

CASE SUMMARY

APPLICATION TYPE: TTCDA

BUILDING PERMIT



File Number: 1-A-22-TOB

Related File Number:

Application Filed: 11/29/2021

Date of Revision:

Applicant: BEN MULLINS

PROPERTY INFORMATION

General Location: East side of Lovell Rd, north of High Meadow Dr, east of Lovell Rd, south of Bob Gray Rd

Other Parcel Info.:

Tax ID Number: 118 SEE LIST WITH APPLICATION

Jurisdiction: County

Size of Tract: 7.77 acres

Accessibility: Access is via Lovell Road, a 5-lane minor arterial with a 58-ft pavement width inside a 95-ft right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land

Surrounding Land Use:

Proposed Use: Self-storage facility

Density:

Sector Plan: Northwest County

Sector Plan Designation: MU-SD, NWCO-4

Growth Policy Plan:

Neighborhood Context:

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

Street: multiple addresses; see list provided with application

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PC (Planned Commercial), RA (Low Density Residential) and TO (Technology Overlay)

Former Zoning:

Requested Zoning: N/A

Previous Requests:

Extension of Zone:

History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

WAIVERS AND VARIANCES REQUESTED

- Variations Requested:**
1. Waiver to allow a high number of retaining walls measuring over 900 linear feet (1.12.1.B).
 2. Waiver to allow a retaining wall between the building and the street (1.12.1.B).
 3. Waiver to allow an alternative retaining wall design without meeting the HP requirements (1.12.1.B).
 4. Waiver to allow new development on slopes in excess of 25% (1.12.4.1).
 5. Waiver to allow disturbance of slopes of 25% or greater (1.5.4 and 1.12.4.B), and to allow parking lot grading to occur on land with slopes of 25% or greater (1.12.C).
 6. Waiver to increase the maximum allowed GAC within HP areas from 17,000 square feet to 31,000 sq ft (1.12.2.B).
 7. Waiver to increase the allowed FAR within HP areas to 33.89% or waive the HP requirement (1.12.2.C).
 8. Waiver to allow the standard IAR in lieu of the IAR requirement in HP areas (1.12.2.D).
 9. Waiver to increase the allowable amount of area devoted to roadways and driveways from 50% to 71.82% (1.12.5.B).
 10. Waiver to increase the allowable footcandles to 1.8 fc within 20 ft of a residential zone (1.8.5.E).
 11. Waiver to increase the allowable footcandles to 1.9 fc within 20 ft of non-residential zoning other than PC (1.8.5.F).
 12. Waiver to reduce the number of parking spaces required to 92 spaces.

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

TTCDA ACTION AND DISPOSITION

Planner In Charge: Michelle Portier

Staff Recomm. (Abbr.):

Staff Recomm. (Full):

Staff recommends the following actions on the required waivers from the Design Guidelines:

- 1) Staff supports some of the waivers listed above, most of which are consistent with waivers the Board considers fairly regularly for other waiver requests. These waivers are:
 - a) Waiver 2 to allow a retaining wall between the building and the street (1.12.1.B)
 - b) Waiver 7 to increase the FAR by 3.89% since it is a minimal increase and since meeting this metric tends to facilitate plans that build outward versus up, and less land disturbance is preferred.
 - c) Waiver 10 to increase the allowable lighting levels to 1.8 footcandles (fc) since the photometric plan does not take into account the landscape buffer or the 8-ft high fence and the lighting levels at the lot line will be less than shown on the plans.
 - d) Waiver 11 to increase the allowable lighting levels to 1.9 for the same reason as stated above.
 - e) Waiver 12 to reduce the required parking spaces below that required by the TTCDA Guidelines, though staff recommends an even lower number than that proposed in the site plans. This will likely warrant further discussion by the board.

Staff does not support waivers 1, 3, 4, 5, 6, 8, or 9, and recommends denial of said waivers. These waiver requests will warrant further discussion at the meeting.

Staff recommends approval of this request for a Certificate of Appropriateness for a building permit, subject to ten conditions:

- 1) Approval of a final plat combining the properties prior to applying for permits.
- 2) Any mechanical equipment installed shall be screened to meet the requirements of the TTCDA. No mechanical equipment is currently shown on the plans.
- 3) Meeting all conditions of the Knox County Zoning Ordinance, specifically pertaining to Section 4.93, Standards for Self-Service Storage Facilities.
- 4) Meeting all other applicable conditions of the Knox County Zoning Ordinance.
- 5) Planting of additional evergreens to the landscaping along the right-of-way to provide screening during winter months.
- 6) Installation of all landscaping as shown on the development plan within six months of the issuance of an occupancy permit, or posting a bond with the Knox County Department of Engineering and Public Works to guarantee such installation.
- 7) Meeting the requirements of the Knox County Department of Engineering and Public Works.
- 8) Coming into compliance with Section 1.12 of the TTCDA Guidelines pertaining to the HP area.
- 9) Meeting other conditions as may be prescribed by the TTCDA.
- 10) Obtaining Planning Commission approval of the use on review case associated with this request (Case 1-C-22-UR).

Comments:

The applicant is requesting approval of a self-storage facility on Lovell Road in the PC (Planned Commercial) / TO (Technology Overlay) zones. Per Section 5.33.13 of the Knox County Zoning Ordinance, applications in the PC zone require approval through the use on review process, and the

application is on the March 10, 2022 meeting agenda.

This item has been postponed since the January meeting as staff has attempted to help the applicant bring the plans into compliance with both the TTCDA Design Guidelines and the Knox County Zoning Ordinance. As noted in the staff report, the applicant has opted to seek waivers for several of the criteria.

Proposal Description:

- 1) Site Acreage. According to KGIS, the site is 6.41 acres, and the slope analysis and all calculations are based on that acreage. The application states that there are 7.77 acres, so there is a discrepancy between the two measurements, though this does not affect the overall recommendation.
- 2) Multiple-Parcel Site. The site consists of several properties on the east side of Lovell Road south of Bob Gray Road. The properties would need to be platted and combined into one property since some of the proposed structures cross over property lines. The applicant has stated that a plat would be forthcoming; this would be required prior to permitting so that the setbacks would be met.
- 3) Overall Layout. The proposed plans include four buildings spread out over the property with drive lanes and parking placed along the perimeter and between the buildings. Buildings 1 and 2 are a combination of interior and exterior storage, while Buildings 3 and 4 are entirely exterior. Building 1 also houses the office. No floor plans have been provided for the building, so the size of the office is unknown. The size and number of storage units are also unknown at this time.
- 4) Access. Access is off of Lovell Road directly across from the access for the European Auto Garage facility. There is an existing driveway at this location, and the plans propose to utilize this access point.
- 5) Peripheral Boundary. A variance reducing the peripheral boundary along the Lovell Road frontage was approved by the Knox County Board of Zoning Appeals, and the 50-ft peripheral boundary at Lovell Road was reduced to 35-ft. The TTCDA's front setback is 20 feet when there is no parking proposed between the building and the street, so in this case, the 35-ft peripheral setback is larger, making it the applicable front setback requirement for the site.
- 6) Building Setbacks. Once the properties are combined, the proposal would meet all building setback requirements. The adjacent lots to the south and east are single-family residential, so a 100-ft setback is required along those property lines. The property to the north is zoned A (Agricultural) but is a vacant lot. For setback purposes, the County does not consider A zoned properties to be residential unless they contain a residential structure, so the standard 20-ft side setback applies here.
- 7) Parking Lot Setbacks. The Knox County zoning ordinance requires a 10-ft parking lot setback for when a parking lot abuts residential properties. This standard applies to the southern and eastern property lines.
- 8) Building Size. The proposed new buildings have a combined footprint of 31,000 sq ft in area. All buildings are two-story structures with a combined floor area of 62,000. In most cases, the buildings are built into the hills so that the second story is only accessible from one side of the building.
- 9) Hillside Protection Area. The site is in the Hillside and Ridgetop Protection Area (HP) and contains slopes within the 25%-40% range and slopes over 40%. The TTCDA has a set of guidelines for properties within the HP area.
- 10) Disturbable Area. The maximum disturbable area recommended by the slope analysis is 4.2 acres. The site plan proposes to disturb 4.18 acres.
- 11) Development Intensity Metrics. There are more stringent criteria for sites in HP areas with regard to the GAC, FAR, and IAR. The site plans incorrectly cite the standard measures under Section 1.3, Development Intensity. However, because the site is in the Hillside and Ridgetop Protection Area (HP), it must utilize the standards in the HP section of the Guidelines. They are asking for a waiver from the HP sections of the requirement, but the HP section is still the governing criteria until or unless a waiver is granted. The proposed plans currently exceed the development intensity metrics as noted below:
 - a) GAC. The maximum ground area coverage (GAC) for sites in HP areas is 5,000 sq ft / 2 acres (a ratio of 5.4%), which would equate to 17,050 sq ft on the 6.41 acre property. The proposed GAC is 31,000 sq ft, resulting in a 14.71% ratio. The proposal is an 80% increase over the GAC allowed in Hillside and Ridgetop Protection Areas.
 - b) FAR. Floor Area Ratio (FAR) in HP areas is a ratio of the building square footage to the disturbable area of the site (compared with the standard metric, which is the ratio of the building square footage to the total site). The proposed 62,000 building square footage yields a FAR of 33.89%, which exceeds the 30% maximum.
 - c) IAR. In HP areas, the proposed Impervious Area Ratio (IAR) is not to exceed 50% on slopes ranging from 15% to 25% (land disturbance is prohibited and land conservation is to be 100% retained on slopes over 25%). Since he is requesting waivers from the IAR and the slope conservation requirements, the applicant has not provided any statistics on development within any of the slope ranges over 25%, so staff cannot determine the proposed IAR ratio in the prescribed sloped areas. However, georeferencing the plans into the slope map demonstrates where buildings are proposed in slopes ranging from 15-25% (see exhibit A).
- 12) Slope Conservation. Land disturbance is prohibited in areas with a slope greater than 25%, as is grading for parking lots on land with natural slopes of 25% or greater. The georeferenced site plan on the slope map shows that parking lots and grading are proposed on land with slopes over 25%.
- 13) Use of Retaining Walls. The proposal features a high number of retaining walls. Site plans label 5

retaining walls, but each “wall” is actually a cluster of walls. There are 14 retaining walls in total, measuring over 900 linear feet in all. TTCDA Guidelines call for use of retaining walls to be minimized.

14) Retaining Wall Height. Several standards are in place for when retaining walls are to be constructed:

- a) Side yard height maximum: 6 ft
- b) Rear yard height maximum: 8 ft
- c) If greater height is required, 2 retaining walls shall be terraced with a minimum horizontal separation width of 4 ft and maximum separation horizontal width of 8 ft., with the maximum slope occurring between the separated walls having a ratio of 2:1. An alternative design may be approved if it is consistent with County Engineering requirements such that the amount of land disturbance does not exceed the maximum allowed under 12.4. The applicant has proposed an alternative design but has not met the requirements of 12.4 (pertaining to slope conservation, item 12 above), and a waiver would be required.

15) Retaining Walls between Buildings and Rights-of-Way. The Design Guidelines prohibit retaining walls in the front yard. The Guidelines make no distinction between retaining walls that are upslope or downslope from the right-of-way. However, staff believes the intent of this guideline is to prohibit walls that are upslope from a street, creating a blank wall along the street frontage. In this instance, the retaining wall is below the street and not visible from the street. The top of the building would be visible from this vantage point, but not the retaining wall. The site plan requires a waiver from this requirement, and staff supports approval of this waiver since it will not be visible from the street.

16) Drive Aisles. The site plan shows a number of drive aisles branching off toward the different buildings. This creates a situation where each building must have a drive aisle wide enough to accommodate moving truck maneuvers. Section 4.93.01.B of the ordinance states that “a minimum twenty-six (26) foot parking/driveway lane shall be provided adjacent to all buildings when the buildings open only to one side of the lane and a minimum thirty (30) foot lane when the buildings open to both sides of the lane.” This standard has been met. However, most self-storage facilities provide drive aisles that circle the buildings, increasing the ease of maneuverability. In this case, the truck turning templates show that almost all drive aisles and parking areas require a 3-point turn to turn around and get out of the site, which could be dangerous in situations where another party is loading or unloading nearby, since it is not probable that everyone driving these trucks on the site will be professional truck drivers. It is feasible to assume that not all drivers on the site will be used to the maneuverability of a moving truck.

17) Parking. Neither the Knox County Zoning Ordinance nor the TTCDA regulations address self-storage facilities with regard to the number of parking spaces required, so applicants must use the closest use to determine the minimum number of parking spaces needed. In this case, that is “All Other Required Uses” which requires a minimum of 2 parking spaces and allows a maximum of 3.5 spaces per 1,000 sq ft of gross floor area. The minimum number of parking spaces required under this category is 124 spaces; proposed parking consists of 92 spaces (the site layout plan says 127 spaces are provided, but this is not correct). The applicant requires a waiver from the minimum number parking spaces required by the TTCDA Guidelines. Since self-storage facilities do not generate a lot of traffic or parking and in that way are not an intense use, the facility would likely never have a full parking lot. It is staff’s opinion that following the TTCDA Guidelines in this instance would result in an overabundance of parking, so staff supports a waiver from the minimum requirement, though staff would like to see even fewer spaces. However, the parking is spread throughout the site, which lessens the visual impact of so many spaces.

18) RV Storage. There are several RV storage spaces adjacent to Building 3. The spaces are carport structures, with poles located at each corner. Loading doors face the RV parking. There is a 38-ft drive aisle here, which meets the Ordinance requirements and should provide enough space for a truck to bypass one that is stationary as it is loaded or unloaded.

19) Building Elevations. Elevations have been provided showing the typical façade for the outdoor storage units (buildings 3 and 4), which feature loading doors along the long facades. The short facades will be blank walls. Building 1 is to be an office and indoor storage. Building 2 is to be indoor storage units only. No elevations were provided for buildings 1 or 2; however, a photograph was submitted in lieu of the elevations. The applicant has stated the proposed structures would incorporate this same aesthetic with loading doors on the lower level of one side of the building accessed from one side with blank walls above, and loading doors on the opposite side of the building at a higher elevation. No floor plans have been provided, so it is not possible to see how the interior of the building would function, where the pedestrian or loading doors for the internal units are located, what they look like, or how many units are internal or external.

20) Building Materials. The building features metal siding walls with metal loading dock doors and a flat metal roof. Metal panels are discouraged within the TO zones, but not prohibited. Typically, this issue is mitigated through some type of screening along the façade with the metal panels, like taller trees and plantings in foundation landscape beds. Columnar landscaping along the building perimeter is not possible in this case due to the loading doors along the length of the facade. Staff requested additional landscaping along the front property line to visually screen view of the buildings from the street, and this was added to the plans. However, Building 3 is located at a higher elevation than the street, making that building’s façade a prominent feature of the site.

21) Fence. The Knox County Zoning Ordinance requires a minimum 6-ft tall opaque fence setback a minimum of 5 feet from residential properties (Section 4.93.01.F). This would apply to the southern and

eastern lot lines. The applicant is proposing an 8-ft high wooden stockade fence as shown in the fence detail on Sheet LP500, though the site plans themselves do not show the location of the fence line. Condition 3 requires for site plans to meet the requirements of Section 4.93 of the Knox County Zoning Ordinance pertaining to self-storage facilities, so the fence location can be finalized during the permitting phase.

22) Landscaping. The landscaping plans meet the TTCDA Guidelines. Staff requested supplementing the originally proposed landscape screening at the ROW with evergreen trees to screen the metal buildings and loading doors from the ROW during the winter months. The current proposal utilizes 20 deciduous trees and 5 evergreen trees along the 883-ft frontage. Staff recommends additional evergreen trees to provide more screening.

23) The proposed lighting plan consists of 37 light poles around the perimeter of the parking areas. All light poles meet the 20-ft height requirement and feature full-cutoff fixtures.

24) Lighting levels exceed the maximum footcandles (fc) allowed along shared lot lines with other zoning, and the lighting plans will require two waivers as described below. The applicant has stated that the photometric plan does not take the tree buffer or 8-ft wooden fence into account in the calculations. Therefore, the actual light level at the lot line will be less than what is shown on the plans, and staff supports approval of this waiver.

a) Waiver of Section 1.8.5(E) requirements to allow 1.8 fc within 20 ft of a residential zone (versus the 0.2 maximum allowed in the Guidelines).

b) Waiver of Section 1.8.5(F) requirements to allow 1.9 fc within 20 ft of non-residential zoning other than PC.

25) No signage is proposed at this time. Should signage be desired, it should be submitted in a separate application at a future time.

Hillside and Ridgetop Protection Development within TTCDA

The applicant has requested waivers from several of the Hillside and Ridgetop Development (HP) requirements. Staff believes that waivers of a relatively modest increase or decrease are more in keeping with the Guidelines and allow for flexibility in development. It is staff's opinion that waivers should not provide a means to bypass entire sections of the Guidelines unless there is a hardship present, the site has been previously graded, or the site is flat and not indicative of an HP area. Staff does not find that any of these conditions have been met. There is no hardship present. In a sense, the site plan proposes a sprawling complex of buildings, thereby creating a situation in which the HP Guidelines are difficult to meet. It is possible to develop the site for this use with a fair number of storage units and still meet the Guidelines. With regard to previous grading, a sliver of the site along Lovell Road was previously graded as part of the road widening project, but the bulk of the site was not touched and the slopes are naturally occurring.

The TTCDA Guidelines describe waivers (p.5) as follows: "The TTCDA may grant waivers when strict application would be infeasible..." Compliance is feasible in this instance.

The applicant has cited a case from 2017 for which a waiver from all HP requirements was approved. The staff report recommended approval of that waiver from the HP section of the Guidelines for the following reasons:

1. The site's varying topography
2. TDOT's plans for changes in access to Pellissippi Parkway
3. Existing development pattern
4. Larger-scale development that is permitted by the site's BP zoning

It is staff's position that an approval of this type without other extenuating circumstances should not be repeated. There is more precedent for following the TTCDA Guidelines than the cited decision waiving these requirements. As for naming a site's varying topography as a reason to waive the guidelines, staff believes this is a reason to adhere to the Guidelines – that slope protection is part of the purpose of the Guidelines.

Further, if consideration of the other 3 criteria were pivotal in the approval of the 2017 case, those issues are not present in this instance. For example, the existing development pattern is largely single family homes. And the site's PC (Planned Commercial) zone intent statement states the objective of the zone is to "achieve the highest quality site design, building arrangement, landscaping, and traffic circulation patterns possible." It is arguable whether the proposed plans meet this intent statement.

Mr. Mullins states that the primary focus of the HP regulations is protection of the viewshed. Staff respectfully disagrees with that statement. Section 12 of the TTCDA Guidelines pertains to hillside and slope development. This section of the Guidelines state, "Portions of the Technology corridor are characterized by moderate to steep slopes which present challenges for development in regard to public safety, environmental concerns and visual continuity. All development within or partially within hillside and ridgetop protection areas shall be subject to TTCDA approval." Visual continuity, one of the three prongs of the HP focus in TTCDA, when taken in the context of the quoted statement, refers to

dimensional site design and the quality of site design within the corridor more so than it does the protection of the viewshed.

The Guidelines go on to state that the hillside standards are meant to provide the “proper development guidance for such areas.” The purpose statement of the HP section acknowledges the challenges inherent in developing sloped land, and the criteria within this section have those challenges in mind. The criteria are meant to guide development in sloped areas and protect the subject property and surrounding properties.

Staff would argue that protection of the viewshed is a tertiary concern of the regulations and occupies a very small amount of the regulations within the Guidelines. The TTCDA Guidelines state (p. 5) “The purpose of these design guidelines is to shape future development and to ensure quality in the development process. By building on existing assets, the guidelines attempt to achieve functional, aesthetic, and visual unity, while maintaining individual user expression.”

The TTCDA standards for hillside areas are loosely based on the Hillside and Ridgetop Protection Area Plan of Knox County. The Hillside and Ridgetop Protection Plan cites “massive hillside scarring and significant forest loss” as factors contributing to the need to “analyze and create recommendations for development and protection” (p. 1). The plan addresses a myriad of issues including, but not limited to, erosion, reforestation, stormwater control, and water quality. Viewshed protection is a small component of the HP plan.

In the County, the plan is a recommendation, not a requirement. However, the TTCDA has a specific set of guidelines that pertain to development within the HP area, and compliance with these Guidelines is a requirement. The option of a waiver is available, but sufficient evidence of the need for a waiver has not been submitted to justify a waiver to the TTCDA HP standards for this application.

Action: Approved **Meeting Date:** 4/11/2022

Details of Action:

Staff recommends the following actions on the required waivers from the Design Guidelines:

- 1) Staff supports some of the waivers listed above, most of which are consistent with waivers the Board considers fairly regularly for other waiver requests. These waivers are:
 - a) Waiver 2 to allow a retaining wall between the building and the street (1.12.1.B)
 - b) Waiver 7 to increase the FAR by 3.89% since it is a minimal increase and since meeting this metric tends to facilitate plans that build outward versus up, and less land disturbance is preferred.
 - c) Waiver 10 to increase the allowable lighting levels to 1.8 footcandles (fc) since the photometric plan does not take into account the landscape buffer or the 8-ft high fence and the lighting levels at the lot line will be less than shown on the plans.
 - d) Waiver 11 to increase the allowable lighting levels to 1.9 for the same reason as stated above.
 - e) Waiver 12 to reduce the required parking spaces below that required by the TTCDA Guidelines, though staff recommends an even lower number than that proposed in the site plans. This will likely warrant further discussion by the board.

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- 4) Meeting all other applicable conditions of the Knox County Zoning Ordinance.
- 5) Planting of additional evergreens to the landscaping along the right-of-way to provide screening during winter months.
- 6) Installation of all landscaping as shown on the development plan within six months of the issuance of an occupancy permit, or posting a bond with the Knox County Department of Engineering and Public Works to guarantee such installation.
- 7) Meeting the requirements of the Knox County Department of Engineering and Public Works.
- 8) Coming into compliance with Section 1.12 of the TTCDA Guidelines pertaining to the HP area.
- 9) Meeting other conditions as may be prescribed by the TTCDA.
- 10) Obtaining Planning Commission approval of the use on review case associated with this request (Case 1-C-22-UR).

Summary of Action:

Date of Approval: 4/11/2022 **Date of Denial:** **Postponements:**
Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Date of Legislative Action:

Ordinance Number:

Disposition of Case:

If "Other":

Amendments:

Date of Legislative Appeal:

Date of Legislative Action, Second Reading:

Other Ordinance Number References:

Disposition of Case, Second Reading:

If "Other":

Amendments:

Effective Date of Ordinance: