

# CASE SUMMARY

APPLICATION TYPE: TTCDA

BUILDING PERMIT



File Number: 1-A-23-TOB                      Related File Number:  
Application Filed: 11/21/2022              Date of Revision:  
Applicant: NICK PATEL KESHAV CORP.

## PROPERTY INFORMATION

General Location: East side of Dutchtown Rd south of its intersection with Cogdill Rd  
Other Parcel Info.:  
Tax ID Number: 118 17608                      Jurisdiction: City  
Size of Tract: 2.75 acres  
Accessibility: Access will be off of Dutchtown Road, a minor arterial with a 60-ft pavement width inside a right-of-way that varies in width.

## GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land  
Surrounding Land Use:  
Proposed Use: Commercial development consisting of a gas station, convenience store, and strip center              Density:  
Sector Plan: Northwest County              Sector Plan Designation: TP (Technology Park) / SP (Stream Protection)  
Growth Policy Plan:  
Neighborhood Context:

## ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 10320 Dutchtown Rd.  
Location:  
Proposed Street Name:  
Department-Utility Report:  
Reason:

## ZONING INFORMATION (where applicable)

Current Zoning: C-H-1 (Highway Commercial) / F (Floodplain Overlay) / TO-1 (Technology Park Overlay)  
Former Zoning:  
Requested Zoning: N/A  
Previous Requests:  
Extension of Zone:  
History of Zoning:

## PLAN INFORMATION (where applicable)

Current Plan Category:  
Requested Plan Category:

## WAIVERS AND VARIANCES REQUESTED

**Variences Requested:** 1) Decrease the minimum parking setback area required when parking is in front of the building from 20 feet to 10 feet.

## OTHER INFORMATION (where applicable)

**Other Bus./Ord. Amend.:**

## TTCDA ACTION AND DISPOSITION

**Planner In Charge:** Michelle Portier

**Staff Recomm. (Abbr.):**

**Staff Recomm. (Full):** Staff recommends the following action on the required waivers from the Design Guidelines:  
1) Deny the waiver request to decrease the parking setback from 20 feet to 10 feet because Planning does not find the cited reasons meet the criteria for waiver approval as stated in the TTCDA Guidelines. Staff could support a waiver of 15 feet in front of the convenience store/gas station if this board decides to approve a lesser waiver.

Staff recommends approval of this request for a Certificate of Appropriateness for a building permit, subject to 6 conditions:

- 1) Installation of all sidewalks as identified on the concept plan. Sidewalks shall meet all applicable requirements of the Americans with Disabilities Act (ADA) and the City of Knoxville Department of Engineering. A bond shall be provided to the City of Knoxville Department of Engineering by the developer in an amount sufficient to guarantee the installation of the sidewalks.
- 2) Installation of all landscaping, as shown on the landscape plan, within six months of issuance of occupancy permits for the project, or posting a bond with the City of Knoxville Department of Engineering, to guarantee such installation.
- 3) Connecting the development to sanitary sewer, as well as meeting other applicable requirements of the Knox County Health Department.
- 4) Meeting all applicable requirements of the City of Knoxville Department of Engineering.
- 5) Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.
- 6) Revision of the site plan to eliminate the 4 spaces in the northeast corner of the site to accommodate a 15-ft parking setback area in front of the convenience store/gas station unless this board decides otherwise.

**Comments:**

- 1) The applicant is requesting approval of a commercial development on a 2.75-acre lot. The development will consist of a gas station, convenience store, and strip center on Dutchtown Road near the Pellissippi Parkway interchange.
- 2) The site is somewhat constrained with a stream running along the rear edge of the short stem protruding from the main body of the property. A small amount of property is located in the Stream Protection (SP) area. No building or grading is proposed in this area.
- 3) The property is zoned C-H-1 (Highway Commercial) and TO-1 (Technology Park Overlay). Land use is governed by the base zone, and C-H-1 allows gas stations, convenience stores, and commercial strip centers as a permitted use.
- 4) Access to the site is via a single driveway off of Dutchtown Road. The driveway will serve the proposed development as well as the abutting self-storage facility (approved by the TTCDA, cases 4-B-22-TOB and 10-A-22-TOA) to limit the number of curb cuts on this section of Dutchtown Road.
- 5) Cannon & Cannon, Inc. prepared a Traffic Generation Summary for the proposed development, dated November 8, 2022. Traffic Generation Summaries are to inform the Engineering Department about the expected traffic that would be generated by a proposed development as an informational tool and are not meant to provide recommendations for mitigation. Engineering determines if a full study (with recommendations) is needed after assessing the summaries. In this case, Engineering did not call for a more in-depth study or recommendations.
- 6) The proposed parking for the development falls within the minimum and maximum number of spaces allowed by the TTCDA Design Guidelines. Based on the square footage of the buildings, the convenience store would require between 11 and 16 spaces, and 15 spaces are proposed. The retail strip center would require between 31 and 47 spaces, and 33 spaces are proposed. The total development calls for a range of 42 to 63 spaces total, and 42 spaces are proposed.
- 7) Ground Area Coverage (25% maximum allowed; 12% proposed), Floor Area Ratio (30% maximum allowed; 12% proposed), and Impervious Area Ratio (70% maximum allowed; 46% proposed) metrics are in compliance with the Design Guidelines.
- 8) Dumpsters are located behind the strip center and are adequately screened from the street.
- 9) Sidewalks are proposed along Dutchtown Road and connect to the internal sidewalks along building frontages via painted crosswalks in the parking areas and drive aisles.
- 10) The convenience store will be a combination of stone veneer at the base of the building with brick veneer or storefront windows above. The walls are accented with brick pilasters located intermittently

to provide visual relief and the windows are capped with green metal awnings. The shorter building facades feature alternating brick patterns with rectangular areas in the same size as the windows and are similarly capped with green metal awnings.

11) The strip center will feature the same brick as the convenience store, providing some consistency for the site. The strip center building will alternate storefront windows that extend to the ground with brick pilasters to delineate the separation between each business. The pilasters will have the same stone veneer as the convenience store walls applied to a similar height (applied on the bottom 3'-0" on the convenience store and the bottom 2'-8" on the strip center). The strip center will feature a similar awning to the convenience store, though the awnings proposed for the strip center are dark brown. Both buildings feature flat roofs.

12) The proposed landscape plan is in compliance with the Design Guidelines.

13) A parking lot setback of 20 feet is required when there is parking between the right-of-way and a proposed building. The applicant has requested a waiver to reduce the parking lot setback to 10 feet. If this board wishes to approve the plans as drawn, a waiver would be needed to reduce the parking lot setback to 8 feet in front of the convenience store and 15 feet in front of the retail strip center.

a. Staff does not find the criteria for a waiver as defined in the TTCCA Guidelines has been met, so staff cannot support approval of this waiver. The Guidelines state that a waiver can be issued when strict application of the Guidelines is not feasible and when public health, safety, and welfare would not be adversely affected.

c. The stated justifications for the waiver are that:

i. A 20-ft parking lot setback would reduce parking and maneuvering space for the fuel truck while delivering fuel to tanks. Ideally, site plans are designed around building and parking lot setbacks from the onset, so parking and space to maneuver should be applied to the design within those parameters.

ii. It may cause traffic backup for vehicles visiting the retail center since the area in question is near the only entrance. However, the drive aisles and entry are required to be 26 ft, which is what is proposed. Therefore, these areas could not be reduced in size, thereby reducing maneuverability. If the parking lot setback were made wider, the whole plan would have to shift, and maneuverability would not be affected.

iii. Moving the site plan components toward the rear of the site would make the slope behind the building steeper, which may violate city regulations. This property is not in the HP (Hillside Protection Overlay) zone, so the City's HP zone regulations do not apply. The City does not have other regulations limiting the degree of slope in yard space where no structures or drive aisles are present. However, staff sees the value in preserving the natural slopes as much as possible, and for that reason could support a waiver to reduce the parking lot setback to 15 ft. The site plans could eliminate the 4 parking spaces in the northeast corner of the site (bottom left of the drawing) and provide a 15-ft parking lot setback with the landscaped buffer, and still be in compliance with minimum parking requirements without needing to shift the site plan back on the site.

14) Proposed lighting includes a combination of building-mounted fixtures and light poles located around the perimeter of the parking areas. Light poles do not exceed the maximum allowance of 15 ft and are full cutoff fixtures.

15) Signage is not proposed as part of this application though some signage information has been provided. TTCCA approval will be required in a separate application. This could be submitted as one package for the entire site or as separate packages for the gas station/convenience store and the strip center.

**Action:** Approved as Modified

**Meeting Date:** 1/24/2023

**Details of Action:**

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

1) Approval of a waiver to decrease the parking setback from 20 feet to 15 feet in front of the convenience store/gas station.

Staff recommends approval of this request for a Certificate of Appropriateness for a building permit, subject to 6 conditions:

1) Installation of all sidewalks as identified on the concept plan. Sidewalks shall meet all applicable requirements of the Americans with Disabilities Act (ADA) and the City of Knoxville Department of Engineering. A bond shall be provided to the City of Knoxville Department of Engineering by the developer in an amount sufficient to guarantee the installation of the sidewalks.

2) Installation of all landscaping, as shown on the landscape plan, within six months of issuance of occupancy permits for the project, or posting a bond with the City of Knoxville Department of Engineering, to guarantee such installation.

3) Connecting the development to sanitary sewer, as well as meeting other applicable requirements of the Knox County Health Department.

4) Meeting all applicable requirements of the City of Knoxville Department of Engineering.

5) Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.

6) Revision of the site plan to eliminate the 4 spaces in the northeast corner of the site to accommodate a 15-ft parking setback area (can be approved administratively by staff during permitting).

**Summary of Action:**

**Date of Approval:**

1/24/2023

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

***LEGISLATIVE ACTION AND DISPOSITION***

**Legislative Body:**

**Date of Legislative Action:**

**Date of Legislative Action, Second Reading:**

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:**

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**