

▶ **FILE #:** 5-G-11-UR

AGENDA ITEM # 36

AGENDA DATE: 5/12/2011

▶ **APPLICANT:** HUBER PROPERTIES

OWNER(S): Huber Properties, LLC

TAX ID NUMBER: 162 M 00102-00105

JURISDICTION: County Commission District 5

▶ **LOCATION:** South side of S. Northshore Dr., east side of Choto Rd.

▶ **APPX. SIZE OF TRACT:**

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via S. Northshore Dr., a minor arterial street with a pavement width of 21' within a 85' wide right-of-way, or Choto Rd., a minor collector street with pavement width of 21' within a 50' wide right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Tennessee River

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

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Commercial development

HISTORY OF ZONING: The property was rezoned to CN Neighborhood Commercial) with conditions in 2010

SURROUNDING LAND USE AND ZONING:
 North: Detached dwellings / PR residential
 South: Detached dwellings / PR residential & A agricultural
 East: Detached dwellings / PR residential & A agricultural
 West: Detached dwellings / PR residential & A agricultural

NEIGHBORHOOD CONTEXT: The area is developed with agricultural, rural residential and low density residential uses under A (Agricultural) PR (Planned Residential) zoning.

STAFF RECOMMENDATION:

▶ **APPROVE the plan for up 76,960 square feet of commercial/office space in up to 8 buildings as shown subject to 9 conditions**

1. Meeting all applicable sign and parking requirements of the Knox County Zoning Ordinance or obtaining a variance to these requirements from the Knox County Board of Zoning Appeals (BZA). For any variances not approved by the BZA, the applicant shall submit a revised site plan showing compliance with the regulations to the Planning Commission Staff for approval.
2. Meeting all other applicable requirements of the Knox County Zoning Ordinance.
3. Eliminating the proposed drive-thru lane associated with building #1 as presently designated on the site plan. The applicant may submit a revised circulation plan for a drive-thru for up two of the three buildings

identified as Future Buildings 1-3 subject to approval by the Knox County Department of Engineering and Public Works and the Planning Commission Staff.

4. Completion of all road improvements as required by the Knox County Department of Engineering and Public Works prior to occupying any of the proposed structures.

5. Submitting a revised sidewalk/pedestrian access plan that provides connections between the internal sidewalk system and the external greenway system, and includes the sidewalk layout and greenway connection for buildings 7 and 8. All sidewalks (including connections to the greenway system) as shown on the revised plan shall be constructed prior to issuance of certificates of occupancy. If construction of this development is phased, the Knox County Department of Engineering and Public Works shall determine the portions of the sidewalk plan that must be implemented with each phase. All sidewalk construction must meet the requirements of the Americans With Disabilities Act.

6. Provision of a revised landscaping plan for the portion of the site associated with buildings 7 and 8. Installation of all landscaping shown on the revised plan within six months of the issuance of occupancy permits, or posting a bond with the Knox County Department of Engineering and Public Works to guarantee such installation

7. Meeting all other applicable requirements of the Knox County Department of Engineering and Public Works.

8. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Department.

9. A revised site plan reflecting the conditions of approval must be submitted to Planning Commission Staff for certification of approval prior to the issuance of any additional grading permits or building permits. Planning Commission Staff may require the applicant to submit a new Use on Review application for review by the Planning Commission if site changes are deemed significant enough to warrant a new review.

COMMENTS:

UPDATE FOLLOWING AGENDA REVIEW MEETING

Maximum Building Footprint: The site plan has been revised (copy enclosed) so that none of the proposed buildings have a scaled footprint greater than the maximum of 5000 square feet. While the previous site plan included buildings that scaled to a footprint greater than 5000 square feet, the applicant was not proposing any buildings that exceeded the maximum. The previous site plan from Michael Brady Inc. had included square footage notations that identified the maximum footprint as 5000 square feet.

Elimination of Drive-Thru Lane: While the revised site plan still shows the drive-thru lane for Building 1, the applicant understands that the drive-thru as presently shown on the site plan must be eliminated. The applicant is asking the Planning Commission to approve up to two of the three buildings identified as Future Buildings 1-3 with a drive-thru lane if the site layout can be worked out to the satisfaction of the Knox County Department of Engineering and Public Works and the Planning Commission Staff. Planning Commission Staff may require the applicant to submit a new Use on Review application for review by the Planning Commission if site changes are deemed significant enough to warrant a new review. See revised condition #3.

Parking and Sign Variances: The applicant has submitted requests to the Knox County Board of Zoning Appeals for variances from the Knox County Zoning Ordinance regarding parking and sign standards (Copy of applications enclosed). The two parking standards variances are for the parking stall size and total number of spaces. Planning Commission Staff does not object to the parking variances. There are four sign standards variances that include the total number of monument signs, street setback, height of one monument sign and illumination of wall signs. Staff does not object to the second monument sign or external sign illumination but does not support the other two sign variances. See revised condition #1.

Sidewalk Plan: The applicant needs to revise the site plan to show connections between the internal sidewalk system and the external greenway system, and include the sidewalk layout and greenway connection for buildings 7 and 8. See revised condition #5.

TDS Telephone Company Driveway Connection: The revised site plan shows a proposed internal driveway connection to the TDS site. A letter from TDS supporting the revision is also enclosed. With this new documentation, previous condition #5 has been eliminated.

PREVIOUS COMMENTS

At the December, 2009 meeting MPC recommended approval of the application presented by Huber Properties to CN (Neighborhood commercial) for this site. As part of that recommendation, MPC conditioned its approval by requiring that all development within the site be considered through the use on review process. Additionally, the MPC stated that all future construction within the site would be required to use "residential building materials" and be architecturally compatible. This rezoning request was heard by the Knox County Commission on January 25, 2010 at which time that body, by a unanimous vote, approved the rezoning with the conditions as recommended by MPC.

At the time Weigles store was being considered for a portion of the property (1-F-10-UR), Huber Properties presented a conceptual site plan that suggested that the overall development would consist of a mixture of retail and office uses that will cater to a limited market area. The property owners also included a short listing of the proposed "common architectural elements" that will be used to judge the compatibility of each building that is proposed for the site.

Huber Properties has now submitted a use on review request seeking approval of their plans for commercial/office development. The plans are very similar to the conceptual plan presented last year. Materials submitted with this request include a site plan, landscaping plan, signage plan, photometric plan along with architectural renderings of the proposed building. Additionally,, the applicant had a traffic impact study prepared for the entire project at the time the convenience store was being considered last year. The traffic impact study identified the improvements that are being made to S. Northshore Dr. and the nearby Choto Rd. intersection. Additional road improvements may be required by the Knox county Dept. of Engineering and Public Works as this development moves forward.

In order for the project to proceed as presented, the applicant will have to obtain variances from the Knox County Board of Zoning Appeals for the number and size of the signs proposed. The CN (Neighborhood Commercial) zone limits the number and size of signs in order to lessen their impact on surrounding residential development. The applicant is proposing two monument signs with one of these signs exceeding the permitted size of 50 square feet. Staff will not object to the second sign, however, we will not support the sign size variance. We believe the second sign can be accommodated without a negative impact on the area. Whereas, increasing the size of the sign could be a detriment to the area.

In addition to the sign variances, the applicant may need to seek a variance to the number of required parking spaces.. The need for the variance will be determined by the mix of uses in the development. Staff generally believes that the number of parking spaces required by the Zoning Ordinance exceeds the true needs for parking.

In our review, staff has identified the drive-thru lane associated with building #1 as a problem. The design may create a traffic hazard. Staff will not recommend approval of the drive-thru lane as designed. With a revised design and approval by Knox County's traffic engineer a drive-thru lane may be permitted in the future for building #1.

With regard to the overall development plan for the commercial development, staff has reviewed the plans and finds them to be compatible with the conditions of the rezoning. The buildings will be built using brick, stone and stucco. Extensive landscaping is proposed for the site. The lighting plan limits the amount of light "spillover" onto adjoining properties.

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

1. The proposed commercial development will have a manageable impact on local services: All utilities are already in place to serve this building and road improvements are planned and or under construction to accommodate the project.
2. Lighting intensity and direction will be controlled in order to minimize the off site impact of project.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. The proposed commercial development meets all of the requirements of Knox County Zoning Ordinance pertaining to building setbacks, height, lighting, landscaping. Variances will be required for the proposed signage and parking.

2. The proposed exterior of structure is being constructed with brick, stone and stucco. All of these materials are commonly used in residential construction.
3. The proposed commercial development 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 neighborhoods where it is proposed. 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 PLANS

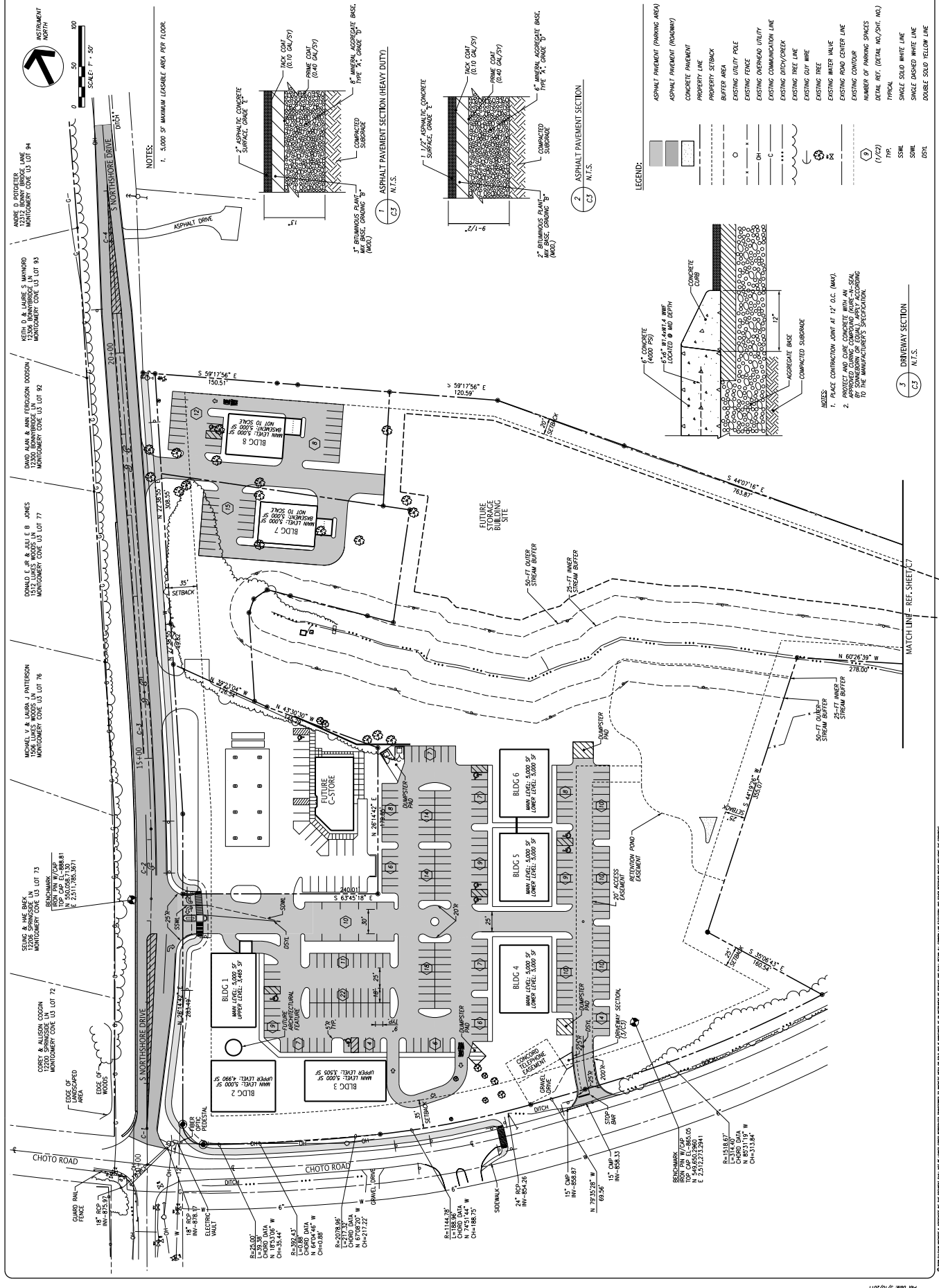
1. The Southwest County Sector Plan identifies the property for neighborhood commercial use. The proposed use and plan are in compliance with that plan.

ESTIMATED TRAFFIC IMPACT 4533 (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.



DATE: 3/1/2011 11:58:56 AM
 FILE: C:\WORK\2011\03\11\03110001\03110001.DWG
 PLOT: 3/1/2011 11:58:56 AM
 PLOTTER: HP DesignJet 2400 Series
 PLOT SCALE: 1"=50'
 PLOT SHEET: 1 OF 1

From: Buz Johnson
To: Betty Jo Mahan
Date: 5/11/2011 12:01:10 PM
Subject: Fwd: Markets at Choto Use on Review Application

Betty Jo:
please make sure this is "blue sheeted" and in the corrections for tomorrow.
Thanks,
Buz

>>> "John Huber" <john@southernsignature.net> 5/10/2011 7:32:59 PM >>>
Dear MPC Commissioners,

First off, I would like to apologize for exiting the pre-agenda meeting prior to my Use on Review request being discussed. I was under the impression the meeting was over when the school presentation started. I wanted to write you an email to help clarify a few of the questions that I understand arose during my absence.

