

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: 7-B-03-UR **Related File Number:**
Application Filed: 6/9/2003 **Date of Revision:**
Applicant: OUTBACK STEAKHOUSE
Owner:

PROPERTY INFORMATION

General Location: Southeast side of Strawberry Plains Pike, southwest side of Huckleberry Springs Rd.
Other Parcel Info.:
Tax ID Number: 73 PART OF 23.04 **Jurisdiction:** County
Size of Tract: 2.3 acres
Accessibility: Access is via a proposed street (26' pavement width within a 50' right-of-way) within the Rufus Smith's Commercial Subdivision with access to Strawberry Plains Pike and Huckleberry Springs Rd., both minor arterial streets.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Restaurant **Density:**
Sector Plan: East County **Sector Plan Designation:** Commercial
Growth Policy Plan: Urban Growth Area (Outside City Limits)
Neighborhood Context: The site is located in a commercially zoned area at Exit 398 for I-40.

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

Street: 823 Huckleberry Springs Rd
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PC (Planned Commercial)
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.): DENY the proposed 120' high pylon sign because it is not consistent with the PC and sign design standards.

APPROVE the 6,200 square foot restaurant containing up to 255 permanent seats as shown on the development plan subject to 7 conditions.

Staff Recomm. (Full):

1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
2. Prior to approval of the grading permit for this project and design plan for the proposed commercial subdivision (7-SD-03-C & 7-F-03-UR) submitting a plan to and obtaining approval from the Knox County Department of Engineering and Public Works for the access improvements that must be in place prior to an occupancy permit being issued for the restaurant .
3. Revising the landscape plan to add the landscaped island (to include one tree) between the restaurant and I-40 as shown on the development plan.
4. Installation of landscaping as shown on the revised landscape plan within six months of the issuance of occupancy permits for this project, or posting a bond with the Knox County Department of Engineering and Public Works to guarantee such installation.
5. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
6. Meeting all applicable requirements of the Knox County Zoning Ordinance.
7. A revised site plan reflecting the conditions of approval must be submitted to MPC staff prior to issuance of any building permits.

With the conditions noted, this plan meets the requirements for approval in the PC District and the other criteria for approval of a use on review.

Comments: This is a proposal to construct a restaurant that will contain 6,200 square feet and up to 255 permanent seats. This restaurant will be located on a 2.3 acre lot (Lot 7) within the proposed Rufus Smith's Commercial Subdivision that is also being considered at this meeting (7-SD-03-C & 7-F-03-UR). Access will be to a proposed local street with a 26' pavement width within a 50' right-of-way. This street will have access to Strawberry Plains Pike and Huckleberry Springs Rd., both minor arterial streets. The applicant is proposing 125 parking spaces (85 spaces are required).

Since this application is for development of a lot within a proposed subdivision that will require the construction of new streets, staff is recommending a condition that would require the applicant to submit a plan to the Knox County Department of Engineering and Public Works outlining the access improvements that must be in place prior to an occupancy permit being issued for the restaurant.

The applicant has submitted a proposal for a 120' high pylon sign for the restaurant. The maximum height allowed under the Knox County Zoning Ordinance is 50'. To recommend approval (variance would be required) of a sign for a lot within a PC (Planned Commercial) Zone, that is proposed at a height that is 2.5 times the permitted height allowed by the Zoning Ordinance, would begin the domino affect for the remaining 10 lots within the subdivision and at other locations at this interstate exit. While the Zoning Ordinance allows consideration for higher signs along the interstate when the development sites are lower than the road surface of the interstate, it does not give blanket approval to higher signs because of the location.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND

THE COMMUNITY AS A WHOLE

- 1. The proposed restaurant development will have minimal impact on local services since all utilities are either in place to serve the site or will be in place as a result of the development of the commercial subdivision.
- 2. The proposed restaurant use is consistent with the other commercial development found in the area.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

- 1. The proposed restaurant meets the standards for development within an PC (Planned Commercial) District and all other requirements of the Zoning Ordinance.
- 2. The proposed 120' high pylon sign does not meet the sign standards of the Zoning Ordinance and it is Staff's position that a hardship does not exist for granting the degree of variance that is being requested.
- 3. The proposed restaurant is consistent with the general standards for uses permitted on review. The proposed development is consistent with the adopted plans and policies of the adopted plans. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of neighborhood 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 East County Sector Plan identifies this area for commercial use. The proposed development is consistent with the adopted Sector Plan.

MPC Action:

Approved

MPC Meeting Date: 7/10/2003

Details of MPC action:

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- 3. Revising the landscape plan to add the landscaped island (to include one tree) between the restaurant and I-40 as shown on the development plan.
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- 5. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
- 6. Meeting all applicable requirements of the Knox County Zoning Ordinance.
- 7. A revised site plan reflecting the conditions of approval must be submitted to MPC staff prior to issuance of any building permits.

With the conditions noted, this plan meets the requirements for approval in the PC District and the other criteria for approval of a use on review.

Summary of MPC action:

DENY the proposed 120' high pylon sign because it is not consistent with the PC and sign design standards.

APPROVE the 6,200 square foot restaurant containing up to 255 permanent seats as shown on the development plan subject to 7 conditions.

Date of MPC Approval:

7/10/2003

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: