

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

▶ **FILE #:** 1-K-17-UR

**AGENDA ITEM #:** 64

**AGENDA DATE:** 1/12/2017

▶ **APPLICANT:** LKM PROPERTIES, LP

OWNER(S): LKM Properties

TAX ID NUMBER: 67 00901, 00902PT. 067-00903PT.

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 7507 Clinton Hwy

▶ **LOCATION:** South side of Clinton Hwy., Southeast side of W. Emory Rd.

▶ **APPX. SIZE OF TRACT:** 16.73 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) / F (Floodway)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Revised development plan

HISTORY OF ZONING: A development plan was approved for LKM Properties for this site in 2015 (8-D-15-UR). The site was zoned SC (Shopping Center in 1999).

SURROUNDING LAND USE AND ZONING: North: Shopping center / SC and CA commercial

South: Beaver Creek / F floodway

East: Mixed commercial uses / CA commercial

West: Detached dwellings / 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 to revise the previously approved plan by relocating the driveway as shown on the revised plan received by MPC staff on 12/29/2016 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. Identifying the proposed roadway as a driveway or as a cross access easement
3. 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. All sidewalk construction must comply with the Americans With Disabilities Act
4. Provision of a 30' wide greenway easement along Beaver Creek (as shown)
5. 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
6. Replatting the site to reflect 2 lots and the driveway as shown on the development plan.
7. Clearing or grading on lot 1 to be limited to what is required for construction of the north-south driveway, detention basin and the Weigels store building pad.
8. Maintaining a minimum of a 50' wide undisturbed strip along the western boundary of the site and provide the supplemental plantings as shown on the revised plan. Installation of the supplemental landscaping as shown on the revised plan must be completed within six months of the issuance of occupancy for the Weigels Store
9. Meeting all applicable requirements of the Tenn. Dept. of Transportation (TDOT)
10. Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works
11. Meeting all applicable requirements of the Tenn. Dept. of Environment and Conservation and meeting all requirements of the Knox County Stormwater Control Ordinance
12. Meeting all applicable requirements of the previously approved use on review (8-D-15-UR)
13. 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 a driveway that connects Clinton Hwy. with W. Emory Road was approved in 2015. The proposed driveway will also provide access to an out parcel (lot 1) that is shown on this plan.

The purpose of this request is to revise the previously approved development plan. This plan proposes to move the driveway's intersection point with W. Emory Rd. approximately 225' to the west. This change is being proposed in order to lower the grade of the driveway and enhance safety. 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..

As part of the previous approval staff required the applicant to retain a 50' wide undisturbed area along the western border of the site. This area has been maintained without disturbance as required. However, it has proven to be less than adequate in providing a visual buffer to the adjoining residents. As a result, the applicant will plant a dense evergreen hedge that will provide additional screening to those most impacted by this project.

**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 revised location of the proposed driveway will provide convenient alternative access between the two legs of W. Emory Rd.
3. The proposal will have no impact on schools.

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

1. The revised driveway location 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 since it has direct access to arterial streets.

2. The proposal meets all requirements of the SC zoning district and all other applicable requirements of the Knox County Zoning Ordinance.

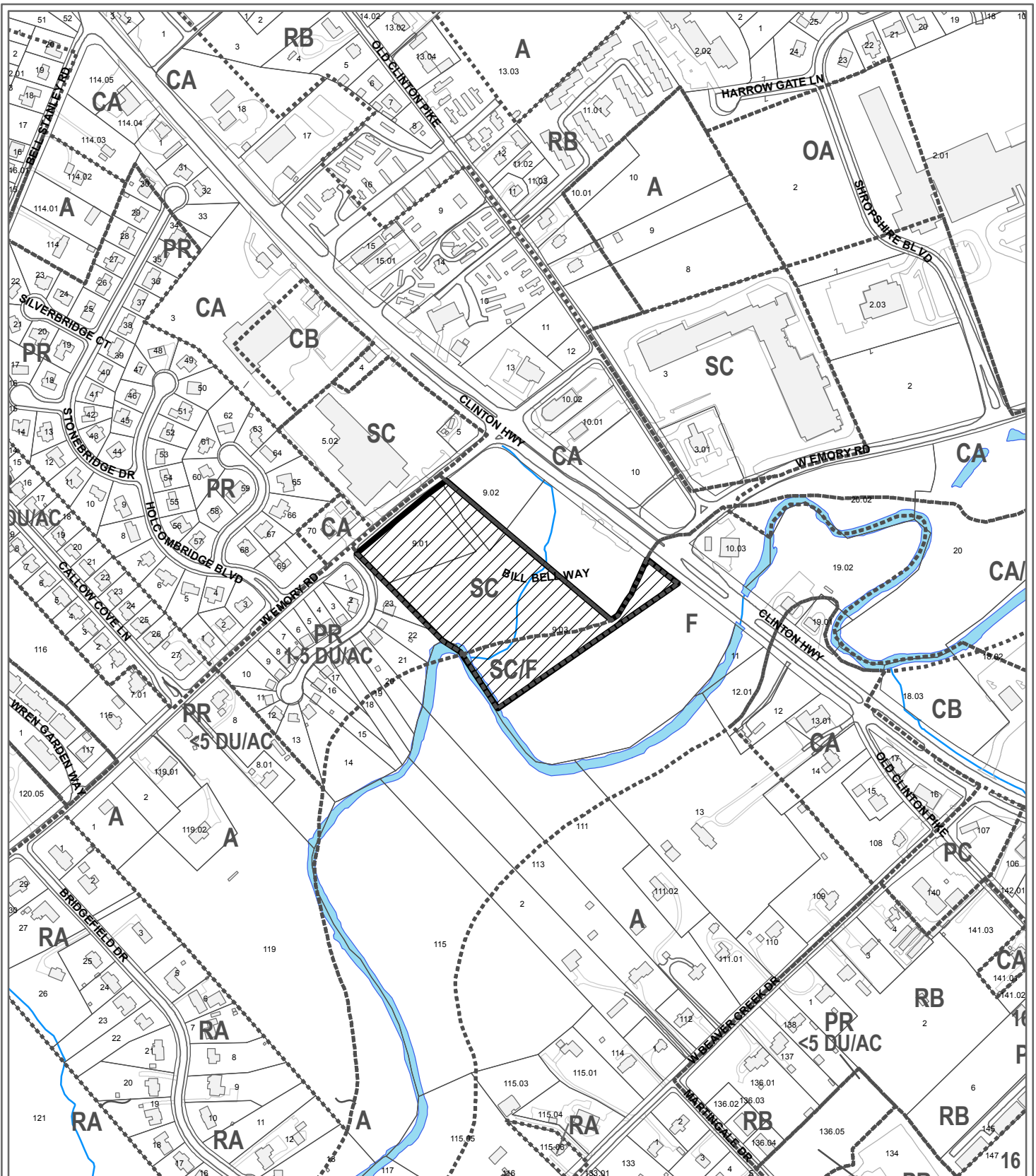
#### CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

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: A traffic impact study was prepared by the applicant. The findings of that study were used in formulating the recommendations of this staff report.

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.



**1-K-17-UR  
USE ON REVIEW**



Revised development plan in SC (Shopping Center) / F (Floodway)

Petitioner: LKM Properties, LP

Map No: 67

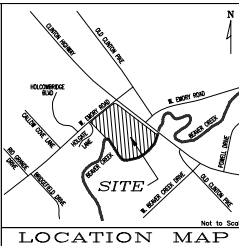
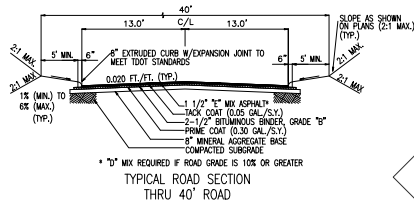
Jurisdiction: County



Original Print Date: 12/21/2016

Revised:

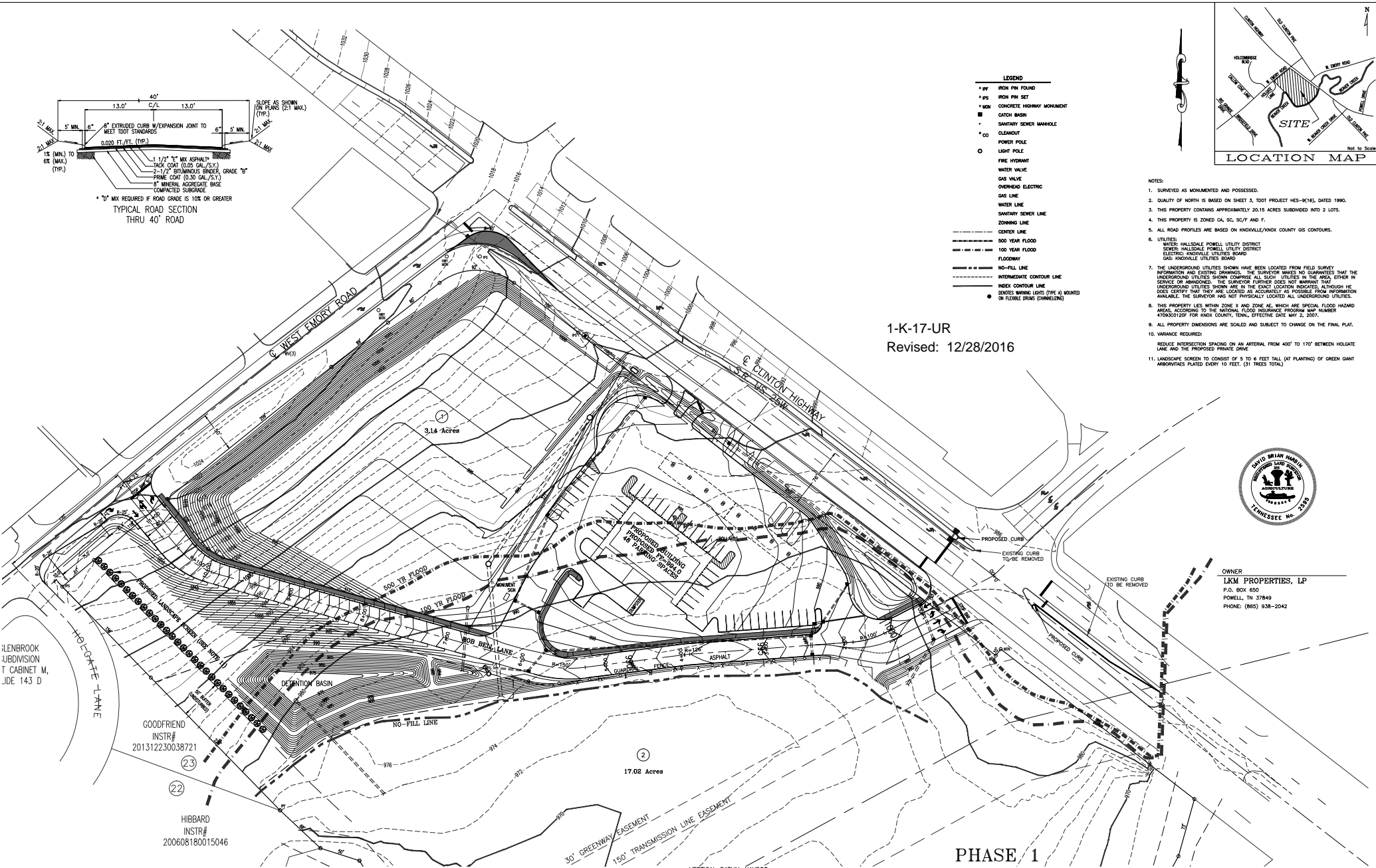
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902



- LEGEND**
- IRON PIN FOUND
  - IRON PIN SET
  - CONCRETE HIGHWAY MONUMENT
  - CATCH BASIN
  - SANITARY SEWER MANHOLE
  - CLEANOUT
  - POWER POLE
  - LIGHT POLE
  - FIRE HYDRANT
  - WATER VALVE
  - GAS VALVE
  - OVERHEAD ELECTRIC
  - GAS LINE
  - WATER LINE
  - SANITARY SEWER LINE
  - ZONING LINE
  - CENTER LINE
  - 500 YEAR FLOOD
  - 100 YEAR FLOOD
  - FLOODWAY
  - NO-FILL LINE
  - INTERMEDIATE CONTOUR LINE
  - INDEX CONTOUR LINE
  - DIMES MARKING LIGHTS (TYPE A) MOUNTED ON FLEXIBLE DRUMS (SIGNALING)

- NOTES:**
- SURVEYED AS MONUMENTED AND POSSESSED.
  - QUALITY OF NORTH IS BASED ON SHEET 3, TDOT PROJECT HES-9(16), DATED 1990.
  - THIS PROPERTY CONTAINS APPROXIMATELY 20.16 ACRES SUBDIVIDED INTO 2 LOTS.
  - THIS PROPERTY IS ZONED CA, SC, SC/F AND F.
  - ALL ROAD PROFILES ARE BASED ON KNOXVILLE/KNOX COUNTY GIS CONTOURS.
  - UTILITIES: WATER: HILLSDALE POWELL UTILITY DISTRICT; SEWER: HILLSDALE POWELL UTILITY DISTRICT; ELECTRIC: KNOXVILLE UTILITIES BOARD; GAS: KNOXVILLE UTILITIES BOARD.
  - THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT ANY UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES.
  - THIS PROPERTY LIES WITHIN ZONE X AND ZONE AE, WHICH ARE SPECIAL FLOOD HAZARD AREAS, ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM MAP NUMBER 47083C0120F FOR KNOX COUNTY, TENN., EFFECTIVE DATE MAY 2, 2007.
  - ALL PROPERTY DIMENSIONS ARE SCALED AND SUBJECT TO CHANGE ON THE FINAL PLAN.
  - VARIANCES REQUIRED.
  - RELIEF INTERSECTION SPACING ON AN INTERVAL FROM 400' TO 170' BETWEEN HOLGATE LANE AND THE PROPOSED PRIVATE DRIVE.
  - LANDSCAPE SCREEN TO CONSIST OF 5 TO 6 FEET TALL (AT PLANTING OF GREEN GIANT ABERRANTIES PLANTED EVERY 10 FEET, (31 TREES TOTAL).

1-K-17-UR  
Revised: 12/28/2016



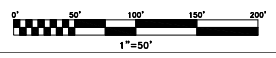
OWNER  
LKM PROPERTIES, LP  
P.O. BOX 450  
POWELL, TN 37849  
PHONE: (865) 938-2042

PHASE 1

BATSON, HIMES, NORVILL & POE  
REGISTERED ENGINEERS & LAND SURVEYORS  
434 PAPERMILL DRIVE  
KNOXVILLE, TENNESSEE 37909  
PHONE: (865) 588-6472  
FAX: (865) 588-6473  
emc@batson-poe.com

DESIGNED	DMP	DATE	REVISION	APPR.	NO.	DATE	REVISION	APPR.

VERTICAL DATUM=NAVD85  
SCALE  
HORIZONTAL: 1"= 50'  
VERTICAL: 1" INTERVAL  
DATE  
10/24/16  
DEED REFERENCES: INSTR. #200502250067086



REVISED USE ON REVIEW PLAN FOR  
LKM PROPERTIES  
7565 CLINTON HIGHWAY  
CLT MAP 67 PARCEL 9  
DISTRICT 6, KNOX COUNTY, TENNESSEE

24886-RR  
SHEET 1 OF 2 SHEET(S)  
Q:\24886\24886-ROAD-REALIGNMENT.DWG

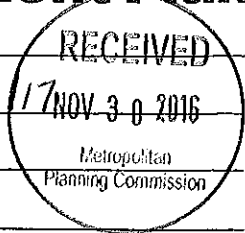
Suite 403 • City County Building  
400 Main Street  
Knoxville, Tennessee 37902  
865 • 215 • 2500  
F A X • 215 • 2068  
www.knoxmpc.org

Use on Review  Development Plan

Name of Applicant: LKM Properties, LP.

Date Filed: 11/24/16

Meeting Date: 11/12



Application Accepted by: DE

Fee Amount: ~~Fee from 12-5B-16-C~~ File Number: Development Plan

Fee Amount: NA File Number: Use on Review E-K-17-UR

**PROPERTY INFORMATION**

Address: 7507 Clinton Highway

General Location: SW side Clinton Highway & SE side W. Emory Rd

Tract Size: 16.73 acres No. of Units: 2

Zoning District: CA/SC/SC-F/F

Existing Land Use: Vacant

Planning Sector: Northwest County

Sector Plan Proposed Land Use Classification: LDR

Growth Policy Plan Designation: Planned Growth

Census Tract: 60.02

Traffic Zone: 208

Parcel ID Number(s): 67 | 9.01, 9.02, 9.03

Jurisdiction:  City Council  District  County Commission 608 District

**PROPERTY OWNER/OPTION HOLDER**

PLEASE PRINT Name: Bill Weigel

Company: LKM Properties, LP

Address: P.O. Box 650

City: Powell State: TN Zip: 37849

Telephone: 938-2042

Fax: \_\_\_\_\_

E-mail: bill@weigels.com

**APPLICATION CORRESPONDENCE**

All correspondence relating to this application should be sent to:

PLEASE PRINT Name: David Harbin

Company: Batson Himes Norvell & Poe

Address: 4334 Papermill Dr

City: Knoxville State: TN Zip: 37907

Telephone: 588-6472

Fax: 588-6473

E-mail: harbin@bhn-p.com

**APPROVAL REQUESTED**

Development Plan:  Residential  Non-Residential

Home Occupation (Specify Occupation)

Other (Be Specific)  
Revised development  
plan

**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: David Harbin

PLEASE PRINT Name: David Harbin

Company: Batson Himes Norvell & Poe

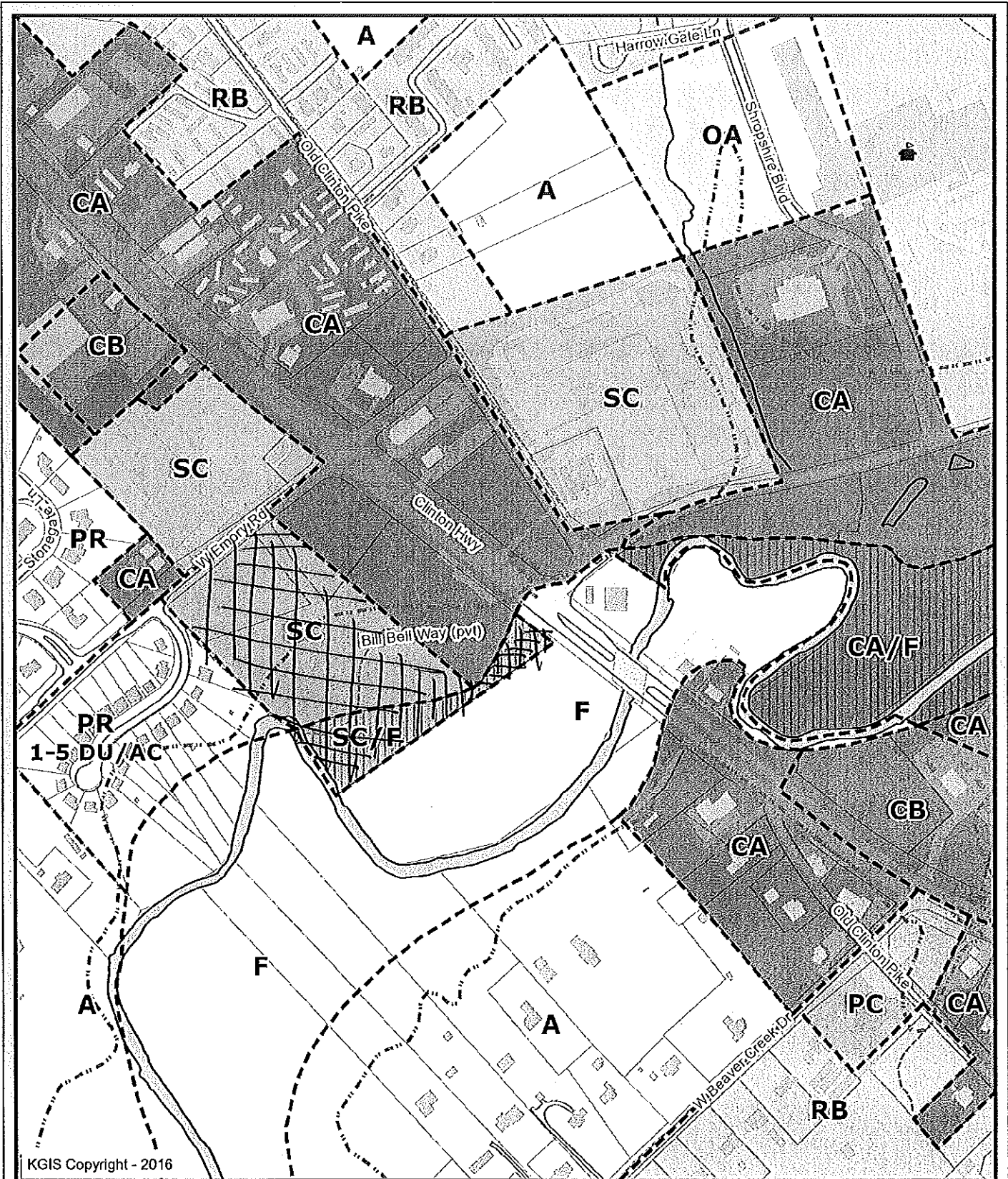
Address: 4334 Papermill Dr

City: Knoxville State: TN Zip: 37907

Telephone: 588-6472

E-mail: harbin@bhn-p.com



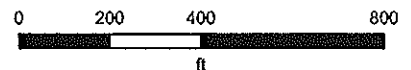


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