1. Size of Buildings: All 8 buildings contained in the Markets at Choto will have a footprint (main level) that will not exceed a gross leasable area of 5,000 square feet. Also, all 8 of the buildings are being designed to have additional square footage that will range from 2,500 to 5,000 square feet on either an upper floor or in a basement. The total square footage of any building in the Markets at Choto will never exceed 10,000 square feet or 35 feet in height as permitted by the current zoning, Neighborhood Commercial. I was informed Tuesday afternoon that the scale of the buildings on the plan submitted to MPC was incorrect. To clarify, I have provided MPC with a plan that clearly lists the square footage planned on all buildings.

2. Drive-Thru on Building One: It is our hope to have 2 drive-thru's approved in the "main body" of the Markets at Choto (4 total if you count the drive-thru's on lots 7 and 8). This is to accommodate businesses such as coffee shops, pharmacies, dry cleaners, ice cream shops, etc. who require a drive-thru to enter a market. We understand and agree with Knox County Engineering's assessment that the drive thru presented on the plan for building one is unacceptable, we are however, seeking the approval for 2 drive thru's in the "main body" (again, 4 altogether if you count lots 7 and 8), contingent on a design acceptable to Knox County Engineering Department.

This application is the culmination of 18 months of hard work to provide the residents of the Choto area with a quality development to service their needs and to make sure we "did what we said we were going to do".

Please feel free to contact me if you have any questions or you can view the details of the development at our website, www.marketsatchoto.com. I look forward to seeing you Thursday at the MPC meeting.

Respectfully,

John Huber

865-567-8100

john@southernsignature.com



525 Junction Rd
Madison, WI 53717
www.fdstelecom.com

Knox County Tennessee
Attention:
Dan Kelly, Knox County MPC
Cindy Pionchi, Knox County Engineering
400 Main Street
Knoxville, TN 37902

RE: Reconfiguration of TDS Site Access associated with "Markets at Choto Development"

Dear Dan and Cindy,

Thank you for taking into account the necessity of TDS site access in your review and approval of this development. After being contacted by Developer John Huber, local TDS staff reviewed the site and the developers proposed modification attached herein. We understand the traffic concerns the configuration of our existing access combined with the proposed development entrance would pose. We believe the reconfiguration proposed, or some slight variation based on Knox County Standards, will be acceptable for our continued site access and is reasonable based on the benefits of the proposed development to the community.

Please contact me if anything else should arise. Again, we appreciate you taking TDS site access into account.

Sincerely,

A handwritten signature in black ink that reads "N. Stanislawski". The signature is written in a cursive style and is underlined with a long, sweeping stroke.

Nate Stanislawski
Associate Manager- Route Acquisition
TDS Telecommunications Corporation
525 Junction Road
Madison, WI. 53717

Cc: John Huber, Jim Elless, Rusty Harper

Enc: Existing & Proposed TDS Site plans

KNOX COUNTY BOARD OF ZONING APPEALS

Application Date: 05/10/2011

Meeting Date: Wednesday, June 22 2011

Gentlemen: The undersigned hereby petitions the Knox County Board of Zoning Appeals to grant the follow request:

Request: for waiver of required parking lot spaces from 258 to 225

Reason: do not need that many parking spaces and to create less impervious area

Property Address 12450 S Northshore Dr

Subdivision:

Zone: CN

Lot Size: 11 ACRE

CLT Map: 162 Group: MB

Parcel: 001003

Lot:

In Commission District 05, Knox County, Tennessee, in accordance with plans, applications, and all data heretofore filed with the Knox County Board of Zoning Appeals all of which are hereto attached and made part of the appeal.

I hereby depose and say that all the above statements and the statements contained in all the exhibits transmitted herewith are true.

Appellant: SOUTHERN SIGNATURE
Address: 213 FOX RD
City, State, Zip: KNOXVILLE TN 37922
Telephone: 865 966-1600

Owner: SOUTHERN SIGNATURE
Address: 213 FOX RD
City, State, Zip: KNOXVILLE TN 37922
Telephone: 865 966-1600

The Board of Zoning Appeals meets on the fourth Wednesday of each month. REPRESENTATION MUST BE PRESENT AT THE MEETING BEFORE THE APPEAL WILL BE GRANTED.

Every appeal shall be taken within thirty(30) days from the date of any refusal by the Building Inspector to issue the permit.

Page: 3-3.50-2 Regulation: 3.50.10 Section:

Appellant:

Code Administration:

KNOX COUNTY CODE ADMINISTRATION

865.215.2325

KNOX COUNTY BOARD OF ZONING APPEALS

Application Date: 05/10/2011

Meeting Date: Wednesday, June 22 2011

Gentlemen: The undersigned hereby petitions the Knox County Board of Zoning Appeals to grant the following request:

Request: for waiver of required parking lot size from 200 square feet to 162 square feet

Reason: reduction of impervious area

Property Address 12450 S Northshore Dr

Subdivision:

Zone: CN

Lot Size: 11 ACRE

CLT Map: 162 Group: MB

Parcel:103

Lot:

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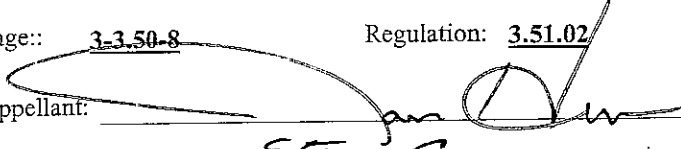
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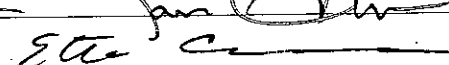
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Page: 3-3.50-8

Regulation: 3.51.02

Section: A

Appellant: 

Code Administration: 

KNOX COUNTY CODE ADMINISTRATION

865.215.2325

KNOX COUNTY BOARD OF ZONING APPEALS

Application Date: 05/10/2011

Meeting Date: Wednesday, June 22 2011

Gentlemen: The undersigned hereby petitions the Knox County Board of Zoning Appeals to grant the following request:

Request: for waiver of number of monument signs from 1 per site to 2

Reason: needed to support development of this size and also development has 2 entrances

Property Address 12450 S Northshore Dr

Subdivision:

Zone: CN

Lot Size: 11 ACRE

CLT Map: 162

Group: MB

Parcel:103

Lot:

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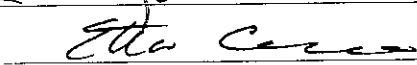
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Page: 3-3.90-11

Regulation: 3.90.09

Section: J1

Appellant: 

Code Administration: 

KNOX COUNTY CODE ADMINISTRATION

865.215.2325

KNOX COUNTY BOARD OF ZONING APPEALS

Application Date: 05/10/2011

Meeting Date: Wednesday, June 22 2011

Gentlemen: The undersigned hereby petitions the Knox County Board of Zoning Appeals to grant the follow request:

Request: for waiver of sign height from 5 feet to 13 feet 10 inches on 1 monument signs

Reason: to support mutiple business located in the development

Property Address 12450 E Northshore Dr

Subdivision:

Zone: CN

Lot Size: 11 ACRE

CLT Map: 162 Group: MB
Parcel:103

Lot:

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Page: 3-3.90-11 Regulation: 3.90.09 Section: J 1

Appellant:

Code Administration:

KNOX COUNTY CODE ADMINISTRATION

KNOX COUNTY BOARD OF ZONING APPEALS

Application Date: 05/10/2011

Meeting Date: Wednesday, June 22 2011

Gentlemen: The undersigned hereby petitions the Knox County Board of Zoning Appeals to grant the follow request:

Request: for waiver of sign setback from 10 feet to 0 feet for 2 monument signs

Reason: sign is not visible from Northshore Dr.

Property Address 12450 S Northshore Dr

Subdivision: Zone: CN Lot Size: 11 ACRE

CLT Map: 162 Group: MB
Parcel: 103

Lot:

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Page: 3-3.90-12 Regulation: 3.90.09 Section: J 1

Appellant: 

Code Administration: 

KNOX COUNTY CODE ADMINISTRATION

865.215.2325

KNOX COUNTY BOARD OF ZONING APPEALS

Application Date: 05/10/2011Meeting Date: Wednesday, June 22 2011

Gentlemen: The undersigned hereby petitions the Knox County Board of Zoning Appeals to grant the following request:

Request: for waiver of non -illuminated wall signs for each building tenant to fr ont illuminated wall signs for each building tenant

Reason: to allow vendors in development to be identified after dark

Property Address 12450 S Northshore Dr

Subdivision:

Zone: CNLot Size: 11 ACRE

CLT Map: 162 Group: MB

Parcel: 103

Lot:

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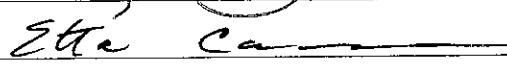
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Page:: 3-3.90-12Regulation: 3.90.09Section: J 4Appellant: Code Administration: 

KNOX COUNTY CODE ADMINISTRATION

865.215.2325