

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: 9-C-10-UR

Related File Number:

Application Filed: 8/2/2010

Date of Revision:

Applicant: POV CHIN

PROPERTY INFORMATION

General Location: Northeast side of Norris Freeway, Southeast side of Sam Walton Way.

Other Parcel Info.:

Tax ID Number: 38 C G 00601

Jurisdiction: County

Size of Tract: 1.35 acres

Accessibility: Access is via the Joint Permanent Easement that serves the shopping center and provides access out to Norris Freeway, a minor arterial street.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land

Surrounding Land Use:

Proposed Use: Murphy Express Fuel Center - Revised

Density: NA

Sector Plan: North County

Sector Plan Designation: LDR

Growth Policy Plan: Planned Growth Area

Neighborhood Context: Residential development within RAE, RA and PR zoning districts is the predominant development found to the north and west of the site. Hospice and assisted care uses within an OB zoning district are located to the east on Andersonville Pike. In addition to the approved shopping center, commercial uses are located south of the site along E. Emory Rd. and Norris Freeway.

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

Street: 7555 Fork Station Way

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

ZONING INFORMATION (where applicable)

Current Zoning: SC (Shopping Center)

Former Zoning:

Requested Zoning:

Previous Requests:

Extension of Zone:

History of Zoning: Property rezoned to SC (Shopping Center) in 2000. The Planning Commission had recommended denial of the request at that time. The rezoning was approved on appeal to the Knox County Commission on November 20, 2000.

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:

Tom Brechko

Staff Recomm. (Abbr.):

APPROVE the development plan for a 20 pump gas fueling station, subject to 5 conditions:

Staff Recomm. (Full):

1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
2. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
3. Meeting all applicable requirements and obtaining any required permits for the proposed signage from the Knox County Sign Administrator.
4. Installing all landscaping, as shown on the development plan, within six months of the issuance of occupancy permits for this project.
5. Meeting all applicable requirements of the Knox County Zoning Ordinance.

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

Comments:

The applicant received a use on review approval on June 10, 2010 for a gas fueling station with 20 pumps as a stand alone facility at the shopping center development (includes the Walmart under construction) located on the northeast side of Norris Freeway, north of E. Emory Rd. Under that approval, the fueling station included a 208 square foot kiosk to house the station attendant and a restroom for the attendant. Since signage is based on the size of the building on the site, the applicant was severely limited by the small size of the kiosk. The sign variances that were requested from the Knox County Board of Zoning Appeals were denied.

That applicant has now submitted a revision to the original application that increases the size of the kiosk for the fueling center from 208 square feet to 648 square feet. The majority of the kiosk is located under the canopy of the fueling station. In addition to the increase in the size of the kiosk, the applicant has submitted a new sign package that includes a 61.67 square foot monument sign. There is no other signage proposed on the building or canopy. Variances will not be needed from the Knox County Zoning Ordinance.

Access to the fueling center will be from the Joint Permanent Easement that serves the shopping center and provides access out to Norris Freeway, a minor arterial street. While the site has frontage along Norris Freeway, there is no direct access out to Norris Freeway.

A Traffic Impact Study was previously approved for the shopping center development which include a number of improvements to Norris Freeway and E. Emory Rd.

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

1. The proposed fueling center will have minimal impact on local services since all utilities are available to serve this site.
2. The Traffic Impact Study and street improvements approved for the shopping center will address the impacts from this proposed facility.

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

1. With the recommended conditions, the proposed fueling center meets the standards for development within the SC zoning district and all other requirements of the Zoning Ordinance..
2. The proposed fueling center 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 area where it is proposed based on the County's approval of the shopping center district. 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 MPC PLANS

1. The North County Sector Plan identifies this property for low density residential use. At the time that the rezoning request (SC zoning) was reviewed by the Planning Commission individual sector plan amendments were not considered with the rezoning requests.
2. The site is identified as being within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

Action: Approved **Meeting Date:** 9/9/2010

- Details of Action:**
1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
 2. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
 3. Meeting all applicable requirements and obtaining any required permits for the proposed signage from the Knox County Sign Administrator.
 4. Installing all landscaping, as shown on the development plan, within six months of the issuance of occupancy permits for this project.
 5. Meeting all applicable requirements of the Knox County Zoning Ordinance.

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

Summary of Action: APPROVE the development plan for a 20 pump gas fueling station, subject to 5 conditions:

Date of Approval: 9/9/2010 **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: