

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW

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: 1-K-17-UR Related File Number:
Application Filed: 11/29/2016 Date of Revision:
Applicant: LKM PROPERTIES, LP

PROPERTY INFORMATION

General Location: South side of Clinton Hwy., Southeast side of W. Emory Rd.
Other Parcel Info.:
Tax ID Number: 67 00901, 00902PT. OTHER: 067-00903PT. Jurisdiction: County
Size of Tract: 16.73 acres
Accessibility: Access is via Clinton Hwy. and W. Emory Rd. which are both classified as major arterial streets. Clinton Hwy. is a four lane median divided road. W. Emory Rd. is a two lane facility with a pavement width of 20' within a 50' wide right-of-way. Access to both of these roadways is controlled by the Tenn. Dept. of Transportation(TDOT).

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Revised development plan Density:
Sector Plan: Northwest County Sector Plan Designation: LDR (Low Density Residential) & SP (Stream Prot
Growth Policy Plan: Planned Growth Area
Neighborhood Context: The site is located in the Powell community on the west side of Clinton Hwy. Development in the area consists of mixed commercial uses and detached dwellings. Beaver Creek forms the southern boundary of this site. The FEMA flood area for the creek will impact how this site can be developed.

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

Street: 7507 Clinton Hwy
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: SC (Shopping Center) / F (Floodway)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: A development plan was approved for LKM Properties for this site in 2015 (8-D-15-UR). The site was zoned SC (Shopping Center in 1999).

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: Dan Kelly

Staff Recomm. (Abbr.): APPROVE the request to revise the previously approved plan by relocating the driveway as shown on the revised plan received by MPC staff on 12/29/2016 subject to 13 conditions

- Staff Recomm. (Full):
1. Certification on the plan by the applicant's surveyor that there is 300' feet of sight distance in both directions at each proposed driveway entrance to the proposed retail store
 2. Identifying the proposed roadway as a driveway or as a cross access easement
 3. Construction of a 5' wide sidewalk with a 2' wide planting strip on one side of the proposed driveway from Clinton Hwy. to W. Emory Rd. All sidewalk construction must comply with the Americans With Disabilities Act
 4. Provision of a 30' wide greenway easement along Beaver Creek (as shown)
 5. Construction of the proposed driveway to meet the minimum standards for a local public street or as recommended by Knox County Dept. of Engineering and Public Works
 6. Replatting the site to reflect 2 lots and the driveway as shown on the development plan.
 7. Clearing or grading on lot 1 to be limited to what is required for construction of the north-south driveway, detention basin and the Weigels store building pad.
 8. Maintaining a minimum of a 50' wide undisturbed strip along the western boundary of the site and provide the supplemental plantings as shown on the revised plan. Installation of the supplemental landscaping as shown on the revised plan must be completed within six months of the issuance of occupancy for the Weigels Store
 9. Meeting all applicable requirements of the Tenn. Dept. of Transportation (TDOT)
 10. Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works
 11. Meeting all applicable requirements of the Tenn. Dept. of Environment and Conservation and meeting all requirements of the Knox County Stormwater Control Ordinance
 12. Meeting all applicable requirements of the previously approved use on review (8-D-15-UR)
 13. A revised site plan reflecting the conditions of approval must be submitted to MPC staff for certification prior to obtaining a grading permit.

Comments: The site in question has two different zoning classifications. The portion of the parcel that fronts on Clinton Hwy., to a depth of approximately 225', is zoned CA (General Commercial). The remainder of the parcel is zoned SC (Shopping Center). The applicant is proposing to build a retail store (Weigels) in the CA zoned area. In order to provide additional access to the store a driveway that connects Clinton Hwy. with W. Emory Road was approved in 2015. The proposed driveway will also provide access to an out parcel (lot 1) that is shown on this plan.

The purpose of this request is to revise the previously approved development plan. This plan proposes to move the driveway's intersection point with W. Emory Rd. approximately 225' to the west. This change is being proposed in order to lower the grade of the driveway and enhance safety. This driveway will be located in the SC (Shopping Center) zoned portion of the site, therefore, it requires use on review approval. Due to the fact that this driveway will function as a street, staff will require the facility be built to public street standards. Both Clinton Hwy. and W. Emory Rd. are state controlled roads, TDOT has been involved in the review of this application. Before this plan can go forward, TDOT will have to approve permits for both ends of this driveway. In order to do so, the applicant may be required to alter the design of the proposed driveway and to relocate access point(s) to the store. The proximity to Beaver Creek complicates the development of this site for the intended use. More specifically, the floodway of the creek has an impact on the alignment of the proposed driveway with W. Emory Rd..

As part of the previous approval staff required the applicant to retain a 50' wide undisturbed area along the western border of the site. This area has been maintained without disturbance as required. However, it has proven to be less than adequate in providing a visual buffer to the adjoining residents. As a result, the applicant will plant a dense evergreen hedge that will provide additional screening to those most impacted by this project.

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

1. All utilities are in place to serve the existing site.
2. The revised location of the proposed driveway will provide convenient alternative access between the two legs of W. Emory Rd.
3. The proposal will have no impact on schools.

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

1. The revised driveway location 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 since it has direct access to arterial streets.
2. The proposal meets all requirements of the SC zoning district and all other applicable requirements of the Knox County Zoning Ordinance.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Northwest County Sector Plan designates this site for commercial uses and stream protection.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

Action: Approved **Meeting Date:** 1/12/2017

- Details of Action:**
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Summary of Action: APPROVE the request to revise the previously approved plan by relocating the driveway as shown on the revised plan received by MPC staff on 12/29/2016 subject to 13 conditions

Date of Approval: 1/12/2017 **Date of Denial:** **Postponements:**

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Board of Zoning Appeals

Date of Legislative Action: **Date of Legislative Action, Second Reading:**

Ordinance Number:

Disposition of Case:

If "Other":

Amendments:

Date of Legislative Appeal:

Other Ordinance Number References:

Disposition of Case, Second Reading:

If "Other":

Amendments:

Effective Date of Ordinance: