

▶ **FILE #:** 7-C-13-UR **AGENDA ITEM #:** 46
 POSTPONEMENT(S): 7/11/2013 **AGENDA DATE:** 8/8/2013
 ▶ **APPLICANT:** KNOX HERITAGE, INC.
 OWNER(S): Aslan Foundation

TAX ID NUMBER: 108 H B 025, 026 & 027
 JURISDICTION: City Council District 2
 ▶ **LOCATION:** Northwest side of Kingston Pike, northeast of Cherokee Blvd.
 ▶ **APPX. SIZE OF TRACT:** 4.54 acres
 SECTOR PLAN: Central City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ACCESSIBILITY: Access is via Kingston Pike, a major arterial street with a four lane / 40' pavement section within a required 88' right-of-way.
 UTILITIES: Water Source: Knoxville Utilities Board
 Sewer Source: Knoxville Utilities Board
 WATERSHED: Third Creek

▶ **ZONING:** R-1 (Low Density Residential)
 ▶ **EXISTING LAND USE:** Residences
 ▶ **PROPOSED USE:** Museum and non-profit preservation organization office.
 HISTORY OF ZONING: None noted
 SURROUNDING LAND USE AND ZONING: North: Third Creek Greenway Park / F-1 (Floodway) & OS-1 (Open Space Preservation)
 South: Residences / R-1 (Low Density Residential)
 East: Residences / R-1 (Low Density Residential)
 West: Laurel Church of Christ / R-1 (Low Density Residential)
 NEIGHBORHOOD CONTEXT: The proposed use is located in an area along Kingston Pike that includes a mix of residential and institutional uses developed under R-1 and RP-1 zoning.

STAFF RECOMMENDATION:

- ▶ **APPROVE the development plan for a museum and non-profit preservation organization office, subject to 4 conditions**
1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
 2. Obtaining approval from the Knoxville Board of Zoning Appeals for the parking variance.
 3. Recording the access and parking agreement between the Laurel Church of Christ and Knox Heritage which will include the changes outlined in the attached letter from the Laurel Church of Christ dated July 30, 2013.
 4. If the access and parking agreement between the Laurel Church of Christ and Knox Heritage is modified or revoked, Knox Heritage shall submit alternative plans for access and parking to the Planning Commission for

review and approval. Until such time as the alternative plans are approved and implemented, use of the museum and offices may be restricted.

With the conditions noted above, this request meets all requirements for approval in the R-1 zoning district, as well as other criteria for approval of a use on review.

COMMENTS:

The applicant is requesting a use on review approval to utilize the historic Westwood residence as a museum and offices for Knox Heritage which is a non-profit preservation organization. Knox Heritage is acquiring this historic property from the Aslan Foundation through a "Conditional Gift of Real Estate Agreement". This agreement includes conditions that limit the use of the site and any alterations to the site between the main house and Kingston Pike.

Traffic will access the site from the existing driveway entrance on Kingston Pike. A driveway connection will be made to the parking lot of the Laurel Church of Christ property to the west which will allow access to the signalized intersection on Kingston Pike at Cherokee Blvd. Traffic flow through the site will be one way which eliminates the need to alter the existing driveway entrance.

The applicant is finalizing an agreement with the Laurel Church of Christ regarding access through their property and use of the parking lot on the church property. The church parking lot will be used for the day-to-day parking needs for the museum and Knox Heritage offices and for special events that will occasionally be held at the Knox Heritage property. Knox Heritage is requesting a variance from the Knoxville Board of Zoning Appeals to reduce the required parking on site down to five spaces. Accessible parking spaces will be provided on site.

Since access and parking are dependent on the use of the Laurel Church of Christ property, staff is recommending a condition that alternative plans for access and parking will have to come back to the Planning Commission for review and approval.

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

1. The proposed museum and non-profit preservation organization office will have minimal impact on local services since all utilities are in place to serve this site.
2. The use of the church's access driveways and parking lot will improve traffic safety since the traffic will be able to leave the site at a signalized intersection.
3. The proposed use will have minimal impact on the residential neighborhood if operated within the recommended conditions outlined above.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. With the recommended conditions, the proposed use is consistent with all requirements for the R-1 zoning district, as well as other criteria for approval of a use on review.
2. With the recommended conditions, the proposed use 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 the One Year 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 site has access to a major arterial street.

