



MEMORANDUM

To: Knoxville-Knox County Planning Commission
From: Samiul Haque | Planner
Date: June 6, 2024
Subject: Consideration of a third sign in the C-G-1 district
File: 6-A-24-OB (Agenda #62)

RECOMMENDATION

Staff recommends denial of the request for a third sign in the C-G-1 district because the proposal does not meet the criteria in the Zoning Code of the City of Knoxville, Article 13.9.F.5.e (Signs Permitted in Specific Districts).

BACKGROUND

The subject property is located at the intersection of Rutledge Pike and Timothy Avenue (parcel ID 070LC001, 4315 Rutledge Pike). *Kenjo Markets* recently demolished the convenience store building and gas pump islands at this location and would like to reconstruct a new convenience store and gas station that would also include a *Hardees* restaurant. As part of this new development, the applicant would like to retain two existing pole signs on the property and replace another existing sign with a new sign for *Hardees*.

The C-G-1 (General Commercial) zoning district generally allows one detached sign per street frontage up to a maximum of two detached signs per parcel or lot (Article 13.9.F.2.a). Additional signs may be permitted in this district, subject to approval by the Planning Commission (Article 13.9.F.5.e).

The previous C-1 (Neighborhood Commercial) zone, under which the property was developed, only allowed a maximum of two detached signs. Although the number of signs was not in compliance with the previous zoning ordinance, a permit for a third sign on the property was issued in 2002. Therefore, this is a legal nonconformity.

Per Article 17.2.A, use of a nonconforming on-premise sign and/or sign structure may continue except when the use of a property changes (including but not limited to the redevelopment of the site or a change in the use of the business). In such cases, the signs on that property must be brought into compliance with the signage requirements of the zoning code.

17.2.A.1 Change Defined. A change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. For the purposes of this Article, a change in use occurs under the following circumstances:

- a. When the principal use occupying the property changes from a use permitted or permitted on review, as designated or enumerated for the district, to another use permitted or permitted on review designated or enumerated for the district.
- b. When there is an expansion, an increase in the gross square footage or number of dwelling units of an existing use, or in its operating characteristics (such as an expansion of operations, previously conducted within a fully enclosed building to operations conducted outside an enclosed building) such that the resulting use is a designated or enumerated use separate from the designated or enumerated previous use, then this constitutes a change in use.
- c. A change in the ownership or management of a use or establishment, without the type of changes noted above, is not considered a change in use.

Since the old structure is demolished and there is going to be a new business and change in use with the addition of the restaurant, the three pole signs must be brought up to the standards of the zoning ordinance. Therefore, The City's Plans Review & Inspections Department has determined the third sign for *Hardees* requires Planning Commission approval per Article 13.9.F.5.e.

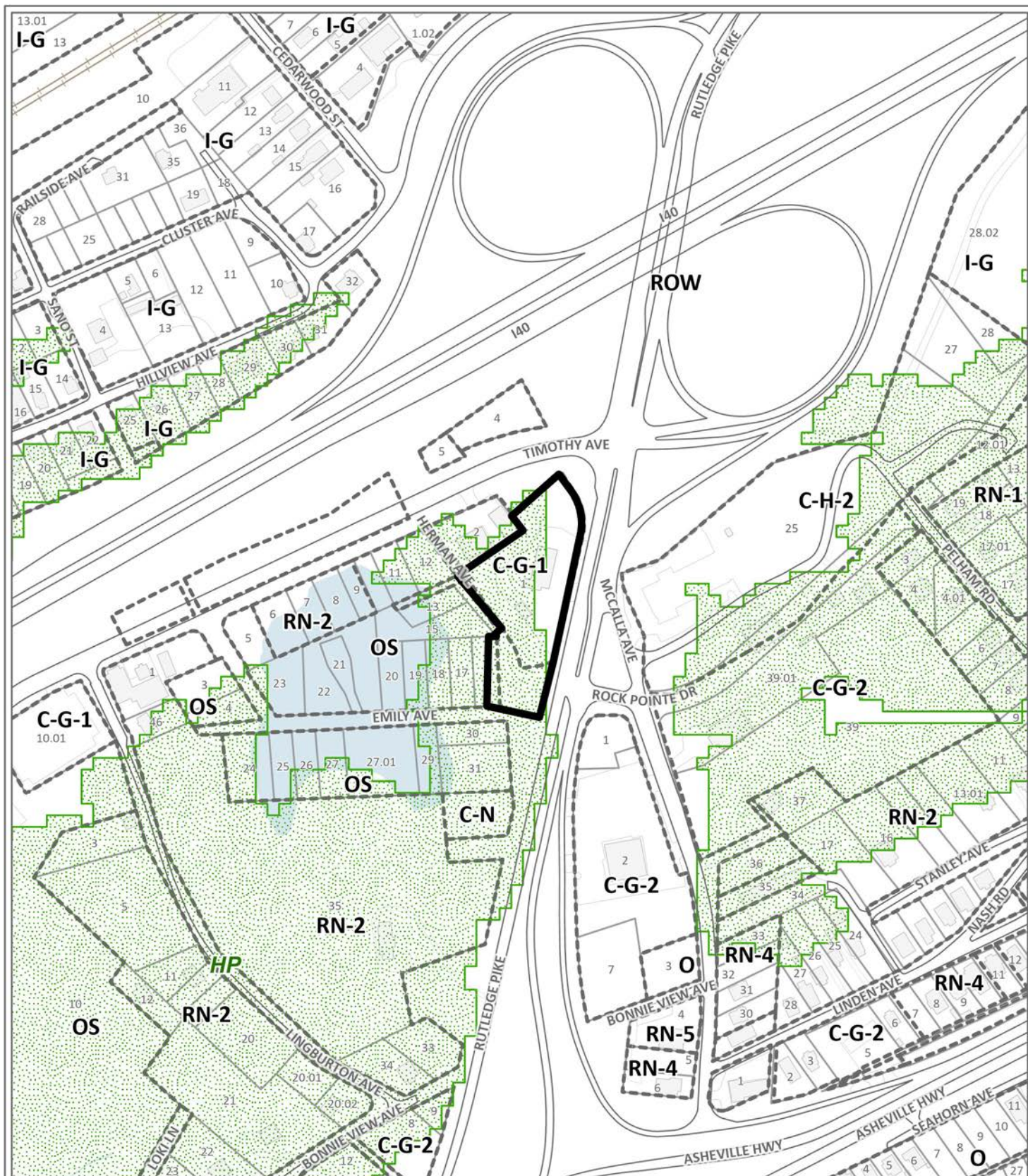
As an additional context, of the two existing detached signs the applicant wants to retain, a sign for *Shell* does not meet the maximum height requirement of 35 ft (#1 in attached pictures of existing signs). The applicant pursued a BZA variance to keep this over-height sign as is, which was denied (BZA-24-0009). This now needs to be replaced or removed. The existing third sign for *Kenjo Markets* is also nonconforming in terms of setback (#3 in attached pictures). It will either be removed or replaced with the new *Hardees* sign if the Planning Commission approves this request.

RATIONALE FOR RECOMMENDATION

Article 13.9.F.5.e of the zoning ordinance states that the Planning Commission may approve additional signs if scaled drawings indicate the signs will not detract from the character of the development or surrounding development; and that the development plan clearly shows that because of unusual topography, building locations and relationships or developments with multiple structures, additional signs are essential to inform and direct the public.

1. An additional sign is not essential to inform and direct the public. The development does not have multiple structures and the topography or building location does not warrant any additional signs. One of the existing two signs could be modified to include signage for the proposed restaurant.
2. This node along Rutledge Pike has several commercial-zoned properties with only a few developed as commercial uses. However, no other properties have more than two signs, so a third sign for the subject property would be inconsistent with the character of the surrounding area.

With the above-mentioned points, the property does not meet the criteria mentioned in the zoning ordinance for an additional sign in the C-G-1 district.



OTHER BUSINESS

6-A-24-OB

Petitioner: Southern Signs/Willis, Jessica



Consideration of a third sign in the C-G-1 (General Commercial) zone in accordance with Article 13.9.F.5.e.

Map No:
Jurisdiction:

Original Print Date: 5/7/2024

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

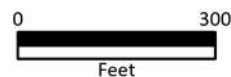


Exhibit A. Contextual Images

Location Map



Aerial Map

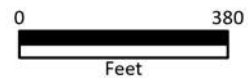


CONTEXTUAL MAPS 1

6-A-24-OB



Case boundary



MBI

ENGINEER

KNOXVILLE, TN 37919

PHONE: (615) 584-9999

FAX: (615) 584-2131

WEB: www.mbi.com

CONSULTANT

PROJECT INFORMATION

KENJO STORE FOR RUTLEDGE PIKE

PROJECT ADDRESS: 4315 RUTLEDGE PIKE, KNOXVILLE, TN 37919

PROJECT NO.: 202305

ACTIVE DESIGN PHASE:

FOR PERMITTING ONLY

SCHEMATIC DESIGN

DESIGN DEVELOPMENT

CONSTRUCTION RECORD SET

AS-BUILT RECORD SET

REVISION INFORMATION:

NO.	DATE	DESCRIPTION
REV. 004/2023	05/18/2023	CFP REVIEW COMMENTS
REV. 004/2023	05/18/2023	CFP REVIEW COMMENTS
REV. 003/2023	05/18/2023	CFP COMMENTS
REV. 002/2023	05/18/2023	CFP COMMENTS

KEY PLAN

SHEET INFORMATION

SHEET ISSUED: 06/23/2023

DESIGNED BY: A.M.A.

DRAWN BY: A.M.A.

REVIEWED BY: G.B.T.

SHEET TITLE:

SHEET NO. **C300**

GENERAL SHEET NOTES:

1. SEE SHEET C001 FOR CIVIL NOTES AND LEGENDS.
2. FOR TYPICAL PARKING SPACE LAYOUT, SEE 1/C802.
3. ALL R/W NOT LABELED ARE TO BE R3.07.

AREAS & CALCULATIONS

IMPERVIOUS AREA		PROPOSED		TOTAL INCREASE	
EXISTING	Acres	Acres	sqft	Acres	sqft
29.165		0.90	39,270	0.23	10,085
TOTAL SITE AREA		DESTRUCTURED AREA		TOTAL DISTURBED AREA	
1.74	Acres	1.56	Acres	0.18	Acres
75,734	sqft	68,004	sqft	7,730	sqft

PARKING CALCULATION

FOR GAS STATION WITH RETAIL & RESTAURANT:
4 SPACES PER 1,000 SF GFA

REQUIRED	PROVIDED
19	35
REGULAR ACCESSIBLE	REGULAR ACCESSIBLE
01	02
TOTAL	TOTAL
20	37

VEHICULAR USE AREA

Acres	sqft
0.67	29,125

SITE LEGEND

PAINTED ONE-WAY LETTERS, COLOR TO BE WHITE; SEE DETAIL 7/C801

PAINTED DIRECTIONAL ARROWS, COLOR TO BE WHITE; SEE DETAIL 7/C801

PAINTED STOP BAR, COLOR TO BE WHITE; SEE DETAIL 7/C801

PAINTED "DO NOT ENTER" LETTERS, COLOR TO BE WHITE; SEE DETAIL 7/C801

GUARDRAIL; SEE DETAIL 8/C802

PAINTED DOUBLE STRIP, COLOR TO BE YELLOW

SITE KEYED NOTES

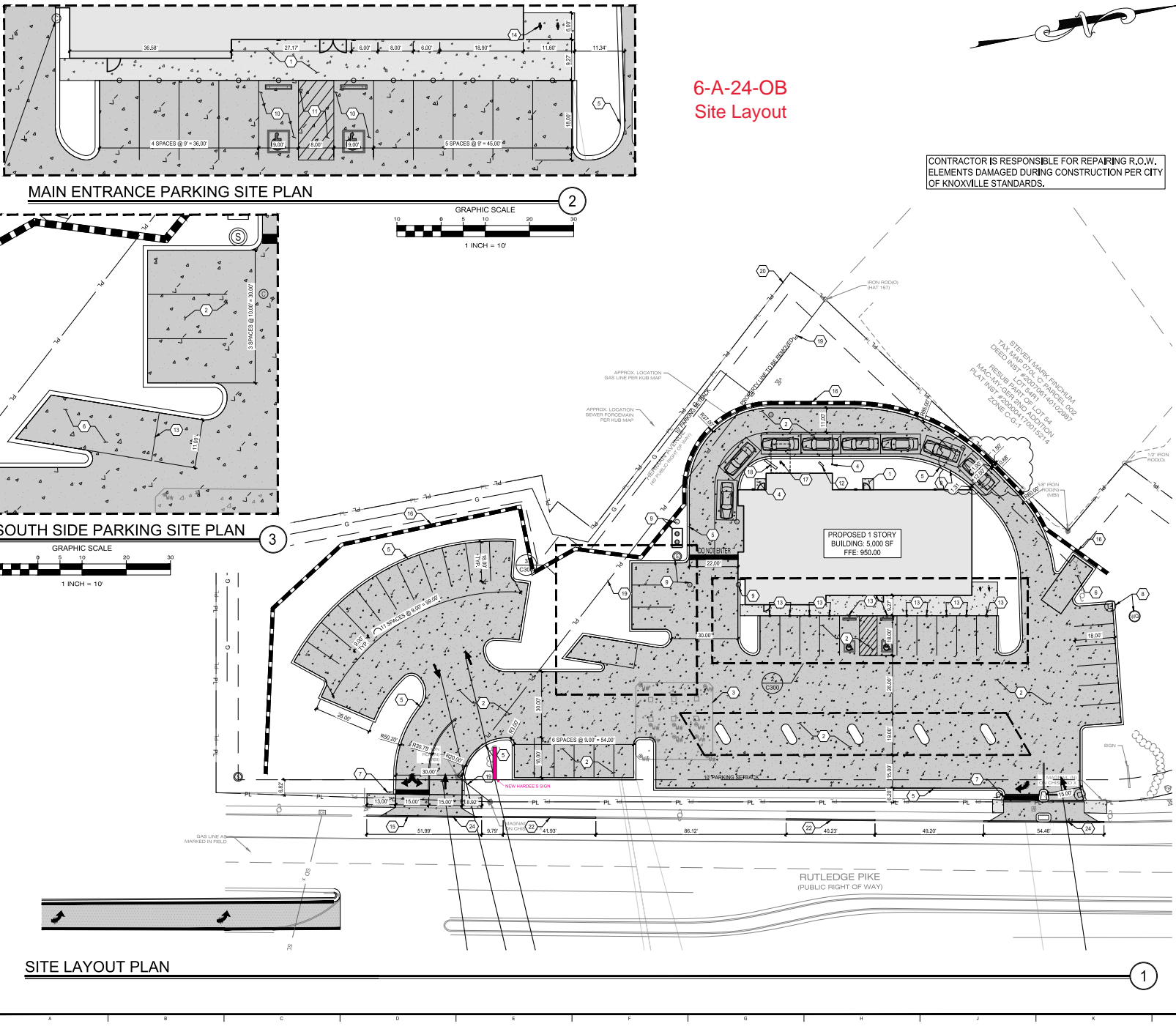
- 1 CONCRETE SIDEWALK; SEE DETAIL 1/C801
- 2 CONCRETE PAVING; SEE DETAIL 2/C801
- 3 EXISTING GAS TANKS TO REMAIN
- 4 DRIVE-THRU CLEARANCE BAR; SEE ARCHITECTURAL SHEETS FOR DETAILS
- 5 CONCRETE MOUNTABLE CURB; SEE DETAIL 3/C801
- 6 WASTE ENCLOSURE; SEE DETAIL 5/800
- 7 30" STOP SIGN PER TDOT SPECIFICATIONS
- 8 STORM DRAINAGE STRUCTURE; SEE SHEET C000 FOR DETAILS
- 9 SANITARY SEWER STRUCTURE; SEE SHEET C000 FOR DETAILS
- 10 ADA COMPLIANT PARKING SPACE; SEE DETAIL 2/C802
- 11 PAINTED NO PARKING AREA, COLOR TO BE WHITE; SEE DETAIL 3/C802
- 12 DRIVE-THRU PRE-VIEW SIGN; SEE ARCHITECTURAL SHEETS FOR DETAILS
- 13 6" Ø CONCRETE BOLLARD; SEE DETAIL 5/C801
- 14 DERO-TRE HITCH - 4 BIKER CAPACITY MIN., COLOR TBD BY OWNER; SEE DETAIL 3/C801
- 15 INSTALL TDOT STANDARD ROADWAY ENTRANCE; SEE TDOT DETAIL RP-0-18; SEE DETAIL 1/C805
- 16 RETAINING WALL; TO BE DESIGNED BY OTHERS
- 17 DRIVE-THRU KIOSK; SEE ARCHITECTURAL SHEETS FOR DETAILS
- 18 DRIVE-THRU MENU BOARD; SEE ARCHITECTURAL SHEETS FOR DETAILS
- 19 EXISTING PROPERTY LINE TO BE REMOVED
- 20 PROPOSED FUTURE PROPERTY LINE
- 21 EXISTING DRIVEWAY APRONS, ENSURE SIDEWALKS ARE ADA COMPLIANT
- 22 TDOT STANDARD CONCRETE CURB; SEE TDOT DETAIL RRV-C-10; SEE DETAIL 2/C805
- 23 ADA PARKING SIGN MOUNTED IN BOLLARD; SEE DETAIL 9/C802
- 24 ROW PAVEMENT TO MEET SPECIFICATIONS; SEE DETAIL 2/C801

GENERAL SHEET NOTES:

CONTRACTOR IS RESPONSIBLE FOR REPAIRING R.O.W. ELEMENTS DAMAGED DURING CONSTRUCTION PER CITY OF KNOXVILLE STANDARDS.

811 Know what's below. Call before you dig. In Tennessee call 811 or 1-800-351-1111

GRAPHIC SCALE
1 INCH = 20'

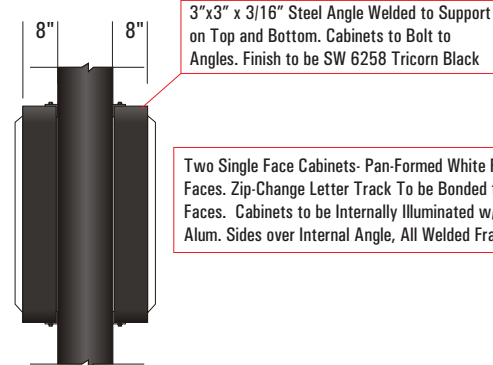
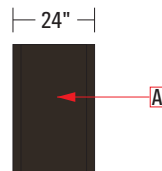
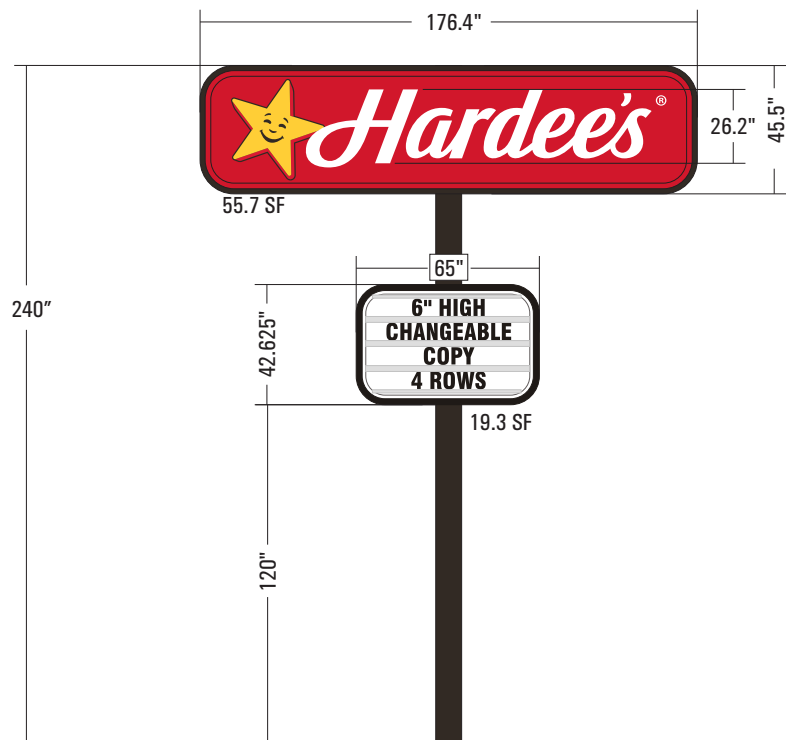


R:\Recent\Projects\2023\0603\6-A-24-OB_Site Layout - Rutledge Pike\01_C300.dwg, 6/13/2023 10:27 AM

Rectangular Pylon w/Readerboard

6-A-24-OB
Proposed Detached Sign

Color Schedule



Stock Code	TOTAL SQ FT
HAR-V2-RB40x61	16.9

Materials	
1	.177 Clear Panformed, Embossed Poly. Face
2	2" Alum. Retainer
3	2nd Surface Painted Decoration
4	White LED Illumination
5	Welded Aluminum Tube Frame
6	Tamper Resistant Switch - U.L. Approved 'Leviton' #1101-2L

Colors & Finishes	
A	Gloss SW 6258 Tricorn Blk Returns/Retainers
B	Clear, Pan Formed Poly. Faces Backsprayed White
C	Painted to Match 3M 3630-73
D	Painted to Match 3M 3630-125
E	2nd Surface 3M 3630-22

Rev #1 -
Rev #2 -
Rev #3 -

Notes



Designer: CM	Date: 4/27/21
Client: Hardee's -	
File Path: Z/Restaurant/Hardee's/	

- Proof Is Approved. Proceed With Production Of Order
- Proof Is Approved With Corrections. Make Corrections As Indicated And Proceed With Production Of Order

Signature: _____
I have reviewed this proof in regard to: Sign type, order quantity, and accuracy of icons, symbols, and text (e.g. spelling capitalization, punctuation).

Print Name: _____

Date: _____

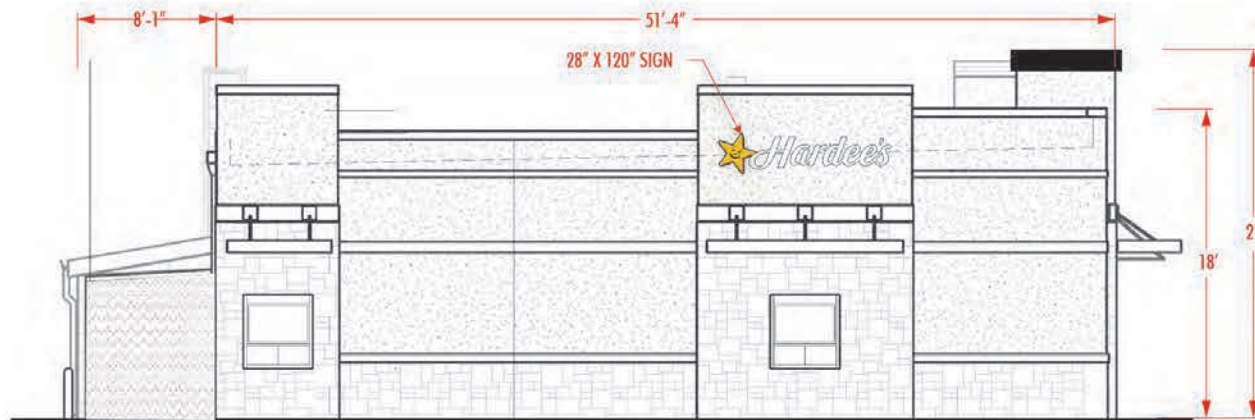


These plans are the exclusive property of Design Team Sign Company and are the result of the original work of its employees. They are submitted to your company for the sole purpose of your consideration of whether to purchase these plans or to purchase from Design Team Sign Company a product manufactured according to these plans. Distribution or exhibition of the plans to anyone other than employees of your company, or use of these plans to construct a product similar to one embodied herein, is expressly forbidden. In the event that exhibition or construction occurs, Design Team Sign Company expects to be reimbursed \$500 in compensation for time and effort entailed in creating these plans.

6-A-24-OB
Proposed Wall Signs (Does not require Planning Commission approval)



SOUTH ELEVATION



WEST ELEVATION

SCALE: 1/8" = 1'-0"

► PENDING ONSITE SURVEY FOR EXACT FIELD MEASUREMENTS, CREW ACCESS, MOUNTING DETAILS & ENGINEERS RECOMMENDATIONS ◄

OK TO PROCEED AS IS MAKE CHANGES & PROCEED MAKE CHANGES & RESUBMIT



THIS DESIGN DRAWING IS THE SOLE PROPERTY OF SOUTHERN SIGNS INC & CAN NOT BE REPRODUCED, COPIED OR DISTRIBUTED TO OTHERS WITHOUT WRITTEN PERMISSION FROM AN AUTHORIZED REPRESENTATIVE OF SOUTHERN SIGNS INC. PRICE OF THIS DRAWING IS \$500.00

APPROVED BY _____ DATE _____

SALES PERSON KEITH BROOKS Sr.

ORIGINAL
DATE 12-6-23 BY JKB

REVISIONS
1) DATE _____ BY _____
2) DATE _____ BY _____
3) DATE _____ BY _____

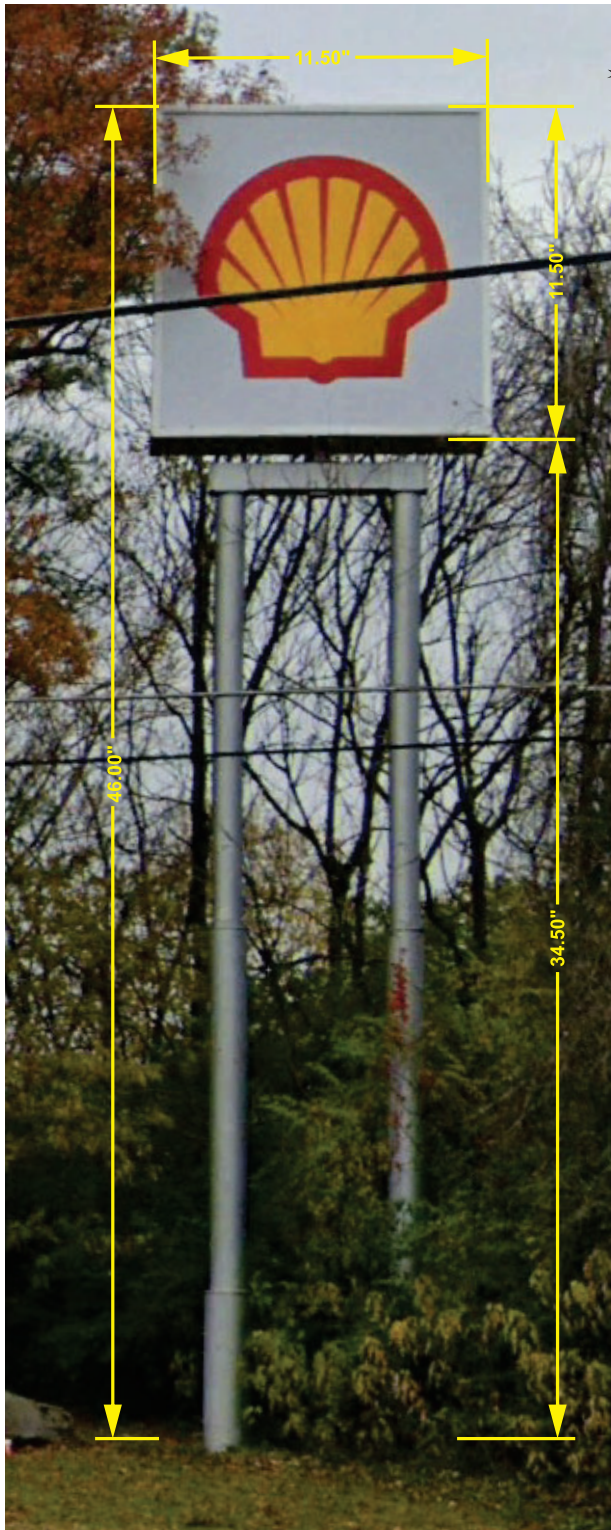
COLORS
AS PER INDIVIDUAL SIGN DETAIL DRAWINGS

ELECTRICAL REQUIREMENTS
ONE(1) = 120VT / 20AMP SERVICE EACH SIGN
PRIMARY ELECTRICAL TO SIGN & DISCONNECT *NOT INCLUDED*

Southern Signs Inc.
9916 THORN GROVE PIKE - STRAWBERRY PLAIN, TN.
865-933-4877 or 865-933-4878
fax 865-933-4876
www.SouthernSignsInc.com

KenJo

#34 Rutledge Pike
Knoxville, TN



THIS SIGN MEETS SETBACK & SQUARE FOOTAGE REQUIREMENTS BUT IS TOO TALL

6-A-24-OB
Existing Signs (#1 and 3 non conforming)

THESE SIGNS MEET SQUARE FOOTAGE & HEIGHT REQUIREMENTS BUT DO NOT MEET SETBACK



1

2

3



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

Southern Signs, Inc. / Jessica Willis

Applicant Name	Affiliation
4/26/24	
Date Filed	Meeting Date (if applicable)
	<div style="border: 1px solid black; padding: 10px; display: inline-block;"> File Number(s) <h2 style="color: red; margin: 0;">6-A-24-OB</h2> </div>

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

Applicant
 Property Owner
 Option Holder
 Project Surveyor
 Engineer
 Architect/Landscape Architect

Jessica Willis	Southern Signs, Inc.
Name	Company
9916 Thorn Grove Pike	Strawberry Plains TN 37871
Address	City State ZIP
(865) 933-4877	southernsignsinc@aol.com
Phone	Email

CURRENT PROPERTY INFO

Downey Oil Company	P. O. Box 4848, Maryville, TN 37802	(865) 982-2192
Property Owner Name (if different)	Property Owner Address	Property Owner Phone
4315 Rutledge Pike, Knoxville, TN 37914	070LC001	
Property Address	Parcel ID	
Sewer Provider	Water Provider	Septic (Y/N)

STAFF USE ONLY

General Location	Tract Size
<input type="checkbox"/> City <input type="checkbox"/> County	
District	Zoning District Existing Land Use
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

Home Occupation (specify) _____

Additional sign in C-G zone

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Unit / Phase Number Combine Parcels Divide Parcel Total Number of Lots Created

Other (specify) _____

Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST

Zoning Change Proposed Zoning _____

Plan Amendment Change Proposed Plan Designation(s) _____

Proposed Density (units/acre) Previous Rezoning Requests

Other (specify) _____

Pending Plat File Number

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
Fee 2	
Fee 3	

AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct:

1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

Jessica A. Willis

Digitally signed by Jessica A. Willis
DN: cn=Jessica A. Willis, o=Southern Signs, Inc., ou,
email=jessica@southernsigninc.com, c=US
Date: 2024.04.26 10:49:51 -0400'

Southern Signs, Inc. / Jessica Willis

4/26/24

Applicant Signature

Please Print

Date

Phone Number

Email

4/29/2024 OI



Digitally signed by Charles W. Carruthers Jr.
DN: cn=Charles W. Carruthers Jr., o=ou,
email=wcarruthers@downeyroll.com, c=US
Date: 2024.04.26 10:57:39 -0400'

Charles W Carruthers Jr

4/26/2024

Property Owner Signature

Please Print

Date Paid