

▶ **FILE #:** 1-F-10-UR **AGENDA ITEM #:** 42

POSTPONEMENT(S): 1/14/2010 **AGENDA DATE:** 2/11/2010

▶ **APPLICANT:** LKM PROPERTIES LP

OWNER(S): LKM PROPERTIES LP

TAX ID NUMBER: 162 M B 001

JURISDICTION: County Commission District 5

▶ **LOCATION:** Southeast side of S. Northshore Dr., northeast of Choto Rd.

▶ **APPX. SIZE OF TRACT:** 1.25 acres

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via S. Northshore Dr., a minor arterial street with a pavement width of 21' within a 85' wide right-of-way, or Choto Rd., a minor collector street with pavement width of 21' within a 50' wide right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Tennessee River

▶ **ZONING:** CN (Neighborhood Commercial)

▶ **EXISTING LAND USE:** Dwelling and vacant land

▶ **PROPOSED USE:** Convenience store with gas pumps

HISTORY OF ZONING: The site was recommended for rezoning to NC (Neighborhood Commercial) at the December 10, 2009 MPC meeting. The rezoning of this site will be considered by the Knox County Commission on January 25, 2010.

SURROUNDING LAND USE AND ZONING:
 North: Detached dwellings / A agricultural
 South: Detached dwellings / PR residential & A agricultural
 East: Detached dwellings / A agricultural
 West: Detached dwellings / PR residential

NEIGHBORHOOD CONTEXT: The area is developed with agricultural, rural residential and low density residential uses un A (Agricultural) PR (Planned Residential) zoning.

STAFF RECOMMENDATION:

▶ **APPROVE the request for a fueling station with a convenience store as shown the development plan subject to 8 conditions**

1. Meeting all applicable requirement of the Knox County Zoning Ordinance
2. Installing the signs per the plan and not requesting any variances that would permit larger or taller signs
3. Providing parking at the rate of 5 spaces per 1000 gross square feet of area (reduce the amount of parking shown on the plan from 25 spaces to 20 spaces).
4. Install all lighting as required by the rezoning of this property to meet the parameters of the "Farragut

standard". All outdoor lighting, with the exception of a security light on the rear of the store, is to be off during the hours the store is closed.

5. Installation of the landscaping as shown on the development plan within six months of the issuance of an occupancy permit for this project.

6. The store not opening for business until improvements to S. Northshore Dr. are completed. The improvements are to include improving the vertical alignment of the road to eliminate the existing hump and provision of west bound left turn lanes at both of the proposed entrances as called for in the traffic impact study. All road work is to be done with the approval of and under the supervision of the Knox County Dept. of Engineering and Public Works

7. All future development within the "Montgomery Market" development adhering to the common architectural elements contained on the conceptual plan for the 12 acre site.

8. A revised plan reflecting the conditions of approval must be submitted to MPC staff prior to issuance of any building permits.

With the conditions noted, this plan meets the requirements of the CN (Neighborhood Commercial) zone and the other requirements for approval of a use on review.

COMMENTS:

At the December, 2009 meeting MPC recommended approval of the application presented by Huber Properties to CN (Neighborhood commercial) for a 12 acre site at the intersection of S. Northshore Dr. and Choto Rd. As part of that recommendation, MPC conditioned its approval by requiring that all development within the site be considered through the use on review process. Additionally, the MPC stated that all future construction within the site would be required to use "residential building materials" and be architecturally compatible. This rezoning request was heard by the Knox County Commission on January 25, 2010 at which time that body, by a unanimous vote, approved the rezoning with the conditions as recommended by MPC.

The developer of the property from which the convenience store site will be subdivided has provided staff with a conceptual site plan that suggests that the overall development will consist of a mixture of retail and office uses that will cater to a limited market area. The property owner has also included a short listing of proposed "common architectural elements" that will be used to judge the compatibility of each building that is proposed for the site.

LKM Properties has submitted a request that, if approved, would result in the construction of a new Weigel's convenience store and gasoline fueling station. Materials submitted with this request include a site plan, landscaping plan, signage plan, photometric plan along with architectural renderings of the proposed building. Since the proposed use will generate more than 750 vehicular trips per day, the applicant was required to have a traffic impact study (TIS) prepared. This matter was postponed last month in order to give staff time to review the findings of the TIS with the applicant and his engineer. Issues dealing with the traffic impact study have been resolved and the needed improvements to the existing roadway system have been identified.

At present there is a hump in S. Northshore Dr. that restricts sight distance from and through this site. The hump along with excessive travel speeds is also believed to contribute to wrecks at the intersection of S. Northshore and Choto Rd. In order to rectify this problem the staff will recommend that improvements be made to S. Northshore Dr. which will eliminate the hump in the road and provide safe access to the proposed convenience store and the future commercial development proposed for the area. These improvements will need to be completed prior to the opening of the Weigel's store. Development of this portion of the site with the convenience store does not trigger the need for additional improvements at the intersection of S. Northshore Dr. and Choto Rd. Based on the findings of the traffic impact study, improvements at that intersection will most likely be required at the time when approximately fifty percent of the total area is developed. In order to attempt to see that road improvements are made as they are warranted, the staff will require that the traffic impact study be updated with each use on review request that comes in for the remainder of the 12 acre site that was the subject of the recent rezoning.

With regard to the development plan for the Weigel's store, staff has review the plans and finds them to be compatible with the conditions of the rezoning. The store, including the gas canopy, will be built using brick, stone and stucco. A board fence and extensive landscaping are proposed for the site. The signage complies with the restrictive requirements of the CN zone regulations. The brightness of the lighting will meet the "Farragut standard" as depicted on the photometric plan that was submitted with this plan.

Staff has discussed with the applicant the desire to reduce the amount of parking that has been proposed. At present, the applicant is proposing a parking standard that would equal more than six parking spaces per 1000 square feet of total floor area. The parking standard for convenience stores as called out in the "ITE Parking Generation" manual suggests that 4 parking spaces per 1000 square feet of floor area would be adequate. Since the Weigel's store is going to be part of a larger commercial development, the Knox County Zoning Ordinance would permit the number of parking spaces to be reduce to 5 spaces per 1000 thousand square feet or a total of 20 spaces. The staff will recommend the applicant reduce the proposed number of spaces to meet that number.

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

1. The proposed convenience store will have a manageable impact on local services: All utilities are already in place to serve this building and road improvements are planned to accommodate the project.
2. Lighting intensity and direction will be controlled in order to minimize the off site impact of project.
3. Signage meets the requirements of the Knox County Zoning Ordinance and should have minimal impact on the surrounding residential development.

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

1. The proposed convenience meets all of the requirements of Knox County Zoning Ordinance pertaining to building setbacks, height, lighting, landscaping, signage and parking.
2. The proposed exterior of structure is being constructed with brick, stone and stucco. All of these materials are commonly used in residential construction.
3. The proposed convenience store 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 neighborhoods 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 PLANS

1. The Southwest County Sector Plan identifies the property for neighborhood commercial use. The proposed use and plan are in compliance with that plan.

ESTIMATED TRAFFIC IMPACT: Not calculated.

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.