

# 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-M-07-UR  
**Application Filed:** 8/6/2007  
**Applicant:** BANKEAST

**Related File Number:**  
**Date of Revision:**

## PROPERTY INFORMATION

**General Location:** Southeast side of Hardin Valley Rd., northeast of Schaeffer Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 104 094 **Jurisdiction:** County  
**Size of Tract:** 1.619 acres  
**Accessibility:** Access is via Hardin Valley Rd., a minor arterial street with a four lane divided median section within a required 100' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Bank under construction  
**Surrounding Land Use:**  
**Proposed Use:** Removal of a cross access easement and driveway **Density:**  
**Sector Plan:** Northwest County **Sector Plan Designation:** C & SLPA  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** The site is located near the interchange of Pellissippi Parkway and Hardin Valley Rd. in an area that has a mix of business, institutional and residential uses within the Technology Overlay Corridor.

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

**Street:** 10626 Hardin Valley Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** PC (Planned Commercial) / TO (Technology Overlay)  
**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:

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 applicant's request to remove the requirement of a cross access easement and driveway connection to the lot adjoining this property to the east and APPROVE the following site plan modifications.

Staff Recomm. (Full):

1. Remove the right-in/right-out driveway from the Bank East site and relocate the driveway to the property to the east (see site plan for file 9-O-07-UR).
2. Keep the driveway connection to the lot adjoining the Bank East property to the east and establish cross access easements between Bank East and the Hardin Valley Crown Center subdivision.
3. As identified in the Staff reports and site plans for the Shuler Properties application (9-O-07-UR) and Hardin Valley Crown Center, Unit 1 application (9-SG-07-C) the relocated right-in/right-out driveway from Hardin Valley Rd. will extend to the south to connect with the main driveway within Hardin Valley Crown Center, Unit 1 that extends from Iron Gate Blvd. to the access drive and easement located between Bank East and the Bread Box Food Store. (By recommended condition for 9-SG-07-C, this main driveway connection must be completed before a certificate of occupancy is issued for any development on any lots within the subdivision.) An agreement has also been signed between Bank East and the developer of Hardin Valley Crown Center Subdivision stating that the developer of the subdivision will install the right-in/right-out driveway from Hardin Valley Rd. within approximately four weeks from the Planning Commission approvals so that the driveway connection can be used by Bank East when they open for business.

Comments:

The applicant is requesting a revision to the use-on-review approval granted for the bank by the Planning Commission on February 8, 2007. The plan approved by the Planning Commission included a right-in/right-out access to the site from Hardin Valley Rd. in addition to the access drive to Hardin Valley Rd. across from Charlevoix Rd. When Staff recommended approval of the direct curb cut (right-in/right-out) onto Hardin Valley Rd. it was with a revision to the site plan that included a connection to the property to the east (a part of Hardin Valley Crown Center Subdivision) allowing for cross access within the commercial development at the southeast quadrant of Pellissippi Parkway and Hardin Valley Rd. The applicant is now requesting that this driveway connection and cross access be eliminated expressing concerns on the increased traffic across their property.

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

1. Staffs recommendation of approval of the right-in/right-out only driveway for the Bank East site was based on the driveway connection being provided to the property to the east. By eliminating the driveway connection and shared access between parcels there will be additional requests for direct curb cuts onto Hardin Valley Rd. which is counter to good access management.
2. To address the applicants concern on increased traffic across their property, an alternative design has been offered that would move the right-in/right-out driveway from their property to the property to the east (see site plan for file 9-O-07-UR). This proposed location will increase the separation between the proposed access and the existing Bread Box Food Store access onto Hardin Valley Rd. and will also align with a driveway that provides access to the main driveway within the subdivision.

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

1. The proposed commercial development is consistent with the general standards for uses permitted on review except for the request to eliminate cross access between properties which is not consistent good access management for commercial development along arterial streets. The applicant will also be using the access easement across the Bread Box Food Store property.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

- 1. The Northwest County Sector Plan proposes commercial uses for the site. The proposed planned commercial development is consistent with the PC (Planned Commercial) zoning district and sector plan 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:** 9/13/2007

**Details of MPC action:**

- 1. Remove the right-in/right-out driveway from the Bank East site and relocate the driveway to the property to the east (see site plan for file 9-O-07-UR).
- 2. Keep the driveway connection to the lot adjoining the Bank East property to the east and establish cross access easements between Bank East and the Hardin Valley Crown Center subdivision.
- 3. As identified in the Staff reports and site plans for the Shuler Properties application (9-O-07-UR) and Hardin Valley Crown Center, Unit 1 application (9-SG-07-C) the relocated right-in/right-out driveway from Hardin Valley Rd. will extend to the south to connect with the main driveway within Hardin Valley Crown Center, Unit 1 that extends from Iron Gate Blvd. to the access drive and easement located between Bank East and the Bread Box Food Store. (By recommended condition for 9-SG-07-C, this main driveway connection must be completed before a certificate of occupancy is issued for any development on any lots within the subdivision.) An agreement has also been signed between Bank East and the developer of Hardin Valley Crown Center Subdivision stating that the developer of the subdivision will install the right-in/right-out driveway from Hardin Valley Rd. within approximately four weeks from the Planning Commission approvals so that the driveway connection can be used by Bank East when they open for business.

**Summary of MPC action:** DENY the applicant's request to remove the requirement of a cross access easement and driveway connection to the lot adjoining this property to the east and APPROVE the following site plan modifications.

**Date of MPC Approval:** 9/13/2007 **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:**