

**MINUTES
FARRAGUT BOARD OF ZONING APPEALS**

April 25, 2018

Present: Keith Alley, Ron Williams, Michael Wilson, and Jennifer Collins
Absent: Scott Meyer
Staff: Mark Shipley, Community Development Director

Item 1. Approval of Minutes for the January 24, 2018 meeting

A motion was made by Williams to approve the minutes. The motion was seconded by Collins. Motion passed 3-0-1.

Ayes: Alley, Williams, and Collins
Nays: None
Absent: Meyer
Abstaining: Wilson

Item 2. Public hearing on a request for a special exception to expand a nonconforming structure (parking lot), as provided for in Chapter 4, Section XVII., A., 2., of the Farragut Zoning Ordinance, associated with the redevelopment of a portion of the Station West development, 11311 Station West Drive, 2.51 Acres, Zoned C-2 (11311 Station West, LLC - David Fiser, Applicant)

The staff reviewed this request and noted that, although the site in question is noncompliant in a number of ways, the proposed redevelopment would bring the site much more into compliance. As provided for in Chapter 4, Section XVII., Nonconforming buildings and uses, nonconforming buildings and structures may be expanded if the board determines that there is reasonable space for their expansion and the expansion does not compound their condition of being nonconforming.

By comparing the applicant's request as demonstrated in the site plan that was conditionally approved by the Planning Commission, the physical space consumed by the noncompliant structure (the parking lot and accessways) is being notably reduced. Moreover, though the applicant's requested improvements do not eliminate the nonconforming conditions, they do substantially lessen rather than compound their condition of being nonconforming. For these reasons and based on the applicant's proposal that would significantly lessen the degree of nonconformity, the staff recommended approval of the requested special exception.

The Board discussed this matter with the applicant and, based on the language in the Zoning Ordinance, Board member Wilson questioned if this was a matter for the Board to address since the redevelopment would

not involve an expansion of a nonconforming structure (namely the parking lot). Board member Wilson suggested that the question of re-developing nonconforming properties may need to be addressed legislatively so that certain desired parameters would be in place. A motion was made by Wilson to take no action on the request since it would not be governed by the Board of Zoning Appeals. The motion was seconded by Collins and motion passed unanimously.

Ayes: Alley, Williams, Wilson, and Collins
Nays: None
Absent: Meyer
Abstaining: None

Item 3. Public hearing on a request for a variance from Chapter 4, Section XXII., A. and B., to not construct pedestrian facilities on all abutting streets resulting from a site plan review associated with the redevelopment of a portion of the Station West development, 11311 Station West Drive, 2.51 Acres, Zoned C-2 (11311 Station West, LLC - David Fiser, Applicant)

The staff reviewed this item and noted that Chapter 4, Section XXII., of the Farragut Zoning Ordinance has specific requirements for pedestrian facilities when a development or redevelopment necessitates a review of a site plan by the Planning Commission. A key provision in the Section is that a pedestrian facility shall be constructed on all abutting streets as part of a site plan review.

The staff noted that the existing Station West development does not have pedestrian facilities along all abutting streets. There is a sidewalk along N. Campbell Station Road but there is no pedestrian facility along either Station West Drive or Campbell Lakes Drive. The applicant is proposing a sidewalk section along Station West Drive from the existing sidewalk along N. Campbell Station Road to the western access point into the development from Station West Drive. Beyond that point, the applicant is proposing some re-striping of Station West Drive for pedestrian provisions.

Station West Drive was originally constructed as a cul-de-sac. It was then connected to the Hampton Inn property at the end of the cul-de-sac. The road width of Station West Drive is 26 feet. Vehicular traffic along Station West Drive is minimal and parking is provided off site in abutting parking lots. Given these characteristics, the staff proposed that Station West Drive be physically reduced in width from 26 feet to 22 feet. This

concept has been discussed with the Town Engineer. A 5 foot wide sidewalk could then be constructed adjacent to the new curb line along the Station West development frontage without likely requiring the removal of existing trees and interfering with an existing water line and meters along Station West Drive. This arrangement, which would be part of the applicant's effort to bring the site into greater compliance with existing requirements, would provide more protection for the pedestrian vs. re-striping within the existing street.

In terms of Campbell Lakes Drive, the staff noted that the applicant is requesting a variance to not construct any pedestrian facility along this street frontage due to topographic issues and a lack of physical space for such a facility. Campbell Lakes Drive provides access to more properties than Station West Drive and has greater traffic. Under normal conditions, it would also be an excellent candidate for pedestrian facilities. The road has direct access to two large restaurants and three hotels. It also accesses Lakesedge Drive which is connected to Parkside Drive. The nearest sidewalk along Campbell Lakes Drive is at the western end of the Hampton Inn property. From that point, there is another parcel that accesses Station West Drive and then the applicant's property that extends to N. Campbell Station Road. Though there is some space for a pedestrian facility along the parcel frontage to the west of Hampton Inn, the applicant's frontage along Campbell Lakes Drive is very constrained by the existing non-conforming development and topography. In looking at this site and the surrounding area, staff noted that the most reasonable way to extend and connect sidewalks in the future would be across the eastern end of the Station West Development property, and/or the property to the east, to Station West Drive and then westward to N. Campbell Station Road. This would require some cooperation with the owner of the parcel to the east of the site in question and could be predesigned into the redevelopment plan. In addition, a pedestrian pathway could be arranged within the Station West Development parking lot to the new building as part of the re-development.

Given the existing non-conforming nature and constraints of the Station West Development site, and the topographic conditions and grade change along its frontage on Campbell Lakes Drive, the staff supported a variance to not construct a pedestrian facility along Campbell Lakes Drive *at this time*. However, the staff indicated that they did not want to preclude a connection in the future because it would have real value given the surrounding uses. The staff recommended that the Board place a condition on any variance approval that would require, as part of any new development or re-development of the eastern portion of the Station West

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development, that the applicant work with the Town and adjacent property to establish a pedestrian connection from the Hampton Inn sidewalk to the Station West development where the topography and physical space would be more favorable. This condition would need to be reflected on the approved site plan for the current plan that involves the re-development of the western building and western portion of the Station West parking lot. A motion was made by Williams to approve the variances subject to adherence to the recommendations of the staff. The motion was seconded by Wilson and motion passed unanimously.

Ayes: Alley, Williams, Wilson, and Collins
Nays: None
Absent: Meyer
Abstaining: None

The meeting adjourned at 8:07 p.m.

Scott Meyer, Secretary

