

▶ **FILE #:** 1-B-13-UR

**AGENDA ITEM #:** 23

**AGENDA DATE:** 1/10/2013

▶ **APPLICANT:** TOM WEISS

OWNER(S): Tom Weiss

TAX ID NUMBER: 106 D A 00811 & PT. 00817

JURISDICTION: City Council District 3

▶ **LOCATION:** Northwest side of Middlebrook Pk., west of Old Weisgarber Rd.

▶ **APPX. SIZE OF TRACT:** 1.64 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Middlebrook Pk., a divided four lane arterial street.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

▶ **ZONING:** PC-1 (Retail and Office Park), PC-1/H-1 (Historic Overlay) & O-3 (Office Park District)

▶ **EXISTING LAND USE:** Office

▶ **PROPOSED USE:** Revised site plan (access)

HISTORY OF ZONING: The property was zoned PC-1 in 2000 with the H-1 overlay added in 2001. A use on review was approved for access and parking at this site in 2010

SURROUNDING LAND USE AND ZONING: North: Developing business park / PC-1 commercial & O-3 office

South: Open space / stable / A-1 agricultural

East: Developing business park / O-1 & O-3 office

West: Developing business park / PC-1 commercial & O-3 office

NEIGHBORHOOD CONTEXT: Development in the area consists of professional offices, the main post office and a stable. Zoning in the area is PC-1 commercial and O-1 and O-3 office.

**STAFF RECOMMENDATION:**

▶ **APPROVE the request for a revised driveway location as shown on the site plan subject to 6 condition:**

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance
2. Providing a minimum 450 ft. of sight distance from the driveway looking in each direction on Middlebrook Pk
3. Closure of the existing driveway that is located to the east of the proposed driveway
4. Constructing a 5 foot wide sidewalk with a 2 foot wide planting strip along the frontage of the applicant's property (106DA00811)
5. Meeting all other applicable requirements of the City of Knoxville Engineering Dept.
6. A revised site plan reflecting the conditions of approval must be submitted to MPC staff for certification prio to issuance of a land development permit.

With the conditions noted, the plan meets the requirements of the PC-1 zone and the other criteria for approval of a use on review.

**COMMENTS:**

In the past this applicant has renovated the existing historic structure on this site. At this time he is proposing to construct a new driveway that will permit the commercial occupancy of this structure. Historically, this site has been occupied as a dwelling. The current driveway was constructed to meet the needs of a dwelling. Now that the building is being used for an office/commercial use the applicant desires to relocate the driveway to a location where there is a median cut in Middlebrook Pk. If this new driveway is approved, the existing driveway will need to be closed.

In addition to recommending approval of the new driveway, the City Engineering and MPC staff are requesting the applicant construct a five foot wide sidewalk with a two foot wide planting strip along the frontage of his property. At the present time a sidewalk is in place from Procter St.. to just east of this site. Then the sidewalk picks up again just west of the proposed driveway and continues past Piney Grove Church Rd. This is over five miles of existing sidewalk that is only interrupted by a break across this applicant's site and two other properties.

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

1. Public water and sewer utilities are in place to serve the site.
2. The proposal driveway is needed in order to safely serve the office/ commercial occupancy. The development of the driveway will have minimal impact on surrounding property because the driveway is to located at an existing curb/median cut in Middlebrook Pk.

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

1. The proposed driveway is consistent with all relevant requirements of the PC-1 zoning district, as well as all other criteria for approval of a use on review.
2. The proposed 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 neighborhood 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.

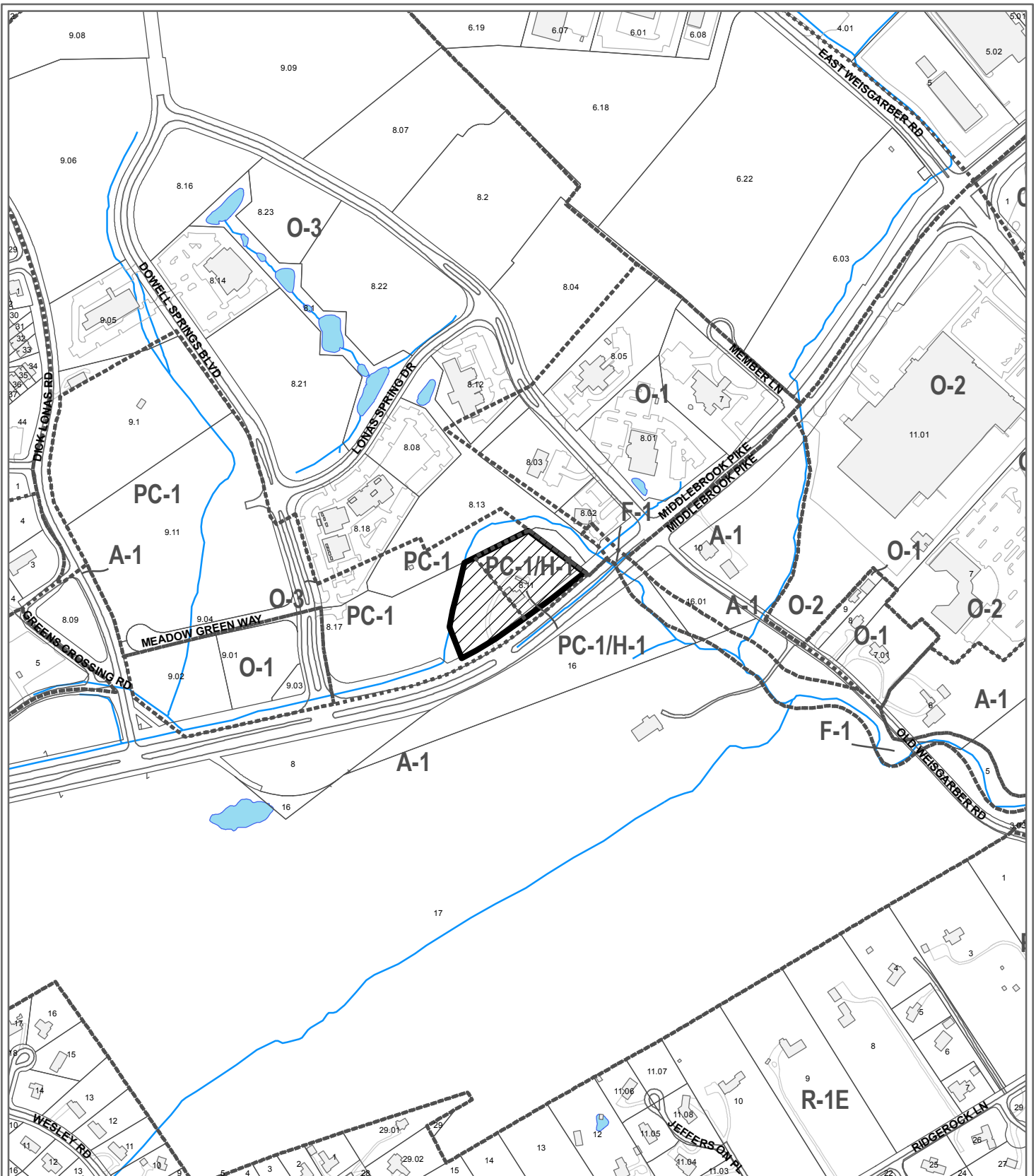
**CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS**

1. The Northwest City Sector Plan proposes commercial uses for the site, which is consistent with the proposed use of this site.
2. The City of Knoxville One Year Plan proposes general commercial uses.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**1-B-13-UR  
USE ON REVIEW**

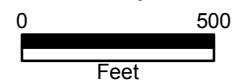


Revised site plan (access) in PC-1 (Retail and Office Park), PC-1/H-1 (Historic Overlay) & O-3 (Office Park District)

Petitioner: Weiss, Tom

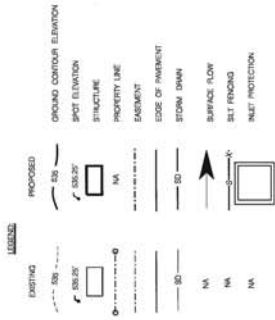
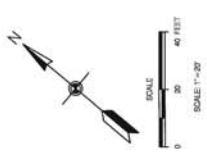
Map No: 106

Jurisdiction: City



Original Print Date: 12/27/2012  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902



- NOTES:**
- OWNER TYPED NOTES
  - USE OF HISTORICAL PRESERVATION
  - CITY COMMENTS
  - ZONING PC-144
  - SEE REFERENCE SURVEY CONTAINING PLAT REF. NUMBER 000865
  - TOTAL BUILDING AREA AND NET BUILDING PROPOSED FOR EXISTING
  - TOTAL ADDITIONAL IMPROVED AREA IS
  - THIS PROPERTY IS NOT IN AN AREA DESIGNATED AS A SPECIAL FLOOD HAZARD ZONE. THE CLIENT HAS PROVIDED ALL NECESSARY INFORMATION TO THE ARCHITECT AND THE ARCHITECT ACCEPTS NO RESPONSIBILITY FOR INFORMATION PROVIDED BY OTHERS.
  - UTILITY INFORMATION IS BASED ON INFORMATION OBTAINED FROM THE CITY OF KNOXVILLE. THE ARCHITECT IS NOT RESPONSIBLE FOR DETERMINING THE ACCURACY OF THIS INFORMATION.
  - PAVING SUMMARY:  
ASPHALT DRIVE AND 20' WIDE
  - STORM DRAIN: 18" DIA. 15 SPACES
  - SEWER: 18" DIA. 15 SPACES
  - FRONT: 20' REAR: 10'

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