

# CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



**File Number:** 10-C-14-UR                      **Related File Number:**  
**Application Filed:** 8/25/2014                      **Date of Revision:**  
**Applicant:** SCHAAD COMMERCIAL INVESTMENTS

## PROPERTY INFORMATION

**General Location:** South side of Amherst Rd., west side of Piney Grove Church Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 92 PART OF 092                      **Jurisdiction:** City  
**Size of Tract:** 1.311 acres  
**Accessibility:** Access is via Amherst Rd., a major collector street with a 19' - 32' pavement width within a 70' right of way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Commercial - Dollar General Store                      **Density:**  
**Sector Plan:** Northwest County                      **Sector Plan Designation:** LDR  
**Growth Policy Plan:** Urban Growth Area (Inside City Limits)  
**Neighborhood Context:** Development in the area includes a mix of detached residential subdivisions, a multi-dwelling development, a large mobile home park, rural residential home sites, and a couple of businesses on the south side of the railroad tracks.

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

**Street:** 2313 Amherst Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** RP-1 (Planned Residential)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** Property was rezoned to PR (Planned Residential) in 1994. Rezoned to RP-1 (Planned Residential) in 2001 after being annexed into the City of Knoxville.

## 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.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge: Tom Brechko

Staff Recomm. (Abbr.): APPROVE the request for a retail commercial store of approximately 9,100 sq. ft. as shown on the development plan subject to 10 conditions.

Staff Recomm. (Full):

1. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Department.
2. Obtaining variances from the Knoxville Board of Zoning Appeals for the reduction of the rear yard setback from 25' to 18.2' and a reduction of the required number of parking spaces from 46 to 32 spaces.
3. Installation of sidewalks as identified on the development plan, including the connection between the sidewalk along Amherst Rd. and the building entrance, meeting all applicable requirements of the City of Knoxville and the Americans with Disabilities Act ( ADA). The sidewalks shall be installed prior to the issuance of an occupancy permit for the project.
4. Revising the landscape plan by extending the mix of shrubs and grasses along the entire frontage of the ten parking spaces along Amherst Rd. and adding the mixed screening along the five parking spaces located on the western side of the parking lot.
5. Installation of landscaping as shown on the revised landscape plan within six months of the issuance of occupancy permit for this project.
6. Meeting all applicable requirements of the Knoxville Department of Engineering.
7. Obtaining approval and recording a final plat of the property prior to obtaining a building permit
8. Meeting all applicable requirements of the Knoxville sign regulations. A variance may be considered by the Knoxville Board of Zoning Appeals for an increase in the maximum size of 10 square feet for a wall sign but cannot be considered for allowing a ground sign or allowing the wall sign to be internally illuminated. Any proposed signage is subject to approval by the Planning Commission staff and the Knoxville Sign Enforcement Inspector.
9. Meeting all applicable requirements of the Knoxville Zoning Ordinance
10. A revised development plan reflecting the conditions of approval must be submitted to MPC staff for certification prior to obtaining any building permits.

With the conditions noted, the plan meets the requirements for approval in the RP-1 (Planned Residential) district and the other criteria for approval of a use on review.

Comments: The applicant is proposing to develop a Dollar General Store that will contain approximately 9,100 square feet of floor area on a 1.311 acre site located on the south side of Amherst Rd. and the west side of Piney Grove Church Rd. Access to the site will be from Amherst Rd.

This site was originally a part of the Seven Springs Subdivision property when the concept plan was approved in 1994. The property at that time was zoned PR (Planned Residential). The PR zone allowed consideration of one acre of commercial development per every 100 residential units within the same development. On May 9, 1996 the developer of the subdivision obtained approval from the Planning Commission for a commercial development with a maximum of 22,400 square feet of commercial space on 2.8 acres which included this site and the vacant lot on the east side of Piney Grove Church Rd. In 2001, the site was rezoned to RP-1 (Planned Residential) after being annexed into the City of Knoxville. The RP-1 zoning also allows consideration of commercial development with one acre of commercial development allowed per every 100 residential units. With approximately 240 existing dwelling units within Seven Springs Subdivision the proposed commercial development could be approved.

As proposed, variances from the Knoxville Board of Zoning Appeals will be required for the reduction of the rear yard setback from 25' to 18.2' and a reduction of the required number of parking spaces from 46 to 32 spaces. Due to the shape of the property, the applicant has requested a reduction in the rear setback (along the railroad property) to allow for additional space for maneuvering delivery trucks at

the entrance to the site. The reduction in the number of required parking spaces is based on the parking model that Dollar General uses for a store of this size.

While the RP-1 zoning district allows consideration of a commercial development, the sign regulations are very restrictive. The regulations do not allow consideration of a ground business sign for the development and only allow a wall sign of 10 square feet for a business and one directional sign, not more than nine square feet in area and 42 inches in height. The wall sign can only be indirectly illuminated, provided that no light source shall be visible from the public right-of-way or adjacent property. Direct sign illumination is prohibited. The applicant can request a variance on the size of the wall sign but cannot request a variance for a ground sign or to allow direct sign illumination. The applicant has submitted a revised development plan that shows a directional sign located at the entrance to the parking lot.

Based on the scale of the proposed commercial development, a traffic impact study is not required.

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

1. The proposed commercial development will have minimal impact on local services since utilities are in place to serve this development.
2. At this location, the proposed commercial development will be neighborhood serving in scale and should not draw additional traffic into the area.
3. The proposal will have no impact on schools.

#### CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. The proposed commercial development with the recommended conditions meets all of the requirements of the RP-1 (Planned Residential) district of the Knoxville Zoning Ordinance,
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. This site has been approved for commercial use since the early stages of development of the Subdivision. The scale of the development is compatible with the character of the neighborhood where it is proposed which includes a mix of residential uses and a couple of business uses. The use will not significantly injure the value of adjacent property. The use will not draw substantial additional traffic through residential areas since the development is located off of a major collector street. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest County Sector Plan and Knoxville One Year Plan identify the property for low density residential use. The RP-1 zoning allows consideration of limited commercial development through the use-on-review process and therefore the proposed commercial development would be consistent with the Sector Plan and One Year Plan.
2. The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

**Action:** Approved **Meeting Date:** 11/13/2014

#### Details of Action:

**Summary of Action:** APPROVE the request for a retail commercial store of approximately 9,100 sq. ft. as shown on the development plan subject to 10 conditions.

**Date of Approval:** 11/13/2014 **Date of Denial:** **Postponements:** 10/9/2014

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:** 11/25/2014

### **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knoxville City Council

**Date of Legislative Action:** 12/18/2014

**Date of Legislative Action, Second Reading:** 1/20/2015

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:** Postponed

**Disposition of Case, Second Reading:** Denied

**If "Other":** Postponed to 1/20/15

**If "Other":**

**Amendments:**

**Date of Legislative Appeal:**

**Amendments:**

Appeal denied. Plan approved.

**Effective Date of Ordinance:**