

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

▶ **FILE #:** 11-E-16-UR

**AGENDA ITEM #:** 41

**AGENDA DATE:** 11/10/2016

▶ **APPLICANT:** JAMES PHILLIPS

OWNER(S): James Phillips

TAX ID NUMBER: 119 D D 006.01

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 660 N Gallaher View Rd

▶ **LOCATION:** East side N Gallaher View Rd, east of Walker Springs Rd.

▶ **APPX. SIZE OF TRACT:** 0.803 acres

SECTOR PLAN: Northwest County

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

ACCESSIBILITY: Access is via N. Gallaher View Rd., a minor arterial street with 4 lanes and a center turn lane on 60' of pavement width within 90' of right-of-way. Cavet Station Greenway runs along the eastern lot boundary and is near a KAT transfer point located at the Walmart Supercenter.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Ten Mile Creek

▶ **ZONING:** C-3(k) (General Commercial)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Coffee shop

HISTORY OF ZONING: In August 2016 the property was conditionally rezoned C-3, requiring use-on-review approval by the planning commission.

SURROUNDING LAND USE AND ZONING: North: Vacant land, greenway, apartment complex entrance driveway / A-1 (General Agricultural)

South: Gallaher View Rd. right of way, greenway / C-3 (General Commercial)

East: Apartments / R-1A (Low Density Residential) and RP-1 (Planned Residential)

West: N. Gallaher View Rd., vacant land, floodway, water tank / F-1 (Floodway) and R-2 (General Residential)

NEIGHBORHOOD CONTEXT: This section of N. Gallaher View Rd. is developed primarily with low to medium density residential uses under R-2, RP-1, R-1A and RB zoning. Additional commercial development is located to the south of Walker Springs Rd. and to the north at the Middlebrook Pike intersection.

**STAFF RECOMMENDATION:**

▶ **APPROVE** the request for a drive-thru coffee shop containing approximately 1900 square feet of floor area as shown on the development plan, subject to 9 conditions.

1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
2. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
3. Meeting all applicable requirements of the Knoxville Department of Engineering.
4. Installation of landscaping as shown on the site plan within six months of the issuance of an occupancy permit for this project.
5. Obtaining approval from the Knoxville Department of Engineering and Urban Forester for any clearing of vegetation within the right-of-way for necessary sight distance, including maintaining the cleared vegetation as required by Knoxville's Department of Engineering and Urban Forester.
6. Installation of a minimum of 2 bike racks located no further away from a customer building entrance than the closest vehicle parking stall, subject to approval by Knoxville's Alternative Transportation Coordinator.
7. Providing high visibility crosswalk striping and signage within the drive thru for the pedestrian crossing.
8. Proposed signage is subject to approval by the Planning Commission staff and Knoxville's Sign Enforcement Officer.
9. Providing a traffic impact study, if required by the Knoxville Department of Engineering during site development permit review, and installing improvements recommended by the traffic impact study if required by the Department of Engineering.

With the conditions noted, this plan meets the requirements for approval within an C-3 (General Commercial) district and the criteria for approval of a use on review.

**COMMENTS:**

The proposed coffee shop is immediately across Gallaher View Rd. from the northern intersection of Walker Springs Rd. The placement of the driveway on the non-contiguous leg of a T-intersection has been granted a variance by the Board of Zoning Appeals. The adjacent driveway to the north is for the apartment complex to the northeast and the owner of that development did not grant access to their driveway.

The proposed driveway location does present sight visibility challenges looking south. The sight visibility triangle may have existing trees and underbrush within the line of sight. This area south of the subject property where vegetation may need to be cleared is within City right-of-way and the majority of the vegetation within visibility triangle is already being cut and maintained by the City, however, the City does not want to be responsible for maintaining any additional vegetation clearing for business. If tall vegetation does need to be removed and the clearance maintained, the applicant will need to enter into an agreement with the City to allow this.

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

1. The proposal will place minimal additional demand on streets or utilities.
2. The proposed development is compatible with the scale and intensity of the surrounding development.
3. A traffic impact study may be required because coffee shops have high traffic volumes during peak travel times, especially in the mornings. City Engineering will evaluate whether a traffic study is required in this particular case during permitting.

**CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE**

1. This 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 area 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 MPC PLANS**

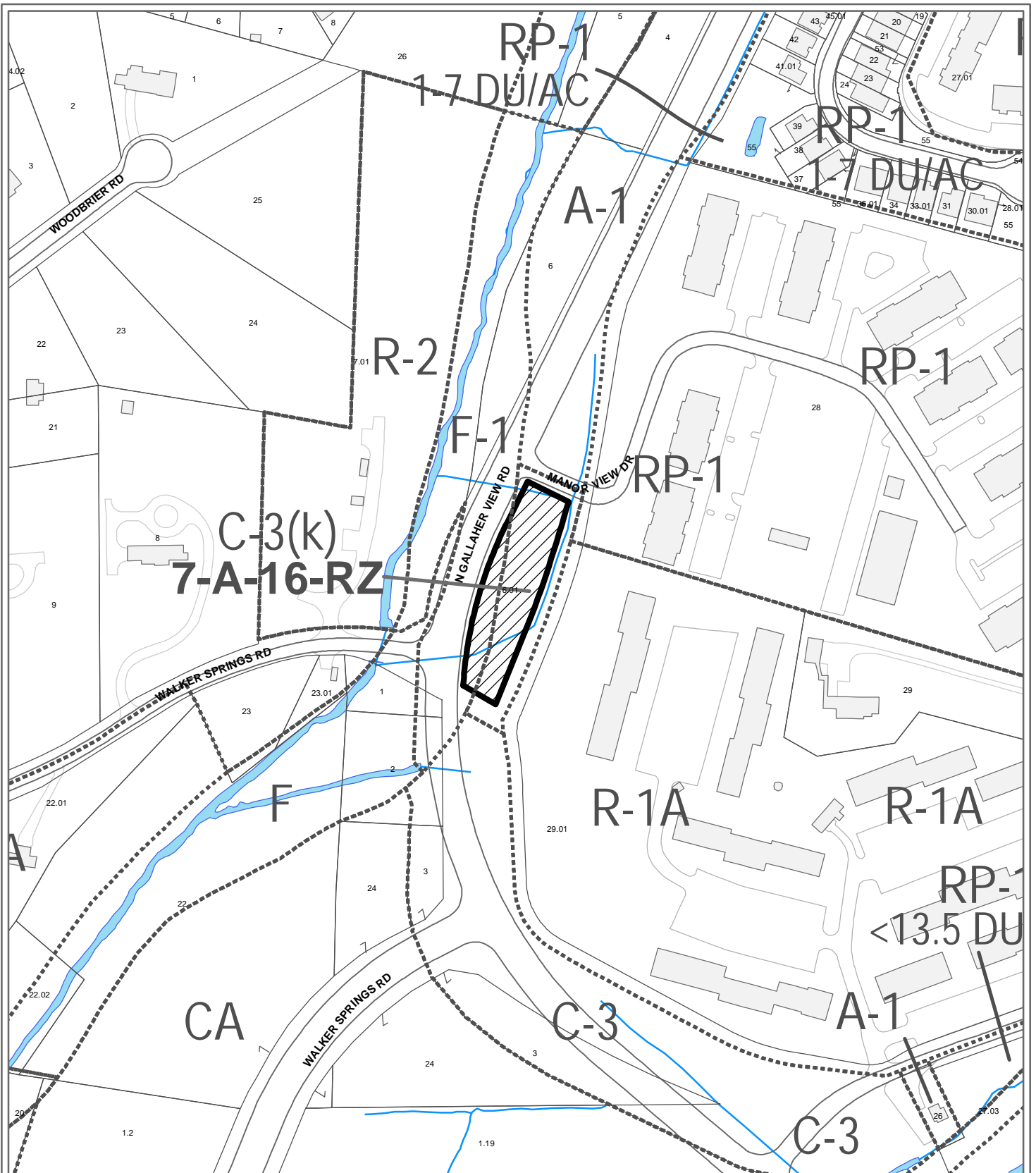
1. The proposal is consistent with the Knoxville One Year Plan and the Northwest County Sector Plan (2016) which proposes general commercial uses and stream protection for this site.

ESTIMATED TRAFFIC IMPACT: 992 (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.



**11-E-16-UR  
USE ON REVIEW**

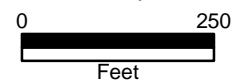


Coffee shop in C-3(k) (General Commercial)

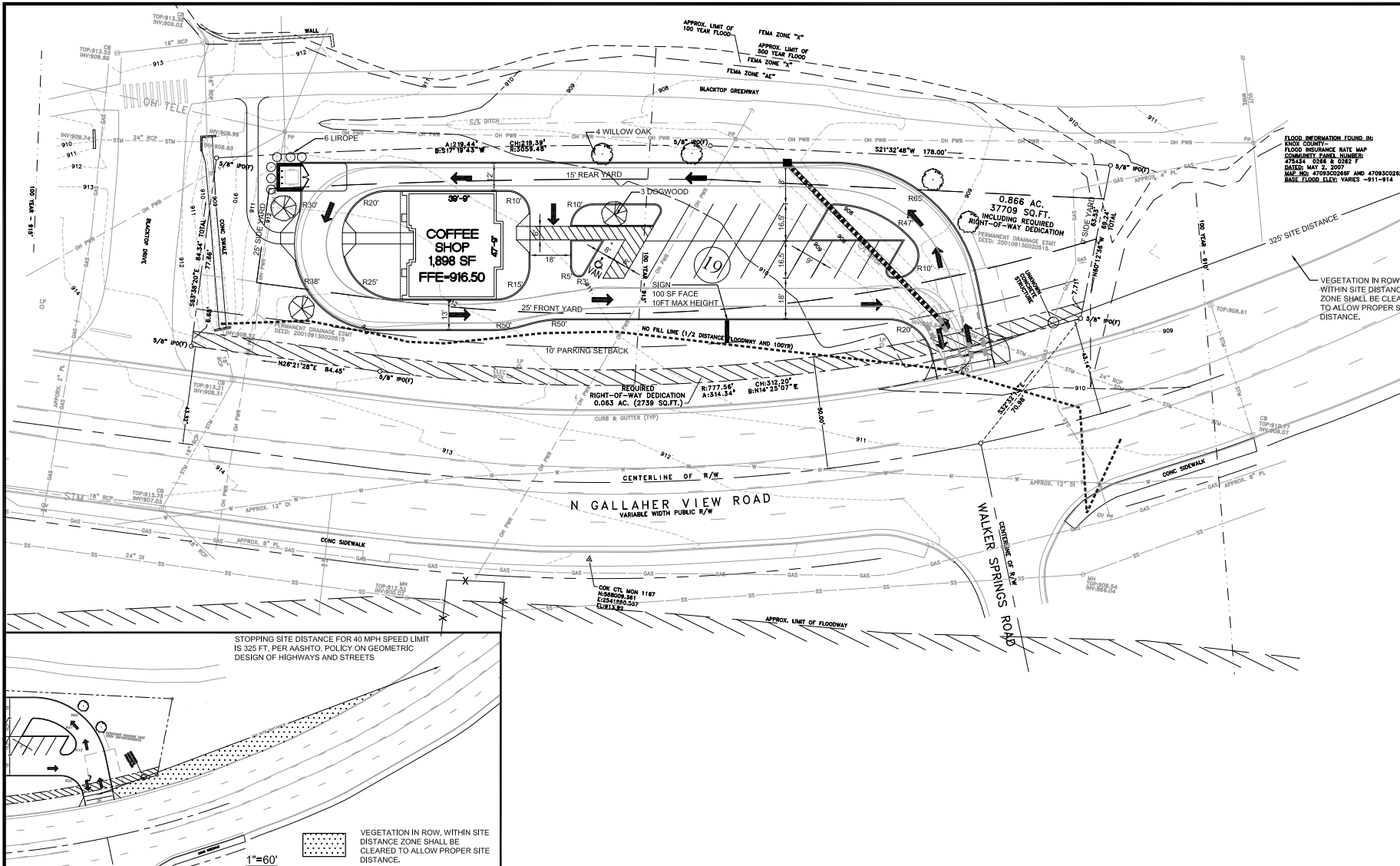
Petitioner: Phillips, James

Map No: 119

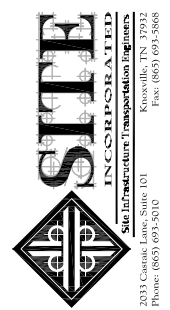
Jurisdiction: City



Original Print Date: 10/19/2016 Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902



FLOOD INFORMATION FOUND IN:  
 FLOOD INSURANCE RATE MAP  
 COMMUNITY PANEL NUMBER:  
 27542L (05/01/02)  
 DATE: MAY 2, 2007  
 MAP NOS. 470932010W AND 470932010E  
 BASE FLOOD ELEV. VARIES -911'-914'

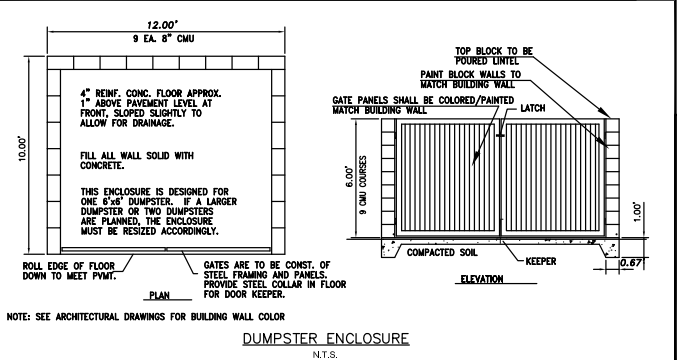


Use on Review Plan

Drive-thru Restaurant  
 660 N Gallaher View Road  
 Knoxville, Tennessee 37923

STOPPING SITE DISTANCE FOR 40 MPH SPEED LIMIT IS 325 FT. PER AASHTO, POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS

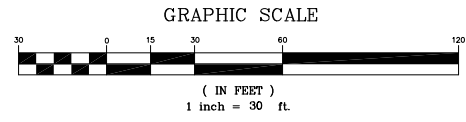
VEGETATION IN ROW, WITHIN SITE DISTANCE ZONE SHALL BE CLEARED TO ALLOW PROPER SITE DISTANCE.



PROPERTY DATA:

LOT AREA:	0.80 ACRES
ZONING:	C3
BUILDING SETBACKS:	
FRONT:	25'
SIDE:	0' - COMMERCIAL, 25' RESIDENTIAL
REAR:	15'
PARKING PROVIDED:	19 SPACES (10.0/1000 SF GFA)
PARKING REQUIRED:	19 SPACES (10.0/1000 SF GFA)
(PARKING PER CURRENT PARKING REGULATIONS)	

11-E-16-UR  
 Revised: 11/1/2016



DRAWN BY: jpa DATE: 09/26/16  
 CHECKED BY: jra FILE: UOR-1

REVISIONS	
NO.	DATE COMMENTS
1	10/26/16 REVISED PER MC STAFF COMMENTS
2	10/31/16 REVISED PER ADDITIONAL MC COMMENTS
3	11/01/16 REVISED PER ADDITIONAL MC COMMENTS



**Use on Review**     **Development Plan**

Name of Applicant: James J. Phillips

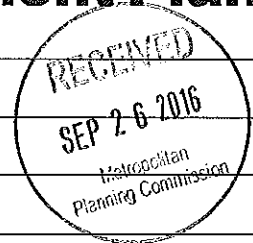
Date Filed: 09/26/16

Meeting Date: 11/10/16

Application Accepted by: Thomas Bacchler

Fee Amount:            File Number: Development Plan           

Fee Amount: \$1,500 File Number: Use on Review 11-E-16-UR



**PROPERTY INFORMATION**

Address: 660 N GALLAHER VIEW ROAD  
 General Location: East side N GALLAHER VIEW RD & east end of WALKER SPRINGS RD

Tract Size: 0.803 AC No. of Units:           

Zoning District: C-3

Existing Land Use: Vacant

Planning Sector: Northwest County

Sector Plan Proposed Land Use Classification:           

Growth Policy Plan Designation:           

Census Tract: 45

Traffic Zone: 220

Parcel ID Number(s): 119DD00601

Jurisdiction:  City Council 46 District  
 County Commission            District

**PROPERTY OWNER/OPTION HOLDER**

PLEASE PRINT  
 Name: James J. Phillips

Company:           

Address: 9552 Sarasota Drive

City: Knoxville State: TN Zip: 37923

Telephone: 423-381-5619

Fax:           

E-mail: jediphillips@yahoo.com

**APPLICATION CORRESPONDENCE**

All correspondence relating to this application should be sent to:

PLEASE PRINT  
 Name: John Anderson

Company: SITE, Incorporated

Address: 10215 Technology Drive, Suite 304

City: Knoxville State: TN Zip: 37932

Telephone: 865-777-4165

Fax: 865-777-4189

E-mail: janderson@site-incorporated.com

**APPROVAL REQUESTED**

Development Plan: Residential Non-Residential

Home Occupation (Specify Occupation)  
          

Other (Be Specific)  
Coffee shop.

**APPLICATION AUTHORIZATION**

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.

Signature: James J. Phillips

PLEASE PRINT  
 Name: James J. Phillips

Company:           

Address: 9552 Sarasota Drive

City: Knoxville State: TN Zip: 37923

Telephone: 423-381-5619

E-mail: jediphillips@yahoo.com

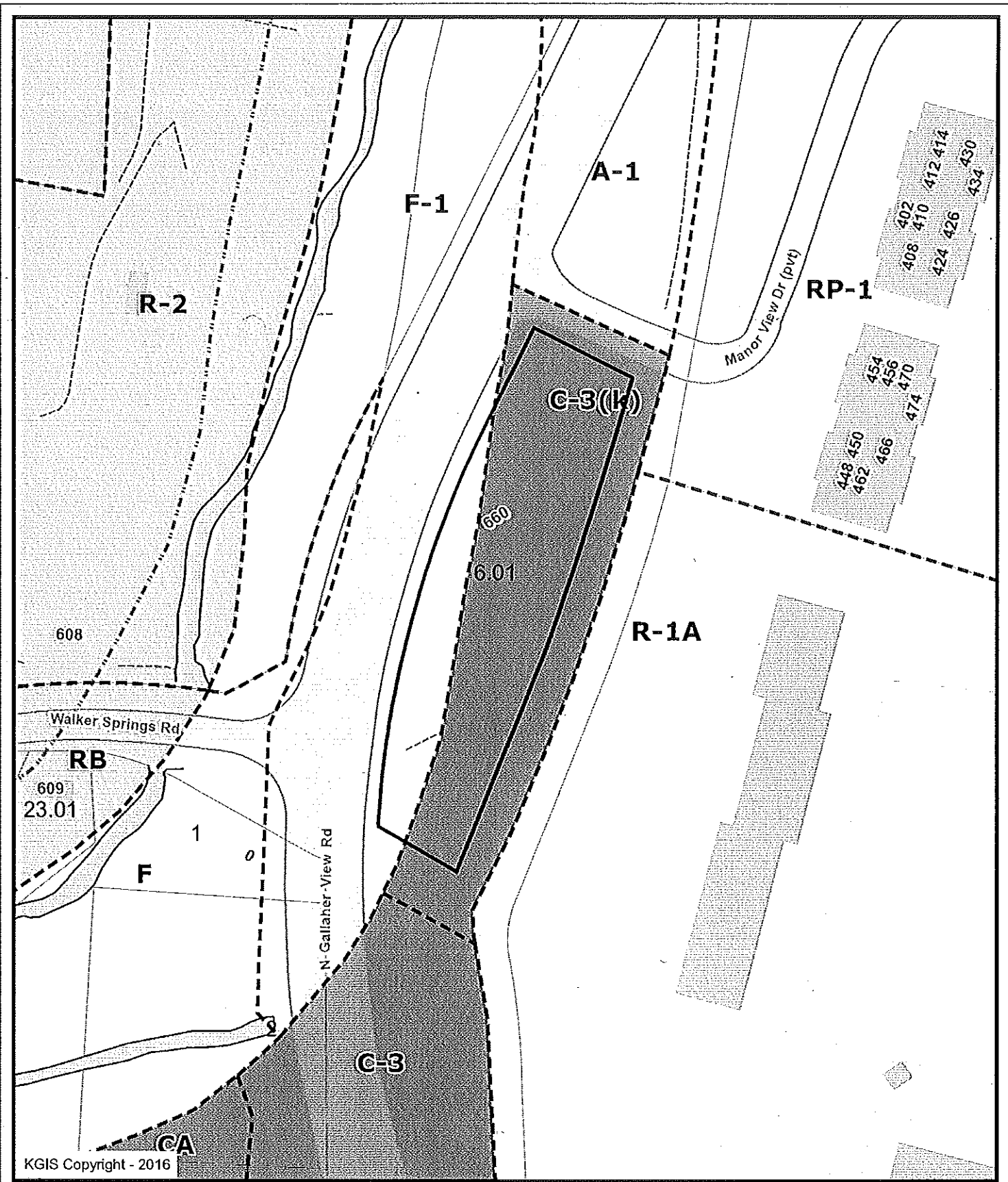
**SIGNATURES OF ALL PROPERTY OWNERS INVOLVED OR HOLDERS OF OPTION ON SAME MUST BE LISTED BELOW:**

**Please Sign in Black Ink:**

(If more space is required attach additional sheet.)

Name	Address	City	State	Zip	Owner	Option
------	---------	------	-------	-----	-------	--------

James J. Phillips	9552 Sarasota Dr, Knoxville, TN 37923				x	
-------------------	---------------------------------------	--	--	--	---	--

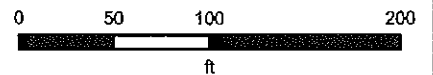


KGIS Copyright - 2016

### Letter Portrait

Printed: 9/26/2016 at 4:00:28 PM

### Knoxville - Knox County - KUB Geographic Information System



KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.