

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
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
F A X • 215 • 2068
www.knoxmpc.org

File Number: 5-G-11-UR
Application Filed: 4/18/2011
Applicant: HUBER PROPERTIES

Related File Number:
Date of Revision:

PROPERTY INFORMATION

General Location: South side of S. Northshore Dr., east side of Choto Rd.
Other Parcel Info.:
Tax ID Number: 162 M 00102-00105 **Jurisdiction:** County
Size of Tract:
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: Commercial development **Density:**
Sector Plan: Southwest County **Sector Plan Designation:** NC (Neighborhood Commercial)
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: 12330 S Northshore Dr
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: CN (k) (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

Variations 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 76,960 square feet of commercial/office space in up to 8 buildings as shown subject to 9 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. Eliminating the proposed drive-thru lane associated with building #1 as presently designated on the site plan. The applicant may submit a revised circulation plan for a drive-thru for up to two of the three buildings identified as Future Buildings 1-3 subject to approval by the Knox County Department of Engineering and Public Works and the Planning Commission Staff.
4. 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.
5. Submitting a revised sidewalk/pedestrian access plan that provides connections between the internal sidewalk system and the external greenway system, and includes the sidewalk layout and greenway connection for buildings 7 and 8. All sidewalks (including connections to the greenway system) as shown on the revised plan shall be constructed prior to issuance of certificates of occupancy. If construction of this development is phased, the Knox County Department of Engineering and Public Works shall determine the portions of the sidewalk plan that must be implemented with each phase. All sidewalk construction must meet the requirements of the Americans With Disabilities Act.
6. Provision of a revised landscaping plan for the portion of the site associated with buildings 7 and 8. 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
7. Meeting all other applicable requirements of the Knox County Department of Engineering and Public Works.
8. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Department.
9. 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 for review by the Planning Commission if site changes are deemed significant enough to warrant a new review.

Comments: UPDATE FOLLOWING AGENDA REVIEW MEETING

Maximum Building Footprint: The site plan has been revised (copy enclosed) so that none of the proposed buildings have a scaled footprint greater than the maximum of 5000 square feet. While the previous site plan included buildings that scaled to a footprint greater than 5000 square feet, the applicant was not proposing any buildings that exceeded the maximum. The previous site plan from Michael Brady Inc. had included square footage notations that identified the maximum footprint as 5000 square feet.

Elimination of Drive-Thru Lane: While the revised site plan still shows the drive-thru lane for Building 1, the applicant understands that the drive-thru as presently shown on the site plan must be eliminated. The applicant is asking the Planning Commission to approve up to two of the three buildings identified as Future Buildings 1-3 with a drive-thru lane if the site layout can be worked out to the satisfaction of the Knox County Department of Engineering and Public Works and the Planning Commission Staff. Planning Commission Staff may require the applicant to submit a new Use on

Review application for review by the Planning Commission if site changes are deemed significant enough to warrant a new review. See revised condition #3.

Parking and Sign Variances: The applicant has submitted requests to the Knox County Board of Zoning Appeals for variances from the Knox County Zoning Ordinance regarding parking and sign standards (Copy of applications enclosed). The two parking standards variances are for the parking stall size and total number of spaces. Planning Commission Staff does not object to the parking variances. There are four sign standards variances that include the total number of monument signs, street setback, height of one monument sign and illumination of wall signs. Staff does not object to the second monument sign or external sign illumination but does not support the other two sign variances. See revised condition #1.

Sidewalk Plan: The applicant needs to revise the site plan to show connections between the internal sidewalk system and the external greenway system, and include the sidewalk layout and greenway connection for buildings 7 and 8. See revised condition #5.

TDS Telephone Company Driveway Connection: The revised site plan shows a proposed internal driveway connection to the TDS site. A letter from TDS supporting the revision is also enclosed. With this new documentation, previous condition #5 has been eliminated.

PREVIOUS 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 Weigles 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.

Huber Properties has now submitted a use on review request seeking approval of their plans for commercial/office development. The plans are very similar to the conceptual plan presented last year. 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.

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.

In our review, staff has identified the drive-thru lane associated with building #1 as a problem. The design may create a traffic hazard. Staff will not recommend approval of the drive-thru lane as designed. With a revised design and approval by Knox County's traffic engineer a drive-thru lane may be permitted in the future for building #1.

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 **Meeting Date:** 5/12/2011

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. Eliminating the proposed drive-thru lane associated with building #1 as presently designated on the site plan. And modifyint the entrance and main driveway design off of S. Northshore Drive to address concerns of the Knox County Department of Engineering and Public Works. (Modified 5-12-11 by Planning Commission) The applicant may submit a revised circulation plan for a drive-thru for up two of the three buildings identified as Future Buildings 1-3 subject to approval by the Knox County Department of Engineering and Public Works and the Planning Commission Staff.
4. 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.
5. Submitting a revised sidewalk/pedestrian access plan that provides connections between the internal sidewalk system and the external greenway system, and includes the sidewalk layout and greenway connection for buildings 7 and 8. All sidewalks (including connections to the greenway system) as shown on the revised plan shall be constructed prior to issuance of certificates of occupancy. If construction of this development is phased, the Knox County Department of Engineering and Public Works shall determine the portions of the sidewalk plan that must be implemented with each phase. All sidewalk construction must meet the requirements of the Americans With Disabilities Act.
6. Provision of a revised landscaping plan for the portion of the site associated with buildings 7 and 8. 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
7. Meeting all other applicable requirements of the Knox County Department of Engineering and Public Works.
8. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Department.
9. 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 for review by the Planning Commission if site changes are deemed significant enough to warrant a new review.

Summary of Action: APPROVE the plan for up 76,960 square feet of commercial/office space in up to 8 buildings as shown subject to 9 conditions as amended

Date of Approval: 5/12/2011 **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: