

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 12-D-21-UR **Related File Number:**
Application Filed: 10/25/2021 **Date of Revision:**
Applicant: TOMMY HUNT CALLOWAY HUNT REAL ESTATE

PROPERTY INFORMATION

General Location: North side of Schaad Road, east side of Johnson Road
Other Parcel Info.:
Tax ID Number: 92 01201 **Jurisdiction:** County
Size of Tract: 2.69 acres
Accessibility: Access is via Johnson Road, a local street with a 15.5-ft pavement width within a 50-ft wide right-of-way. Access is also via Schaad Road, a 4-lane median separated minor arterial with a pavement width of 100 ft within a right of way width of 112 ft.

GENERAL LAND USE INFORMATION

Existing Land Use: RR (Rural Residential)
Surrounding Land Use:
Proposed Use: Convenience store with a gas station and a restaurant with drive-through service **Density:**
Sector Plan: Northwest County **Sector Plan Designation:** NC (Neighborhood Commercial)
Growth Policy Plan: Urban Growth Area
Neighborhood Context: This area is primarily single family residential, rural residential and agriculture/forestry/vacant lands. It is in close proximity to Amherst Elementary School and identified as a neighborhood commercial node on the Northwest County Sector Plan.

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

Street: 3216 Johnson 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: Rezoned from A (Agricultural) to CN (Neighborhood Commercial) in 2020 (Case 5-C-20-RZ). A request to rezone the property from A to PC (Planned Commercial) was denied by the Planning Commission (Case 6-L-19-RZ) and withdrawn at County Commission.

PLAN INFORMATION (where applicable)

Current Plan Category:

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: Michelle Portier

Staff Recomm. (Abbr.): APPROVE the request for a convenience store that is approximately 6,472 sq ft with an internal restaurant with a drive-through facility, and a fuel station with 16 gas pump stations, subject to 6 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.Implementing the recommendations of the E-Z Stop Food Mart Transportation Impact Study (Cannon & Cannon, Revised 11/22/2021), as revised and approved by Planning Commission staff and Knox County Engineering and Public Works (see Exhibit A).
5.Working with Knox County Department of Engineering and Public Works on the traffic signal installation at such time as deemed necessary.
6.Installation of all landscaping as shown on the development plan 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.

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

Comments: This proposal will consist of a 6,472 square foot convenience store with a gas station and a restaurant with a drive-thru window located at the intersection of Johnson Road and Schaad Road. The gas station will have 16 pump locations and is located on the southeast side of the property between the building and Schaad Road. The restaurant is separate from the convenience store and will have indoor seating and a kitchen with a drive-through window.

There are three proposed driveways for the development, two right-in/right-out driveways on Schaad Road and a full-access driveway on Johnson Road.

The E-Z Stop Food Mart Transportation Impact Study (Cannon & Cannon, Revised 11/22/2021) was prepared to evaluate the traffic, operational, and safety impacts of the proposed development upon roadways in the vicinity of the site. The TIS recommended three improvements to the external street system – installation of a traffic signal at the intersection of Schaad Road and Johnson Road, an exclusive left turn lane on the southbound Johnson Road approach to Schaad Road, and a right turn lane on Schaad Road for the development’s right-in/right-out driveway. The traffic signal would be installed at a later time determined by the Knox County Department of Engineering and Public Works. Engineering would install the signal, but it would be funded by the applicant.

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 NC (Neighborhood Commercial) uses for this site which includes retail and service-oriented commercial uses intended to provide goods and services that serve the day-to-day needs of households, within a walking or short driving distance.
- B. The NC location criteria state that automobile-oriented uses (e.g. gas stations or convenience stores) should be located on arterial streets at the edge of neighborhoods. Schaad Road is a minor arterial street.
- C. The proposed use is consistent with the general plan and sector plan.

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, restaurant, and drive-through facility are 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 sq. ft. Each use is below the maximum allowed. The convenience store is approximately 4,609 sq. ft. and the restaurant is approximately 1,863 sq. ft.
- D. The CN zone has landscaping standards for parking areas and side and rear yards. The proposed landscape plan meets 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 must be provided during permit review.

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 southeast property line are compatible with the area.
- B. Amherst Elementary is approximately 450 ft. to the southwest. Surrounding development includes vacant land and single family residences.
- C. The proposed use would be located at a commercial node to be utilized by surrounding residential uses.
- D. Schaad Road is lined with vacant land, various commercial uses clustered together, and single family residences along its length. The proposed use is compatible with this pattern of development.

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

- A. The development contains the landscape screening required in the CN zone, which is more robust than the typical landscape screen requirements. This should help buffer the residential lots from the potential adverse impacts of the commercial use, such as noise, lights, fumes, or odors.

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

- A. The development has access to Schaad Road, which is a major arterial street. The Johnson Road entry/exit is near the intersection with Schaad Road.

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 this development.

Action: Approved as Modified **Meeting Date:** 12/9/2021

Details of Action: 1. Approve per staff recommendation, with additional conditions related to the handout submitted by Mr. Murphy at the meeting: #7, installation of an opaque, 6 ft. fence; and to require a lighting plan to be submitted at the time of permitting that addresses #11 subitems a, b, c and d:
 a) house-side shields be installed on lights directly visible from adjacent residences;
 b) maximum vertical illuminance at the property lines be no more than 0.10 footcandles as calculated on vertical planes running parallel to the lighting boundary, with the normal to each plane oriented toward the property and perpendicular to the lighting boundary, extending from grade level to 33 feet (10 meters) above the height of the highest luminaire;
 c) maximum allowable horizontal illuminance levels at grade level around the pump islands and under field canopies to no more than 20 footcandles;
 d) maximum allowable horizontal illuminance levels at grade levels for parking lot and other areas to no

more than 7.5 footcandles.

Summary of Action:

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d) maximum allowable horizontal illuminance levels at grade levels for parking lot and other areas to no more than 7.5 footcandles.

Date of Approval:

12/9/2021

Date of Denial:

Postponements:

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:

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: