

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

Suite 403 • City County Building
4 0 0 M a i n S t r e e t
Knoxville, Tennessee 37902
8 6 5 • 2 1 5 • 2 5 0 0
F A X • 2 1 5 • 2 0 6 8
w w w • k n o x m p c • o r g

File Number: 12-B-10-UR **Related File Number:**
Application Filed: 10/25/2010 **Date of Revision:**
Applicant: W & L PROPERTIES, LLC

PROPERTY INFORMATION

General Location: Northwest side of Lovell Rd., southwest side of Centerpoint Bv.
Other Parcel Info.:
Tax ID Number: 118 01601 **Jurisdiction:** County
Size of Tract: 3.47 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Convenience store **Density:**
Sector Plan: Northwest County **Sector Plan Designation:** O (Office)
Growth Policy Plan: Planned Growth Area
Neighborhood Context: This site is located at the edge of the Centerpoint Business Park which was developed by the Knox County Development Corp. Other uses in the area consist of a recently completed apartment project and a church.

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

Street: 1405 Lovell Rd
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PC (Planned Commercial) & TO (Technology Overlay)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: Use on review approved for a convenience was approved in 1994 (9-C-94-UR)

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 request for a convenience store containing 3,990 sq. ft with gasoline pumps as shown on the site plan subject to 11 conditions

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Zoning Ordinance
2. Submitting a driveway design for the proposed Yarnell Rd. entrance to the Knox County Dept. of Engineering and Public Works for their review and approval
3. Providing a cross access easement from this site to any future development that may occur on this property. No additional access to Lovell Rd. will be permitted from this property
4. Review and approval of a drainage plan by the Knox County Dept. of Engineering and Public Works. Detention of stormwater on-site may be required
5. Construction of the sidewalk along Centerpoint Bv. as shown on the site prior to obtaining an occupancy permit
6. Review and approval of the site plan by the Knox County Development Corporation and compliance with any conditions of that review
7. Issuance of a Certificate of Appropriateness for the proposed development by the Tennessee Technology Corridor Development Authority (TTEDA) and compliance with any conditions of that certificate
8. Completion of the improvements to Yarnell Rd and Lovell Rd. prior to obtaining an occupancy permit
9. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Dept.
10. Obtaining a driveway connection permit from the Tenn. Dept. of Transportation
11. A revised site plan reflecting the conditions of approval must be submitted to MPC staff for review and approval prior to obtaining a building permit

With the noted conditions, this plan meets the requirements for approval in the PC (Planned Commercial) zone and the other criteria for approval of a use on review.

Comments:

The applicant is proposing a convenience store with gasoline pumps at this location. The same applicant received approval for a similar request in 1994. Recent improvements to Lovell Rd. and Yarnell Rd. along with changes to the building design have resulted in changes to the 1994 plan beyond what staff would consider as minor amendments to the approved plan. As a result, the applicant is back before MPC requesting approval of the new site plan. The plan as submitted meets the requirements of the PC (Planned Commercial) zone. However, the site plan will need to be reviewed and approved by the Tennessee Technology Corridor Development Authority and the Knox County Development Corporation. Both of those review bodies have development standards that are more restrictive than the PC (Planned Commercial) zone requirements for setbacks, lighting, landscaping and signage. So, staff will condition the approval of this use on review on the applicant meeting the conditions of approval of those two reviewing bodies.

The Knox County Dept. of Engineering and Public Works is dealing with an existing drainage problem in the vicinity of this site. Alternative solutions to this drainage problem are being reviewed at this time. The County engineer may require this applicant to detain stormwater on this site that would have otherwise been directed to the existing detention basin that was put in place to serve the entire Centerpoint Business Park.

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

1. The proposed convenience store will have minimal impact on local services since all utilities are available to serve this site.
2. Road improvements are being completed that will enhance the safety and operation of this facility.

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

1. With the recommended conditions, the proposed convenience store meets the standards for development within the PC (Planned Commercial) zoning district and all other requirements of the Zoning Ordinance..
2. The proposed convenience store 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 area 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 MPC PLANS

1. The Northwest County Sector Plan identifies this property for commercial use

Action: Approved as Modified **Meeting Date:** 12/9/2010

- Details of Action:**
1. Meeting all applicable requirements of the Knox County Zoning Ordinance
 2. Submitting a driveway design for the proposed Yarnell Rd. entrance to the Knox County Dept. of Engineering and Public Works for their review and approval
 3. Providing a cross access easement from this site to any future development that may occur on this property. No additional access to Lovell Rd. will be permitted from this property
 4. Review and approval of a drainage plan by the Knox County Dept. of Engineering and Public Works. Detention of stormwater on-site may be required
 5. Construction of a sidewalk along Centerpoint Bv., as shown on the site plan, at the time the remainder of the site is developed. A separate use on review will be required prior to any additional development on this site
 6. Review and approval of the site plan by the Knox County Development Corporation and compliance with any conditions of that review
 7. Issuance of a Certificate of Appropriateness for the proposed development by the Tennessee Technology Corridor Development Authority (TTCDA) and compliance with any conditions of that certificate
 8. Completion of the improvements to Yarnell Rd and Lovell Rd. prior to obtaining an occupancy permit
 9. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Dept.
 10. Obtaining a driveway connection permit from the Tenn. Dept. of Transportation
 11. A revised site plan reflecting the conditions of approval must be submitted to MPC staff for review and approval prior to obtaining a building permit

With the noted conditions, this plan meets the requirements for approval in the PC (Planned Commercial) zone and the other criteria for approval of a use on review.

Summary of Action: APPROVE the request for a convenience store containing 3,990 sq. ft with gasoline pumps as shown on the site plan subject to 11 conditions

Date of Approval: 12/9/2010 **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:**