

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 6-F-21-UR **Related File Number:**
Application Filed: 4/26/2021 **Date of Revision:**
Applicant: BENJAMIN C. MULLINS O/B/O SCHUBERT AND SCHAAD TRUSTEES

PROPERTY INFORMATION

General Location: East side of Dry Gap Pike, north side of Fountain City Road
Other Parcel Info.:
Tax ID Number: 57 125 (PART OF) **Jurisdiction:** County
Size of Tract: 2.7 acres
Accessibility: Access is via Dry Gap Pike, a major collector street with 24'-43' of pavement width within 64'-80' of right-of-way; and via Fountain City Rd., a minor arterial street with 19' of pavement width within 50-60' of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Retail establishment **Density:**
Sector Plan: North City **Sector Plan Designation:** NC (Neighborhood Commercial)
Growth Policy Plan: Planned Growth Area
Neighborhood Context: This property is associated with the Sterchi Hills residential development. The area is developed with single-family detached residential uses in the PR and A zones.

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

Street: 1321 Dry Gap Pk.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PR (Planned Residential)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: The property was rezoned to PR in 1990 as part of the larger PR zone that includes the Sterchi Hills and Sterchi Village subdivisions.

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.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Mike Reynolds

Staff Recomm. (Abbr.): APPROVE the request for a retail store of approximately 10,640 sqft as shown on the development plan, subject to 7 conditions.

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works, including but not limited to the location and design of the proposed driveway on Dry Gap Pike.
2. Signage shall meet the requirements of the CN (Neighborhood Commercial) zone (Section 3.90.09.J.) with the following exceptions: 1) The wall sign may be internally illuminated, and 2) The wall sign shall not exceed 50 sqft. The area of the wall sign shall be measured from the outer extent of a box sign or the aggregate of individual channel letters, whichever is applicable.
3. Meeting all applicable requirements of the Knox County Zoning Ordinance except as recommended for the signage in condition #2 above.
4. Installation of the proposed sidewalks ("walks") from the building sidewalks to the Dry Gap Pike intersection and on the south side of Dante Road and Fountain City Road as shown on the sidewalk plan or as otherwise required by Knox County Engineering and Public Works during permitting.
5. Installation of all landscaping as shown on the development plan within six months of the issuance of an occupancy permit, or posting a bond with the Knox County Department of Engineering and Public Works to guarantee such installation.
6. Installing full cut-off fixtures for the site lighting as depicted on the proposed lighting plan.
7. Modifying front façade (facing Dry Gap Pike) to include additional cladding materials and/or building articulation, with review and approval by Planning Commission staff during permit review.

With the conditions noted, this plan meets the requirements for approval of commercial use (retail store) in the PR (Planned Residential) zone and the criteria for approval of a use on review.

Comments: The applicant is proposing to develop a Dollar General store with approximately 10,640 square feet of floor area on this 2.7-acre site located in the northeast corner of the Dry Gap Pike and Dante Road/Fountain City Road intersection. Access will be from Dry Gap Pike.

This site is part of the 281-acre property that was zoned PR (Planned Residential) in 1990 (4-C-90-RZ) and developed into the Sterchi Hills and Sterchi Village subdivisions. There are approximately 40+ acres of undeveloped PR zoned property north of Dante Road that is still owned by the original developer. Sidewalks are being provided from the business to the Dry Gap Pike intersection and along the south side of Dante Road / Fountain City Road from Dry Gap Pike to Dubois Blvd. to the west and approximately 520-FT to the east to the terminus of the sidewalk to be installed by the recently approved Sterchi Village subdivision (11-SE-20-C / 11-J-20-UR). These sidewalks are proposed to meet the intent of the PR zone that allows commercial development that is integrated within large residential developments, and to meet the requirements of the Knox County sidewalk ordinance.

The PR zone allows consideration of commercial uses if the overall development is greater than 20 acres and "one (1) acre of commercial uses may be permitted for each one hundred (100) units in the project provided that twenty-five (25) percent of the total units proposed shall be ready for occupancy before any commercial building permit being issued." For 2.7 acres of commercial development to be permitted for consideration in the PR zone, the Sterchi Hills and Sterchi Village subdivisions must have a minimum of 270 units and at least 25 percent of those must be constructed before a commercial permit can be issued. There are approximately 500 residential parcels in these two subdivisions and they are essentially 100 percent developed.

Commercial uses in the PR zone must conform to the use and parking standards in the SC (Shopping Center) zone. Retail commercial uses are permitted in the SC zone and the proposed development plan meets the SC zoning standards. The parking requirement for retail stores is 1 space per 100 sqft of retail floor space which could result in much more parking than otherwise needed. In 2020, the off-

street parking requirements (Section 3.50) were amended to allow a parking study to be submitted to Knox County Engineering and Public Works and upon approval by the director of engineering, the minimum number of required parking spaces can be reduced. The applicant is seeking a reduction in required parking to the 31 spaces proposed (3 spaces per 1,000 sqft) which, for reference, is the same as the minimum required by the City of Knoxville zoning ordinance for retail uses.

While the PR zone allows consideration of commercial development, there is no guidance for business signage. The PR zone allows announcement signs for churches, schools, and public buildings that do not exceed 50 sqft and 8 feet in height, but this does not apply to businesses. Since the PR zone references the SC zone for use and parking standards, it could be interpreted that the SC zone sign standards are applicable, which is a maximum of 1 sqft per 10 sqft of usable floor area for the aggregate area of all signs. For this proposal, the maximum sign area would be approximately 1,000 sqft which is more than is required for this type of development and much more than should be allowed for a neighborhood-oriented commercial establishment. The signage shown on the renderings is what the applicant intends to install and is similar to what is permitted in the CN (Neighborhood Commercial) zone. Staff is recommending the CN signage standards be used with two exceptions which are outlined in condition #2.

The proposed structure is clad in brick with two horizontal bands of darker brick. While brick is a good material, the lack of articulation and/or windows in the façade for a building of this size creates a lot of blank wall area. Staff is recommending that the applicant revise the exterior elevation to include additional materials or articulation. An example is the Dollar General store at 2419 Amherst Road, which was developed in the RP-1 (Planned Residential) zone in the City of Knoxville (see Exhibit A).

Based on the size of the proposed commercial development, a transportation impact study is not required.

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 North City Sector Plan recommends NC (Neighborhood Commercial) uses for this site which includes retail and service-oriented commercial uses intended to provide goods and services that serve the day-to-day needs of households, within a walking or short driving distance.

B. NC uses should generally be located at intersections of collectors or arterial streets at the edge of or central to a neighborhood. The subject site is at the edge of the neighborhood and at the intersection of a minor arterial and major collector street.

C. With the installation of the proposed sidewalks, the retail use will be within walking distance from the Sterchi Hills and Sterchi Village subdivisions.

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

A. The PR (Planned Residential) zone is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment. Each planned unit development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the planning commission by review of the development plans. A planned unit development occupying not less than twenty (20) acres may contain commercial uses as hereinafter provided.

B. When commercial uses are permitted in the PR zone they must meet the use and parking requirements of the SC (Shopping Center) zone. With the recommended conditions, the proposed retail establishment (Dollar General) is compatible with the intent of the zoning ordinance.

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 is compatible with the residential uses in the area.

B. The proposed landscaping will help soften the development and provide screening to nearby residential uses.

C. The proposed full cut-off light fixtures will minimize light trespass on the public right-of-way and nearby residential uses.

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

A. The subject site is not immediately adjacent to any other uses. The nearest use is a house to the rear (east) of the site, which is located on the opposite side of the former right-of-way for Fountain City

Road before it was realigned.

B. With the recommended conditions and proposed landscape screening and lighting, the proposal should not significantly injure the value of an adjacent property.

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

A. The development has access to Dry Gap Pike, a major collector street, and has frontage on Fountain City Road, minor arterial street.

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 as Modified

Meeting Date: 6/10/2021

Details of Action:

1. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works, including but not limited to the location and design of the proposed driveway on Dry Gap Pike.
2. Signage shall meet the requirements of the CN (Neighborhood Commercial) zone (Section 3.90.09.J.) with the following exceptions: 1) The wall sign may be internally illuminated, and 2) The wall sign shall not exceed 50 sqft. The area of the wall sign shall be measured from the outer extent of a box sign or the aggregate of individual channel letters, whichever is applicable.
3. Meeting all applicable requirements of the Knox County Zoning Ordinance except as recommended for the signage in condition #2 above.
4. Installation of the proposed sidewalks ("walks") from the building sidewalks to the Dry Gap Pike intersection and on the south side of Dante Road and Fountain City Road as shown on the sidewalk plan or as otherwise required by Knox County Engineering and Public Works during permitting.
5. Installation of all landscaping as shown on the development plan within six months of the issuance of an occupancy permit, or posting a bond with the Knox County Department of Engineering and Public Works to guarantee such installation.
6. Installing full cut-off fixtures for the site lighting as depicted on the proposed lighting plan.
7. Modifying front façade (facing Dry Gap Pike) to include additional cladding materials and/or building articulation, with review and approval by Planning Commission staff during permit review.
- 7a. [ADDED BY PLANNING COMMISSION] Provide a varied roof profile by using a combination of gable and hip roof forms and overhangs.
- 7b. [ADDED BY PLANNING COMMISSION] Provide no less than two of the following elements on street-facing facades: texture change, material module change, or a wall articulation change of no less than 12 inches in depth or projection, such as a reveal, pilaster, or projecting rib. These elements shall repeat at intervals of no less than 50 feet.
- 7c. [ADDED BY PLANNING COMMISSION] Building materials and visual elements used on the primary building frontage must continue on all building façades that are visible from a public right-of-way.
8. [ADDED BY PLANNING COMMISSION] Providing landscaping with a minimum mature height of 3-FT between the parking lot and road right-of-ways .

Summary of Action: APPROVE the request for a retail store of approximately 10,640 sqft as shown on the development plan, subject to 8 conditions.

Date of Approval: 6/10/2021

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: