

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: 8-D-08-UR
Application Filed: 7/7/2008
Applicant: 441 PARTNERSHIP

Related File Number:
Date of Revision:

PROPERTY INFORMATION

General Location: South side of Norris Frwy., west of Maynardville Pike
Other Parcel Info.:
Tax ID Number: 38 F A 013 **Jurisdiction:** County
Size of Tract: 12 acres
Accessibility: Access is via Norris Freeway, a three-lane, minor arterial street in this area.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant
Surrounding Land Use:
Proposed Use: Shopping center **Density:**
Sector Plan: North County **Sector Plan Designation:** C, STPA, LDR
Growth Policy Plan: Planned Growth Area
Neighborhood Context: This site is located between commercial and residential property that has developed under RB, A and SC zoning.

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

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: SC (Shopping Center) / A (Agricultural) / F (Floodway)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: The subject property was rezoned to SC in 2005 (12-M-05-RZ/12-G-05/SP).

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:

Staff Recomm. (Abbr.):

APPROVE the development plan for the proposed shopping center, with a total building area of 31,000 square feet in the SC (Shopping Center) zoning district, subject to the following 17 conditions:

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
3. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
4. Provision of street names which are consistent with the Uniform Street Naming and Addressing System within Knox County (County Ord. 91-1-102).
5. Installing landscaping as shown on the landscape plan within six months of the issuance of occupancy permits for this project, or posting a bond in an amount acceptable to the Knox County Department of Engineering and Public Works to guarantee such installation.
6. Installing canopy trees within the proposed landscaped islands (see attached Tree Species Recommendation Matrix as per the Tree Conservation and Planting Plan).
7. Receiving a driveway entrance permit from the Tennessee Department of Transportation (TDOT).
8. Providing a cross access easement to the Legacy Park Foundation property as shown on the development plan.
9. Adherence to conditions outlined in the Traffic Impact Study conducted by Wilbur Smith & Assoc. in July of 2008.
10. Obtaining all necessary variances from the Knox County Board of Zoning Appeals.
11. Conducting a geotechnical study on the on-site depression prior to issuance of a grading permit from the Knox County Dept. of Engineering & Public Works.
12. Meeting all other applicable requirements of TDEC regarding the wetland area along with the previously approved Flood Study.
13. Submitting a road profile for the access into the park property in order to determine feasibility based on existing grade restrictions.
14. Providing a 1,100' greenway easement connection to the future Halls Greenway.
15. Meeting all applicable requirements of the Knox County Fire Marshall.
16. Proposed signage will be required to meet all applicable requirements of the Knox County Zoning Ordinance (Art.3.90.09, H).
17. Submitting a revised development plan to MPC staff for review and approval, reflecting the conditions of approval of this plan prior to any grading permits for this site.

With the conditions noted, this plan meets the requirements for approval of a use-on-review in the SC zoning district.

Comments:

The applicant is proposing to develop a 3.3 acre portion of this 12 acre site as a shopping center. The shopping center will include a 12,000 square foot grocery store and 17,520 square feet of retail space (12 separate units with 1,460 square feet per unit). The property fronts along Norris Frwy. just west of Maynardville Pike and adjoins property that has been designated as the future Halls Park and Greenway (Legacy Park Foundation). According to the Tennessee Department of Transportation (TDOT), all property owners on the south side of Norris Frwy., between Emory Rd. and Maynardville Hwy., are limited to one entrance onto Norris Frwy. As a result of this limitation, the applicant is required to provide a cross access easement to the future park property to the west of the site. A driveway entrance permit will have to be issued by TDOT.

Beaver Creek runs through the southeastern portion of the property. The applicant has been working with the Legacy Park Foundation for a community park and greenway easement connection through the subject property. The applicant has agreed to donate a 5-acre conservation easement that will help to protect Beaver Creek and its tributaries. The applicant has also agreed to provide a 1,100' greenway easement through the subject property for a connection to the future Halls Greenway system. The

applicant will be required to meet all applicable requirements of the Knox County Department of Engineering and TDEC regarding the floodway area and potential drainage issues. According to the applicant, a Flood Study was prepared for this project in February of 2008. It was decided that the proposed project will not increase base flood elevations upstream of the project site and no detention is required for stormwater from the site.

As part of this development plan, the applicant was required to obtain 2 variances from the Knox County Board of Zoning Appeals: reduce the parking stall size from 200 sq. ft. to 162 sq. ft.; and reduce the parking aisle width from 25' to 22' (east side of lot). These variances were approved at the July 2008 BZA meeting.

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

1. Public water and sewer utilities are available in the area to serve this site.
2. Norris Frwy. is a minor arterial street and has sufficient capacity to handle the additional traffic which will be generated by this development. Since the property has access only to Norris Frwy. and does not face any established residential uses, the impact of the proposed development on adjacent properties will be minimal.
3. The proposal will have no impact on schools.
4. The proposed development is compatible with the scale and intensity of the surrounding development and zoning pattern.
5. The proposed greenway easement and park land dedication will help to protect the environmental constraints noted on the subject property.

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

1. The proposal meets all requirements of the SC zoning district as well as the general criteria for approval of a use-on-review.
2. The proposed retail center is consistent with the following general standards for uses permitted on review: The proposal 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 neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw substantial additional traffic through residential areas.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The North County Sector Plan proposes commercial, stream protection, and low density residential uses for this site. SC (Shopping Center) is listed as a permitted zone under the commercial designation.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

MPC Action:

Approved

MPC Meeting Date: 8/14/2008

Details of MPC action:

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Summary of MPC action: APPROVE the development plan for the proposed shopping center, with a total building area of 31,000 square feet in the SC (Shopping Center) zoning district, subject to the following 17 conditions:

Date of MPC Approval: 8/14/2008

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: