

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

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File Number: 8-J-12-RZ **Related File Number:**
Application Filed: 7/2/2012 **Date of Revision:** 8/19/2012
Applicant: KINGSTON PIKE, LLC

PROPERTY INFORMATION

General Location: South side Kingston Pike, west of Moss Grove Blvd.
Other Parcel Info.:
Tax ID Number: 132 PT OF 02709 OTHER: MAP ON FILE AT MPC **Jurisdiction:** City
Size of Tract: 1.51 acres
Accessibility: Access is via Kingston Pike, a major arterial street with 4 lanes and a center turn lane within 95' of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant residential structure
Surrounding Land Use:
Proposed Use: Conversion of historic Sherrill house to office use. **Density:**
Sector Plan: Southwest County **Sector Plan Designation:** MU-SD (MU-SWC01)
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: This site is within the 100 acre plus Sherrill property, which is currently being developed 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.

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: PC-1 (Retail and Office Park) / H-1 (Historic Overlay) with conditions
Former Zoning:
Requested Zoning: PC-1 (Retail and Office Park) with modified conditions
Previous Requests:
Extension of Zone: Yes, extension of PC-1 from the east
History of Zoning: H-1 overlay area was previously reduced in 2011 (2-E-11-RZ).

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: Michael Brusseau

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

Staff Recomm. (Full): 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.

The new conditions are:

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 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 commercial 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 on 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 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.
3. 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.
4. 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.

Action: Approved **Meeting Date:** 12/13/2012

Details of Action:

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 the subject parcel 27.09.

Summary of Action: PC-1 (Retail and Office Park) / H-1 (Historic Overlay), subject to 2 conditions for a portion and PC-1 with conditions for the remaining portion as necessary to reduce the Historic Overlay of the property

Date of Approval: 12/13/2012 **Date of Denial:** **Postponements:** 8/9/12-11/8/12

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 1/8/2013 **Date of Legislative Action, Second Reading:** 1/22/2013

Ordinance Number: **Other Ordinance Number References:**

Disposition of Case: Approved **Disposition of Case, Second Reading:** Approved

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**