

# USE ON REVIEW REPORT

► **FILE #:** 9-D-19-UR

**AGENDA ITEM #:** 34

**AGENDA DATE:** 9/12/2019

► **APPLICANT:** KINGSTON PIKE LLC

OWNER(S): Kingston Pike, LLC

TAX ID NUMBER: 132 02717

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 0 Moss Grove Blvd.

► **LOCATION:** West side of Moss Grove Boulevard, south of Kingston Pike

► **APPX. SIZE OF TRACT:** 0.999 acres

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Urban Growth Area

ACCESSIBILITY: Access is via Moss Grove Blvd., a private Joint Permanent Easement with access out to Kingston Pike, a major arterial street with a four and five lane cross section within a required right-of-way of 100'.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Sinking Creek and Ten Mile Creek

► **ZONING:** PC-1 (Retail and Office Park) (k)

► **EXISTING LAND USE:** Vacant

► **PROPOSED USE:** 7,500 square feet of commercial (3,500 square foot addition)

HISTORY OF ZONING: Rezoning to PC-1 (k) (Retail and Office Park) was approved by Knoxville City Council on 9/25/07.

SURROUNDING LAND USE AND ZONING: North: Office and retail businesses - PC-1 (Retail and Office Park) (k)

South: Retail business - PC-1 (Retail and Office Park) (k)

East: Office and retail businesses - PC-1 (Retail and Office Park) (k)

West: Residences - RAE (Exclusive Residential)

NEIGHBORHOOD CONTEXT: The Sherrill Hill Subdivision has residential development on three sides and commercial development to the north across Kingston Pike. Zoning in the area includes SC and SC-3 Shopping Center, RAE, PR and RB Residential.

## STAFF RECOMMENDATION:

► **APPROVE** the development plan for a retail building with up to 7,500 square feet subject to 7 conditions.

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance and conditions of the approved rezoning.

2. Meeting all applicable requirements of the approved Master Plan for the Sherrill Hill development (11-A-07-

PA).

3. Connection to sanitary sewer and meeting any other relevant requirements of the utility provider.
4. Installation of the sidewalks as identified on the development plan. Sidewalks shall meet all applicable requirements of the Americans with Disabilities Act (ADA) and the Knoxville Department of Engineering.
5. Installation of landscaping as shown on the development plan within six months of the issuance of occupancy permits for this project.
6. Meeting all applicable requirements of the Knoxville Department of Engineering.
7. Proposed signage for the commercial center is subject to approval by the City of Knoxville and Knoxville-Knox County Planning Staff.

With the conditions noted, this plan meets the requirements for approval of a use on review in the PC-1 District.

#### **COMMENTS:**

The applicant is proposing to build a commercial building with up to 7,500 square feet on a one acre site that is located on the west side of Moss Grove Blvd., the main entrance off of Kingston Pike into the Sherrill Hill development. Access to the site will be from a shared driveway off of Moss Grove Blvd. that parallels Kingston Pike and serves this site and the Kingston Pike frontage lots for the Sherrill Hill Development. This site was part of the Academy Sports retail store development approval that included two future retail stores with a total area of 12,000 square feet.

Approval was recently granted by the City of Knoxville for an 8,000 square foot building for a dentist office and an additional tenant space. With that approval, there was only 4,000 square feet remaining out of the original approval of 12,000 square for this site. The applicant has submitted this Use-on Review application to request approval of an additional 3,500 square feet of commercial space to allow a total of 7,500 square feet on this site.

This commercial site adjoins Seven Oaks Subdivision and is subject to the rezoning conditions that required "that there be a 75 foot "no build" area from the adjacent residentially zoned properties with 50 feet to be an undisturbed area.

With the increase of 3,500 square feet of commercial space for this site, the applicant was required to submit a Traffic Impact Letter (submitted by Cannon & Cannon, Inc on July 26, 2019) to evaluate the impact of the proposed development. It was determined that no additional traffic improvements would be required.

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

1. Public water and sewer utilities are available to serve the site.
2. The traffic impact study that had been prepared for the entire Sherrill Hill development recommended street improvements that have been implemented to address the traffic impacts of this development.
3. The impacts from this proposed commercial development on the residences that adjoin the Sherrill Hill development to the west will be reduced by the required 50 foot undisturbed buffer along that boundary line.

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

1. With the recommended conditions, the proposal meets all requirements of the PC-1 zoning as well as the general criteria for approval of a use on review.
2. The proposed retail stores with the recommended conditions are 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 Sector 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 additional traffic through residential areas since the development is located off an arterial street. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.

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

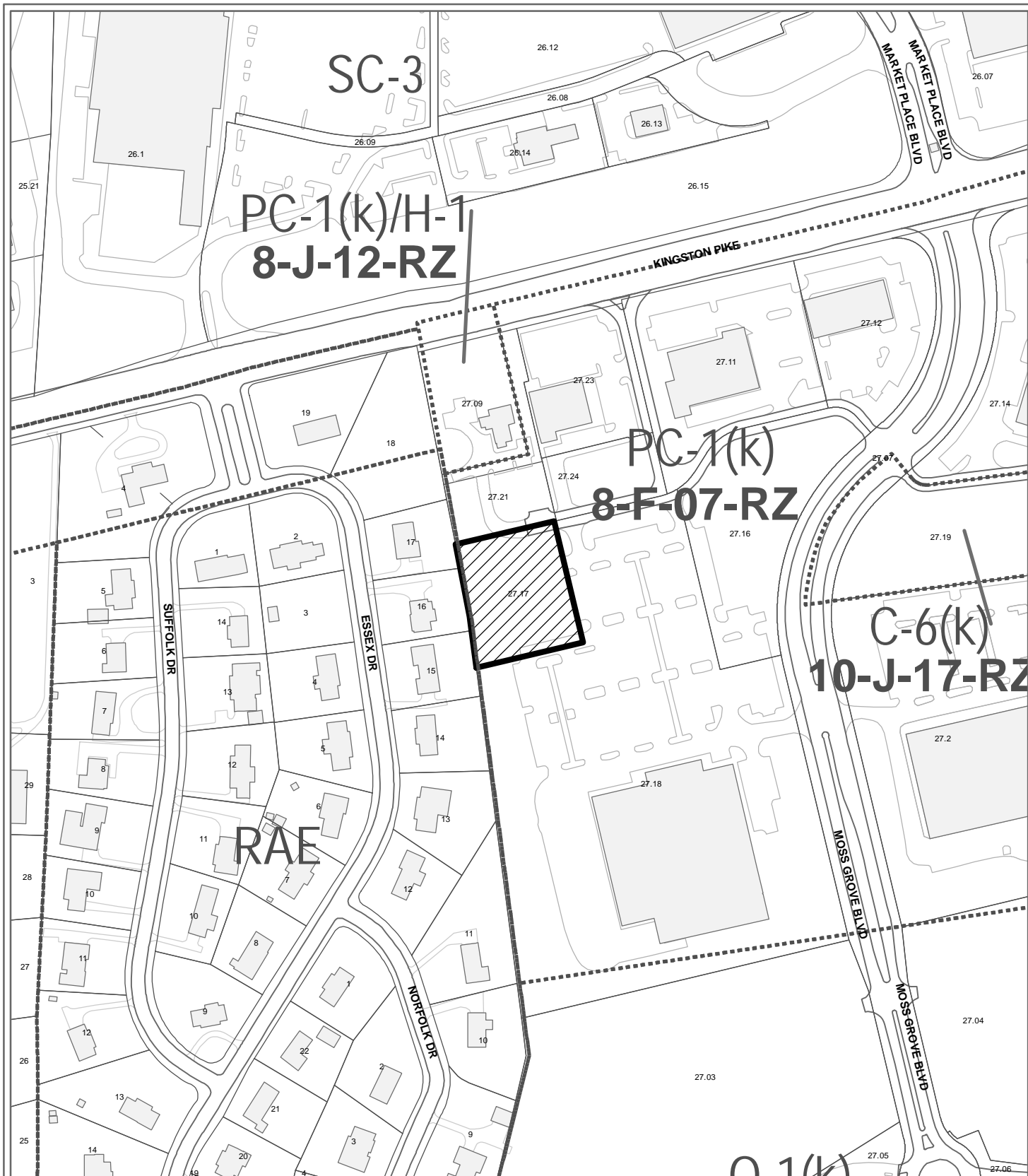
1. The Southwest County Sector Plan and One Year Plan identify this site for community commercial use. The development complies with both the Sector Plan and One Year Plan.
2. The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan

map.

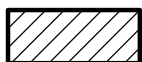
ESTIMATED TRAFFIC IMPACT: A traffic impact study was prepared by the applicant. The findings of that study were used in formulating the recommendations of this staff report.

ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission'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 a Planning Commission decision in the City.



**9-D-19-UR**  
**USE ON REVIEW**



7,500 square feet of commercial (3,500 square foot addition) in PC-1  
(Retail and Office Park) (k)

Original Print Date: 8/19/2019  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Revised:

Petitioner: Kingston Pike LLC

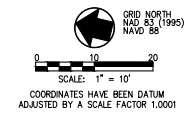
Map No: 132

Jurisdiction: City

0 250  
Feet







- | LANDSCAPING SUMMARY:   |         |
|--|---------|
| REQUIRED TREES<br>8 PER AC.<br>8 x 1.0 AC. =   | 8 TREES |
| PROVIDED:  |         |
| 9 TREES CAPABLE OF ATTAINING A HEIGHT > 50 FEET<br>(2 RED MAPLE, 2 SHUMARD OAK, 4 TULIP POPLAR AND<br>1 WILLOW OAK)  |         |
| TREES SHOWN FOR USE ON REVIEW ONLY. FINAL LANDSCAPE<br>PLAN TO BE DEVELOPED BY A LANDSCAPE ARCHITECT AND<br>SUBMITTED TO THE CITY OF KNOXVILLE FOR SITE PLAN<br>APPROVAL PRIOR TO A BUILDING PERMIT. CURRENTLY THERE<br>ARE EXISTING TREES ON-SITE THAT WILL BE RETAINED IN<br>THE 50' UNDISTURBED BUFFER AND ARE NOT ACCOUNTED<br>FOR ON THIS PLAN. |         |

**CANNON-CANNON INC.**  
CONCRETE/IRONWORK - FOLD FORMING  
- **ESTD 1955** - 1000 Superior Dr.  
- **ANN ARBOR, MI 48106**

PROJECT: **SHERILL HILL LOT 1R7**  
**USE ON REVIEW**  
MOSS GROVE BLVD  
KNOXVILLE, TN 37922

<p><b>USE ON REVIEW</b></p> <p><b>SUBMITTAL</b></p> <p><b>(9-D-19-UR)</b></p>	C&I PROJECT NO. 00771-0000	
	DRAWING DATE JULY 29, 2019	
	PN JRH	QC
	DRAWN LED	

**UOR1.02**



## DEVELOPMENT REQUEST



### DEVELOPMENT

- ☐ Development Plan  
☒ Use on Review / Special Use

### SUBDIVISION

- ☐ Concept Plan  
☐ Final Plat

### ZONING

- ☐ Plan Amendment  
☐ Rezoning

Kingston Pike, LLC

Applicant

7/26/19

September 12, 2019

(5-C-11-UR) 9-D-19-UR

Date Filed

Meeting Date (if applicable)

File Numbers(s)

## CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- ☒ Applicant ☐ Owner ☐ Option Holder ☐ Project Surveyor ☐ Engineer ☐ Architect/Landscape Architect

Ron L. Quigley, P.C.

Davis, Matthews & Quigley, P.C.

Name

Company

3400 Peachtree Road, N.E., Suite 1400

Atlanta

GA

30326

Address

City

State

Zip

404-601-2601

rquigley@dmqlaw.com

Phone

Email

## CURRENT PROPERTY INFO

Kingston Pike, LLC

3400 Peachtree Road, Ste 1400

404-601-2601

Owner Name (if different)

Owner Address

Owner Phone

⊕ Moss Grove Boulevard

132 02717

Property Address

Parcel ID

W/S Moss Grove Blvd  
South of Kingston PK  
In front of Academy behind the Historic House

0.999 ac.

General Location

Tract Size

City of Knoxville

PC-1 (k)

Jurisdiction (specify district above)

☒ City ☐ County

Zoning District

Southwest County

CC

Urban Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

Ag for Vac

N

FUD

FUD

Existing Land Use

Septic (Y/N)

Sewer Provider

Water Provider

Ja.



# REQUEST

DEVELOPMENT	<input type="checkbox"/> Development Plan <input checked="" type="checkbox"/> Use on Review / Special Use <input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential <input type="checkbox"/> Home Occupation (specify): _____ <input checked="" type="checkbox"/> Other (specify): <u>Update to the previously approved Use on Review 5-C-11-UR</u>		
SUBDIVISION	<input type="checkbox"/> Proposed Subdivision Name _____		Unit / Phase Number _____
	<input type="checkbox"/> Parcel Change <input type="checkbox"/> Combine Parcels <input type="checkbox"/> Divide Parcel    Total Number of Lots Created: _____ <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Attachments / Additional Requirements		
ZONING	<input type="checkbox"/> Zoning Change: _____ Proposed Zoning _____		
	<input type="checkbox"/> Plan Amendment Change: _____ Proposed Plan Designation(s) _____		
	<input type="checkbox"/> Proposed Property Use (specify) _____	Proposed Density (units/acre) _____	Previous Rezoning Requests _____
	<input type="checkbox"/> Other (specify): _____		

STAFF USE ONLY	<b>PLAT TYPE</b>	<b>FEE 1:</b>	<b>TOTAL:</b>
	<input type="checkbox"/> Administrative <input type="checkbox"/> Meeting <b>ATTACHMENTS</b> <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request <b>ADDITIONAL REQUIREMENTS</b> <input type="checkbox"/> Design Plan Certification ( <i>Final Plat only</i> ) <input type="checkbox"/> Use on Review / Special Use ( <i>Concept Plan only</i> ) <input type="checkbox"/> Traffic Impact Study	1500.00 <b>FEE 2:</b>  <b>FEE 3:</b>  1500.00	

## AUTHORIZATION

Sherry Michienzi    SHERRY MICHIEZI    7/29/19  
 Staff Signature    Please Print    Date  
 Kingston Pike, LLC

By: Janice L. Andrews    JANICE L. ANDREWS    JULY 23, 2019  
 Applicant Signature    Janice L. Andrews, Manager    Please Print    Date  
 MANAGER



