

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-C-11-UR **Related File Number:**
Application Filed: 9/27/2011 **Date of Revision:**
Applicant: HUBER PROPERTIES, LLC

PROPERTY INFORMATION

General Location: South side of S. Northshore Dr., east side of Choto Rd.
Other Parcel Info.:
Tax ID Number: 162 M B 1.02, 1.03, 1.04 & 1.05 **Jurisdiction:** County
Size of Tract: 13.27 acres
Accessibility: Access is via S. Northshore Dr., a minor arterial street with a pavement width of 21' within a 85' wide right-of-way, or Choto Rd., a minor collector street with pavement width of 21' within a 50' wide right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Revised site plan **Density:**
Sector Plan: Southwest County **Sector Plan Designation:**
Growth Policy Plan: Planned Growth Area
Neighborhood Context: The area is developed with agricultural, rural residential and low density residential uses under A (Agricultural) PR (Planned Residential) zoning.

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

Street: 12400 S. Northshore 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: The property was rezoned to CN Neighborhood Commercial) with conditions in 2010

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 plan for up to 75,000 square feet of commercial/office space in up to 10 buildings as shown on the site plan subject to 8 conditions

Staff Recomm. (Full):

1. Meeting all applicable sign and parking requirements of the Knox County Zoning Ordinance or obtaining a variance to these requirements from the Knox County Board of Zoning Appeals (BZA). For any variances not approved by the BZA, the applicant shall submit a revised site plan showing compliance with the regulations to the Planning Commission Staff for approval.
2. Meeting all other applicable requirements of the Knox County Zoning Ordinance.
3. Completion of all road improvements as required by the Knox County Department of Engineering and Public Works prior to occupying any of the proposed structures.
4. Construction of a sidewalk at a minimum width of 8 feet, along the entire S. Northshore frontage of the site. The section from the eastern boundary of the proposed Weigel's site to Choto Rd. must be built prior to occupancy of the Weigel's store. The portion of the sidewalk east of the Weigel's site must be completed prior to occupancy of either building 9 or 10. All other internal sidewalk construction is to be undertaken as the project develops. Knox County Department of Engineering and Public Works shall determine the portions of the sidewalk plan that must be implemented with each phase of the development. All sidewalk construction must meet the requirements of the Americans With Disabilities Act.
5. Installation of all landscaping shown on the revised plan within six months of the issuance of occupancy permits, or posting a bond with the Knox County Department of Engineering and Public Works to guarantee such installation
6. Meeting all other applicable requirements of the Knox County Department of Engineering and Public Works.
7. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Department.
8. A revised site plan reflecting the conditions of approval must be submitted to Planning Commission Staff for certification of approval prior to the issuance of any additional grading permits or building permits. Planning Commission Staff may require the applicant to submit a new Use on Review application if future site changes are deemed to be significant.

Comments: At the December, 2009 meeting MPC recommended approval of the application presented by Huber Properties to CN (Neighborhood commercial) for this site. As part of that recommendation, MPC conditioned its approval by requiring that all development within the site be considered through the use on review process. Additionally, the MPC stated that all future construction within the site would be required to use "residential building materials" and be architecturally compatible. This rezoning request was heard by the Knox County Commission on January 25, 2010 at which time that body, by a unanimous vote, approved the rezoning with the conditions as recommended by MPC.

At the time the site plan for the Weigel's store was being considered for a portion of the property (1-F-10-UR), Huber Properties presented a conceptual site plan that suggested that the overall development would consist of a mixture of retail and office uses that will cater to a limited market area. The property owners also included a short listing of the proposed "common architectural elements" that will be used to judge the compatibility of each building that is proposed for the site. At the May 12, 2011 MPC meeting Huber received use on review approval of a site plan (5-G-11-UR) that included 76,960 square feet of commercial/office space within eight buildings. At that meeting MPC recommended changes to the plan regarding the proposed drive-thru and the sidewalk and signage plans that were incorporated in the staff recommendation.

Huber Properties has now submitted a new use on review request seeking approval of their revised plans for the proposed commercial/office development. These new plans propose two additional buildings and a small decrease in the maximum allowable building square footage, a revision to the

location and design of the drive-thru lanes and a change in the sidewalk plan. Materials submitted with this request include a site plan, landscaping plan, signage plan, photometric plan along with architectural renderings of the proposed building. Additionally, the applicant had a traffic impact study prepared for the entire project at the time the convenience store was being considered last year. The traffic impact study identified the improvements that are being made to S. Northshore Dr. and the nearby Choto Rd. intersection. Additional road improvements may be required by the Knox County Dept. of Engineering and Public Works as this development moves forward.

As part of the new plan, the applicant is proposing the elimination of the sidewalk along the western boundary of their site adjacent to Choto Rd. Since approval in May, the applicant has begun the site development process. They have discovered that fiber optic cables are located in the area where the proposed sidewalk was to be located. They have stated that relocating the fiber optic cables would be cost prohibitive. As a result, Huber has proposed to construct a 6 foot wide sidewalk along the east side of Choto Rd. from S. Northshore Dr. to Amberset Dr. Due to the number of residences in the immediate area, staff believes this new sidewalk section would be beneficial for the development as well as the community. Knox County will hold a bond for the construction of this new sidewalk section. Construction of this new section is expected to be completed prior to the opening of the Weigel's store.

In order for the project to proceed as presented, the applicant will have to obtain variances from the Knox County Board of Zoning Appeals for the number and size of the signs proposed. The CN (Neighborhood Commercial) zone limits the number and size of signs in order to lessen their impact on surrounding residential development. The applicant is proposing two monument signs with one of these signs exceeding the permitted size of 50 square feet. Staff will not object to the second sign. However we will not support the sign size variance. We believe the second sign can be accommodated without a negative impact on the area. Whereas, increasing the size of the sign could be a detriment to the area.

In addition to the sign variances, the applicant may need to seek a variance to the number of required parking spaces.. The need for the variance will be determined by the mix of uses in the development. Staff generally believes that the number of parking spaces required by the Zoning Ordinance exceeds the true needs for parking.

With regard to the overall development plan for the commercial development, staff has reviewed the plans and finds them to be compatible with the conditions of the rezoning. The buildings will be built using brick, stone and stucco. Extensive landscaping is proposed for the site. The lighting plan limits the amount of light "spillover" onto adjoining properties.

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

1. The proposed commercial development will have a manageable impact on local services: All utilities are already in place to serve this building and road improvements are planned and or under construction to accommodate the project.
2. Lighting intensity and direction will be controlled in order to minimize the off site impact of project.

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

1. The proposed commercial development meets all of the requirements of Knox County Zoning Ordinance pertaining to building setbacks, height, lighting, landscaping. Variances will be required for the proposed signage and parking.
2. The proposed exterior of structure is being constructed with brick, stone and stucco. All of these materials are commonly used in residential construction.
3. The proposed commercial 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. The use is compatible with the character of the neighborhoods 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.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Southwest County Sector Plan identifies the property for neighborhood commercial use. The proposed use and plan are in compliance with that plan.

Action: Approved as Modified

Meeting Date: 11/10/2011

Details of Action:

1. Meeting all applicable sign and parking requirements of the Knox County Zoning Ordinance or obtaining a variance to these requirements from the Knox County Board of Zoning Appeals (BZA). For any variances not approved by the BZA, the applicant shall submit a revised site plan showing compliance with the regulations to the Planning Commission Staff for approval.
2. Meeting all other applicable requirements of the Knox County Zoning Ordinance.
3. Completion of all road improvements as required by the Knox County Department of Engineering and Public Works prior to occupying any of the proposed structures.
4. Construction of a sidewalk at a minimum width of 6 feet, along the entire S. Northshore frontage of the site. The section from the eastern boundary of the proposed Weigel's site to Choto Rd. must be built prior to the first occupancy permit requested. The portion of the sidewalk east of the Weigel's site must be completed prior to occupancy of either building 9 or 10. All other internal sidewalk construction is to be undertaken as the project develops. Knox County Department of Engineering and Public Works shall determine the portions of the sidewalk plan that must be implemented with each phase of the development. All sidewalk construction must meet the requirements of the Americans With Disabilities Act. construction of a sidewalk at a minimum of 6 feet and also the section of the eastern boundary of the proposed Weigels site Choto Road must be built prior to the first occupancy permit requested.
5. Installation of all landscaping shown on the revised plan within six months of the issuance of occupancy permits, or posting a bond with the Knox County Department of Engineering and Public Works to guarantee such installation
6. Meeting all other applicable requirements of the Knox County Department of Engineering and Public Works.
7. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Department.
8. A revised site plan reflecting the conditions of approval must be submitted to Planning Commission Staff for certification of approval prior to the issuance of any additional grading permits or building permits. Planning Commission Staff may require the applicant to submit a new Use on Review application if future site changes are deemed to be significant.

Summary of Action:

APPROVE the plan for up 75,000 square feet of commercial/office space in up to 10 buildings as shown on the site plan subject to 8 conditions

Date of Approval:

11/10/2010

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: