

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: 10-B-10-UR **Related File Number:**
Application Filed: 8/30/2010 **Date of Revision:**
Applicant: CHARLES BRETT RICHARDSON

PROPERTY INFORMATION

General Location: North side of S. Northshore Drive, west of Thunderhead Road.
Other Parcel Info.:
Tax ID Number: 154 094 **Jurisdiction:** City
Size of Tract: 9 acres
Accessibility: Access is via right in- right out access from S. Northshore Dr. Additional access to the site is via Thunderhead Dr. through the partially developed Northshore Town Center development.

GENERAL LAND USE INFORMATION

Existing Land Use: Partially developed mixed use development
Surrounding Land Use:
Proposed Use: Liquor Store **Density:**
Sector Plan: Southwest County **Sector Plan Designation:** MU (Sector Plan), MU/TC-1 (One Year plan)
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: The site is located at the western edge of the proposed Northshore Town Center development. It is located in the periphery area of the approved development plan for that development. The site adjoins Northshore Landing subdivision to the west and Admirals Landing Subdivision to the south. Both of these subdivisions are zoned PR (Planned Residential) and have been developed at less than 3 dwellings per acre.

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

Street: 9753 S Northshore Dr
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: TC-1 (Town Center)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: A development plan was approved for this portion of the Northshore Town Center in 2005.

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.): DENY the request for a retail liquor store because the proposed use is contrary to the general principles of the TC-1 zone and the approved development plan and would not be in keeping with the adjoining low density residential developments

Staff Recomm. (Full):

Comments: The creation of pedestrian oriented, mixed use urban developments that provide for shopping, business and personal services and housing is a goal of the TC-1 zoning. Additionally, it is goal of the TC-1 zone to reduce the reliance on the use of the automobile by making the develop compact and to promote an efficient use of the land. As part of the process to change the zoning of a piece of property to TC-1 (Town Center) a conceptual development plan is presented at the time the rezoning is considered by the MPC and legislative body. The development plan indentifies the "core area" where the most intense development would be expected to take place. Secondly, the plan will identify the "peripheral area" which is the area surrounding the core where the type of uses and the intensity of development is expected to change. The intensity of use in the core and the peripheral areas may be limited based upon adopted plans, surrounding land use, transportation impacts and environmental considerations or any other factor that the MPC finds to be relevant.

The site in question is part of an 11.9 acre site that was zoned TC-1 (Town Center) in 2005. As part of that rezoning process, a development plan was presented that showed the site as being located in the peripheral area. The area was designated to be part of the peripheral area for good reason. The site is located adjacent to an existing low density detached residential subdivisions. By designating this portion of the site as part of the peripheral area the need for a transition, or stepping down in development intensity, between the more intense development approved for the core area and the adjoining low density residential uses found in the area was identified and addressed. Designation of site as being in the peripheral area limited the potential uses of the site. While not totally prohibited, retail sales are to be limited within the peripheral area. Subsequent to the designation of this area to be part of the peripheral area, a use on review was approved that proposed an office building for this site. Because their hours a limited and they do not generate large volumes of traffic, offices are generally good neighbors to residential development. Because office buildings generate fewer trips than a retail outlet, the access to this portion of the site is limited to a right turn in and right turn out only.

As previously noted the purpose of the TC-1 zoning district is to promote the efficient use of land and to reduce the reliance on the use of the automobile. To do so retail shops are to be concentrated in the core area on the site in order to promote pedestrian access and to provide relief from the need to get in the car to go from one shop to another. Retail development in the TC-1 zone is intended to create a shopping experience that permits multiple opportunities without having to get in your car. With those goals in mind, allowing retail sales in the peripheral area should be severely limited. Staff believes that the TC-1 regulations were intended to permit retail sales in the peripheral only when it would be accessory to a professional or personal service that is being provided. Staff also believes that other shops could be permitted in the peripheral area if they had a very limited clientele and limited hours of operation.

In this case the proposed liquor store would be a stand alone retail outlet that is permitted to operate between 8:00 AM and 11:00 PM. We do not believe this use is in keeping with the intent of the TC-1 zone, it does not conform to the previously approved development plan, the site has limited access, and it is not an appropriate use to allow to locate next to a low density residential neighborhood.

Action: Approved

Meeting Date: 10/14/2010

Details of Action:

Summary of Action: Approve the proposed liquor store subject to limiting hours to 9:30 p.m. during the week and 10:00 p.m. on Friday and Saturday and using appropriate down-lighting where there is any proximity to the neighbors.

Date of Approval: 10/14/2010

Date of Denial:

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: **Action Appealed?:** 10/26/2010

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 11/30/2010

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Denied

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Appeal denied - UOR remains approved

Date of Legislative Appeal:

Effective Date of Ordinance: