

# CASE SUMMARY

## APPLICATION TYPE: USE ON REVIEW



**File Number:** 11-B-24-UR

**Related File Number:**

**Application Filed:** 9/30/2024

**Date of Revision:**

**Applicant:** TOMMY HUNT

### PROPERTY INFORMATION

**General Location:** Northeast side of Concord Rd, north side of Second Dr

**Other Parcel Info.:**

**Tax ID Number:** 153 03703 (PART OF)

**Jurisdiction:** County

**Size of Tract:** 4.85 acres

**Accessibility:** Access is via Concord Road, a major arterial street with a center median and a pavement width of 26 ft within a 105-ft right-of-way. Access is also via Second Drive, a local street with a 15-ft pavement width within a 40-ft right-ofway.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Agriculture/Forestry/Vacant Land

**Surrounding Land Use:**

**Proposed Use:** Fueling station and restaurant

**Density:**

**Planning Sector:** Southwest County **Plan Designation:** SMR (Suburban Mixed Residential)

**Growth Policy Plan:** Farragut Urban Growth Boundary

**Neighborhood Context:** This is a forested area with a mix of uses. A wastewater treatment facility is across the street to the west and a small cemetery abuts this property to the east. The area to the east predominantly consists of single family detached residential subdivisions with fairly small lot sizes. The Tennessee River and Concord Park lie just to the south of this property.

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

**Street:** 1025 CONCORD RD

**Location:**

**Proposed Street Name:**

**Department-Utility Report:**

**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** CN (Neighborhood Commercial)

**Former Zoning:**

**Requested Zoning:**

**Previous Requests:**

**Extension of Zone:**

**History of Zoning:** The property was rezoned in 2004 from RA (Low Density Residential) to CN (Neighborhood Commercial) (6-F-04-RZ).

### PLAN INFORMATION (where applicable)

Current Plan Category: N/A (Outside City Limits)

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: Mike Reynolds

Staff Recomm. (Abbr.): Approve the requested fuel station and restaurant, subject to 11 conditions to ensure the proposed use is consistent with development standards for uses permitted on review.

Staff Recomm. (Full):

- 1) There shall be no more than four (4) gas pumps (dispensers) with no more than two (2) points of sale per gas pump.
- 2) Before grading permits are issued, a revised landscape plan must be submitted to and approved by Planning staff and tree protection fencing must be installed as proposed on the landscape plan (sheet L101). The revised landscape plan must include the following:
  - (a) The healthy, mature trees to be retained along the east property line must be located and labeled on the landscape plan, including their size (diameter at breast height) and species.
  - (b) A landscape architect must provide written documentation explaining how the existing trees and new vegetation meet the intent of the CN zone's landscape screening requirement.
  - (c) Additional information may be required by Planning and Knox County Engineering and Public Works staff to confirm compliance with these conditions.
- 3) Implementing the recommendations of the EZ Stop Concord Road Transportation Impact Study (TIS) by Cannon & Cannon, 5/23/2024, as required by Knox County Engineering and Public Works, Town of Farragut, and Tennessee Department of Transportation (TDOT) (see Exhibit B). The improvements required to be implemented will be determined during permitting. A Memorandum of Understanding with Knox County Engineering and Public Works may be required for the work within Knox County right-of-way, per Chapter 54, Article V of the Knox County Code (Ord. O-23-4-102).
- 4) The widening of Second Drive east of the driveway shall be tapered to the existing condition as close to the proposed driveway as possible, with review and approval by Knox County Engineering and Public Works during permitting.
- 5) Obtaining all necessary permits from the Town of Farragut and TDOT.
- 6) Installing a sidewalk on Second Drive and the on-site sidewalks to the business entrances from the Second Drive and Concord Road sidewalks.
- 7) All lighting must meet the following standards unless otherwise required by a life and safety codes:
  - (a) All light fixtures shall be full cut off and installed with the light source perpendicular to the support structure or otherwise parallel to the ground if mounted to the underside of a roof or canopy. Lights on the underside of the fuel canopy must be fully recessed or, if flush mounted, have opaque (solid) sides so the light shines straight down.
  - (b) All pole and building mounted lights within 100 ft of the rear (east) lot line with a height 15 ft or more from the finished grade must provide shields oriented toward the residential uses and cemetery to the northeast, east, and southeast.
- 8) Meeting all applicable requirements of Knox County Engineering and Public Works.
- 9) Meeting the requirements of the Knox County Zoning Ordinance, including but not limited to the standards of the CN (Neighborhood Commercial) zone (Article 5.38) and Signs, billboards, and other advertising structures (Article 3.90).
- 10) Obtaining all necessary permits from the Tennessee Department of Environment and Conservation.
- 11) A preliminary archaeological survey, which could include ground-penetrating radar, review of relevant archives, and other physical investigation prior to disturbance.

