

CASE SUMMARY

APPLICATION TYPE: SPECIAL USE



File Number: 9-B-21-SU **Related File Number:**
Application Filed: 7/26/2021 **Date of Revision:**
Applicant: WES CARRUTHERS

PROPERTY INFORMATION

General Location: West side of Rutledge Pike, south of Timothy Avenue
Other Parcel Info.:
Tax ID Number: 70 L C 001 **Jurisdiction:** City
Size of Tract: 1.38 acres
Accessibility: Access is via Rutledge Pike, a major arterial with a four lane divided median section within a right-of-way of varying width.

GENERAL LAND USE INFORMATION

Existing Land Use: Convenience store with fuel pumps
Surrounding Land Use:
Proposed Use: Drive-Through Facility for an Eating and Drinking Establishment **Density:**
Sector Plan: East City **Sector Plan Designation:** MU-SD, EC-2 (Mixed Use Special District, Employ
Growth Policy Plan: N/A
Neighborhood Context: The property is in the southwest quadrant of the I-40 and Rutledge Pike interchange. The surrounding development includes a mix of commercial uses and vacant land owned by the City of Knoxville.

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

Street: 4315 Rutledge Pk.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: C-G-1 (General Commercial) & HP (Hillside Protection)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: The property was rezoned from C-N to C-G-1 in June 2021 (6-D-21-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 request for a drive-through facility for a restaurant with approximately 1,800 sqft of floor area that is attached to a new convenience store with fuel pumps, subject to 11 conditions.

Staff Recomm. (Full):

Meeting the requirements of the principal use standards for drive-through facilities (Article 9.3.F) and gas stations (Article 9.3.O) of the City of Knoxville Zoning Ordinance.

Meeting the requirements of Article 13 (Signs) of the City of Knoxville Zoning Ordinance.

Meeting the requirements of Article 11 (Off-Street Parking) of the City of Knoxville Zoning Ordinance, including but not limited to providing an accessible route from the main entrance to the public right-of-way and providing terminal islands at the end of parking rows.

Installation of landscaping per the requirements of Article 12 (Landscaping) of the City of Knoxville Zoning Ordinance, including but not limited to the required perimeter landscape yard along the Rutledge Pike frontage (Section 12.5), interior parking lot landscaping (Section 12.6), and site landscaping (Section 12.7).

Implementation of the recommended improvements outlined in the Transportation Impact Study prepared by Cannon & Cannon, Inc. as revised on August 18, 2021, and as required by the City of Knoxville Department of Engineering and Tennessee Department of Transportation (TDOT). The design details and timing of the installation of the improvements shall be worked out with the City of Knoxville Department of Engineering and TDOT during permitting (see Exhibit B).

Acquiring the excess right-of-way south of the property from the Tennessee Department of Transportation where the full access driveway and future parking area are located.

The future parking area shown on the south side of the property may be reviewed and approved by Planning Commission staff and the City of Knoxville Department of Engineering to confirm compliance with the zoning standards. The future parking area was not reviewed as part of this submittal because of the lack of detailed information.

Meeting all applicable requirements of the City of Knoxville Department of Plans Review and Inspections.

Meeting all applicable requirements of the City of Knoxville Department of Engineering.

Meeting all applicable requirements of the Tennessee Department of Transportation.

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-1 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 the replacement of the existing convenience store with fuel pumps and a car wash with a new convenience store with fuel pumps and a restaurant with a drive-through facility. The convenience store structure will be increased in size from approximately 800 sqft to 5,000 sqft, however, this includes the 1,800 sqft restaurant and shared facilities like restrooms. The number of fuel pump islands will remain unchanged. The building will be centrally located on the site and the drive-through facility will wrap around the rear of the building with the menu board to the rear and the payment and service windows on the left (south) side of the building. The adjacent properties to the rear include commercial businesses and vacant land that is owned by the City of Knoxville.

PRINCIPAL USE STANDARDS

The drive-through facility must meet the principal use standards of Article 9.3.F. and the gas station must meet the principal use standards of Article 9.3.O. The drive-through standards include 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. The gas station standards include setbacks for the gasoline pump islands and canopy. The proposed facility meets the principal use standards.

SITE PLAN

To accommodate the expanded retail and new restaurant structure and the drive-through facility, previously closed right-of-way that surrounds the property is being incorporated into the lot and the property owner is in discussions with TDOT to acquire excess right-of-way where the proposed full access driveway is proposed and future parking area is shown on the plan. A retaining wall will be constructed around the property that has a maximum height of approximately 22-ft. There are two commercial structures on the adjacent property to the north that are constructed close to the shared lot line. The retaining wall behind these structures will be 16-18 feet tall.

The parking lot has a proposed 6-ft setback from the Rutledge Pike right-of-way line, however, the minimum setback is 10-ft since the vehicular use area on the property is greater than 20,000 sqft. Terminal islands with 1 tree are also required at the end of each parking row. Landscaping must also be provided along 60 percent of the front building foundation. The drive aisle between the gas pumps and the parking in front of the building is larger than the minimum requirement. The additional area for the landscaping may be accommodated by reducing the width of the oversized drive aisle.

ACCESS AND ROAD IMPROVEMENTS

The applicant is proposing two driveway access points to Rutledge Pike, a full access on the south side of the property and a right-in/right-out access on the north side. The full access point requires the modification of the Rutledge Pike median island to install a left-turn lane at the existing intersection with McCalla Avenue. The existing white channelization line between the northbound ramps of Magnolia Avenue and Asheville Highway will be extended up to the beginning of the proposed left-turn lane to discourage drivers from making inappropriate maneuvers from the Asheville Highway ramp to the proposed left-turn lane. The design right-in/right-out access needs to be modified to meet the requirements of City Engineering and TDOT which have requested that a raised concrete channelized island be installed. The design of this access will be determined during permitting.

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 subject property is located in the MU-EC-2 (Magnolia Avenue) mixed use special district in the One Year Plan and East City Sector Plan. This district allows consideration of MDR (medium density residential), O (Office), and GC (General Commercial) uses. The property was recently rezoned from C-N (Neighborhood Commercial) to C-G-1 (General Commercial) which is a recommended zone district in the MU-EC-2 district.

B. The property is partially located in the HP (Hillside Protection) overlay district, however, it is exempt from those standards since a grading permit had previously been issued for the site and the entire site had been graded to construct the current gas station or as part of road construction.

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, however, as part of this project, the number of driveway connections to Rutledge Pike will be reduced from 3 to 2 which will help with pedestrian safety.

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. There are only two other buildings in the immediate area and they are both one-story commercial structures that front on Timothy Avenue. These structures are also approximately 20-ft lower in elevation than the proposed structure.

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

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 commercial buildings to the north were constructed very close to the shared property line with the subject site. The C-G-1 zone does not have a required rear setback when adjacent to non-residential uses, so the proximity of the proposed retaining wall to the adjacent structures is permissible as long as all building code and engineering standards are met.

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 is a large sinkhole on adjacent properties to the rear of the site but there is no indication that it will impact the subject property.

Action: Approved **Meeting Date:** 9/9/2021

Details of Action:

Summary of Action: Approve the request for a drive-through facility for a restaurant with approximately 1,800 sqft of floor area that is attached to a new convenience store with fuel pumps, subject to 11 conditions.

Date of Approval: 9/9/2021 **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:**