# **CASE SUMMARY**

APPLICATION TYPE: USE ON REVIEW

File Number: 1-B-13-UR Related File Number:

Application Filed: 11/26/2012 Date of Revision:

Applicant: TOM WEISS



Suite 403 • City County Building 4 0 0 Main Street Knoxville, Tennessee 37902 8 6 5 • 2 1 5 • 2 5 0 0 F A X • 2 1 5 • 2 0 6 8 w w w • k n o x m p c • o r g

### PROPERTY INFORMATION

General Location: Northwest side of Middlebrook Pk., west of Old Weisgarber Rd.

Other Parcel Info.:

Tax ID Number: 106 D A 00811 & PT. 00817 Jurisdiction: City

Size of Tract: 1.64 acres

Accessibility: Access is via Middlebrook Pk., a divided four lane arterial street.

### **GENERAL LAND USE INFORMATION**

Existing Land Use: Office

**Surrounding Land Use:** 

Proposed Use: Revised site plan (access) Density:

Sector Plan: Northwest County Sector Plan Designation: C (Commercial)

Growth Policy Plan: Urban Growth Area (Inside City Limits)

Neighborhood Context: Development in the area consists of professional offices, the main post office and a stable. Zoning in

the area is PC-1 commercial and O-1 and O-3 office.

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

Street: 6341 Middlebrook Pike

Location:

**Proposed Street Name:** 

**Department-Utility Report:** 

Reason:

## ZONING INFORMATION (where applicable)

Current Zoning: PC-1 (Retail and Office Park), PC-1/H-1 (Historic Overlay) & O-3 (Office Park District)

Former Zoning:

Requested Zoning:

**Previous Requests:** 

**Extension of Zone:** 

**History of Zoning:** The property was zoned PC-1 in 2000 with the H-1 overlay added in 2001. A use on review was

approved for access and parking at this site in 2010

#### PLAN INFORMATION (where applicable)

**Current Plan Category:** 

**Requested Plan Category:** 

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### 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:

Dan Kelly

Staff Recomm. (Abbr.):

APPROVE the request for a revised driveway location as shown on the site plan subject to 6 conditions

Staff Recomm. (Full):

- 1. Meeting all applicable requirements of the Knoxville Zoning Ordinance
- 2. Providing a minimum 450 ft. of sight distance from the driveway looking in each direction on Middlebrook Pk.
- 3. Closure of the existing driveway that is located to the east of the proposed driveway
- 4. Constructing a 5 foot wide sidewalk with a 2 foot wide planting strip along the frontage of the applicant's property (106DA00811)
- 5. Meeting all other applicable requirements of the City of Knoxville Engineering Dept.
- 6. A revised site plan reflecting the conditions of approval must be submitted to MPC staff for certification prior to issuance of a land development permit.

With the conditions noted, the plan meets the requirements of the PC-1 zone and the other criteria for approval of a use on review.

Comments:

In the past this applicant has renovated the existing historic structure on this site. At this time he is proposing to construct a new driveway that will permit the commercial occupancy of this structure. Historically, this site has been occupied as a dwelling. The current driveway was constructed to meet the needs of a dwelling. Now that the building is being used for an office/commercial use the applicant desires to relocate the driveway to a location where there is a median cut in Middlebrook Pk. If this new driveway is approved, the existing driveway will need to be closed.

In addition to recommending approval of the new driveway, the City Engineering and MPC staff are requesting the applicant construct a five foot wide sidewalk with a two foot wide planting strip along the frontage of his property. At the present time a sidewalk is in place from Procter St.. to just east of this site. Then the sidewalk picks up again just west of the proposed driveway and continues past Piney Grove Church Rd. This is over five miles of existing sidewalk that is only interrupted by a break across this applicant's site and two other properties.

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

- 1. Public water and sewer utilities are in place to serve the site.
- 2. The proposal driveway is needed in order to safely serve the office/ commercial occupancy. The development of the driveway will have minimal impact on surrounding property because the driveway is to located at an existing curb/median cut in Middlebrook Pk.

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

- 1. The proposed driveway is consistent with all relevant requirements of the PC-1 zoning district, as well as all other criteria for approval of a use on review.
- 2. The proposed development is consistent with the general standards for uses permitted on review: The proposed development 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.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest City Sector Plan proposes commercial uses for the site, which is consistent with the

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proposed use of this site.

2. The City of Knoxville One Year Plan proposes general commercial uses.

Action: Approved Meeting Date: 1/10/2013

**Details of Action:**1. Meeting all applicable requirements of the Knoxville Zoning Ordinance

2. Providing a minimum 450 ft. of sight distance from the driveway looking in each direction on

Middlebrook Pk.

3. Closure of the existing driveway that is located to the east of the proposed driveway

4. Constructing a 5 foot wide sidewalk with a 2 foot wide planting strip along the frontage of the applicant's property (106DA00811). This shall occur when there is future development of the applicant's adjacent property. (Timing as to when this is added by MPC 1-10-2013)

Meeting all other applicable requirements of the City of Knoxville Engineering Dept.

6. A revised site plan reflecting the conditions of approval must be submitted to MPC staff for

certification prior to issuance of a land development permit.

With the conditions noted, the plan meets the requirements of the PC-1 zone and the other criteria for

approval of a use on review.

**Summary of Action:** APPROVE the request for a revised driveway location as shown on the site plan subject to 6 conditions

Date of Approval: 1/10/2013 Date of Denial: Postponements:

Date of Withdrawal: Withdrawn prior to publication?: 

Action Appealed?:

### LEGISLATIVE ACTION AND DISPOSITION

Date of Legislative Action, Second Reading:
Other Ordinance Number References:
Disposition of Case, Second Reading:

If "Other":

Legislative Body:

Amendments: Amendments:

Knoxville City Council

Date of Legislative Appeal: Effective Date of Ordinance:

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