



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

▶ **FILE #:** 7-B-09-UR **AGENDA ITEM #:** 42

POSTPONEMENT(S): 7/9/2009 **AGENDA DATE:** 8/13/2009

▶ **APPLICANT:** CEDAR BLUFF LAND PARTNERS, LLC

OWNER(S): DAVID CAMPBELL

TAX ID NUMBER: 119 H F 014

JURISDICTION: County Commission District 5

▶ **LOCATION:** West side of N Cedar Bluff Rd., west end of Fox Lonas Rd.

▶ **APPX. SIZE OF TRACT:** 0.821 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via N. Cedar Bluff Rd., a major arterial street with 4 lanes and a center turning lane and 60' of pavement width within 80' of right of way. The site's driveway lines up with Fox Lonas Dr., a minor collector street to the east, which has a traffic signal at its intersection with N. Cedar Bluff Rd.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Turkey Creek

▶ **ZONING:** CN (Neighborhood Commercial)

▶ **EXISTING LAND USE:** Vacant commercial building

▶ **PROPOSED USE:** Restaurant with drive thru window

HISTORY OF ZONING: Property rezoned to CN (Neighborhood Commercial) on July 24, 2006.

SURROUNDING LAND USE AND ZONING: North: Vacant land / A (Agricultural) & PC (Planned Commercial)

South: Offices / OA (Office Park) & OB (Office, Medical, and Related Services)

East: School and vacant land / RP-1 (Planned Residential)

West: Recreation facility / A (Agricultural)

NEIGHBORHOOD CONTEXT: This area of N. Cedar Bluff Rd. north of Dutchtown Rd. has been developed with office and residential uses, as well as a large church campus, under A, RA, RAE, RP-1, OA and OB zoning. Most commercial development along N. Cedar Bluff Rd. has occurred to the south, south of Dutchtown Rd. and to the north, near the intersection with Middlebrook Pike, under various commercial zones.

STAFF RECOMMENDATION:

▶ **APPROVE the development plan for a proposed Popeye's restaurant with a drive thru window, subject to the following 9 conditions:**

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Meeting all applicable requirements of the Knox County Health Department.

3. Revising the development plan to change the designation of the 931.87' contour from "Maximum Ponding Elevation" to "Closed Contour for Sinkhole"
4. Submitting a geotechnical report prepared by a registered engineer to the Knox County Department of Engineering and Public Works to determine soil stability in the area of the proposed restaurant building. The report is subject to review and approval by the County prior to any building permit being issued. Engineered footings will be required for this area.
5. Obtaining approval of a variance from the Knox County Board of Zoning Appeals for locating the proposed building within the closed contour for the sinkhole.
6. Implementation of Traffic Impact Study recommendations subject to approval of the timing of the improvements by the Knox County Department of Engineering and Public Works.
7. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
8. Installation of landscaping as shown on the development plan within six months of the issuance of occupancy permit for this project, or posting a bond with the Knox County Department of Engineering and Public Works to cover the improvements.
9. Meeting all applicable requirements and obtaining all required permits from the Tennessee Department of Environment and Conservation for development activity within the sinkhole.

With the conditions noted above, this requests meets the requirements for approval of a restaurant with a drive thru window in the CN zone and other criteria for a use on review.

COMMENTS:

The applicant is proposing to develop this 0.821 acre site with a 2200 square foot fast food restaurant with a drive thru window. Restaurants can be permitted in the CN (Neighborhood Commercial) zoning district through the use-on-review process. Access to the site is from the west side of N. Cedar Bluff Rd. at the intersection with Fox Lonas Rd.

A Traffic Impact Study was conducted for the proposed restaurant. The site is located on the west side of the signalized intersection of N Cedar Bluff Rd. and Fox Lonas Rd. The study concluded that the proposed development will not create an unacceptable impact at the signalized intersection. Minor changes are proposed at the intersection that would require new or revised signage and lane striping (see attachment).

To address concerns on flooding in the area, an initial analysis was prepared by a geotechnical engineer and submitted to the Knox County Department of Engineering and Public Works regarding the proposed stormwater management plan for the site (See attached letter from GEOServices). Based on recommendations from the Ogden flood study prepared for Knox County in 1998, the applicant is proposing to install an injection well at the sinkhole throat on the site. It is believed that improving infiltration into the aquifer will help decrease the potential for flooding at the site. Since the County's Stormwater Ordinance does not allow buildings within the closed contour area of the site, the applicant will have to obtain a variance from the Knox County Board of Zoning Appeals to be able to move forward with this proposed development.

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

1. As identified in the Traffic Impact Study for the proposed development, installation of the minor improvements at the signalized intersection of N Cedar Bluff Rd. and Fox Lonas Rd. should offset any impacts from the proposed development.
2. Public water and sewer utilities are available to serve the development.
3. It is believed that improving infiltration into the aquifer as proposed in the stormwater management plan will help decrease the potential for flooding at the site.
4. The proposal will have no impact on schools.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE AND KNOX COUNTY ZONING ORDINANCES

1. With the recommended conditions, the proposed restaurant with a drive thru window meets the requirements of the Knox County Zoning Ordinance.
2. The proposed restaurant with a drive thru window 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 neighborhood where it is proposed. With the proposed landscaping, the additional parking will not significantly injure the value of adjacent property.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

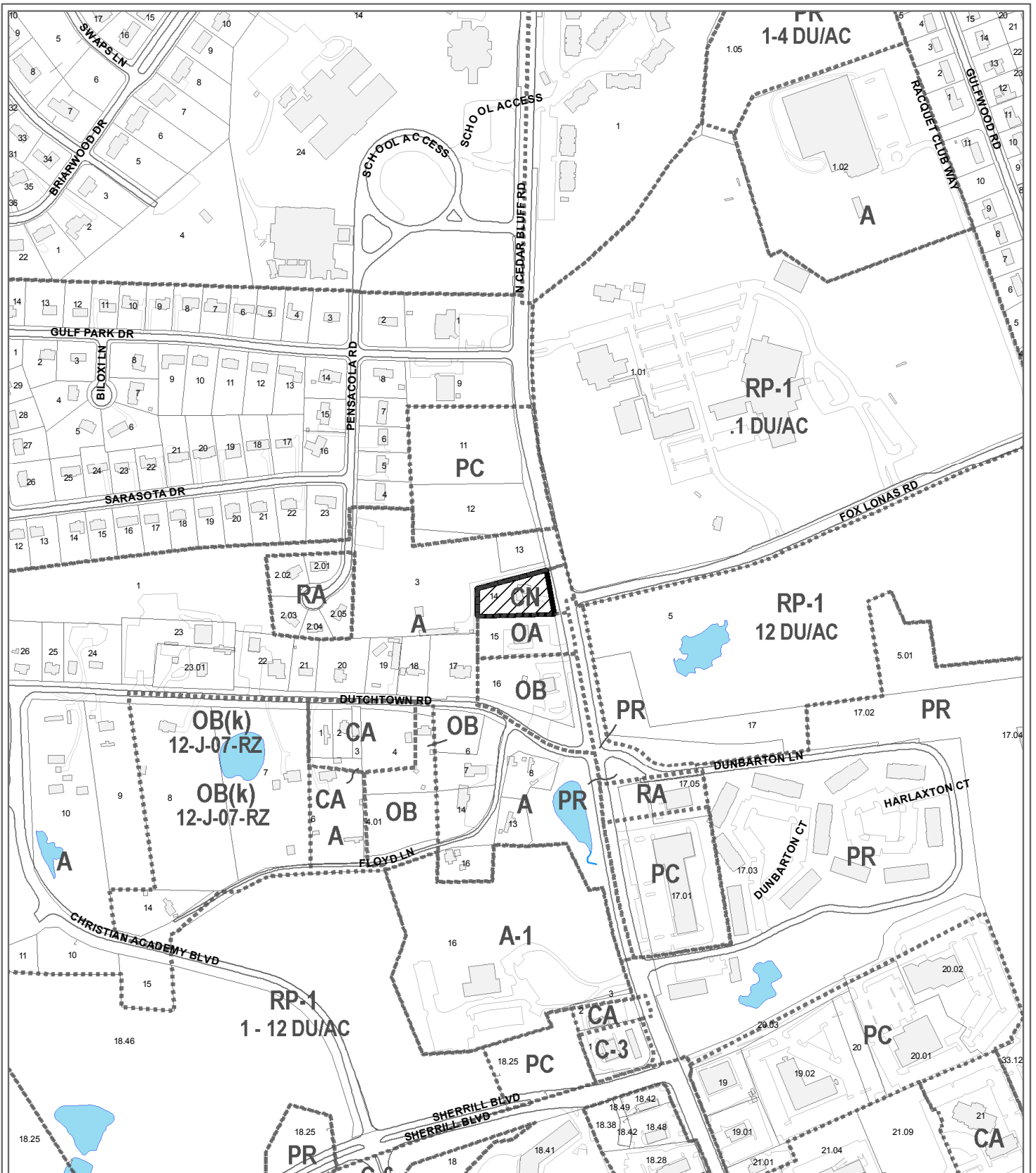
1. The Northwest County Sector Plan proposes neighborhood commercial uses for this site. Under the Zoning Ordinance restaurants can be considered through the use-on-review process.
2. The site is located within the Planned Growth Area of the Knoxville-Knox County-Farragut Growth Policy Plan.

ESTIMATED TRAFFIC IMPACT 1091 (average daily vehicle trips)

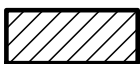
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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.



**7-B-09-UR
USE ON REVIEW**



Use on Review for: Restaurant with drive thru in CN zone

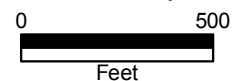
Original Print Date: 6/23/2009
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

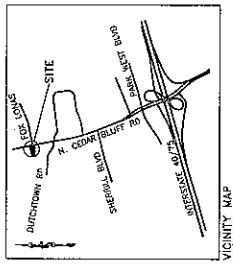
Revised:

Petitioner: Cedar Bluff Land Partners, LLC

Map No: 119

Jurisdiction: County



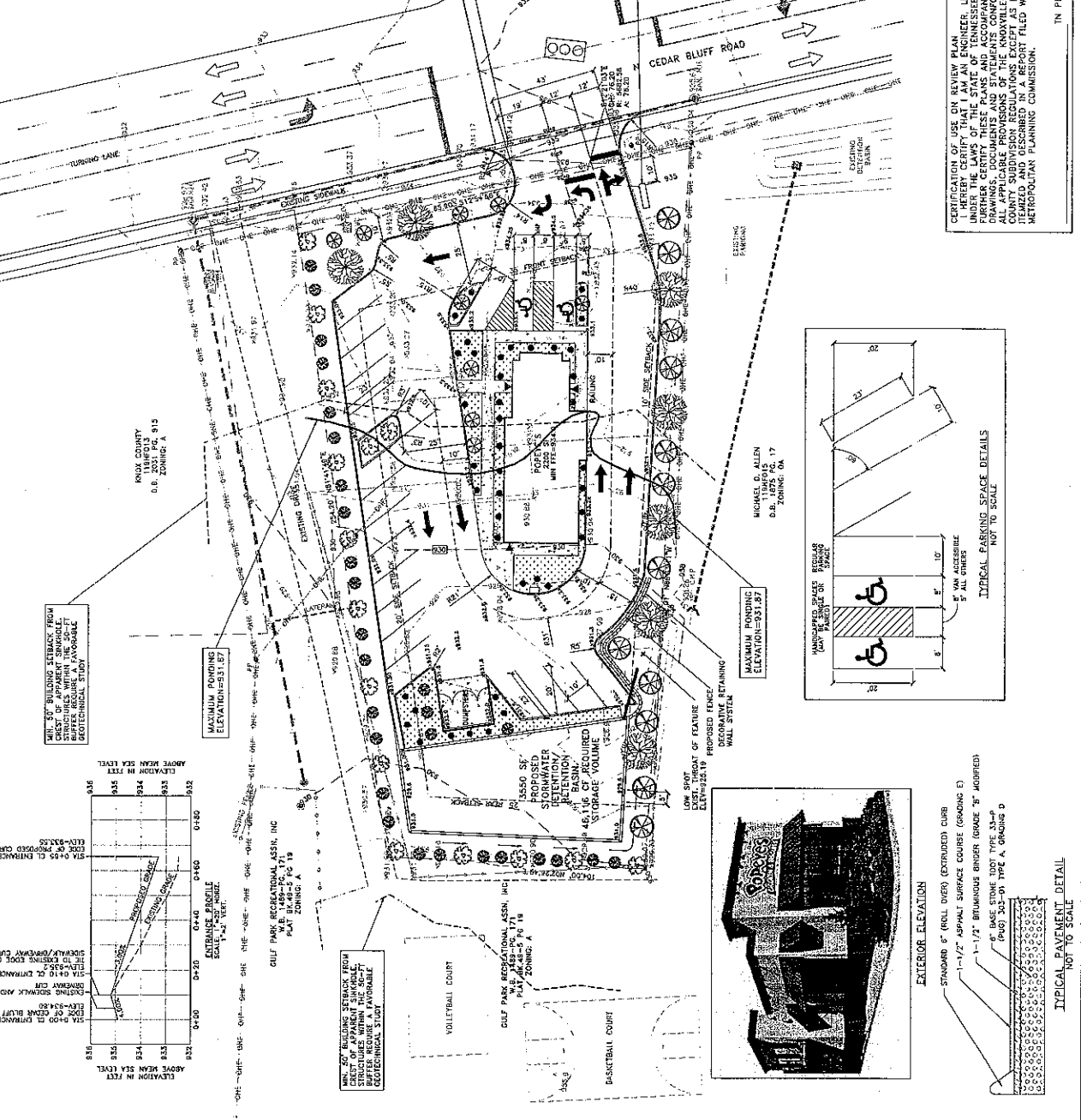


1. TOTAL AREA = 6.814 ACRES
 2. EXISTING LOT AREA = 14.550 ACRES (CONVEYANCE)
 3. EXISTING LOTS = 28 (20-18) 1/2 ACRES
 4. EXISTING LOTS = 19 (10-18) ACRES (RESIDENTIAL)
- REMARKS: 28 FT. FRINGING (0 FT. 2 FT. (SIDE-SETBACK))
 25 FT. FRINGING (0 FT. 2 FT. (SIDE-SETBACK))
 15 FT. FRINGING (0 FT. 2 FT. (SIDE-SETBACK))

- USE ON REVIEW PLAN**
513 N. CEDAR BLUFF ROAD
(POPEYE'S LOUISIANA KITCHEN)
 Knox County, Tennessee
- Prepared For:
 Cedar Bluff Land Partners, LLC
 325 Wooded Lane
 Knoxville, Tennessee 37922
 (865) 755-3575
- Municipality:
 Knox County, Department of Engineering
 and Public Works
 205 W. Baxter Avenue
 Knoxville, Tennessee 37917
 (865) 215-8600

IDEAL ENGINEERING SOLUTIONS, INC.
INCORPORATED
 325 Wooded Lane
 Knoxville, Tennessee 37922
 (865) 507-9881

- FURNISHING SCHEDULE:** 2. IN PLACE FOR 10% OF TOTAL FLOOR AREA & 10% OF TOTAL SPACE REQUIREMENTS. 3. IN PLACE FOR 10% OF TOTAL FLOOR AREA & 10% OF TOTAL SPACE REQUIREMENTS. 4. IN PLACE FOR 10% OF TOTAL FLOOR AREA & 10% OF TOTAL SPACE REQUIREMENTS.
- SPACES SHOW:** 2. SPACES WITH 2. HANDICAPPED SEATING.
- LANDSCAPE ELEMENTS:** 1. PLANTING BLANKS. 2. NATIVE SHADE TREES AND SHARING AND GROUNDWORK. 3. NATIVE SHADE TREES THROUGHOUT BY STAIRS AND ENTRANCES. 4. NATIVE SHADE TREES THROUGHOUT BY STAIRS AND ENTRANCES.
- PROPOSED SHADE TREE:**
 • HEMLOCK
 • DOUGLASS SPRUCE
 • LARCH
 • SPANISH BLUE OAK
 • WHITE OAK
 • NORTHERN RED CEDAR
 • JUNIPER
 • EASTERN RED CEDAR
 • VIRGINIAN RED CEDAR
 • VIRGINIAN PINE
 • VIRGINIAN SPRUCE
 • VIRGINIAN FIR
- PROPOSED EVERGREEN TREE:**
 • NORFOLK ISLAND SPINE
 • EASTERN RED CEDAR
 • VIRGINIAN RED CEDAR
 • VIRGINIAN PINE
 • VIRGINIAN FIR



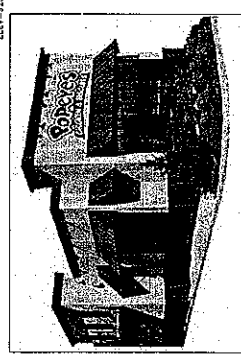
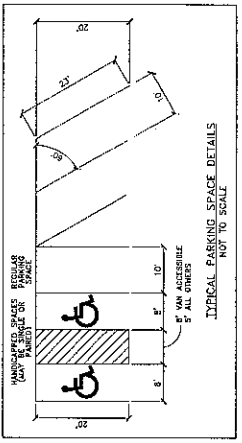
STOP
 STOP
 ALL TRAFFIC
 STOP AT THIS SIGN

7-B-09-UK



CERTIFICATION OF USE ON REVIEW PLAN
 I HEREBY CERTIFY THAT I AM AN ENGINEER LICENSED UNDER THE LAWS OF THE STATE OF TENNESSEE. I HAVE REVIEWED AND APPROVED THE DRAWINGS, DOCUMENTS AND STATEMENTS CONFORM TO ALL APPLICABLE PROVISIONS OF THE KNOXVILLE-KNOX COUNTY SUBDIVISION REGULATIONS EXCEPT AS HAS BEEN INDICATED OTHERWISE. THIS PLAN IS FILED WITH THE METROPOLITAN PLANNING COMMISSION.

IN PE 104905



MIN. 5' BUILDING SETBACK FROM CURB OF APPARENT SIDEWALK. BUFFER REQUIRE A FAVORABLE GEOTECHNICAL STUDY.

MAXIMUM PONDING ELEVATION=931.87

MIN. 5' BUILDING SETBACK FROM STRUCTURES WITHIN THE 50-FIT SETBACK AREAS. BUFFER REQUIRE A FAVORABLE GEOTECHNICAL STUDY.



7-B-09-UR

July 30, 2009

David C. Campbell
3225 Wodded Lane
Knoxville, Tennessee 37922

Subject: **Class V Injection Well – Response to Knox County Engineering Concerns**
GEOServices Project Number: 21-09226

Dear Mr. Campbell:

GEOServices has recently completed and obtained approval, by the Tennessee Department of Environment and Conservation, a Class V Injection Well Permit to allow the injection of stormwater into the closed depression located at 513 N. Cedar Bluff Road. We understand that the Knox County Engineering maintains some concern over the development surrounding and the partial filling closed depressions in the Cedar Bluff area due to the potential and past observance of flooding. During our permitting request, GEOServices has become aware of particular items which should be considered by Knox County as part of the approval of the development. A brief summary of these items is listed below:

1. During the flood study (dated September 25, 1998) performed by Ogden for Knox County on the subject area, numerous remedial options were discussed. One options which was limitedly discussed was “Find and improve sinkhole throats” on page 20.
2. Well Log information for the area indicates uppermost aquifer depth in excess of 55 feet with an average depth in excess of 75 feet for wells located within 1 mile of the subject site.
3. The condition of the closed depression as it currently exists is relatively poor for infiltration. Debris and sediment, likely from the adjacent development, was observed and likely impeding the infiltration rate.
4. Rock was encountered at shallow depths in the area where the required detention structure will be located.

GEOServices, LLC
500 Maryville Highway
Building 1, Suite B
Seymour, Tennessee 37865

(865) 573-6130
(865) 573-6132 fax

Opinion

Based on our review and understanding of the Knox County Engineering concerns, it is the opinion of GEOServices that the development of this site and the mitigation of the closed depression at this site will actually decrease the potential for flooding in this area. As stated in the Ogden flood study, locating, improving and maintaining sinkhole throats are a method of improving infiltration rates and subsequently decreasing the potential for flooding. *The mitigation planned for the sinkhole at the subject property will include excavation and protection of the sinkhole throat as well as permanent sediment controls which will most assuredly improve and protect infiltration rates over the existing poor condition of the sinkhole.* This will allow more rapid infiltration to the aquifer system, which well data indicates is at least 55 feet below the surface at adjacent sites. Further, the removal of rock in the adjacent detention facility will allow for additional surface area for direct infiltration, further improving the rate of stormwater infiltration. In summary, it is our opinion based on our limited information, that the flooding that periodically occurs in the Cedar Bluff area could be reduced by simply improving the infiltration rates and protection of throats of the numerous sinkholes in the area, and the sinkhole improvements planned for this development should be considered an acceptable way of increasing these infiltration rates.

Sincerely,
GEOServices, LLC



Lloyd R. Monday, P.E.
Principal
IN 104964

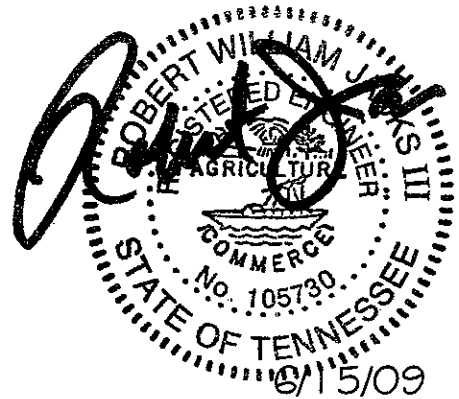
TRAFFIC IMPACT STUDY
FOR
POPEYE'S LOUISIANA CHICKEN
ON CEDAR BLUFF ROAD
KNOX COUNTY, TENNESSEE

-Prepared For-

Cedar Bluff Land Partners, LLC
325 Wooded Lane
Knoxville, TN 37922

-Prepared By-

Ideal Engineering Solutions, Inc.
325 Wooded Lane
Knoxville, TN 37922



June 15, 2009

RECOMMENDATIONS


The analyses presented in this study of the proposed new Popeye's Chicken indicate that the traffic generated by this proposed development will not create an unacceptable impact on the traffic capacity of the intersection of Cedar Bluff Road and Fox Lonas Road. After all the analyses have been conducted and reviewed, the following recommendations are provided for the proposed new Popeye's Chicken on Cedar Bluff Road:

- Northbound Approach: From the capacity calculations, it has been shown that northbound left turns into the establishment will operate at LOS B. It does not appear that this movement needs a new traffic signal head with a left turn indication that could coincide with the current southbound left turn phase. This is primarily due to the low levels of left turn vehicles into the site and the lowered amounts of southbound traffic in the PM peak. However, if conditions change and warrant a separate left turn phase, this modification could easily be accomplished. The existing left turn storage length for northbound left turns appears to be adequate. It is recommend that a traffic sign "Left Turn Signal – Yield on Green" (R10-21) should be installed adjacent to the traffic signal on the span wire controlling this northbound approach.
- Southbound Approach: From the capacity calculations, it has been shown that southbound thru/right turns will operate at LOS A. No specific changes are recommended for this approach other than that southbound right turns into the site should be accommodated with a maximum amount of driveway entrance radii.
- Westbound Approach: From the capacity calculations, it has been shown that westbound left/thru and right turns will operate at LOS D. These LOS designations did not change in respect to the calculations for the background conditions. However, nonetheless, it is recommended that the striping and signage be changed to accommodate the new development. The westbound left turn lane needs to be re-striped from left turns only to left turn and through striping. Additionally, the signage located on the shoulder should also be changed to reflect the change in lane designations. The existing left turn/thru storage length for the westbound approach appears to be adequate. It is recommend that a traffic sign "Left Turn Signal – Yield on Green" (R10-21) should be installed adjacent to the traffic signal controlling this westbound approach.

- Eastbound Approach: From the capacity calculations, it has been shown that eastbound left/thru/right turns from a single exiting lane will operate at LOS C. The existing lane configurations at this approach (for the abandoned day care center) include an exclusive left turn and thru/right lane. The proposed conceptual plan by Ideal Engineering Solutions, Inc in Figure 2 shows only a single exiting lane for left, thru, and right turns. Both lane configurations (existing two lanes and proposed single lane) were examined and calculated for capacity. Both scenarios resulted in very similar results

While not necessary for capacity purposes per se, it has been determined that it might be in the best interest of the development to propose the exiting driveway to match the existing lane configurations of a single exclusive left turn and a lane for exiting thru/right lane. This would potentially allow for small amounts of right turns to exit and turn on the red indication when unimpeded by queued thru vehicles. The sight distance at this approach has been examined and determined to be more than adequate for potential right-turn-on-red vehicles. Also, with two exiting lanes, this would allow for the opposing eastbound and westbound approaches to line up opposite each other for safer intersection travel during the green phases. Table 6 shows the calculated LOS designations for the exiting lane configuration of an exclusive left lane and thru/right lane. If the existing lane configuration is ultimately constructed with 2 exiting lanes, the left turn lane should be in line with the opposite westbound left. The proposed storage length for exiting traffic appears to be adequate. It is also recommend that a traffic sign "Left Turn Signal – Yield on Green" (R10-21) should be installed adjacent to the traffic signal on the span wire controlling this westbound approach

TABLE 6
2010 PEAK HOUR LEVEL OF SERVICE - PROJECTED
 (with exclusive left turn lane and thru/right lane configuration)

INTERSECTION	TRAFFIC CONTROL	TURNING MOVEMENT	LEVEL OF SERVICE
			PM PEAK
Cedar Bluff Road and Fox Lonas Road	Signalized 	Eastbound Left	C
		Eastbound Thru/Right	C
		Westbound Left/Thru	D
		Westbound Right	D
		Northbound Left	B
		Northbound Thru/Right	D
		Southbound Left	D
		Southbound Thru/Right	A
		Intersection LOS	C
		Avg. Control Delay (sec)	31.6

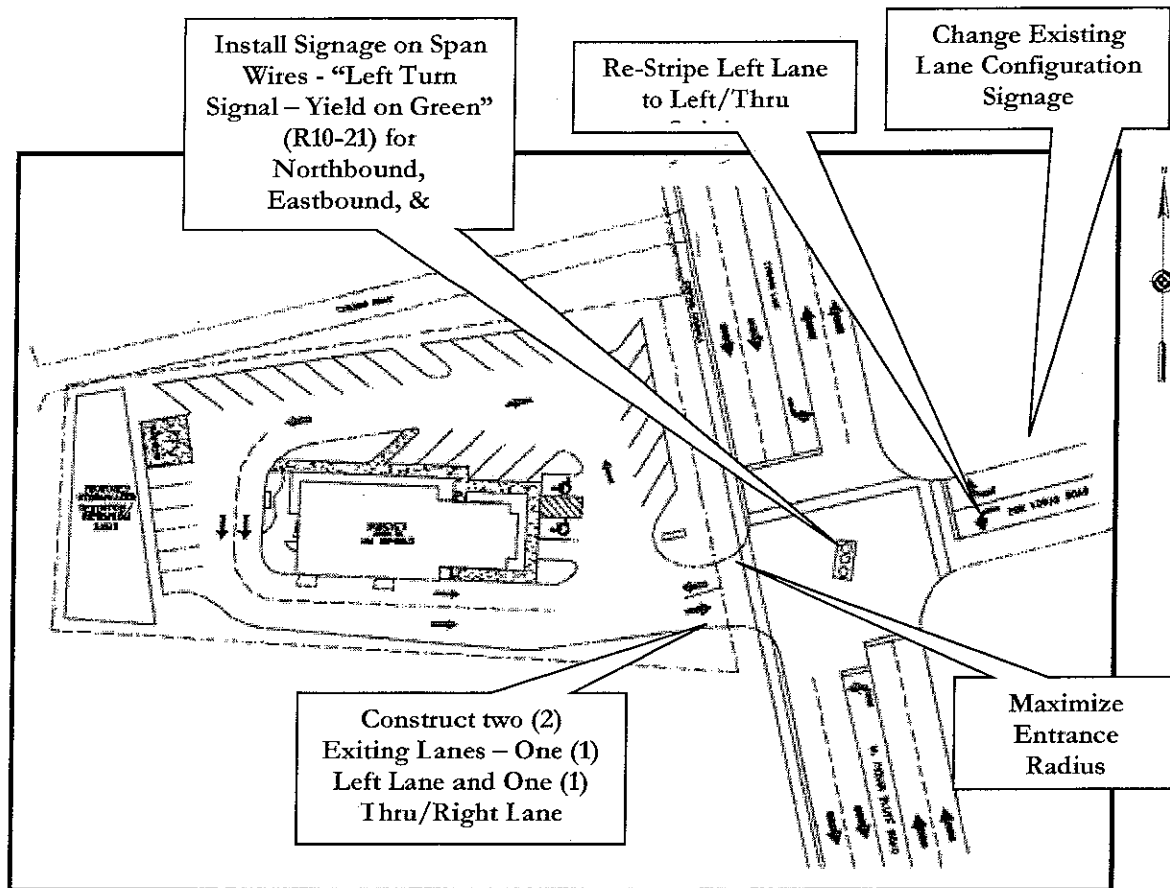


Figure 7
Proposed Site Recommendations

CONCLUSIONS

The analyses presented in this study of the proposed new Popeye's Chicken indicate that the traffic generated by this proposed development will not create an unacceptable impact at the signalized intersection of Cedar Bluff Road and Fox Lonas Road during the PM peak hours at the time of full build-out (2010).

In review, this traffic study used existing traffic counts that were obtained by Cannon & Cannon, Inc in March of 2009. The estimated number of trips generated by this new Popeye's Chicken was calculated using the ITE publication Trip Generation, 7th Edition. At the time of full build-out next year (2010), a growth factor of 2.5% was assumed and used to determine the future traffic of the surrounding roadway. The trips generated by the development were added to these future volumes with a trip distribution assignment according to the surrounding area and based on existing movements at the intersection. In addition, for this development, a pass-by trip rate was assumed to be 20% and was used so that the number of new trips generated would not be overestimated. Ultimately, acceptable levels of service were calculated and determined for the studied intersection.

Overall, even with this proposed development being added to the existing traffic landscape in Knox County, Tennessee, efficient and safe traffic conditions should be maintainable and achievable when coupled with the recommendations of this report.