



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
USE ON REVIEW REPORT**

▶ **FILE #:** 8-D-08-UR

AGENDA ITEM #: 77

AGENDA DATE: 8/14/2008

▶ **APPLICANT:** 441 PARTNERSHIP

OWNER(S): SILVUS ENGINEERING CO.

TAX ID NUMBER: 38 F A 013

JURISDICTION: County Commission District 7

▶ **LOCATION:** South side of Norris Frwy., west of Maynardville Pike

▶ **APPX. SIZE OF TRACT:** 12 acres

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Norris Freeway, a three-lane, minor arterial street in this area.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **ZONING:** SC (Shopping Center) / A (Agricultural) / F (Floodway)

▶ **EXISTING LAND USE:** Vacant

▶ **PROPOSED USE:** Shopping center

HISTORY OF ZONING: The subject property was rezoned to SC in 2005 (12-M-05-RZ/12-G-05/SP).

SURROUNDING LAND USE AND ZONING: North: Shopping Center / SC (Shopping Center)

South: Beaver Creek & residential subdivision / STPA (Stream Protections) & F (Floodway) & RB (General Residential)

East: Beaver Creek / STPA (Stream Protections) & F (Floodway)

West: Vacant land & residential subdivision / SC (Shopping Center) & PR (Planned Residential)

NEIGHBORHOOD CONTEXT: This site is located between commercial and residential property that has developed under RB, A and SC zoning.

STAFF RECOMMENDATION:

▶ **APPROVE the development plan for the proposed shopping center, with a total building area of 29,520 square feet in the SC (Shopping Center) zoning district, subject to the following 17 conditions:**

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 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.

ESTIMATED TRAFFIC IMPACT: 3073 (average daily vehicle trips)

Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.

From: "Doug Bataille" <doug.bataille@knoxcounty.org>
To: <kelley.schlitz@knoxmpc.org>
Date: 7/31/2008 5:24:40 PM
Subject: New Halls Park

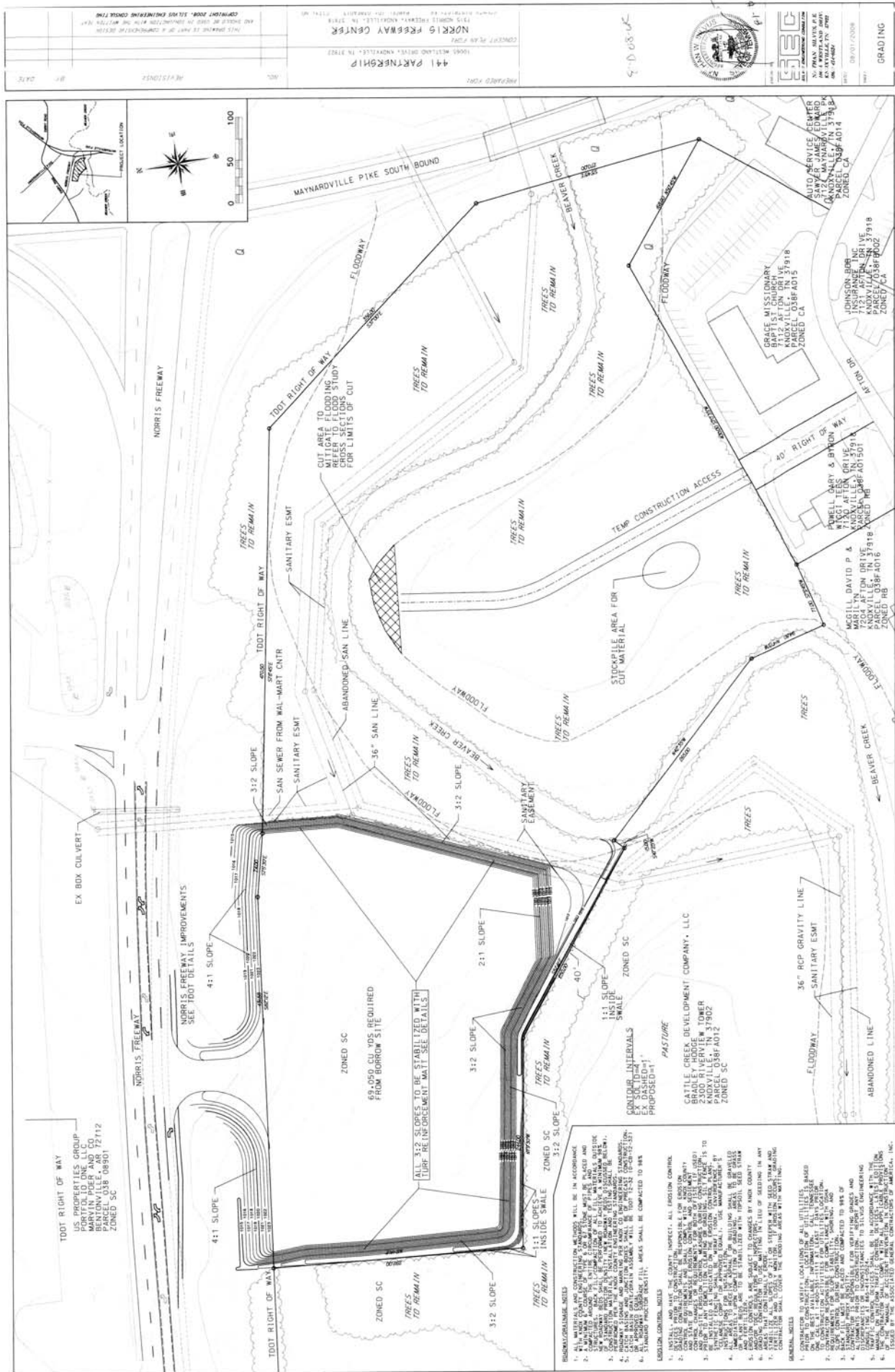
Kelley,

I understand there were questions about the amount of traffic projected for the new park. I think it will be comparable to New Harvest when completed. We are getting traffic counts there of 11,000 vehicles per month or 366 per day. This is our peak season, we calculate 2 people per car so there can be over 1,000 people per day on peak days (weekends).

Thank you,

Doug Bataille
Senior Director, Knox County Parks & Recreation
2447 Sutherland Ave.
Knoxville, TN 37919
Ofc. (865) 215-6600
Fax (865) 215-6603

CC: "Carol Evans" <cevans@legacyparksfoundation.org>, "Terry Shupp"
<terry.shupp@knoxcounty.org>



441 PARTNERSHIP
 NORRIS FREEWAY CENTER
 CONCEPT PLAN FOR THE
 10000 WESTLAND DRIVE, KNOXVILLE, TN 37923
 5/13/2008
 PREPARED FOR:
 441 PARTNERSHIP
 10000 WESTLAND DRIVE, KNOXVILLE, TN 37923
 PREPARED BY:
 GBC
 30 PRINCE STREET, SUITE 200
 KNOXVILLE, TN 37902
 TEL: 615-582-0000
 FAX: 615-582-0001
 WWW.GBCINC.COM
 DATE: 5/13/2008
 SHEET: 001 OF 008
 GRADING

REVISIONS/CHANGE NOTES:
 1. WITH THE CITY OF KNOXVILLE'S CONCURRENCE, THE PERMITS WILL BE IN ACCORDANCE WITH THE CITY OF KNOXVILLE'S CONSTRUCTION STANDARDS AND SPECIFICATIONS, WHICH WILL BE PLACED AND COMPLETED BY THE CONTRACTOR.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF KNOXVILLE AND THE STATE OF TENNESSEE.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF KNOXVILLE AND THE STATE OF TENNESSEE.
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GENERAL NOTES:
 1. CONTRACTOR TO VERIFY LOCATIONS OF ALL UTILITIES, INCLUDING BUT NOT LIMITED TO, WATER, GAS, ELECTRIC, AND TELEPHONE, PRIOR TO CONSTRUCTION.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF KNOXVILLE AND THE STATE OF TENNESSEE.
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US PROPERTIES GROUP
 FORTY-FOUR ONE, LLC
 BENTONVILLE, AR 72712
 PARCEL 018 08901
 ZONED SC
 TODD RIGHT OF WAY

69,050 CU YDS REQUIRED FROM TUTORUM 311E
 ALL 3:2 SLOPES TO BE STABILIZED WITH JUMP REINFORCEMENT. SEE T00T DETAILS

CONTOUR INTERVALS SHALL BE PROPOSED AT 1:1 SLOPES INSIDE SWALE

CATTLE CREEK DEVELOPMENT COMPANY, LLC
 BRADLEY HODGE TOWER
 KNOXVILLE, TN 37902
 PARCEL 038FAD12
 ZONED SC
 PASTURE

GRACE MISSIONARY
 84021 ST LOUIS BLVD
 KNOXVILLE, TN 37918
 ZONED C0-08FAD15

JOHNSON BOB
 INSURANCE INC
 KNOXVILLE, TN 37918
 ZONED C0-08FAD16

MC GILL DAVID P &
 MARILYN DRIVE
 KNOXVILLE, TN 37918
 ZONED C0-08FAD16

PARRELL LARRY & BRYON WAY
 7140 AFTON DRIVE
 KNOXVILLE, TN 37918
 ZONED C0-08FAD16

AUTO SERVICE CENTER
 1175 MANHATTAN BLVD
 KNOXVILLE, TN 37918
 ZONED C0-08FAD14

EX BODY CULVERT
 MORRIS FREEWAY
 NORRIS FREEWAY IMPROVEMENTS
 SEE T00T DETAILS

36" RCP GRAVITY LINE
 SANITARY ESMT

36" SAN LINE
 SANITARY ESMT

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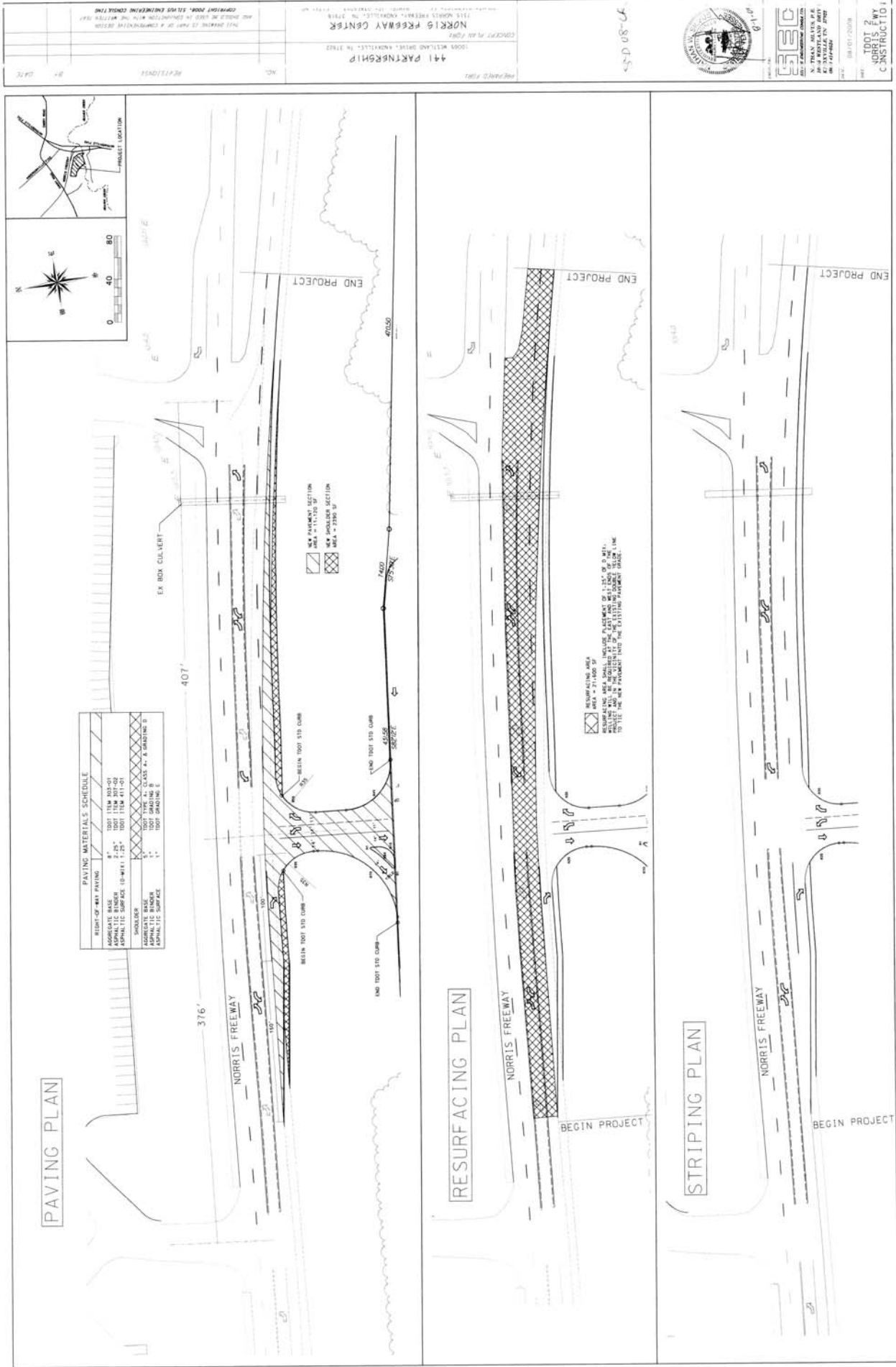
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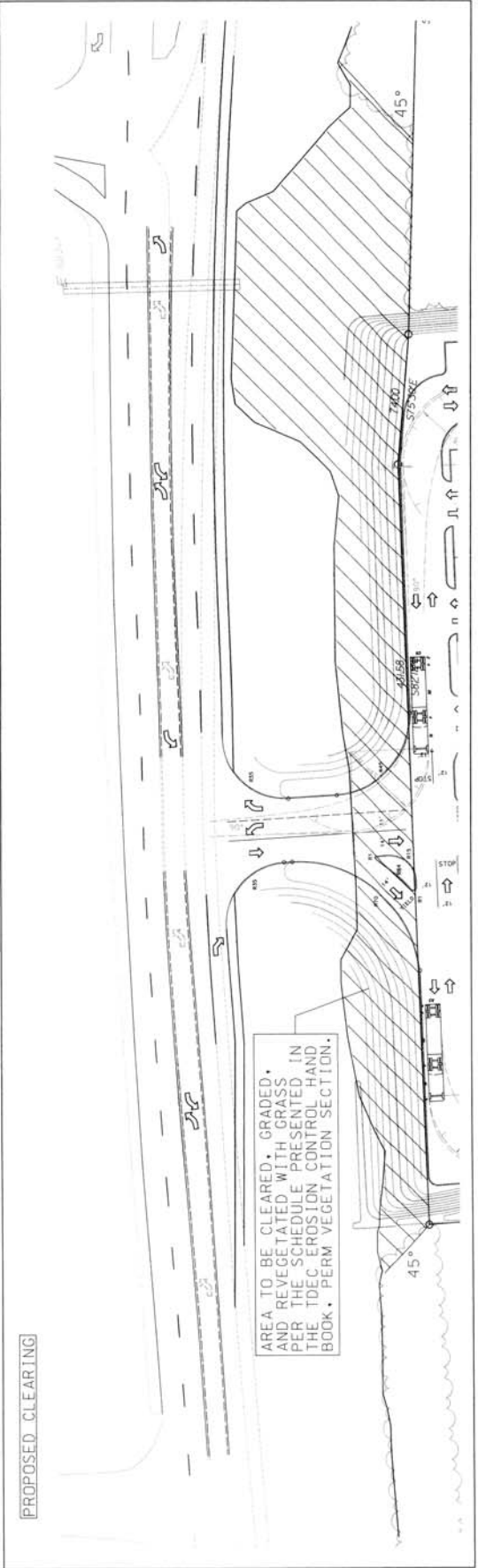
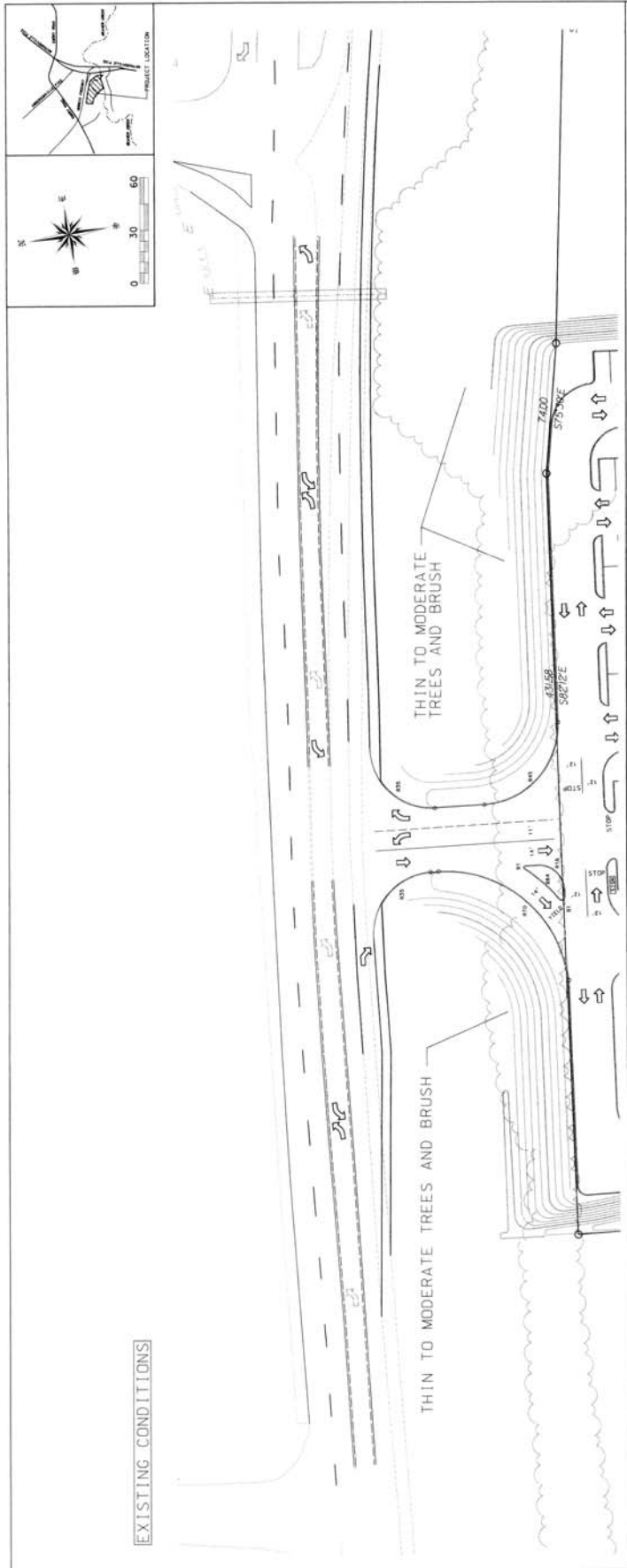
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36" RCP GRAVITY LINE
 SANITARY ESMT





8-D-08-WR

From: "Doug Bataille" <doug.bataille@knoxcounty.org>
To: <kelley.schlitz@knoxmpc.org>
Date: 7/28/2008 9:17:53 AM
Subject: Re: Nathan Sylvus Development in Halls

Kelley:

This is in response to the proposed development on Norris Freeway by Nathan Silvas. Legacy Parks Foundation is working with the community to acquire the adjacent property for a future park. This is an unusual development because of the limited driveway access on Norris Freeway. I discussed this issue with Amanda Snowden at TDOT and we agreed that to service the commercial development and the park the access should be a boulevard style road providing access to both properties. I also met with Mr. Silvas to discuss the developemnt.

The last version I reviewed showed an entrance to the park that would essentially provide access through the driving lanes of the parking lot for the commercial developement. I feel this will present problems for both the commercial development as well as the park. The park has the potential to have very heavy traffic at the same time commercial use would be heavy; evenings and weekends. I also have concern about the route for the road that this access will force us to take through the park, yet more fill will be required as well as valuable park property to complete this design.

I understand the restrictions the developer faces making this site work from a construction and financial aspect but I feel the design as it stands will be very problematic in the future.

Another concern is the construction of the retaining wall that will need to built to allow for the commercial development. There appears to be a sinkhole type depression between the two properties. Drainage from our property to the creek will need to be considered and investigation to see if this is a sinkhole or a depression.

Sincerely,

Doug Bataille
Senior Director, Knox County Parks & Recreation
2447 Sutherland Ave.
Knoxville, TN 37919
Ofc. (865) 215-6600
Fax (865) 215-6603

CC: "Terry Shupp" <terry.shupp@knoxcounty.org>, "Carol Evans" <cevens@legacyparksfoundation.org>

From: Carol Evans <cevas@legacyparksfoundation.org>
To: <kelley.schlitz@knoxmpc.org>
Date: 7/27/2008 11:11:39 PM
Subject: Nathan Sylvus Development comments - revised

8-D-08-UR

Kelley -

I've edited my comments related to the Nathan Sylvus Halls development which I sent Friday. Please use this version. Thanks!

Legacy Parks Foundation is supportive of smart growth, which includes a balance of commercial and residential development, recreational amenities and green space. The Halls community has an abundant inventory of available commercial properties and vacant land available for redevelopment. For example, the Wal-Mart directly across from the Halls Park will be vacant in March when the new Wal-Mart opens less than a mile down Norris Freeway. The current Wal-Mart site and new site both contain out parcels looking for commercial tenants. Few of the numerous shopping centers in Halls are fully leased.

On the other hand, green space within the heart of Halls, or any of our commercial districts, is a rarity. Greenspace is an important component of smart growth. Studies consistently show that parks and green space increases property values for both commercial and residential developments (see attached). Economic development professionals rank quality of life, which includes parks and greenspace, as a top three factor in businesses choosing to locate their business. Because there are ample opportunities for commercial development within the vicinity and because of the economic value this park-like property can bring to the entire Halls area, our preference for the highest and best use of this land is that it remain undeveloped green space or developed in a fashion that has less visual impact upon the park.

We appreciate Mr. Sylvus' efforts to create a development that can enhance the park. We did meet several times to discuss design options. We do understand that there are strong financial considerations that drive the design in order to make the project work. Those considerations - orientation of the buildings, parking design and the entrance - make it difficult for the commercial development truly integrates with the park as we would hope.

We appreciate Mr. Sylvus' interest in placing a conservation easement over a portion of the property. This certainly adds an additional level of protection in preserving the greenspace. We also appreciate his offer to provide a greenway easement along Beaver Creek.

One additional concern brought to our attention relates to the water flow. Based on the topography map for the site, it appears that a large depression or sinkhole is partially located on the park property and partially on the adjacent tract that is proposed for a commercial development. The site grading plan for the commercial development appears to place fill in the depression. If this occurs, it basically creates a dam. If the sink ever stops functioning (not allowing water to enter the ground) then water could back up onto the park site. If the depression is partially filled by the developer, a means for water to flow from the depression area on the park property across the commercial site to the creek needs to be maintained in order to prevent the potential for ponding of water on the park property.

8-D-08-WR

Table 1: LARGE TREE SPECIES RECOMMENDATIONS

LARGE TREE GROUP Mature Height More than 50'	Interchanges/ Grade Separations	Medians	Parking Lots or Similar 'Hardscape'	Near Sidewalks	Under Utility Lines	Visibility Concern Areas**	Yards
Green Ash*	YES	YES	YES	YES	NO	YES	YES
American Basswood (Linden)*	YES	YES	YES	YES	NO	YES	YES
White Basswood (Linden)	YES	YES	YES	YES	NO	YES	YES
American Beech*	YES	YES	NO ^B	NO ^B	NO	YES	YES
European Beech	YES	YES	NO ^B	NO ^B	NO	YES	YES
Blackgum*	YES	NO	NO	NO	NO	YES	YES
Yellow Buckeye	YES	NO	NO	NO	NO	YES	YES
Bald Cypress*	YES	YES	NO	NO	NO	YES	YES
American Elm	YES	YES	YES ^C	YES ^C	NO	YES	YES
Hackberry*	YES	YES	NO	NO	NO	YES	YES
European Hornbeam	YES	YES	YES	NO	NO	NO	YES
Ginkgo	YES	YES	NO ^P	NO	NO	YES ^F	YES ^F
Red Maple*	YES	YES	YES	YES	NO	YES	YES
Sugar Maple*	YES	YES	YES	YES	NO	YES	YES
Bur Oak	YES	YES	YES	YES	NO	YES	YES
Chestnut Oak*	YES	YES	NO ^B	NO ^B	NO	YES	YES
Chinkapin Oak*	YES	YES	YES	YES	NO	YES	YES
English Oak	YES	YES	NO ^B	NO ^B	NO	YES	YES
Northern Red Oak*	YES	YES	YES	YES	NO	YES	YES
Sawtooth Oak	YES	YES	YES	YES	NO	YES	YES
Scarlet Oak*	YES	YES	YES	YES	NO	YES	YES
Shumard Oak*	YES	YES	YES	YES	NO	YES	YES
Southern Red Oak*	YES	YES	YES	YES	NO	YES	YES
White Oak*	YES	YES	YES	YES	NO	YES	YES
Willow Oak*	YES	YES	YES	YES	NO	YES	YES
Loblolly Pine*	YES	NO	NO	NO	NO	NO	YES
Pitch Pine	YES	YES ^A	NO	NO	NO	NO	YES
Shortleaf Pine*	YES	YES ^A	NO	NO	NO	NO	YES
White Pine*	YES	YES ^A	NO	NO	NO	NO	YES
London Planetree/Sycamore*	YES	YES	NO	NO	NO	NO	YES
Tulip Poplar*	YES	YES	YES	YES	NO	YES	NO
Dawn Redwood	YES	YES ^A	NO	NO	NO	NO	YES
Sweetgum*	YES	YES	NO ^B	NO ^B	NO	YES	YES
Black Cherry*	NO	NO	NO	NO	NO	NO	YES
Virginia Pine*	NO	YES ^A	YES	NO	NO	NO	YES
Laurel Oak	YES	YES	NO	YES	NO	NO	YES
Winged Elm	YES	YES	YES	NO	NO	NO	YES
Eastern Hemlock	NO	NO	NO	NO	NO	NO	YES

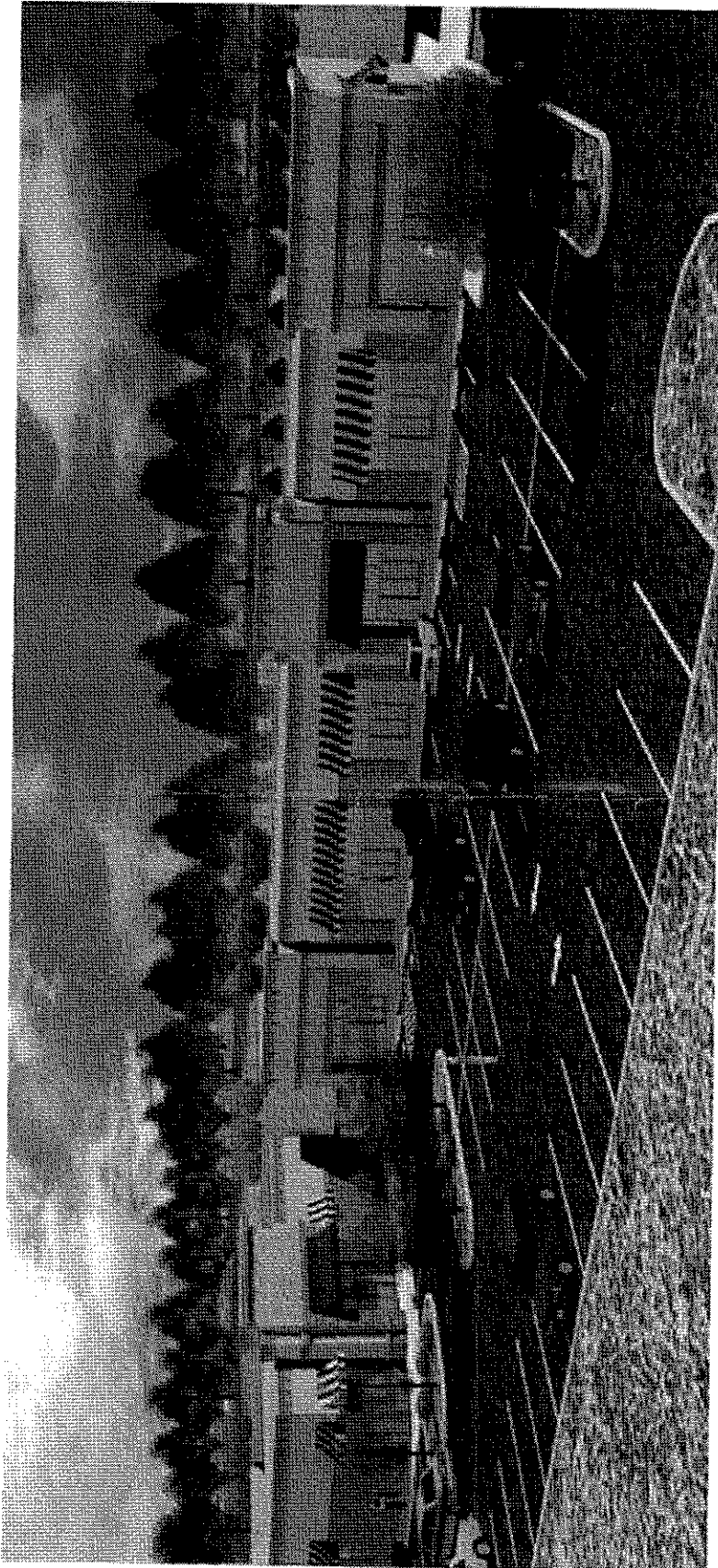
* Native to south central United States
 **Tree placement and maintenance procedures should be respectful of sight distance
 A. If site does not obstruct visibility and median width is acceptable
 B. Large nuts can cause difficulties under foot
 C. If hybrid, disease-resistant variety is used
 D. Because of slow-growing nature and 'sick-like' appearance
 E. Male trees, only
 F. Two different species; both can produce pollen, causing allergies

8-D-08-WR

Table 2: MEDIUM TREE SPECIES RECOMMENDATIONS

MEDIUM TREE GROUP Mature Height 30' - 50'	Interchanges/ Grade Separations	Medians	Parking Lots or Similar 'Hardscape'	Near Sidewalks	Under Utility Lines	Visibility Concern Areas**	Yards
Arbovitae*	YES	YES	YES	NO	NO	NO	YES
River Birch*	YES	YES	NO	NO	NO	YES	YES
Catalpa*	YES	YES	NO	NO	NO	NO	YES
Atlantic White Cedar	YES	YES ^A	YES ^B	NO	NO	NO	YES
Deodar Cedar	YES	YES ^A	YES ^B	NO	NO	NO	YES
Eastern Red Cedar*	YES	YES ^A	YES ^B	NO	NO	NO	YES
Kentucky Coffeetree	YES	YES	NO	NO	NO	YES	YES
Amur Cork Tree	YES	YES	YES	YES	NO	YES	YES
Cryptomeria	YES	YES	YES ^B	NO	NO	NO	YES
Lace-bark Elm	YES	YES	YES	YES	NO	YES	YES
Smooth Leaf Elm	YES	YES	YES	YES	NO	YES	YES
Eastern Hemlock*	YES	YES ^A	YES ^B	NO	NO	NO	YES
American Holly*	YES	YES	YES ^B	NO	NO	NO	YES
Thornless Honeylocust	YES	YES	YES	YES	NO	YES	YES
American Hornbeam*	YES	YES	YES	NO	NO	YES	YES
Eastern Hophornbeam*	YES	YES	YES	NO	NO	YES	YES
Little-leaf Linden*	YES	YES	YES	YES	NO	YES	YES
Silver Linden*	YES	YES	YES	YES	NO	YES	YES
Black Locust*	YES	YES	YES	NO	NO	YES	YES
Southern Magnolia*	YES	YES ^A	NO	YES	NO	NO	YES
Sweetbay Magnolia*	YES	YES	YES ^B	YES	NO	NO	YES
Hedge Maple	YES	YES	YES	YES	NO	YES	YES
Trident Maple	YES	YES	YES	YES	NO	YES	YES
Austrian Pine	YES	YES ^A	YES ^B	NO	NO	NO	YES
Japanese Red Pine	YES	YES	YES	NO	NO	NO	YES
Chinese Pistache	YES	YES	YES	YES	NO	YES	YES
Sassafras*	YES	YES	NO	YES	NO	YES	YES
Sourwood*	YES	YES	NO	YES	NO	YES	YES
Colorado Blue Spruce	YES	YES ^A	YES ^B	NO	NO	NO	YES
White Spruce	YES	YES	YES ^B	NO	NO	NO	YES
Weeping Willow ^C	YES	NO	NO	NO	NO	NO	YES
Yellowwood*	YES	YES	YES	YES	NO	YES	YES
Zelkova	YES	YES	YES	YES	NO	YES	YES

* Native to south central United States
 **Tree placement and maintenance procedures should be respectful of sight distance
 A. Avoid planting where there are breaks in median for turning across travel lanes. Plant where a screen from on-coming car headlights is needed.
 B. Use at edges of parking lots for border or buffering purposes. Do not use in islands or medians of parking lots.
 C. Avoid near septic systems and similar problem areas.



**NORRIS FREEWAY CENTER
KNOX COUNTY, TENNESSEE**

PREPARED BY:

ASG
INCORPORATED

PREPARED FOR:
441 PARTNERSHIP
10065 WESTLAND DRIVE
KNOXVILLE, TN 37922



**NORRIS FREEWAY CENTER
KNOX COUNTY, TENNESSEE**

PREPARED BY:

ASG
INCORPORATED

PREPARED FOR:
441 PARTNERSHIP
10065 WESTLAND DRIVE
KNOXVILLE, TN 37922