



# USE ON REVIEW REPORT

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▶ **FILE #:** 1-C-22-UR **AGENDA ITEM #:** 39  
POSTPONEMENT(S): 1/13/2022, 2/10/2022, 3/10/2022 **AGENDA DATE:** 4/14/2022  
▶ **APPLICANT:** **BENJAMIN C. MULLINS**  
OWNER(S): David Eubanks

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TAX ID NUMBER: 0 MULTIPLE PARCELS [View map on KGIS](#)  
JURISDICTION: County Commission District 6  
STREET ADDRESS: Multiple parcels (see list filed with application)  
▶ **LOCATION:** **East side of Lovell Rd, north of High Meadow Dr and south of Bob Gray Rd**  
▶ **APPX. SIZE OF TRACT:** **7.77 acres**  
SECTOR PLAN: Northwest County  
GROWTH POLICY PLAN: Planned Growth Area  
ACCESSIBILITY: Access is via Lovell Road, a 5-lane minor arterial with a 58-ft pavement width inside a 95-ft right-of-way.  
UTILITIES: Water Source: First Knox Utility District  
Sewer Source: First Knox Utility District  
WATERSHED: Hickory Creek

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▶ **ZONING:** **PC (Planned Commercial), RA (Low Density Residential), and TO (Technology Overlay)**  
▶ **EXISTING LAND USE:** **Single family residences and vacant land**  
▶ **PROPOSED USE:** **Self-storage facility**

HISTORY OF ZONING: Rezoned from A (Agricultural) and RA (Low Density Residential) to OB (Office, Medical and Related Services) retaining the HP designation (Case # 11-F-04-RZ); rezoned from A, OB, RA, and RB (Low Density Residential), to PC in 2021 (Case # 8-A-21-RZ)

SURROUNDING LAND USE AND ZONING: North: Vacant land - A (Agricultural) / TO (Technology)  
South: Vacant land - RA (Low Density Residential) / TO (Technology Overlay)  
East: Vacant land and single family residences - RB (General Residential) / TO (Technology Overlay) and RA (Low Density Residential) / TO (Technology Overlay)  
West: Car repair facility and office building - PC (Planned Commercial) / TO (Technology Overlay) and CA (General Business) / TO (Technology Overlay)

NEIGHBORHOOD CONTEXT: This area of Lovell Road is within a half-mile of Pellissippi Parkway and is part of the Tennessee Technology Corridor area. It is a mix of single-family and multi-family neighborhoods, and some office and commercial uses along Lovell Road.

## **STAFF RECOMMENDATION:**

► **Approve the request for an office-warehouse development in the PC (Planned Commercial) zone, subject to eight conditions.**

- 1) Approval of a final plat combining the properties prior to applying for permits.
- 2) Any mechanical equipment installed shall be screened to meet the requirements of the TTCDA. No mechanical equipment is currently shown on the plans.
- 3) Meeting all criteria of the Knox County Zoning Ordinance, Article 4.93, pertaining to enclosed and outdoor self-storage facilities.
- 4) Meeting all other applicable conditions of the Knox County Zoning Ordinance.
- 5) Installation of all landscaping as shown on the development plan within six months of the issuance of an occupancy permit, or posting a bond with the Knox County Department of Engineering and Public Works to guarantee such installation.
- 6) Meeting the requirements of the Knox County Department of Engineering and Public Works.
- 7) Meeting all requirements and conditions of the TTCDA approval.
- 8) Obtaining approval of signage in a separate application if signage is desired in the future.

With the conditions noted, this plan meets the requirements for approval in the PC zone, the requirements for an indoor storage facility (Article 4.93), and the criteria for approval of a Use on Review.

## **COMMENTS:**

The applicant is requesting approval of an indoor self-storage facility consisting of approximately 62,000 sq ft of floor area. The site is located in the PC (Planned Commercial) / TO (Technology Overlay) zones. This item has been postponed since the January meeting as staff has attempted to help the applicant bring the plans into compliance with both the TTCDA Design Guidelines and the Knox County Zoning Ordinance.

Per Section 5.33.13 of the Knox County Zoning Ordinance, applications in the PC zone require approval through the use on review process. Applications in the TO zone require approval by the TTCDA (Section 5.90.01). The request was heard at the TTCDA meeting on April 11, 2022 (Case 1-A-22-TOB), where the applicant received TTCDA approval of all 12 of the requested waivers, some of which staff did not support. The TTCDA also added a condition for additional screen trees along the shared property line with the RB zoned property to the east.

According to KGIS, the site is 6.41 acres, and the slope analysis and all calculations are based on that acreage. The application states that there are 7.77 acres, so there is a discrepancy between the two measurements, though this does not affect the overall recommendation.

The site consists of several properties on the east side of Lovell Road south of Bob Gray Road. The properties would need to be platted and combined into one property since some of the proposed structures cross over property lines. The applicant has stated that a plat would be forthcoming; this would be required prior to permitting so that the setbacks would be met.

The proposed plans include four buildings spread out over the property with drive lanes and parking placed along the perimeter and between the buildings. Buildings 1 and 2 are a combination of interior and exterior storage, while Buildings 3 and 4 are entirely exterior. Building 1 also houses the office. No floor plans have been provided for the building, so the size of the office is unknown. The size and number of storage units are also unknown at this time. Section 4.93 of the Knox County Zoning Ordinance allows a 600 square footage maximum for storage units, so compliance can be determined during permitting.

Access is off of Lovell Road directly across from the access for the European Auto Garage facility. There is an existing driveway at this location, and the plans propose to utilize this access point.

A variance reducing the peripheral boundary along the Lovell Road frontage was approved by the Knox County Board of Zoning Appeals, and the 50-ft peripheral boundary at Lovell Road was reduced to 35-ft. The TTCDA's front setback is 20 feet when there is no parking proposed between the building and the street, so in this case, the 35-ft peripheral setback is larger, making it the applicable front setback requirement for the site.

Once the properties are combined, the proposal would meet all building setback requirements. The adjacent lots to the south and east are single-family residential, so a 100-ft setback is required along those property lines. The property to the north is zoned A (Agricultural) but is a vacant lot. For setback purposes, the County does not consider A zoned properties to be residential unless they contain a residential structure, so the standard 20-ft side setback applies here.

The Knox County zoning ordinance requires a 10-ft parking lot setback when a parking lot abuts residential properties. This standard applies to The applicant is requesting approval of an indoor self-storage facility consisting of approximately 62,000 sq ft of floor area. The site is located in the PC (Planned Commercial) / TO (Technology Overlay) zones. This item has been postponed since the January meeting as staff has attempted to help the applicant bring the plans into compliance with both the TTCDA Design Guidelines and the Knox County Zoning Ordinance.

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Once the properties are combined, the proposal would meet all building setback requirements. The adjacent lots to the south and east are single-family residential, so a 100-ft setback is required along those property lines. The property to the north is zoned A (Agricultural) but is a vacant lot. For setback purposes, the County does not consider A zoned properties to be residential unless they contain a residential structure, so the standard 20-ft side setback applies here.

The Knox County zoning ordinance requires a 10-ft parking lot setback when a parking lot abuts residential properties. This standard applies to the southern and eastern property lines.

The proposed new buildings have a combined footprint of 31,000 sq ft in area. All buildings are two-story structures with a combined floor area of 62,000. In most cases, the buildings are built into the hills so that the second story is only accessible from one side of the building.

The TTCDA granted a waiver to reduce the number of spaces required to 78 spaces. Staff supported this waiver since the TTCDA Guidelines do not address self-storage facilities with regard to the number of spaces required, and using the closest classification would have resulted in an overabundance of parking spaces. Staff still finds the number to be overabundant but supports the overall reduction in parking spaces.

The Knox County Zoning Ordinance requires a minimum 6-ft tall opaque fence setback a minimum of 5 feet from residential properties (Section 4.93.01.F). This would apply to the southern and eastern lot lines. The applicant is proposing an 8-ft high wooden stockade fence as shown in the fence detail on Sheet LP500, though the site plans themselves do not show the location of the fence line. Condition 3 requires site plans to meet the requirements of Section 4.93 of the Knox County Zoning Ordinance pertaining to self-storage facilities, so the fence location can be finalized during the permitting phase.

The landscaping plans meet the TTCDA Guidelines. Staff requested supplementing the originally proposed

landscape screening at the ROW with evergreen trees to screen the metal buildings and loading doors from the ROW during the winter months. The current proposal utilizes 20 deciduous trees and 5 evergreen trees along the 883-ft frontage. Staff recommends additional evergreen trees to provide more screening.

The proposed light fixtures meet the TTCDA Guidelines. The applicant was granted waivers to increase lighting levels along shared property lines with residential uses and other zones, and staff supported those waivers since the photometric plans did not account for the tree buffer or 8-ft high opaque fence and lighting would be lower than what is shown on the plans.

The site is in the Hillside and Ridgetop Protection Area (HP) and contains slopes within the 25%-40% range and slopes over 40%. The TTCDA has a set of guidelines for properties within the HP area that are more stringent than the standard TTCDA requirements, and the applicant requested several waivers from these requirements. With regard to the waivers from the TTCDA's HP requirements, staff believes that waivers of a relatively modest increase or decrease are more in keeping with the Guidelines and allow for flexibility in development. Waivers should not provide a means to bypass entire sections of the Guidelines unless there is a hardship present, the site has been previously graded, or unless the site is flat and not indicative of an HP area. Staff does not find that any of these conditions have been met. There is no hardship present. In a sense, the site plan proposes a sprawling complex of buildings, thereby creating a situation in which the HP Guidelines are difficult to meet. It is possible to develop the site for this use with the number of storage units proposed and still meet the Guidelines. With regard to previous grading, a sliver of the site along Lovell Road was previously graded as part of the road widening project, but the bulk of the site was not touched and the slopes are naturally occurring.

Waivers Requested:

1. Waiver to allow a high number of retaining walls measuring over 900 linear feet (1.12.1.B).
2. Waiver to allow a retaining wall between the building and the street (1.12.1.B).
3. Waiver to allow an alternative retaining wall design without meeting the HP requirements (1.12.1.B).
4. Waiver to allow new development on slopes in excess of 25% (1.12.4.1).
5. Waiver to allow disturbance of slopes of 25% or greater (1.5.4 and 1.12.4.B), and to allow parking lot grading to occur on land with slopes of 25% or greater (1.12.C).
6. Waiver to increase the maximum allowed GAC within HP areas from 17,000 square feet to 31,000 sq ft (1.12.2.B).
7. Waiver to increase the allowed FAR within HP areas to 33.89% or waive the HP requirement (1.12.2.C).
8. Waiver to allow the standard IAR in lieu of the IAR requirement in HP areas (1.12.2.D).
9. Waiver to increase the allowable amount of area devoted to roadways and driveways from 50% to 71.82% (1.12.5.B).
10. Waiver to increase the allowable footcandles to 1.8 fc within 20 ft of a residential zone (1.8.5.E).
11. Waiver to increase the allowable footcandles to 1.9 fc within 20 ft of non-residential zoning other than PC (1.8.5.F).
12. Waiver to reduce the number of parking spaces required to 92 spaces. This was revised during the TTCDA meeting to include 78 spaces instead.

Staff supported some of the waivers listed above, most of which are consistent with waivers the Board considers fairly regularly. The supported waivers included those requested in items 2, 7, 10, 11, and 12, though for item 12, staff recommended an even lower number than that proposed in the site plans.

Staff did not support waivers 1, 3, 4, 5, 6, 8, or 9.

The TTCDA approved all waivers, revising the parking space reduction to allow 78 spaces. The TTCDA also added a condition requiring the extension of the double-row of evergreen trees along the property line shared with the RB zoned property to the east so that it spans the entire property line.

DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 – SECTION 2)

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

1) THE PROPOSED USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.

A. The property is designated MU-SD, NWCO-4 (Mixed Use-Special District, Saddlebrook) on the Northwest County Sector Plan. The MU-SD, NWCO-4 land use recommends a variety of uses in this section of the mixed use special district: Technology Park (TP), Office (O), Medium Density Residential/Office (MDR/O), and

Community Mixed Use Center (MU-CC). The MU-CC land use allows commercial uses, which covers the self-storage facility.

B. For this Use on Review application to be approved in the MU-SD, NWCO-4 land use classification, the Planning Commission must find that the proposed use is "consistent with, and not in conflict with" the sector plan.

C. The proposed self-storage facility is consistent with the TP land use classification recommended by the broader, MU-SD, NWCO-4 land use classification; therefore, it is consistent with the sector plan.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE.

A. The Knox County Zoning Ordinance describes the PC (Planned Commercial) zone as, "intended to provide for a unified grouping of commercial buildings which do not require or desire a central business district location...It is not the intent of this zone to restrict potential development by limiting uses. In general, uses permitted shall include office, commercial services and light distribution centers."

B. Since the indoor storage facility is considered a commercial use, it is permitted in the PC zone, though development plans require approval by the Planning Commission through the use on review process.

C. There are a number of criteria for both indoor and outdoor storage facilities in the supplemental regulations of the zoning ordinance (Article 4.93), including lot size, unit size, lighting, installation of a fence, and other such considerations. The proposed plans do not list the size of the storage units, so staff cannot determine compliance with all of the requirements in this section. However, the plans do meet the other requirements for self-storage facilities, so the interior floor plans and the size of the units will have to be determined during permitting.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. This area consists predominantly of single-family residential uses, though there is an auto repair facility across the street. Lovell Road is a minor arterial and will likely be developed with other commercial uses.

B. The buildings are to be one and two stories in height. The loading dock doors and long, metal paneled facades are not in character with the area. There will be landscape screening along the right-of-way, though most of the trees are deciduous. Staff recommends additional evergreen landscaping to buffer the buildings from the road during the winter months.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY.

A. The proposed indoor self-storage facility is not expected to significantly injure the value of adjacent property. No outdoor storage of materials is permitted, and Section 4.93 regulates the types of activities that can occur on the site. These facilities do not generate a lot of noise or traffic.

5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.

A. No traffic through residential subdivisions or side streets is required to access this property, since Lovell Road is an arterial road with high amounts of traffic.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for the proposed development.

ESTIMATED TRAFFIC IMPACT: 144 (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.

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.