

# CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



**File Number:** 6-B-24-UR                      **Related File Number:**  
**Application Filed:** 4/30/2024              **Date of Revision:**  
**Applicant:** TOMMY HUNT

## PROPERTY INFORMATION

**General Location:** Northeast side of Concord Rd, north side of Second Dr  
**Other Parcel Info.:**  
**Tax ID Number:** 153 037 03 (PART OF)                      **Jurisdiction:** County  
**Size of Tract:** 4.69 acres  
**Accessibility:** Access is via Concord Road, a major arterial street with a center median and a pavement width of 26-ft within a 105 ft right-of-way. Access is also via Second Drive, a local street with a 15-ft pavement width within a 40 ft right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Agriculture/Forestry/Vacant Land  
**Surrounding Land Use:**  
**Proposed Use:** Fueling station and restaurant with drive-through                      **Density:**  
**Planning Sector:** Southwest County              **Plan Designation:**  
**Growth Policy Plan:** Farragut Urban Growth Boundary  
**Neighborhood Context:** This is a forested area with a mix of uses. A wastewater treatment facility is across the street to the west and a small cemetery abuts this property to the east. The area to the east predominantly consists of single family detached residential subdivisions with fairly small lot sizes. The Tennessee River and Concord Park lie just to the south of this property.

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

**Street:** 1025 CONCORD 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 RA (Low Density Residential) to CN (Neighborhood Commercial) (the applicant had requested CA) in 2004 (6-F-04-RZ).

**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 requested fuel station, restaurant, and drive-through facility uses, subject to 14 conditions to ensure the proposed use is consistent with development standards for uses permitted on review.

Staff Recomm. (Full):

- 1) Provide a firewall between the retail convenience store and the restaurant so each use is contained within a separate building per the building code.
- 2) There shall be no more than four (4) gas pumps (dispensers) with no more than two (2) points of sale per gas pump.
- 3) Before grading permits are issued, a revised landscape plan must be submitted to and approved by Planning staff and tree protection fencing must be installed as proposed on the landscape plan (sheet L101). The revised landscape plan must include the following:
  - (a) Additional evergreen trees along the eastern portion of the Second Drive frontage to screen the business and site lighting from the residential uses on the south side of Second Drive.
  - (b) The healthy, mature trees to be retained along the east property line must be located and labeled on the landscape plan, including their size (diameter at breast height) and species.
  - (c) A landscape architect must provide written documentation explaining how the existing trees and new vegetation meet the intent of the CN zone's landscape screening requirement.
  - (d) Additional information may be required by Planning and Knox County Engineering and Public Works staff to confirm compliance with these conditions.
- 4) Implementing the recommendations of the EZ Stop Concord Road Transportation Impact Study (TIS) by Cannon & Cannon, 5/23/2024, as required by Knox County Engineering and Public Works, Town of Farragut, and Tennessee Department of Transportation (TDOT) (see Exhibit B). The improvements required to be implemented will be determined during permitting. A Memorandum of Understanding with Knox County Engineering and Public Works may be required for the work within Knox County right-of-way, per Chapter 54, Article V of the Knox County Code (Ord. O-23-4-102).
- 5) The widening of Second Drive east of the driveway shall be tapered to the existing condition as close to the proposed driveway as possible, with review and approval by Knox County Engineering and Public Works during permitting.
- 6) The exit onto Second Drive shall be restricted to right turns only using a curbed island. This condition does not restrict the entry turn movements from Second Drive.
- 7) Obtaining all necessary permits from the Town of Farragut and TDOT.
- 8) Installing a sidewalk on Second Drive and the on-site sidewalks to the business entrances from the Second Drive and Concord Road sidewalks.
- 9) All site lighting that is pole or building mounted shall have a maximum height of 15 ft from the finished grade, excluding the lighting installed on the underside of the gas pump canopy. All light fixtures shall be full cut off and installed with the light source perpendicular to the support structure or otherwise parallel to the ground if mounted to the underside of a roof or canopy.
- 10) The drive-through facility shall be closed between 10:00 p.m. and 6:00 a.m. This does not otherwise apply to the proposed restaurant's operating hours.
- 11) The drive-through outdoor speaker(s) shall meet the following operational standards:
  - (a) Specified to have a sound output of 75 (seventy-five) decibels (dB) or less. Speaker specifications are to be submitted with site plans demonstrating the speaker output.
  - (b) Located to allow vehicles to pull up parallel to and within 2 ft of the speaker box.
  - (c) Utilize automatic volume control (AVC) technology to reduce sound output related to ambient noise. Drive-through speaker specifications shall be submitted with site plans demonstrating compliance.
  - (d) Demonstrate that anticipated noise levels shall not register more than 65 dB at the property line in common with a residential land use or zone. Noise reduction methods should be utilized to achieve this sound level if it cannot be achieved without mitigation efforts.

