

# CASE SUMMARY

APPLICATION TYPE: SPECIAL USE



**File Number:** 11-B-22-SU                      **Related File Number:**  
**Application Filed:** 9/23/2022                      **Date of Revision:**  
**Applicant:** PAVILION DEVELOPMENT COMPANY

## PROPERTY INFORMATION

**General Location:** Southeast quadrant of the intersection of Kingston Pk and S. David Ln  
**Other Parcel Info.:**  
**Tax ID Number:** 131 N C 014.01                      **Jurisdiction:** City  
**Size of Tract:** 0.66 acres  
**Accessibility:** Access is via Kingston Pike, a 4-lane major arterial with a turning lane within a right-of-way width of 100-ft. Access is also via S. David Lane, a local street with a pavement width of 29-ft within a right-of-way width of 50-ft.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Commercial  
**Surrounding Land Use:**  
**Proposed Use:** Drive-thru coffee shop                      **Density:**  
**Sector Plan:** Southwest County                      **Sector Plan Designation:** GC (General Commercial)  
**Growth Policy Plan:** N/A (Within City Limits)  
**Neighborhood Context:** This is a commercial corridor along Kingston Pike with a mix of commercial and offices uses, including drive-through facilities.

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

**Street:** 10248 KINGSTON PIKE  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** C-G-1 (General Commercial)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** None noted.

## PLAN INFORMATION (where applicable)

**Current Plan Category:** GC (General Commercial)

Requested Plan Category:

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:                      No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge: Liz Albertson

Staff Recomm. (Abbr.): Approve the request for a drive-through facility in the C-G-1 zoning district, subject to 7 conditions.

Staff Recomm. (Full):

1. Meeting the requirements of principal use standards for drive-through facilities (Article 9.3.F) of the City of Knoxville Zoning Ordinance.
2. Meeting the requirements of Article 13 (Signs) of the City of Knoxville Zoning Ordinance.
3. Installation of landscaping per the requirements of Article 12 (Landscaping) of the City of Knoxville Zoning Ordinance or the applicant may request an alternative landscape design, as per Article 12.2.D.
4. Meeting all applicable requirements of the Knoxville Department of Engineering.
5. Meeting all applicable requirements of the Tennessee Department of Transportation.
6. Meeting all other applicable requirements of the City of Knoxville Zoning Ordinance.
7. Meeting all the application requirements of the City of Knoxville Plans Review and Inspections Department.

With the conditions noted above, this request meets the requirements of C-G-1 zoning, the principal use standards for drive-through facilities, and other criteria for approval of a special use.

Comments: This is a proposal to construct a new drive-through facility for a Dutch Bros Coffee on a site that was most recently a barbeque restaurant. The applicant is proposing an approximate 950-sq.ft building with a drive-through. The parcel has frontage along Kingston Pike and S. David Lane. The applicant is submitting for a sidewalk waiver through the City of Knoxville Engineering Department and the landscape plan will require alternative landscape design review.

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2.)

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.

A. The One Year Plan and Sector Plan designation for this parcel is GC (General Commercial), which includes previously developed strip commercial corridors providing a wide range of retail and service oriented uses.

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

A. The C-G zoning district is intended to provide for a heterogeneous mix of retail, personal service, office and residential uses within and along Knoxville's commercial nodes and corridors. Drive-through facilities may be permitted as a special use approval.

B. The C-G-1 zone does not have a minimum lot area or lot width, nor does it have maximum gross floor area standards. The maximum building height is 45-ft within the C-G-1 zone district. The applicant has not provided elevations to demonstrate building height, but will be expected to meet this standard during permitting through the City of Knoxville.

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

A. There are other eating and drinking establishments with drive-through facilities in the area, including a Subway which is located on the adjacent parcel to the east. There is also a bank with a drive through to the west across S. David Lane.

B. The proposed structure is for 950-sqft building with a drive-through facility for a Dutch Brothers Coffee.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS

DETRACT FROM THE IMMEDIATE ENVIRONMENT.

A. The proposed drive-through facility will not significantly injure the value of adjacent property or detract from the immediate environment, the adjacent properties are primarily a mix of commercial and office uses, also with drive-through facilities.

B. The subject property is required to comply with Article 10 of the City of Knoxville Zoning Ordinance, which regulates impacts. Section 10.2 regulates lighting, while noise, dust and pollution, odors, fire hazards, and other similar concerns are regulated in Section 10.5.

C. The landscape plan as submitted by the applicant will require an alternative landscape design review, as per Article 12.2.D

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

A. The proposed drive-through facility is at an intersection along the commercial corridor of Kingston Pike and is surrounded by commercial and office uses. It is not anticipated to draw substantial traffic through residential streets.

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

A. There are no known uses immediately surrounding the subject site that pose a potential hazard or undesirable environment for the proposed use.

**Action:** Approved **Meeting Date:** 11/10/2022

**Details of Action:**

**Summary of Action:** Approve the request for a drive-through facility in the C-G-1 zoning district, subject to 7 conditions.

**Date of Approval:** 11/10/2022 **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:**