

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

▶ **FILE #:** 7-D-16-UR

AGENDA ITEM #: 44

AGENDA DATE: 7/14/2016

▶ **APPLICANT:** JAKE THOMAS

OWNER(S): KBM Commercial Properties, LLC

TAX ID NUMBER: 132 02722

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 9314 Kingston Pike

▶ **LOCATION:** South side of Kingston Pike, west of Moss Grove Blvd.

▶ **APPX. SIZE OF TRACT:** 1.72 acres

SECTOR PLAN: Southwest County

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

ACCESSIBILITY: Access is via Moss Grove Blvd., a private Joint Permanent Easement and a right-in/right-out shared access driveway, with access out to Kingston Pike, a major arterial street with a four and five lane cross section within a required right-of-way of 100'.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Ten Mile Creek and Sinking Creek

▶ **ZONING:** PC-1 (Retail and Office Park) (k)

▶ **EXISTING LAND USE:** Vacant lot

▶ **PROPOSED USE:** Mixed use commercial building including restaurant space

HISTORY OF ZONING: Rezoning to PC-1 (k) (Retail and Office Park) was approved by Knoxville City Council on 9/25/07.

SURROUNDING LAND USE AND ZONING: North: Shopping center / SC-3 (Regional Shopping Center)

South: Retail business / PC-1 (Retail and Office Park) (k)

East: Retail business / PC-1 (Retail and Office Park) (k)

West: Historic house - office / PC-1 (Retail and Office Park) (k) & H-1 (Historic Overlay)

NEIGHBORHOOD CONTEXT: The Sherrill Hill mixed use development has residential development on three sides and commercial development to the north across Kingston Pike. Zoning in the area includes SC and SC-3 Shopping Center, RAE, PR and RB Residential.

STAFF RECOMMENDATION:

▶ **APPROVE** the development plan for a mixed use commercial building of approximately 8,450 square feet with restaurant space not to exceed 5,250 square feet subject to 9 conditions.

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance and conditions of the PC-1 (Retail and Office Park) (k) rezoning approval.

2. Meeting all applicable requirements of the approved Master Plan for the Sherrill Hill development (11-A-07-PA).
3. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
4. Installation of the sidewalks (pedestrian access) as designated on the development plan.
5. Installation of landscaping as shown on the landscape plan within six months of the issuance of an occupancy permit for this project.
6. Meeting all applicable requirements of the Knoxville Department of Engineering.
7. Working with the First Utility District of Knox County in establishing any required sanitary sewer easements across this property to serve the future development area south of the Sherrill House.
8. Any proposed signage is subject to compliance with the Knoxville Zoning Ordinance Sign Regulations and approval by the Planning Commission Staff and Knoxville Plans Review and Inspections Division.
9. This approval does not include approval of the future building site identified on the development plan.

With the conditions noted, this plan meets the requirements for approval of a use on review in the PC-1 District.

COMMENTS:

The applicant is proposing to develop this 1.722 acre site located on the south side of Kingston Pike, west of Moss Grove Blvd., with a mixed use commercial building of approximately 8,450 square feet. The building will include approximately 5,250 square feet of restaurant space. Since the restaurant space has a higher parking requirement, the maximum size of the space used for a restaurant is limited by the total parking being provided on the site. Access to the site will be from a shared right-in/right-out driveway off of Kingston Pike and a shared driveway off of Moss Grove Blvd. that parallels Kingston Pike. There is no direct access from the site to Kingston Pike.

The Planning Commission had approved a use on review request (1-M-16-UR) for this site on January 14, 2016 for a mixed use commercial building with approximately 8,000 square feet. The new use on review application is required due to the increase in the size of the building. Approval of this application will replace the previous approval.

The Planning Commission approved a use on review application (August 13, 2015) for the historic Sherrill House located directly to the west of this site that modified the detention basin in this area by shifting the basin onto the Sherrill House property.

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

1. All public utilities are available to serve the site.
2. The traffic impact study that had been prepared for the entire Sherrill Hill development included improvements that will address the traffic impacts of this development.
3. The impacts from this proposed commercial development on the residences that adjoin the Sherrill Hill development to the west will be minimal since this project is not adjacent to those residential properties.

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

1. With the recommended conditions, the proposal meets all requirements of the PC-1 zoning as well as the general criteria for approval of a use on review.
2. The proposed commercial development with the recommended conditions is consistent with the following general standards for uses permitted on review: The proposal 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 substantial additional traffic through residential areas since the development is located off an arterial street. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Southwest County Sector Plan identifies this as a mixed use development area allowing commercial use. The One Year Plan also designates the site for commercial use. The development complies with both the Sector Plan and One Year Plan.

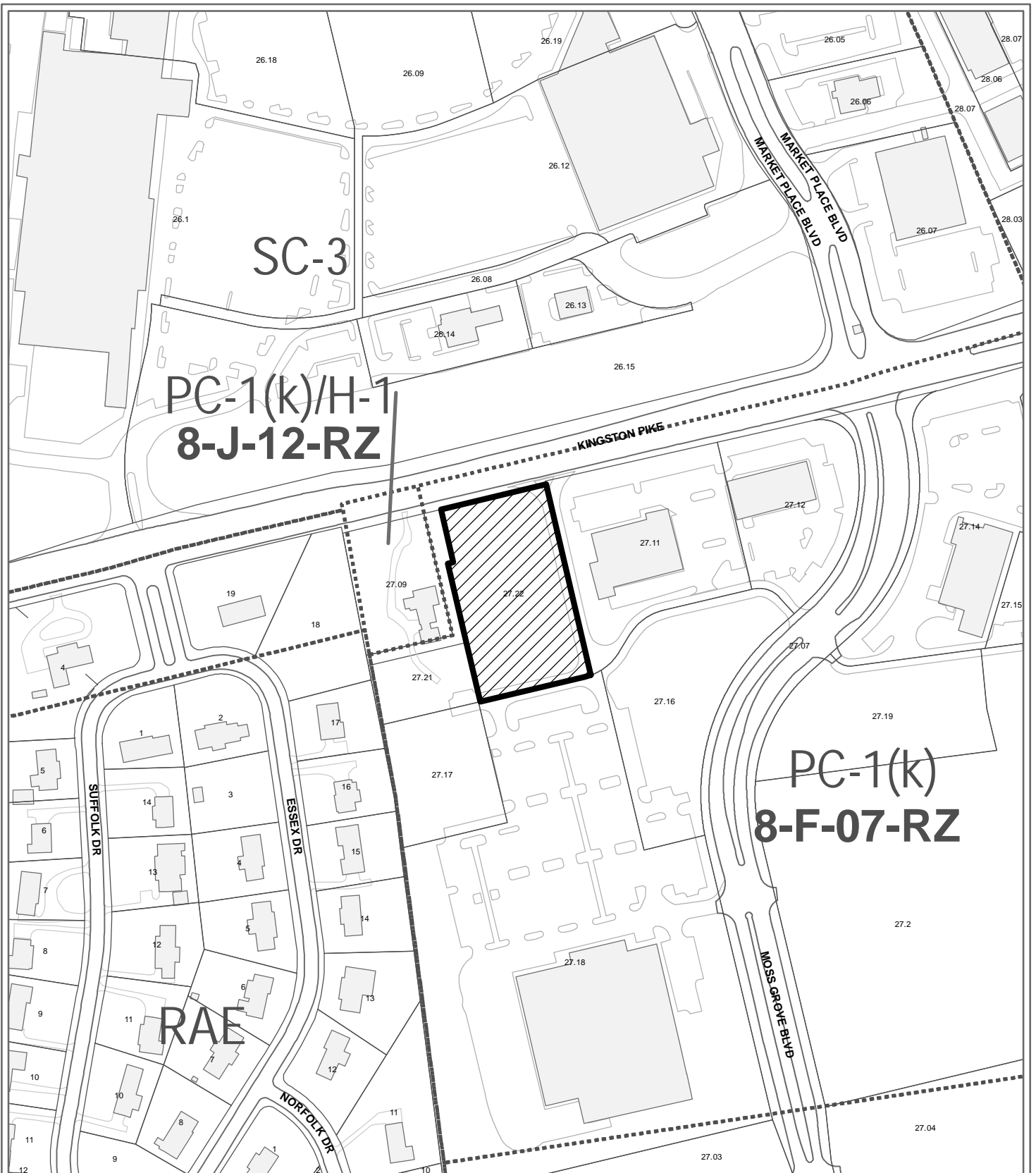
2. The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: 1363 (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.

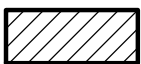
ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this request is final, unless the action is appealed to the 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.



**7-D-16-UR
USE ON REVIEW**

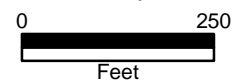
Petitioner: Thomas, Jake



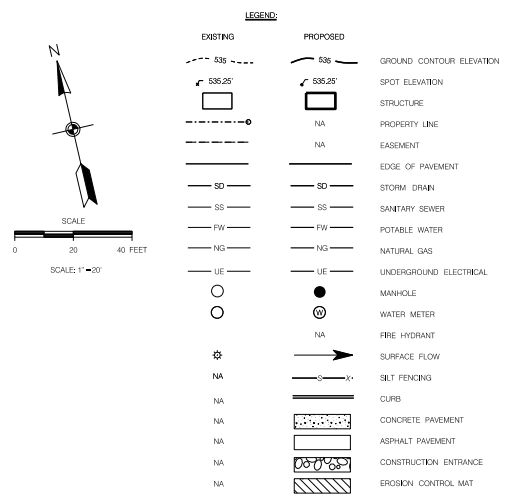
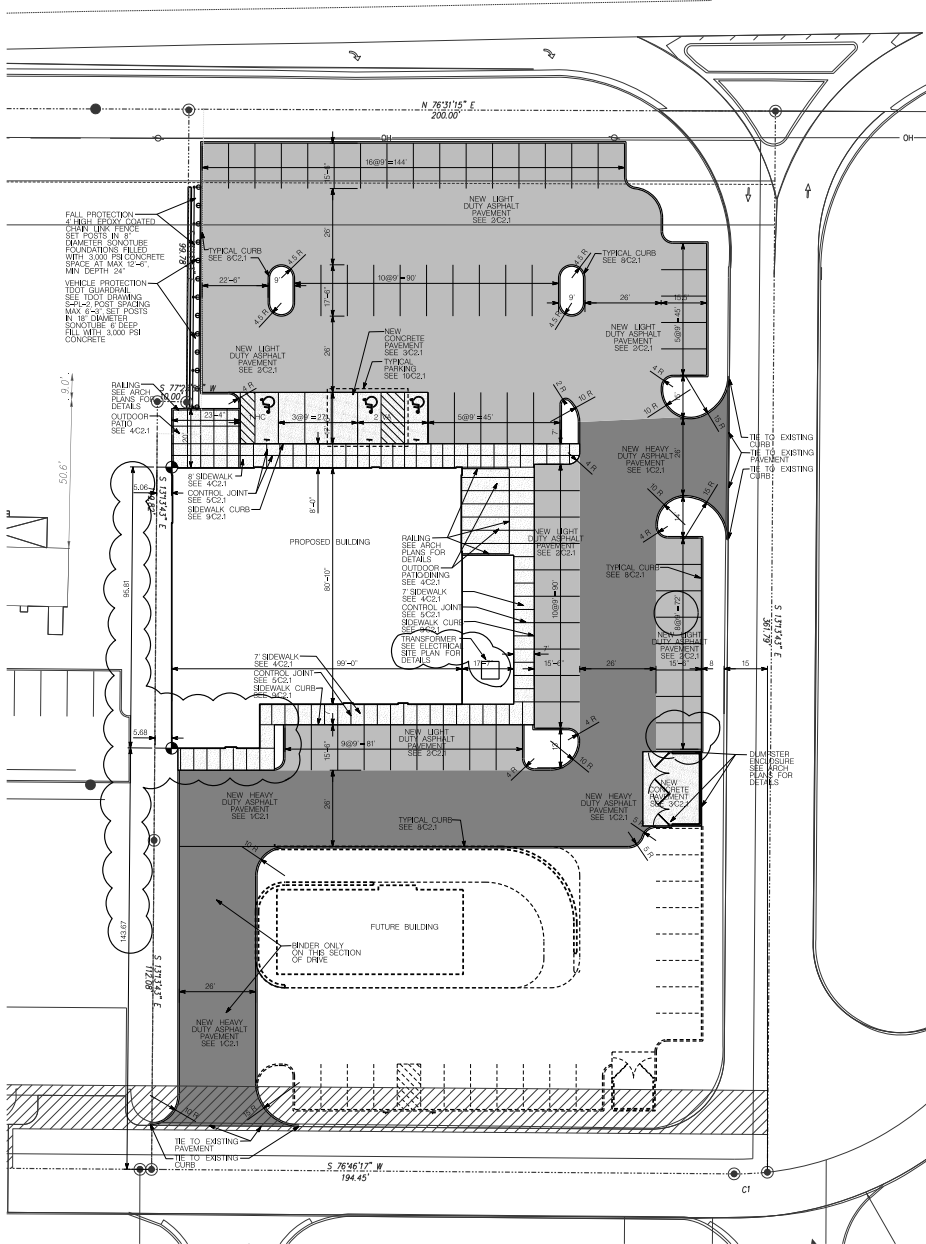
Restaurant and retail space in PC-1 (Retail and Office Park)

Map No: 132

Jurisdiction: City



Original Print Date: 6/16/2016 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



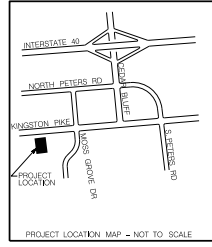
SITE LAYOUT NOTES

1. USES RETAIL ZONING: P-C-4 PARCEL 132 0270
2. TOTAL BUILDING AREA: PROPOSED 8,450 SF (1 STORY)
3. TOTAL SITE: 1,722 AC, TOTAL DIST AREA: 158 AC, TOTAL NEW IMPERV: 1/3 AC.
4. DEED REFERENCE: 20140910-001510, CITY BLOCK: 4634, WARD: 47
5. THIS PROPERTY IS NOT LOCATED IN AN AREA DESIGNATED AS A SPECIAL FLOOD HAZARD AREA SEE MAP 0208F.
6. SITE BENCHMARK: CONTACT SURVEYOR FOR SITE BENCHMARK DATUM NAVD 88.
7. SITE BOUNDARY AND TOPOGRAPHIC INFORMATION IS FROM A SURVEY BY GANNON AND CANNON SURVEYING DATED 2/20/08. THE CONTRACTOR SHALL VERIFY THE EXISTING INFORMATION PRIOR TO CONSTRUCTION. THE ARCHITECT NOR THE ENGINEER ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY AND/OR COMPLETENESS OF EXISTING CONDITIONS INFORMATION PROVIDED BY THE OTHERS.
8. UTILITY INFORMATION IS BASED ON INFORMATION OBTAINED FROM THE UTILITY PROVIDERS. THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE ACCURACY OF THE INFORMATION.
9. PARKING SUMMARY:
TOTAL REQUIRED 69 SPACES
TOTAL PROVIDED 69 SPACES
(50) 1 SPACE PER 300 SF (RETAIL) + 1 SPACE PER 100 SF (REST.)
RESTAURANT: 5250 X 1000 = 53 + RETAIL 3200 X 1200 = 16
TOTAL = 69 SPACES
10. SETBACKS:
FRONT: 25'
SIDE: 3'
REAR: 5'
11. THE CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS AND LICENSES FOR EXECUTION OF THE WORK. ALL MATERIALS AND EXECUTION OF THE WORK SHALL BE IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS, RULES AND REGULATIONS.
12. CONTRACTOR SHALL COMPLY WITH ALL PERTINENT PROVISIONS OF THE MANUAL OF ACCIDENT PREVENTION IN CONSTRUCTION ISSUED BY THE AGC OF AMERICA AND THE SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION ISSUED BY THE U.S. DEPARTMENT OF LABOR. ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION EROSION AND SEDIMENT CONTROL HANDBOOK.
13. VERIFY SITE CONDITIONS, DIMENSIONS, ELEVATIONS, AND LOCATION OF EXISTING FEATURES BEFORE STARTING WORK. THE OWNER REPRESENTATIVE SHALL BE NOTIFIED OF ANY INTERFERENCES OR DISCREPANCIES.
14. TRAFFIC CONTROL IN CONSTRUCTION AREAS TO BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
15. CORRECT ALL DAMAGE TO EXISTING PAVEMENT, SIDEWALKS, DRAINAGE STRUCTURES, UTILITIES OR OTHER EXISTING IMPROVEMENTS AT NO EXPENSE TO THE OWNER.
16. PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING PAVEMENT AND/OR CONCRETE AND NEW PAVEMENT AND/OR CONCRETE. FIELD ADJUSTMENT OF FINISH GRADES MAY BE REQUIRED. INSTALL ALL STORM SYSTEMS PRIOR TO INSTALLATION OF PAVEMENT AND/OR CONCRETE.
17. DIMENSIONS ARE TO FACE OF CURB EDGE OF PAVEMENT OR TO THE FACE OF BUILDING UNLESS NOTED OTHERWISE.
18. MAINTAIN ONE SET OF AS-BUILT DRAWINGS ON THE JOB SITE FOR DISTRIBUTION TO THE ENGINEER UPON COMPLETION. INCLUDE ALL UTILITY LOCATIONS AND ALL NEW SIDEWALK RAMP ELEVATIONS FOR ALL SANITARY AND STORM SEWER STRUCTURES SHALL BE INCLUDED. DRAWINGS SHALL INCLUDE VERTICAL AND HORIZONTAL INFORMATION ON ALL NEW UTILITIES AS WELL AS EXISTING UTILITIES DISCOVERED DURING CONSTRUCTION.

OWNER:
TRUE LINE CONSTRUCTION CO., LLC
100 HWY 50
BRIEFL, TN 37020
PHONE: 615-406-9494
CONTACT: CLAY SHAMPER

ENGINEER:
WILL ROBINSON & ASSOCIATES
25 BIRCHWOOD DR
DOW RIDGE, TN 37820
PHONE: 386-6602
FAX: 877-665-2250
CONTACT: WILL ROBINSON

CONTRACTOR:
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100 HWY 50
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PHONE: 615-406-9494
CONTACT: CLAY SHAMPER



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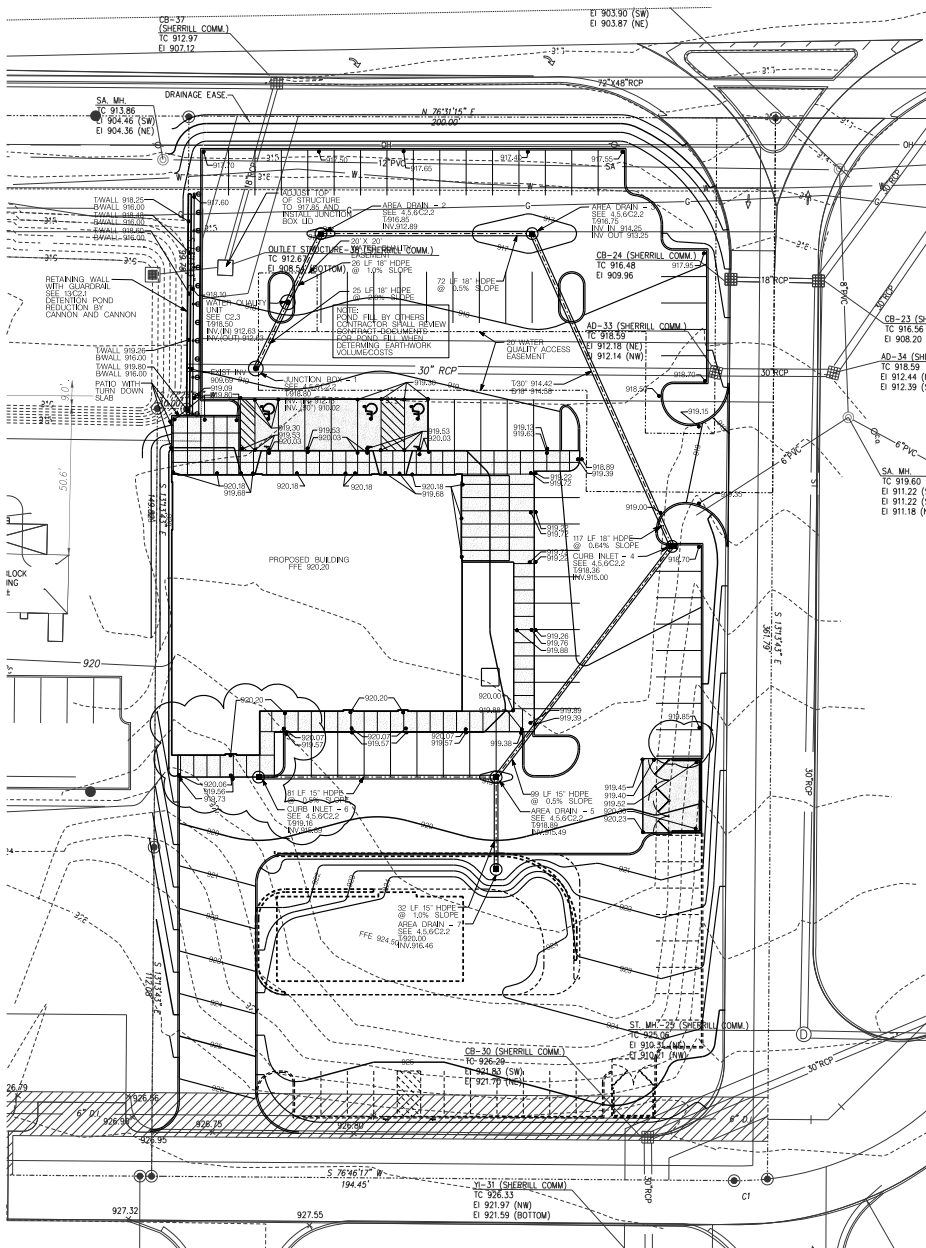
SHERILL HILL II
TRUE LINE CONSTRUCTION
KNOXVILLE, TENNESSEE



