

▶ **FILE #:** 8-J-12-RZ

**AGENDA ITEM #:** 30

**AGENDA DATE:** 8/9/2012

▶ **APPLICANT:** KINGSTON PIKE, LLC

OWNER(S): Kingston Pike, LLC

TAX ID NUMBER: 132 PT OF 02709 & 02710 MAP ON FILE AT MPC

JURISDICTION: City Council District 2

▶ **LOCATION:** South side Kingston Pike, west of Moss Grove Blvd.

▶ **APPX. SIZE OF TRACT:** 0.35 acres

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Kingston Pike, a major arterial street with 4 lanes and a center turn lane within 95' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Sinking Creek and Ten Mile Creek

▶ **PRESENT ZONING:** PC-1 (Retail and Office Park) / H-1 (Historic Overlay)

▶ **ZONING REQUESTED:** PC-1 (Retail and Office Park)

▶ **EXISTING LAND USE:** Vacant residence

▶ **PROPOSED USE:** Residence, office or commercial

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).

SURROUNDING LAND USE AND ZONING: North: Kingston Pike - Retail businesses / SC-3 (Regional Shopping Center)

South: Vacant land under development / PC-1 (Retail & Office Park) with conditions

East: Vacant land under development / PC-1 (Retail & Office Park) with conditions

West: Historic residence / PC-1 (Retail & Office Park) / H-1 (Historical Overlay)

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.

**STAFF RECOMMENDATION:**

▶ **DENY the reduction of the H-1 (Historical Overlay) on the subject property.**

The further reduction of this lot and the H-1 overlay on it is not warranted. If approved, it would make the lot size for the historic residential structure even smaller and less desirable and marketable for reuse, because it would allow adjacent commercial development to encroach to within 8 feet of the house. It also significantly reduces the area that would be available for required parking, if the house were to be reused for office or commercial use. 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, and the lot size/H-1 overlay should not be further reduced.

#### **COMMENTS:**

This request is proposed to align the zoning line with the proposed new lot line between the historic structure to the west 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 is being reviewed and has not 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.

The HZC (Historic Zoning Commission) is also required to consider this proposal. It is scheduled to be heard by HZC on August 16, 2012. MPC has the option to postpone a decision on this proposal until after HZC has considered it. HZC likely has a better understanding of the H-1 (Historic Overlay) issues surrounding the structure on the property. If postponed 30 days, this proposal would be placed on the September 13, 2012 MPC agenda, after being considered by HZC.

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. The proposed, further reduction of the protective H-1 overlay will allow inappropriate encroachment of adjacent commercial uses to within a distance of 8 feet away from the historic house on site.
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, potentially making the lot and house less desirable for future reuse.
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. Reduction of the lot size will significantly reduce the area available for required parking, if the house were to be reused for commercial or office use. As of the date of this report, the applicant has not presented any plans that show how a shared parking arrangement with the adjacent commercial parking area might function.
4. This request is proposed to align the zoning boundary and the proposed parcel boundary between the residential use to the west and future commercial development on the subject property and to the east. It would remove the H-1 overlay from this sliver of land. Staff recommends denial, but if MPC were to consider approval, staff recommends retaining the same conditions of the PC-1 zoning that were approved in 2007 (8-F-07-RZ). 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, but the H-1 overlay needs to be maintained to protect the context of the historic structure on site.
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.

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 directly to the west.
3. The further reduction of the lot and H-1 overlay area will allow further encroachment of commercial uses closer to the historic house, making it less desirable for future reuse. If approved, the proposed rezoning will have a negative impact on the future marketability of the house.
4. 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 9/4/2012 and 9/18/2012. 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.