- 12) Meeting all applicable requirements of Knox County Engineering and Public Works.
- 13) Meeting the requirements of the Knox County Zoning Ordinance, including but not limited to the standards of the CN (Neighborhood Commercial) zone (Article 5.38) and Signs, billboards, and other advertising structures (Article 3.90).
- 14) Obtaining all necessary permits from the Tennessee Department of Environment and Conservation.

**Comments:**

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 comprehensive plan and the following general standards:

1) THE USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE COMPREHENSIVE PLAN.

A. The property's place type designation is SMR (Suburban Mixed Residential). Commercial is listed as a secondary use. The primary uses are single-family and attached residential. Buildings should be between 1 and 3 stories tall and setback 20-30 feet from streets. The automobile is the primary form of transportation.

B. The CN zone's landscaping standards are consistent with the recommendations of policy #2 of the Comprehensive Plan, which ensures development is sensitive to existing community character by creating a buffer between land uses (policy #2).

C. The CN zone requires that site lighting be directed away from all residential and agricultural zones and any public right-of-way. To further policy #2's recommendations, staff recommend that all pole and building-mounted site lighting have a maximum height of 15 feet.

D. The CN zone requires sidewalk connections to adjacent residential neighborhoods, consistent with action item #4.2 of the Comprehensive Plan recommending pedestrian connectivity between developments.

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 is approximately 4,600 sqft, and the restaurant is approximately 3,115 sqft (7,715 sqft combined). Staff recommends that the two uses be separated by a firewall so that each business space is considered a separate building per the building code and meets the requirements of the CN zone.

D. There are no specific standards for the appropriate number of gas pumps within the CN zone in the Knox County Zoning Ordinance. Staff is recommending a reduction of the # of gas pumps proposed to ensure consistency with intent of CN zone and compatibility with adjacent residential uses.

E. The CN zone has landscaping standards for parking areas and side and rear yards. The applicant proposes to retain existing, mature vegetation along the eastern property boundary to count toward the required landscaping. Staff recommends a condition that the vegetation to remain be protected and labeled on the landscaping plan, and the proposed landscape plan must meet the CN zone standards.

F. 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 east property line are compatible with the area.

B. With the recommended conditions, the proposed uses are compatible with the character of the area.

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 recommended conditions of approval will help to mitigate any significant impacts to adjacent properties.

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

A. The development plan proposes a full access driveway to Second Drive and to widen Second Drive to 20 ft from Concord Drive to the eastern boundary of the subject site.

B. To discourage traffic from going through the historic Concord Village neighborhood, staff recommends restricting vehicles exiting the subject site onto Second Drive to a right turn only, towards Concord Drive, and tapering the Second Drive pavement width to its current condition as close to the east side of the proposed driveway as possible. The existing, narrower road width indicates that you are leaving the commercial area.

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 with Conditions **Meeting Date:** 7/11/2024

**Details of Action:** Approve the requested fuel station, restaurant, and drive-through facility uses, subject to all conditions listed in the staff report to ensure the proposed use is consistent with development standards for uses permitted on review, with the following revisions: Condition #6 shall be removed, condition #10 shall be modified to reflect the drive-through facility shall be closed between 10:00 p.m. and 5:00 a.m., and an additional condition shall be added to require a preliminary archaeological survey which could include ground-penetrating radar, review of relevant archives, and other physical investigation prior to disturbance.

**Summary of Action:** Approve the requested fuel station, restaurant, and drive-through facility uses, subject to all conditions listed in the staff report to ensure the proposed use is consistent with development standards for uses permitted on review, with the following revisions: Condition #6 shall be removed, condition #10 shall be modified to reflect the drive-through facility shall be closed between 10:00 p.m. and 5:00 a.m., and an additional condition shall be added to require a preliminary archaeological survey which could include ground-penetrating radar, review of relevant archives, and other physical investigation prior to disturbance.

**Date of Approval:** 7/11/2024 **Date of Denial:** **Postponements:** 6/13/2024

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:** 8/12/2024

## **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Board of Zoning Appeals

**Date of Legislative Action:** 8/28/2024

**Date of Legislative Action, Second Reading:**

**Ordinance Number:** 24-Z0042

**Other Ordinance Number References:**

**Disposition of Case:** Approved

**Disposition of Case, Second Reading:**

**If "Other":**

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**Amendments:**

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Overturned the Planning Commission approval (UOR is denied)

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**