

CASE SUMMARY

APPLICATION TYPE: SUBDIVISION CONCEPT PLAN

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-SE-09-C **Related File Number:** 8-J-09-UR
Application Filed: 7/6/2009 **Date of Revision:**
Applicant: KINGSTON PIKE, LLC

PROPERTY INFORMATION

General Location: South side of Kingston Pike, east and west side of Moss Grove Blvd.
Other Parcel Info.:
Tax ID Number: 132 027.01 & 027.02 **Jurisdiction:** City
Size of Tract: 36.48 acres
Accessibility: Access is via Kingston Pike, a major arterial street with a four and five lane cross section within a required right-of-way of 100' and Moss Grove Blvd., a private Joint Permanent Easement.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use: North: Shopping center / SC-3 (Regional Shopping Center)
South: Vacant land / O-1(k) (Office, Medical, and Related Services) with conditions
East: Residences and shopping center / RB (General Residential) & SC (Shopping Center)
West: Residences / RAE (Exclusive Residential) & RB (General Residential)
Proposed Use: Planned Commercial Subdivision **Density:**
Sector Plan: Southwest County **Sector Plan Designation:**
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context:

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

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PC-1 (k) (Retail and Office Park) & PC-1 (k) (Retail and Office Park) / H-1 (Historic Overlay)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name: Sherrill Hill

No. of Lots Proposed: 11 No. of Lots Approved: 11

Variances Requested: 1. Variance from the access requirements for lots to allow cross access easements as a legal access for the subdivision.

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

MPC ACTION AND DISPOSITION

Planner In Charge: Tom Brechko

Staff Recomm. (Abbr.): APPROVE variance 1 because restrictions on access to Kingston Pike restrict compliance with the Subdivision Regulations, and the proposed variance will not create a traffic hazard.

APPROVE the Concept Plan subject to 14 conditions:

- Staff Recomm. (Full):
1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
 2. Provision of street names which are consistent with the Uniform Street Naming and Addressing System within Knoxville (City Ord. 0-280-90) if required.
 3. Installation of the street improvements recommended in the Traffic Impact Study prepared by Cannon & Cannon, Inc. At the design plan stage of the subdivision, the applicant shall work with the Knoxville Engineering Division on the design, timing and implementation of the recommended street improvements.
 4. Installation of the sidewalks as designated on the concept plan and in compliance with the requirements of the City of Knoxville.
 5. Installation of the landscape plan designated for the boulevard as required by the Sherrill Hill Master Plan. Landscape plantings shall not interfere with sight distance for vehicles traveling on or entering the street.
 6. At the design plan stage of the subdivision, the applicant shall submit for review and approval by the Knoxville Department of Engineering the design details for the access that will be located within the access easements to provide legal access to all lots.
 7. Meeting all applicable requirements of the Knoxville Department of Engineering.
 8. Obtaining a street connection permit from the Tennessee Department of Transportation (TDOT).
 9. Placing a note on the final plat that all lots will have access only to the internal street system except for Lots 10 and 11 that will be allowed the shared right-in/right-out curb-cut identified on the concept plan and as approved by TDOT.
 10. Clearly marking in the field the 50' undisturbed buffer area that adjoins the existing residential neighborhoods prior to any clearing or grading in the vicinity of the required buffer. The dripline for specimen trees that are located within the buffer shall also be protected as outlined in the approved master plan (11-B-07-OB).
 11. Revising the concept plan to extend the access easement to Lot 14.
 12. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
 13. Recording protective covenants (meeting the requirements of the PC-1 (Planned Commercial) zoning district) for the subdivision along with the initial final plat based on this concept.
 14. A final plat application based on this concept plan will not be accepted for review by the MPC until certification of design plan approval has been submitted to the MPC staff and documentation has been provided that the driveways located within the access easements that serve the lots have been installed in compliance with the approved design plan.

Comments: The applicant is proposing to subdivide lots 1 and 2 of the recorded subdivision creating a total of 11 lots within the commercial portion of the Sherrill Hill development. The area included in this resubdivision totals 36.48 acres. The lots range in size from 1.09 acres to 11.6 acres. The original concept plan was approved by the Planning Commission on November 8, 2007.

Access to the subdivision is provided by Moss Grove Blvd., a private joint permanent easement. All lots will have access only to the internal street and driveway system except for Lots 10 and 11 that will be allowed the shared right-in/right-out curb-cut identified on the concept plan and as approved by TDOT.

Under the Minimum Subdivision Regulations all lots must have 25' of frontage on a public street or be served by an exclusive or joint permanent easement. The applicant is requesting a variance from that requirement to allow some of the lots to be served access easements that will function as permanent cross access easements that will be amended as sites are developed and additional driveways (and parking) are incorporated. To guarantee that all lots will have completed driveways for access, Staff is recommending that prior to submitting a final plat based on this concept plan, documentation shall be provided to Staff that the driveways located within the access easements that serve the lots have been installed in compliance with the approved design plan.

Action: Approved as Modified

Meeting Date: 8/13/2009

Details of Action:

1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
2. Provision of street names which are consistent with the Uniform Street Naming and Addressing System within Knoxville (City Ord. 0-280-90) if required.
3. Installation of the street improvements recommended in the Traffic Impact Study prepared by Cannon & Cannon, Inc. At the design plan stage of the subdivision, the applicant shall work with the Knoxville Engineering Division on the design, timing and implementation of the recommended street improvements.
4. Installation of the sidewalks as designated on the concept plan and in compliance with the requirements of the City of Knoxville.
5. Installation of the landscape plan designated for the boulevard as required by the Sherrill Hill Master Plan. Landscape plantings shall not interfere with sight distance for vehicles traveling on or entering the street.
6. At the design plan stage of the subdivision, the applicant shall submit for review and approval by the Knoxville Department of Engineering the design details for the access that will be located within the access easements to provide legal access to all lots.
7. Meeting all applicable requirements of the Knoxville Department of Engineering.
8. Obtaining a street connection permit from the Tennessee Department of Transportation (TDOT).
9. Placing a note on the final plat that all lots will have access only to the internal street system except for Lots 10 and 11 that will be allowed the shared right-in/right-out curb-cut identified on the concept plan and as approved by TDOT.
10. Clearly marking in the field the 50' undisturbed buffer area that adjoins the existing residential neighborhoods prior to any clearing or grading in the vicinity of the required buffer. The dripline for specimen trees that are located within the buffer shall also be protected as outlined in the approved master plan (11-B-07-OB).
11. Revising the concept plan to extend the access easement to Lot 14.
12. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
13. Recording protective covenants (meeting the requirements of the PC-1 (Planned Commercial) zoning district) for the subdivision along with the initial final plat based on this concept.
14. A final plat application based on this concept plan will not be accepted for review by the MPC until certification of design plan approval has been submitted to the MPC staff and documentation has been provided that the driveways located within the access easements that serve the lots have been installed in compliance with the approved design plan or a bond approved by the City of Knoxville has been posted with the City Engineering Department. (As amended by MPC 8-13-2009)

Summary of Action:

APPROVE variance 1 because restrictions on access to Kingston Pike restrict compliance with the Subdivision Regulations, and the proposed variance will not create a traffic hazard.
APPROVE the Concept Plan subject to 14 conditions:

Date of Approval:

8/13/2009

Date of Denial:

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Knox County Chancery Court

Date of Legislative Action:

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case:

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: