

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

► FILE #: 6-I-10-UR	AGENDA ITEM # 38				
	AGENDA DATE: 6/10/2010				
APPLICANT:	POV CHIN				
OWNER(S):	MILES E. CULLOM, JR. TTC HALLS, LLC				
TAX ID NUMBER:	38 C G 006				
JURISDICTION:	County Commission District 7				
► LOCATION:	Northeast side of Norris Freeway, north of E. Emory Rd., south of Jessilee Dr.				
APPX. SIZE OF TRACT:	1.35 acres				
SECTOR PLAN:	North County				
GROWTH POLICY PLAN:	Planned Growth Area				
ACCESSIBILITY:	Access is via the Joint Permanent Easement that serves the shopping center and provides access out to Norris Freeway, a minor arterial street.				
UTILITIES:	Water Source: Hallsdale-Powell Utility District				
	Sewer Source: Hallsdale-Powell Utility District				
WATERSHED:	Beaver Creek				
ZONING:	SC (Shopping Center)				
EXISTING LAND USE:	Vacant land				
PROPOSED USE:	Murphy Express Fuel Center				
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.				
SURROUNDING LAND USE AND ZONING:	North: North: Norris Freeway Commercial Center, Phase I / SC (Shopping Center)				
	South: South: Beaver Creek and vacant land / A (Agricultural) & F (Floodway)				
	East: East: Norris Freeway Commercial Center, Phase I / SC (Shopping Center)				
	West: West: Residences and Norris Freeway / RA (Low Density Residential) & A (Agricultural)				
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.				

#### **STAFF RECOMMENDATION:**

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#### APPROVE the development plan for a 20 pump gas fueling station, subject to 6 conditions:

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. Obtaining variances from the Knox County Board of Zoning Appeals for the proposed signage.

4. Meeting all applicable requirements and obtaining any required permits for the proposed signage from the Knox County Sign Administrator.

5. Installing all landscaping, as shown on the development plan, within six months of the issuance of occupancy permits for this project.

6. 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 is proposing to construct 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. The station will also have a kiosk in the middle to house the station attendant and will include a restroom for the attendant. 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.

The proposed sign package for this development will require variances from the Knox County Board of Zoning Appeals. Since the only building on the site is an 8' X 30' kiosk, sign area is limited to 24 square feet. The proposed business ground sign is a small monument sign which is consistent with the approved signage for the shopping center. The monument sign needs to be shifted on the site plan to meet the required setbacks.

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.

#### ESTIMATED TRAFFIC IMPACT 3256 (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.

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