

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

FILE #: 9-C-10-UR	AGENDA ITEM # 39			
	AGENDA DATE: 9/9/2010			
APPLICANT:	POV CHIN			
OWNER(S):	C/O MILES E. CULLOM, JR. TTC HALLS, LLC			
TAX ID NUMBER:	38 C G 00601			
JURISDICTION:	County Commission District 7			
► LOCATION:	Northeast side of Norris Freeway, Southeast side of Sam Walton Way.			
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 - Revised			
	NA			
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: Norris Freeway Commercial Center, Phase 1 / SC (Shopping Center)			
	South: Norris Freeway Commercial Center, Phase 1 / SC (Shopping Center)			
	East: Norris Freeway Commercial Center, Phase 1 / SC (Shopping Center)			
	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:

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

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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.

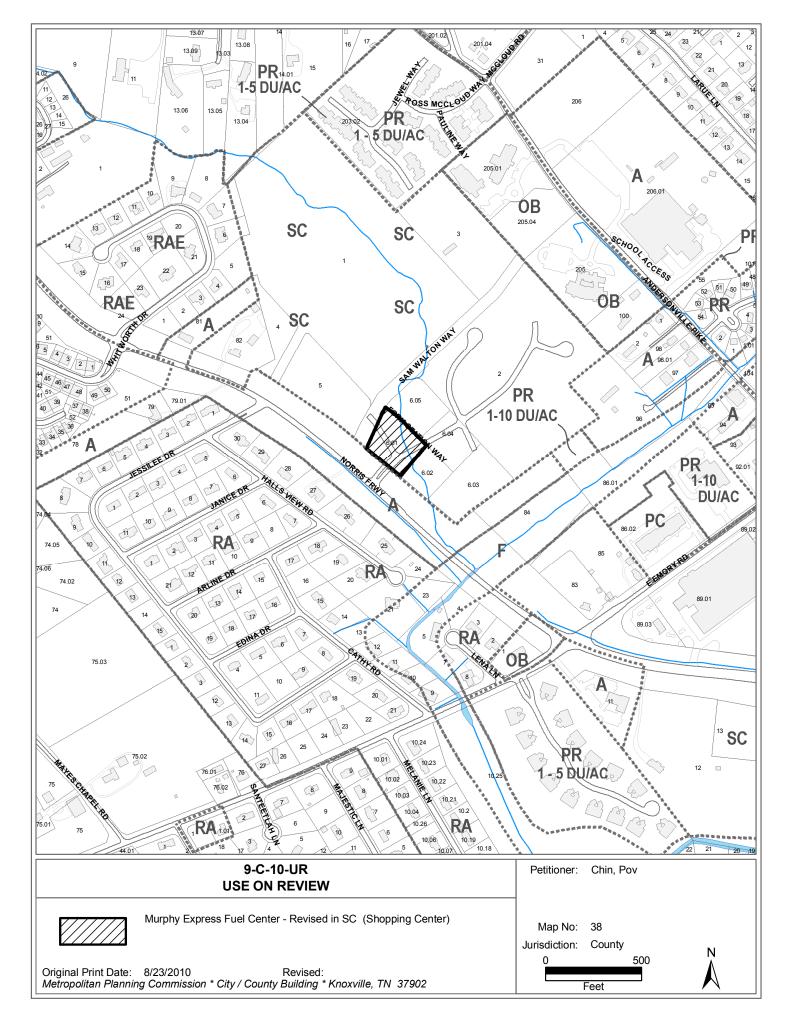
ESTIMATED TRAFFIC IMPACT 3256 (average daily vehicle trips)

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.

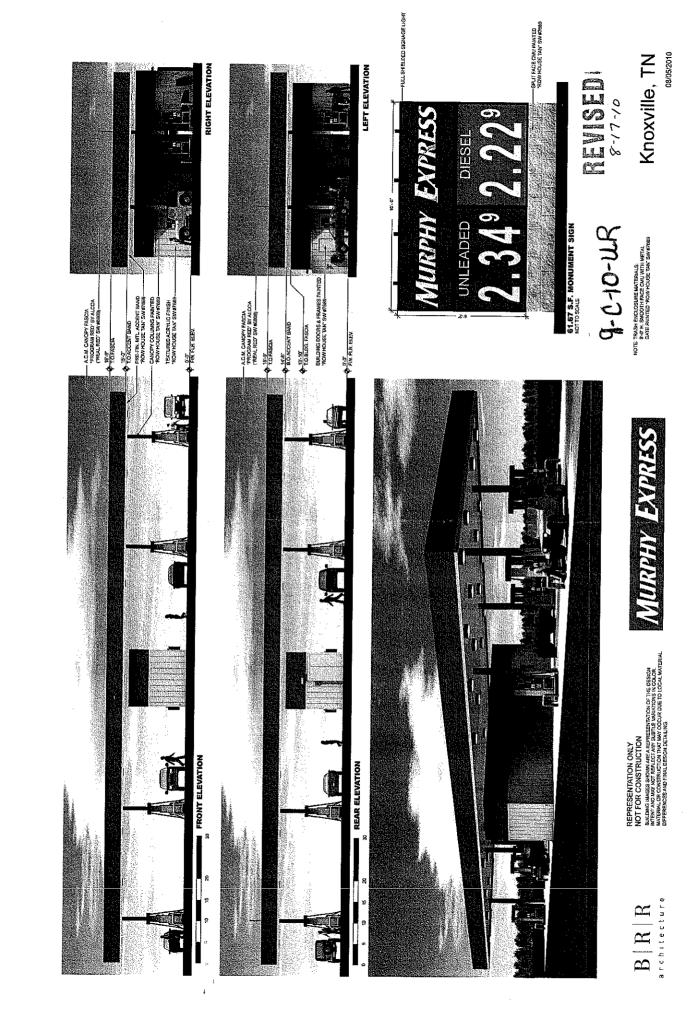
MPC's approval or denial of this request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.

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