

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 9-A-21-UR **Related File Number:**
Application Filed: 7/23/2021 **Date of Revision:**
Applicant: BRIAN EWERS

PROPERTY INFORMATION

General Location: West side of Harris Road, northwest of Rutledge Pike
Other Parcel Info.:
Tax ID Number: 60 079 (PART OF) **Jurisdiction:** County
Size of Tract: 3.33 acres
Accessibility: Access is via Harris Road, a minor collector road with 20-ft of pavement within a 50-ft right-of-way. Harris Road connects onto Rutledge Pike, a major arterial road with 60-ft of pavement within a 270-ft right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Office warehouse / Contractor's storage yard **Density:**
Sector Plan: Northeast County **Sector Plan Designation:** O (Office)
Growth Policy Plan: Urban Growth Area
Neighborhood Context: The property is located in an area with a mix of uses which include single-family residential to the west, and a mix of commercial and industrial uses located on the east side of Rutledge Pike.

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

Street: 1575 Harris Rd.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PC (Planned Commercial) (k)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: The property was rezoned in 2019 from RB to PC (10-I-19-RZ).

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 an office warehouse structure with approximately 7,500 sqft of floor area for a contractor's office and maintenance shop, and a contractor's storage yard with approximately 37,500 sqft of outdoor storage area, subject to 8 conditions.

Staff Recomm. (Full):

Meeting all requirements of Article 4, Section 4.102 (Standards for the use-on-review approval of contractor's storage yards) in the Knox County Zoning Ordinance.

Providing a detailed landscape plan during permitting for review and approval by Planning Commission staff. The landscape plan shall detail the species and trunk diameter of the existing trees to remain and the species of any new plantings to meet the Type A landscape screening guidelines that are required along the shared lot line with adjacent residential uses per the zoning condition placed on the PC (Planned Commercial) zoning by Knox County Commission (10-I-19-RZ).

Installing all required landscaping within six months of issuance of an occupancy permit for the project, or posting a bond with the Knox County Department of Engineering and Public Works to guarantee such installation.

Providing an opaque fence on all sides of the outdoor storage area with a minimum height of 8 feet.

All site lighting fixtures, pole mounted and attached to the building, shall be full cut-off fixtures or have housing shields to direct the light toward the ground and to restrict the light source from being visible from the adjacent residential properties. The revised lighting plan must be reviewed and approved by Planning Commission staff before building permits are issued.

Platting the parcel in approximately the same size and location as proposed. If the parcel is smaller than shown on the development plan (3.33 acres), the outdoor storage area must not exceed 40 percent of the parcel area and must maintain a 25-ft setback to all property lines per Article 4, Section 4.102 of the Knox County Zoning Ordinance.

Meeting all relevant requirements of the Knox County Department of Engineering and Public Works.

Meeting all applicable requirements of the Knox County Zoning Ordinance.

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

Comments:

The proposal is for a new office, maintenance shop, and storage yard for Brabston Trucking, which provides site preparation, site utility installation, and heavy equipment transport services. The function of the building will act as Brabston's office and repair facility and the gravel area will house Brabston's equipment and storage for their operations.

In 2019, the property was rezoned (10-I-19-RZ) from RB (General Residential) to PC (Planned Commercial) (k) with the condition that a landscaping screen be installed along any shared boundaries with residential zoning (see Exhibit A).

Contractor's storage yards have standards for use-on-review in the supplemental regulations of the Knox County zoning ordinance (Article 4, Section 4.102) that are specific to the CR (Rural Commercial) and CA (General Business) zones, but these can be used in other zones when the Planning Commission determines it is appropriate. There is a residential neighborhood to the rear of this property and in the Planning staff's opinion, applying the supplemental regulations in this location is appropriate to ensure the adjacent residential is adequately protected and the proposal meets the same standards as similar proposals in commercial zone districts that are also appropriate next to residential districts. Listed below are the minimum required information and minimum development requirements for contractor's storage yards.

4.102.01. Minimum required information.(Staff notes in BOLD)

A. A scaled site plan that shows the following information:

- Storage areas for materials and equipment. (37,500 sqft outdoor storage area to the rear of the site.)
- Parking and maintenance areas for business vehicles. (Maintenance will be performed in the building and storage of business vehicles will be in the outdoor storage area.)
- Location of all buildings and structures on the site. (Provided. See site plan)
- Vehicular and pedestrian circulation on the site, including points of access to the site from a public road, loading and unloading areas, and areas for employee and customer parking. Provided. See site plan.)
- Required or proposed landscaping and buffer areas. (Type A landscape screen will be provided along the rear property line per the zoning condition placed on the property by Knox County Commission and a Type C landscape screening along the south side of the parking area according to the landscape screening standards of Article 4, Section 4.10.11.)
- Required or proposed screening and fencing of storage yards. (A 10'-0" tall welded wire fence w/ fabric mesh screen or plastic slats will be installed around the gravel area.)
- Proposed lighting plan, including location and specifications of light standards, lighting fixtures and lighting directions. (There will be (4) four, 20-ft tall pole lights with lens shields to direct the light away from the surrounding property. Examples of the proposed light fixtures are attached. See condition #5.)
- Any other information as might reasonably be required by the Planning Commission for use in making a thorough evaluation of the proposal.

