

SPECIAL USE REPORT

►	FILE #: 8-C-22-SU				AGENDA ITEM #:	35
					AGENDA DATE:	8/11/2022
Þ	APPLICANT:	тном	AS R. GASS	S / ANDY'S FROZEN	CUSTARD	
	OWNER(S):	Anthon	y P. Cappie	ello, Jr.		
	TAX ID NUMBER:	121 A A	A 023		<u>View n</u>	nap on KGIS
	JURISDICTION:	City Co	uncil Distric	ct 2		
	STREET ADDRESS:	6217 K	INGSTON F	PIKE		
►	LOCATION:	North s	side of King	gston Pike, north of	Deane Hill Drive	
•	APPX. SIZE OF TRACT:	0.71 ac	res			
	SECTOR PLAN:	West City				
	GROWTH POLICY PLAN:	N/A				
	ACCESSIBILITY:	Access is via Kingston Pike, a 4-lane with a center turning lane, major arterial within a right-of-way width of 120-ft.				
	UTILITIES:	Water S	Source: I	Knoxville Utilities Boa	rd	
		Sewer	Source: I	Knoxville Utilities Boa	rd	
	WATERSHED:	Fourth	Creek			
•	ZONING:	C-G-1 (Overla	•	ommercial), HP (Hills	side Protection	
►	EXISTING LAND USE:	Comm	• •			
►	PROPOSED USE:	Drive-through facility				
	DENSITY PROPOSED:	N/A	Ū	•		
	HISTORY OF ZONING:	8-I-83-RZ: O-1 to C-3				
	SURROUNDING LAND	North:				
	USE AND ZONING:	South:	Right-of-w Commerc		Vay), O (Office), C-G-1 (General
		East:	Restaurar	nt - C-G-1 (General C	ommercial)	
		West:	Offices - C	O (Office)		
	NEIGHBORHOOD CONTEXT:	This co	rridor is a m	nix of commercial and	office uses along Kings	on Pike.

STAFF RECOMMENDATION:

Approve the request for a drive-through facility in the C-G-1 zoning district, subject to 7 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 menu boards for the drive-through facility.

3. Installation of landscaping per the requirements of Article 12 (Landscaping) of the City of Knoxville Zoning Ordinance.

PAGE #:

- 4. Meeting all applicable requirements of the Knoxville Department of Engineering.
- 5. Meeting all applicable requirements of the Tennessee Department of Transportation.
- 6. Meeting all other applicable requirements of the City of Knoxville Zoning Ordinance.
- 7. Meeting all the application requirements of the City of Knoxville Plans Review and Inspections Department.

With the conditions noted above, this request meets the requirements of C-G-1 zoning, the principal use standards for drive-through facilities, and other criteria for approval of a special use.

COMMENTS:

This is a proposal to construct a new drive-through facility for a frozen custard shop on a site that was most recently a furniture store. The proposed plans show a demolition of the existing structure with construction of a new drive-through facility, with walk-up window service as well. The site has shared access onto Kingston Pike with an adjacent veterinarian office to the west through a permanent easement.

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 Sector Plan designation for this parcel is GC (General Commercial), which includes previously developed strip commercial corridors providing a wide range of retail and service oriented uses.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE. A. The C-G 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. Drive-through facilities may be permitted as a special use approval.

B. The C-G-1 zone does not have a minimum lot area or lot width, nor does it have maximum gross floor area standards. The maximum building height is 45-ft, the proposed building shows a maximum height of approximately 16.5-ft.

C. The lot is in the HP (Hillside Protection Overlay) District, however, it is exempt from those standards because it was previously legally disturbed.

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 other eating and drinking establishments with drive-through facilities in the area, including Krispy Kreme which is located approximately 400-ft to the east along Kingston Pike at the intersection with N. Weisgarber Road

B. The proposed structure will replace an approximate 10,000-sqft commercial building with a smaller commercial building that will have approximately 1,700-sqft in gross floor area with one drive-through lane.

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 drive-through facility will not significantly injusre the value of adjacent property or detract from the immediate environment, the adjacent properties are a mix of office and commercial uses.

B. The subject property is required to comply with Article 10 of the City of Knoxville Zoning Ordinance, which regulates impacts. Section 10.2 regulates lighting, while noise, dust and pollution, odors, fire hazards, and other similar concerns are regulated in Section 10.5.

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

A. The proposed drive-through facility is along a commercial corridor and does not have direct access connecting to residential areas.

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 immediately surrounding the subject site that pose a potential hazard or undesirable environment for the proposed use.

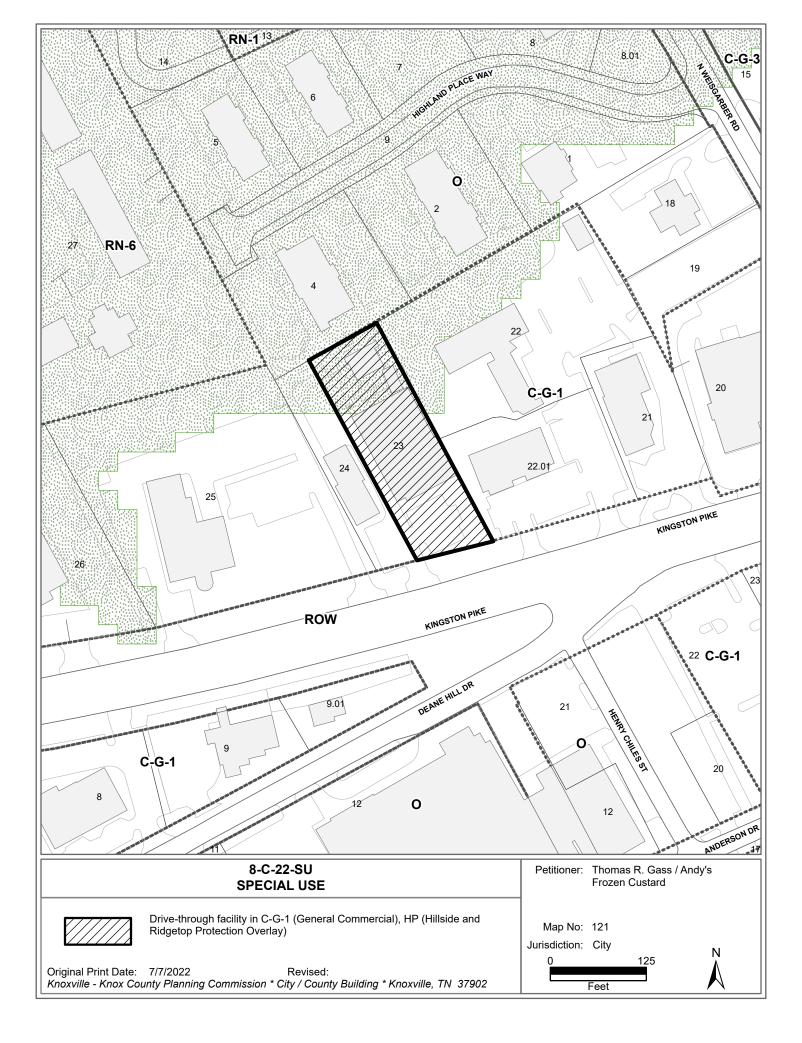
ESTIMATED TRAFFIC IMPACT: 410 (average daily vehicle trips)

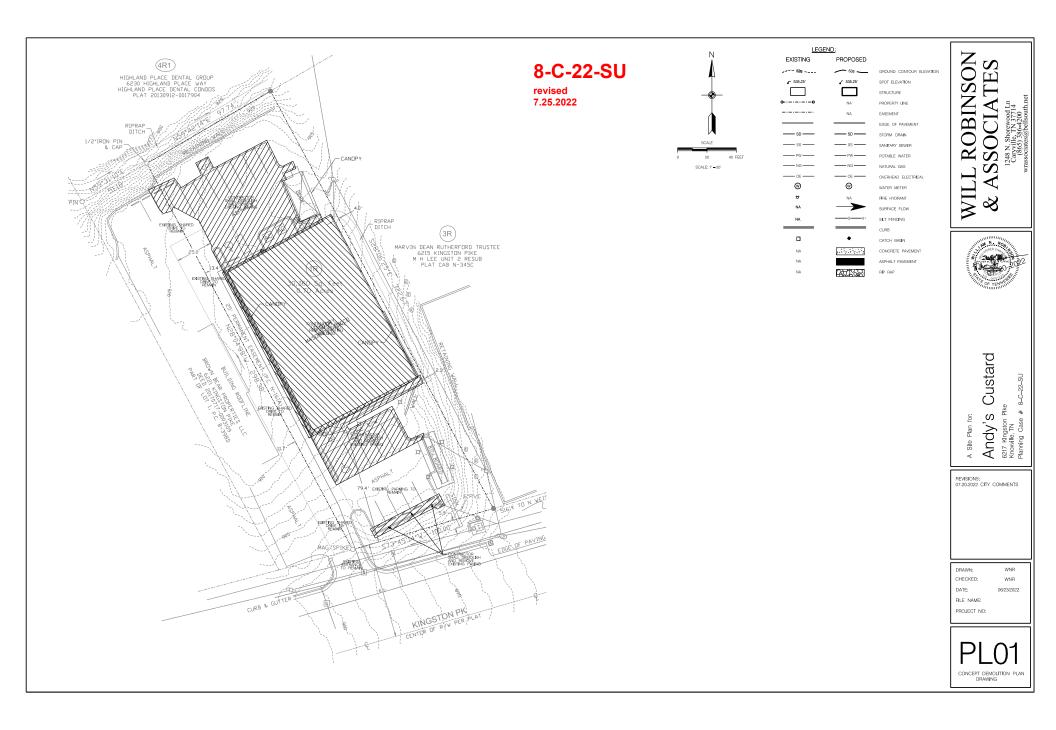
AGENDA ITEM #: 35 FILE #: 8-C-22-SU 8/9/2022 01:04 PM LIZ ALBERTSON PAGE #:

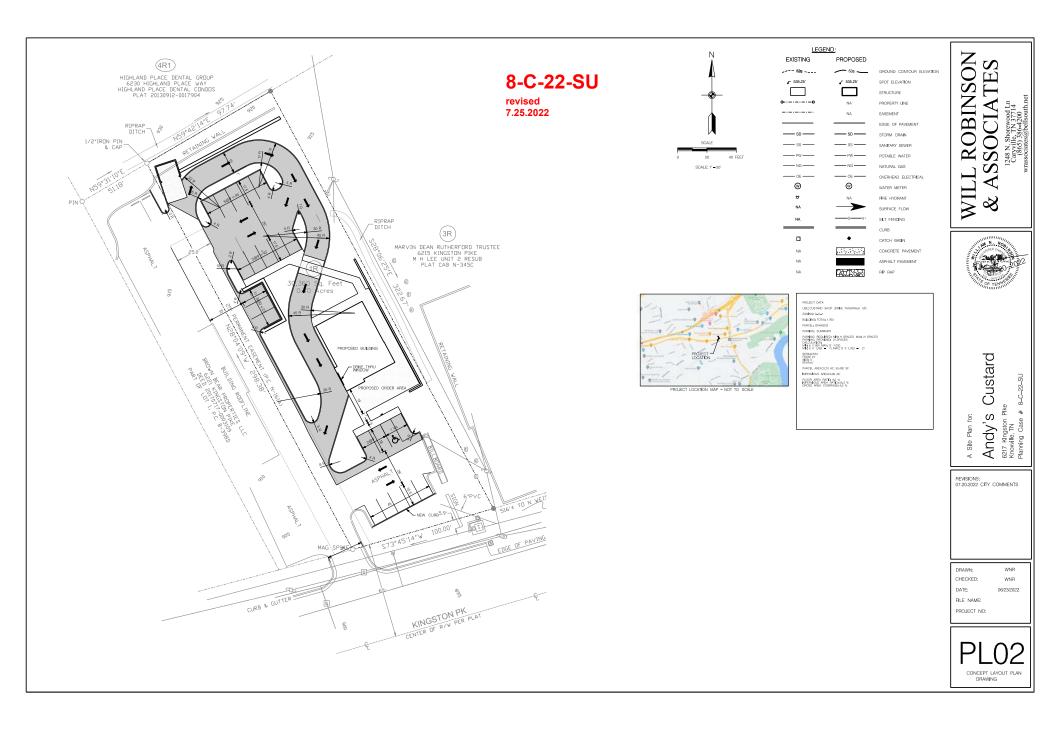
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate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

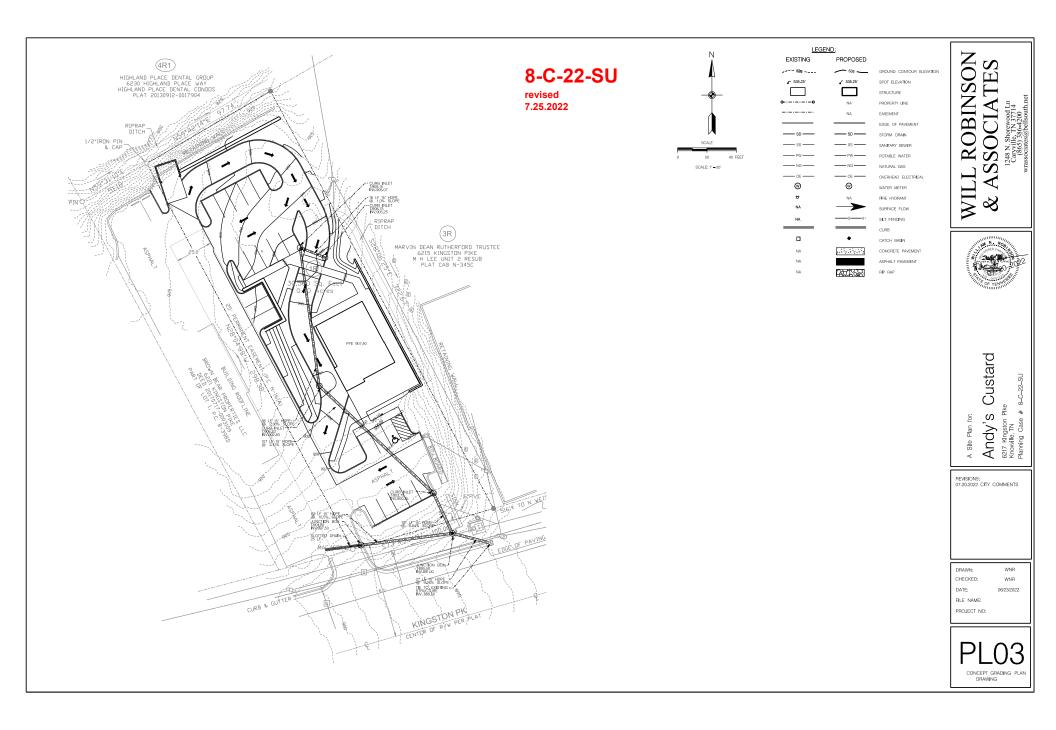
ESTIMATED STUDENT YIELD: Not applicable.

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.

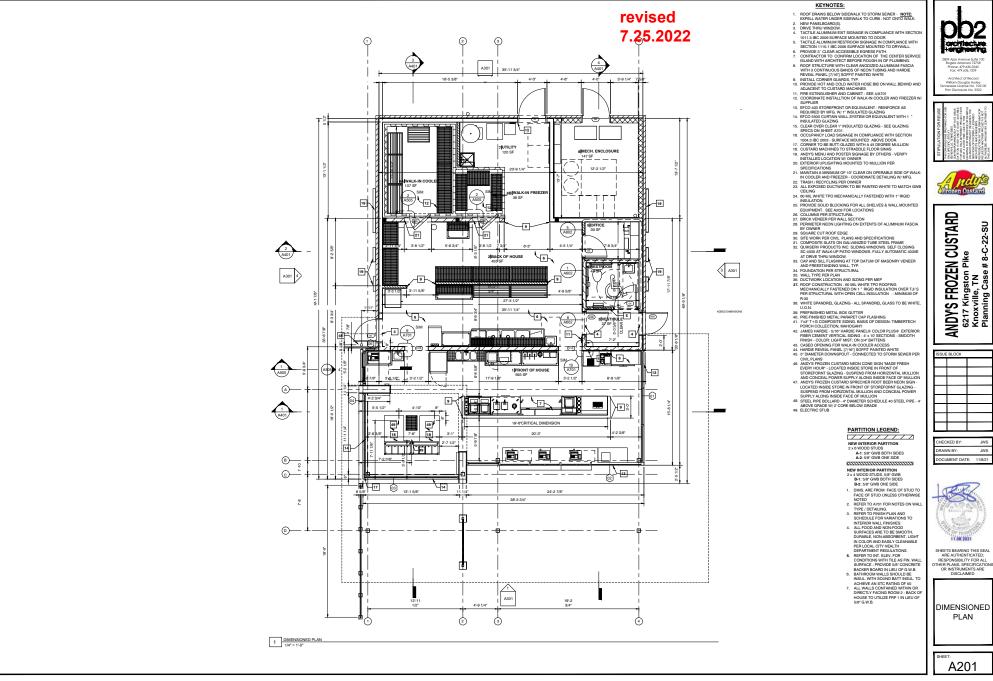








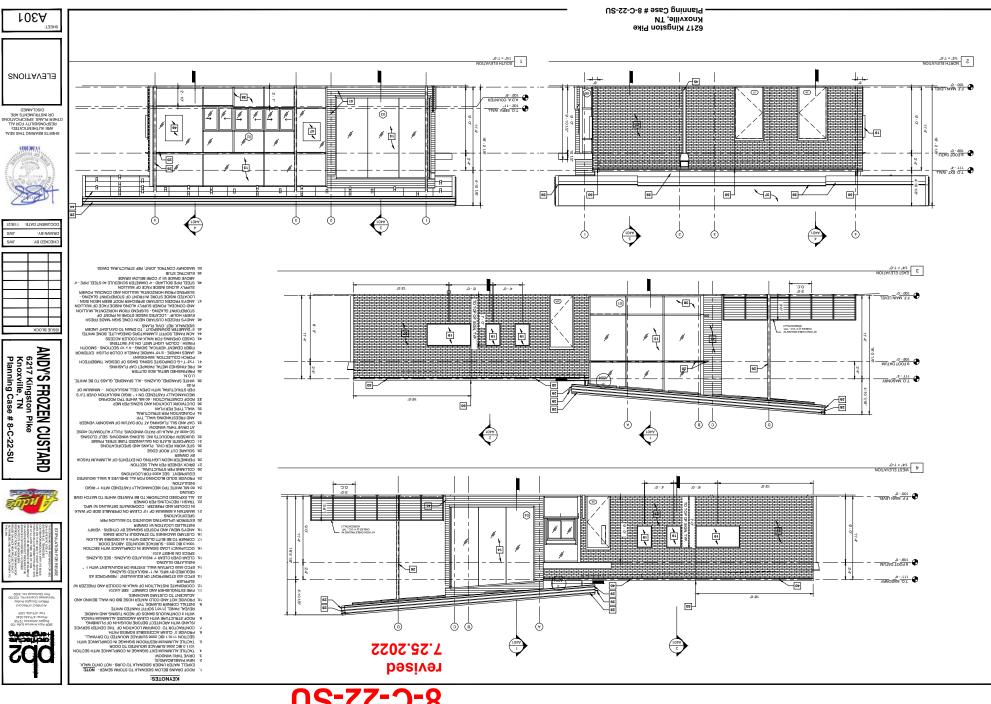


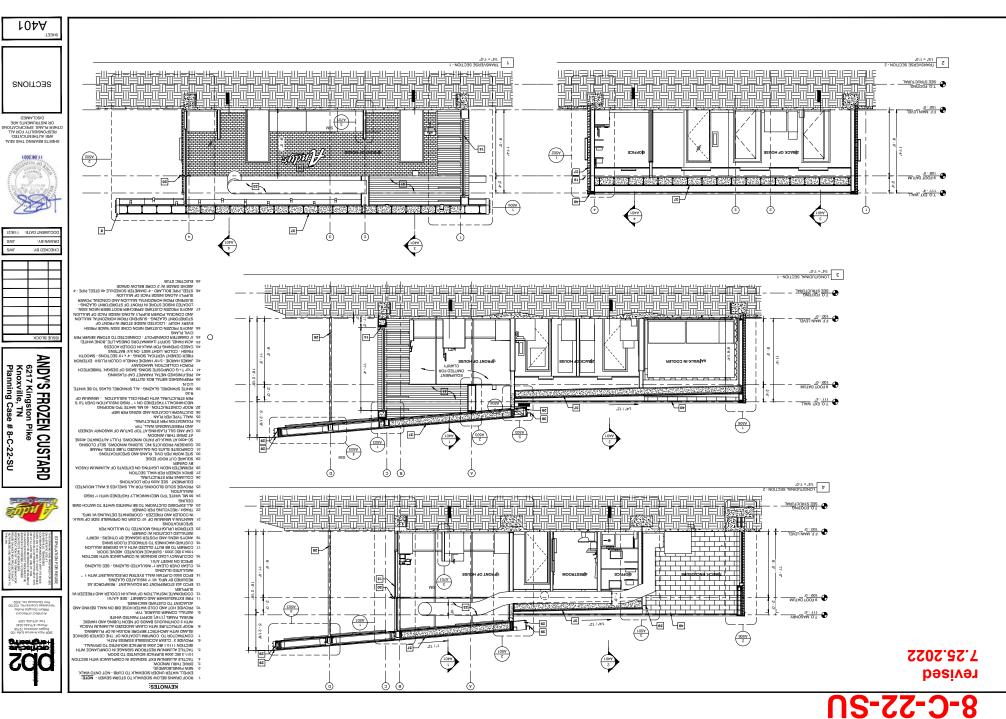


PROTUCT PROTUC

පමුණ්ඩුව. ශ් ප්රධානයා ම ශ් මණ්ඩාලි ඉංගෙසාළු කියෙන් වැඩි ලිළුවා. ඒ අවදානයා කියාම අති සංකාශය මෙර ග ක ක කියාම හි ප්රධානයා කියාම ක්රීමා දේශයෙන් පාණිවීය ඉංගෙසාම සංකාශය කරන්නේ කරන්නේ කෙරි. සංකාශයේ සංකාශය කරන් –

8-C-55-2N





লগান্দের গ্রা/শুন্তেপ্রেগেশ্বে ৠ উত্ত জনার্চনা ক্রান্সার এই জ্বার্জনার /০৪৫০। এরেস্ক একে ছার্কান্সার্কার্জনা - ১১ - ২ - ২ - ২ ৫ ফেলের্ড ফের্কেন্সি তেনে একে তাক্তর নির্মান জন্মার ভা জন্দেশান জাওবার্গানুর্বাবরেসেরা নামেন্ড নামনা - নির্মান-

		Developme	nt Rec	quest	
Plani KNOXVILLE I KN	ning NOX COUNTY	DEVELOPMENT ☐ Development Plan ☐ Planned Development ✔ Use on Review / Special Use ☐ Hillside Protection COA	SUBDIVISIO	an 🗌 Plan A	mendment ector Plan ne Year Plan
Thomas R. Gass / A	ndy's Frozen Cu	stard		6/27/202	22
Applicant Name				Date File	d
8/11/2022	()		8-C-22-SU		
Planning Commissio Meeting (if applicab	le)	ve Meeting (if applicable)	File Number	r(s)	
CORRESPONDE	A A	<i>Il correspondence related to this application sh</i>	hould be directed to	the approved contact lis	ted below.
Will Robinson Will	Robinson and As	ssociates			
Name / Company					
1248 N. Shorewood Address	d Ln. Ln. Caryville	e TN 37714			
865-386-4201 / we	ndy@wracivil.co	m			
Phone / Email					
CURRENT PRO	PERTY INFO				
Anthony P. Cappiel		P.O. Box 11505 Knoxville TN 379	39	865-482-1214	
Owner Name (if diff	erent)	Owner Address		Owner Phone / En	nail
6217 KINGSTON PI	(E				
Property Address					
121 A A 023				0.71 acres	
Parcel ID		Part of P	Parcel (Y/N)?	Tract Size	
KUB SEWER		KUB WATER			
Sewer Provider		Water Provider			Septic (Y/N)
STAFF USE ONI	Y				
North side of Kings General Location	ton Pike, north c	of Deane Hill Drive			
City Council D		-G-1 (General Commercial), HP (Hillside and rotection Overlay)	Ridgetop Cor	mmercial	
County District		oning District	Exi	sting Land Use	
West City	GC (Ge	eneral Commercial), HP (Hillside and Rid	getop Prot N/A	A	
Planning Sector		Plan Land Use Classification	•••	wth Policy Plan Desigr	nation

DEVELOPMENT REQUEST

🗌 Development Plan 🗌 Planned Development	✔ Use on Review	/ Special Use	Related City Permit Number(s)
Hillside Protection COA	Residential	Non-residential	
Home Occupation (specify)			

Other (specify) Drive-through facility

SUBDIVSION REQUEST

		Related Rezoning File Number
Proposed Subdivision Name		
Unit / Phase Number	Total Number of Lots Created	

Additional Information

Attachments / Additional Requirements

ZONING REQU	ZONING REQUEST				
Zoning Change		Pending Plat File Number			
	Proposed Zoning				
Proposed Density (units/acre) Previous Zoning Requests				

Plan Amendment Change

Proposed Plan Designation(s)

Additional Information

STAFF USE ONLY

PLAT TYPE Staff Review	Planning Commission	Fee 1 \$1,500.00	Total
ATTACHMENTS			
Property Owners /	Option Holders 🛛 Variance Request	Fee 2	
ADDITIONAL REQ	-		
Design Plan Certification (Final Plat) Fee 3			
✓ Site Plan (Development Request)			
Traffic Impact Study			
Use on Review / S	pecial Use (Concept Plan)		

AUTHORIZATION

By signing below, I certify that I am the property owner, applicant, or owner's authorized representative.

Thomas R. Gass Andy's Frozen Custard,		6/27/2022
Application Authorized By	Affiliation	Date
417-676-4970 / tom.gass@eatandys.com		
Phone / Email		
Mike Reynold	ds	

Staff Signature

	Develo		Reques	Reset Forn
	DEVELOPMENT		DIVISION	ZONING
Diamaina	Development Plan		inal Plat	Plan Amendment
Planning	Planned Developr Use on Review / S			SP OYP Rezoning
KNOXVILLE I KNOX COUNTY	□ Hillside Protection	·		L Rezoning
Thomas R Gass / Andy's F	rozen Custard		Franchisee / Ma	anaging Partner
Applicant Name			Affiliation	
06/27/2022	August 11, 202	22		File Number(s)
Date Filed	Meeting Date (if a	applicable)	8-C-22	2-SU
	correspondence related to	this application should be	directed to the appro	oved contact listed below.
Applicant Property Owner Will Robinson	Option Holder	Project Surveyor Er Will Robinso	ngineer 🔲 Architec In & Associates	t/Landscape Architect
Name		Company		
1248 N Shorewood Ln		Caryville	TN	37714
Address		City	State	ZIP
865-386-4201	wendy@wraci	vil.com		
Phone CURRENT PROPERTY INFO	Email			
Anthony P. Cappiello, J	R. O.P.C.	// P.O. Box	11505, Knoxvil	le. TN 37939
Property Owner Name (if different)	Property	Owner Address		roperty Owner Phone
	TN	121A	A023X	(865) 482 - 1214
6217 Kingston Pike Knoxville,				
6217 Kingston Pike Knoxville, Property Address		Parcel I	ID	
		Parcel I KUB	ID	N
Property Address KUB			ID	N Septic (Y/N)
Property Address KUB		KUB	ID	
Property Address KUB Sewer Provider STAFF USE ONLY		KUB Water Provider		
Property Address KUB Sewer Provider STAFF USE ONLY	gital applic	KUB Water Provider		
Property Address KUB Sewer Provider STAFF USE ONLY See dig		KUB Water Provider	ched	
Property Address KUB Sewer Provider STAFF USE ONLY See dig		KUB ^{Water Provider} ation attac	ched	

FUE VIE	CODINAL	ALT DE	QUEST
LIEVEI		IN I REI	

Development Plan	Use on Review / Special Use	Hillside Protection COA	Related City Permit Number(s)
Residential	🔽 Non-Residential		
Home Occupation (spe	cify)		

Other (specify) Drive-through facility

SUBDIVISION REQUEST

				Related Rezoning File Number
Proposed Subdivision N	ame			
	Combine Parcels	Divide Parcel		
Unit / Phase Number			Total Number of Lots Created	

□ Other (specify)

Attachments / Additional Requirements

ZONING REQUEST

			Pending Plat File Number
Zoning Change			
	Proposed	Zoning	
Plan Amendment	Change		and the state of the state of the state
	entrige	Proposed Plan Designation(s)	

Proposed Density (units/acre)

Previous Rezoning Requests

Other (specify)

STAFF USE ONLY

PLAT TYPE	Fee 1	Total	
Staff Review Planning Commission	401 Special Use	\$1,500	MR
ATTACHMENTS Property Owners / Option Holders Variance Request ADDITIONAL REQUIREMENTS	Fee 2		
 Design Plan Certification (Final Plat) Use on Review / Special Use (Concept Plan) Traffic Impact Study 	Fee 3		
COA Checklist (Hillside Protection)			

AUTHORIZATION

Derb	Thomas R Gass	June 24, 2022
Applicant Signature	Please Print	Date
417-676-4970	tom.gass@eatandys.com	
Phone Number	Email	
at Pla	Anthony P. Cappiello, Jr.	June 25, 2022
Property Owner Signature	Please Print	Date