



# USE ON REVIEW REPORT

► **FILE #:** 7-E-19-UR

**AGENDA ITEM #:** 46

**AGENDA DATE:** 7/11/2019

► **APPLICANT:** CRESCENT BEND DEVELOPMENT, LLC

OWNER(S): Crescent Bend Development, LLC

TAX ID NUMBER: 132 09903 & 09904

[View map on KGIS](#)

JURISDICTION: County Commission District 5

STREET ADDRESS: 1000 Ebenezer Rd

► **LOCATION:** East side of Ebenezer Road, south of Westland Drive

► **APPX. SIZE OF TRACT:** 4.98 acres

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Ebenezer Rd., a minor arterial street with a five lane section within a 100' required right-of-way and Westland Dr. a minor arterial street with a two to four lane section within an 88' required right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Ten Mile Creek

► **ZONING:** PC (Planned Commercial) & PR (Planned Residential) / F (Floodway)

► **EXISTING LAND USE:** Former nursery

► **PROPOSED USE:** Commercial Building

HISTORY OF ZONING: Property rezoned to PC (Planned Commercial) by Knox County Commission on December 18, 2006.

SURROUNDING LAND USE AND ZONING: North: Vacant land - F (Floodway) and A (Agricultural)

South: Residences - F (Floodway) and PR (Planned Residential)

East: Approved apartment development - PR (Planned Residential)

West: Vacant land - A-1 (General Agricultural) and F-1 (Floodway)

NEIGHBORHOOD CONTEXT: The site is located along a section of Ebenezer Rd. and Westland Dr. that include a mix of residential, institutional and mixed business uses.

## STAFF RECOMMENDATION:

► **APPROVE the development plan for a commercial building with a drive-thru window and approximately 12,800 square feet of building area, subject to 12 conditions.**

1. Connecting the development to sanitary sewer, as well as meeting other applicable requirements of the Knox County Health Department.
2. Implementation of the street improvements and recommendations outlined in the Traffic Impact Study prepared by Fulghum MacIndoe Associates. Inc., as last revised on June 20, 2019 and as approved by the

Knox County Department of Engineering and Public Works and Planning staff. The north bound right turn lane on Ebenezer Road for the approach to the Ebenezer Road / Westland Drive intersection will have to be extended an additional 100 feet to the south for the proposed development. This extension may require the dedication of additional right-of-way by the applicant. The design details for the improvements and timing of installation shall be worked out with the Knox County Department of Engineering and Public Works.

3. Revising the development plan for the access driveway to Westland Dr. to match the internal configuration that was approved for the Weigel's store (LKM Properties, 6-A-12-UR) by the Planning Commission on July 12, 2012.

4. Revising the Westland Dr. street/driveway curb radius on the west side in order to improve the turning radius for trucks entering the site at that location.

5. Prior to making any access improvements to Tax Parcel 132 09904, providing documentation to the Knox County Department of Engineering and Public Works that the owner of the property has authorized the work on the site.

6. Any proposed revision to the approved development plan for the Weigel's store (LKM Properties, 6-A-12-UR) site will require a reevaluation of the driveways onto Ebenezer Rd and Westland Drive which may require modification to those street connections.

7. Providing a driveway profile for the transition from Crescent Lake Way into the commercial site to the Knox County Department of Engineering and Public Works for their approval.

8. Installation of all sidewalks as identified on the revised development plan. Sidewalks shall meet all applicable requirements of the Americans with Disabilities Act (ADA) and the Knox County Department of Engineering and Public Works. A bond shall be provided to the Knox County Department of Engineering and Public Works by the developer in an amount sufficient to guarantee the installation of the sidewalks.

9. Installing all landscaping, as shown on the landscape plan, within six months of issuance of the first occupancy permit for the project, or posting a bond with the Knox County Department of Engineering and Public Works, to guarantee such installation. Landscaping shall not interfere with sight visibility requirements at the driveway entrances.

10. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.

11. Proposed signage is subject to approval by Knox County Codes Administration and Planning staff.

12. Meeting all applicable requirements of the Knox County Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the PC (Planned Commercial) zoning district and the other criteria for approval of a Use on Review.

#### **COMMENTS:**

The applicant is proposing to develop a 12,800 square foot commercial building with a drive-thru window on a 4.98 acre commercial site that is located near the intersection of Ebenezer Road and Westland Drive. As proposed, the commercial development will have access to Ebenezer Rd. via Crescent Lake Way, the previously approved access driveway that will serve the Crescent at Ebenezer Apartments, and two access driveways that were previously approved for the Weigel's store on July 12, 2012. The driveway access for the Weigel's site includes a full access driveway out to both Ebenezer Rd., and Westland Dr.

The proposed commercial development includes a total of 107 parking spaces. The proposed sidewalk layout will allow for pedestrian connections between the approved apartment complex to the east, the commercial businesses and the existing sidewalks along Ebenezer Rd and Westland Dr.

A Traffic Impact Study prepared by Fulghum MacIndoe Associates. Inc., was submitted for review and approval by the Knox County Department of Engineering and Public Works and Planning staff. The recommended improvements as approved by staff are included as a condition of this approval.

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

1. The proposed commercial development will have minimal impact on local services since utilities are available to serve this site.

2. With the recommended street improvements as identified in the Traffic Impact Study and the recommended conditions for approval, traffic flow in the area will continue to function at acceptable levels.

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

1. The proposed commercial development, with the recommended conditions, meets the standards for

development within a PC (Planned Commercial) zoning district and all other requirements of the Zoning Ordinance.

2. The 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 will not significantly injure the value of adjacent property since the area includes a mix of residential, commercial and institutional uses. The use will not draw additional traffic through residential areas since the development has direct access to two minor arterial streets.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Southwest County Sector Plan was amended to commercial use for this site when the property was rezoned to PC (Planned Commercial). The proposed commercial development is consistent with that Sector Plan amendment.

2. The site is located within the Planned 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 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 a Planning Commission decision in the County.