

# CASE SUMMARY

APPLICATION TYPE: SPECIAL USE



**File Number:** 5-E-21-SU                      **Related File Number:**  
**Application Filed:** 3/29/2021              **Date of Revision:**  
**Applicant:** MARK A. BIALIK, PE / GBS ENGINEERING

## PROPERTY INFORMATION

**General Location:** West side of N. Broadway, south of Highland Dr.  
**Other Parcel Info.:**  
**Tax ID Number:** 58 N B 017                      **Jurisdiction:** City  
**Size of Tract:** 26000 square feet  
**Accessibility:** Access is via N. Broadway, a major arterial with 75-ft pavement width within 87-ft of right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** O (Office)  
**Surrounding Land Use:**  
**Proposed Use:** Drive-through facility                      **Density:**  
**Sector Plan:** North City                      **Sector Plan Designation:** GC (General Commercial / F (Floodway)  
**Growth Policy Plan:** N/A  
**Neighborhood Context:** N. Broadway is a major commercial corridor developed primarily with office and commercial uses in the C-G-2 zone. This area is a commercial node near the intersection of N. Broadway and Highland Drive. The Highland Drive neighborhood to the west is predominantly single-family houses zoned EN with exception the Highland Arms Apartments adjacent to the subject site that is zoned O.

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

**Street:** 4919 N. Broadway  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** C-G-2 (General Commercial) / F (Floodplain Overlay)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** When the new zoning ordinance and map became effective on January 1, 2020, the zoning changed from C-3 to C-G-2.

## 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:

Mike Reynolds

Staff Recomm. (Abbr.):

APPROVE the request for a drive-through facility for a restaurant with approximately 638 sqft of floor area, subject to 10 conditions.

Staff Recomm. (Full):

1. Meeting the requirements of the principal use standards for drive-through facilities (Section 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. Meeting the design standards for the C-G-2 (General Commercial) zone (Section 5.4).
4. Installation of landscaping per the requirements of Article 12 (Landscaping) of the City of Knoxville Zoning Ordinance and the Tree Protection Ordinance (Chapter 14, Article II) of the City of Knoxville Code of Ordinances.
5. Providing a turning template showing vehicles can exit the drive-through without conflicting with other vehicles. This is to be review and approved by the City of Knoxville Department of Engineering during permitting.
6. Providing adequate separation between the exit lane of the drive-through and the front property line to allow an exiting vehicle to be perpendicular to N. Broadway before leaving the site, or as otherwise required by the City of Knoxville Department of Engineering during permitting.
7. Obtaining all necessary zoning variances from the City of Knoxville Board of Zoning Appeals.
8. Meeting all applicable requirements of the Knoxville Department of Engineering.
9. Meeting all applicable requirements of the Tennessee Department of Transportation.
10. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.

With the conditions noted above, this request meets the requirements of the C-G-2 zone, the principal use standards for drive-through facilities, and the criteria for approval of a special use.

Comments:

**SUMMARY OF PROPOSAL**

This proposal is for a coffee shop with a drive-through facility. In the C-G-2 (General Commercial) zone, drive-through's require Special Use approval. This specific business, Scooter's Coffee, has no indoor or outdoor seating. More than half of the subject property is within the FEMA floodway and entirely within the 100-year floodplain for First Creek. The finished floor elevation of the proposed building is approximately 4-5 feet higher than the existing building. The parking lot and drive aisles will be constructed of permeable pavers.

**PRINCIPAL USE STANDARDS**

The drive-through facility at Scooter's Coffee must meet the principal use standards of Article 9.3.F. These include standards for the location of the drive-throughs, the number of stacking spaces, the width of the drive-through lane, and screening standards when adjacent to residential. There is also a standard that "all drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on the adjoining street."

**SITE PLAN AND REQUIRED ZONING VARIANCES**

The applicant is proposing a full access driveway to N. Broadway and will retain an open driving surface to the rear of the lot that connects to the properties on either side with access to the two side streets. However, there are no access easements on the adjoining properties so these connections could be restricted at any time.

The N. Broadway driveway is located as proposed because of the on-site vehicular circulation needed for the drive-through facility and the Tennessee Department of Transportation (TDOT) requirement that the driveway is setback from the side lot lines a minimum of 20 feet. The City of Knoxville zoning ordinance requires the driveway on this property to have a minimum corner clearance of 150 feet from

Highland Drive. The proposed corner clearance is approximately 130 feet which will require a variance from the Board of Zoning Appeals.

The C-G-2 zone has a build-to zone of 0 – 20 feet and a build-to percentage of 50 percent, which means at least 50 percent of the building width must be located within 20 feet of the front property line. Because the proposed building is so small and narrow, essentially the entire building needs to be located within the build-to zone. Since the proposed coffee shop is reliant solely on the drive-through facility for sales and the exit lane must wrap around the front of the building, the building must be moved further back on the property to allow enough room for the vehicles to properly maneuver before exiting the site. The proposed building setback is approximately 48 feet from the front property line and will require a variance from the Board of Zoning Appeals. A potential solution is to create two separate one-way accesses to N. Broadway for entering and exiting vehicles. This would allow the building to move forward on the site to meet the build-to zone requirements but the two driveways would not meet TDOT's driveway separation standards.

#### 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 North City Sector Plan designation for this site are GC (General Commercial) which recommends a wide range of retail and service-oriented uses.

B. The entire property is also located in the SP (Stream Protection) area that aligns with the FEMA 500-year floodplain for First Creek. The entire property is located within the 100-year floodplain and a little over half of the property is located within the floodway. The proposed building is located outside of the floodway and the building must be elevated because it is located in the 100-year floodplain. In addition, the riparian buffer zone for First Creek must be restored or a mitigation plan must be presented by the applicant for review and approval by the Director of Engineering.

C. The proposed coffee shop with a drive-through facility is consistent with the adopted plans.

##### 2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.

A. The C-G (General Commercial 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. The C-G District is intended to promote mixed-use development in a pedestrian-oriented environment that recalls the City's traditional business districts, and offers flexibility in the creation of integrated commercial, office and residential spaces. The C-G District is divided into three levels of intensity related to the overall form and design of the development; however, uses are the same across all levels. This zone is intended primarily for indoor commercial uses with limited exceptions per special use approval.

B. A drive-through facility is typically not considered a pedestrian-oriented use. This property is located in an area that does not have a continuous pedestrian network but as part of this development, a sidewalk will be required along the Broadway frontage and the current open vehicular access along the entire N. Broadway frontage will be greatly reduced.

##### 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 buildings that front along N. Broadway in this area are one-story structures on small lots that are setback from the street. The proposed structure is compatible with the size and location of buildings in the vicinity.

B. There is no consistent architectural character in the vicinity of the subject site.

C. There are several auto-oriented businesses in this block of N. Broadway, including vehicle repair, commercial strip centers, banks, and restaurants with drive-throughs.

##### 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. There is a multi-family development to the west of the subject site, on the opposite side of First Creek. The lights from vehicles entering the drive-through could be a nuisance for this use if not properly screened. The applicant does propose installing river birch trees along the creek but a landscape buffer yard with evergreen trees is not required because the multi-family development is zoned O (Office).

##### 5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

A. Additional traffic will not be drawn through residential streets because the property has direct access to 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.

B. The finished floor elevation must be higher than the 100-year floodplain and meet all other requirements of the City of Knoxville Engineering department.

**Action:** Approved

**Meeting Date:** 5/13/2021

**Details of Action:**

**Summary of Action:** APPROVE the request for a drive-through facility for a restaurant with approximately 638 sqft of floor area, subject to 10 conditions.

**Date of Approval:** 5/13/2021

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knoxville City Council

**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:**