

USE ON REVIEW REPORT

► **FILE #:** 1-B-20-UR

AGENDA ITEM #: 25

AGENDA DATE: 1/9/2020

► **APPLICANT:** EVAN FOSTER / CHICK-FIL-A, INC.

OWNER(S): Lisa Teah Reusche

TAX ID NUMBER: 132 02107

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 9646 Kingston Pk.

► **LOCATION:** South side of Kingston Pk., east of Triplett Ln.

► **APPX. SIZE OF TRACT:** 1.31 acres

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Kingston Pike, a major arterial street with 70' of pavement width within 84' of right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Sinking Creek

► **ZONING:** SC-2 (Community Shopping Center)

► **EXISTING LAND USE:** Restaurant with drive-thru

► **PROPOSED USE:** Fast food restaurant with drive-thru

HISTORY OF ZONING: Property was rezoned to SC in 1995 and annexed into the City and zoned SC-2 in 1997.

SURROUNDING LAND USE AND ZONING:

North:	Commercial uses / C-3 (General Commercial)
South:	Shopping Center / SC-2 (Community Shopping Center)
East:	Office / SC-2 (Community Shopping Center)
West:	Shopping Center / C-3 (General Commercial)

NEIGHBORHOOD CONTEXT: This area is predominantly developed with commercial uses in the SC-2, C-3, C-4, and CB zones. There are attached and detached residential uses to the east developed in the RB and RA zones.

STAFF RECOMMENDATION:

► **APPROVE the request for a restaurant with drive thru containing approximately 4,860 square feet of floor area and 375 square feet of patio, subject to 9 conditions.**

1. Connection to sanitary sewer and meeting any other relevant requirements of the utility provider.
2. Installation of all landscaping shown on the development plan within six months of the issuance of occupancy permits for this project.
3. Meeting all applicable requirements of the City of Knoxville Tree Protection Ordinance.

4. Retaining the existing monument sign, or if replaced, the size of the monument sign shall be in accordance with the "All other roadway classifications" standards for detached signs in Article 8, Section 11.6.C. (Max height: 10 feet; Max sign area: 100 sqft).
5. All signs shall meet the requirements of Article 8 (Signs, billboards, and other advertising structures), with exception to the size of the monument sign per condition #4.
6. Installing all sidewalks and crosswalks shown on the development plan in accordance with the requirements of the Americans with Disabilities Act (ADA), Tennessee Department of Transportation, and the City of Knoxville Department of Engineering.
7. Meeting all applicable requirements of the Tennessee Department of Transportation.
8. Meeting all applicable requirements of the City of Knoxville Department of Engineering.
9. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the SC-2 District, and the other criteria for approval of a use on review.

COMMENTS:

REVISION (1/8/2020): Chick-fil-A has requested the new monument sign be removed from consideration and will retain the existing monument sign. Condition #4 has been updated to reflect this request, stating the existing monument sign can be retained, or if replaced, it must be a maximum height of 10' and 100 sqft in area. The condition does allow for replacement of the monument sign but ensures the new sign will be compatible with the existing signage in the shopping center and the general area.

This proposal is to replace the existing 3,500 sqft Chick-fil-A restaurant in the Kingston Overlook Shopping Center with a new Chick-fil-A that is 4,860 sqft. The restaurant will also include patio that is approximately 375 sqft and a dual lane drive-thru. A sidewalk will be installed along the Kingston Pike frontage of the property and along the two internal shopping center driveway frontages, and a crosswalk will be installed across shopping center driveway at the Kingston Pike intersection.

Chick-fil-A intends to keep their existing monument sign, however, if the sign does need to be replaced, staff is recommending that the new monument sign be a maximum of 10' tall and 100 sqft in area so it is consistent with the existing signage within the shopping center and the general area. The two outparcel lots, including the subject lot, have monument signs that are significantly smaller than what is allowed by the sign ordinance (20 feet tall, 165 sqft). The shopping center has a development directory sign to the east of Chick-fil-A that will be mostly blocked from view from the west if a taller sign is installed. See Exhibit A to view the existing Chick-fil-A sign in relation to the development directory sign. In other planned commercial developments in the area, similar size and height restrictions have been placed on monument signs for businesses with Kingston Pike frontage so the signs are compatible with the overall development. The Chick-fil-A will also have walls signs that advertise the location. The walls signs shown on the building elevations have not been reviewed as part of this application because the dimensional information has not been provided, however, if the wall signs meet the zoning ordinance requirements then they can be approved by Planning staff.

This proposal is being reviewed under the SC-2 (Community Shopping Center) zone because the application was submitted before the new zoning ordinance became effective January 1, 2020. The new zoning for the property will be C-H-1 (Highway Commercial) which does permit the proposed use without Special Use approval, however, the drive-thru lanes would not be permitted between the building and Kingston Pike.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE

1. All public utilities are available to serve the site.
2. The traffic impact study does not recommend any improvements to Kingston Pike or the shopping center driveway as a result of the proposal to replace the existing Chick-fil-A restaurant with a new one that is approximately 1,300 sqft larger.
3. The proposed development will be compatible with the scale and intensity of the surrounding development and zoning pattern.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. With the recommended conditions, the proposal meets all requirements of the SC-2 zoning district, as well as all other criteria for approval of a use on review.

2. The proposed restaurant is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Southwest County Sector Plan and the City of Knoxville One Year Plan propose GC (General Commercial) uses for the site. The proposed facility is consistent with both plans.

ESTIMATED TRAFFIC IMPACT: A traffic impact study was prepared by the applicant. The findings of that study were used in formulating the recommendations of this staff report.

ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.