



USE ON REVIEW REPORT

► **FILE #:** 4-F-19-UR

AGENDA ITEM #: 48

AGENDA DATE: 4/11/2019

► **APPLICANT:** WILL ROBINSON

OWNER(S): Jay Moore / OPIDAN INVESTMENT COMPANY

TAX ID NUMBER: 132 02817

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 9063 Kingston Pike

► **LOCATION:** North side of Kingston Pike, East side of North Cedar Bluff Road, South of North Peters Road

► **APPX. SIZE OF TRACT:** 2.85 acres

SECTOR PLAN: Southwest County

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

ACCESSIBILITY: The primary access to the site will be via the internal access driveway system serving the Kingston Corner Subdivision with access out to N. Cedar Bluff Rd. and Kingston Pike, both of which are 6 lane median divided arterial streets at this location.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Ten Mile Creek

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

► **EXISTING LAND USE:** Vacant

► **PROPOSED USE:** Retail business and restaurant with drive-thru.

HISTORY OF ZONING: Property was rezoned to PC-1 (Retail and Office Park) on November 17, 2009.

SURROUNDING LAND USE AND ZONING: North: Entertainment center - PC-1 (Retail and Office Park)

South: Restaurants - PC-1 (Retail and Office Park)

East: Vacant land and shopping center - PC-1 (Retail and Office Park) and C-3 (General Commercial)

West: Retail center - PC-1 (Retail and Office Park)

NEIGHBORHOOD CONTEXT: This site is located in an area that is dominated by shopping centers and general commercial uses. The zoning in the area is O-1, C-3, C-6, SC, SC-3, PC-1 and PC-2 commercial zones.

STAFF RECOMMENDATION:

► **APPROVE** the request for the retail business with approximately 15,000 square feet and restaurant with drive-thru with approximately 1,750 square feet as shown on the development plan, subject to 10 conditions.

1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
2. Installation of all sidewalks as identified on the development plan. Sidewalks shall meet all applicable requirements of the Americans with Disabilities Act (ADA) and the Knoxville Department of Engineering.
3. Meeting all applicable requirements of the Knoxville Department of Engineering.
4. Provide a landscape terminal island at the eastern end of the row of parking along the northern side of the Duluth Trading building.
5. Installation of the landscaping as identified 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 Urban Forester.
7. Relocation of the existing fire hydrant that is at the eastern end of the proposed drive thru lane for the restaurant.
8. Any proposed subdivision of this lot will require approval from the Planning Commission or Planning staff as required by the Knoxville-Knox County Subdivision Regulations. Each lot will be required to meet the parking standards of the Knoxville Zoning Ordinance.
9. Approval of the business sign panels on the two development directory signs and that the attached building signs be modified in order to come into compliance with the sign regulations.
10. Meeting all applicable requirements of the Knoxville Zoning Ordinance.

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 2.85 acre lot within the Kingston Corner Commercial Subdivision with a 15,000 square foot retail building for Duluth Trading Company and a 1,750 square foot restaurant with drive-thru. The lot which is located on the south side of the Main Event entertainment center is served by the internal driveway system for the commercial subdivision with access out to both Kingston Pike and N. Cedar Bluff Rd. The proposed development includes a total of 103 parking spaces which is below the maximum limit of 111 parking spaces allowed for the proposed uses. Stormwater management for this site will be tied into the overall stormwater system for the subdivision.

Proposed signs for Duluth Trading Co. include the business sign panels on the two development directory signs (detached signs) located on N. Cedar Bluff Road and Kingston Pike at the two signalized intersections providing access to the Kingston Corners Commercial Subdivision, and the attached building signs. The proposed building signs at approximately 400 square feet, exceed the maximum of 203 square feet allowed for the building based on the proposed building elevations.

Knoxville Zoning Ordinance Article VIII, Section 11.6.e.5. (see attachment) allows the Planning Commission to approve additional signs in the PC-1 zoning district under certain conditions. It is staff's position that this provision applies to detached signs which are restricted in number and not attached building signs which are not restricted in number, only in sign area. When the master sign plan was approved for Kingston Corner Commercial Subdivision, two development directory signs (detached signs) were approved that are located on N. Cedar Bluff Road and Kingston Pike at the two signalized intersections providing access to the development. These two signs which will include panels for Duluth Trading Company were approved to allow identification on the two main streets of businesses that did not have frontage on those streets. It is Staff's position that these signs meet the intent of Section 11.6.e.5.

Staff is recommending approval of the business sign panels on the two development directory signs and that the attached building signs be modified in order to come into compliance with the sign regulations. Because the Kingston Corner development was approved with a Master Sign Plan, pursuant to Zoning Ordinance Article VIII, Section 9.3, variances from the sign regulations are not permitted.

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 Kingston Corner Commercial Subdivision required improvements to address the traffic impacts of the entire development.
3. The proposed commercial uses are compatible with the scale and intensity of the surrounding development and zoning pattern.

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

ORDINANCE

1. With the recommended conditions, the proposed commercial development 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 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 additional traffic through residential areas since the development is located off of two arterial streets. No surrounding land uses will pose a hazard or create and unsuitable environment for the proposed use.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Knoxville One Year Plan and the Southwest County Sector Plan propose commercial use for this site.
2. The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

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.

The Planning Commission'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 a Planning Commission decision in the City.