

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 12-B-23-UR **Related File Number:**
Application Filed: 10/27/2023 **Date of Revision:**
Applicant: TOM GASS

PROPERTY INFORMATION

General Location: W. side of N. Cedar Rd., N. of Dutchtown Rd.
Other Parcel Info.:
Tax ID Number: 119 H F 014 **Jurisdiction:** County
Size of Tract: 0.82 acres
Accessibility: Access is via N Cedar Bluff Road, a major arterial street with 4 lanes and a center turning lane and 60 ft of pavement width within 80 ft of right of way. The site's driveway aligns with Fox Lonas Drive, a minor collector street to the east, which has a traffic signal at its intersection with N Cedar Bluff Road.

GENERAL LAND USE INFORMATION

Existing Land Use: Agriculture/Forestry/Vacant Land
Surrounding Land Use:
Proposed Use: Eating establishment with a drive-through facility **Density:**
Sector Plan: Northwest County **Sector Plan Designation:** NC (Neighborhood Commercial)
Growth Policy Plan: Planned Growth Area
Neighborhood Context: This area of N. Cedar Bluff Road has been developed with office and residential uses, as well as a large church campus. Most commercial development along N. Cedar Bluff Road has occurred south of Dutchtown Road and to the north near the intersection with Middlebrook Pike.

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

Street: 513 N CEDAR BLUFF 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: This property was rezoned from OA to CN in 2006 (6-J-06-RZ).

PLAN INFORMATION (where applicable)

Current Plan Category: NC (Neighborhood 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: Mike Reynolds

Staff Recomm. (Abbr.): Approve the requested restaurant with a drive-through facility comprising approximately 1,820 square feet of floor area, subject to 7 conditions.

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
2. Connection to sanitary sewer and meeting any other relevant requirements of the utility provider.
3. Meeting all applicable requirements of the Knox County Zoning Ordinance, including but not limited to signage and landscaping.
4. Evaluate the traffic signal phasing during the permitting phase. The scope of the study will be determined by Knox County Engineering and Public Works (Knox County EPW) and must be completed and submitted by the applicant. The applicant is responsible for implementing the required modifications unless otherwise agreed upon by Knox County EPW.
5. Confirm compliance with the CN (Neighborhood Commercial) zone landscaping standards during the permitting phase, with review and approval by Planning staff. All landscaping must be installed 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.
6. Meeting the lighting standards in the supplemental regulations (Section 4.10.10. - Outdoor lighting) and the CN (Neighborhood Commercial) zone (Section 5.38.14 – Site lighting). All site lighting shall use full cut-off fixtures. Site lighting includes lights meant to illuminate a large area, such as pole-mounted lights for parking lots and wall-mounted wall pack lights, and does not include accent lighting, such as string lights and wall sconces. A site lighting plan must be reviewed and approved by Planning staff before building permits are issued.
7. Obtaining all necessary permits from the Tennessee Department of Environment and Conservation for utilizing the sinkhole for stormwater discharge.

With the conditions noted, this plan meets the requirements for approval of a restaurant with a drive-through facility in the CN (Neighborhood Commercial) zone and the criteria for approval of a use on review.

Comments: This proposal is a restaurant with a drive-through facility with approximately 1,820 sq ft of floor area. This restaurant only sells ice cream and does not have indoor seating. The CN zone lists restaurants and drive-through facilities as different uses that require use on review approval by the Planning Commission. Since this is a restaurant that has a drive-through facility, the two uses are being considered as one with this review.

BACKGROUND

In 1988 and 1994, requests to rezone the property from A (Agricultural) to CA (General Business) were denied. In 1994, a request for OB (Office, Medical, and Related Services) was modified and approved for OA (Office Park) zoning. In 2006, a request to rezone to CN was approved, and in 2009, a restaurant with a drive-through facility was approved but never constructed (Popeye's Louisiana Chicken).

The Planning Commission approved a Use on Review request for this applicant in March 2023 (3-C-23-UR). During the permitting process, the amount of change to the site design was too significant for administrative approval by Planning staff. The size of the restaurant has not changed.

LANDSCAPING

The CN zone requires landscaping along all road frontages, parking lots with over 20 spaces, along 50 percent of exterior building elevations, and screening when adjacent to residential zoning. The

properties to the west (rear) and north (side) are residentially zoned because they are zoned A (Agricultural). The property to the west is the Gulf Park community pool, and to the north is a driveway for the community pool.

The front yard is required to have 1 shade tree capable of reaching 50 ft tall at maturity per 60 ft of linear street frontage. There are overhead utility lines that restrict the planting of shade trees in the required front yard. Because of this, the applicant will be allowed to substitute small, ornamental trees that can be planted near overhead power lines, but they must be placed with the same spacing requirement as the shade trees, with other landscaping plantings between the trees as otherwise required.

SITE LIGHTING

A site lighting plan has not been provided, but the development must meet the lighting standards for the CN zone and the supplemental regulations (Section 4.10.10) of the zoning ordinance. Both of these standards are very similar, but the result of applying both standards is that lighting must be directed away from adjacent residential properties and any public right-of-way. When adjacent to residential property, the light source must be shielded.

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 general plan and the following general standards:

1) THE PROPOSED USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.

A. The Northwest County Sector Plan recommends the NC (Neighborhood Commercial) land use classification for this site. The CN zone is recommended in this land use classification.

B. General Plan Policies:

Policy 8.2 -- Locate neighborhood commercial so that it will enhance, rather than hinder, the stability of residential areas. – The site is located on the edge of the residential neighborhood and has access directly to N. Cedar Bluff Drive.

Policy 8.12 -- When commercial uses abut residential property, ordinance provisions or use-on-review conditions requiring fencing, landscaping screens, earth berms, height restrictions, and/or deeper than usual building setbacks can improve land use transitions. – These provisions are codified in the CN zoning standards.

Policy 9.9 -- Encourage village centers as the preferred form of retail development, and use the neighborhood commercial zones to provide day-to-day services near residential areas. – Restaurants are a type of service-oriented commercial use. The drive-through facility is appropriate at this location because it is at a signal-controlled intersection.

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.

B. The proposed restaurant serves frozen custard.

C. The CN zone permits individual buildings or commercial establishments that are no more than 5,000 sqft. The proposed building is less than 5,000 sqft.

D. The CN zone has landscaping standards for parking areas and side and rear yards. The proposed landscape plan meets the intent of the CN zone standards.

E. The CN zone requires that site lighting be directed away from residential and agricultural zones and any public right-of-way. The attached plans do not show the site lighting, but this must be provided and verified during the permit review phase.

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 proposed one-story building height and setbacks from the lot lines are compatible with the area.

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

A. The intent of the CN zone is to allow neighborhood-oriented uses near established residential areas but also require developments to adhere to standards that maximize compatibility between commercial uses and adjacent residential uses.

B. The adjacent A (Agricultural) zoned property is used for a community pool. Uses to the south include a parking lot and an office building. The proposed development is not expected to significantly injure the value of adjacent property.

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

A. This site is accessed from N. Cedar Bluff Drive at an intersection with a traffic signal.

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 is a sinkhole on the southwest portion of the property, and there have been flooding events in this area. The TN Department of Environment and Conservation (TDEC) must approve use of the sinkhole for stormwater discharge, and the finished floor elevation must be higher than the flood elevation, per the requirements of Knox County Engineering and Public Works.

B. Other than as noted above, 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:** 12/14/2023

Details of Action:

Summary of Action: Approve the requested restaurant with a drive-through facility comprising approximately 1,820 square feet of floor area, subject to 7 conditions.

Date of Approval: 12/14/2023 **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: