

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 request for a convenience store that is approximately 4,088 sqft with an internal restaurant with a drive-through facility, and a fuel station with 10 gas pump locations, subject to 5 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 Shipetown Square Transportation Impact Study (Fulghum MacIndoe, Revised 2/22/2021), as revised and approved by Planning Commission staff and Knox County Engineering and Public Works (see Exhibit A).
5. 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 4,088 SF convenience market with 10 gas station pump locations and an internal fast food restaurant with a drive-thru window and no indoor seating, located at the intersection of Rutledge Pike at Roberts Road and Shipetown Road. There is also approximately 3,340 SF of retail shops located behind the rear of the lot. There are two proposed driveways for the development; a right-in/right-out driveway on Rutledge Pike and a full-access driveway on Shipetown Road.

The Shipetown Square Transportation Impact Study (Fulghum MacIndoe, Revised 2/22/2021) was prepared to address the impact of the proposed development on Rutledge Pike and Shipetown Road (see Exhibit A). The driveway design recommendations were incorporated into the site design. There were no recommended improvements to the external street system. TDOT and Knox County have a pending project to improve the Rutledge Pike and Shipetown Road intersection with an expected completion date of 2024 (see Exhibit A, Attachment 4). The intersection improvements include signalization and turn lanes.

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 Northeast 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. Rutledge Pike is a major arterial street.

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 sqft. The convenience store/restaurant is approximately 4,088 sqft and the retail shops building is approximately 3,189 sqft.

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. There is one-story retail establishments to the northeast and southwest.

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 retail shops are located near the southeast which should help buffer the fuel station from the residential, as well as the required landscape screening. The fuel station will also be at a lower elevation which will help reduce the potential for lighting to be a nuisance to the nearby residential uses.

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

A. The development has access to Rutledge Pike which is a major arterial street.

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 **Meeting Date:** 3/11/2021

Details of Action:

Summary of Action: APPROVE the request for a convenience store that is approximately 4,088 sqft with an internal restaurant with a drive-through facility, and a fuel station with 10 gas pump locations, subject to 5 conditions.

Date of Approval: 3/11/2021 **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:**