

SPECIAL USE REPORT

► FILE #: 6-E-25-SU	AGENDA ITEM #: 15						
	AGENDA DATE: 6/12/2025						
APPLICANT:	ROBERT SULLIVAN - TACO BELL OF AMERICA, LLC						
OWNER(S):	CAP-TN BEARD LLC						
TAX ID NUMBER:	121 B A 013, 014 View map on KGIS						
JURISDICTION:	City Council District 2						
STREET ADDRESS:	5900 KINGSTON PIKE (5902 KINGSTON PIKE)						
LOCATION:	Southwest corner of the intersection of Kingston Pike and Agnes Road						
APPX. SIZE OF TRACT:	0.94 acres						
SECTOR PLAN:	West City						
GROWTH POLICY PLAN:	N/A (Within City Limits)						
ACCESSIBILITY:	Access is via Kingston Pike, a major arterial road with a 55-ft pavement width within a right-of-way which varies from 60 ft to 75 ft, and via Agnes Road, a local street with a 25-ft pavement width within a 35-ft right-of-way.						
UTILITIES:	Water Source: Knoxville Utilities Board						
	Sewer Source: Knoxville Utilities Board						
FIRE DISTRICT:	Knoxville Fire Department						
WATERSHED:	Fourth Creek						
ZONING:	C-G-1 (General Commercial)						
EXISTING LAND USE:	Public/Quasi Public Land, Commercial						
PROPOSED USE:	Drive-through eating and drinking establishment						
HISTORY OF ZONING:	This property was rezoned from C-G-3 to C-G-1 in August 2024 (7-N-24-RZ).						
SURROUNDING LAND	North: Commercial - C-G-1 (General Commercial)						
USE AND ZONING:	South: Commercial - C-G-3 (General Commercial)						
	East: Commercial, office - C-G-1 (General Commercial)						
	West: Commercial, office - C-G-3 (General Commercial)						
NEIGHBORHOOD CONTEXT:	This area is characterized by retail and service-oriented commercial development along Kingston Pike, with high-frequency transit service. Bearden Elementary School is 750 ft to the northeast of the subject property.						

STAFF RECOMMENDATION:

Approve the request for a drive-through facility in the C-G-1 zoning district, subject to 10 conditions.

 Meeting the requirements of the City of Knoxville Zoning Ordinance, including but not limited to design standards in Article 5.4, sign standards in Article 13, and the landscape standards in Article 12.
 Maintaining sight distance at all intersections per the requirements of the City of Knoxville Department of Engineering during permitting.

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3. Prior to site disturbance permits being issued, except for those necessary to satisfy this condition, the applicant must conduct a preliminary site grading/stripping investigation ("investigation") of the property under the supervision of an archaeologist, credentialed by the Register of Professional Archaeologists (RPA), to assure that any unmarked graves on the site are identified and either left undisturbed or otherwise relocated in accordance with state law (Tennessee Code Annotated (TCA) Title 46, Chapters 4 and 8). The investigation area shall include the area south of the existing structure, between the "proposed cemetery limits" as shown on plan sheet C-111 and the eastern lot line of parcel 121BA013, 5902 Kingston Pike. In addition, the investigation must examine whether graves are located between the eastern row of headstones and the retaining wall adjacent to the proposed cemetery limits. Areas to be left undisturbed according to the final grading plan may be removed from the investigation area, unless otherwise recommended to be included by the archaeologist. Upon completion of the investigation, a report from the archaeologist must be provided to Planning staff for review and approval before any further site alteration. If grave sites are found within 10 ft of the proposed area of work (disturbance) or outside of the proposed cemetery limits, the limits of the cemetery must be expanded 10 ft outside of the gravesite(s), or the gravesite(s) must be relocated in accordance with state law. 4. Providing a 10-ft non-disturbance buffer around the perimeter of a gravesite(s) per TCA § 46-8-103. A "gravesite" is defined as a space of ground used for lawful interment of a deceased person (TCA § 46-8-102). 5. Providing a 6-ft deep by 10-ft wide concrete pad at the back side of the sidewalk and a seating amenity, such as a "Simme-Seat" or a bench, at the adjacent east-bound bus stop on Kingston Pike, with the location, construction details, and installation to be coordinated with Knoxville Area Transit (KAT) during permitting. 6. Implementing the recommendations of the Proposed Taco Bell Traffic Impact Study (TIS), GDP Group, May 2025, as required by the City of Knoxville Department of Engineering and the Tennessee Department of Transportation (TDOT) during permitting. If the TIS is further revised, it must be submitted to the Planning staff for review and approval by all applicable agencies.

7. Restricting the access to Kingston Pike to full-in and right-out only turn movements, with the design of the access to be meet the requirements of the City of Knoxville Engineering Department and TDOT during permitting.

8. Meeting all applicable requirements of the City of Knoxville Department of Engineering.

9. Meeting all applicable requirements of TDOT.

10. Meeting all other applicable requirements of the City of Knoxville Zoning Ordinance.

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

COMMENTS:

This proposal is for a restaurant with a drive-through facility. Drive-through facilities require Special Use approval by the Planning Commission, but a restaurant without one is permitted by right. The subject property was rezoned from C-G-3 to C-G-1 in August 2024 (7-N-25-RZ). In September 2024, the City Council amended the commercial design standards in Article 5.4, applying the design standards to all C-G (General Commercial) subdistricts. Previously, the design standards only applied to the C-G-2 and C-G-3 subdistricts.

There is a cemetery in the southwest portion of the site and two existing structures: a former church with an annex and a former house that have both been converted for commercial use. The structures are to be demolished, and the cemetery is to be fenced, with pedestrian access provided in the northwest corner from the parking lot.

Drive-through facilities must meet the principal use standards outlined in Article 9.3.F., which specifies dimensional standards and locational requirements, and access restrictions and buffer requirements when adjacent to residential districts and certain sensitive uses (which does not include cemeteries). This proposal meets the principal use standards.

Access to the site is from Kington Pike and Agnes Road. The traffic impact study (TIS) provided by the applicant evaluated the two access points, as well as the intersection of Agnes Road with Kingston Pike. The study concluded that the minimum intersection sight distance is obtained in both directions at each intersection, and no additional off-site improvements are recommended. The Kingston Pike access meets TDOT's minimum separation standard from a signalized intersection; however, due to the heavy congestion in this area and the site having side street access which will allow for a safer location to turn left onto Kingston Pike, staff recommends that the driveway access to Kingston Pike be restricted to allow full-in and right-out only turn movements.

A Knoxville Area Transit (KAT) bus stop is located in front of the subject property. Staff is recommending a condition to provide a concrete pad at the back of the existing sidewalk, large enough to accommodate the

future installation of a bus shelter, which the developer has agreed to and shows on the site plan. In addition, the recommended condition requires the developer to provide a seating amenity, such as a "Simme-Seat" or a bench, to be installed in coordination with KAT. There is currently a retaining wall on the subject property, along the sidewalk, that provides a surface for waiting passengers to lean against or sit on, which will be removed as part of this project.

COMMERCIAL DESIGN STANDARDS (ARTICLE 5.4, TABLE 5-2)

The applicable design standards are listed below, along with notes regarding the project's compliance. 1) Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 30 linear feet, measured per story parallel to the street.

NOTE: The upper portion of the east elevation (facing Agnes Road) must come into compliance with the blank wall standard. See the rules of measurement for blank walls for how this can be accomplished (Article 2.4.A). Staff recommends that this be completed during permitting because this will not impact the layout of the drive-through facility.

2) All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade along which they are located. NOTE: A sidewalk is provided from the Kingston Pike frontage and the entrances are located in a large, glass storefront systems that are visually distinctive from the other portions of the façade.

3) Building materials and visual elements used on the primary building frontage must continue on all building façades that are visible from a public right-of-way.

NOTE: The south (rear) elevation is visible from Agnes Road, but only marginally. It is clad in a vertical metal wall panel with an open metal frame at the parapet level as a visual element. These wrap around the side elevations.

4) The ground floor of the front façade that abuts a public-right-of-way, excluding alleys, must maintain a minimum transparency of 30 percent, measured between two and ten feet in height.

NOTE: The front façade, facing Kingston Pike, has 37 percent transparency.

5) Sites must be designed to ensure safe pedestrian access from the public right-of-way, and safe pedestrian circulation within the development.

NOTE: A pedestrian connection is provided from Kingston Pike to the main entrance of the restaurant.

BEARDEN CHRISTIAN CEMETERY

The cemetery is located to the rear of the former church and annex structure at 5902 Kingston Pike. The cemetery is named after the original church on the site, Bearden Christian Church, which was established in the 1880s. The existing church structure is believed to have been constructed in 1925 in the same location as the original. The cemetery was active between the early 1880s and 1920s.

According to the Tennessee Historical Commission, "all human remains — whether modern or prehistoric — are protected under state law. Most of the state's cemetery laws can be found in Tennessee Annotated Code (TCA) Title 46, Chapters 4 & 8 and in precedents set by the Walter Hines v. State of Tennessee (1911) decision." Descendants have the perpetual right to visit any Tennessee cemetery in which their ancestor(s) are buried. A 10-ft non-disturbance buffer is required around gravesites. Desecration of a burial or cemetery is a Class E felony, and the disinterment of a dead body, corpse, or human remains without legal authority is a Class A misdemeanor. State law also has a process for relocating gravesites and entire cemeteries. For additional information about the laws governing cemeteries and burial sites, see Exhibits E and F from the Tennessee Historical Commission.

There is limited historical information about the Bearden Christian Cemetery available online, particularly regarding the precise locations of the gravesites. The earliest aerial photography available on KGIS with the necessary resolution to view headstones and compare their locations with those of other years is from 1985. A comparison of the headstone locations in aerial images from 1985, 2016, and 2020 is provided in Exhibit C, showing that the easternmost headstones were relocated west, thereby shrinking the perceived area of the cemetery. In Exhibit D, the proposed site plan is overlaid on the 2020 aerial image, showing that several headstones were located outside the proposed cemetery boundary prior to 2020. In addition, it is common in older cemeteries associated with churches to have the gravesites oriented west to east, with the headstone on the west end. If that is true for this cemetery, the retaining wall on the east side of the cemetery is within the 10 ft non-disturbance buffer around a gravesite and must be moved further to the east.

Because it is unknown if the location of the headstones shown in aerials before 2019 are the actual locations of gravesites, or the orientation of the gravesites in relation the headstones, staff is recommending a condition that preliminary grading/stripping of the site be performed under the supervision of a professional archaeologist, and a report must be submitted to Planning staff before any further site alteration. If gravesites are found within 10 ft of, or outside of, the proposed cemetery boundary, the boundary must be moved 10 ft

outside of the gravesites, or the gravesites must be relocated in accordance with state law.

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

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.

A. The One Year Plan and Sector Plan designation for this parcel is MU-SD, WC-1 (Bearden Village). This special mixed use district references the Bearden Village Opportunities Plan (2001), which recommends transitioning the Bearden area to a more pedestrian-oriented, mixed-use district. The recommendations for pedestrian-oriented development, however, were centered around the Homberg Place area to the east. The subject property is in the "Kingston Pike Corridor", which recommends orienting buildings toward the sidewalk with parking to the rear, incorporating a mix of uses, tree plantings along sidewalks and within parking lots, and reduced parking have been codified, and the C-G-1 district has design standards intended to promote mixed-use development in a pedestrian-oriented environment. The structure is oriented toward the street, as recommended, but the parking is to the side of the structure, and the exit lane of the drive-through passes between the front of the building and Kingston Pike. In addition, the building will be elevated above the Kingston Pike sidewalk, separated by a retaining wall set back 10 ft from the sidewalk.

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 require special use approval by the Planning Commission.

B. With the recommended conditions, the proposed restaurant with a drive-through facility meets the C-G-1 district standards and 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 proposed 1-story structure is consistent with the other 1-story structures on this block of Kingston Pike. B. With the proposed conditions, the cemetery will be retained and protected, and the site will be investigated for gravesites outside of the proposed cemetery boundary before site development begins.

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 use 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.

B. This portion of Kingston Pike is heavily congested during peak travel times in the morning, evening, and early afternoon during the school year for pick up at Bearden Elementary School. The proposal includes a full-access driveway to Kingston Pike and Agnes Road. The Kingston Pike access meets TDOT's minimum separation standard from a signalized intersection; however, due to the heavy congestion in this area and the site having side street access which will allow for a safer location to turn left onto Kingston Pike, staff recommends that the access to Kingston Pike be restricted to allow full-in and right-out only turn movements.

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 only has access to non-residential streets.

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. No known uses immediately surround the subject site that pose a potential hazard or undesirable environment for the proposed use.

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.

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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.





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TACO BELL NEW DRIVEWAY SIGHT TRIANGLE MAP



"This submittal is for general informational purposes only and is preliminary in nature. As such, any other use or reliance is strictly prohibited."



GPD GROUP

05/27/25 PLAN SET ISSU







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SCOPE OF WORK

THIS WORK SHALL CONSIST OF PERFORMING CLEAR NG AND GRUBB NG. SO I PREPARATION, FINISH GRAD NG, PLANTING AND DRAINAGE, NCLUD NG ALL LABOR MATERIALS, TOOLS, EQU PMENT, AND ANY OTHER APPURTENANCES NECESSARY FOR THE COMPLETION OF THIS PROJECT.

- QUANTITY TAKEOFF IS SUPPLED FOR CONTRACTOR'S ASSISTANCE ONLY. CONTRACTOR IS RESPONSIBLE FOR SUPPLY NG ALL PLANT MATERIALS AS PER PLAN.
- NO ADDITIONAL COMPENSATION SHALL BE PA D TO THE CONTRACTOR FOR DAMAGE AND REPA R WITH N EASEMENT OR RIGHT-OF-WAY LIMIT

PRESERVATION/PROTECTION (IF APPLICABLE)

- CONTRACTOR SHALL MAINTAIN AND PRESERVE TREES AND SHRUBS NOT BE NG REMOVED, INCLUDING THE R ROOTS. TREE PROTECTION FENC NG SHALL BE USED AT THE DRIP L NE OF ALL TREES AND SHRUBS WITHIN 50 FEET OF CONSTRUCTION EXCEPT AS SHOWN ON PLAN FENC NG SHALL REMA N N PLACE UNTIL FINAL PLANT INSPECTION FOLLOWING CONSTRUCTION. MATERIALS SHALL NOT BE STOCKPILED WITHIN THIS DEF NED AREA AND VEHICLES AND OTHER EQUIPMENT SHALL BE OPERATED TO AVO D SOIL COMPACTION.
- EREGRAPHOLDS SHOLD NOT BE CUT IN AN AGAL SOLAN TO THOSE THE THESE DECOMPERENCE SHERSHEP AGAR THE GRADIAL IN A NACES [DYREED NFEET SWAMPE A CONCUMPERIOLS OF 10" WOLD HAVE IN OLITIZORE OF APRETAIN AL DIRECTIONE FROM THE TREE; THIS SHOLD APPLY TO TUTTISE FOR APRICAS IF FRAS BLE. THE ONA Y DOCEPTION TO THIS REQUIREMENT WILL BE THOSE SPECIFICALLY ALLOVED BY THE UNRESCHEF REACTED. SPECIFICATION OR AS NOLCHARD ON THE PLANS.
- TREE TRUNKS AND EXPOSED ROOTS DAMAGED DURING EQU PMENT OPERATIONS SHALL BE TREATED IN ACCORDANCE WITH THE ARBORCULTURAL STANDARDS OF THE CITY.

PLANT MATERIALS

- GENERAL ALL MATERIALS SHALL BE OF ITS KIND AVA LABLE AND SHALL HAVE BEEN GROWN N A CLIMATE S M LAR TO THAT ON SITE. PLANTS - ALL PLANTS SHALL BE HEALTHY, OF NORMAL GROWTH, WELL ROOTED, F FROM DISEASE AND INSECTS. QUALITY AND SIZE OF PLANT MATERIAL SHALL CON ANSI 260.1 "AMERICAN STANDARDS FOR NURSERY STOCK".
- VARIET ES AND SIZES OF PLANTS SHALL BE AS SHOWN ON DRAW NGS.

4. PLANTS SHALL BE IN A HEALTHY, VIGOROUS CONDITION, FREE OF DEAD OR BROKEN

- BRANCHES, SCARS THAT ARE NOT COMPLETELY HEALED, FROST CRACKS, DISFIGUR NG KNOTS, BROKEN OR ABRADED BARK, REDUNDANT LEADERS OR BRANCHES, OR ABERRATIONS OF ANY KIND. PLANTS SHALL NOT HAVE MULTIPLE LEADERS, UNLESS THIS IS THE NATURAL FORM.
- BALLED AND BURLAPPED (B&B) PLANTS SHALL BE DUG WITH A FIRM ROOT BALL OF NATURAL EARTH, OF A SIZE N PROPORTION TO THE PLANTS SIZE. AS MEASURED BY CAL PER, HEIGHT, OR SPREAD. BALLED AND BURLAPPED PLANTS SHALL BE HANDLED NUN'B YT HE ROOT BALL, NOT BY THE TRUNK ON BRANCHES, AS THIS MAY BREAK OR IN THE ROOT BALL AND DAMAGE THE ROOT SYSTEM, CONTAIL NER PLANTS SHALL HAVE BEEN ESTABLISHED FOR A MIN MUM OF ONE FULL GROWING SEASON IN THEIR CONTA NERS BEFORE INSTALLATION. CONTA NER PLANTS SHALL BE HANDLED ONLY BY THE CONTAINER, NOT BY THE STEMS OR BRANCHES, AS THIS MAY PULL THE PLANT OUT OF THE CONTA NER AND BREAK OR LOOSEN THE ROOT BALL AND DAMAGE THE ROOT
- PLANTS SHALL BE PROTECTED FROM DRY NG OUT DURING SH PPING WITH TARPAUL NS OR OTHER COVER NGS. PLANTS SHALL BE PROTECTED FROM DRY NG OUT AFTER DELIVERY BY PLANT NG MIEDIATELY.; FTHIS IGN TO FOSS BLE, THE ROOT BALL SHALL BE COVERED WITH PEAT MOSS OR EARTH, AND WATERED FREQUENTLY TO KEEP IT MOIST UNT L PLANTING.
- DO NOT HANDLE. MOVE, BIND, TIE OR OTHERWISE TREAT PLANTS SO AS TO DAMAGE THE ROOT BALL ROOTS, TRUNK, OR BRANCHES N ANY WAY

TOPSOIL

Control Torsole, HAS BEEN (OR WILL BE) STOCKPILED FOR REUSE: N LANDSCAPE WORK /F QUARTIV OF STOCKPILED TORSOL IS NEUFFICIENT, RRVI DE ALOTITIONAL TORSOL AS UNDER TRAINEL AUXIMUM TORSOL UNITAL SUBJECT AND THE OF SUBJECT AND THE MODES FIRMALE TORSOL SHALL CONTA N NOT LESS THAN 3 PERCENT NOR MORE THAN 20 PERCENT GORMON MITTER.

SOIL CONDITIONING

- OBTAIN LABORATORY ANALYSIS OF STOCKPILED AND IMPORTED TOPSO L COMPLETE WITH RECOMMENDATIONS FOR SOIL AMENDMENT
- BEFORE MIXING, CLEAN TOPSO L OF ROOTS, PLANTS, SOD, STONES, CLAY LUMPS, AND OTHER EXTRANEOUS MATERIALS HARMFUL OR TOXIC TO PLANT GROWTH.
- MIX SPEC F ED SO L AMENDMENTS AND FERT LIZERS WITH TOPSOIL AT RATES SPECIF ED BY THE LAB REPORT. DELAY MIXING OF FERTILIZER IF PLANT NG W LL NOT FOLLOW PLACING OF PLANTING SOIL WITH N A FEW DAYS.
- 4. FOR PLANTING BEDS AND LAWNS, MIX PLANTING SO L EITHER PRIOR TO PLANTING OR APPLY ON SURFACE OF TOPSOIL AND MIX THOROUGHLY BEFORE PLANT NG. MIX LIME WITH DRY SOIL PRIOR TO MIX NG OF FERT LIZER
- PREVENT LIME FROM CONTACT NG ROOTS OF AC D-LOVING PLANTS.
- APPLY PHOSPHORIC ACID FERT LIZER (OTHER THAN THAT CONSTITUT NG A PORTION OF COMPLETE FERTILIZERS) D RECTLY TO SUBGRADE BEFORE APPLYING PLANT NG SOIL AND T LLING.

PLANTING SOIL . PLANTING SO L MIX SHALL BE CLEAR OF ALL STONES AND DEBRIS 1" OR LARGER, AND
CONSIST OF THE FOLLOWING: 25% ORGANIC COMPOST, 75% ACCEPTABLE TOPSO L

OTHER MATERIALS

- BED EDG NG EDGING SHALL BE 4" STEEL EDG NG WITH THREE (3) METAL ANCHOR STAKES PER 20 FOOT SECTION. ALL MASS PLANTING BEDS SHALL HAVE EDGING PLACED BETWEEN MUICH AREA AND ANY ADJACENT TURF AREA.
- MULCH: ORGANIC MULCH FREE FROM DELETERIOUS MATERIALS AND SUITABLE FOR
 - RIVER ROCK MULCH AREA: AGGREGATE MULCH, 3/4"-2" IN SIZE, WASHED AND ROUNDED, SHALL BE INSTALLED WITHIN THE RIVER ROCK MULCH AREA PER THE PLAN. RIVER ROCK MULCH SHALL BE INSTALLED AT 3" INCHES DEPTH.
 - NON-DYED, DOUBLE SHREDDED HARDWOOD SHALL BE NSTALLED N ALL OTHER LANDSCAPE BEDS OUTS DE OF THE RIVER ROCK MULCH AREA AT A DEPTH OF 3 MOLES

GENERAL WORK PROCEDURES

- LANDSCAPE WORK SHALL BE ACCORD NG TO THE WORKMANLIKE STANDARDS ESTABLISHED FOR LANDSCAPE CONSTRUCTION AND PLANTING IN THE TENNESSEE STANDARDIZED LANDSCAPE SPECIFICATIONS (ASLA) AND ANY LOCAL LANDSCAPE
- ORD NANCES CONTRACTOR SHALL OBTA N A COPY OF LOCAL ORDINANCES REGARDING ACCEPTABLE PLANT AND PLANTING DETA LS AND AB DE BY THOSE ORD NANCES AND DETA LS.
- 3 ENGINEER RESERVES THE RIGHT TO REJECT ALL PLANT MATERIAL DEEMED NOT ACCEPTARI E
- 4 ANY PROPOSED PLANT SUBSTITUTIONS SHALL BE EQUIVALENT IN FORM HABIT STRUCTURE, BRANCHING AND LEAF TYPE AND MUST BE ISSUED TO THE LANDSCAPE ARCHITECT FOR APPROVAL, N WRITING, PRIOR TO NSTALLATION.

WEEDING

1.

BEFORE AND DURING PRELIMINARY GRADING AND FINISH GRAD NG, ALL WEEDS AND GRASSES SHALL BE DUG OUT BY THE ROOTS AND DISPOSED OF AT THE CONTRACTOR'S EXPENSE.

PLANTING

- POSITION TREES AND SHRUBS AT THEIR INTENDED LOCATIONS AS PER THE PLANS AND SECURE THE APPROVAL OF THE OWNER BEFORE EXCAVATING PITS, MAK NG NECESSARY ADJUSTMENTS AS DIRECTED.
- 2. PLANT NG PITS SHALL BE AS PER DETAILS.
- PREPARED SOIL SHALL BE TAMPED FIRMLY AT BOTTOM OF PIT. F LL WITH PLANTING SO L 3. AROUND BALL OF PLANT. COMPLETE BACKFILL NG AND WATER THOROUGHLY.
- EACH TREE AND SHRUB SHALL RECEIVE THE LANDSCAPER'S BIONUTRITION (3-0-3) GRANULAR WITH MYCORRHIZAL TECHNOLOGY FERTILIZER OR APPROVED OTHER. APPLY FERT LIZER PER MANUFACTURER'S SPECIFICATIONS.
- WATER IMMEDIATELY AFTER PLANTING. WATER SHALL BE APPLED TO EACH TREE AND SHRUB N SUCH MANNER AS NOT TO DISTURB BACKFLU AND TO HE EXTENT THAT ALL MATCHINGS IN THE PLANT NG HOLE ARE THOROUGHLY SATURATED.
- NSTALL BED EDG NG AND MULCH PER MATERIALS SPEC FICATION AND DETAILS.
- REMOVE ALL SALES TAGS, STRINGS, STRAPS, WIRE, ROPE OR OTHER MATERIALS THAT MAY NH BIT PLANT GROWTH BOTH ABOVE AND BELOW THE SURFACE OF THE SOIL.
- REMOVE ANY BROKEN, SUCKERING, DISEASED, CRISSCROSSED OR AESTHETICALLY DISPLEAS NG BRANCHES BACK TO LIVE LEADER OR S DE LATERAL WITH A FLUSH CUT. 8.

FINISH GRADING

- 1. ALL AREAS WILL BE GRADED BY THE CONTRACTOR TO SUBSTANTIALLY PLUS/M NUS 0.1 FOOT OF FINISH GRADE.
- 2. ALL LAWN AND PLANT NG AREAS SHALL BE GRADED TO A SMOOTH, EVEN, UNIFORM PLANE WITH NO ABRUPT CHANGE OF SURFACE. SOIL AREAS ADJACENT TO THE BUILDINGS SHALL SLOPE AWAY FROM THE BUILDINGS.
- ALL PLANTING AREAS SHALL BE GRADED AND MA NTA NED TO ALLOW FREE FLOW OF SURFACE WATER.

GROUND COVER

- SPACING AND VARIETY OF GROUND COVER SHALL BE AS SHOWN ON DR 2. MULCH GROUND COVER WITH 2* THICKNESS OF SPHAGNUM PEAT
- 3 MMEDIATELY AFTER PLANTING GROUND COVER, CONTRACTOR SHALL THOROUGHLY
- ALL GROUND COVER AREAS SHALL BE TREATED WITH A PRE-EMERGENT BEFORE F NA
- LANDSCAPE INSPECTION, GROUND COVER AREAS SHALL BE WEEDED PRIOR TO APPLYING PRE-EMERGENT. PRE-EMERGENT TO BE APPLED AS PER MANUFACTURER'S RECOMMENDATION

GUARANTEE

CONTRACTOR SHALL GUARANTEE ALL PLANTS FOR A PERIOD OF ONE (1) YEAR FROM DATE OF PROJECT ACCEPTANCE BY THE OWNER.

CLEANUP

LENROU UPON THE COMPLETION OF ALL PLANTING WORK AND BEFORE F NAL ACCEPTANCE, THE CONTRACTOR SHALL REMOVE ALL MATERIAL, EQUIPMENT, AND DEBRIS RESULTING FROM HIS WORK, AN ACCEPTABLE CONDITION SHALL BE AS DEF NED AND APPROVED BY THE OWNERS AUTIONZED REPRESENTATIVE.

GENERAL NOTE

ALL AREAS DISTURBED BY CONSTRUCTION THAT ARE WITH N THE RIGHT-OF-WAY SHALL BE F NE GRADED TO MAINTA N POSITIVE DRN NAGE, HAVE A 6" LAYER OF TOPSOIL APPLIED AND BE SEEDED ACCORDING TO SPEC FICATIONS ON THIS SHEET.





KNOXVILLE, TN

FOR VISUALIZATION PURPOSES ONLY. SEE THE PLAN SHEETS FOR THE MOST CURRENT DESIGN

ALL COLORS AND MATERIALS REPRESENTED ARE A CLOSE APPROXIMATION AND SHOULD BE CONSIDERED VISUAL DESIGN INTENT ONLY. THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION, BID, RELIANCE OR IMPLEMENTATION





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KNOXVILLE, TN

6-E-25-SU

submitted 4/28/2025

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KNOXVILLE, TN

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GPD GROUP www.gpdgroup.com 1.800.955.4731

BRANDBOOK



Site ID: 46375

5900 Kingston Pike # 5902 Knoxville, TN

04/16/2025

2655 International Parkway Virginia Beach, VA 23452 757.427.1900 Toll Free: 800.877.7868 www.AGI.net















TAC-KX-BELL-52P-FL-SO

Kitchen X 52" Face Lit Swinging Purple Bell, On Standoffs

DETAILS

Α

Dimensions: Height: 4'-4"

Width: 4'-9 3/8" SqFt: 20.6

Quantity: 2

Illumination: Internal

Electrical Requirements:

Voltage - 120/277V

Power Supply - 12V remote power supply

Wiring - Low voltage with 1/2" liquid-tight conduit to power supply

Installation: Requires owner supplied 120V power within 5' of transformer box

Specifications:

MOUNTING HARDWARE					
Exterior -	3/8" ZINC PLATED STEEL THREADED ROD THRU WALL W/BLOCKING				
Interior -	3/8" SNAP TOGGLE BOLTS				
NOTES:					
 THREADED ROD WILL BE PROVIDED STANDARD, ALL OTHER HARDWARE IS TO BE PROVIDED BY THE INSTALLER AS REQUIRED. 					
2.) DESIGN INTENDED FOR NO GREATER THAN 3RD STORY MOUNTING - HIGHER ELEVATIONS REQUIRE REVIEW.					

TACO

Notes:

1) PM to specify part number prior to fabrication. 2) PM to specify interior or exterior application prior to fabrication. 3) PM to specify optional external disconnect switch prior to fabrication. 4) Shop to provide touch up paint for installer.

LOCATION

DESIGNER CM

5900 Kingston Pike # 5902 Knoxville, TN

DATE: 03/27/2025

Signature

Date



Resubmit with Changes

TAC-CL-24W-L-SO

Extra Large TB 24" White Stand Off Channel Letters, LINEAR

DETAILS

 Dimensions:

 Height:
 2'-0"

 Width:
 14'-7 1/2"

 SqFt:
 29.25

Quantity: 1

Illumination: Internal

Electrical Requirements:

Voltage - 120/277V

Power Supply - 12V remote power supply

Wiring - Low voltage with 1/2" liquid-tight conduit to power supply

Installation: Requires owner supplied 120V power within 5' of transformer box

Specifications:



Notes:

1) PM to specify part number prior to fabrication.

2) PM to specify interior or exterior application prior to fabrication.

3) PM to specify optional external disconnect switch prior to fabrication.

4) Shop to provide touch up paint for installer.

	NOTE: 1.) THIS DRAWING IS FOR INSTALLATION PURPOSES ONLY. 2.) SHOP TO PROVIDE TOUCH UP PAINT TO INSTALLER. MOUNTING APPLICATION INTERIOR EXTERIOR X
FRONTELEVATION	3" FACE OF BUILDING ALUM. RETURNS ARE PRE-FINISHED BLACK. 3/4" BLACK TRIM CAP .150" #7328 TRANSLUCENT WHITE ACRYLIC ALUM. STANDOFFS ARE PAINTED MAP BLACK OPTIONAL: UL LISTED CARLING TYPE DISCONNECT SWITCH SIDE ELEVATION
	NOTES: 1) VERIFY MOUNTING CONDITION. 2) OWNER SUPPLIED POWER TO BE WITHIN 5'-0" 0F AGI TRANSFORMER BOXES. 3) SEAL ALL WALL PENETRATIONS TO PREVENT WATER INTRUSION AS FOLLOWS: INSTALL BUSHING AFTER ELFS. APPLICATION HAS HARDENED. DULL HOLE SUCHTUN VARCER THAN BUSHING THROUGH INSULATION ONLY. STOAT PLYVOOD CAULK OPENING PRIOR TO INSERTING FASTENER TO SEAL PENETRATION.

	LOCATION 5900 Kingston Pike # 5902	PROJECT MANAGER Kayla Romanoff	CUSTOMER APPROVAL		Approved	This document is the sole property of AGI, and II design, manufacturing, reproduction, use and sale rights regarding the same are expressly forbidden. It		
TACO	Knoxville, TN	Tayla Romanon	Print Name	Title	Approved as Noted	is subject under a confidential relationship, for a special purpose, and the recipient, by accepting this document assumes custody and agrees that this document will not be copied or reproduced in whole or in part, nor its contents		Page 9 of 25
BELL.	DESIGNER CM DATE: 03/27/2025		Signature	Date	Not Approved Resubmit with Changes	revealed in any manner or to any purpose for which it was tendered, nor any special features peculiar to this design to be incorporated in other projects.	AGI	

В





Entrance Canopy on the right elevation w/ LED perimeter lighting; 33'-5 1/4" L x 11'-2 1/8" H x 6'-1 1/2" D attached to building.

Notes:

Preliminary design for permitting purposes only – not for fabrication.



FINISHED GRADE

FRONT ELEVATION

PVC RAIN WATER DRAIN

ALUM. COVER IS PAINTED TO MATCH STEEL

1

SIDE ELEVATION

6-E-25-SU Revised: 5/21/2025 ELECTRICAL CONNECTIO

ELECTRICAL ACCESS HOLE

REAR STEEL ELEVATION SCALE: 1/4"=1'-0"

> DETAIL VIEW 'A' SCALE: 1-1/2'=1'-0

> > 10

0

F.O.B

6'-0¾"

F.O.STUD

I⊢⇔



Entrance Canopy on the right elevation w/ LED perimeter lighting

DETAILS

Dimensions:

Height: 10'-4" Width: 25'-0" SqFt:

Quantity: 1

Illumination: LED Perimeter Lighting

Electrical Requirements:

Voltage: 120/277V Power Supply: Electrical access routed into the building. UL-listed disconnect switch included at the rear

J-Box with power supply mounted inside

Wiring: Electrical pass-through hole for conduit to owner-supplied power. All DC wiring must be routed through the aluminum tubing into the building (no exposed wiring or conduit allowed).

Sealed wall penetrations required to prevent water intrusion.

Installation: Aluminum mounting angles painted to match the canopy. Includes 1/8" #7328 White Acrylic Lens for illumination

Requires proper foundation and conduit access

Specifications:

Entrance Canopy on the right elevation w/ LED perimeter lighting; 33'-51/4" L x 11'-21/8" H x 6'-11/2" D attached to building.

Notes:

Preliminary design for permitting purposes only – not for fabrication.

TACO

BELL

LOCATION

DESIGNER OD

5252 Waterway Dr. Dumfries, VA 22025





G TAC-C48-KX-228-DL-TBK

Kitchen X Canopy, 19'-0" x 4'-0" x 0'-10", With Downlights And Turnbuckles

DETAILS

Dimensions:

Height: 0'-10" Width: 19'-0" SqFt:

Quantity: 1

Illumination: Downlights

Electrical Requirements:

Voltage: 120/277V

Power Supply: Owner-supplied power must be within 5 feet of AGI transformer boxes

Wiring: Electrical disconnect switch included Sealed wall penetrations required to prevent water intrusion

Installation: Canopy must be mounted sloped away from the building All mounting hardware painted to match the canopy Light fixture trim ring painted to match

Additional Notes: Requires turnbuckle support system for stability Installer to verify mounting conditions before installation

Specifications:

Notes:

Preliminary design for permitting purposes only – not for fabrication.



TACO	LOCATION 5900 Kingston Pike # 5902 Knoxville, TN	PROJECT MANAGER Kayla Romanoff	CUSTOMER APPROVAL Print Name	Title	Approved Approved as Noted	This document is the sole property of AGI, and II design, manufacturing, reproduction, use and sale rights regarding the same are expressly forbidden. It is subject under a confidential reliationship, for a special purpose, and the recipient, by accepting this document assumes custody and agrees that this document will not be copied or reproduced in whole or in part, nor its contents		Page 14 of 25
BELL.	DESIGNER CM DATE: 03/27/2025		Signature	Date	Not Approved Resubmit with Changes	revealed in any manner or to any purpose for which it was tendered, nor any special features peculiar to this design to be incorporated in other projects.	AGI	








TAC-OPC-EN

Endeavor Order Point Canopy - BLACK

FOUNDATION DETAILS

TAC100-EN-OPC-IL-FDN-S

DETAILS

J

Dimensions: Height: 10'-1 1/4" Width: 6'-8 1/4" SqFt:

Quantity: 2

Illumination: Flood

Voltage: 120V

Power Supply: 6FT conduit from owner-provided power supply. 6FT liquid-tight whip provided by AGI

Wiring: 1/2" liquid-tight conduit to flood light Electrical J-Box (2"x4") included

Installation: Grounding lug, wire, and rod must meet jurisdiction requirements (installer responsible) Flood light must be oriented upwards toward the roof panel.

All steel components are painted Pantone Black (Graphite Black RAL9011) Aluminum cover plates painted to match steel

Specifications:

Anchor bolts sold separately. Foundation not included.

Notes: Foundation by GC





NOTE: New Foundation Provided by GC

6-E-25-SU Revised: 5/21/2025

	LOCATION 5900 Kingston Pike # 5902	PROJECT MANAGER Kayla Romanoff	CUSTOMER APPROVAL		Approved	This document is the sole property of AGI, and II design, manufacturing, reproduction, use and sale rights regarding the same are expressly forbidden. It		
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BELL.	DESIGNER CM DATE: 03/27/202	5	Signature	Date	Not Approved Resubmit with Changes	revealed in any manner or to any purpose for which it was tendered, nor any special features peculiar to this design to be incorporated in other projects.	AGI	

Electrical Requirements:









TAC-KX-BELL-33P-HL-SO

Kitchen X Halo Lit Bell, 2'-8 7/8" x 3'-0", On Standoffs, Purple LEDs

DETAILS

Μ

Dimensions: Height: 2'-8 7/8" Width: 3'-0"

Quantity: 1

SqFt:

Illumination: Halo-Lit

Electrical Requirements:

Voltage: 120/277V

Power Supply: Transformer box houses the power supply.

Carling-type external disconnect switch included

Wiring: 1/2" x 6' long flexible liquid-tight conduit whip to owner-provided power supply.

Plastic wall buster for LED wire pass-through

Installation: Mounts with 2" x 3/16" spacers and 1/4" hardware

Additional Notes: Uses Principal QWIK MOD 2 Purple LED Modules (Model: M-QMDX0-PL-LO)

LOCATION

DESIGNER CM

Specifications:

TACO

BELL

Notes:



	KX-FCO-ISOPU-INT	-	9 9/16"	0.010//		511 ("			
	n-Store Order Pick Up" Black Letterset bunted, 1'-10 3/4" OAH x 1'-7 1/8"	-	Ę.	9 9/16"	-	5/16"			
DETAILS			STORE	ORDF	R		1/4		
Dimensions: Height: 1'-10 3/4"		6 3/4"			ACRYLIC LETTE				
Width: 1'-7 1/8" SqFt:			CK		- PAINTED PAINT ON ALL VISIBLE	ONEBLACK		k_	
Quantity: 1					WHITE TILE WA	A	244	#4941 VHB TAPE	
Country, 1							MC	#4941 VIID IAPE	
Illumination: None		1-103/4"	-		ACRYLIC ARR	DW IS PAINTED PMS 2603C			
					ON ALL VISIBLE	E SURFACES			
Electrical Requiremer	nts:	-2 1/2"							
		-						A <u>TYP. SECTION</u> SCALE: 1" = 1"	
				_					
Specifications:									
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								IN-STORE ORDER	
							00	PICK-UP	
Notes:									
							10		
							remain a		
						6-E-25-SU Revised: 5/21/2025			
	LOCATION	PROJECT MANAGER	CUSTOMER APPROVAL		Approved	This document is the sole property of AGI, and	I design manufacturing	PLACEMENT	
	5900 Kingston Pike # 5902 Knoxville, TN	Kayla Romanoff	Print Name	Title	Approved as Noted	reproduction, use and sale rights regarding th is subject under a confidential relationship, for recipient, by accepting this document assume document will not be copied or reproduced in	e same are expressly forbidden. It r a special purpose, and the s custody and agrees that this		Page 25 of 25
	DESIGNER CM DATE: 03/27/202	5	Signature	Date	Not Approved Resubmit with Changes	revealed in any manner or to any purpose for special features peculiar to this design to be in	which it was tendered, nor any acceptorated in other projects.		

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"This submittal is for general informational purposes only and is preliminary in nature. As such, any other use or reliance is strictly prohibited."





CAUTION: IF THIS SHEET IS NOT 22"x34" IT IS A REDUCED PRINT







Taco Bell 5900 Kingston Pike Proposed Cemetery Fencing





TRAFFIC IMPACT STUDY KNOXVILLE, KNOX COUNTY, TENNESSEE

PROPOSED TACO BELL 5900 KINGSTON PIKE KNOXVILLE, TN

PREPARED BY GPD GROUP FOR: TACO BELL OF AMERICA, LLC. REVISED MAY 2025



6-E-25-SU Version 2 5/20/2025

TRAFFIC IMPACT STUDY Taco Bell Knoxville, TN 5900 Kingston Pike

Knoxville, Knox County, Tennessee

Prepared For:

Taco Bell of America, LLC. 1 Glen Bell Way Irvine, CA 92618

Revised May 2025



Multimodal Facilities

There is an existing sidewalk along Kingston Pike (US 11). According to the preliminary site plan, the existing sidewalk along Kingston Pike (US 11) will remain after the construction of the proposed Taco Bell. There is a bus stop in front of the site on Kingston Pike (US 11).

V. <u>Recommendations:</u>

Site Access

According to Table 3-5 in Volume 3 of TDOT's HSAM, the required minimum spacing of driveways along an Urban Principal Arterial with a traversable median is 880'. Additionally, Table 3-7 in the HSAM states that the minimum spacing of offset access points along an Urban Principal Arterial shall be 330'. As previously mentioned, Site Drive #1 is located roughly 70' east of the existing driveway for the U.S. Bank and 110' west of the Food City grocery store driveway. While Site Drive #1 does not satisfy TDOT's spacing requirements, there are several driveways along Kingston Pike (US 11) that do not appear to comply with these requirements, and the driveway is located approximately at the same spacing as the current Brage Bij driveway. Additionally, <u>HSAM's</u> Table 3-14 states that commercial driveways must have a minimum radius of curvature of 20', which Site Drive #1 satisfies. Table 3-16 in the HSAM says that two-way commercial driveways must be at least 24' wide, which Site Drive #1 achieves by being 26' wide. Regarding the driveway's throat length, Table 3-17 says that the minimum throat length should be 35', which Site Drive #1 satisfies by being approximately 96' long. The required edge clearance of Site Drive #1 is roughly 32', which satisfies the minimum requirement of 20' given in Table 3-18 of the HSAM. Additionally, Site Drive #1 satisfies the minimum driveway angle of 70 degrees, with the driveway angle of Site Drive #1 being 90 degrees. The proposed Taco Bell satisfies the HSAM's Commercial Border Area Clearance since the closest vehicles located on the site are to the Right-of-Way is approximately 12'. Based on the above information, Site Drive #1 satisfies the requirements set forth in Volume 3 of TDOT's HSAM, and can be constructed according to the preliminary site plan.

Since Site Drive #2 is located along Agnes Road, it must satisfy requirements set forth by the Knoxville-Knox County Planning Commission. The proposed Taco Bell satisfies the maximum number of driveways allowed because according to Article 5 Section 7 of the zoning code, the maximum number of driveways allowed is two for lot frontages of 149' – 300'. The frontage of the proposed Taco Bell along Agnes Road is roughly 215', and access to the proposed development is provided by two driveways.



However, only one is located along roads maintained by local municipalities. The zoning code also states that "no driveway shall be constructed within 25' of an adjacent street right-of-way line"; which Site Drive #2 satisfies since its closest edge is approximately 146' away from Kingston Pike (US 11). The zoning code states that driveway width shall be 20' - 30'. Site Drive #2 satisfies this requirement since it has a width of 24'. Since Site Drive #2 satisfies these requirements, it can be constructed according to the preliminary site plan.

Intersection Improvements

No improvements are recommended for the Kingston Pike (US 11) / Site Drive #1 and Kingston Pike (US 11) / Site Drive #2 intersections. Auxiliary turn lanes for these driveways were not warranted. Sufficient ISD is provided at both site driveways. The proposed development can be constructed according to the preliminary site plan.

Off-Site Improvements

No improvements to the Kingston Pike (US 11) / Agnes Road intersection are recommended.



AERIAL PHOTOGRAPHY COMPARISON OF THE CEMETERY (source: KGIS.org)

EXHIBIT C



SITE PLAN OVERLAY ON 2020 AERIAL WITH HEADSTONE LOCATIONS BETWEEN 2003 - 2020



EXHIBIT D



HISTORIC CEMETERIES IN THE STATE OF TENNESSEE General Information, Laws, and Guidelines

The <u>Tennessee Historical Commission</u> is developing a Cemetery Preservation Program to provide guidance and related services. A committee has been created in order to ensure the effectiveness of this program, which is administered by THC's Historic Cemeteries Preservation Specialist, G. Graham Perry III (615) 532-0087; <u>graham.perry@tn.gov</u>). The specialist provides resources covering preservation techniques for the proper care and maintenance of cemeteries, offers information regarding legal statutes covering cemetery protection, and acts as an advocate for cemetery preservation.

This sheet provides general guidelines for property-owners, developers, families, and citizens needing information regarding what to do in the case of accidental discovery, maintenance, and/or the necessary process to remove an historic cemetery. An additional purpose is to inform citizens of THC's role regarding historic cemeteries on private property. It is important to note that in Tennessee, ALL human remains (whether modern or prehistoric) are protected under state law. *The information presented here is for the convenience of interested parties and should not be used as a substitute for legal counsel.*

Desecration

Although there are several state statutes relevant to historic cemeteries, the most applicable statutes are $\underline{T.C.A. 39-17-311}$ (*Desecration of a venerated object*) and $\underline{T.C.A. 39-17-312}$ (*Abuse of corpse*). Desecration of a burial or cemetery is a **Class E Felony**, and the disinterment of a dead body, corpse or human remains without legal authority is a **Class A Misdemeanor**.

Relocation of a Cemetery

Tennessee law stipulates a process by which a landowner or interested party must follow in order to relocate a cemetery or grave. First, the party MUST request permission from the Chancery Court. The cemetery to be moved must be abandoned and/or neglected, and any new proposed use of the site must corroborate with proper respect for and veneration of the dead. Relatives of the deceased must be given legal notice, but no permission from said relatives is required. A property owner possesses the right to remove and relocate the graves at his/her expense after complying with state statutes. The removal must be conducted with proper care and civility, and the landowner must provide a suitable place for reinternment of remains.

T.C.A. 46-4-101-104 (*Termination of Land Use as Cemetery*) is the primary statute that covers removal and relocation of graves. Note that a <u>disinterment order</u> from the <u>Tennessee Department of Health</u>, <u>State Registrar</u>, <u>Office of Vital Records</u> (T.C.A. 68-3-508 and <u>Rule 1200-7-1-08</u>) is a prerequisite to remove human remains.

Archaeologist or Funeral Home for Removal

Archaeological methods are superior in the case of graves that have been abandoned or in areas where graves are difficult to locate. Archaeologists have expert experience in identifying historical artifacts (coffin hardware, etc.) and are best suited to identify human remains in areas in a state of poor preservation. Graves created after 1925 can generally be handled by funeral homes. Contact the <u>Tennessee Division of Archaeology</u> for more information.

Discovery of Human Skeletal Remains

If human skeletal remains are accidentally exposed due to construction or other activities, the contractor or landowner MUST cease all work in the area and immediately call a medical examiner or coroner AND local law enforcement (T.C.A. 11-6-107d). Then, the <u>Tennessee Division of Archaeology</u> should be contacted. These steps MUST be followed when human remains of *any kind* are found.

Does a Cemetery Exist on my Property?

Any person or entity interested in property for purchase or development should always remain aware that cemeteries could exist on the tract. Some important ways to determine whether a cemetery exists on a particular tract of land include: (1) checking old deeds and property records; (2) checking old maps; (3) talking with long-time local residents; (4) searching for sunken areas on the property that seem to be oriented east to west; (5) looking for <u>Vinca minor</u> (cemetery ivy) and (6) looking for tombstones, fragments, and/or <u>plain stone markers</u>.

If a cemetery is determined to be present on the property, there are *obligations* a landowner/developer MUST meet. For example, construction crews are required to leave a ten-foot buffer around the perimeter of a grave(s) and in the case of a crypt, a five-foot buffer (T.C.A. 46-8-103). Also, landowners must remember that family members have a right to visit the graves of ancestors, *even if* they are located on private property—this precedent is set under Tennessee Case Law. Furthermore, owners or future buyers of a land tract have an obligation to protect graves from disturbance when a cemetery is shown on a deed.



Family members concerned about protecting an ancestral burial ground should consider marking it well with fences and a sign. Also, they should consider obtaining a survey by a professional surveyor and recording it on the deed. These actions will help establish the cemetery's existence in the public record.

Historic Cemeteries Located on Private Property

The <u>Tennessee Historical Commission</u> accepts reports by public and private interests regarding exposed human skeletal remains, but only after the conditions established under the heading **Discovery of Human Skeletal Remains** (on page 1 of this document). THC will coordinate with the Division of Archaeology for an initial evaluation to see whether or not remains are present. In cases where remains are exposed or endangered, the Division of Archaeology will provide technical advice to help landowners understand their obligations and options under the state's cemetery statutes.

A private landowner must always adhere to Tennessee's cemetery laws when a cemetery exists on his/her property. At this time, the Tennessee Historical Commission nor the Division of Archaeology can require a private landowner to have a burial investigation performed. Both are limited to technical advice UNLESS human skeletal remains are actually disturbed. There are many private archaeological consultants throughout the state that can provide such services, and a list of these can be provided by the Tennessee Historical Commission or the Division of Archaeology upon request.

Helpful Resources for Parties Interested in Historic Cemeteries

Archaeological consultants working in Tennessee https://www.tn.gov/content/dam/tn/environment/archaeology/documents/arch_CONSLIST%202.2.21.pdf

Cemetery Conservators for United Standards https://cemeteryconservatorsunitedstandards.org/

Davidson County Cemetery Survey <u>https://data.nashville.gov/Genealogy/Davidson-County-Cemetery-Survey/ttqg-mpiz</u>

Endangered Cemeteries in Tennessee https://www.savinggraves.net/tennessee

National Center for Preservation Technology and Training https://www.nps.gov/subjects/ncptt/index.htm

Middle Tennessee State University Center for Historic Preservation <u>https://www.mtsuhistpres.org/</u> <u>https://www.mtsuhistpres.org/resources/cemetery-resources/</u>

Resources on Cemetery History and Preservation

http://www.potifos.com/cemeteries.html#preservation https://www.nps.gov/tps/how-to-preserve/briefs/48-preserving-grave-markers.htm https://www.mtsuhistpres.org/wp-content/uploads/2018/03/Intro-Guide-to-Cemetery-Cleaning.pdf

Tennessee Code Annotated http://www.tsc.state.tn.us/Tennessee%20Code

Tennessee State Burial Law https://www.tngenweb.org/law/cemetery-law.html

Tennessee State and County Medical Examiners <u>https://www.tn.gov/health/health-program-areas/oscme.html</u> <u>https://www.tn.gov/health/health-program-areas/oscme/county-medical-examiner.html</u>

Tennessee State Library & Archives (find public libraries and historical societies) https://sos.tn.gov/tsla

USGen Web Tombstone Transcription Project <u>http://www.usgwtombstones.org/</u>

The Association for Gravestone Studies https://www.gravestonestudies.org/

Current Tennessee Cemetery & Burial Site Laws Statutory Laws (Tennessee Code Annotated) Title 46. Cemeteries

46-1-102. Definitions

As used in chapters 1 and 2 of this title, unless the context otherwise requires:

(1) "Cemetery" means any land or structure in this state dedicated to and used, or intended to be used, for interment of human remains;

(3) "Cemetery purposes" means any and all things requisite or necessary for or incident or convenient to the establishment, maintenance, management, operation, improvement and conduct of a cemetery, the preparation of the premises for interment and the interment of the human dead, and the care, preservation and embellishment of cemetery property;

46-1-313. Trespass on or injury to cemetery property — Interference with processions or religious exercises — Penalty.

(a) No person shall willfully destroy, deface, or injure any monument, tomb, gravestone, or other structure placed in the cemetery, or any roadway, walk, fence or enclosure in or around the cemetery, or injure any tree, plant or shrub, or hunt or shoot, play at any game or amusement, or loiter for lascivious or lewd purposes in the cemetery, or interfere, by words or actions, with any funeral procession or any religious exercises.

(b)

(1) A violation of this section is a **Class E felony**.

(2) Following conviction of a person for violating subsection (a), evidence of damages sustained as a result of the violation shall be presented to the jury, which shall ascertain the total amount of the damages. The court shall then render judgment in that amount against the offender in favor of the cemetery and/or the other aggrieved parties and shall order the offender to make full restitution for the damages. Execution of the judgment shall issue as in other civil cases. The order of restitution shall be in addition to other sanctions imposed pursuant to subdivision (b)(1).

Chapter 4. Termination of Use of Land as Cemetery

46-4-101. Grounds affected — Facts that justify termination of use.

This chapter, which is enacted for the public welfare in the exercise of the police powers of the state of Tennessee, applies to any burial ground in this state, including any land owned or controlled by cemetery companies, that the court to which jurisdiction is given by this chapter finds, for any of the reasons stated in this chapter, is unsuitable for its use as such and as a resting place for the dead whose remains are buried in the burial ground, or the further use of which for those purposes the court finds, for any of such reasons, is inconsistent with due and proper reverence or respect for the memory of the dead or otherwise unsuitable for those purposes, the reasons being:

(1) The burial ground is abandoned; or

(2) The burial ground is in a neglected or abandoned condition; or

(3) The existence of any conditions or activities about or near the burial ground that the court finds render the further use of the burial ground for the purposes mentioned in this section that

are inconsistent with due and proper reverence or respect for the memory of the dead, or for any other reason unsuitable for those purposes.

History

Acts 1949, ch. 15, § 1; C. Supp. 1950, §§ 3936.1, 5379.1 (Williams, § 9720.1); modified; T.C.A. (orig. ed.), § 46-401.

46-4-102. "Interested persons" defined.

As used in this chapter, unless the context otherwise requires, "interested persons" means any and all persons who have any right or easement or other right in, or incident or appurtenant to, a burial ground as such, including the surviving spouse and children, or if no surviving spouse or children, the nearest relative or relatives by consanguinity of any one (1) or more deceased persons whose remains are buried in any burial ground.

History

Acts 1949, ch. 15, § 2; C. Supp. 1950, § 5379.2 (Williams, § 9720.2); T.C.A. (orig. ed.), § 46-402.

46-4-103. Suits for termination of use of land, removal and reinterment and for disposal of land — Municipal authority extended.

(a) Any interested person or persons, and/or any county in this state in which a burial ground is situated, and/or any municipality in this state if the burial ground is situated in the municipality or within one (1) mile of the lawful corporate limits of the municipality and not beyond the limits of the county in which any part of the municipality is situated and not within the lawful corporate limits of any other municipality in Tennessee, may bring or join in a suit in the chancery court of the county in which the burial ground is situated, for the following purpose or purposes:

(1) To have the remains of all deceased persons buried in the burial ground removed from the burial ground and reburied in a suitable repository to be obtained for that purpose before their removal from the burial ground;

(2) To terminate the use of, and all rights and easements to use, the ground as a burial ground, and all rights and easements incident or appurtenant to the ground as a burial ground; and (3) Thereupon, to partition or sell for partition the ground if the court finds that it belongs to two (2) or more persons and if any one (1) or more of the owners applies for partition. The authority of all municipalities in this state is extended, for the sole purpose of bringing or joining in the suit by the municipality, but for no other purpose, to a distance of one (1) mile from the lawful corporate limits of the municipality but not beyond the limits of the county in which any part of the municipality is situated and not so as to come within the lawful corporate limits of any other municipality of this state.

(b) In the suit, all interested persons who are not complainants shall be made defendants, and the owner or owners of the land or of any right of reversion or other right or interest in the land, if the owner or owners shall be or include other than the interested persons, shall also be made defendants. Interested persons who are minors or otherwise incompetent or under disability may become complainants by guardian or next friend. All known defendants who are minors or otherwise incompetent or under disability shall be represented by guardian ad litem. Nonresident and unknown defendants may be proceeded against by order of publication, and publication, in the manner provided by law.

(c)

(1) At least thirty (30) days prior to any hearing on a suit initiated pursuant to this section, the complainant shall file notice with the **Tennessee Historical Commission**. The notice shall include the approximate age of the burial ground and either:

(A) The name of the complainant, the location of the burial ground, and, if discernable, the name of any person interred at the burial ground; or

(B) An exact copy of the complaint filed in the chancery court.

(2) The Tennessee historical commission shall post filed notices on its website. Notices shall be posted in chronological order by county and updated at least monthly. The Tennessee historical commission may archive notices annually.

(3) Notwithstanding subdivisions (c)(1) and (2), any notice concerning the removal of Native American Indian human remains shall be filed according to title 11, chapter 6, and must not be posted on the website of the commission.

History

Acts 1949, ch. 15, § 3; mod. C. Supp. 1950, § 5379.3 (Williams, § 9720.3); T.C.A. (orig. ed.), § 46-403; Acts 2018, ch. 1032, § 1.

46-4-104. Granting of relief — Provisions for reinterment.

Such removal and reinterment, and other relief described in § 46-4-103, including partition or sale for partition if prayed for and if the court finds the conditions for partition exist as provided in § 46-4-103, shall be granted, authorized, decreed and ordered by the court upon the court finding, upon the hearing of the cause upon the entire record, including the pleadings and proof, that any one (1) or more of the reasons specified in § 46-4-101 exist, and that, due to the same, the burial ground is unsuitable for use as a burial ground and as a resting place for the dead whose remains are buried therein, or that the further use thereof for those purposes is inconsistent with due and proper reverence or respect for the memory of the dead, or for any other reason unsuitable for those purposes; but the removal and reinterment and such other relief shall be granted, authorized, ordered and decreed only upon it being shown to the satisfaction of the court that definite arrangements have been made, or before the removal will be made, for reinterment of all of the remains in a place found by the court to be suitable for reinterment; that for that purpose there have been obtained, or before the removal there will be obtained, either the fee simple title to the place of reinterment or adequate permanent right and easement to use the place of reinterment for reinterment, and adequate permanent right and easement of access to the place of reinterment for visitation; that the removal and reinterment of all the remains will be done with due care and decency, and that suitable memorial or memorials will be erected at the place of reinterment.

History

Acts 1949, ch. 15, § 4; C. Supp. 1950, § 5379.4 (Williams, § 9720.4); T.C.A. (orig. ed.), § 46-404.

Chapter 8. Family Burial Grounds Protection.

Effective date May 8, 1996.

46-8-101. Short title — Legislative intent.

This chapter shall be known and may be cited as the "Family Burial Grounds Protection Act." This chapter is intended to provide notice to buyers of property with known burial grounds and gravesites. It does not remove any protection to those sites under existing law.

History Acts 1996, ch. 921, § 1.

46-8-102. Definitions.

As used in this part, unless the context otherwise requires:

- (1) "Crypt" has the same meaning as used in § 46-1-102;
- (2) "Gravesite" means a space of ground used for lawful interment of a deceased person; and
- (3) "Human remains" or "remains" has the same meaning as used in § 46-1-102.

History

Acts 1996, ch. 921, § 2.

46-8-103. Duty to protect graves or crypt — Disturbances prohibited — Transfer of remains.

(a) A deed for real property that indicates the presence of a gravesite or crypt containing human remains on the property conveyed obligates the immediate and future buyer or buyers of the property to protect the gravesite or crypt from disturbance. The owner of real property has the responsibility for taking appropriate action, prior to conveying the property, to ensure that the deed reflects the presence of the gravesite or crypt on the property.

(b) Real property that has a deed that reflects the presence of human remains on the property is protected from disturbance or development as follows:

(1) A gravesite may not be disturbed in the area of ten feet (10') surrounding the perimeter of the gravesite; and

(2) A crypt may not be disturbed in the area of five feet (5') surrounding the perimeter of the crypt.

(c) The owner of real property that has a deed that reflects the presence of human remains on the property has the option of transferring the remains, at the owner's expense, pursuant to the procedure for termination of use as a cemetery in chapter 4 of this title. However, prior to filing any action in chancery court to transfer the remains located in a gravesite or crypt, the proponent of the action shall first publish a notice in a newspaper of general circulation within the county in which the gravesite or crypt is located. The notice shall include the name of the proponent of the action, the location of the property where the remains are located and any name that can be discerned from the site of any person there interred. Upon complete transfer of all human remains from the property that are properly described on the deed, the buyer has the right to the use of the area previously containing the remains as is consistent for the remainder of the property.

History

Acts 1996, ch. 921, § 3; 2008, ch. 1147, § 1.

EXHIBIT G

THE BEARDEN VILLAGE OPPORTUNITIES PLAN



Kingston Pike Commercial Corridor

Development along Kingston Pike east and west of the Homberg Drive corridor consists of offices and larger-scaled commercial centers containing fast food restaurants and strip malls. However, most of these establishments are stable commercial centers and complete redevelopment does not seem likely within the next 5 years. For these areas to become more pedestrian friendly and fit into the urban village theme, the recommendations (at right) should be considered.

RECOMMENDATIONS **Orient** buildings toward sidewalks with parking at back of buildings. Incorporate mixed use between floors of buildings with commercial/retail on first floors and office/residential on subsequent floors. Require formal tree plantings along sidewalks and within parking lots. Reduce parking requirements.

25 D



Development Request DEVELOPMENT SUBDIVISION ZONING

Development Plan

□ Planned Development

Use on Review / Special Use

□ Hillside Protection COA

Concept Plan □ Final Plat

□ Plan Amendment \Box SP \Box PA □ Rezoning

Robert Sullivan - Taco Bell of A		Representative for Lessee					
Applicant Name			Affiliation	2			
04/28/2025	5/8/2025				File Number(s)		
Date Filed	Meeting Date	6-E-25-SU					
	orrespondence relate	d to this application shou	ld be directed	l to the appr	oved contact listed below.		
Applicant D Property Owner	Option Holder	Project Surveyor	Engineer	Archited	ct/Landscape Architect		
Sarah Dowling		GPD Gro	up, Profess	sional Corp	poration		
Name		Company					
520 S. Main St., STE 2531		Akron		ОН	44311		
Address		City		State	ZIP		
678.781.5074							
Phone	Email						
CURRENT PROPERTY INFO							
CAP-TN BEARD LLC	PC	BOX 11505 KNOXVII	LLE, TN 379	939			
Property Owner Name (if different)	Pro	Property Owner Address			Property Owner Phone		
5902 Kingston Pike		2	01708040	012522 1	21BA013, 014		

5900, 5902 Kingston Pike

Property Address	Parcel ID	
KUB	KUB	Ν
Sewer Provider	Water Provider	Septic (Y/N)

COMMUNITY ENGAGEMENT

Sign and return the Public Notice & Community Engagement form with this application.

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). We require applicants to acknowledge their role in this process.

Docusign Envelope ID: 27EEAD88-20C5-4DFD-BCB4-4F8B13F86A07

DEVELOPMENT REQUEST				Related (City Permit Number(s)
Development Plan Use on Review / Special Use	se 🔲 Hillside Protect	ion COA		neiateu	city remit Number(s
Residential Non-Residential					
Home Occupation (specify) No					
A2 Drive-through restaurar	nt				
SUBDIVISION REQUEST N/A	÷.			T	
				Related	Rezoning File Number
Proposed Subdivision Name					
Unit / Phase Number	Divide Parcel Total Nu	mber of Lots	Created		
Other (specify)					
Attachments / Additional Requirements					
ZONING REQUEST N/A				D 1	
Zoning Change				Pendi	ng Plat File Number
Proposed Zoning					
Plan Amendment Change	+:(-)				
Proposed Plan Designa	lion(s)				
Proposed Density (units/acre) Previou	is Rezoning Requests				
Other (specify)					
STAFF USE ONLY					
PLAT TYPE		Fee 1			Total
Staff Review Planning Commission		0405	1,600.0	00	1,600.00
ATTACHMENTS		Fee 2			
Property Owners / Option Holders Variance R	lequest	TEEZ			
Amendment Request (Comprehensive Plan)					
ADDITIONAL REQUIREMENTS Use on Review / Special Use (Concept Plan)		Fee 3			_
Traffic Impact Study			ý.		
COA Checklist (Hillside Protection)					
AUTHORIZATION					
By signing below, I declare under penalty of perjury the j 2) The application and all associated materials are being su holders, each additional individual must sign the Property	ubmitted with his/her/its	consent. If ther			
Signed by: PLJ STI	Robert Sullivan - T		America.	LLC	3/4/2025
Apphiamodigreature	Print Name / Affiliation		,		Date
949.233.8598					
Phone Number	Email				

Property Owner Signature Property Owner Signature Property Owner Signature Please Print

3/19/20254/28/2025 Date Paid



Public Notice and Community Engagement

Sign Posting and Removal

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission.

Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

Location and Visibility

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

Timing

The sign(s) must be posted not less than 12 days prior to the scheduled Planning Commission public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

Community Engagement

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s).

Acknowledgement

By signing below, you acknowledge that public notice signs must be
posted and visible on the property consistent with the guidelines above
and between the dates listed below.05/30/202506/13/2025

no later than 4/26/25

Date to be Posted

5/9/25

Date to be Removed

Have you engaged the surrounding property owners to discuss your request?

🗌 Yes 🗌 No

No, but I plan to prior to the Planning Commission meeting

Signed by: 359F2B91D6F7438... Robert Sullivan

3/4/2025

Applicant Name

/4/2025

Date 6-E-25-SU

FILE NUMBER