



SPECIAL USE REPORT

▶ **FILE #:** 8-C-22-SU

AGENDA ITEM #: 35

AGENDA DATE: 8/11/2022

▶ **APPLICANT:** THOMAS R. GASS / ANDY'S FROZEN CUSTARD

OWNER(S): Anthony P. Cappiello, Jr.

TAX ID NUMBER: 121 A A 023

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 6217 KINGSTON PIKE

▶ **LOCATION:** North side of Kingston Pike, north of Deane Hill Drive

▶ **APPX. SIZE OF TRACT:** 0.71 acres

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 Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

▶ **ZONING:** C-G-1 (General Commercial), HP (Hillside and Ridgetop Protection Overlay)

▶ **EXISTING LAND USE:** Commercial

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

DENSITY PROPOSED: N/A

HISTORY OF ZONING: 8-I-83-RZ: O-1 to C-3

SURROUNDING LAND USE AND ZONING: North: Offices - O (Office)

South: Right-of-way - ROW (Right-of-Way), O (Office), C-G-1 (General Commercial)

East: Restaurant - C-G-1 (General Commercial)

West: Offices - O (Office)

NEIGHBORHOOD CONTEXT: This corridor is a mix of commercial and office uses along Kingston 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.

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 injure 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)

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.