B. A description of all vehicles, trailers, and equipment stored, maintained, or used by the business on the property. (4 triaxle dump trucks and 2 low boy trailers will leave and return to the site each workday. Large 52'-0" tractor-trailer vehicles (85'-0" with truck) will rarely visit the site to deliver equipment for repair, maintenance, and storage.)

C. A description of all fuel, chemicals, or commodities and the amount of each that will be stored on site. (1,000 gallon tank of off-road fuel. All other items stored will be equipment or trailers.)

D. The range of number of employees throughout the year and the average number of employees at any time. (There will be an average of 10 employees during a shift.)

4.102.02. Minimum development requirements. (Staff notes in BOLD)

- Road access. The site shall be located on an arterial or collector road, as defined by the Major Road Plan for Knoxville and Knox County, Tennessee, provided that the county department of engineering may certify alternative access. (Harris Road is a minor collector road.)
- Minimum parcel size. The minimum area of the parcel must be one (1) acre. (The proposed site is 3.33 acres.)
- Maximum storage area size. The maximum size of the contractor's storage yard, as shown on the site plan, is forty (40) percent of the parcel area. (The storage yard is approximately 26 percent of the proposed parcel area.)
- Relationship to floodplain. The storage yard shall be located completely outside the one hundred (100) year floodplain, as described by the KGIS FIRM map. (Not applicable)
- Setback of storage areas. All storage areas associated with the contractor storage yard shall be no less than twenty-five (25) feet from any property line. (The proposed setback is 25-ft to the side property lines and greater to the other property lines.)
- Storage yard screening and fencing. Equipment, parking facilities and material storage areas must be screened from adjoining properties as established on the site plan. A 10-ft tall opaque fence is proposed as well as landscape screening to the rear of the property.)
- Lighting, noise and other impacts. The site shall meet the performance standards described at subsections 4.10.01 through 4.10.11, Supplemental regulations applying to a specific, to several or to all zones, of this ordinance. For purposes of these standards, a contractor's storage yard is not the same as a parking or loading area. (Type A landscape screening is proposed along the rear property line as required by the zoning condition and the light source for the site lighting will be shielded and arranged so that lighting is directed away from any boundary of the lot or tract adjacent to any property zoned to permit residential uses.)
- Other approvals. Prior to issuance of building permits, the approved use-on-review site plan and conditions for the proposed contractor's storage yard shall be reviewed and approved by the county codes administration and inspections department, the county health department and the county solid waste division, consistent with their application and permitting procedures.

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 property is designated O (Office) on the Northeast County Sector Plan. The O (Office) land use has the following description: This land use includes business and professional offices and office parks.
- B. For this Use on Review application to be approved in the Office land use classification, the Planning Commission must find that the proposed use is consistent with, and not in conflict with the sector plan.
- C. The PC (Planned Commercial) zone is permissible with covenants in the O (Office) land use classification. Covenants have not been created for this development since an overall business park has not been approved. The PC zone requires approval of all changes to a site be approved by the Planning Commission via the use-on-review process, which can also include the change of use if it is not consistent with the original approval.
- D. The size of the proposed structure is similar to an office building but the exterior will have industrial look. To help soften the appearance of the structure, the exterior will be a combination of smooth-faced CMU and split-faced CMU at the base of the building, and metal panels on the upper portion (see sheet A501).

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

- A. The PC (Planned Commercial) zone is intended for a unified grouping of commercial buildings which do not require or desire a central business district location. It is the objective of this zone to achieve the highest quality site design, building arrangement, landscaping and traffic circulation patterns possible.
- B. Knox County Commission placed a condition on the PC zoning for this site that requires a Type A landscape screening along the shared property line with adjacent residential uses. This screening is being provided along the rear property line.
- C. With the recommended conditions, the contractor's storage yard meets the zoning standards and the condition of the PC zoning.

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 building is approximately 20-ft tall and located centrally on the property. The front portion of the site has a TVA powerline easement running through it so the building cannot be moved much closer to Harris Road and will be located approximately 400-ft from the rear property line.
- B. The proposed building height is approximately 21-ft which is similar to a two-story house.
- C. With the proposed landscape screening and setback from the rear property line, the facility will be adequately screened from the residential uses.

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

- A. The proposed use should have little impact on the adjacent property because of the limited traffic the facility will generate and the proposed landscape screening and opaque fencing will buffer the storage yard.

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

- A. The development has direct access to Harris Road which is a minor collector 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 use.

Action: Approved

Meeting Date: 9/9/2021

Details of Action:

Summary of Action:

Approve the request for an office warehouse structure with approximately 7,500 sqft of floor area for a contractor's office and maintenance shop, and a contractor's storage yard with approximately 37,500 sqft of outdoor storage area, subject to 8 conditions.

Date of Approval: 9/9/2021

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: