfire members expressed great concern about the above agenda items, which has to do with Greywood Crossing removing H-1 zoning from much of the land that surrounds the Sherrill House. Gulf Park Civic Assoc. The neighborhoods of Sevenoaks, Statesvue, South Cedar Bluff, and Ashley Oaks, Gulfwood which are located in the Cedar Springs/Sherrill Hill area, have been promised for years Highgate that this historic property would be preserved. In fact, the original development of the **Highlands at Northshore** Sherrill Hill commercial property was granted with the conditions that the house and Karns Community Club its grounds would be preserved and would have H-1 historic zoning. **Kincer Farm** Lakeridge The Council of West Knox Homeowners asks the MPC keep its word to the Lovell Hills homeowners and taxpayers who have fought for years to preserve the Sherrill House. Lovell Road/Lovell View Please DENY the applicant's request for rezoning on item 8-J-12-RZ. Lyons Crossing Madison Ridge McKenzie Meadows Thank you, New Kensington Northshore Landing Mangot Kline **Plantation Springs** Seven Oaks East Seven Oaks West Margot Kline President, Council of West Knox County Homeowners Sherman Oaks Statesview Suburban Hills Tan Rara Oeste Trails End View Harbour Wayne Provence Westland – West Wesley Place Westshore Woods at Bluegrass Woods at West Valley Magnolia Pointe Officers: Directors: President: Margot Kline margotkline@gmail.com ecf8511@aol.com Chuck Fleischer Vice President: Sue Mauer 690-0269 (ph) 769-2503 (fax) Roger Giles rwgiles@yahoo.com Secretary: Judy Horn jmjh2010@gmail.com Tootie McCook Treasurer: Dave Rivoira drivoira@comcast.net

c/o Margot Kline

Jerry Erpenbach

Parliamentarian:

Erpenbach_j@bellsouth.net

John von Weisenstein

Tootiem125@aol.com jvonw@knology.net

8845 Ebenezer Oaks Lane Knoxville TN 37922 margotkline@gmail.com

MPC December 13, 2012 https://mail.google.com/mail/u/1/?ui=2&ik=c822ec2964&view=pt&search=inbox&th=139bc1952... 9/12/2

SP. MU-SD OYP. GC MU-SWCOL KHOXVILLE+KHOX COUNTY MENDMENT Kings ton Name of Applicant: METROPOLITAN JUL 3 2012 PLANNING _____ Meeting Date: ____ Date Filed: _ MEROPERATION COMMISSION LARNING COLUMNSIO Busseen TEN NEESSEE Application Accepted by: ____ Suite 403 + City County Building 400 Main Street Knoxville, Tennesses 37902 Fee Amount: \$ 2000 File Number: Rezoning 865+215+2500 FAX+215+2068 Fee Amount: File Number: Plan Amendment ... ww+knoxmpc+org **PROPERTY INFORMATION** PIPROPERTY OWNER OPTION HOLDER 9320 Kingston Pilke PLEASE PRINT Address: Kingston Pike, UC Name: ____ General Locallon: 350 Fert West of this intersection Company: do Raymond Hissins with Grow Blud. Address: 615-1 Powers Ferry Rd STR 650 Parcel ID Number(s) 132 02710 1.51 Tract Size:___ Undereloped Computeriel Fax: _____770 - 988 - 8103 Existing Land Use:____ Planning Sector: SW County ƕmall: _ Growth Policy Plan: Urban Grawth APPLICATION CORRESPONDENCE Census Tract: 67.03 All correspondence relating to this application should be sent to: 171 Traffic Zone: PLEASE PRINT 2 Jurisdiction: IZ City Council District Brad Salsbury Name: ____ Ø County Commission ____ District Company: Cannon + Cannon , Inc **Requested Change** Address: BSS Kings In Pile REZONING City: 14. xnille State: TN Zip: 37519 FROM: Telephone: 670-8555 PC - 1 670 - 8866 TO:_____ Fax: bsalsburg @ cannon-cannon.com PLAN AMENDMENT E-mail: _ One Year Plan D_____Sector Plan APPLICATION AUTHORIZATION I hereby certify that I am the authorized applicant, representing FROM: _____ ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form. Signature: 111195122, 146, 166, 166 TO: ___ Signature: KIII95192 10 sell PLEASE PRINT 13 V : FENL & UCCH **PROPOSED USE OF PROPERTY** Company: Kington, Like, Lh Commercial Development Kond, Sailo 690 Address: 6151 Hemens City: Allevito State: GA Ziv: 30339 Density Proposed _____ Units/Acre Previous Rezoning Requests: Telephone: 404-601-E-mail: rayaleg dinalow, com

Knoxville/Knox County Metropolitan Planning Commission Knoxville/Knox County Historic Zoning Commission

Certificate (File) No.:

Date Filed:

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

I (we) make application for a Certificate of Appropriateness for the plans and proposals described for the following property,

I. NAME OF APPLICANT: Raymond His	ssins / Kinsston Pike, LLC
Telephone: Atlan ta , 6A Relationship to Owner: 770-353-1	Ferry Rd, STR 630 30329 Pax: 770-988-8103 1780
2. NAME OF OWNER:	
Addross: Same as	Abone
Telephone:	Fax:
3. LOCATION OF PROPERTY (Address, Lot, and Address: 9320 Kingeton Pike Knoxville 37922 4. TYPE OF WORK: Level:	Parcol No.): Tax ID: 132 0270
WORK: copy of all informati Knorville/Knor Cou	pplication for additional information to be submitted with the application. A lon which is submitted with an application must be retained by the mty Historic Zoning Commission.)
KINGSI	y H-1 overlay from commercial property losal resubdivision.
Return application to: Knoxville/Knox Con	unty Historic Zoning Commission, inty Building, 400 Main Street,
I	FOR STAFF USE ONLY
Date Received Approved As Modifi	Approved led Date Acted

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