

# CASE SUMMARY

APPLICATION TYPE: SPECIAL USE



**File Number:** 4-D-23-SU                      **Related File Number:**  
**Application Filed:** 2/23/2023                      **Date of Revision:**  
**Applicant:** TACO BELL OF AMERICA, LLC (ROBERT SULLIVAN)

## PROPERTY INFORMATION

**General Location:** North side of Kingston Pike, west of Westwood Rd  
**Other Parcel Info.:**  
**Tax ID Number:** 121 B B 035                      **Jurisdiction:** City  
**Size of Tract:** 1.02 acres  
**Accessibility:** Access is via Kingston Pike, a major arterial with a pavement width of 55-ft within a right-of-way width ranging from 62 to 80-ft.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Commercial  
**Surrounding Land Use:**  
**Proposed Use:** Restaurant with drive-through facility                      **Density:**  
**Sector Plan:** West City                      **Sector Plan Designation:** MU-SD (Mixed Use Special District)  
**Growth Policy Plan:** N/A (Within City Limits)  
**Neighborhood Context:** This property is adjacent to the Bearden Elementary School campus and the Bearden Village Greenway runs along the north boundary. The development in the area include a mix of commercial and office along Kingston Pike, and low-density residential to the north.

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

**Street:** 5613 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:** MU-SD (Mixed Use Special District)

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 drive-through facility in the C-G-1 zoning district, subject to 6 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, including the Class B buffer yard required by the principal use standards for drive-through facilities (Article 9.3.F.5). The proposed landscape plan requires Alternative Landscape Design (ALD) approval because the required 20 ft width is not provided in all locations where it is required. If the ALD is not approved, the site design must be modified to accommodate the required buffer width and may require a new Special Use approval if the site design changes significantly.
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.

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

Comments:

This is a proposal to construct a drive-through facility for a new restaurant at this site. There are two existing structures; a large multi-tenant commercial building and a small single-tenant building. The larger building is proposed to be demolished, and the new parking lot will accommodate parking for the small commercial building as well as the new restaurant. The parking between the small building and Kingston Pike can be removed.

To the rear of the subject site are the Bearden Elementary School campus, Bearden Village Greenway, and the Century Court / Westwood residential neighborhoods. The subject site is approximately 10 ft lower in elevation than the referenced uses to the rear, which will help buffer the drive-through use from those properties. In addition, the principal use standards for drive-through facilities require a Class B buffer yard and a 6 to 8-ft tall opaque wall or fence when abutting a residential district, a public park, or a primary or secondary educational facility. The lower site and the required landscape buffer yard and fencing will help lessen nuisance issues from light and noise to nearby properties.

This section of Kingston Pike is congested and can be challenging to turn left onto when not at a controlled intersection. A transportation impact letter was provided by the applicant to evaluate the access point to Kingston Pike, as requested by staff (see Exhibit B). The study concludes that there are no horizontal or vertical intersection sight distance deficiencies when a driver is looking in both directions on Kingston Pike. No other deficiencies were identified.

An access to Bearden Elementary is along the western lot line of the subject property. The driveway for the proposed use is on the opposite side of the subject property, which will help reduce conflicts.

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

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

A. The One Year Plan and Sector Plan designation for this parcel is MU-SD, WC-1 (Bearden Village). This special mixed use district references the Bearden Village Opportunities Plan (2001), which recommends transitioning the Bearden area to a more pedestrian-oriented, mixed-use district. The recommendations for pedestrian-oriented development, however, were centered around the Homberg Place area to the east. The subject property is in the "Kingston Pike Commercial Corridor", which

recommends orienting buildings toward the sidewalk with parking to the rear, incorporate a mix of uses, tree plantings along sidewalks and within parking lots, and reduce parking requirements (see Exhibit A). Since 2001, the zoning code has been updated and the tree plantings and reduced parking have been codified. The structure is oriented toward the street, as recommended, but the parking is to the side of the structure and the exit of the drive-through lane passes between the front of the building and Kingston Pike.

**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. With the recommended conditions, the drive-through facility meets the principal use standards for drive-through facilities (Article 9.3.F).

**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 1-story structure is consistent with the other 1-story structures on this block of Kingston Pike.

B. Three other auto-oriented commercial businesses are on the same blockface; two auto-repair facilities and a car wash.

**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 use 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 subject site is approximately 10 ft lower than the properties to the rear, and a Class B buffer yard and opaque fence or wall are required along the rear lot line and a portion of the west lot line.

**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 only has access to Kingston Pike. The site does not have direct access to the residential area to the rear.

**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. No known uses immediately surround the subject site that poses a potential hazard or undesirable environment for the proposed use.

**Action:** Approved with Conditions **Meeting Date:** 5/11/2023

**Details of Action:**

**Summary of Action:** Approve the request for a drive-through facility in the C-G-1 zoning district, subject to 6 conditions.

**Date of Approval:** 5/11/2023 **Date of Denial:** **Postponements:** 4/19/2023

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:** 5/19/2023

## **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knoxville City Council

**Date of Legislative Action:** 6/27/2023

**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:**