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

Comments: The Planning Commission reviewed a similar proposal from the same applicant in June 2024 (6-B-24-

UR). The Planning Commission's approval was appealed to the Knox County Board of Zoning Appeals. The appeal was approved, overturning the Planning Commission's approval, based on the determination that no building can be larger than 5,000 sqft. A fire wall does not create separate structures.

The changes to the plan include the following:

- a) Removed the drive-through facility.
- b) Added a walk-up order window on the left (north) side of the building.
- c) Reduced the size of the building from 7,715 sqft to 4,975 sqft.
- d) Reduced the area dedicated to the restaurant from 3,115 sqft to approximately 500 sqft.

DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 - SECTION 2). The Planning Commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the comprehensive plan and the following general standards:

1) THE USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE COMPREHENSIVE PLAN.

- A. The property's place type designation is SMR (Suburban Mixed Residential). Commercial is listed as a secondary use. The primary uses are single-family and attached residential. Buildings should be between 1 and 3 stories tall and setback 20-30 feet from streets. The automobile is the primary form of transportation.
- B. The CN zone's landscaping standards are consistent with the recommendations of policy #2 of the Comprehensive Plan, which ensures development is sensitive to existing community character by creating a buffer between land uses.
- C. The CN zone requires that site lighting be directed away from all residential and agricultural zones and any public right-of-way. To further policy #2's recommendations, staff recommends that light fixtures mounted 15 ft or more front the finish grade have shields if within 100 ft of the rear (east) property line.
- D. The CN zone requires sidewalk connections to adjacent residential neighborhoods, consistent with action item #4.2 of the Comprehensive Plan recommending pedestrian connectivity between developments.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE

- A. The CN (Neighborhood Commercial) zone is intended to provide the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for the recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.
- B. The fuel station and restaurant are listed as "uses permitted on review" in the CN zone. There are no specific standards for these uses within the CN or the supplemental regulations in Article 4 of the Knox County Zoning Ordinance.
- C. The CN zone permits individual buildings or commercial establishments that are no more than 5,000 sqft. The building is less than 5,000 sqft.
- D. There are no specific standards for the appropriate number of gas pumps within the CN zone in the Knox County Zoning Ordinance. Staff is recommending a reduction of the # of gas pumps proposed to ensure consistency with the intent of the CN zone and compatibility with adjacent residential uses.
- E. The CN zone has landscaping standards for parking areas and side and rear yards. The applicant proposes retaining mature vegetation along the eastern property boundary to count toward the required landscaping. Staff recommends a condition that the vegetation to remain be protected and labeled on the landscaping plan, and the proposed landscape plan must meet the CN zone standards.

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. The one-story building height and setback from the east property line are compatible with the area.
- B. With the recommended conditions, the proposed uses are compatible with the character of the area.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY.

- A. The fuel station could have noise, lights, fumes, or odors that are a nuisance to nearby residential uses.
- B. The recommended conditions of approval will help mitigate any significant impacts on adjacent properties.

5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.

- A. The development plan proposes a full access driveway to Second Drive and to widen Second Drive

to 20 ft from Concord Drive to the eastern boundary of the subject site.

B. To discourage traffic from going through the historic Concord Village neighborhood, the applicant proposes signage to discourage left turns onto Second Drive, except for local traffic. In addition, staff recommends tapering the Second Drive pavement width to its current condition as close as possible to the east side of the proposed driveway. The existing, narrower road width indicates that you are leaving the commercial area.

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 in the area that could be a potential hazard or create an undesirable environment for the proposed uses within the development.

**Action:** Approved with Conditions **Meeting Date:** 12/12/2024

**Details of Action:** Approve the requested fuel station and restaurant, subject to 11 conditions to ensure the proposed use is consistent with development standards for uses permitted on review, with condition #1 of the staff report revised to allow up to seven (7) pumps with two (2) points of sale each.

**Summary of Action:** Approve the requested fuel station and restaurant, subject to 11 conditions to ensure the proposed use is consistent with development standards for uses permitted on review, with condition #1 of the staff report revised to allow up to seven (7) pumps with two (2) points of sale each.

**Date of Approval:** 12/12/2024 **Date of Denial:** **Postponements:** 11/14/2024

**Date of Withdrawal:** **Withdrawn prior to publication?:** ☐ **Action Appealed?:**

### ***LEGISLATIVE ACTION AND DISPOSITION***

**Legislative Body:** Knox County Board of Zoning Appeals

**Date of Legislative Action:** 2/26/2025 **Date of Legislative Action, Second Reading:**

**Ordinance Number:** **Other Ordinance Number References:**

**Disposition of Case:** Appeal denied **Disposition of Case, Second Reading:**

**If "Other":** **If "Other":**

**Amendments:** **Amendments:**

An additional condition was added to require a curbed island and a sign to prevent left turns onto Second Drive.

**Date of Legislative Appeal:** **Effective Date of Ordinance:**