

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

▶ **FILE #:** 8-D-15-UR

AGENDA ITEM #: 60

AGENDA DATE: 8/13/2015

▶ **APPLICANT:** LKM PROPERTIES, LP

OWNER(S): LKM Properties

TAX ID NUMBER: 67 009

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 7565 Clinton Hwy

▶ **LOCATION:** Southwest side of Clinton Hwy., southeast side of W. Emory Rd.

▶ **APPX. SIZE OF TRACT:** 20.45 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Clinton Hwy. and W. Emory Rd. which are both classified as major arterial streets. Clinton Hwy. is a four lane median divided road. W. Emory Rd. is a two lane facility with a pavement width of 20' within a 50' wide right-of-way. Access to both of these roadways is controlled by the Tenn. Dept. of Transportation(TDOT).

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **ZONING:** SC (Shopping Center), SC/F (Shopping Center / Floway, F (Floodway) & CA (General Business)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Access driveway and a sign

HISTORY OF ZONING: The site was rezoned to SC (Shopping Center) in 1999

SURROUNDING LAND USE AND ZONING: North: Shopping center / SC shopping center

South: Beaver Creek / F floodway

East: Mixed commercial / CA commercial

West: Residences / PR residential

NEIGHBORHOOD CONTEXT: The site is located in the Powell community on the west side of Clinton Hwy. Development in the area consists of mixed commercial uses and detached dwellings. Beaver Creek forms the southern boundary of this site. The FEMA flood area for the creek will impact how this site can be developed.

STAFF RECOMMENDATION:

▶ **APPROVE the request for the driveway from Clinton Hwy. to W. Emory Rd. and the monument sign as shown on the plan subject to 13 conditions**

1. Certification on the plan by the applicant's surveyor that there is 300' feet of sight distance in both directions at each proposed driveway entrance to the proposed retail store

2. Align the proposed left turn lane shown on the plan with the existing left turn lane on W. Emory Rd. at Clinton Hwy. or as required by TDOT
3. Relocating the southeastern driveway to the retail store so that it is at least 100' west of the right-of-way line of Clinton Hwy. or as recommended by Knox County Dept. of Engineering and Public Works
4. Identifying the proposed roadway as a driveway or as a cross access easement
5. Construction of a 5' wide sidewalk with a 2' wide planting strip on one side of the proposed driveway from Clinton Hwy. to W. Emory Rd.
6. Provision of a 30' wide greenway easement along Beaver Creek (applicant currently propose to provide a 20' wide easement)
7. Construction of the proposed driveway to meet the minimum standards for a local public street or as recommended by Knox County Dept. of Engineering and Public Works
8. Access to lots 1 and 2 will be determined with later use on review requests,
9. Clearing or grading on lots 1 and 2, to be limited to what is required for construction of the north-south driveway, detention basin and the Weigels store building pad.
10. Maintaining a minimum of a 50' wide undisturbed strip along the western boundary of the site until a development plan is submitted for lot 2 through the use on review process
11. Meeting all applicable requirements of the Tenn. Dept. of Transportation (TDOT)
12. Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works
13. Meeting all applicable requirements of the Tenn. Dept. of Environment and Conservation and meeting all requirements of the Knox County Stormwater Control Ordinance
14. A revised site plan reflecting the conditions of approval must be submitted to MPC staff for certification prior to obtaining a grading permit.

COMMENTS:

The site in question has two different zoning classifications. The portion of the parcel that fronts on Clinton Hwy., to a depth of approximately 225', is zoned CA (General Commercial). The remainder of the parcel is zoned SC (Shopping Center). The applicant is proposing to build a retail store (Weigels) in the CA zoned area. In order to provide additional access to the store and to provide access to the remainder of the property, the applicant is proposing a driveway that will connect between Clinton Hwy. and W. Emory Rd.. This driveway will be located in the SC (Shopping Center) zoned portion of the site, therefore, it requires use on review approval. Due to the fact that this driveway will function as a street, staff will require the facility be built to public street standards. Both Clinton Hwy. and W. Emory Rd. are state controlled roads, TDOT has been involved in the review of this application. Before this plan can go forward, TDOT will have to approve permits for both ends of this driveway. In order to do so, the applicant may be required to alter the design of the proposed driveway and to relocate access point(s) to the store. The proximity to Beaver Creek complicates the development of this site for the intended use. More specifically, the floodway of the creek has an impact on the alignment of the proposed driveway with W. Emory Rd..

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

1. All utilities are in place to serve the existing site.
2. The location of the proposed driveway will provide convenient alternative access between the two legs of W. Emory Rd.
3. The proposed monument sign meets all of the requirements and will not be a detriment to the area.
3. The proposal will have no impact on schools.

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

1. The proposed driveway and monument sign are 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 since it has direct access to a minor arterial street.
2. The proposal meets all requirements of the SC zoning district and all other applicable requirements of the Knox County Zoning Ordinance.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Northwest County Sector Plan designates this site for commercial uses and stream protection.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

ESTIMATED TRAFFIC IMPACT: Not required.

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.