



SPECIAL USE REPORT

▶ **FILE #:** 1-D-21-SU **AGENDA ITEM #:** 37
 POSTPONEMENT(S): 1/14/2021-3/11/2021 **AGENDA DATE:** 4/8/2021
 ▶ **APPLICANT:** ACRE KINGSTON PK, T5, LLC
 OWNER(S): E. F. Wheeler Jr

TAX ID NUMBER: 120 J A 008 [View map on KGIS](#)
 JURISDICTION: City Council District 2
 STREET ADDRESS: 8002 Kingston Pk.
 ▶ **LOCATION:** South side of Kingston Pike, west side of Winston Rd.
 ▶ **APPX. SIZE OF TRACT:** 0.2 acres
 SECTOR PLAN: West City
 GROWTH POLICY PLAN: N/A
 ACCESSIBILITY: Access is via Kingston Pike, is a major arterial street with 56' of pavement width within 92' of right-of-way.
 UTILITIES: Water Source: Knoxville Utilities Board
 Sewer Source: Knoxville Utilities Board
 WATERSHED: Ten Mile Creek

▶ **ZONING:** C-G-1 (General Commercial)
 ▶ **EXISTING LAND USE:** Auto service station
 ▶ **PROPOSED USE:** Vehicle Repair/Service business (oil change) & Drive-Through Facility (coffee shop)

HISTORY OF ZONING: The property was formally zoned C-4 before the new zoning ordinance was adopted. The property was rezoned from C-G-3 to C-G-1 in February 2021 (11-J-20-RZ).

SURROUNDING LAND USE AND ZONING: North: Kingson Pike, Shopping center -- C-H-2 (Highway Commercial zoning district)
 South: Office -- C-G-3 (General Commercial zoning district)
 East: Winston Rd, Commercial -- C-G-3 (General Commercial zoning district)
 West: Commercial -- C-G-3 (General Commercial zoning district)

NEIGHBORHOOD CONTEXT: This is a major commercial corridor with retail, business, financial institutions, and professional services uses along the street. The Suburban Center shopping center across the street contains Barnes and Noble and Trader Joes.

STAFF RECOMMENDATION:

▶ **APPROVE** the vehicle repair/service business with three service bays & the drive-through facility for a restaurant with approximately 550 sqft of floor area, subject to 9 conditions.

1. Meeting the requirements of principal use standards for vehicle repair/service businesses (Article 9.3.DD) and 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, including but not limited to the business signs and the menu boards for the vehicle drive-through facility.
3. Installation of landscaping in accordance with the requirements of Article 12 (Landscaping) of the City of Knoxville Zoning Ordinance.
4. Providing the required vehicle and bicycle parking for the combined uses on the site in accordance with (Article 11. - Off-street Parking). This condition does not preclude the use of the parking reductions in Article 11.4.B (Exemptions and Flexibilities).
5. Providing in-only access from Kingston Pike, as shown on C-3.0. The location of the entrance may be shifted on this frontage with review and approval from Planning Commission staff, Knoxville Department of Engineering, and Tennessee Department of Transportation.
6. Revising the site plan to eliminate the head-on conflict for vehicles circulating around the Scooter's Coffee building on the west side of the site and vehicles entering the site from Winston Road with review and approval by Planning Commission staff and Knoxville Department of Engineering during permitting.
7. Meeting all applicable requirements of the Knoxville Department of Engineering.
8. Meeting all applicable requirements of the Tennessee Department of Transportation.
9. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.

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

COMMENTS:

SUMMARY OF PROPOSAL

This proposal is for a Vehicle Repair/Service business that specializes in oil changes and a Drive-Through Facility for a coffee shop with no indoor or outdoor seating. Each business will be in separate buildings on the site. The property is located on Kingston Pike, across from the Suburban Center shopping center where Barnes and Noble and Trader Joes is located. Both of these proposed uses require Special Use approval in the C-G (General Commercial) zoning district and have principal use standards which must be met (see below).

There is currently a car repair shop on this site which will be removed if this proposal is approved and permitted. There are currently two full access points to Kingston Pike and one full access point to Winston Road. With this proposal, the Kingston Pike access point closest to the Winston Road intersection will be closed and the other access will be converted to an entrance only. The Winston Road access will be moved away from the Kingston Pike intersection and located close to the southern lot line.

PRINCIPAL USE STANDARDS

The Take 5 Oil Change business is considered a vehicle repair/service use and must meet the principal use standards of Article 9.3.DD. Because the quick service nature of this business and not being located next to residential uses, the principal use standards should not impact the daily operations of the business. For example, all vehicle repair and storage of all merchandise must be within the structure, the sale of new or used vehicles is prohibited, and there are limitations on how long a car under repair can be stored on the lot and that they can't be stored on public right-of-way.

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, 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 adjoining street."

SITE PLAN

The applicant revised the site plan to address concerns with the on-site congestion at the Kingston Pike access by making this access an entrance only, shifting the Scooter's building to the east, and putting a drive aisle on the west side of the property. With this change, there is now a one-way circulation pattern around the site and all vehicles must exit on Winston Road.

The revised site plan still needs to be adjusted to reinforce the one-way circulation for vehicles that enter from Kingston Pike and to eliminate a head-on conflict where cars that drive around Scooter's are in the same path as cars entering the site from Winston Road. One potential solution is to move the buildings closer to the

Kingston Pike frontage and move the parking perpendicular to the Kingston Pike frontage to the rear property line and shift the Winston Road entrance a little to the north. This will allow parallel parking along the entire length of the rear property line and eliminate the head-on conflict with the drive aisles on the rear of site.

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

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICES, 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 proposed oil change business and drive-through coffee shop are 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 is not pedestrian-oriented but as part of this development, a sidewalk will be required along the two road frontages and the Kingston Pike driveway will be limited to an entrance only which will reduce conflicts with pedestrians and reduce the width of the driveway.

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 south side of Kingston Pike in this area consists primarily of one-story structures on small lots that are setback from the street. The proposed structures compatible with the size and location of buildings in the vicinity.

B. There is no consistent architectural character in the vicinity of this 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. There is a restaurant on the property to the west and the proposed coffee shop is located on the west side of the subject property which is more compatible than the proposed oil change business. However, neither of the proposed businesses should have a negative impact on adjacent properties or have other impacts that could detract from the immediate environment since this area is developed with non-residential uses.

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 and a local street that only serves non-residential uses.

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.

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.