SITE LAYOUT PLAN

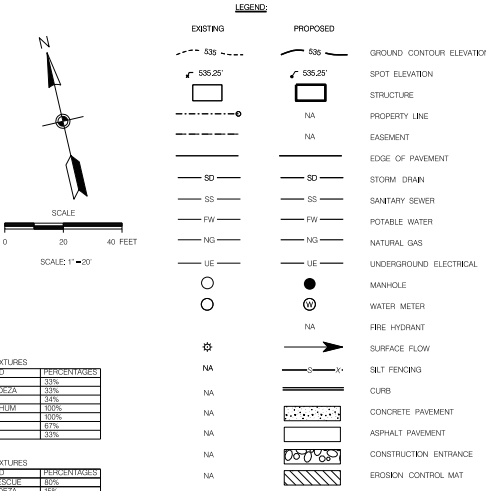
DATE: 21 NOVEMBER 2015
PROJECT NO.: 15064
PROJ. MGR.: JST
REV. 31 MAY 2016

C1.1



CONSTRUCTION SEQUENCE OF EVENTS:

1. INSTALL EROSION CONTROL MEASURES
2. SITE CLEANING AND GRUBBING
3. SITE ROUGH GRADING
4. TEMPORARY SEEDING
5. FOUNDATION CONSTRUCTION
6. SLAB CONSTRUCTION
7. WALL/ROOF SYSTEM CONSTRUCTION
8. EXTERIOR/INTERIOR FINISH
9. PARKING LOT PAVING
10. FINISH GRADING
11. PERMANENT SEEDING/LANDSCAPING
12. SITE CLOSURE/ONGOING TERM MAINTENANCE



TEMPORARY COVER SEEDING MIXTURES

SEEDING DATE	GRASS SEED	PERCENTAGES
JANUARY 1 TO MAY 1	DAKOTA RYE	33%
	COLEMAN ESPERDEZA	33%
	SUMMER DATA	34%
MAY 1 TO JULY 15	SUDAN - SUDANUM	100%
MAY 1 TO JULY 15	SPARTAN WHEAT	100%
JULY 1 TO JANUARY 1	DAKOTA RYE	87%
	INDIANA RYE	13%

PERMANENT COVER SEEDING MIXTURES

SEEDING DATE	GRASS SEED	PERCENTAGES
FEBRUARY 1 TO JULY 1	DAKOTA RYE	33%
	COLEMAN ESPERDEZA	33%
	TRIFOLIUM RYE	1%
	TRIFOLIUM RYE	33%
	COLEMAN ESPERDEZA	33%
	TRIFOLIUM RYE	33%
JUNE 1 TO AUGUST 15	DAKOTA RYE	33%
	COLEMAN ESPERDEZA	33%
	TRIFOLIUM RYE	33%
APRIL 15 TO AUGUST 15	DAKOTA RYE	33%
	COLEMAN ESPERDEZA	33%
	TRIFOLIUM RYE	33%
AUGUST 1 TO DECEMBER 1	DAKOTA RYE	33%
	COLEMAN ESPERDEZA	33%
	TRIFOLIUM RYE	33%
FEBRUARY 1 TO DECEMBER	DAKOTA RYE	33%
	COLEMAN ESPERDEZA	33%
	TRIFOLIUM RYE	33%

SITE GRADING NOTES

1. SITE BENCHMARK CONTACT SURVEYOR FOR LOCATION AND ELEVATION OF SITE BENCHMARK BASE NAVD83.
2. SITE BOUNDARY AND TOPOGRAPHIC SURVEY IS BASED ON A SURVEY BY CANNON AND CANNON DATED 05/20/05. THE CONTRACTOR SHALL VERIFY THE EXISTING INFORMATION PRIOR TO CONSTRUCTION. THE ARCHITECT NOR THE ENGINEER ACCEPT NO RESPONSIBILITY FOR THE ACCURACY AND/OR COMPLETENESS OF EXISTING CONDITIONS INFORMATION PROVIDED BY OTHERS.
3. UTILITY INFORMATION IS BASED ON INFORMATION OBTAINED FROM THE UTILITY PROVIDERS. THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE ACCURACY OF THE INFORMATION.
4. CONTRACTOR SHALL INSTALL EROSION CONTROL MEASURES INCLUDING SILT FENCE, RP RAP AND EROSION CONTROL MAT AS SOON AS PRACTICAL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THESE STRUCTURES UNTIL THE SITE HAS BEEN SUFFICIENTLY STABILIZED.
5. THE CONTRACTOR SHALL EMPLOY SOILS CONSULTANTS FOR THE TESTING OF SOIL COMPACTION IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS. SOIL SHALL BE COMPACTED TO 98% OF ITS MAXIMUM DRY DENSITY AS DETERMINED BY THE STANDARD PROCTOR METHOD. SOIL MOISTURE CONTENT SHALL BE MAINTAINED WITHIN +/- 3% OF OPTIMUM.
6. THIS PROJECT MAY INVOLVE IMPORT OR WASTE OF FILL MATERIAL. THE CONTRACTOR SHALL REVIEW THIS PLAN, THE SITE SURVEY AND INSPECT THE SITE (SELF). THE CONTRACTOR SHALL THEN FORMULATE HIS OWN OPINION AS TO THE APPLICABILITY OF THIS PLAN TO THE GOAL OF AN ECONOMICALLY OPTIMAL SITE. CONTACT THE ENGINEER IF CHANGES TO THIS GRADING PLAN ARE REQUIRED TO MEET THIS GOAL.
7. ALL SLOPES GREATER THAN 2:1 SHALL BE SPREAD WITH NORTH AMERICAN GREEN S-71 EROSION CONTROL FABRIC. INSTALL FABRIC PER MANUFACTURERS RECOMMENDATIONS.
8. NO SLOPES SHALL BE GREATER THAN 2 HORIZONTAL:1 VERTICAL.
9. APPLY TEMPORARY SEEDING WHENEVER GRADING OPERATIONS ARE TEMPORARILY HALTED FOR OVER 14 DAYS AND FINAL GRADING OR EXPOSED SURFACES IS TO BE COMPLETED WITHIN ONE YEAR. APPLY TEMPORARY SEEDING TO SOIL STOCKPILES.
10. APPLY PERMANENT SEEDING WHENEVER GRADING OPERATIONS ARE COMPLETED AND ALL CONSTRUCTION OPERATIONS WILL NOT IMPACT THE DISTURBED AREA. APPLY PERMANENT SEEDING TO ALL NON-CONSTRUCTION AREAS WHICH SHOW SIGNS OF EXCESSIVE EROSION.
11. EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES SHALL FOLLOW THE APPROVED PLAN DETAILS. IF DETAILS ARE NOT SHOWN REFERENCE THE TENNESSEE EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.
12. SLOPES SHALL HAVE EROSION CONTROL MAT INSTALLED IMMEDIATELY AFTER SLOPE GRADING IS COMPLETED AND TOPSOIL HAS BEEN INSTALLED TO ENCOURAGE LOCK IN OF EROSION MAT.
13. ADEQUATE DRAINAGE EROSION AND SEDIMENT CONTROL MEASURES BEST MANAGEMENT PRACTICES AND/OR OTHER STORMWATER MANAGEMENT FACILITIES SHALL BE PROVIDED AND MAINTAINED AT ALL TIMES DURING CONSTRUCTION. DAMAGES TO ADJACENT PROPERTY AND/OR THE CONSTRUCTION SITE CAUSED BY THE CONTRACTORS OR PROPERTY OWNERS FAILURE TO PROMOTE AND MAINTAIN ADEQUATE DRAINAGE AND EROSION/SEDIMENT CONTROL FOR THE CONSTRUCTION AREA SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER AND/OR CONTRACTOR.
14. CONTRACTOR SHALL STORE CHEMICALS AND SOLUBLE MATERIALS IN AN ENCLOSED, WATERPROOF LOCATION OR PROVIDED WITH SECONDARY CONTAINMENT CAPABLE OF STORING THE CONTENTS OF THE TOTAL AMOUNT OF CHEMICALS STORED. SPILL CLEANUP MATERIALS MUST BE LOCATED WITHIN THE IMMEDIATE PROXIMITY OF THE MATERIALS AS WELL.
15. NO VEHICLE MAINTENANCE OF CONSTRUCTION VEHICLES WILL OCCUR ON-SITE.
16. CONSTRUCTION MATERIALS WILL BE STAGED IN THE EXISTING PARKING AREA. FOR TRASH ON THE PROJECT PROVIDE A TRASH RECEPTACLE WITH A BUILT-UP MAINTAIN THE MATERIAL STAGING AREA IN A NEAT AND ORDERLY MANNER.
17. CONTRACTOR SHALL INSTALL 4" THICK LAYER OF QUALITY TOPSOIL ON ALL DISTURBED AREAS AND ESTABLISH A THICK STAND OF GRASS ACCEPTABLE TO THE CITY OF KNOXVILLE SITE INSPECTOR.

7-D-16-UR



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KNOXVILLE, TENNESSEE



SITE GRADING PLAN

DATE: 21 NOVEMBER 2015
PROJECT NO.: 15064
PROJ. MGR.: JUST
REV. 31 MAY 2016

C1.4

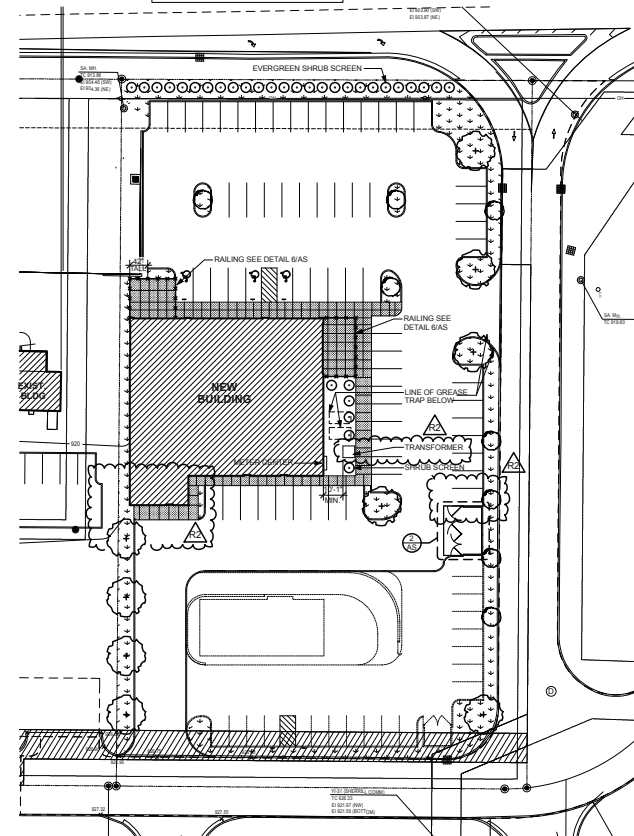
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LANDSCAPE NOTES:

1. TREE PLANTING / REPLACEMENT SHALL COMPLY WITH PART 1 CHAPTER 14 OF THE CITY OF KNOXVILLE ZONING ORDINANCE
2. 17 TREES PROVIDED BASED ON AN ACREAGE OF 1.722 ACRES. TREES SHALL BE A MIXTURE OF 80% LARGE TREES AND 20% ORNAMENTAL TREES. LARGE TREES SHALL BE SPECIES SUCH AS OAK OR PINE CAPABLE OF REACHING A HEIGHT OF 50' AT MATURITY AND BEING A MINIMUM OF 2" DIAMETER AT 6" ABOVE GROUND AT PLANTING. LANDSCAPE TREES SHALL BE A MINIMUM 1.25' DIAMETER AT 6" ABOVE GROUND AT PLANTING.
3. DO NOT PLANT TREES IN PROPERTY EASEMENTS WITHOUT WRITTEN PERMISSION FROM THE EASEMENT HOLDER.
4. ALONG THE NORTHERN BOUNDARY OF THE PROPERTY THERE SHALL BE EVERGREEN SHRUBS PLANTED OF A SUFFICIENT HEIGHT TO SCREEN THE HEADLIGHTS OF VEHICLES FACING KINGSTON PIKE.

TREE LEGEND:

- ⊕ 'LARGE' TREE: TULIP POPLAR, SHUMARD OAK OR SIMILAR
- 'ORNAMENTAL' TREE: SIOUX GRAPE, MYRTLE OR SIMILAR
- ⊙ 'EVERGREEN SHRUB' SCREEN: COMPACT INKBERRY HOLLY (ILEX GLABRA COMPACTA) OR SIMILAR



7-D-16-UR

1
AS LANDSCAPE PLAN
SCALE: 1" = 30'



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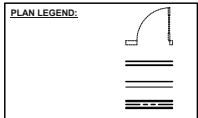
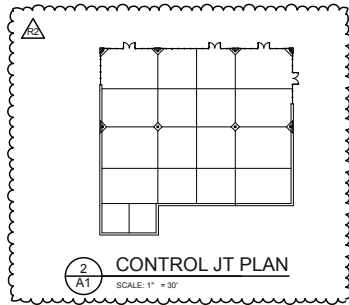
LANDSCAPE PLAN

DATE: 27 OCTOBER 2015
PROJECT NO.: 15069
PROJECT MGR.: JST
REVISION 31 MAY 2016

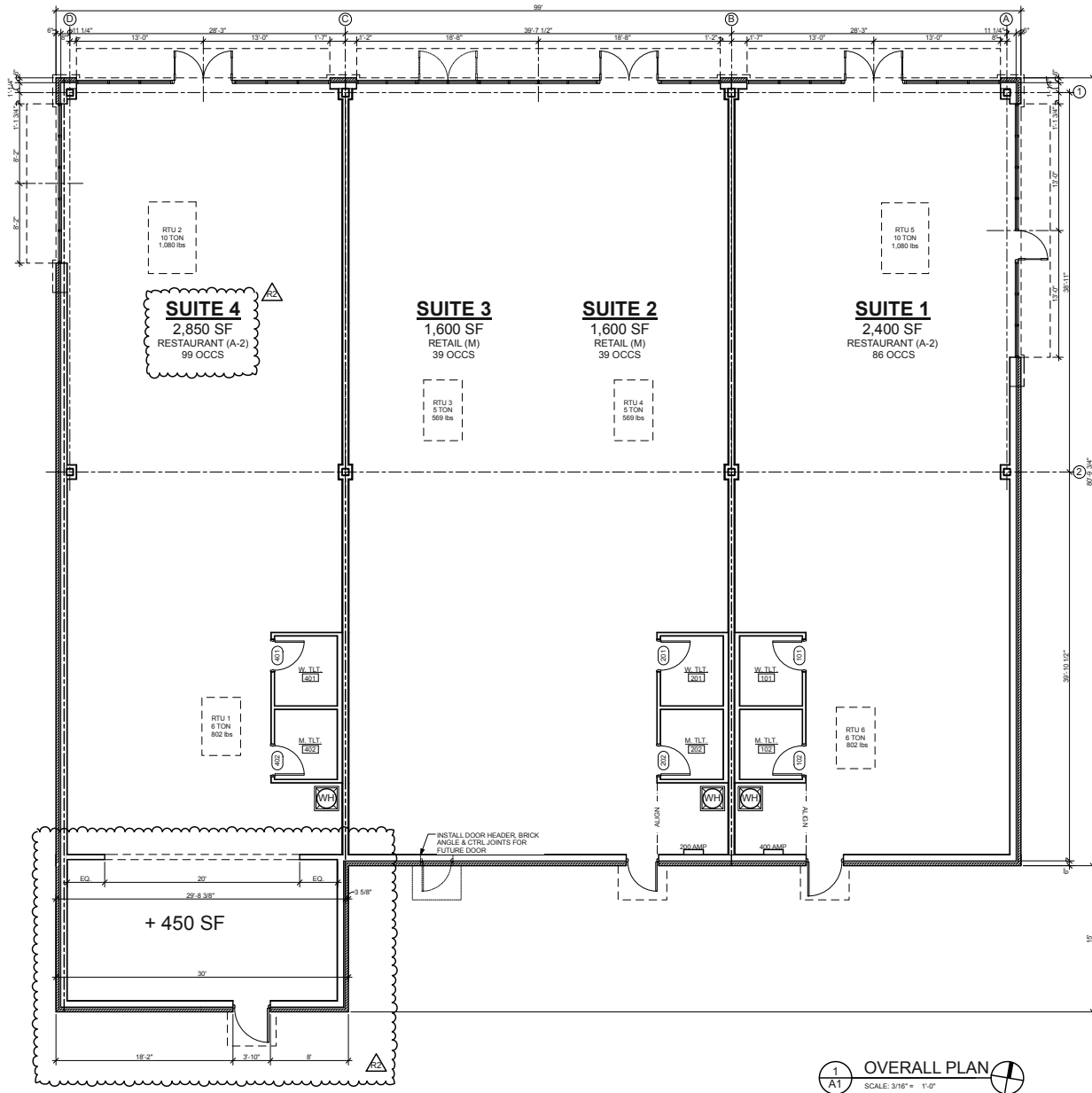
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7-D-16-UR



- PLAN NOTES:**
- COORD. TYPE, NUMBER & LOCATION OF F.E. w/ LOCAL FIRE MARSHAL PRIOR TO CONSTRUCTION
 - COORD. LOCATION OF REAR DOORS w/ INDIVIDUAL TENANT PLANS
 - G.C. TO VERIFY LOCATION OF R.T.U. PER TENANT'S PLANS PRIOR TO SETTING GIRDER TRUSS



1 OVERALL PLAN
A1 SCALE: 3/16" = 1'-0"



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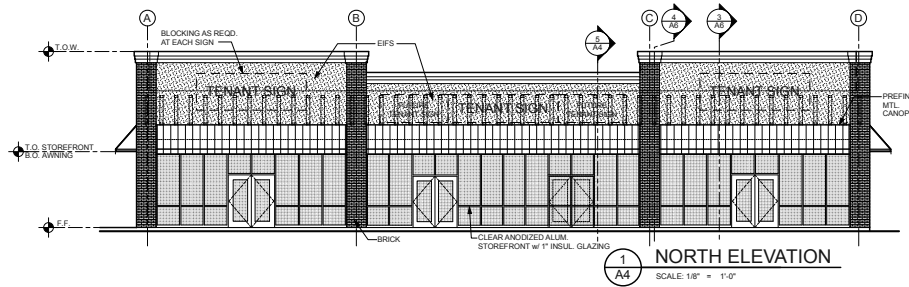


OVERALL PLAN

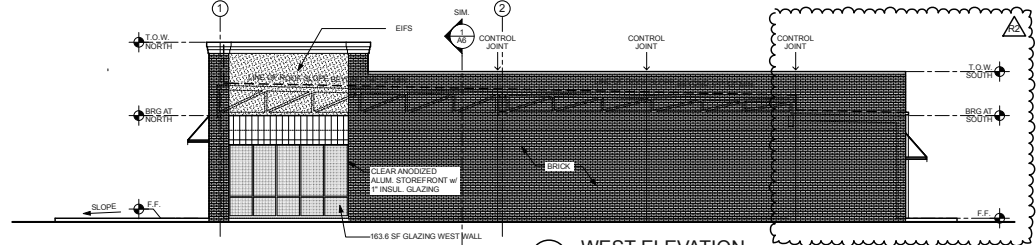
DATE: 27 OCTOBER 2015
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REVISION 31 MAY 2016

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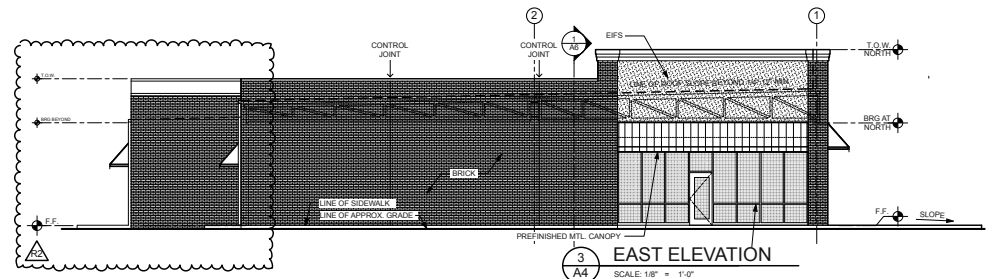
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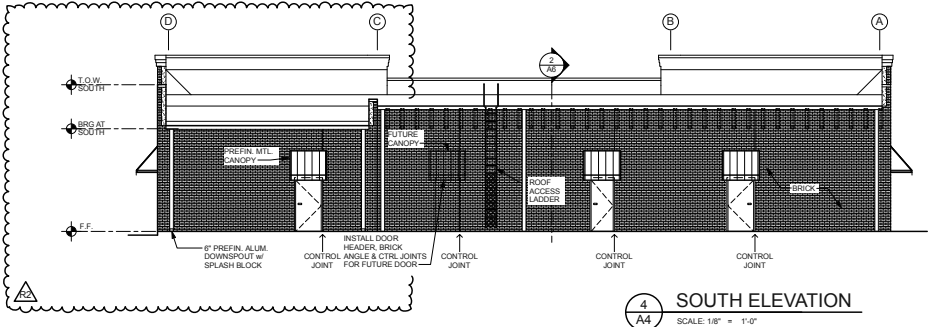
1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 WEST ELEVATION
SCALE: 1/8" = 1'-0"



3 EAST ELEVATION
SCALE: 1/8" = 1'-0"



4 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

NOTE: COORD. COLORS w/ ARCHITECT PRIOR TO CONSTRUCTION

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EXTERIOR ELEVATIONS

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A4