



APPEAL OF DECISION

(Please Note: Original application and staff report are made a part of this application.)

Type: ☐ One Year Plan Amendment ☐ Sector Plan Amendment ☐ Rezoning ☐ Variance
☐ Street Name Change ☐ Right-of-Way Closure
☐ Certificate of Appropriateness ☒ Other: Special Use

Decision by: ☒ Planning ☐ BZA ☐ Other: _____ Date of Decision: 11/10/21
Jurisdiction: ☒ City _____ Councilmanic District ☐ County _____ Commission District

Original Applicant Name: Taylor D. Forrester Original File Number: 11-C-21-S4

Name of Owner of Subject Property: First Properties, LLC

Description of Subject Property (Include city block and parcel number or lot number): 6238 Anderson Dr.

Tax ID # 121AB013

☐ Zoning map of all property within 300 feet of the subject property is attached. Map to be provided

DECISION BEING APPEALED

Planning Commission decision to recommend approval & approval of Special Use Permit for property above for locating a car wash on

REASON FOR THE APPEAL

Attach additional pages, if necessary. Rezoning of property resulted in improper classification of property to allow Special Use for approval; the use is not in harmony with the general purpose & intent of the zoning; use is not compatible with character of neighborhood and the size & location of buildings in vicinity; relies on improper, unfounded assumptions; (See addition)

PETITIONER INFORMATION

Name of Petitioner: Central Baptist Church - Beardon

Petitioner's Interest in the Matter (Include a description of affected property owned by Petitioner): Petitioner owns property that adjoins applicant; Petitioner conducts schools, prayer studies, church services, works with handicapped and has other missions operated out of the Church. All of the Church's activity will be affected by this proposed use.

Application Authorization: I hereby certify that I am the applicant/authorized representative for the above named petitioner.

Signature: John K. King

All correspondence should be sent to: Name (Print): John K. King

620 Market St. Knoxville Tn 37902
Street Address City State Zip

Phone: 865-546-4646 Fax: _____ E-mail: jking@lewisthomason.com

For Planning Staff Use Only

Application Accepted by Planning Staff Member: [Signature]

Appeal Fee Amount: \$500 Date Appeal Received: 11-23-21

BODY WHO WILL HEAR THE APPEAL & MEETING DATE OF THE APPEAL

☒ City Council - 6 p.m.

☐ County Commission - 7 p.m.

☐ City BZA - 4 p.m.

☐ Planning Commission - 1:30 p.m.

Jan. 11, 2022

Month • Date • Year

Month • Date • Year

Month • Date • Year

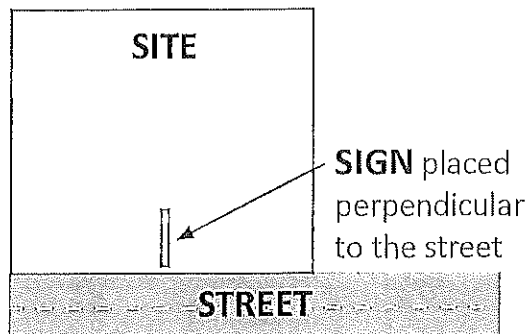
Month • Date • Year

Appeal of Decision - page 2

Additional Reasons for Appeal:

no factual basis for assumption on which staff and planning commission relied; Assumptions were contradicted by the facts; The proposed use will injure the value of adjacent property; and property owned by Central Baptist Church - Boarding; the use will draw additional traffic along local streets which are dead end type streets; the proposed use puts an unacceptable number of vehicles on streets which are currently primarily used by pedestrians; The assumed rezoning of the property ~~again~~ permits various other uses as permitted uses that are then permissible that are totally out of character with the surrounding property of the Church and other property in the immediate area; prior to the currently pending plan amendments & rezoning applications, the plans recommended zone for the property was the Office designation & Staff did not give appropriate consideration to that long term plan designation; there was a lack of basis to rezone to the commercial zone; the decision to approve the Special use was unsupported on a factual basis, ~~therefore~~ was illegal, arbitrary and capricious.

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, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, 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.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

12-26-2021 and 1-12-2022
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Taylor D Forester John King for Central Baptist Church - Bearden
 Date: 11/23/2021
 File Number: 11-C-21-SU-APPEAL

☐

Sign posted by Staff

☒

Sign posted by Applicant



SPECIAL USE REPORT

► **FILE #:** 11-C-21-SU

AGENDA ITEM #: 31

AGENDA DATE: 11/10/2021

► **APPLICANT:** TAYLOR D. FORRESTER

OWNER(S): First Properties, LLC

TAX ID NUMBER: 121 A B 013

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 6238 Anderson Dr.

► **LOCATION:** Western end of Anderson Drive, south of Kingston Pike, west of S. Northshore Drive

► **APPX. SIZE OF TRACT:** 3.2 acres

SECTOR PLAN: West City

GROWTH POLICY PLAN: N/A (Within City limits)

ACCESSIBILITY: Access is from Anderson Road, a local road with a 24-ft pavement width within a 36.5-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

► **ZONING:** I-H (Heavy Industrial) (pending C-G-1 (General Commercial))

► **EXISTING LAND USE:** Surface parking lot

► **PROPOSED USE:** Car wash and parking lot

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Church and cemetery - O (Office)

South: Distribution center and mini storage facility (across railroad tracks) - I-G (General Industrial) (across railroad tracks) railroad tracks)

East: Church accessory buildings and surface parking - C-G-2 (General Commercial)

West: Office building - O (Office)

NEIGHBORHOOD CONTEXT: This parcel is at the western end of Anderson Road just south of Kingston Pike and west of S. Northshore Drive. The area consists of various commercial, office, and institutional properties. Central Baptist Church and Cemetery are to the north.

STAFF RECOMMENDATION:

► **Approve the development plan for a car wash facility in the C-G-1 zone, subject to five conditions.**

1. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the City of Knoxville Engineering Department.

3. Meeting all applicable requirements of the City of Knoxville Fire Department.
4. Connection to sanitary sewer and meeting any other relevant requirements of the utility provider.
5. Any proposed signage will be required to meet all applicable requirements of the City of Knoxville Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval of a car wash facility in the C-G-1 zone.

COMMENTS:

This is a request for a car wash at the western terminus of Anderson Drive. The application states that the requested use is for a car wash and a parking lot. The original intention was to use part of the church parking lot to the north for access, which would have displaced a number of parking spaces. However, that easement is no longer being sought, and the additional parking spaces to offset those taken by the easement were not needed. The revised site plan shows the car wash, the required parking for that use, and access off of Anderson Drive.

A rezoning with plan amendments to the West City Sector Plan and the One Year Plan are pending City Council approval. The Planning Commission voted to recommend approval of the C-G-1 zone and the GC land use classification at the October 14, 2021 meeting. The requests are pending City Council approval and are scheduled to be heard on November 16, 2021 and November 30, 2021.

The car wash is similar to other full-service car washes, with the difference being that the Harper Auto Wash model consists of a monthly subscription membership with two different levels of plans. Both the express plan and the full-service plan call for the exterior of the vehicle to pass through a semi-automated washing system. The full service plan also includes hand drying the vehicle, tire dressing, and cleaning of various interior components. The external car wash and hand finishing occur indoors, and customers are served on a first-come basis. Hours of operation are stated as Monday-Friday, from 8am-7pm, and on Saturdays from 9am-6pm. The facility would be closed on Sundays.

The building housing the car wash facility is placed lengthwise along the southern edge of the property. There are two means of access for cars entering the facility, one on either side of the building, with cars traveling into the building from opposite directions in separate lanes. There are 7 parking spaces on the right of the site reserved for vacuuming the vehicles.

The zoning ordinance requires a minimum of 0.5 parking spaces per employee and allows a maximum of 1 space per employee. The car wash intends to employ 40 people. 39 spaces are proposed, which is within the range allowed for a car wash. The existing parking lot would be removed and the area outside of the parking area would be resodded to contain grass and other plantings.

Article 9.3.D of the City's Zoning Ordinance contains the criteria for a car wash as a special use. The ordinance requires a Class B buffer when a car wash facility abuts a residential district, open space or institutional use. Churches are typically considered an institutional use, so a Class B landscaping buffer will be required along the northern and eastern property lines. A Class B buffer must have a minimum width (or depth) of 20 feet with a specified blend of trees and shrubs planted within the buffer. There is ample space to accommodate the buffer areas in both required locations. A landscaping plan is not required for a special use application, but will be required to meet zoning ordinance requirements.

DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 – SECTION 2)

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

1) THE PROPOSED USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.

A. The property is designated O (Office) in the West City Sector Plan, but the GC (General Commercial) land use designation is pending City Council approval as a plan amendment from the Office land use classification. The GC (General Commercial) land use allows various commercial zones within the city, one of which is C-G.

B. A car wash is allowed as a special use in the C-G zone, and there are additional criteria for approval of a car wash as a special use approval.

C. For this Special Use application to be approved in the GC land use classification, the Planning Commission

must find that the proposed use is “consistent with, and not in conflict with” the sector plan.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE.

A. The C-G-1 (General Commercial) zone is pending City Council approval as a rezoning from the I-H (Heavy Industrial) zone. The C-G-1 zone 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.

B. With the recommended conditions, the car wash meets the intent of the C-G district.

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. Other uses in the area include office and commercial uses in addition to the neighboring church to the north and east.

B. The church runs a preschool and an after school program for kids, both of which are accessory uses (program information is listed below). There is a drop-off and pick-up area on Anderson Drive with a covered walkway to offer protection from the elements to parents and children. That area appears to be able to hold approximately 4 cars at a time (roughly 90 ft long). Any overflow pick-up/drop-off traffic would utilize the church parking lots to park and walk to the facility. Presumably, children are accompanied by adults during these times, and any travel outside for playtime or other activities would also occur under adult supervision. Travelers to and from the car wash facility would need to be aware of their surroundings. However, the same could be said of drivers to other uses across the City.

C. The day care and the car wash are anticipated to have different peak times. Peak activity for the day care will occur during the drop-off and pick-up times. Those times are: early care drop off: 8:30 am; main drop-off: 9am; main pick-up: 2pm; late care pick-up: 4pm. Based on activity at existing Harper Auto Wash facilities, peak hours for the proposed car wash are 11am-2pm, with the busiest days being Friday and Saturday.

D. Since children are escorted by adults into and out of day care at drop-off and pick-up times, and presumably, any travel outside for playtime or other activities would also occur under adult supervision, it is not anticipated that children will be unattended off of church property.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY.

A. The proposed use should have little impact on the adjacent property value as this area already contains a myriad of commercial uses.

5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.

A. The development will not draw traffic through residential areas as Anderson Drive is lined on both sides with non-residential uses. Additionally, Anderson Drive is accessed (via S. Weisgarber Drive and Wilda Place) off of S. Northshore Drive and Kingston Pike, both of which are major arterials.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

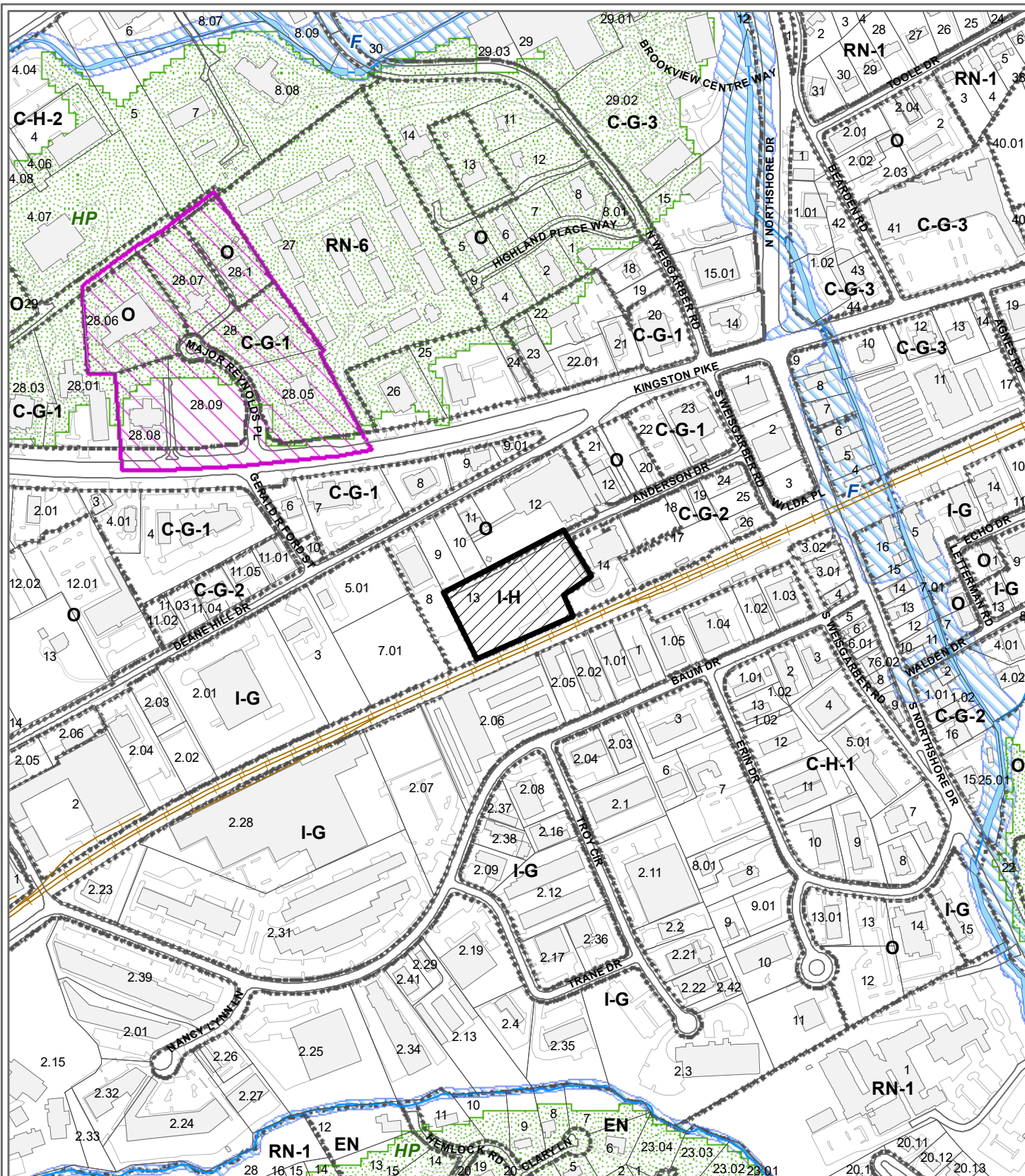
A. There are no known uses in the area that could be a potential hazard for the proposed use.

B. The peak times of the day care and car wash have the potential to cause conflicts at certain times of the day, but the car wash would be the party more affected as the drop-off/pick-up lines will move more slowly than people traveling Anderson Road to access the car wash, and parents can opt to use the parking lots that do not require crossing Anderson Drive.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



**11-C-21-SU
SPECIAL USE**



Car wash and parking lot in I-H (Heavy Industrial) (pending C-G-1 (General Commercial))

Original Print Date: 10/13/2021

Revised:

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

Petitioner: Forrester, Taylor D.

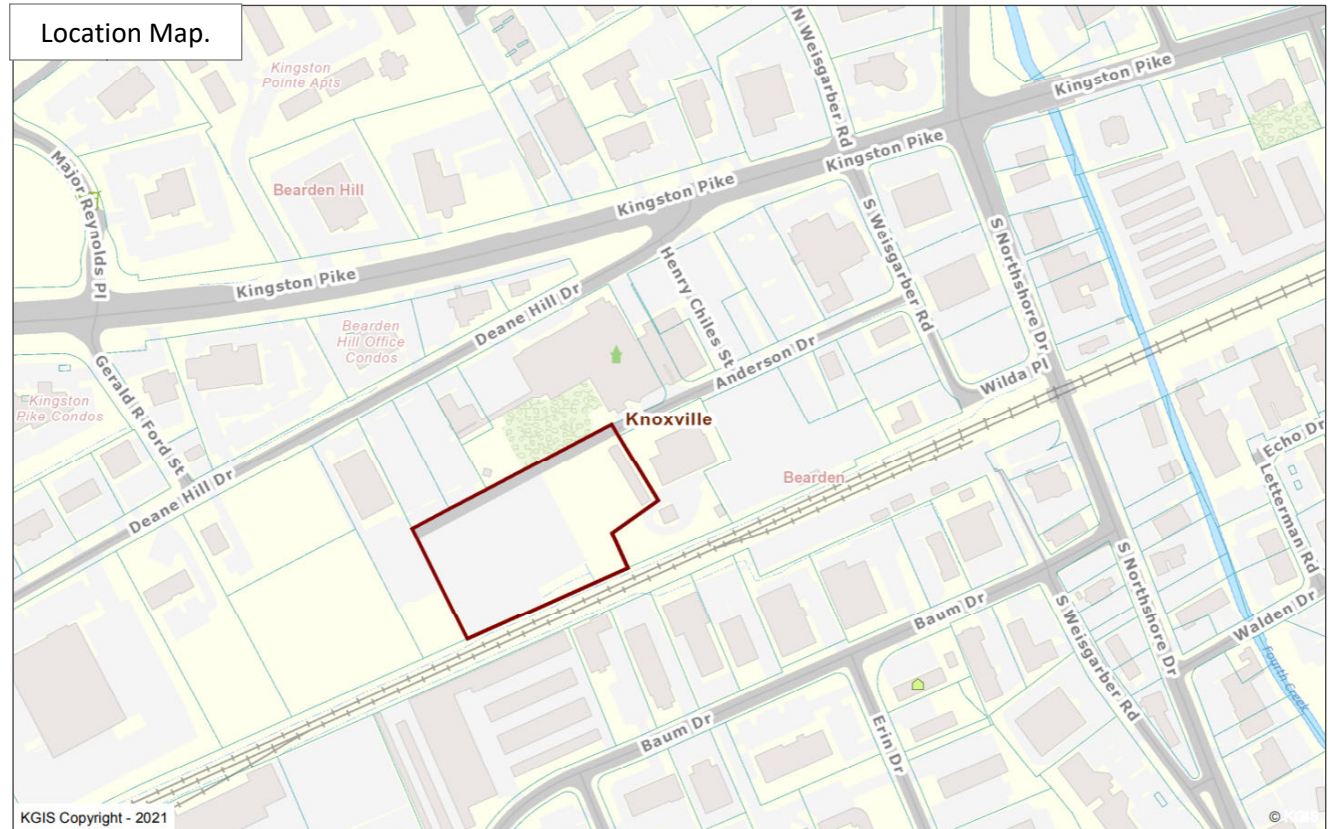
Map No: 121

Jurisdiction: City

0 500
Feet



11-C-21-SU
EXHIBIT A. Contextual Images



11-C-21-SU
EXHIBIT A. Contextual Images

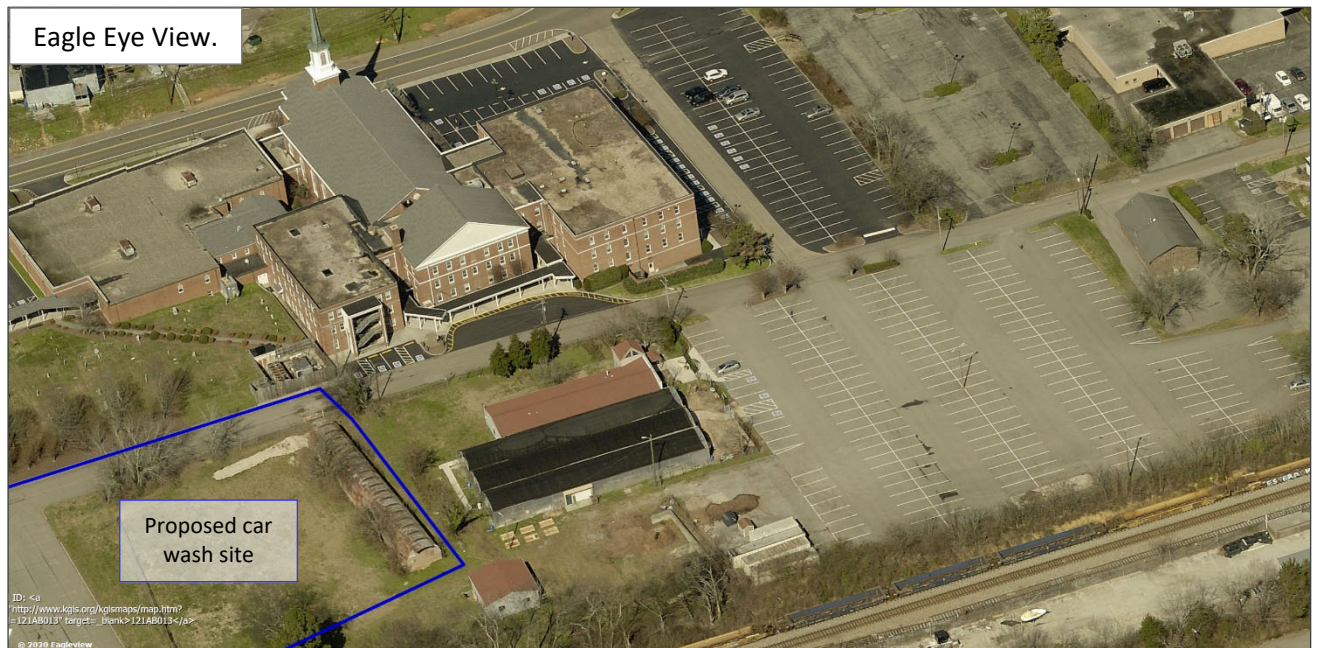
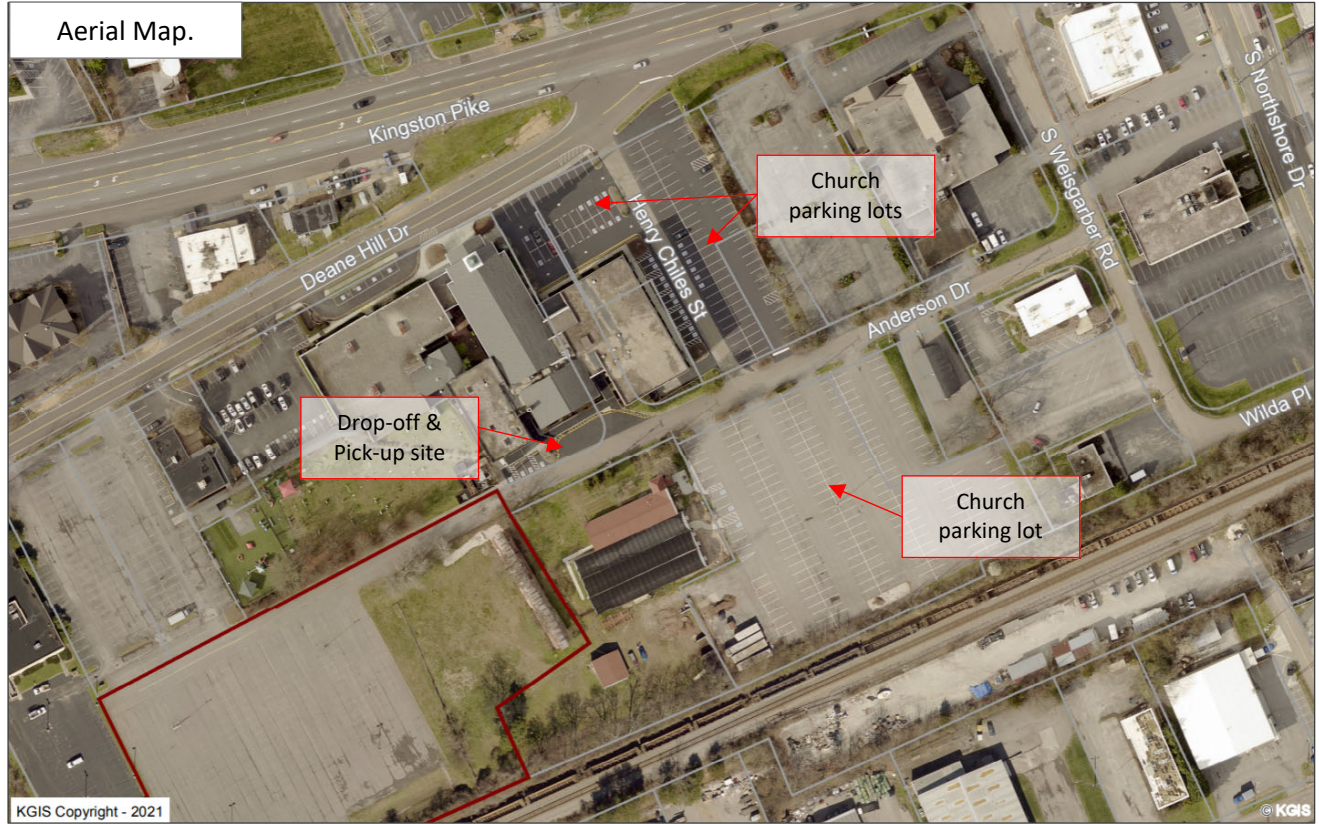
Street View from Drop-off/Pick-up Area.

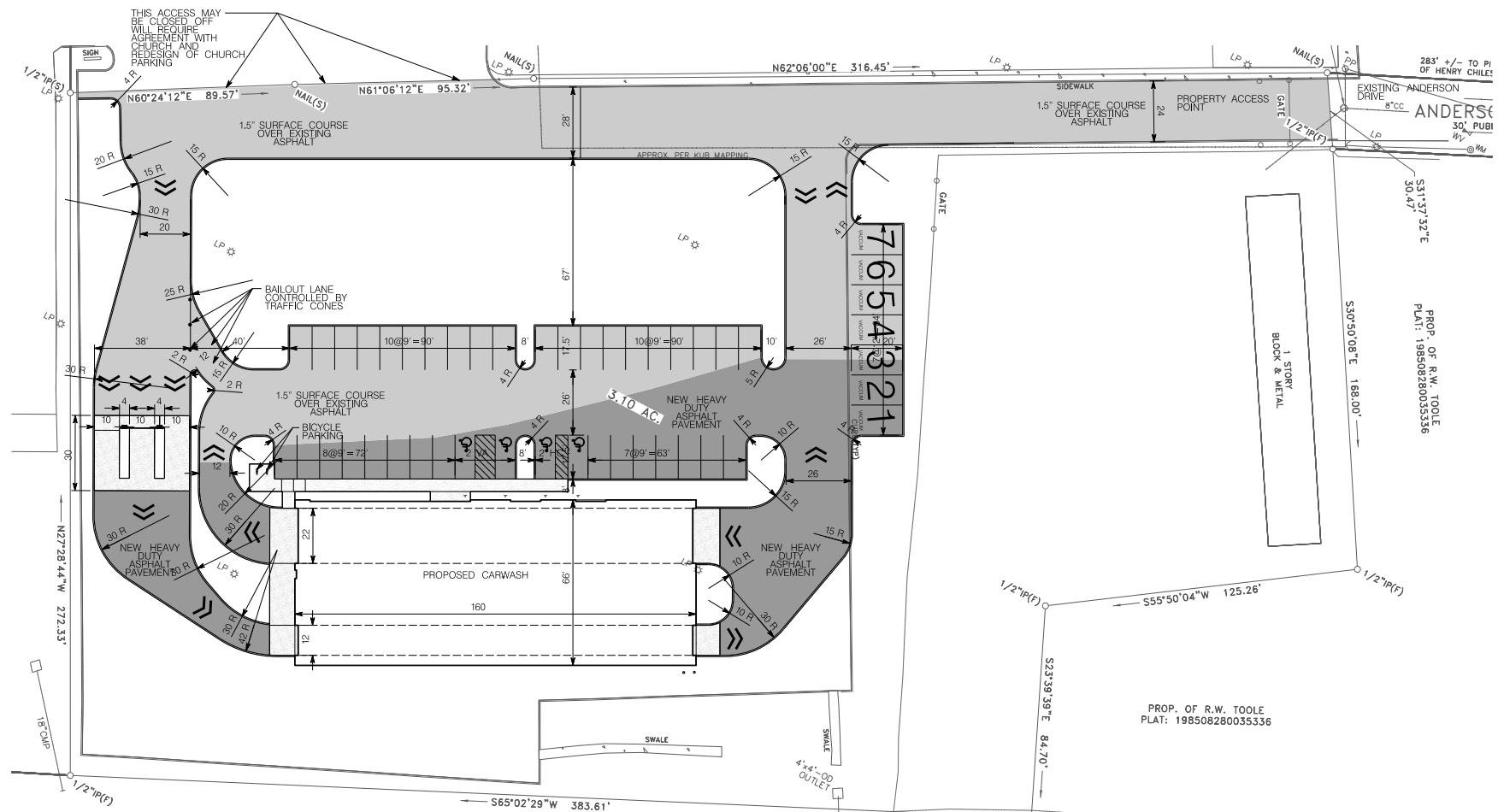


Street View from edge of Church property.



11-C-21-SU
EXHIBIT A. Contextual Images

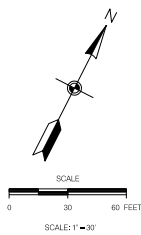




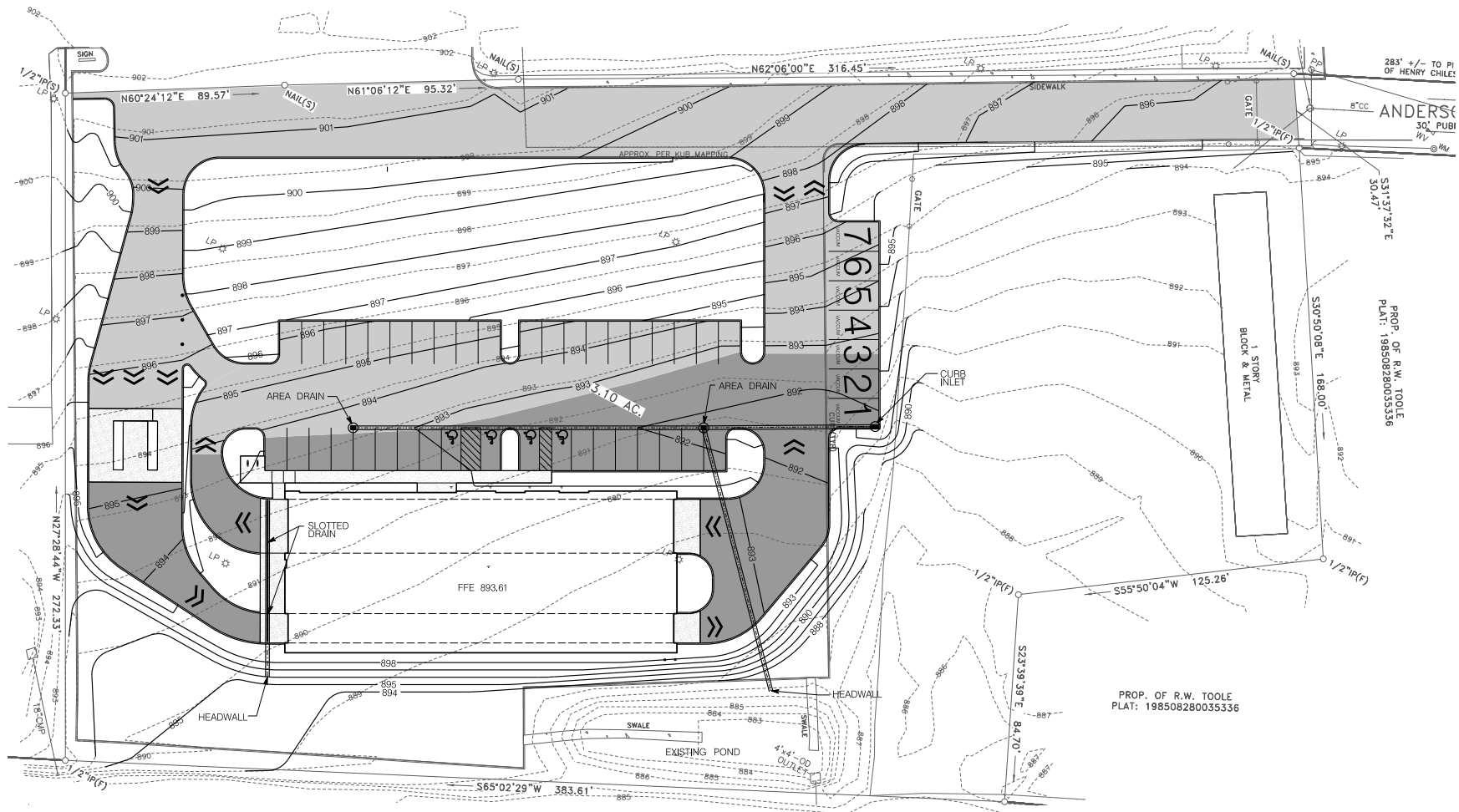
PROJECT LOCATION MAP - NOT TO SCALE

P0.1

CONCEPT LAYOUT PLAN
DRAWING



LEGEND:		
EXISTING	PROPOSED	
		GROUND CONTOUR ELEVATION
		SPOT ELEVATION
		STRUCTURE
		PROPERTY LINE
		EASEMENT
		EDGE OF PAVEMENT
		STORM DRAIN
		CURB
		CATCH BASIN
		CONCRETE PAVEMENT
		ASPHALT PAVEMENT
		R/P RAP



**WILL ROBINSON
& ASSOCIATES**

1248 N. Shreveport Ln
Coryville, TN 37714
(865) 386-4200
wrobbins@bellsouth.net



A Site Plan for:
Harper Carwash
Anderson Road
6238 Anderson Drive
Knoxville, Tennessee
11-C-21-SU

REVISIONS:
11-1-2021 ADDED BAILOUT LANE

DRAWN: WNR
CHECKED: WNR
DATE: 10-26-2021
FILE NAME:
PROJECT NO:

P0.2
CONCEPT GRADING
DRAWING



M E M O R A N D U M

TO: MPC Staff

FROM: Harper Auto Wash, LLC and Harper Properties, L.P.

RE: Proposed Car Wash Usage

DATE: November 1, 2021

Harper Auto Wash is a luxury flex service car wash, uniquely designed to provide the convenience of a three minute express car wash with the option of a full hand interior finish.

Our business model is primarily geared for membership customers, while also having the option for a retail single-use customer. Our facilities implement new soft wash equipment, and cater to our customers from Harper Auto Square dealerships.

The car wash tunnel and interior hand finish lane both occur inside our building, which also provides a high end, yet family friendly waiting lounge with complimentary beverages, snacks, and a kids' craft area.

Harper Auto Wash plans on a team of 25 employees, with up to 40 employees on site during safety training meetings.

For the planned Bearden location, we anticipate 200-250 visits a day. Likely peak times are 11 AM-2PM based on current usage. Our busiest wash days are Friday and Saturday. Harper Auto Wash will be closed on Sundays. Its planned hours of operation are 8AM-7PM Monday through Friday, and 9AM to 6PM on Saturdays.

November 10, 20211:30 P.M. | Main Assembly Room
City County Building

The Planning Commission met in regular session on November 10, 2021 at 1:30 p.m. in the Main Assembly room of the City County Building.

Item No.

File No.

1. ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Karyn Adams	Ms. Tamara Boyer	Mr. Louis Browning
Mr. Richard Graf	* Mr. Logan Higgins	Mr. Tim Hill
Ms. Amy Midis	Mr. Jim Nichols	Mr. Chris Ooten
A Ms. Marité Pérez	Mr. Patrick Phillips, Chair	Mr. Jeff Roth
Mr. Nathaniel Shelso	Mr. Eddie Smith	Mr. Scott Smith, Vice-Chair

* Arrived late to the meeting, ** Left early in the meeting, A – Absent from the meeting

Commissioner Logan Higgins joined the meeting at this time.

31. TAYLOR D. FORRESTER

11-C-21-SU

6238 Anderson Drive / Parcel ID 121 A B 013. Proposed use: Car wash and parking lot in C-G-1 (General Commercial)) (Pending) District. Council District 2.

Commission granted an additional 8 minutes to the opposition and the applicant.

1. STAFF RECOMMENDATION

Approve the development plan for a car wash facility in the C-G-1 zone, subject to five conditions.

2. MOTION (HIGGINS) AND SECOND (OOTEN) WERE MADE TO APPROVE PER STAFF RECOMMENDATION.

MOTION CARRIED UNANIMOUSLY 14-0. APPROVED



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

Taylor D. Forrester

Attorney

Applicant Name

Affiliation

9/23/2021

11/10/2021

Date Filed

Meeting Date (if applicable)

File Number(s)

11-C-21-SU

CORRESPONDENCE

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

- ☒ Applicant ☐ Owner ☐ Option Holder ☐ Project Surveyor ☐ Engineer ☐ Architect/Landscape Architect

Taylor D. Forrester

Long, Ragsdale & Waters, P.C.

Name

Company

1111 N. Northshore Drive, Suite S-700

Knoxville

TN

37919

Address

City

State

ZIP

865-584-4040

tforrester@lrwlaw.com

Phone

Email

CURRENT PROPERTY INFO

First Properties, LLC

6712 Deane Hill Drive

Owner Name (if different)

Owner Address

Owner Phone

6238 Anderson Drive, Knoxville, TN 37919

121AB013

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

western end of Anderson Dr., south of Kingston Pike, west of S. Northshore Dr 3.2

General Location

Tract Size

☒ City ☐ County

City 2nd

I-H (pending C-G-1)

parking lot

OF

District

Zoning District

Existing Land Use

West City

O (pending GC)

(n/a) within City limits

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

December 2020

DEVELOPMENT REQUEST

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

Home Occupation (specify) _____

car wash and parking lot

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

☐ Combine Parcels ☐ Divide Parcel

Unit / Phase Number _____

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

0401

\$1,500.00

Total

Fee 2

Fee 3

AUTHORIZATION

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

Taylor D. Forrester

Digitally signed by Taylor D. Forrester
DN: cn=Taylor D. Forrester, o=Taylor D. Forrester, c=US, email=tforrester@lrwlaw.com
Reason: I am the signer of this document
Date: 2021.09.23 15:53:08 -0500

Taylor D. Forrester

9/22/2021

Applicant Signature

Please Print

Date

865-584-4040

tforrester@lrwlaw.com

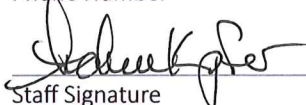
Phone Number

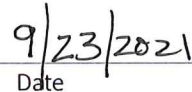
Email

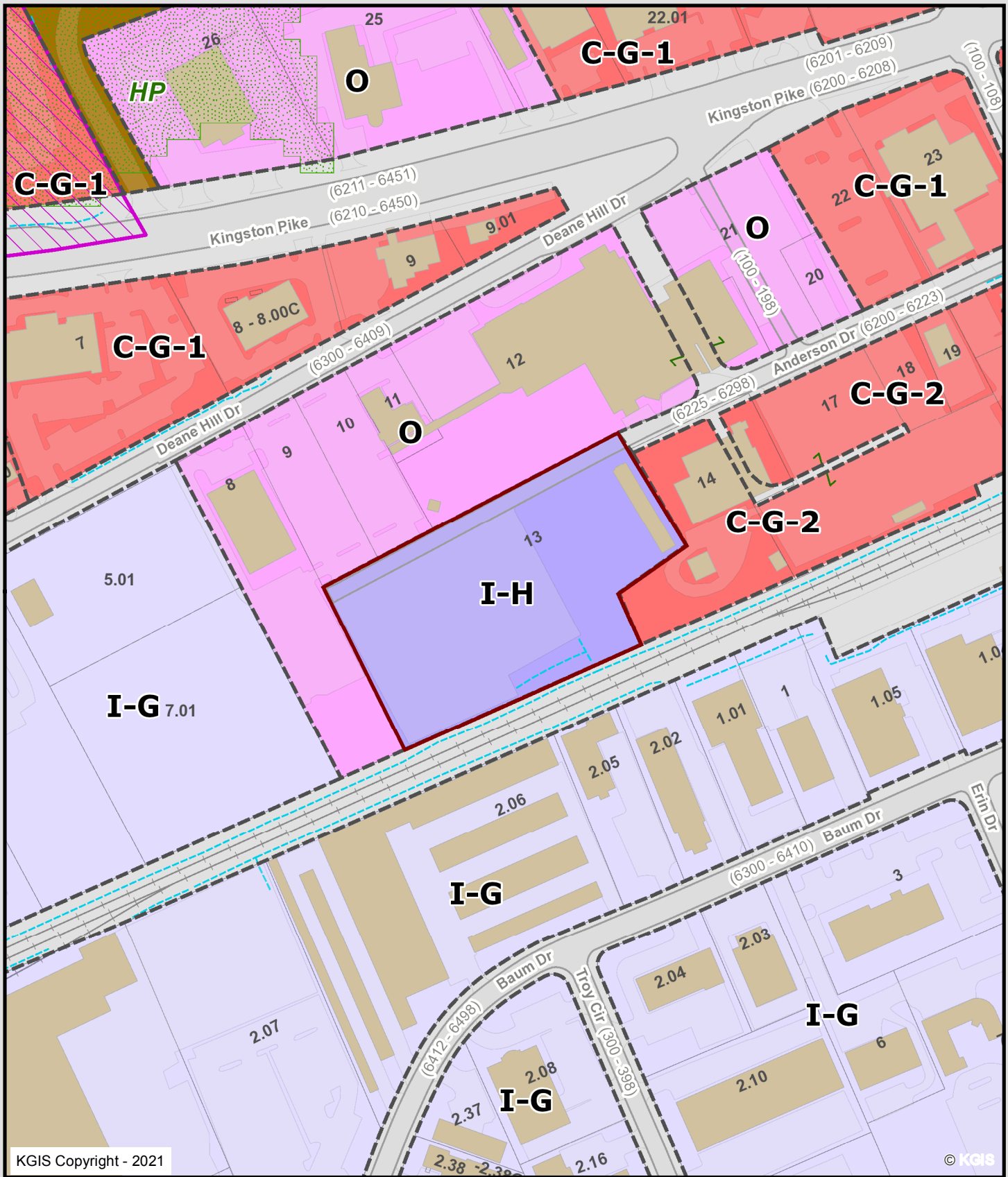
Staff Signature

Please Print

Date







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Zoning Map

Knoxville - Knox County - KUB Geographic Information System

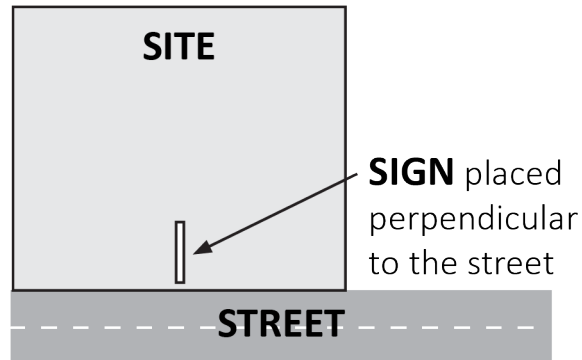


Printed: 9/23/2021 at 12:44:18 PM



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_____ and _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: _____

Date: _____

File Number: _____

☐

Sign posted by Staff

☐

Sign posted by Applicant



KNOX CTY METRO PLANN
400 W MAIN ST # 403
KNOXVILLE TN 37902--242

<u>Account</u>	<u>AD#</u>	<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Method</u>	<u>Payment Amount</u>	<u>Amount Due</u>
1317419	0005031309	\$39.42	\$0.00	\$39.42	Invoice	\$0.00	\$39.42

Sales Rep: rneisen

Order Taker: rneisen

Order Created 12/02/2021

Product	# Ins	Start Date	End Date
KNS-knoxnews.com	1	12/07/2021	12/07/2021
KNS-Knoxville News Sentinel	1	12/07/2021	12/07/2021

* ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION

Text of Ad: 12/02/2021

PUBLIC NOTICE

The following item will be considered by the Knoxville City Council on January 11, 2022 at 6:00 p.m. in the Main Assembly Room, City County Bldg., 400 Main St., Knoxville, TN. For information related to this item, visit KnoxPlanning.org/agenda. If you need assistance or accommodation for a disability, please contact the City ADA coordinator at (865) 215-2104.

APPEAL OF DECISION

Appeal by John King on behalf of Central Baptist Church - Bearden of the Knoxville-Knox County Planning Commission's approval of the Special Use for Taylor D. Forrester for a car wash facility in C-G-1 (General Commercial) (Pending) District for property located at 6238 Anderson Dr. / Parcel ID 121 A B 013, Council District 2. Planning Commission File. No. 11-C-21-SU.