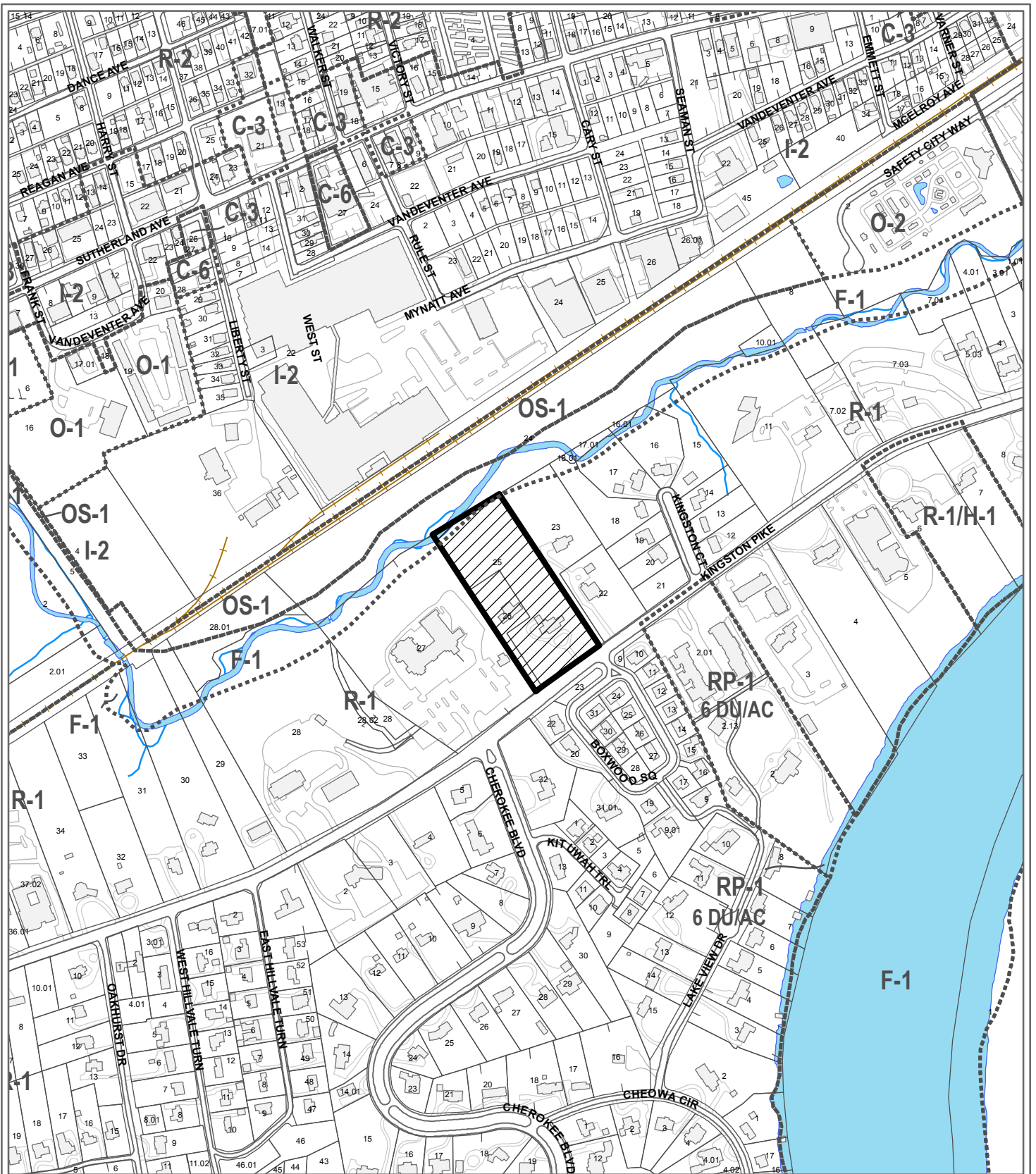
CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Central City Sector Plan and One Year Plan identify this property as low density residential use. The R-1 (Low Density Residential) zoning of the property permits consideration of the proposed use as a use on review.
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.

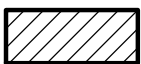
ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this 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. Appellants have 15 days to appeal an MPC decision in the City.



**7-C-13-UR
USE ON REVIEW**

Petitioner: Knox Heritage, Inc.



Museum and non-profit preservation organization office. in R-1 (Low Density Residential)

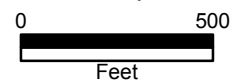
Map No: 108

Jurisdiction: City

Original Print Date: 6/27/2013

Revised:

Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



7-C-13-UR

Thomas Brechko AICP
Principal Planner – MPC
City of Knoxville TN

RE: WESTWOOD and KNOX HERITAGE Use on Review 7-C-13-UR
LICENSE AGREEMENT WITH KNOX HERITAGE

Dear Tom,

The Laurel Church of Christ is in receipt of your request by letter to Hollie Cook of July 19, 2013 for certain action regarding the License Agreement with our neighbor Knox Heritage. Our leadership group of elders has met and will incorporate the following into the final Agreement:

Under # 5 TERM – There are two proposed Time Changes to the License Agreement (5 page 4) (you may have not had both written in; MPC sees the parking and the single lane access as TWO distinct agreements) :

1. We agree to extend the 90 day notice on parking to 120 days.
2. We agree to extend the 90 day notice on the access driveway/connector to 12 months. (allows KH to make other arrangements including their site entrance changes).

Under # 1 GRANT OF ...LICENSES - Proposed Changes to the License Agreement (1 a and b page 1 and 2) regarding vehicles:

3. We are going to allow trucks (in addition to buses) (for example catering trucks) to drive thru (this is a critical key to MPC). Standard trucks may also park but these are delivery vehicles (not semis). The trucks that cannot park are semi trailers, RVS, multi-axles or heavy equipment (Knox Heritage has said however they are not allowing semis anyway).
4. New: On Page 2 Section 2: MPC requested add: KH is responsible for signage to direct pedestrian and vehicular traffic on the Laurel side.

This information is being prepared currently for incorporation into the License Agreement by our attorney.

We believe this should satisfy your concerns over the long term relationship we are proposing with Knox Heritage. Please feel free to contact me if you have further questions and we hope you recommend our project for approval.

Michael W. Buckley
7/30/13

Mike Buckley
Associate Minister & Elder
Laurel Church of Christ

