

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: 11-B-02-UR **Related File Number:**
Application Filed: 10/9/2002 **Date of Revision:**
Applicant: TURKEY CREEK LAND PARTNERS
Owner:

PROPERTY INFORMATION

General Location: Southwest side of Lovell Rd., north side of Parkside Dr.
Other Parcel Info.:
Tax ID Number: 131 29.32 - 29.35 AND OTHER: PART OF 029 **Jurisdiction:** City
Size of Tract: 43 acres
Accessibility: Access is via Lovell Rd. and Parkside Dr., which are minor arterial streets.

GENERAL LAND USE INFORMATION

Existing Land Use: Commercial Subdivision
Surrounding Land Use:
Proposed Use: Removal of parcels from approved master signage plan **Density:**
Sector Plan: Southwest County **Sector Plan Designation:**
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: The development site is located in a commercial area that is centered around the interchange of I40/I75 and Lovell Rd.

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

Street: 339 Lovell Rd
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: C-3 (General Commercial) & F-1 (Floodway)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: None noted

PLAN INFORMATION (where applicable)

Current Plan Category:
Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

Surveyor:

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: Tom Brechko

Staff Recomm. (Abbr.): APPROVE the request to amend the Master Signage Plan for Turkey Creek by removing only the four parcels (CLT 131 29.32 - 29.35) that front on Lovell Rd.

Staff Recomm. (Full): Staff's recommendation is based on the fact that these four lots have frontage only on Lovell Rd. and do not function by orientation as a part of the Turkey Creek Development. In addition, the McDonald's lot has already been affected by the Board of Zoning Appeals' approval of the variance for the 100' high McDonald's sign.

Comments: BACKGROUND ON MASTER SIGNAGE PLAN APPROVAL FOR TURKEY CREEK SUBDIVISION: The applicant received approval from the Planning Commission on March 14, 2002 for a Master Signage Plan that included all of Turkey Creek Subdivision as a unified development. This approval included one development directory sign located along the interstate frontage which has been built, and four project directional signs located at intersections along Parkside Dr. (See attached Staff report for 2-B-02-UR)

The original application for the Master Signage Plan included a proposed development directory sign for Lovell Rd. that did not comply with the Ordinance requirements. They were proposing to utilize the 100' high McDonald's sign (BZA variance approved to increase height from 50' to 100') as a development directory sign. The directory sign was to include signs for McDonalds, IHOP and Ruby Tuesday (all businesses located on the lots fronting on Lovell Rd.) and a reader board for a total sign area of 460 square feet (maximum allowed is 275 square feet). The proposed sign did not designate the name of the development at the top of the sign as required by the regulations. As designed, that sign would have been an illegal sign under the Ordinance and would not be allowed since sign variances are not permitted under the Master Signage Plan regulations. An application had also been submitted to the BZA for this proposed sign (The BZA cannot approve this sign since it would be an off-premise sign, and off-premise signs are not permitted within the City). Prior to approval of the Master Signage Plan, the applicant removed the Lovell Rd. directory sign from the Use-on-Review application.

PRESENT REQUEST: The applicant is now requesting that the four development parcels fronting on Lovell Rd., and the area within Parcel 29 that is not covered by the Conservation Easement, be removed from the Master Signage Plan. A similar request (5-I-02-UR) was reviewed by the Planning Commission in May of this year. That request was withdrawn at the June, 2002 meeting. This request differs in that the area under consideration has been reduced.

The applicant is still pursuing the location of Ruby Tuesday and IHOP signs on the existing 100' high McDonald's sign. The applicant has been informed by MPC and City Law Department Staff that even if they were to remove the lots along Lovell Rd. from the Master Signage Plan, they could not obtain a variance for adding the Ruby Tuesday and IHOP signs to the McDonald's sign because those businesses are on separate lots and would be considered off-premise signs.

The argument was made by the applicant at the May 2002 meeting that allowing the addition of the two other businesses on the McDonald's sign would reduce the number of signs on Lovell Rd. since it would eliminate individual signs in front of each business. It was also pointed out that individual free standing business signs could be up to 50' in height and 275 square feet in size. It should be noted that the Ordinance does not require signs to be that large. In fact, IHOP and Ruby Tuesday have already built their signs as much smaller monument signs (See attached photo).

It is not the intent of the Ordinance to piecemeal unified developments where you obtain the benefits of a Master Signage Plan for parts of the development (development directory sign presently being constructed along the interstate that will identify Wal-Mart, Target and other businesses without frontage

along the interstate) and exclude other parts of the development in order to obtain variances from the sign regulations. However, since the four lots on Lovell Rd. do not function by orientation as a part of the Turkey Creek Development, it would not be detrimental to the approved Master Signage Plan to remove the lots. Staff does not recommend removing the requested portions of Parcel 29 since that area functions as the entrance to the Turkey Creek development at the corner of Lovell Rd. and Parkside Dr. and is a continuation of the development's frontage along the interstate.

MPC Action: Approved

MPC Meeting Date: 11/14/2002

Details of MPC action: Staff's recommendation is based on the fact that these four lots have frontage only on Lovell Rd. and do not function by orientation as a part of the Turkey Creek Development. In addition, the McDonald's lot has already been affected by the Board of Zoning Appeals' approval of the variance for the 100' high McDonald's sign.

Summary of MPC action: APPROVE the request to amend the Master Signage Plan for Turkey Creek by removing only the four parcels (CLT 131 29.32 - 29.35) that front on Lovell Rd.

Date of MPC Approval: 11/14/2002

Date of Denial:

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

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: