

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 10-H-21-UR **Related File Number:**
Application Filed: 8/30/2021 **Date of Revision:**
Applicant: MCS ENTERPRISES, LLC

PROPERTY INFORMATION

General Location: East of Ebenezer Road, south side of Bexhill Drive, north side of Gatwick Drive
Other Parcel Info.:
Tax ID Number: 144 L B 003 **Jurisdiction:** County
Size of Tract: 2.51 acres
Accessibility: Access is via Ebenezer Road, a minor arterial street with four lanes and a center turning lane within 75-ft of right-of-way, and via Bexhill Drive and Gatwick Drive, local streets with 28-ft of pavement width within 50-ft of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Restaurants **Density:**
Sector Plan: Southwest County **Sector Plan Designation:** MU-NC (Mixed Use Neighborhood Center)
Growth Policy Plan: Planned Growth Area
Neighborhood Context: This area consists of predominantly single-family detached residential uses, though there is a small node of Neighborhood Commercial zoning nearby to the south at the corner of Bluegrass Road and Ebenezer Road. Bluegrass Elementary School is at the northwest quadrant of that intersection.

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

Street: 1401 Bexhill Dr.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: CN (Neighborhood Commercial)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: This property was rezoned from PC and RA to CN in 2021 (3-D-21-RZ)

PLAN INFORMATION (where applicable)

Knoxville Neighborhood Commercial (C-1) zone. This proposed development never materialized and has remained vacant since. Over the years, the site has been used as an unofficial open space for the neighborhood residents.

TRANSPORTATION IMPACT STUDY

The Shops at Bexhill Transportation Impact Study (AJAX Engineering, Revised 9/17/2021) was prepared to address the impact on the Ebenezer Road intersections at Bexhill Drive and Gatwick Drive. The TIS concludes that vehicle delays are not expected to significantly increase at these intersections after the projected full buildout in 2023 (see Exhibit A). This TIS also recommends other general road maintenance improvements that are not associated with the development, such as repainting faded road markings. The TIS also provides a general recommendation to add speed humps or tables to the main access driveway that makes a straight connection through the property to the side streets.

SITE DESIGN AND LANDSCAPING

The proposed site plan includes three buildings, with each of them containing one restaurant use. The building in the northwest corner of the property, near the corner of Bexhill Drive and Ebenezer Road, is proposed as a stand-alone restaurant use. The other two buildings are more centrally located on the site, each having a restaurant use in about 2/3 of the building. Each restaurant is proposed to have an outdoor patio that ranges in size from 310 sqft to 822 sqft. There are two dumpster locations; one is located near the Bexhill Drive entrance, adjacent to building #3, and the other is behind (east) of building #1. The dumpster locations will be screened with a gated enclosure.

The parking lot setback for this development is 35-ft along the Bexhill Drive and Gatwick Drive frontages because the CN zone district where the development is proposed is contiguous to a residential zone district on the same block face. In such instances, the parking lot setback is the same as the required setback in the adjacent residential zone, which in this case is the required front setback of the RA (Low Density Residential) zone. The parking lot setback on the Ebenezer Road frontage only has to meet the 10-ft parking lot setback required by the CN (Neighborhood Commercial) zone because the commercial development encompasses the entire block face (the frontage on the same side of the street located between two intersections).

The CN zone requires landscaping along all road frontages, in parking lots with over 20 spaces, along 50 percent of exterior building elevations, and screening when adjacent to residential zoning. The property line adjacent to the residential properties is considered the rear yard since the buildings are oriented toward Ebenezer Road, which requires a 25-ft building setback that must be landscaped with one evergreen tree per 25-ft and shrubs and/or ground cover plantings between the trees.

SITE LIGHTING

A site lighting plan has not been provided but the development must meet the lighting standards for the CN zone and the supplemental regulations (Section 4.10.10) of the zoning ordinance. Both of these standards are very similar, but the result of applying both standards is that lighting must be directed away from adjacent residential properties and any public right-of-way, and when adjacent to residential property, the light source must be shielded.

DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 – SECTION 2)

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

1) THE PROPOSED USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.

A. The Southwest County Sector Plan recommends MU-NC (Neighborhood Mixed Use Center) uses for this site which includes a mix of residential, office, and retail and service-oriented uses intended to provide goods and services that serve the day-to-day needs of households within a walking or short driving distance, and is not intended for auto-oriented uses. The buildings of these centers should be designed with a residential character and scale to serve as a complement to the surrounding neighborhoods.

B. The proposed buildings do not have a residential character as recommended by the general intent of the MU-NC sector plan designation, however, the buildings are one-story tall, have articulated facades with varying exterior cladding, and relatively small footprints. The recommendation for buildings with a residential character also considers zoning districts that allow larger buildings, in which case there could be a need to incorporate residential design characteristics so the buildings are scaled appropriately, such as using pitched and articulated roofs on multi-story buildings and using similar exterior materials as the nearby residences.

C. The proposed restaurants are service-oriented uses and they do not include drive-through facilities. If a drive-through is desired in the future, a new Use on Review approval will be required because drive-through facilities are specifically listed separately as a use permitted on a review in the CN zone.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING

ORDINANCE.

A. The CN (Neighborhood Commercial) zone is intended to provide the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for the recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.

B. Restaurants are a common destination for residents that live nearby and they provide convenient food services.

C. The CN zone permits individual buildings or commercial establishments that are no more than 5,000 sqft. All of the proposed buildings are less than 5,000 sqft.

D. The CN zone has landscaping standards for parking areas and side and rear yards. The proposed landscape plan meets the CN zone standards.

E. The CN zone requires that site lighting be directed away from residential and agricultural zones and any public right-of-way. The attached plans do not show the site lighting but must be provided during permit review.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. The proposed one-story building height and setbacks from the lines are compatible with the area.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY.

A. The intent of the CN zone is to allow neighborhood-oriented uses near established residential areas but also require developments to adhere to standards that maximize compatibility between commercial uses and adjacent residential uses.

5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.

A. Access to the development will be from the two side streets that are the entry to the Bexhill neighborhood. Direct access to Ebenezer Road is a safety concern and not a viable option.

B. Traffic coming to this site must come from Ebenezer Road because there are no external road connections to the Bexhill neighborhood, so no additional traffic should be drawn through the residential area.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for the proposed uses within the development.

Action: Approved Meeting Date: 10/14/2021

Details of Action:

Summary of Action: Approve the requested restaurant uses with a combined gross floor area of approximately 8,600 square feet and approximately 1,900 sqft of outdoor patio seating, subject to 8 conditions.

Date of Approval: 10/14/2021 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: Other Ordinance Number References:

Disposition of Case: Disposition of Case, Second Reading:

If "Other": If "Other":

Amendments: Amendments:

Date of Legislative Appeal: Effective Date of Ordinance: