

**Applicant:** BEN MULLINS  
**Request:** BUILDING PERMIT  
**Meeting Date:** 4/11/2022

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**Address:** multiple addresses; see list provided with application  
**Map/Parcel Number:** 118 SEE LIST WITH APPLICATION  
**Location:** East side of Lovell Rd, north of High Meadow Dr, east of Lovell Rd, south of Bob Gray Rd  
**Existing Zoning:** PC (Planned Commercial), RA (Low Density Residential) and TO (Technology Overlay)  
**Proposed Zoning:** N/A  
**Existing Land Use:** Vacant land  
**Proposed Land Use:** Self-storage facility  
**Appx. Size of Tract:** 7.77 acres  
**Accessibility:** Access is via Lovell Road, a 5-lane minor arterial with a 58-ft pavement width inside a 95-ft right-of-way.  
**Surrounding Zoning and Land Uses:**  
 North: A (Agricultural) / TO (Technology) - Vacant land  
 South: RA (Low Density Residential) / TO (Technology Overlay) - Vacant land  
 East: RB (General Residential) / TO (Technology Overlay) and RA (Low Density Residential) / TO (Technology Overlay) - Vacant land and single family residences  
 West: PC (Planned Commercial) / TO (Technology Overlay) and CA (General Business ) / TO (Technology Overlay) - Car repair facility and office building

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**Comments:** The applicant is requesting approval of a self-storage facility on Lovell Road in the PC (Planned Commercial) / TO (Technology Overlay) zones. Per Section 5.33.13 of the Knox County Zoning Ordinance, applications in the PC zone require approval through the use on review process, and the application is on the April 14, 2022 meeting agenda.

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. As noted in the staff report, the applicant has opted to seek waivers for several of the criteria.

Proposal Description:

- 1) Site Acreage. 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.
- 2) Multiple-Parcel Site. 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.
- 3) Overall Layout. 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.

4) Access. 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.

5) Peripheral Boundary. 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.

6) Building Setbacks. 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.

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

8) Building Size. 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.

9) Hillside Protection Area. 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.

10) Disturbable Area. The maximum disturbable area recommended by the slope analysis is 4.2 acres. The site plan proposes to disturb 4.18 acres.

11) Development Intensity Metrics. There are more stringent criteria for sites in HP areas with regard to the GAC, FAR, and IAR. The site plans incorrectly cite the standard measures under Section 1.3, Development Intensity. However, because the site is in the Hillside and Ridgetop Protection Area (HP), it must utilize the standards in the HP section of the Guidelines. They are asking for a waiver from the HP sections of the requirement, but the HP section is still the governing criteria until or unless a waiver is granted. The proposed plans currently exceed the development intensity metrics as noted below:

a) GAC. The maximum ground area coverage (GAC) for sites in HP areas is 5,000 sq ft / 2 acres (a ratio of 5.4%), which would equate to 17,050 sq ft on the 6.41 acre property. The proposed GAC is 31,000 sq ft, resulting in a 14.71% ratio. The proposal is an 80% increase over the GAC allowed in Hillside and Ridgetop Protection Areas.

b) FAR. Floor Area Ratio (FAR) in HP areas is a ratio of the building square footage to the disturbable area of the site (compared with the standard metric, which is the ratio of the building square footage to the total site). The proposed 62,000 building square footage yields a FAR of 33.89%, which exceeds the 30% maximum.

c) IAR. In HP areas, the proposed Impervious Area Ratio (IAR) is not to exceed 50% on slopes ranging from 15% to 25% (land disturbance is prohibited and land conservation is to be 100% retained on slopes over 25%). Since he is requesting waivers from the IAR and the slope conservation requirements, the applicant has not provided any statistics on development within any of the slope ranges over 25%, so staff cannot determine the proposed IAR ratio in the prescribed sloped areas. However, georeferencing the plans into the slope map demonstrates where buildings are proposed in slopes ranging from 15-25% (see exhibit A).

12) Slope Conservation. Land disturbance is prohibited in areas with a slope greater than 25%, as is grading for parking lots on land with natural slopes of 25% or greater. The georeferenced site plan on the slope map shows that parking lots and grading are proposed on land with slopes over 25%.

13) Use of Retaining Walls. The proposal features a high number of retaining walls. Site plans

label 5 retaining walls, but each “wall” is actually a cluster of walls. There are 14 retaining walls in total, measuring over 900 linear feet in all. TTCDA Guidelines call for use of retaining walls to be minimized.

14) Retaining Wall Height. Several standards are in place for when retaining walls are to be constructed:

- a) Side yard height maximum: 6 ft
- b) Rear yard height maximum: 8 ft
- c) If greater height is required, 2 retaining walls shall be terraced with a minimum horizontal separation width of 4 ft and maximum separation horizontal width of 8 ft., with the maximum slope occurring between the separated walls having a ratio of 2:1. An alternative design may be approved if it is consistent with County Engineering requirements such that the amount of land disturbance does not exceed the maximum allowed under 12.4. The applicant has proposed an alternative design but has not met the requirements of 12.4 (pertaining to slope conservation, item 12 above), and a waiver would be required.

15) Retaining Walls between Buildings and Rights-of-Way. The Design Guidelines prohibit retaining walls in the front yard. The Guidelines make no distinction between retaining walls that are upslope or downslope from the right-of-way. However, staff believes the intent of this guideline is to prohibit walls that are upslope from a street, creating a blank wall along the street frontage. In this instance, the retaining wall is below the street and not visible from the street. The top of the building would be visible from this vantage point, but not the retaining wall. The site plan requires a waiver from this requirement, and staff supports approval of this waiver since it will not be visible from the street.

16) Drive Aisles. The site plan shows a number of drive aisles branching off toward the different buildings. This creates a situation where each building must have a drive aisle wide enough to accommodate moving truck maneuvers. Section 4.93.01.B of the ordinance states that “a minimum twenty-six (26) foot parking/driveway lane shall be provided adjacent to all buildings when the buildings open only to one side of the lane and a minimum thirty (30) foot lane when the buildings open to both sides of the lane.” This standard has been met. However, most self-storage facilities provide drive aisles that circle the buildings, increasing the ease of maneuverability. In this case, the truck turning templates show that almost all drive aisles and parking areas require a 3-point turn to turn around and get out of the site, which could be dangerous in situations where another party is loading or unloading nearby, since it is not probable that everyone driving these trucks on the site will be professional truck drivers. It is feasible to assume that not all drivers on the site will be used to the maneuverability of a moving truck.

17) Parking. Neither the Knox County Zoning Ordinance nor the TTCDA regulations address self-storage facilities with regard to the number of parking spaces required, so applicants must use the closest use to determine the minimum number of parking spaces needed. In this case, that is “All Other Required Uses” which requires a minimum of 2 parking spaces and allows a maximum of 3.5 spaces per 1,000 sq ft of gross floor area. The minimum number of parking spaces required under this category is 124 spaces; proposed parking consists of 92 spaces (the site layout plan says 127 spaces are provided, but this is not correct). The applicant requires a waiver from the minimum number parking spaces required by the TTCDA Guidelines. Since self-storage facilities do not generate a lot of traffic or parking and in that way are not an intense use, the facility would likely never have a full parking lot. It is staff’s opinion that following the TTCDA Guidelines in this instance would result in an overabundance of parking, so staff supports a waiver from the minimum requirement, though staff would like to see even fewer spaces. However, the parking is spread throughout the site, which lessens the visual impact of so many spaces.

18) RV Storage. There are several RV storage spaces adjacent to Building 3. The spaces are carport structures, with poles located at each corner. Loading doors face the RV parking. There is a 38-ft drive aisle here, which meets the Ordinance requirements and should provide enough space for a truck to bypass one that is stationary as it is loaded or unloaded.

19) Building Elevations. Elevations have been provided showing the typical façade for the outdoor storage units (buildings 3 and 4), which feature loading doors along the long facades. The short facades will be blank walls. Building 1 is to be an office and indoor storage. Building 2 is to be indoor storage units only. No elevations were provided for buildings 1 or 2; however, a

photograph was submitted in lieu of the elevations. The applicant has stated the proposed structures would incorporate this same aesthetic with loading doors on the lower level of one side of the building accessed from one side with blank walls above, and loading doors on the opposite side of the building at a higher elevation. No floor plans have been provided, so it is not possible to see how the interior of the building would function, where the pedestrian or loading doors for the internal units are located, what they look like, or how many units are internal or external.

20) Building Materials. The building features metal siding walls with metal loading dock doors and a flat metal roof. Metal panels are discouraged within the TO zones, but not prohibited. Typically, this issue is mitigated through some type of screening along the façade with the metal panels, like taller trees and plantings in foundation landscape beds. Columnar landscaping along the building perimeter is not possible in this case due to the loading doors along the length of the facade. Staff requested additional landscaping along the front property line to visually screen view of the buildings from the street, and this was added to the plans. However, Building 3 is located at a higher elevation than the street, making that building's façade a prominent feature of the site.

21) Fence. 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 for 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.

22) Landscaping. 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.

23) The proposed lighting plan consists of 37 light poles around the perimeter of the parking areas. All light poles meet the 20-ft height requirement and feature full-cutoff fixtures.

24) Lighting levels exceed the maximum footcandles (fc) allowed along shared lot lines with other zoning, and the lighting plans will require two waivers as described below. The applicant has stated that the photometric plan does not take the tree buffer or 8-ft wooden fence into account in the calculations. Therefore, the actual light level at the lot line will be less than what is shown on the plans, and staff supports approval of this waiver.

a) Waiver of Section 1.8.5(E) requirements to allow 1.8 fc within 20 ft of a residential zone (versus the 0.2 maximum allowed in the Guidelines).

b) Waiver of Section 1.8.5(F) requirements to allow 1.9 fc within 20 ft of non-residential zoning other than PC.

25) No signage is proposed at this time. Should signage be desired, it should be submitted in a separate application at a future time.

#### Hillside and Ridgetop Protection Development within TTCDA

The applicant has requested waivers from several of the Hillside and Ridgetop Development (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. It is staff's opinion that 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 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 a fair number of storage units 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.

The TTCDA Guidelines describe waivers (p.5) as follows: “The TTCDA may grant waivers when strict application would be infeasible...” Compliance is feasible in this instance.

The applicant has cited a case from 2017 for which a waiver from all HP requirements was approved. The staff report recommended approval of that waiver from the HP section of the Guidelines for the following reasons:

1. The site’s varying topography
2. TDOT’s plans for changes in access to Pellissippi Parkway
3. Existing development pattern
4. Larger-scale development that is permitted by the site’s BP zoning

It is staff’s position that an approval of this type without other extenuating circumstances should not be repeated. There is more precedent for following the TTCDA Guidelines than the cited decision waiving these requirements. As for naming a site’s varying topography as a reason to waive the guidelines, staff believes this is a reason to adhere to the Guidelines – that slope protection is part of the purpose of the Guidelines.

Further, if consideration of the other 3 criteria were pivotal in the approval of the 2017 case, those issues are not present in this instance. For example, the existing development pattern is largely single family homes. And the site’s PC (Planned Commercial) zone intent statement states the objective of the zone is to “achieve the highest quality site design, building arrangement, landscaping, and traffic circulation patterns possible.” It is arguable whether the proposed plans meet this intent statement.

Mr. Mullins states that the primary focus of the HP regulations is protection of the viewshed. Staff respectfully disagrees with that statement. Section 12 of the TTCDA Guidelines pertains to hillside and slope development. This section of the Guidelines state, “Portions of the Technology corridor are characterized by moderate to steep slopes which present challenges for development in regard to public safety, environmental concerns and visual continuity. All development within or partially within hillside and ridgetop protection areas shall be subject to TTCDA approval.” Visual continuity, one of the three prongs of the HP focus in TTCDA, when taken in the context of the quoted statement, refers to dimensional site design and the quality of site design within the corridor more so than it does the protection of the viewshed.

The Guidelines go on to state that the hillside standards are meant to provide the “proper development guidance for such areas.” The purpose statement of the HP section acknowledges the challenges inherent in developing sloped land, and the criteria within this section have those challenges in mind. The criteria are meant to guide development in sloped areas and protect the subject property and surrounding properties.

Staff would argue that protection of the viewshed is a tertiary concern of the regulations and occupies a very small amount of the regulations within the Guidelines. The TTCDA Guidelines state (p. 5) “The purpose of these design guidelines is to shape future development and to ensure quality in the development process. By building on existing assets, the guidelines attempt to achieve functional, aesthetic, and visual unity, while maintaining individual user expression.”

The TTCDA standards for hillside areas are loosely based on the Hillside and Ridgetop Protection Area Plan of Knox County. The Hillside and Ridgetop Protection Plan cites “massive hillside scarring and significant forest loss” as factors contributing to the need to “analyze and create recommendations for development and protection” (p. 1). The plan addresses a myriad of issues including, but not limited to, erosion, reforestation, stormwater control, and water quality. Viewshed protection is a small component of the HP plan.

In the County, the plan is a recommendation, not a requirement. However, the TTCDA has a specific set of guidelines that pertain to development within the HP area, and compliance with these Guidelines is a requirement. The option of a waiver is available, but sufficient evidence of the need for a waiver has not been submitted to justify a waiver to the TTCDA HP standards for

this application.

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**Design Guideline  
Conformity:**

The plans are not in compliance and a number of waivers have been requested.

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**Waivers and Variances  
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.
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**Staff Recommendation:**

Staff recommends the following actions on the required waivers from the Design Guidelines:

1) Staff supports some of the waivers listed above, most of which are consistent with waivers the Board considers fairly regularly for other waiver requests. These waivers are:

- a) Waiver 2 to allow a retaining wall between the building and the street (1.12.1.B)
- b) Waiver 7 to increase the FAR by 3.89% since it is a minimal increase and since meeting this metric tends to facilitate plans that build outward versus up, and less land disturbance is preferred.
- c) Waiver 10 to increase the allowable lighting levels to 1.8 footcandles (fc) since the photometric plan does not take into account the landscape buffer or the 8-ft high fence and the lighting levels at the lot line will be less than shown on the plans.
- d) Waiver 11 to increase the allowable lighting levels to 1.9 for the same reason as stated above.
- e) Waiver 12 to reduce the required parking spaces below that required by the TTCDA Guidelines, though staff recommends an even lower number than that proposed in the site plans. This will likely warrant further discussion by the board.

Staff does not support waivers 1, 3, 4, 5, 6, 8, or 9, and recommends denial of said waivers. These waiver requests will warrant further discussion at the meeting.

Staff recommends approval of this request for a Certificate of Appropriateness for a building permit, subject to ten 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 conditions of the Knox County Zoning Ordinance, specifically pertaining to Section 4.93, Standards for Self-Service Storage Facilities.
- 4) Meeting all other applicable conditions of the Knox County Zoning Ordinance.
- 5) Planting of additional evergreens to the landscaping along the right-of-way to provide screening during winter months.
- 6) 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.
- 7) Meeting the requirements of the Knox County Department of Engineering and Public Works.

- 8) Coming into compliance with Section 1.12 of the TTCDA Guidelines pertaining to the HP area.
- 9) Meeting other conditions as may be prescribed by the TTCDA.
- 10) Obtaining Planning Commission approval of the use on review case associated with this request (Case 1-C-22-UR).



**1-A-22-TOB  
CERTIFICATE OF APPROPRIATENESS**

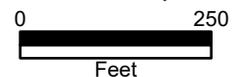


Purpose of Request: Building Permit

Original Print Date: 12/6/2021      Revised:  
 Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

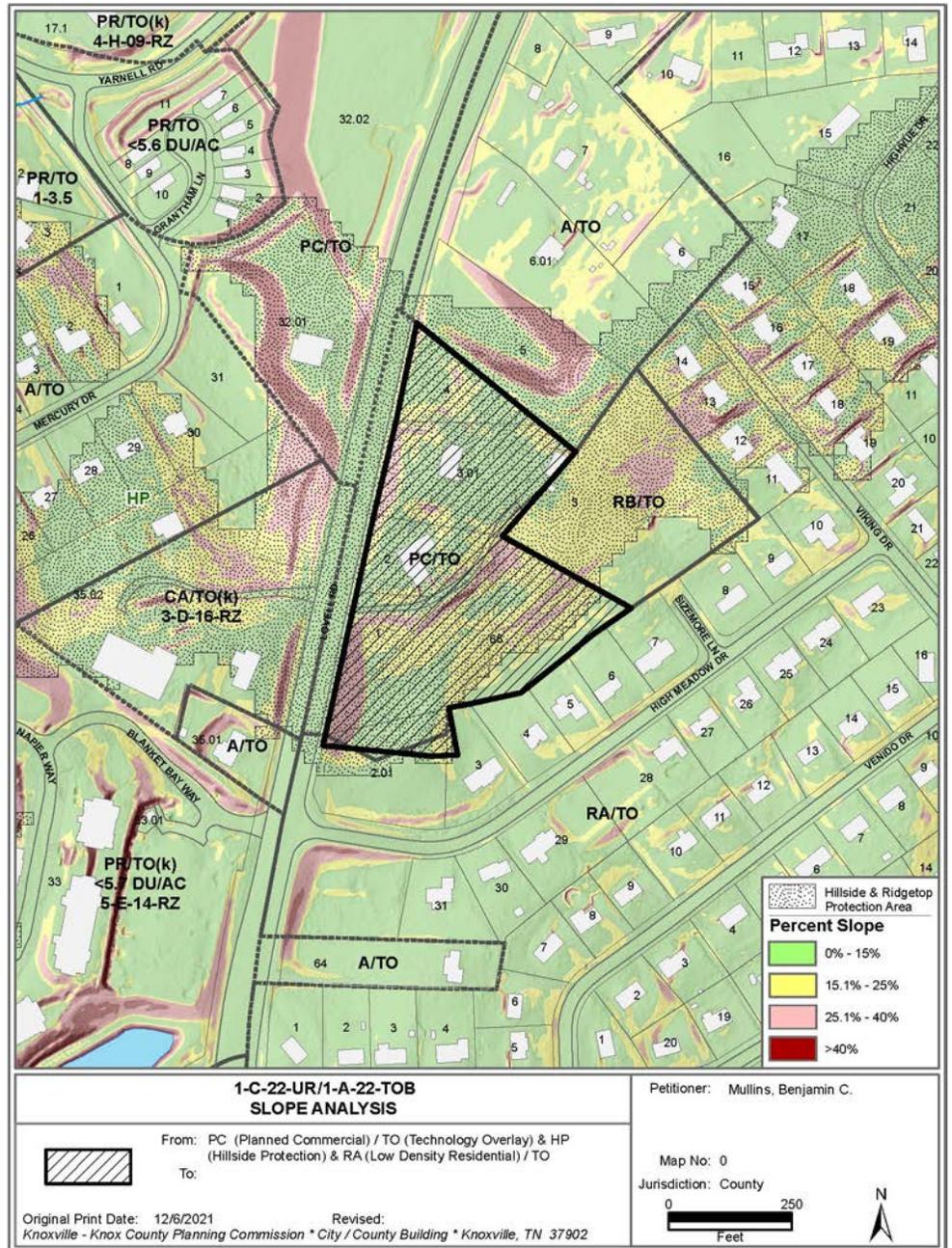
Petitioner: Mullins, Benjamin C.

Map No: 0  
 Jurisdiction: County

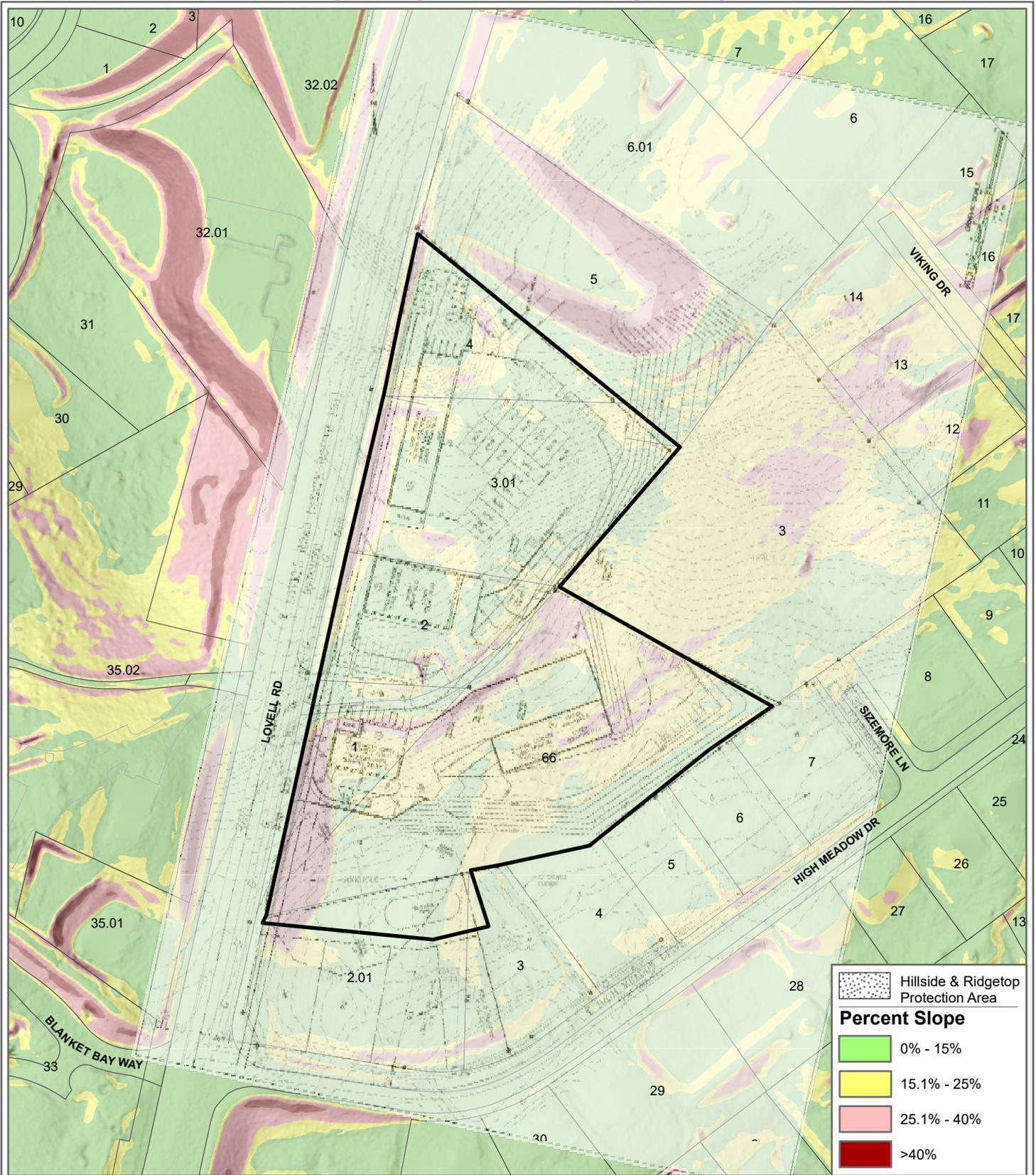


Slope Analysis  
Cases: 1-A-22-TOB

CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Non-Hillside	0.45	100%	0.45
0-15% Slope	3.04	100%	3.04
15-25% Slope	2.07	50%	1.04
25-40% Slope	0.83	20%	0.17
Greater than 40% Slope	0.02	10%	0.00
Ridgetops	0		
<b>Subtotal: Sloped Land</b>	<b>5.96</b>	<i>Recommended disturbance budget within Hillside Protection Area (acres)</i>	<b>4.2</b>
<b>Total Acreage</b>	<b>6.41</b>		<b>4.69</b>



# Exhibit A. Site Plan Superimposed over Slope Map



 Hillside & Ridgetop Protection Area  
**Percent Slope**  
 0% - 15%  
 15.1% - 25%  
 25.1% - 40%  
 >40%

**1-C-22-UR/1-A-22-TOB**

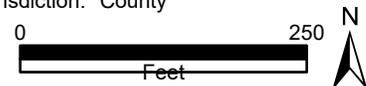
Petitioner: Mullins, Benjamin C.

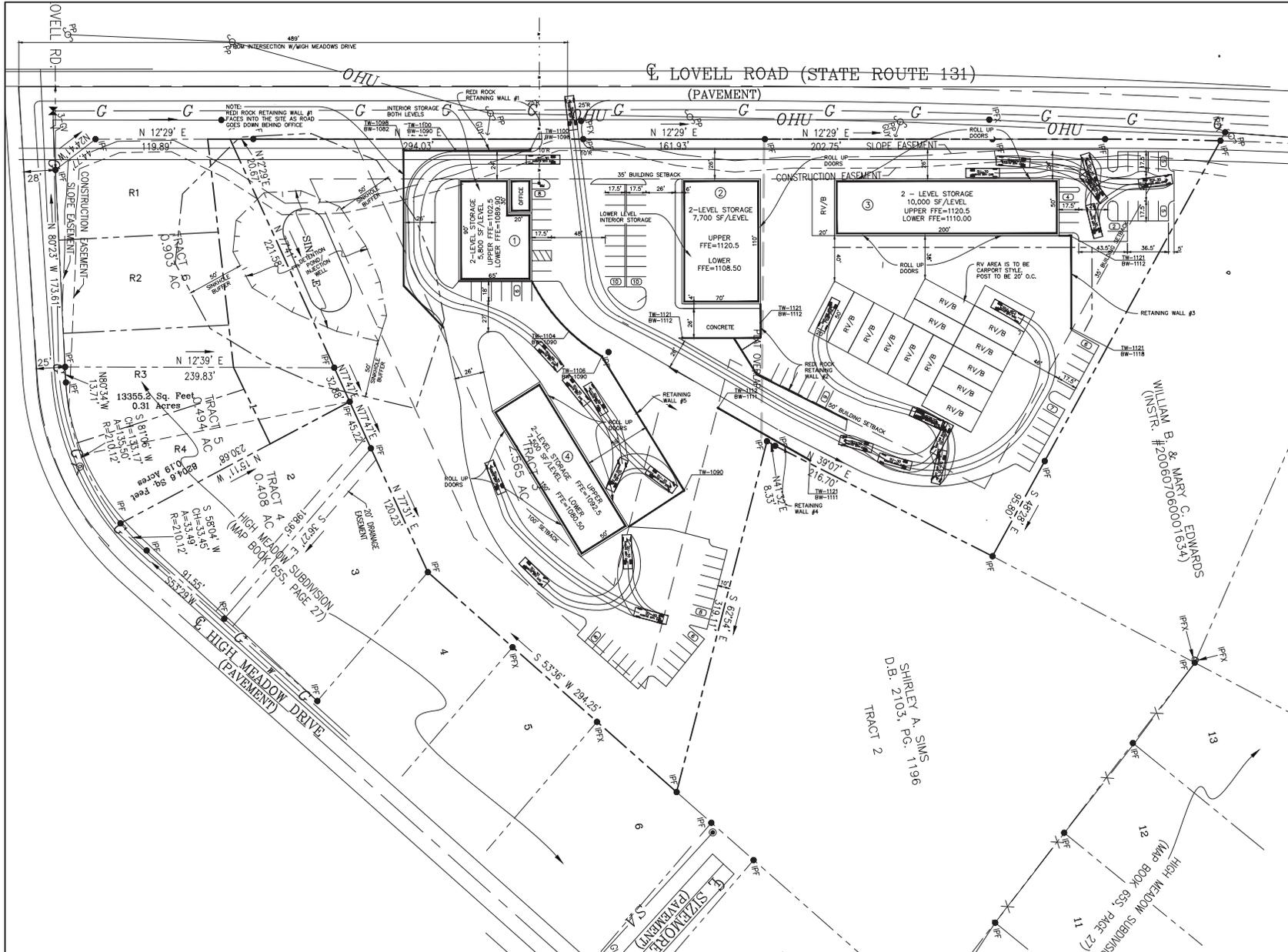


From: PC (Planned Commercial), RA (Low Density Residential), TO (Technology Overlay), and HP (Hillside Protection)  
 To:

Map No: 0  
 Jurisdiction: County

Original Print Date: 12/22/2021 Revised:  
 Knoxville - Knoxville Planning Commission \* City / County Building \* Knoxville, TN 37902

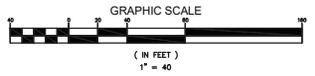




GROUND AREA COVERAGE (GAC)	MAX ALLOWED
FLOOR AREA RATIO (FAR)	MAX ALLOWED
IMPERVIOUS AREA RATIO	MAX ALLOWED

**GENERAL NOTES**

- TOTAL SF OF BUILDINGS 62,000 SF
- THE TENNESSEE TECHNOLOGY CORRIDOR PARKING REQUIREMENTS
- 2 SPACES/1000 SF MIN TO 3 SPACES/ 1,000 SF MAX
- TOTAL PARKING REQUIRED 124
- TOTAL PROVIDED 127
- SETBACK VARIANCE 50' OFF RESIDENTIAL 35' FRONT SETBACK ON LOVELL ROAD
- 30' OF LOADING ACCESS @ OUTSIDE DOORS
- DISTURBED AREA = 182,400 SF

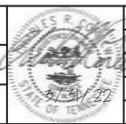


NUMBER	DESCRIPTION OF REVISION	DATE
4	REVISED PER REVIEW COMMENTS	3-31-22
3	REVISED PER REVIEW COMMENTS	2-18-22
2	REVISED PER REVIEW COMMENTS	1-12-22
1	REVISED PER REVIEW COMMENTS	12-20-21
0	ORIGINAL DRAWING RELEASE	10-25-21

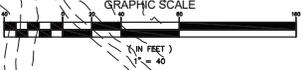
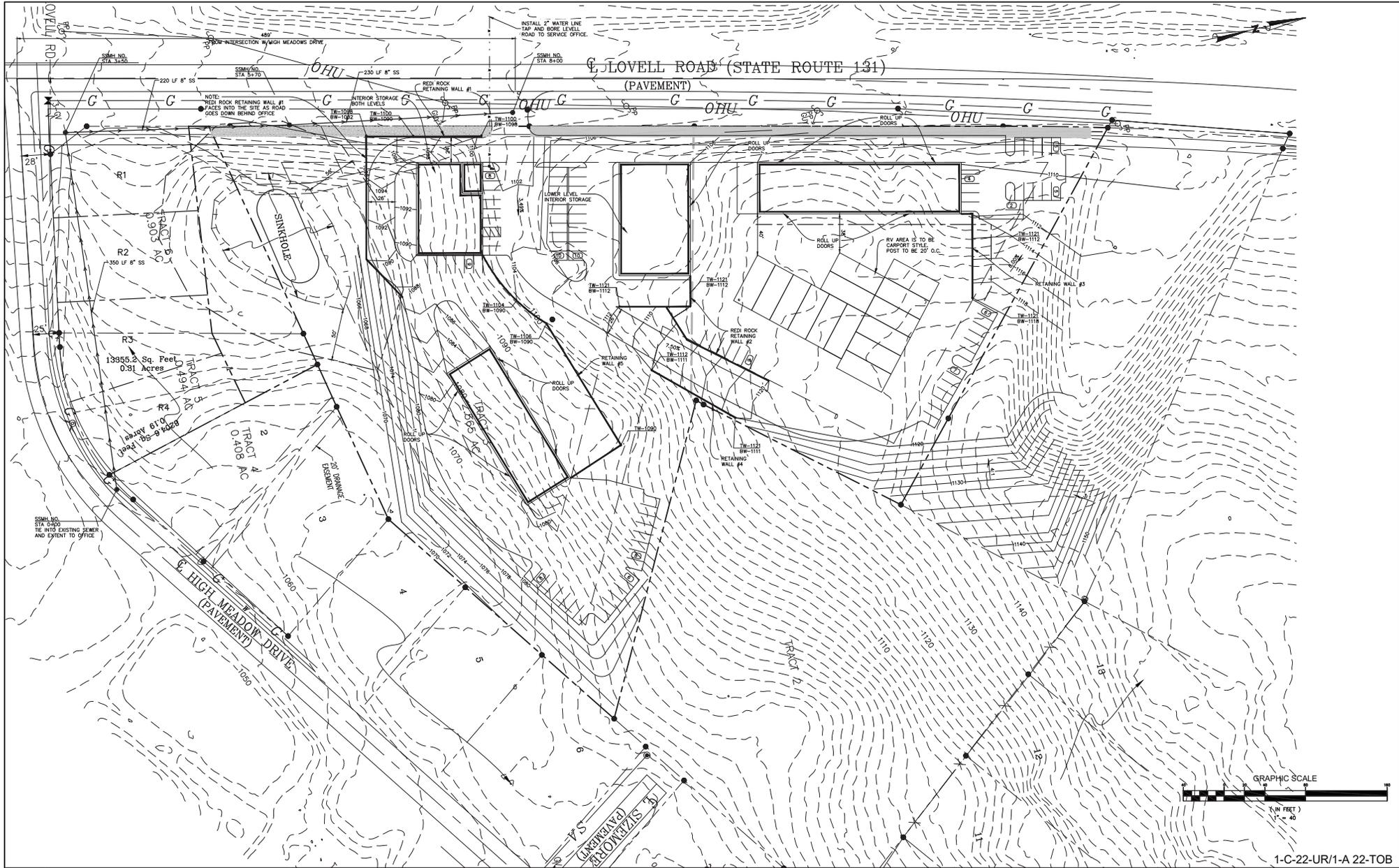
**WELROC ENTERPRISES LLC**  
 Consulting • Development • Engineering  
 376 LOCHMERE DRIVE  
 MORRISTOWN, TENNESSEE, 37814

**SITE LAYOUT PLAN**  
 1-A 22-TOB-STORAGE LOVELL ROAD  
 KNOXVILLE, TENNESSEE

SCALE:	1"=40'
DATE:	3/31/22
DRAWN BY:	SH
CHECKED BY:	RC
SHEET:	1 OF 4



1-C-22-UR/1-A 22-TOB



NUMBER	DESCRIPTION OF REVISION	DATE
4	REVISED PER REVIEW COMMENTS	3-31-22
3	REVISED PER REVIEW COMMENTS	2-18-22
2	REVISED PER REVIEW COMMENTS	1-12-22
1	REVISED PER REVIEW COMMENTS	12-20-21
0	ORIGINAL DRAWING RELEASE	10-25-21

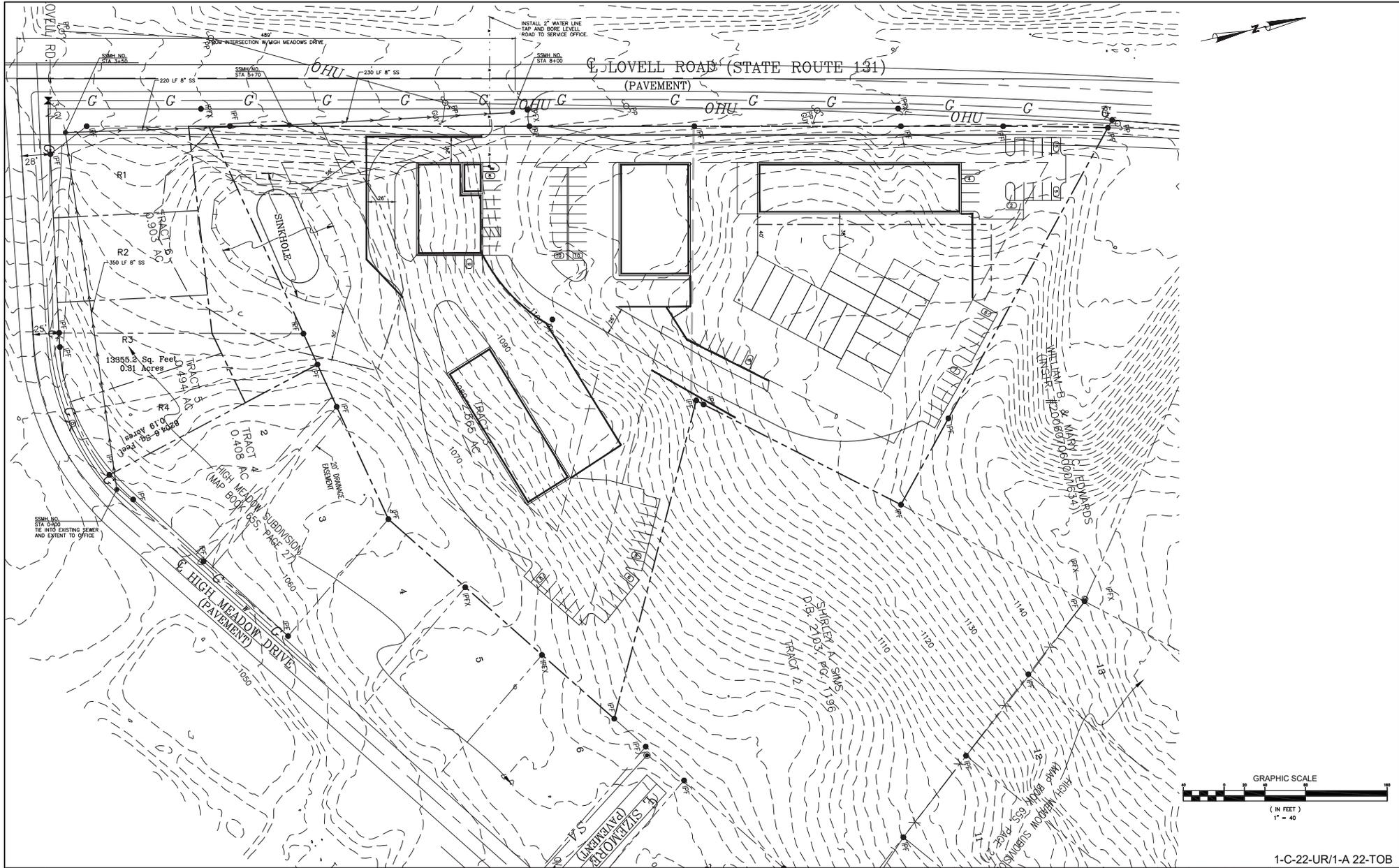
**WELROC ENTERPRISES LLC**  
 Consulting • Development • Engineering

376 LOCHMERE DRIVE  
 MORRISTOWN, TENNESSEE, 37814

SITE GRADING PLAN
1-A 22-TOB-STORAGE LOVELL ROAD
KNOXVILLE, TENNESSEE

	SCALE: 1"=40'
	DATE: 3/31/22
	DRAWN BY: SH
	CHECKED BY: RC
	SHEET: 3 OF 4

1-C-22-UR/1-A 22-TOB



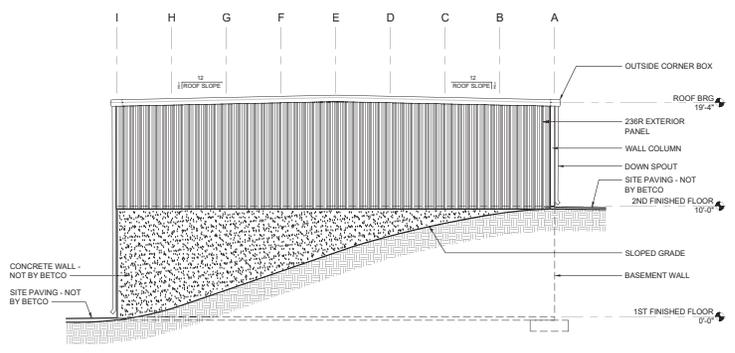
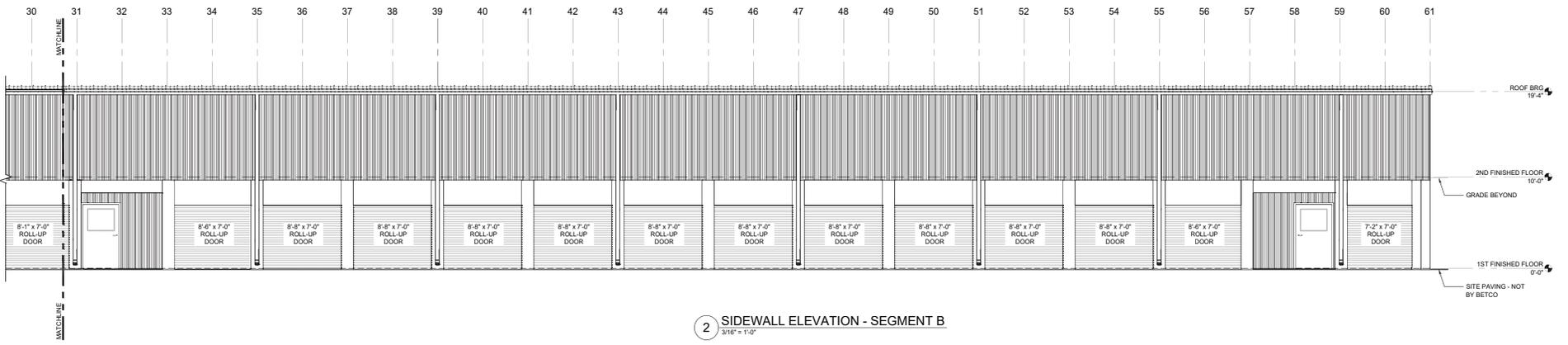
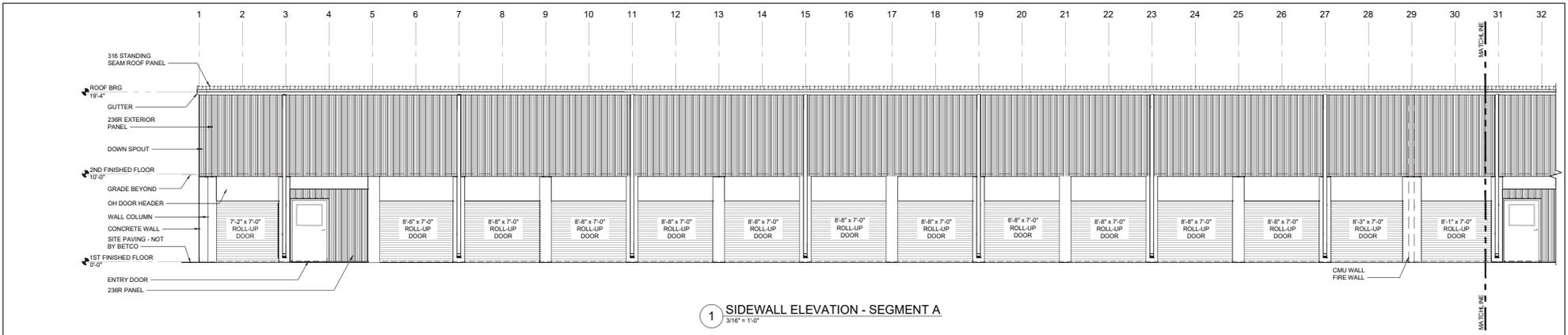
**WELROC ENTERPRISES LLC**  
 Consulting • Development • Engineering

376 LOCHMERE DRIVE  
 MORRISTOWN, TENNESSEE, 37814

SITE UTILITY PLAN  
 1-A 22-TOB-STORAGE LOVELL ROAD  
 KNOXVILLE, TENNESSEE

1-C-22-UR/1-A 22-TOB	
SCALE:	1"=40'
DATE:	3/31/22
DRAWN BY:	SH
CHECKED BY:	RC
SHEET:	4 OF 4

NUMBER	DESCRIPTION OF REVISION	DATE
3	REVISED PER REVIEW COMMENTS	2-18-22
2	REVISED PER REVIEW COMMENTS	1-12-22
1	REVISED PER REVIEW COMMENTS	12-20-21
0	ORIGINAL DRAWING RELEASE	10-25-21



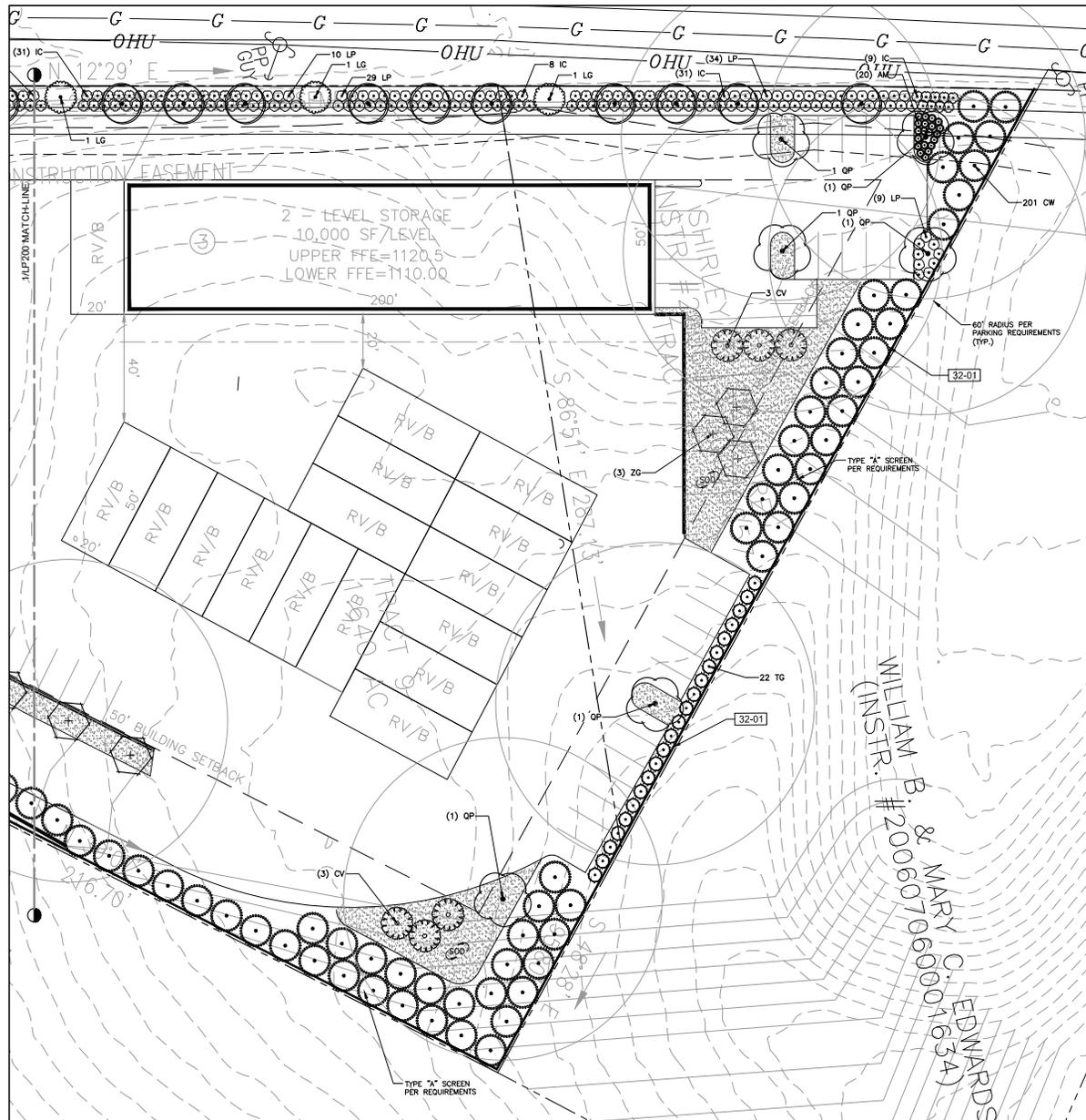
**NOT FOR  
CONSTRUCTION**

DATE	04/28/2021
DRAWN BY	AK
SCALE	AS NOTED
APPROVED BY	
DATE	01

**BETCO**  
228 COMMERCE BLVD.  
STATESVILLE, NC 28625  
(800)654-7813







1 PLANTING PLAN ENLARGEMENT  
Scale: 1" = 20'

**NOT**  
FOR CONSTRUCTION  
THESE PLANS HAVE NOT BEEN  
APPROVED AND ARE SUBJECT  
TO CHANGE.

A Landscape Development Plan for  
**Lovell Road Self Storage**  
Hardin Valley, Tennessee

Revisions		
No.	Date	Revisions / Submissions
01.21.22		REVISED PER CITY COMMENTS
02.10.22		REVISED PER CITY COMMENTS
03.03.22		REVISED PER CITY COMMENTS
03.31.22		REVISED: SITE DATA CALCS.; FENCE

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Registration

JARED L. ACY  
REGISTERED  
Landscape Architect  
Tennessee No. 14653

25mm  
ESW-1 Manager  
292831-009  
02/24/24  
Date

Sheet Title

**PLANTING PLAN  
ENLARGEMENT**

Sheet No.

**LP201**







LUMINAIRE SCHEDULE

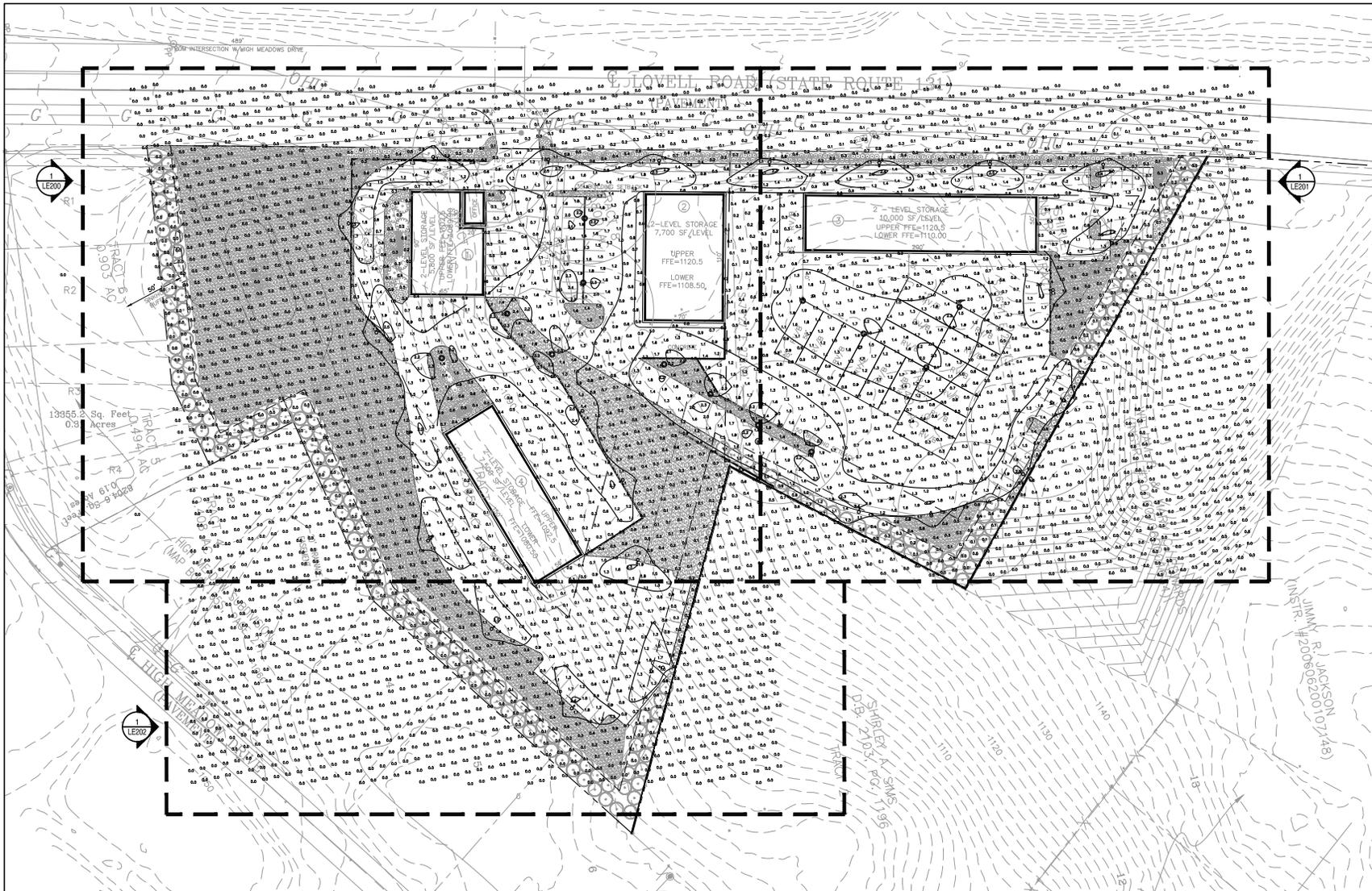
CALLOUT	SYMBOL	LAMP	DESCRIPTION	BALLAST	MOUNTING	MODEL	VOLTS	NOTE 3	QUANTITY	DEFAULT ELEVATION
P1	☉	(1)	LSO-M-T3-5L-3K-PTD-CLS	ELECTRONIC	POLE	Visionaire Lighting LLC	120V 1P 2W	Visionaire Lighting Photometric Laboratory, 08/26/2020, 06/17/20, 5058, 120 VAC, 52W, B1-U3-G2	24	20'
P2	☉	(1)	LSO-M-T5-10L-3K-PTD	ELECTRONIC	POLE	Visionaire Lighting LLC	120V 1P 2W	Visionaire Lighting Photometric Laboratory, 10/28/2020, 06/25/20, 8821, 120 VAC, 67.28W, B3-U0-G3	13	20'

STRUCTURAL ENGINEERING NOTE

STRUCTURAL ENGINEERING DESIGN IS NEITHER EXPRESSED NOR IMPLIED IN THIS DRAWING. STRUCTURAL ENGINEERING DESIGN RESPONSIBILITY IS DELEGATED TO THE CONTRACTOR, AND SHALL BE DONE BY A PROFESSIONAL ENGINEER OR OTHER QUALIFIED PROFESSIONAL AS REQUIRED FOR CODE COMPLIANCE, PERMITTING, ETC.

LIGHTING NOTE:

ALL LIGHT FIXTURES NEAR PROPERTY LINE TO HAVE CUTOFF LOWER SHELD TO MINIMIZE LIGHT SPILLAGE ONTO ADJACENT PROPERTIES.



1 SITE LIGHTING PLAN  
Scale: 1" = 40'



**NOT FOR CONSTRUCTION**  
THESE PLANS HAVE NOT BEEN APPROVED AND ARE SUBJECT TO CHANGE.

A Landscape Development Plan for  
**Lovell Road Self Storage**  
Hardin Valley, Tennessee

Revisions	No.	Date	Revisions / Submissions
	01.21.22		REVISED PER CITY COMMENTS
	02.10.22		REVISED PER CITY COMMENTS
	03.03.22		REVISED PER CITY COMMENTS
	03.31.22		REVISED: SITE DATA CALCS, FENCE

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BH  
Drawn  
DCT  
Project Manager  
JA  
Principal  
212031-009  
Project No.  
12.10.21  
Date

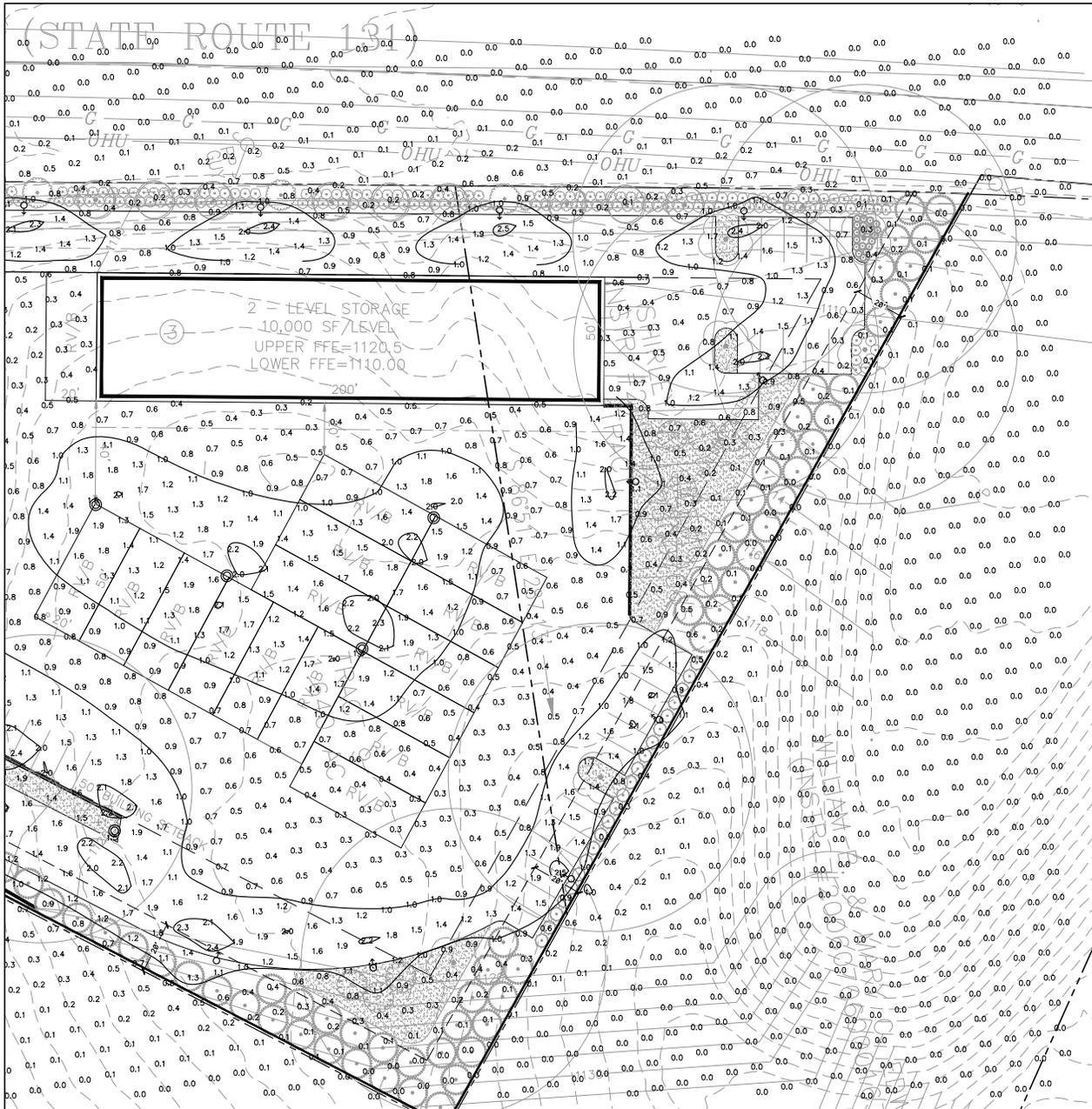
Registration  
JARED L. ACY  
REGISTERED  
LANDSCAPE ARCHITECT  
Tennessee No. 12008082001017488

Sheet Title

SITE LIGHTING PLAN

Sheet No.  
**LE100**





1 SITE LIGHTING PLAN ENLARGEMENT  
Scale: 1" = 20'

**NOT**  
FOR CONSTRUCTION  
THESE PLANS HAVE NOT BEEN  
APPROVED AND ARE SUBJECT  
TO CHANGE.

A Landscape Development Plan for  
**Lovell Road Self Storage**  
Hardin Valley, Tennessee

Revisions	No.	Date	Revisions / Submissions
	01.21.22		REVISED PER CITY COMMENTS
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Registration	Registration
BH	
Drawn	
DCT	
Project Manager	
JA	
Principal	
212031-009	
Project No.	
12.10.21	
Date	

Sheet Title

**SITE LIGHTING PLAN  
ENLARGEMENT**

Sheet No.  
**LE201**



ROBERT L. KAHN  
REGGIE E. KEATON  
DONALD D. HOWELL  
DEBRA L. FULTON  
MICHAEL W. EWELL  
JOHN M. LAWHORN  
JAMES E. WAGNER  
BEVERLY D. NELMS  
MARY ELIZABETH MADDOX  
BENJAMIN C. MULLINS  
RICHARD T. SCRUGHAM, JR.  
MATTHEW A. GROSSMAN  
KEVIN A. DEAN  
DANIEL P. ZYDEL  
SHARON H. KIM  
RICHARD E. GRAVES  
REBEKAH P. HARBIN



*client-centric & committed to success*

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February 22, 2022

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ARTHUR G. SEYMOUR, JR.  
(1945 - 2019)

*of counsel*  
JASON T. MURPHY

*Via e-mail only*

Michelle Portier, AICP  
**Knoxville-Knox County Planning**  
400 Main Street, Suite 403  
Knoxville, TN 37902

Re: Waiver Requests for 1-A-22-TOB

Dear Michelle:

This letter is intended to serve as a formal Waiver Request from the strict application of the following Guidelines (See 1-24-22 Comments 3.b., 3.b., 3.d., 8, 9, 10). A subsequent letter from Randy Corlew regarding the remaining comments will be provided separately.

- A. Waiver from Hillside and Ridgetop Development
  - a. Waiver for FAR ratio (1.12.2.C)
  - b. Waiver for IAR ratio (1.12.2.D)
  - c. Waiver for GAC (1.12.2.B)
  - d. Waiver for Disturbed Area (1.12.4 Table 5)
  - e. Waiver for Building 1 on slope in excess of 25% (1.12.4.A & B)
  - f. Waiver for number and number of retaining walls (1.12.1.B)
- B. Waiver for lighting requirements (1.8.5)

**A. Waiver from Hillside and Ridgetop Development**

The TTCDA Guidelines for Hillside and Ridgetop development are similar to those provided by the advisory Knox County Hillside and Ridgetop Protection Plan (HRPP). In consideration of this project by both the TTCDA and the KKCCPC, we request you please consider how we have addressed the *intent* of these plans, albeit not the letter of the Guidelines.

Over the last several years, Knox County has identified approximately 82,000 acres of undeveloped land to be considered for Hillside and Ridgetop protection. The decision to include the areas identified in the HRPP was based solely on the topography of the land. The selection of these areas did not take into consideration the designation of the land with the General Plan, Growth Policy Plan, or the Sector Plans. These plans are specifically crafted by the community and the professional land planners to encourage or discourage development within certain areas

throughout our community. As it happens, approximately 95% of the land within the HRPP in Knox County is restricted to low-density, low-intensity uses. Approximately 5% of the land within the HRPP (in very specific areas) is designated for other higher-intensity uses based upon its Sector Plan designation. Here, with the MU-SD, the property associated with our request lies within the 5% that encourages a higher intensity use.

The TTCDA Guidelines provide several development concepts for placing buildings and parking areas on sloped property. While these guidelines may be applicable in most locations within the Technology Overlay zone, this Property is not suitable for the application of Section 1.12 of the TTCDA Guidelines. The primary issue is that the concepts described in the Section 1.12 of the TTCDA Guidelines are linear in nature; describing how development could occur on property that is sloping in one direction. However, on this particular property, the land is sloping in multiple directions at once, including a large closed depression that must be designed and built around. These environmental challenges make development challenging under normal circumstances. With the application of the TTCDA Hillside Guidelines, reasonable development of this site is nearly impossible under Section 1.12 of the TTCDA Guidelines.

A primary focus of the Hillside and Ridgetop Guidelines is protection of the viewshed; however, the viewshed can be protected through a robust landscaping plan that shields the building façade from the street and from adjoining neighborhoods. This section of Lovel Rd is a 5 lane minor arterial with 58 ft pavement width inside a 95 ft right-of way. The immediate area is developed, or is developing into a commercial node along Lovell Rd. We have agreed to opaque fencing and additional landscaping to shield the development from the adjoining neighborhoods.

There is precedent for this waiver. See 11-A-17-TOB where 24.98 acres in the TO overlay were granted a COA with a blanket waiver of the Hillside Protection Guidelines adopted by the TTCDA Guidelines because the property was located in a mixed-use sector plan designation and the strict application of these guidelines would make development of the project nearly impossible.

In addition to the global waiver addressed above, specific waivers could be granted from the following guidelines for reasons noted about and for the following additional reasons:

**a. Waiver for FAR ratio (1.12.2.C)**

At 7.77 acres, the total sq. ft. of the property is 338,461 sq. ft. The maximum Floor Area Coverage allowed under Section 1.12.2.C of the Guidelines shall not exceed 30%. As calculated, the total FAR square footage is 62,000 sq.ft. which equates to 18.3%.

If the acreage is determined to be 6.41 acres, then the FAR percentage would be 22.2%

With the revised plans, it does not appear that a waiver of FAR ratio is required. To the extent it may be required, a waiver is requested for the reasons set forth above.

**b. Waiver for IAR ratio (1.12.2.D)**

At 7.77 acres, the total sq. ft. of the property is 338,461 sq. ft. The maximum Impervious Area Coverage allowed under Section 1.12.2.D of the Guidelines shall not exceed 70%. As calculated, the total IAR square footage is 182,400 sq. ft. which equates to 53.9%.

If the acreage is determined to be 6.41 acres, then the IAR percentage would be 65.3%

With the revised plans, it does not appear that a waiver of IAR ratio is required. To the extent it may be required, a waiver is requested for the reasons set forth above.

**c. Waiver for GAC (1.12.2.B)**

At 7.77 acres, the total sq. ft. of the property is 338,461 sq. ft. The maximum Ground Area Coverage allowed under Section 1.12.2.B of the Guidelines shall not exceed 20%. As calculated, the total GAC square footage is 31,000 sq.ft. which equates to 9.2%.

If the acreage is determined to be 6.41 acres, then the GAC percentage would be 11.1%

With the revised plans, it does not appear that a waiver of GAC ratio is required. To the extent it may be required, a waiver is requested for the reasons set forth above.

**d. Waiver for Disturbed Area (1.12.4 Table 5)**

Per Staff's Slope analysis, total acreage is 6.41 acres with a total disturbance area allowed of 4.2 acres. The total acreage of the property is +/- 7.77 acres, and staff's analysis does not include an additional 1.36 acres of property that is part of the development, but currently zoned RA/TO. This property remains as a buffer to the adjacent residential zones and may eventually be used consistent with its RA zoning. Notably, most of this additional acreage is outside the Hillside Protection area and would serve to increase the non-sloped land and the total allowable area of disturbance.

Per the applicant's calculations, the total disturbed area is 4.2 acres. Thus, even if none of the additional 1.36 acres is added to the total allowable disturbed area, the application would meet the guidelines in Section 1.12.4 and Table 5. A new slope analysis should be performed using the total acreage. To the extent a waiver is required, a waiver is requested for the reasons set forth above.

The overall number of buildings has been reduced from the 5 buildings to 4 buildings. These buildings are all able to comply with both the 50' peripheral setback of the PC zone and the 100' setback from residential zones; however, the number of buildings, the FAR, the IAR and the GAC cannot be further reduced for any development to be economically feasible for this site.

**e. Waiver for height of retaining walls (1.12.1.B)**

Additionally, under Section 1.12.1.B of the TTCDA Guidelines, retaining walls are to be minimized with a maximum height of (6) feet for a side yard. There are 5 proposed retaining walls with 4 walls to be internal so that there's no wall façade visible to the street. The total square footage of these retaining walls is estimated to be 8,560 sq. ft. with an estimated 570 linear feet of retaining walls.

The only external retaining wall is north of proposed building No. 3. It's proposed height is 20 feet which exceeds to 6 feet height maximum. The development cannot proceed with Building 3 absent a waiver of the height requirement for this retaining wall. The applicant has permission from the adjoining property owner to grade on this property and access this property during construction and the property line is appropriately screened and landscaped per the submitted landscaping plans.

The complex topographic, geological, and site configuration of the assemblage in conjunction with the PC zone and TO overlay setbacks make this waiver necessary to proceed with the development.

**f. Waiver for Building 1 on slope in excess of 25% (1.12.4.A & B)**

Building one is located in slopes which are in excess of 25% which is contrary to the Guidelines which state that slopes in excess of 25% shall be 100% conserved (Section 1.12.4.A & B); however, the slopes in question were recently created during the expansion of Lovell Road. Compare aerial from 2008, 2009, 2010 and the current where this area was intentionally cut and graded to create more intensive slopes.

## **B. Waiver for lighting requirements (1.8.5)**

The fc in the parking area next to building 3 shows up to 3.5 fc, which exceeds the 2.5 fc allowed in parking areas. A waiver will be needed to allow the overage. This is an area where the waivers are more flexible to allow light levels that exceed the fc, within reason, in order to provide additional safety on sites. You can cite that as your reasoning for requesting waivers for the site lighting in the parking areas.

***RESPONSE: The specified light fixture was changed to a fixture with a lower lumen output following the original round of comments. This lower lumen output reduced the highest footcandle reading on the plans from 3.5 fc to 2.5 fc, which is in compliance with Section 1.8.5.B.***

b. b. Provide lighting specs so compliance with UOR and TTCDA lighting design requirements can be determined. Outdoor lights must be shielded to direct light onto only the self-service storage premises...(County Zoning Ordinance, Section 4.93.01.E pertaining to the use on review).

***RESPONSE: All light fixtures along the perimeter of the property are specified with a cutoff louver shield and are directed away from adjacent properties per County Zoning Ordinance, Section 4.93.01.E. and TTCDA Section 1.8.***

Waiver: We are requesting a waiver for the north and northeast property lines. According to TTCDA Section 1.8.5.F., light intensity within 20' of these property lines is required to be 0.5 fc or less. In the areas where parking and drive aisles are located within this 20' setback, lighting is provided to create a safe environment for vehicles and pedestrians. The waiver should be considered to allow these areas to have a safe lighting intensity that exceeds the 0.5 fc that are allowed by code. Specifically, there are two different areas that we have an overage that are graphically shown on the lighting plan markup that can also be downloaded with the link below.

The green highlighted area is adjacent to a residential property. We are not allowed to have more than 0.2 fc within 20' adjacent to residential zones per TTCDA Section 1.8.5.E. We have parking and a drive aisle within this 20' setback that requires lighting for vehicular and pedestrian safety, which is why we are providing the overage.

The yellow highlighted area is adjacent to a non-residential zone. For this area, we are not allowed to have more than 0.5 fc within 20' adjacent to all other zones per TTCDA Section 1.8.5.F. We also have parking within this 20' setback that requires lighting for vehicular and pedestrian safety, which is why we are providing the overage.

Given the more restrictive lighting standards of the TTCDA Guidelines, and the need for additional security as well as vehicular and pedestrian safety, we are asking for waivers from the strict requirements of Section 1.8.5.E. and 1.8.5.F. of the TTCDA Guidelines. The footcandle

Re: Waiver Requests for 1-A-22-TOB

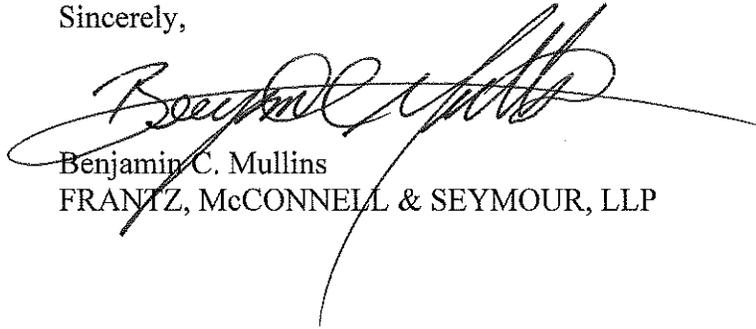
February 22, 2022

Page | 6

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calculations do not fully account for the landscaping at maturity or the fencing along the residential property line. The practical impact of the lighting waiver to the adjoining property owners are more in line with the intent of the guidelines while the waiver ensures that the area is safely lit and secure without adverse impact on the neighboring properties.

Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin C. Mullins", is written over the typed name and firm name.

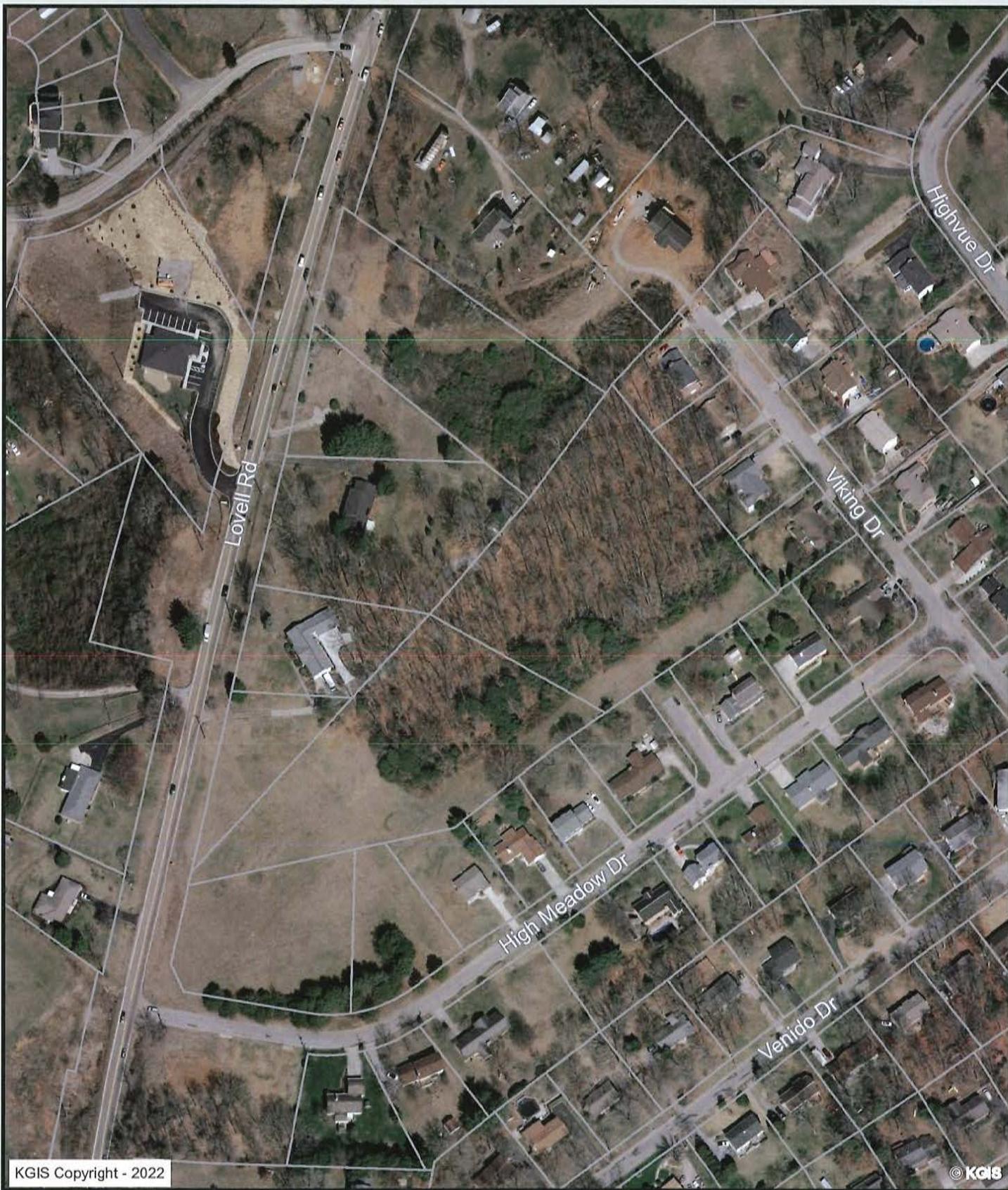
Benjamin C. Mullins

FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:erl

Enc.

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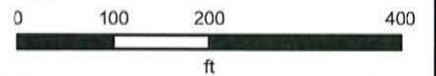


1-A-22-TOB  
2008 Aerial

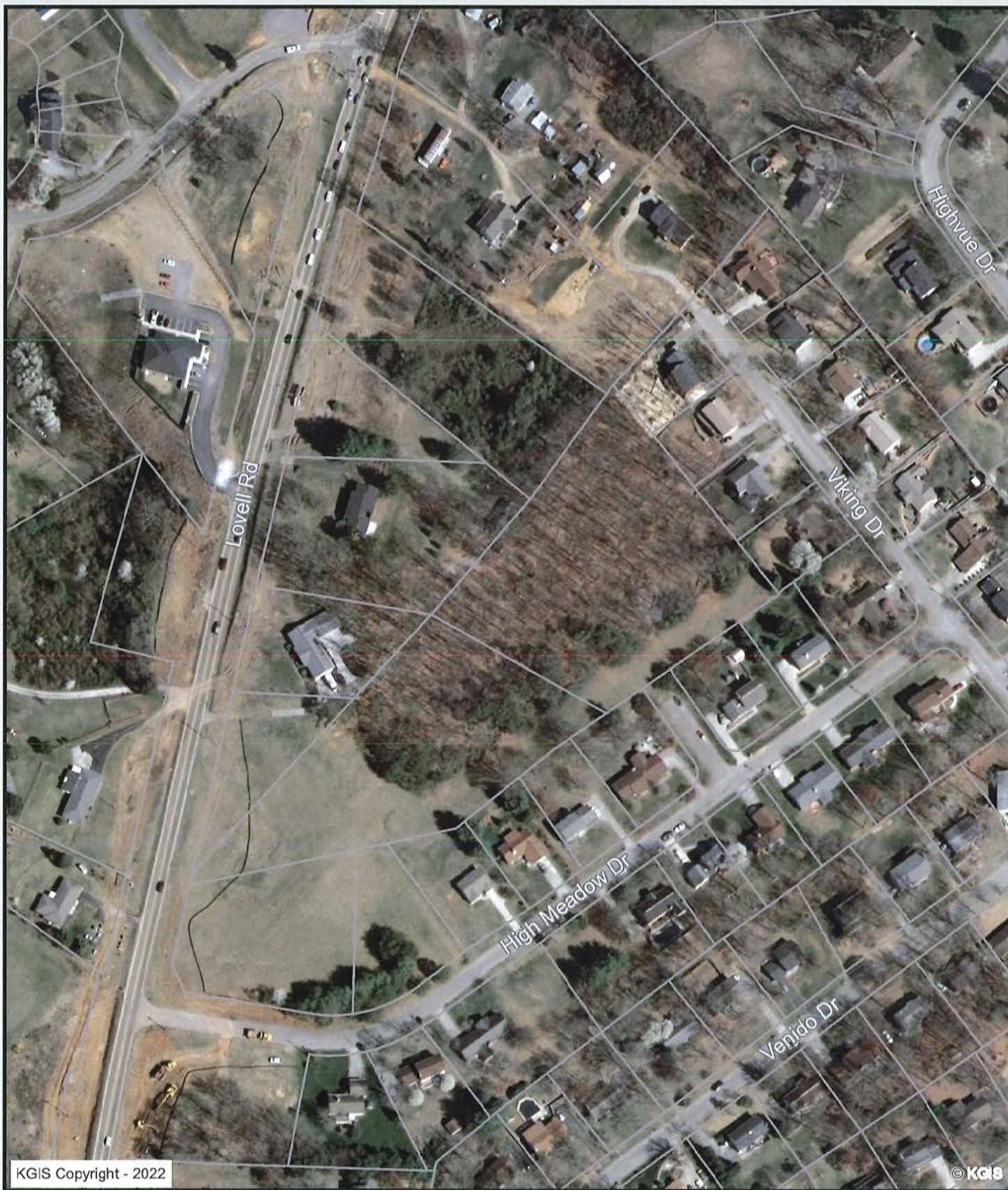
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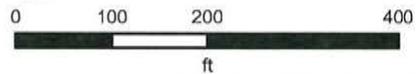


1-A-22-TOB  
2009 Aerial

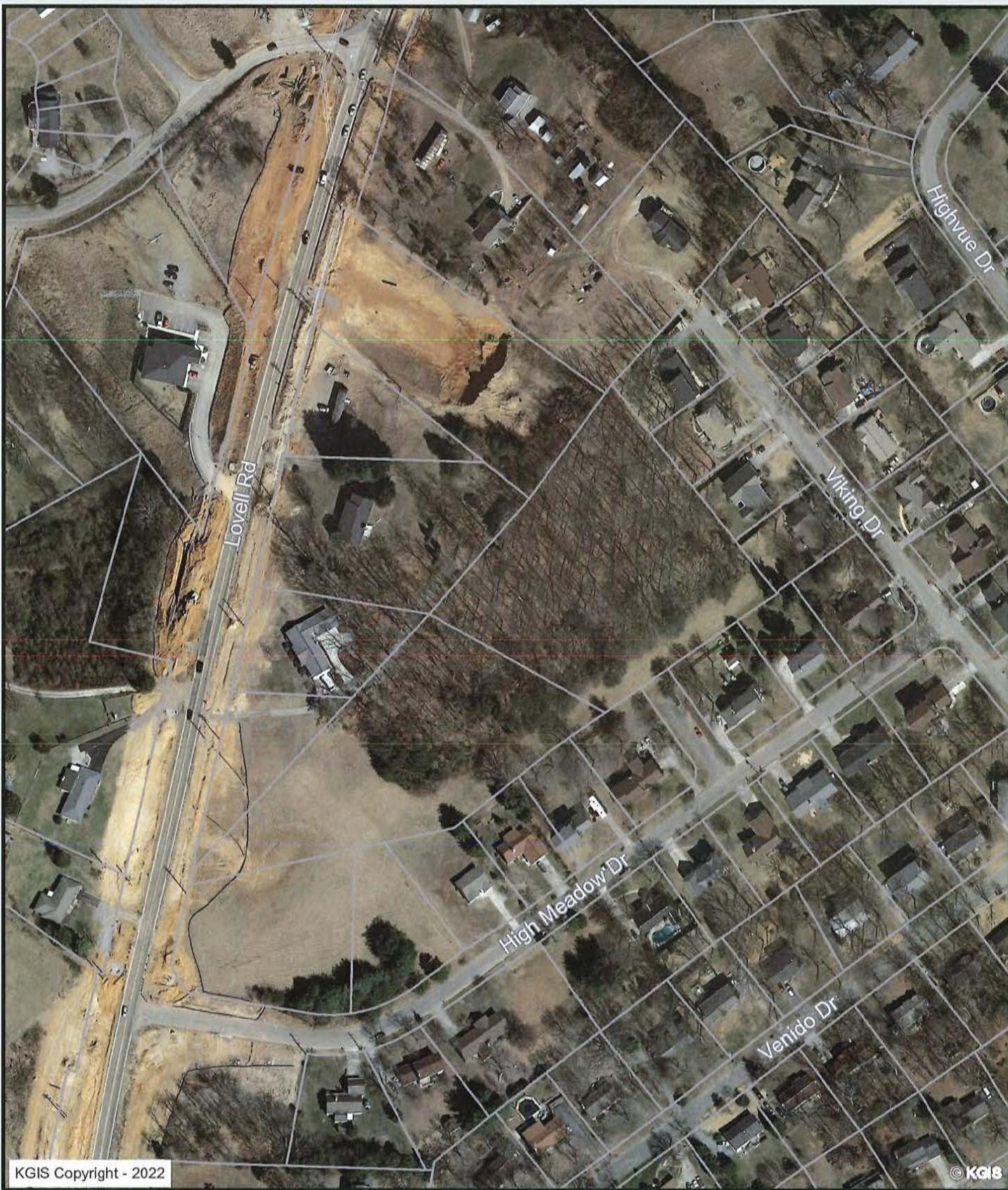
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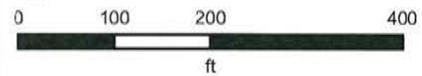


1-A-22-TOB  
2010 Aerial

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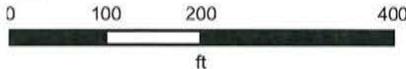
1-A-22-TOB

Current Aerial

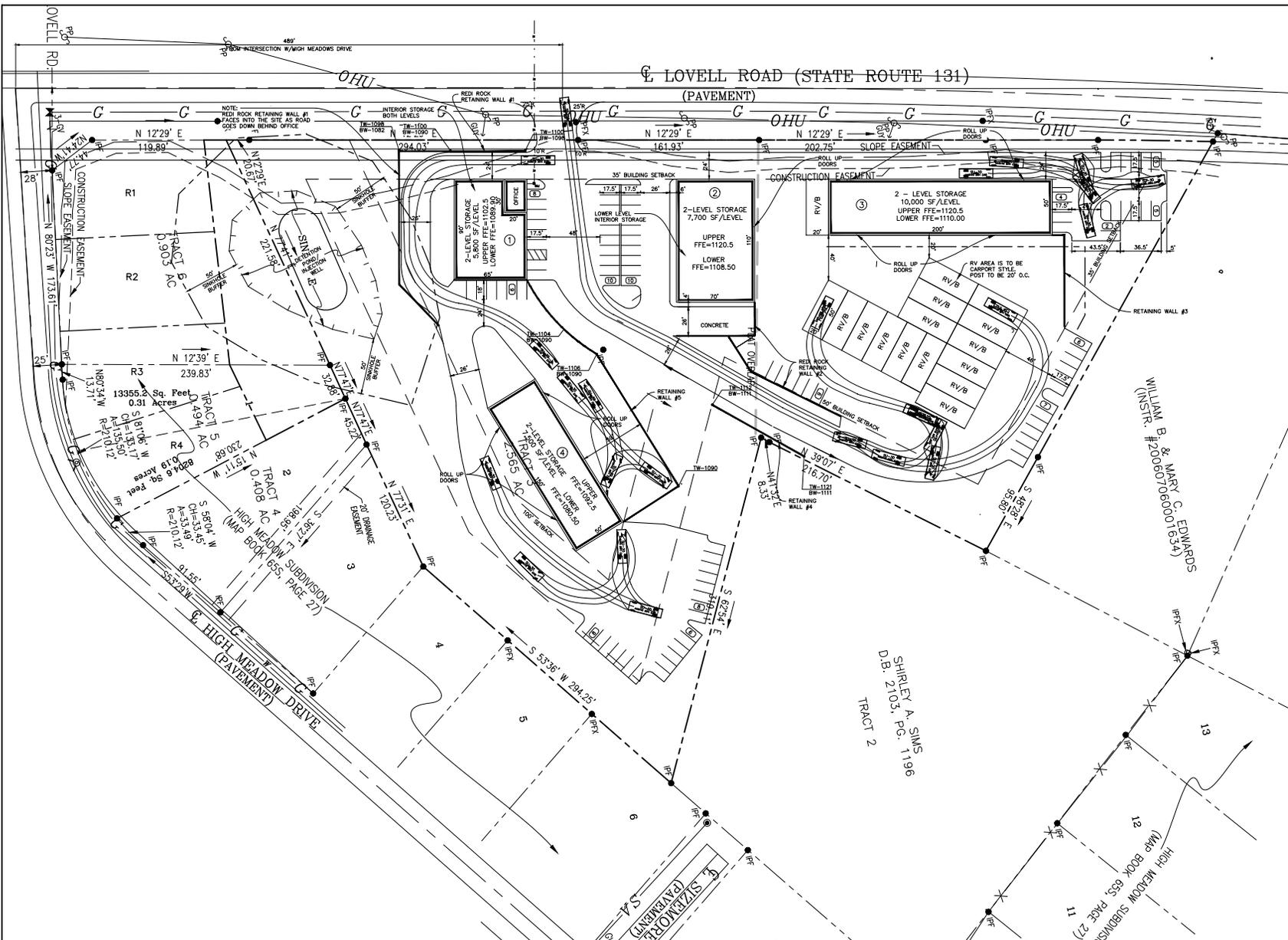
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<b>GROUND AREA COVERAGE (GAC)</b>	MAX ALLOWED
<b>FLOOR AREA RATIO (FAR)</b>	MAX ALLOWED
<b>IMPERVIOUS AREA RATIO</b>	MAX ALLOWED

**GENERAL NOTES**

TOTAL SF OF BUILDINGS 62,000 SF

THE TENNESSEE TECHNOLOGY CORRIDOR PARKING REQUIREMENTS

2 SPACES/1000 SF MIN TO 3 SPACES/ 1,000 SF MAX

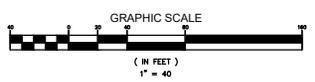
TOTAL PARKING REQUIRED 124

TOTAL PROVIDED 127

SETBACK VARIANCE 50' OFF RESIDENTIAL 35' FRONT SETBACK ON LOVELL ROAD

30' OF LOADING ACCESS @ OUTSIDE DOORS

DISTURBED AREA = 182,400 SF



NUMBER	DESCRIPTION OF REVISION	DATE
3	REVISED PER REVIEW COMMENTS	2-18-22
2	REVISED PER REVIEW COMMENTS	1-12-22
1	REVISED PER REVIEW COMMENTS	12-20-21
0	ORIGINAL DRAWING RELEASE	10-29-21

**WELROC ENTERPRISES LLC**  
 Consulting • Development • Engineering

376 LOCHMERE DRIVE  
 MORRISTOWN, TENNESSEE, 37814

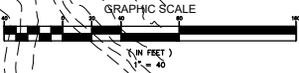
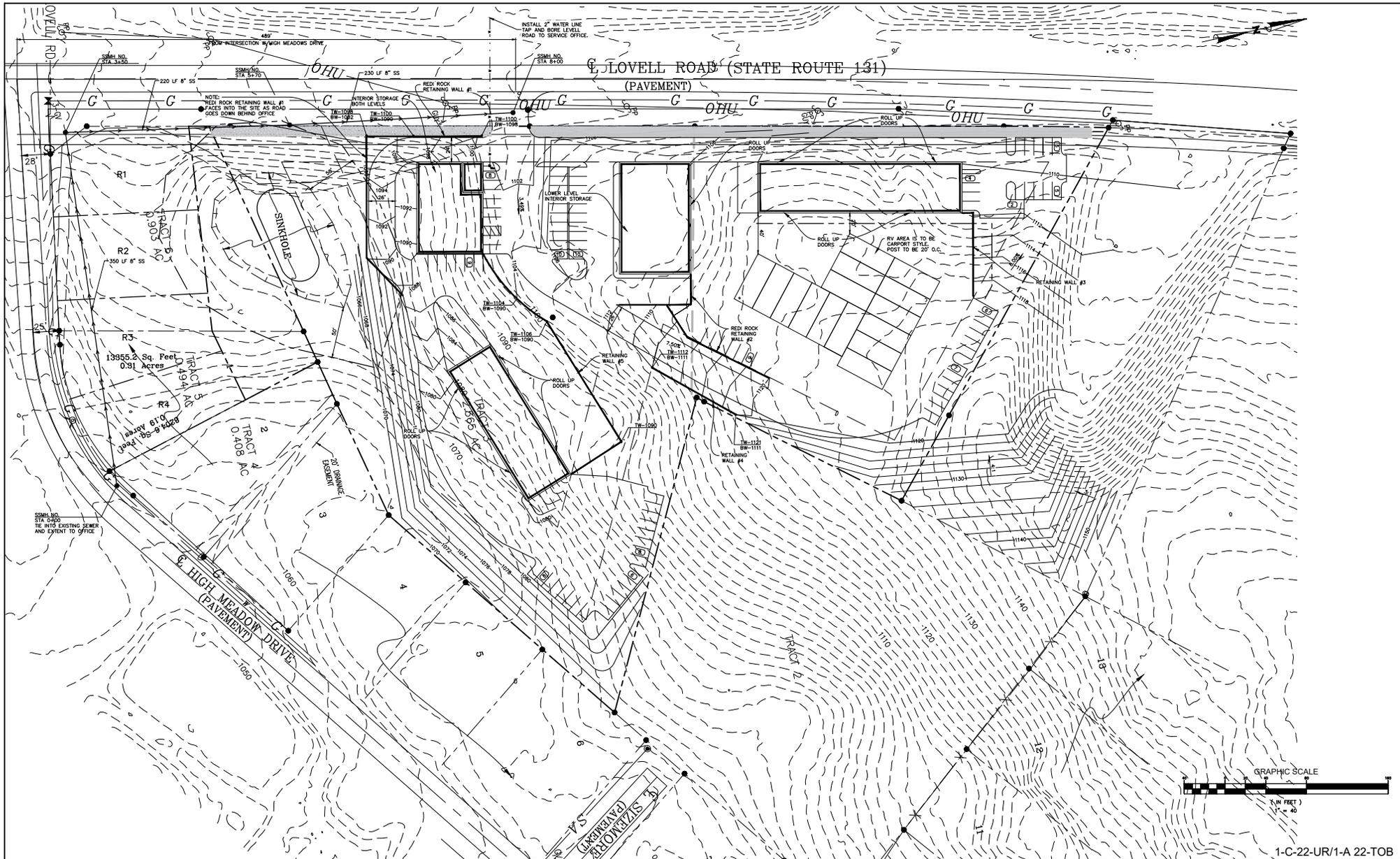
**SITE LAYOUT PLAN**

**1-A 22-TOB-STORAGE LOVELL ROAD**

**KNOXVILLE, TENNESSEE**



SCALE:	1"=40'
DATE:	2/18/22
DRAWN BY:	SH
CHECKED BY:	RC
SHEET:	1 OF 4



NUMBER	DESCRIPTION OF REVISION	DATE
3	REVISED PER REVIEW COMMENTS	2-18-22
2	REVISED PER REVIEW COMMENTS	1-12-22
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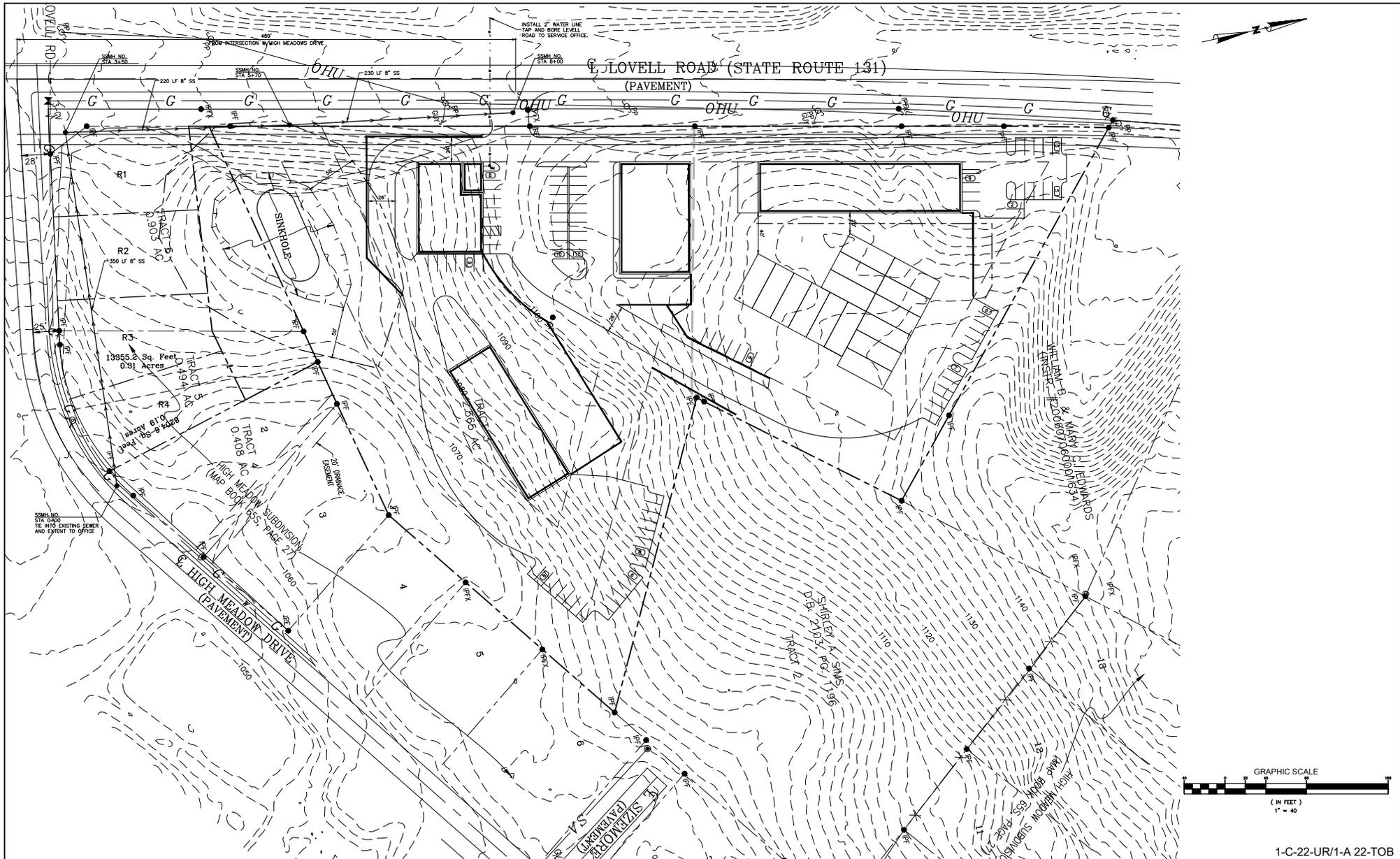
**WELROC ENTERPRISES LLC**  
 Consulting • Development • Engineering

376 LOCHMERE DRIVE  
 MORRISTOWN, TENNESSEE, 37814

SITE GRADING PLAN
1-A 22-TOB-STORAGE LOVELL ROAD
KNOXVILLE, TENNESSEE



1-C-22-UR/1-A 22-TOB
SCALE: 1"=40'
DATE: 2/18/22
DRAWN BY: SH
CHECKED BY: RC
SHEET: 3 OF 4



NUMBER	DESCRIPTION OF REVISION	DATE
3	REVISED PER REVIEW COMMENTS	2-18-22
2	REVISED PER REVIEW COMMENTS	1-12-22
1	REVISED PER REVIEW COMMENTS	12-20-21
0	ORIGINAL DRAWING RELEASE	10-29-21

**WELROC ENTERPRISES LLC**  
 Consulting • Development • Engineering

376 LOCHMERE DRIVE  
 MORRISTOWN, TENNESSEE, 37814

SITE UTILITY PLAN	
1-A 22-TOB-STORAGE LOVELL ROAD	
KNOXVILLE, TENNESSEE	



1-C-22-UR/1-A-22-TOB	
SCALE:	1"=40'
DATE:	2/18/22
DRAWN BY:	SH
CHECKED BY:	RC
SHEET:	4 OF 4

Additional Responses to Outstanding Questions  
For the Proposed Lovell Road Self Storage Facility

1-C-22-UR/1-A-22-TOB

February 18, 2022

This project has received comments from various sources between the initial review and comments received by January 24, 2022, Michelle Portier, Bryan Bartnik, Edwin Deyton and Steve Elliot.

Comment # 1

- 1.) The date of revisions has been added into the title block

Comment # 2

- 2.) We have shown the drive aisle dimensions on this set of revision

Comment # 3

- 3.) We have noted GAC, and information placed this on the site plan sheet as well on the FAR and IAR

Comment # 4

- 4.) The Parking comments are based on the other nonresidential uses in the TTCA Design Guidelines which says there will be a minimum of 2 parking space per 1000 sf but a maximum of 3 parking space per 1,000 sf. Which means that 124 spaces are a minimum and 127 spaces have been provided on the property

Comment # 5

- 5.) The plans now show the RV area is a carport type of structure and the turning templates are provided to show the maneuverability in that area for the RVs

Comment # 6

- 6.) We have shown the turning templates to show the RV's can maneuver in and out of the covered parking spaces

Comment # 7

- 7.) We have placed the turning templates on the entire site so those areas that which was questioned has been corrected

Comment # 8

- 8.) Building # 1 is on a manmade slope that was created when Lovell Road was expanded, and we would ask for a variance on this issue and allow the inward facing retaining wall to correct this issue.

### Comment # 9

- 9.) The proposed retaining walls show TW and BW for the top of wall elevation and bottom of wall elevations at several locations along the walls and the materials in the wall are depicted on the plans. Also note the wall in front of Building # 1 is only a foot above the grade as this wall faces inward and is parallel to the roadway going to the lower level and building # 5.

### Comment # 10

- 10.) The lighting plan has been revised and already sent in for review again the bleed over is due to the relocation of the poles and we request a waiver for this issue.

### Comment # 11

- 11.) The sidewalks have been dimensioned on the site plan and have been on the property

### Comment # 12

- 12.) The fencing provided is an 8' wooden stockade fence as requested by the neighboring property owner and best depicted in the landscaping plans

### Comment # 13

- 13.) The elevations have been depicted by the sheet from Bestco depicting the look for the two outside storage units  
14.) The office building and building number 2 are interior storage and the HVAC units will be located on the backside of the building to screen from the corridor  
15.) The side elevations are shown by Bestco note the photograph provided.

### Comment # 14

- 16.) The landscaping plans have been submitted and tried to address the buffering but may request a waiver to ensure this issue has been addressed

The remaining TDOT and First Utility District comments were addressed and the developer is prepared to comply with the sewer requirements to bring this to the office area and also to bore Lovell Road to bring potable water and fire suppression from the other side of the road to address this issue.

The owner does not anticipate providing a dumpster area for the property as it makes an operational nightmare does

**Comment # 16**

17.)The new lighting plans attached have addressed the light bleed over on the adjacent property and been adjusted

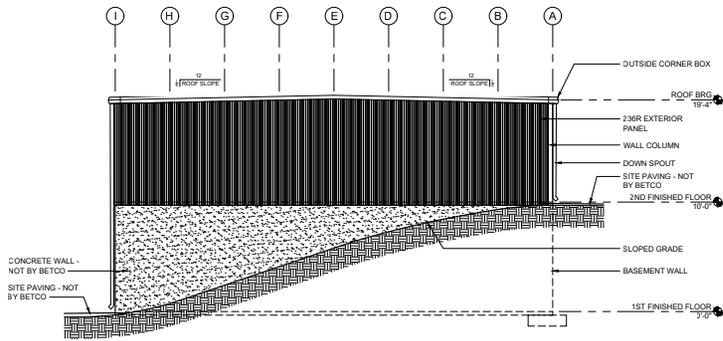
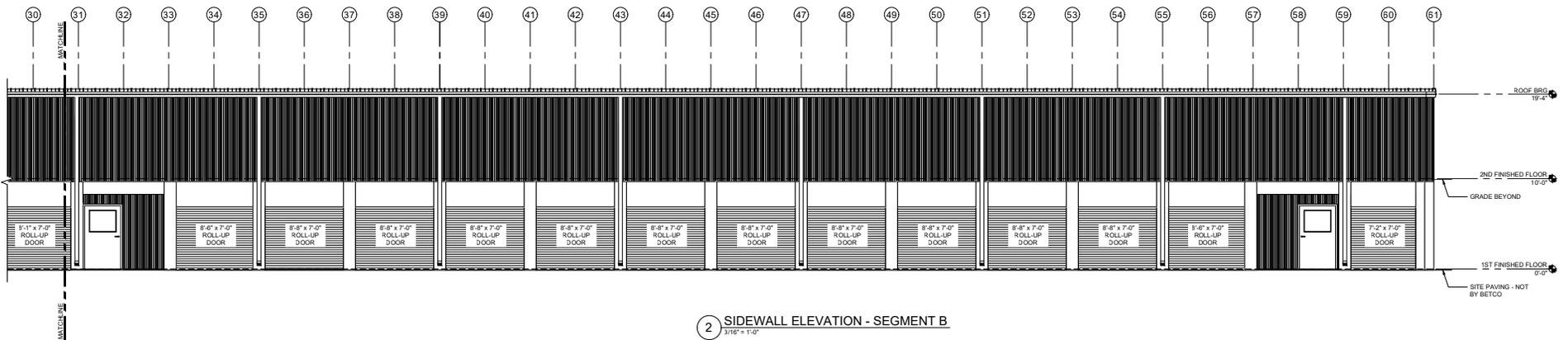
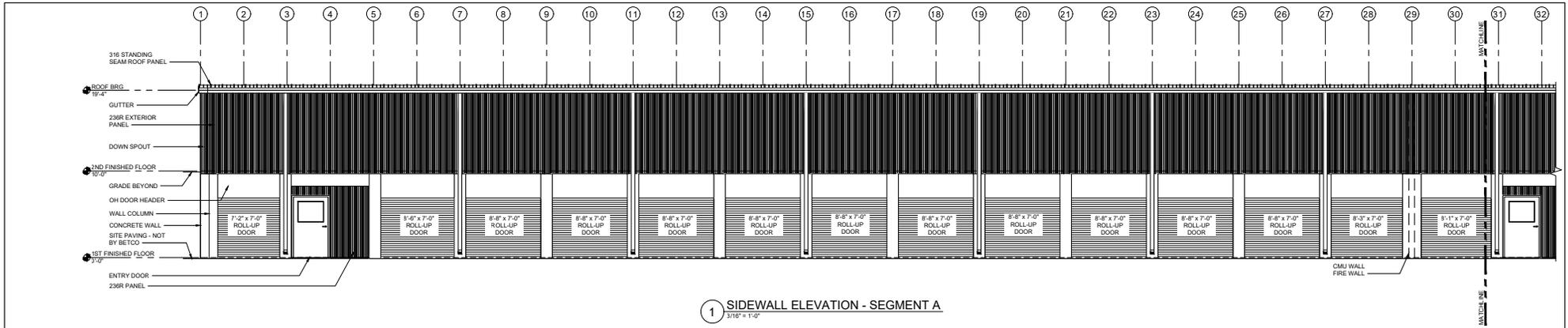
**Comment # 17**

18.)Interior sidewalks have been dimensioned

**Comments # 18-22**

19.)We have provided revised landscaping plans, lighting plans and building elevations that should answer the remaining questions for approval.





**NOT FOR  
CONSTRUCTION**

DATE	04/28/2021
DRAWN BY	AK
SCALE	AS NOTED
APPROVED BY	
REVISIONS	
DATE	BY

**BETCO**  
 228 COMMERCE BLVD.  
 STATESVILLE, NC 28625  
 (800)654-7813



Michelle Portier <michelle.portier@knoxplanning.org>

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## Self-storage facility on Lovell Rd (cases 1-C-22-UR and 1-A-22-TOB)

2 messages

---

**Michelle Portier** <michelle.portier@knoxplanning.org>  
To: "Benjamin C. Mullins" <bnullins@fmsllp.com>  
Cc: "Brooks, Amy" <amy.brooks@knoxplanning.org>

Wed, Mar 2, 2022 at 12:30 PM

Ben,

We are going to recommend another 30-day postponement of the self-storage facility to both the TTCDA and Planning Commission this month since we haven't yet received the revisions and therefore have not been able to finalize the staff reports and recommendations, which would put it on the April agenda for both boards.

Thank you,

--

**Michelle Portier, AICP**  
Principal Planner  
865.215.3821

**Knoxville-Knox County Planning**  
400 Main Street, Suite 403 | Knoxville, TN 37902

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**Benjamin C. Mullins** <bnullins@fmsllp.com>

Thu, Mar 3, 2022 at 7:08 AM

To: Michelle Portier <michelle.portier@knoxplanning.org>

Cc: "Brooks, Amy" <amy.brooks@knoxplanning.org>, Steve Bethel <sbethel.bethel@gmail.com>, Randy Corlew <corlewcr@icloud.com>

Michelle,

I acknowledge receipt of the email below and staff's recommendations for a postponement. I'm remain hopeful that we can address the remaining comments and provide the necessary revisions today, and that a postponement but I understand staff's position on this matter.

Ben Mullins

---

**From:** Michelle Portier <michelle.portier@knoxplanning.org>  
**Sent:** Wednesday, March 2, 2022 12:31 PM  
**To:** Benjamin C. Mullins <bnullins@fmsllp.com>  
**Cc:** Brooks, Amy <amy.brooks@knoxplanning.org>  
**Subject:** Self-storage facility on Lovell Rd (cases 1-C-22-UR and 1-A-22-TOB)

Ben,

We are going to recommend another 30-day postponement of the self-storage facility to both the TTCDA and Planning Commission this month since we haven't yet received the revisions and therefore have not been able to finalize the staff reports and recommendations, which would put it on the April agenda for both boards.

Thank you,

--

**Michelle Portier, AICP**

Principal Planner

865.215.3821

**Knoxville-Knox County Planning**

400 Main Street, Suite 403 | Knoxville, TN 37902



Michelle Portier <michelle.portier@knoxplanning.org>

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## Postponement of 1-A-22-TOB

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**Benjamin C. Mullins** <bmullins@fmsllp.com>  
To: Michelle Portier <michelle.portier@knoxplanning.org>

Thu, Dec 30, 2021 at 2:05 PM

Michelle,

Please allow this e-mail to serve as my formal request to postpone this application from the January meeting until the February meeting of the TTCDA. Please let me know if you have any questions or need a more formal request.

Thank you for your help.

Ben Mullins



- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> BUILDING PERMIT - NEW CONSTRUCTION | <input type="checkbox"/> REZONING        | <input type="checkbox"/> ADMINISTRATIVE REVIEW |
| <input type="checkbox"/> BUILDING PERMIT - EXPANSION OR RENOVATION     | <input type="checkbox"/> SIGNAGE         | <input type="checkbox"/> BOARD REVIEW          |
| <input checked="" type="checkbox"/> BUILDING PERMIT - GRADING PLAN     | <input type="checkbox"/> ZONING VARIANCE |  |

Benjamin C. Mullins

**PUBLISHED APPLICANT NAME** - no individuals on behalf of -

November 29, 2021	January 10, 2022	1-A-22-TOB
<b>DATE FILED</b>	<b>MEETING DATE (IF APPLICABLE)</b>	<b>FILE NUMBER</b>

**CORRESPONDENCE** *Correspondence related to this application will be directed to the contact listed below.*

- APPLICANT    OWNER    OPTION HOLDER    SURVEYOR    ENGINEER    ARCHITECT/LANDSCAPE ARCHITECT    ATTORNEY

Benjamin C. Mullins	Frantz, McConnell & Seymour, LLP		
<b>NAME</b>	<b>COMPANY</b>		
550 West Main St., Suite 500	Knoxville	TN	37902
<b>ADDRESS</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
865-546-9321	bmullins@fmsllp.com		
<b>PHONE</b>	<b>EMAIL</b>		

**CURRENT PROPERTY INFO**    MULTIPLE OWNERS / OPTION HOLDERS    PART OF PARCEL

David Eubanks	1049 Bird RD Lenoir City, TN 3777	865-363-9323
<b>OWNER NAME - if different -</b>	<b>OWNER ADDRESS</b>	<b>OWNER PHONE/EMAIL</b>

Multiple Parcels (see attached info sheet)

<b>PROPERTY ADDRESS</b>		
Multiple Parcels (see attached infor sheet)	N	+/- 7.77 acres
<b>PARCEL ID(S)</b>	<b>PART OF PARCEL? (Y/N)</b>	<b>TRACT SIZE</b>

**STAFF USE ONLY**

North of High Meadow Dr., East of Lovell Rd., South of Bob Gray Rd.		<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY
<b>GENERAL LOCATION</b>		6
PC/TO & HP; RA/TO & HP		<b>DISTRICT</b>
<b>ZONING</b>		MU-SD-NWCO-4
Northwest County		<b>SECTOR PLAN LAND USE CLASSIFICATION</b>
<b>PLANNING SECTOR</b>		Agricultural/forestry/vacant
		<b>EXISTING LAND USE</b>

## REQUEST

### BUILDING PERMIT

- NEW CONSTRUCTION  
 EXPANSION OR RENOVATION  
 GRADING PLAN

- REZONING  
 SIGNAGE  
 ZONING VARIANCE

### PLAN MATERIALS:

- DEVELOPMENT PLAN  
 BUILDING ELEVATIONS  
 FLOOR PLAN  
 LANDSCAPE PLAN  
 SIGNAGE PLAN  
 OFF-STREET PARKING

OTHER:

WAIVERS OR VARIANCES REQUESTED?  YES  NO

ADMINISTRATIVE REVIEW:  LIGHTING  LANDSCAPING PLAN

## RENOVATION OR EXPANSION

SUMMARY OF WORK TO BE PERFORMED:

## ZONING VARIANCE

SUMMARY OF ZONING VARIANCE REQUEST:

See Attached Supplemental Sheet

## REZONING

REZONE FROM: \_\_\_\_\_

TO: \_\_\_\_\_

SECTOR PLAN AMENDMENT FROM: \_\_\_\_\_

TO: \_\_\_\_\_

## SIGNAGE

- YARD SIGN       BUILDING SIGN       OTHER SIGN  
 AREA: \_\_\_\_\_      AREA: \_\_\_\_\_      AREA: \_\_\_\_\_  
 HEIGHT: \_\_\_\_\_      HEIGHT: \_\_\_\_\_      HEIGHT: \_\_\_\_\_  
 FINISH: \_\_\_\_\_      FINISH: \_\_\_\_\_      TYPE: \_\_\_\_\_

## STAFF USE ONLY

- TTCDA Checklist  
 Property Owners/Option Holders

CODE

FEE

0801

CODE

FEE

TOTAL

400.00

## AUTHORIZATION

By signing below

You certify that you are the property owner and/or authorized representative.

Benjamin C. Mullins  Attorney for Owner

November 29, 2021

APPLICATION AUTHORIZED BY

AFFILIATION

DATE

865-546-6321

bnullins@fmsllp.com

PHONE NUMBER

EMAIL

STAFF SIGNATURE

PRINT NAME

DATE PAID

Michelle Portier

11/29/2021

received - MMP

sum 11/29/2021

**Benjamin C. Mullins Use on Review and TTCDA Application**  
**CURRENT PROPERTY INFO – SUPPLEMENTAL SHEET**

<b>I.</b>	<b>1308 Lovell Rd</b>	<b>118HC004</b>	<b>+/- 0.7 ac</b>
	Property Address	Parcel ID	Tract Size
	<b>PC/TO &amp; HP</b>	<b>MU-SD NWC0-4</b>	<b>AgForVac</b>
	Zoning District	Sector Plan Land Use Classification	Existing Land Use
<b>II.</b>	<b>1304 Lovell Rd</b>	<b>118HC00301</b>	<b>+/- 1.66 ac</b>
	Property Address	Parcel ID	Tract Size
	<b>PC/TO &amp; HP</b>	<b>MU-SD NWC0-4</b>	<b>MF</b>
	Zoning District	Sector Plan Land Use Classification	Existing Land Use
<b>III.</b>	<b>1232 Lovell Rd</b>	<b>118HC002</b>	<b>+/- 0.8 ac</b>
	Property Address	Parcel ID	Tract Size
	<b>PC/TO &amp; HP</b>	<b>MU-SD NWC0-4</b>	<b>SFR</b>
	Zoning District	Sector Plan Land Use Classification	Existing Land Use
<b>IV.</b>	<b>0 Lovell Rd</b>	<b>118HC001</b>	<b>+/- 0.6 ac</b>
	Property Address	Parcel ID	Tract Size
	<b>PC/TO &amp; HP</b>	<b>MU-SD NWC0-4</b>	<b>AgForVac</b>
	Zoning District	Sector Plan Land Use Classification	Existing Land Use
<b>V.</b>	<b>0 High Meadow Dr.</b>	<b>118IF00201</b>	<b>+/- 1.21 ac</b>
	Property Address	Parcel ID	Tract Size
	<b>RA/TO, PC/TO &amp; HP</b>	<b>MU-SD NWC0-4</b>	<b>AgForVac</b>
	Zoning District	Sector Plan Land Use Classification	Existing Land Use
<b>VI.</b>	<b>0 Lovell Rd</b>	<b>118 066</b>	<b>+/- 2.8 ac</b>
	Property Address	Parcel ID	Tract Size
	<b>PC/TO &amp; HP</b>	<b>MU-SD NWC0-4</b>	<b>AgForVac</b>
	Zoning District	Sector Plan Land Use Classification	Existing Land Use

## **Supplemental Sheet for Wavier and Variance Requests from TTCDA**

Applicant is requesting a waiver for 100-foot setbacks in Section 1.4.1 Table 2 of the TTCDA Guidelines to reduce this setback from 100 feet to 50 feet (in compliance with Section 5.33.05 of the underlying Planned Commercial zone) on the southeast and northeast boundary of the properties.

A variance was granted on October 27, 2021 reducing the PC Planned Commercial Periphery boundary requirements from fifty (50) feet to thirty-five (35) feet for the Property along Lovell Rd. A copy of the Order, entered on November 17, 2021, is attached hereto.

The proposed Site Plan complies the approved variance along Lovell Rd. and with the existing remaining peripheral setbacks of 50 feet in the Planned Commercial Zone but is planned within 100 feet of the setback in the TO overlay when the property line abuts a residential zone.

Per the design criteria of the TTCDA,

The Tennessee Technology Corridor Development Authority may grant waivers when strict application would be infeasible and the objectives of the Authority and the general public health, safety and welfare would not be adversely affected. The criteria for the issuance of waivers may be such factors as unique site configurations and features, building construction considerations, and parcels one acre or less which were created prior to the enactment of the design guidelines. Financial hardship, as a single criterion, is not considered a just reason for the issuance of waivers.

Tennessee Technology Corridor Design Guidelines – Overview, page 5. Additionally, per Sections 1.4.1 and 1.12.3, waivers may be required to preserve and maintain hillsides and ridgetops.

Based upon these principles, a waiver of the 100-foot minimum setback is appropriate in this case. This property is unique insofar as it is oddly shaped, burdened with hillside protection, and has at least one identified sinkhole. With all these factors, the proposed buildings are located in the flatter parts of the property and oriented in such a way they can comply with the existing 50-foot peripheral setbacks along the property lines that abut residential zones, but in a way that would minimize hillside disturbance and maximize the existing topography. To the extent possible, the existing vegetative buffer and the 50-foot peripheral setbacks shall be maintained.

As such, a wavier from 100 feet to 50 feet is warranted.

<b>THIS INSTRUMENT PREPARED BY:</b>	<b>CLT MAP</b>	<b>GROUP</b>	<b>PARCEL NO</b>
Knox County Law Director	118	HC	001
400 Main Street, Ste. 612	118	HC	002
Knoxville, Tennessee 37902	118	HC	00301
	118	HC	004
	118		066
	118	IF	00201

**BEFORE THE KNOX COUNTY BOARD OF ZONING APPEALS**

<b>IN RE:</b> Applicant: Ben Mullins	<i>5.33.05 PC Planned Commercial/Periphery</i>
County Commission District 6	Request for Variance
1308 Lovell Road	Parcel ID: 118HC001
1304 Lovell Road	Parcel ID: 118HC002
1232 Lovel Road	Parcel ID: 118HC301
0	Parcel ID: 118HC004
0 Lovell Road	Parcel ID: 118 066
0 High Meadow Drive	Parcel ID: 118 IF 00201
Application Date 10/18/2021	Agenda Date: 10/27/2021
Deed References: 202011030036801	Deed References: 200701290061055
Deed References: 201809210018987	Item 4f.

**ORDER**

This matter came to be heard in a public hearing on October 27, 2021, before the Knox County Board of Zoning Appeals upon application of the Applicant, Ben Mullins respecting property at 1308 Lovell Road, Knoxville, Tennessee 37932, requesting a variance of Knox County Zoning Ordinance 5.33.05 *PC Planned Commercial/Periphery boundary* requirement to require buildings to be set back at least fifty (50) feet from any peripheral boundary of the project, or any public street or road existing prior to the Planned Commercial Zone to thirty-five (35) feet.

Based upon the entire record from all of which the Board finds that:

(1) Proper legal and written notice of the public hearing has been complied with as set forth in the Zoning Ordinance for Knox County, Tennessee as Amended through January 23, 1995 (hereafter "Zoning Ordinance").

(2) A portion of this property was recently rezoned to Planned Commercial, and it remains in the Technology Corridor Overlay.

(3) This was a request for a reduction of the peripheral boundary of the project along Lovell Road from fifty (50) feet to thirty -five (35) feet in the Planned Commercial Zone.

(4) The Board found that applicant carried their burden of demonstrating pursuant T.C.A. § 13-7-109(3), and Knox County Ordinance 6.60.03 and .04, by reason of exceptional narrowness, topography or siting and other exceptional physical conditions of his property, that special circumstances or conditions exist whereby strict application would result in practical difficulty or unnecessary hardship which would deprive the owner of the reasonable use of their land.

This request for a variance covers an assemblage of parcels of vacant land of a proposed and possible commercial development fronting Lovell Road. This request only requests a variance on the front of the property along the frontage of Lovell Road. There are a number of exceptional topographic, siting or other exceptional physical conditions of this property. The property slopes significantly of at least 30 feet from the rear to the front. In addition to the steepness, there are sinkholes on the properties. The rear boundary lines of the properties are in a "sawtooth" pattern with neighboring residential area to the rear. By allowing the commercial development within 35 feet of Lovell Road, it not only allows the commercial buildings to avoid being built in the steep and sinkholes portions of the properties, but it also allows the property owner to maintain as much as possible and as may be required a vegetative buffer zone between this commercial development and the neighboring residential homes to the rear of the property.

There was no opposition.

The aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land. This

variance granted of 15 feet from 50 to 35 feet will avoid practical difficulties or unnecessary hardships in carrying out the strict letter of this ordinance. The granting of this variance is in harmony with the general purposes and intent of this ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development. This slight variance is the minimum variance needed, will not be contrary to the public interest and by approving the variances substantial justice will be done.

It is therefore ORDERED that applicant's request for a variance is approved.

Motion by: Ms. Kerr                      Second by: Mr. Anderson

Ayes: (8) Ms. Patricia Williams, Mr. Corcoran, Mr. Ashley Williams, Mr. Anderson, Ms. Kerr, Mr. Hardin, Ms. Longmire, & Mr. Dykes

Nays: (0)

Absent: (1) Ms. Rowe

ENTERED THIS 17<sup>th</sup> DAY OF NOVEMBER, 2021.

KNOX COUNTY BOARD OF ZONING APPEALS

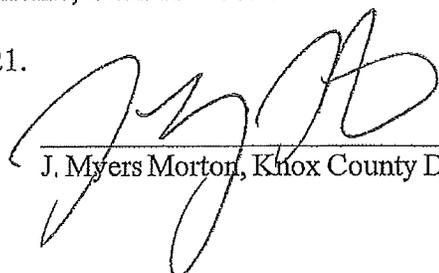
  
\_\_\_\_\_  
Chairman

#### CERTIFICATE OF SERVICE

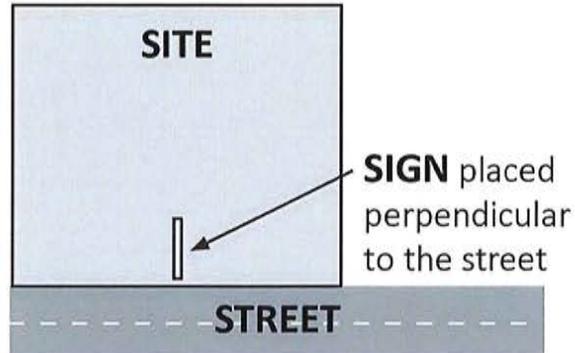
I hereby certify that a true and correct copy of the foregoing pleading has been forwarded to counsel for the plaintiff via U.S. mail, postage pre-paid to

Benjamin C. Mullins  
Frantz, McConnel & Seymour, LLP  
550 W. Main Street  
Knoxville, Tennessee 37902

This 17<sup>th</sup> day of November, 2021.

  
\_\_\_\_\_  
J. Myers Morton, Knox County Deputy Law Director

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

## LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

## TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

*The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:*

Dec 29, 2021 and Jan 14, 2021  
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Benjamin C. Mullins

Date: 11/29/2021

File Number: 1-A-22-TDB

- Sign posted by Staff
- Sign posted by Applicant