



# SPECIAL USE REPORT

▶ **FILE #:** 3-A-21-SU

**AGENDA ITEM #:** 32

**AGENDA DATE:** 3/11/2021

▶ **APPLICANT:** KNOX NUTRITION, LLC

OWNER(S): Green Cap, LLC

TAX ID NUMBER: 58 K C 00301

[View map on KGIS](#)

JURISDICTION: City Council District 5

STREET ADDRESS: 5221 N. Broadway

▶ **LOCATION:** Southwest side of N. Broadway & Cedar Ln. intersection, northwest of Gibbs Dr.

▶ **APPX. SIZE OF TRACT:** 0.5 acres

SECTOR PLAN: North City

GROWTH POLICY PLAN: N/A

ACCESSIBILITY: Access is via N. Broadway, a five lane arterial street with a pavement width of 80' within a 95' wide right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **ZONING:** C-G-2 (General Commercial)

▶ **EXISTING LAND USE:** OF (Office)

▶ **PROPOSED USE:** Drive-through facility for restaurant

HISTORY OF ZONING: The property was zoned C-3 (General Commercial) before the new zoning ordinance was adopted.

SURROUNDING LAND USE AND ZONING: North: Bank -- C-G-2 (General Commercial)

South: Grocery store -- C-G-2 (General Commercial)

East: General commercial, Residences -- C-G-2 (General Commercial), RN-1 (Single-Family Residential Neighborhood)

West: Vacant land -- C-G-2 (General Commercial), F (Floodplain Overlay)

NEIGHBORHOOD CONTEXT: This site is centrally located in the Fountain City / N. Broadway commercial corridor and is a former bank. The area is developed with commercial, office, park, and residential uses in the C-G-2, C-N, O, OS and RN-1 zones.

## STAFF RECOMMENDATION:

▶ **APPROVE the request for a drive-through restaurant with approximately 1,175 square feet of floor area, subject to 9 conditions.**

1. Meeting the requirements of principal use standards for 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. Meeting the design standards for the C-G-2 (General Commercial) zone (Article 5.4).
  4. Installation of landscaping in accordance with the requirements of Article 12 (Landscaping) of the City of Knoxville Zoning Ordinance and as otherwise required by the City of Knoxville Urban Forrester.
  5. Verifying that the provided parking meets both the minimum and maximum requirements for the combined uses on the site and provide the required bicycle parking in accordance with Article 11 (Off-street parking) of the City of Knoxville Zoning Ordinance.
  6. When the use in the vacant retail/commercial space is determined, if the combined daily vehicle trips for the site are more than 750, a transportation impact study may be required by the City of Knoxville Department of Engineering for review and approval. Any recommended improvements from the study may be required to be implemented by the City of Knoxville Department of Engineering and/or the Tennessee Department of Transportation if the improvements are within the N. Broadway right-of-way.
  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 other applicable requirements of the City of Knoxville Zoning Ordinance.

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

**COMMENTS:**

This proposal is to convert an existing bank building into a restaurant (Smoothie King) with a drive-through. The restaurant will occupy approximately half of the building, 1,175 sqft, and the remaining will be available for an office or commercial use. If the combined uses located in the building generation more than 750 trips per day, a transportation impact study may be required by City Engineering at the time those uses are identified.

The drive-through facility is located in the same place as the bank drive-through lanes and window. The bank canopy over the drive-through window will be removed and the exterior of the building will be modified to look similar to the attached image of a Smoothie King. The restaurant menu board and ordering box will be located on the rear of the building.

**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 MU-NC6 which recommends stream protection area, medium density residential, office, and/or commercial uses.
- B. The property is located entirely within the SP (Stream Protection) area on the One Year Plan and sector plan. If improvements to the building exceed 50% of the existing building value then the building must be elevated or floodproofed. If the improvements exceed 50% of building and property value then riparian buffer zone mitigation, new sidewalk along N. Broadway, and the parking lot must come into compliance with the parking lot design standards.
- C. The proposed restaurant and drive-through facility are consistent with the adopted plans but the building and property may require additional modifications if the building improvements exceed 50% of the current value. This will be determined during permitting.

**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 surrounded by heavily traveled roads and the existing building has a drive-through facility. If the property is redeveloped and a new building constructed, the building will be required to be located within 20 feet of the front property line and will promote a pedestrian-oriented environment.
- C. The existing drive-through facility and the proposed modifications meet the principal use standards for drive-through facilities (Article 9.3.F).

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 massing of the structure will not change but it is already smaller in scale than the structures to the south and north.

B. There is no consistent architectural character on the west side of N. Broadway, other than most of the buildings in this block do have a full or partial brick exterior. The building does have a brick exterior but the design of the structure with its faux mansard roof is not characteristic of this area or the region.

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 proposed is adjacent to other office and commercial uses that have drive-through facilities and/or heavy traffic generators.

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 property is within the 100-year floodplain so there is an increased risk of property damage due to flooding.

ESTIMATED TRAFFIC IMPACT: 553 (average daily vehicle trips)

Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

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.



**3-A-21-SU  
SPECIAL USE**

Petitioner: Knox Nutrition, LLC



Drive-through facility for restaurant in C-G-2 (General Commercial)

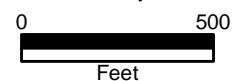
Original Print Date: 2/5/2021

Revised:

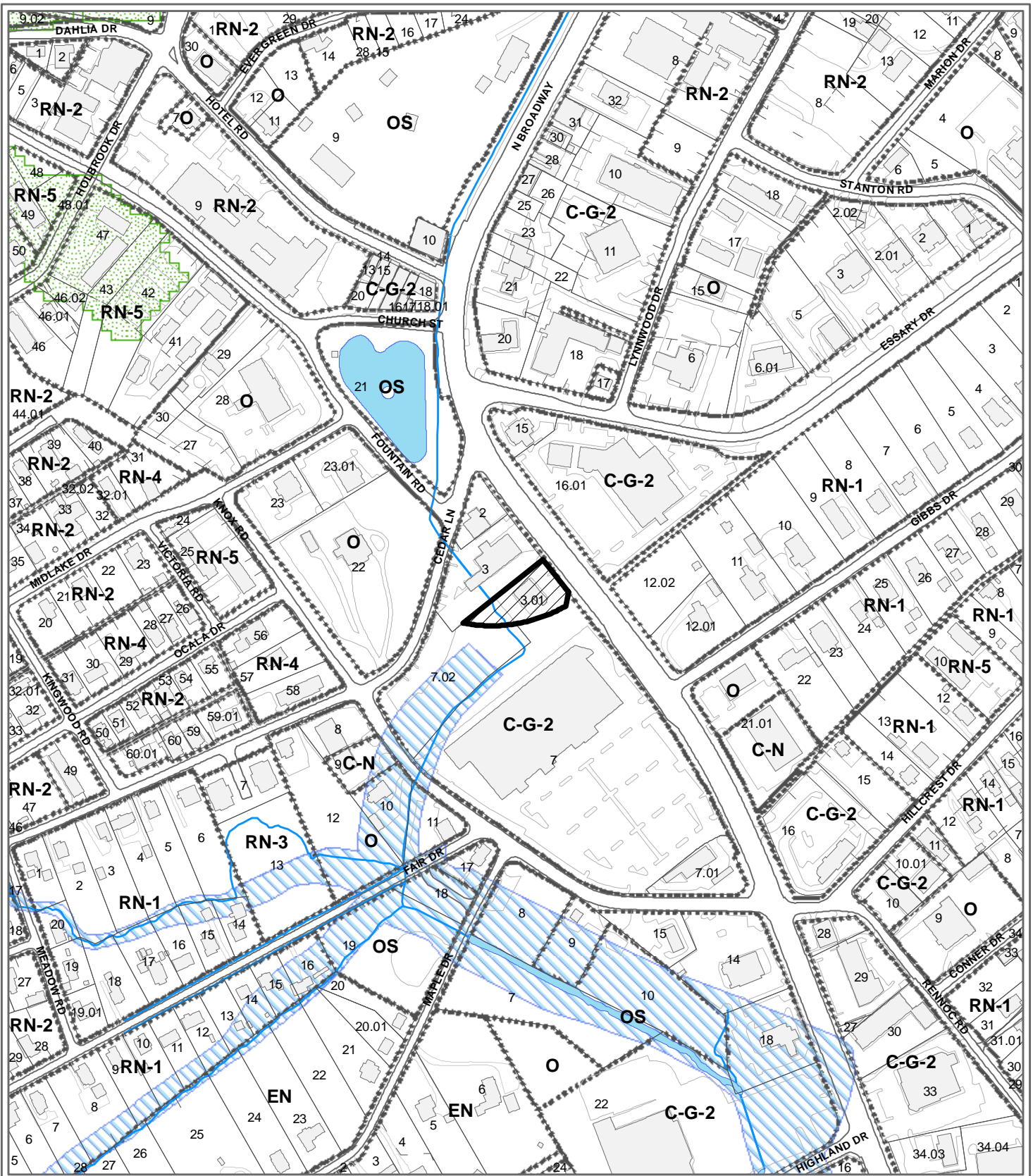
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Map No: 58

Jurisdiction: City







**3-A-21-SU  
SPECIAL USE**

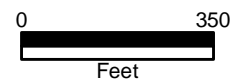


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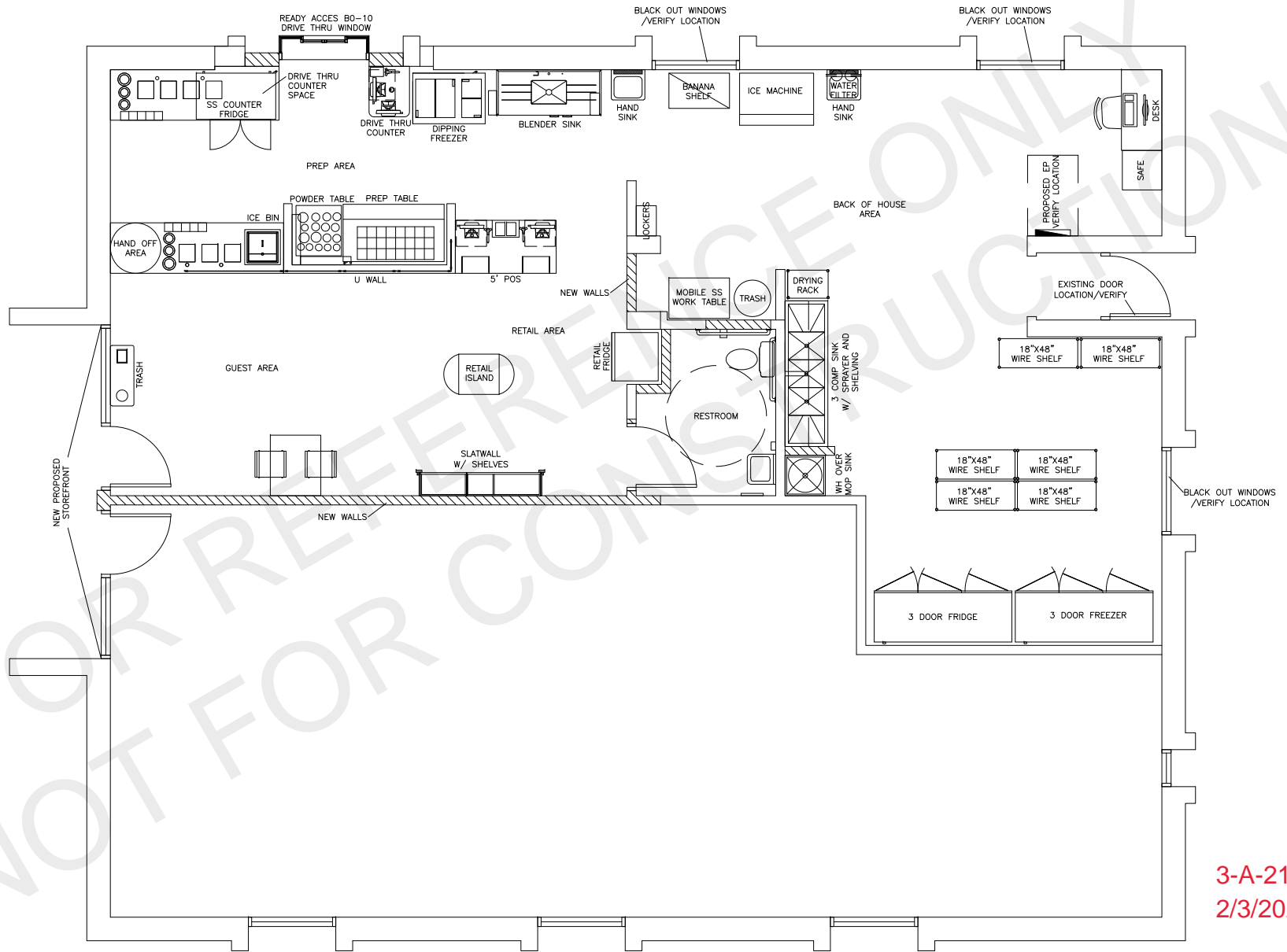


Original Print Date: 2/5/2021

Revised:

Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

DATE: 01/28/2021



3-A-21-SU  
2/3/2021

SMOOTHIE KING FRANCHISES, INC.  
9797 ROMBAUER RD. SUITE 150  
DALLAS, TX 75019  
PH (214) 935-8900 FAX (214) 432-5732

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SMOOTHIE KING #TBD  
TEST FIT  
FRANCHISEE: SEAN CANGELOSI  
KNOXVILLE, TN  
SCALE: NTS  
USF: 1,175±



DATE: 01/28/2021

Drive Thru Window

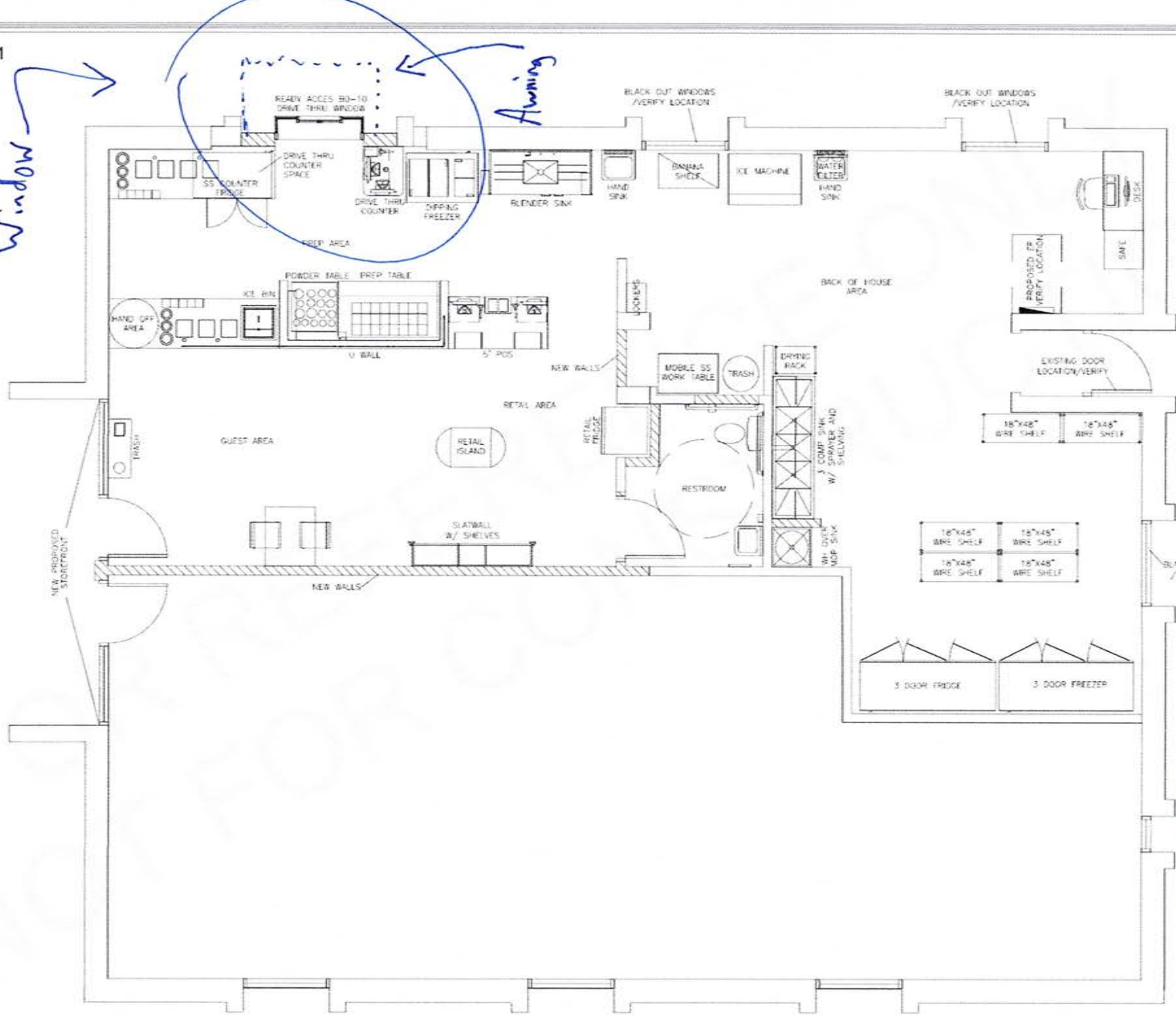
Airwing

Broadway (front) elevation

3-A-21-SU  
3/3/2021

Rear elevation

Menu board



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 SCALE: NTS  
 USF: 1,175±

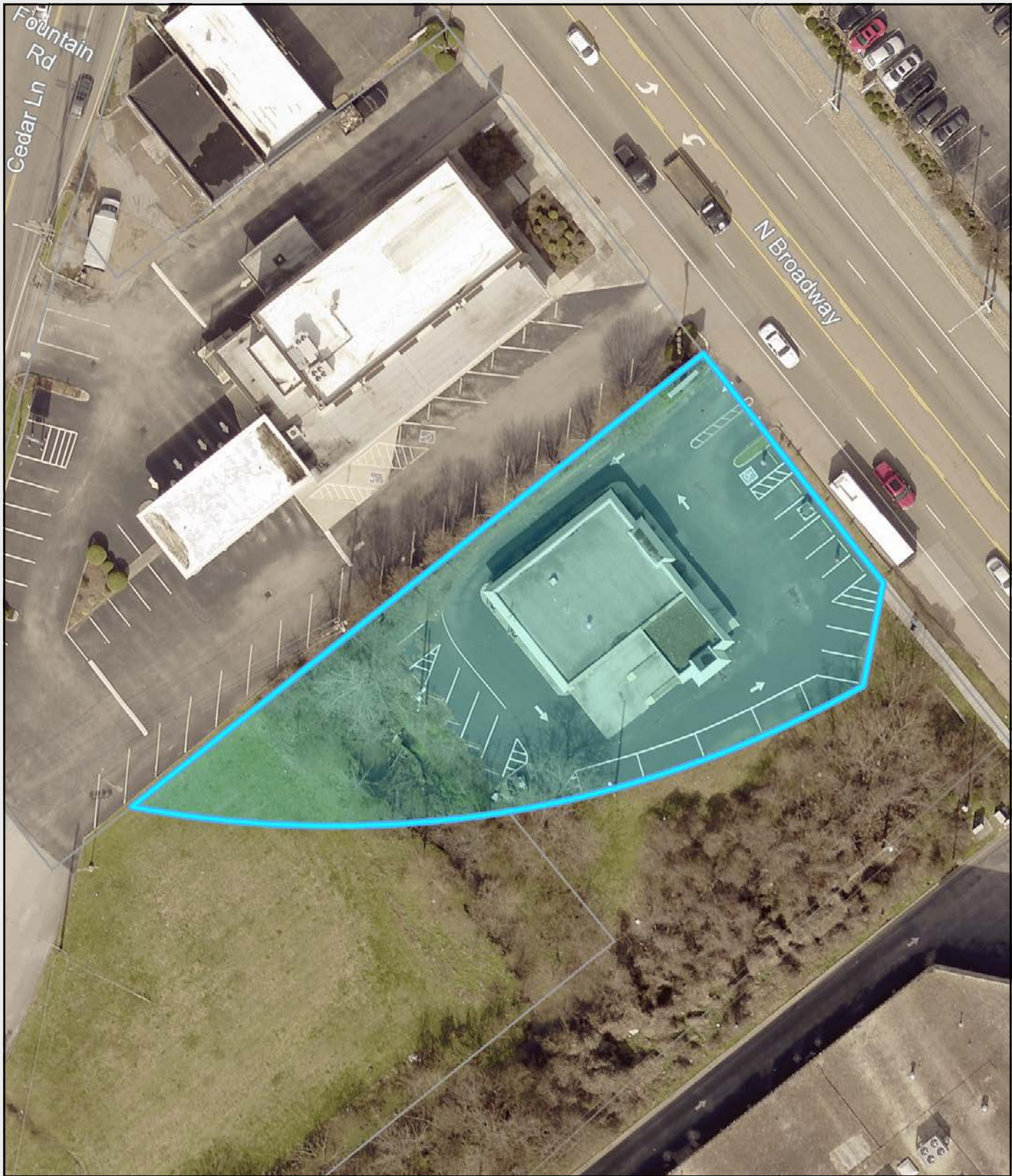






3-A-21-SU  
3/3/2021





3-A-21-SU



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3-A-21-SU







# Development Request

## DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

## SUBDIVISION

- Concept Plan
- Final Plat

## ZONING

- Plan Amendment
  - SP
  - OYP
- Rezoning

Knox Nutrition LLC Tenant

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Applicant Name Affiliation

January 20 2021 March 25 11

Date Filed Meeting Date (if applicable)

File Number(s)

3-A-2-SU

### CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

Applicant    Owner    Option Holder    Project Surveyor    Engineer    Architect/Landscape Architect

Sean Cangelosi Knox Nutrition LLC

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Name Company

PO BOX 65212 Baton Rouge LA 70896

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Address City State ZIP

225-802-7423 smoothieking81@gmail.com

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Phone Email

### CURRENT PROPERTY INFO

Green Cap LLC PO BOX 11505 KNOXVILLE TN 37939 865-659-7311

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Owner Name (if different) Owner Address Owner Phone

5221 North Broadway 058 KC 00301

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Property Address Parcel ID

Hallsdale-Powell Hallsdale-Powell N

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Sewer Provider Water Provider Septic (Y/N)

### STAFF USE ONLY

sws N Broadway & Cedar Ln intersection .5 acres <sup>approx</sup>

General Location northwest of Gibbs Dr. Tract Size

City  County 5th C-G-2 OF

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District Zoning District Existing Land Use

North City MU-SD/NC-6 N/A

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Planning Sector Sector Plan Land Use Classification Growth Policy Plan Designation



### DEVELOPMENT REQUEST

- Development Plan   
  Use on Review / Special Use   
  Hillside Protection COA  
 Residential   
  Non-Residential

Related City Permit Number(s)

Home Occupation (specify) \_\_\_\_\_

Other (specify) We would like to use existing drive thru as is and where is with a new

### SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name \_\_\_\_\_

Combine Parcels   
  Divide Parcel   
 Total Number of Lots Created \_\_\_\_\_  
 Other (specify) \_\_\_\_\_

Attachments / Additional Requirements

### ZONING REQUEST

Pending Plat File Number

Zoning Change   
 Proposed Zoning \_\_\_\_\_  
 Plan Amendment Change   
 Proposed Plan Designation(s) \_\_\_\_\_

Proposed Density (units/acre) \_\_\_\_\_ Previous Rezoning Requests \_\_\_\_\_

Other (specify) \_\_\_\_\_

### STAFF USE ONLY

#### PLAT TYPE

- Staff Review   
  Planning Commission

#### ATTACHMENTS

- Property Owners / Option Holders     Variance Request

#### ADDITIONAL REQUIREMENTS

- Design Plan Certification (*Final Plat*)  
 Use on Review / Special Use (*Concept Plan*)  
 Traffic Impact Study  
 COA Checklist (*Hillside Protection*)

Fee 1	Total
0401   1500.00	
Fee 2	
Fee 3	\$1500.00

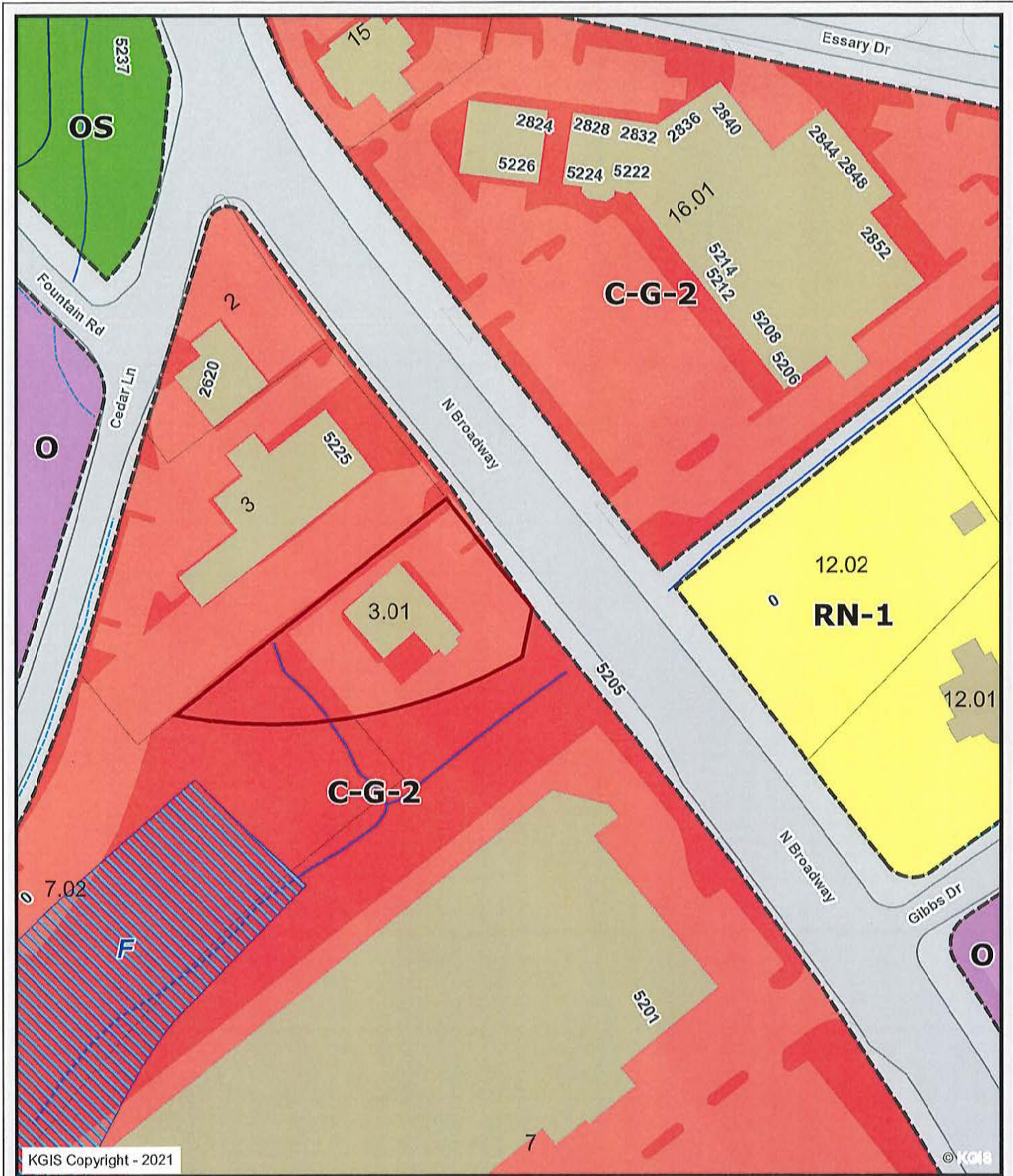
### AUTHORIZATION

*By signing below, I certify I am the property owner, applicant or the owners authorized representative.*

*sean cangelosi*                      Knox Nutrition LLC                      1-21-2021  
 Applicant Signature              Please Print                                      Date

225-802-7423                      smoothieking81@gmail.com  
 Phone Number                      Email

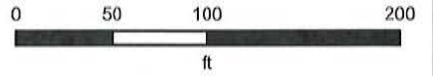
*Sherry Michienzi*                      *Sherry Michienzi*                      *1/21/2021*  
 Staff Signature                      Please Print                                      Date



5221 N. Broadway



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