



CITY OF KNOXVILLE, TENNESSEE

City Council

AGENDA INFORMATION SHEET

AGENDA DATE: September 20, 2022

DEPARTMENT: Knoxville-Knox County Planning Commission (formerly known as Metropolitan Planning Commission)

DIRECTOR: Jeff Welch

AGENDA SUMMARY A Resolution approving an appeal by Dr. Amanda Pittman, Animal Wellness and Rehabilitation Center – Brown Bear Properties, thereby overturning the decision of the Knoxville-Knox County Planning Commission to grant a Special Use application filed by Thomas R. Gass / Andy’s Frozen Custard, for property located at 6217 Kingston Pike. (Planning Commission File No. 8-C-22-SU) (Planning Commission approved 10-1) (Council District 2).

COUNCIL DISTRICT(S) AFFECTED: The proposed appeal affects Council District 2.

BACKGROUND: The appellant states the reasons for the appeal are that the appellant is aggrieved by the planning commission decision to approve 8-C-22-SU. They further state that special use will cause significant injury to the appellant’s property, the decision violates the zoning ordinance and the city general plan.

OPTIONS: Approve or Deny the Appeal

RECOMMENDATION: The Knoxville-Knox County Planning Commission recommended approval of the request for a drive-through facility in the C-G-1 (General Commercial) / Hillside Protection Overlay) zoning district, subject to seven conditions, by a vote of 10-1.

ESTIMATED PROJECT SCHEDULE: N/A

PRIOR ACTION/REVIEW

Planning Commission Meeting	8/11/2022	Published ad on 7/8/2022
Knoxville City Council	9/20/2022	Published ad on 9/2/2022

FISCAL INFORMATION: N/A

ATTACHMENTS:

- 8-C-22-SU_pkg_APPEAL (PDF)



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 8-C-22-SU**

Decision by: Planning BZA Other: _____ Date of Decision: August 11, 2022

Jurisdiction: City **2** Councilmanic District County _____ Commission District

Original Applicant Name: **Thomas R. Gass / Andy's Frozen Custard** Original File Number: **8-C-22-SU**

Name of Owner of Subject Property: **Anthony P. Cappiello**

Description of Subject Property (Include city block and parcel number or lot number): **121AA023 - 6217 Kingston Pike - City Block 47530**

Zoning map of all property within 300 feet of the subject property is attached.

DECISION BEING APPEALED

Planning Commission approval of 8-C-22-SU

REASON FOR THE APPEAL

Attach additional pages, if necessary. _____

Appellant is aggrieved by planning commission decision to approve 8-C-22-SU. The special use will cause significant injury to the appellants property, the decision violates the zoning ordinance, and the city general plan.

PETITIONER INFORMATION

Name of Petitioner: **Dr. Amanda Pittman - Animal Wellness and Rehabilitation Center - Brown Bear Properties**

Petitioner's Interest in the Matter (Include a description of affected property owned by Petitioner): _____

Property owner and small businesses operating at 6221 Kingston Pike.

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

Signature: *Daniel A. Sanders*

All correspondence should be sent to: Name (Print): **Daniel A. Sanders, Esq.**

900 S. Gay St., Ste. 2102, Knoxville, TN 37902

Street Address _____ City _____ State _____ Zip _____

Phone: **865-316-9626** Fax: _____ E-mail: **das@lyblaw.net**

For Planning Staff Use Only

Application Accepted by Planning Staff Member: *[Signature]*

Appeal Fee Amount: **\$500** Date Appeal Received: **8/26/22**

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

<input checked="" type="checkbox"/> City Council - 6 p.m. 9/20/22 Month • Date • Year	<input type="checkbox"/> County Commission - 7 p.m. _____ Month • Date • Year	<input type="checkbox"/> City BZA - 4 p.m. _____ Month • Date • Year	<input type="checkbox"/> Planning Commission - 1:30 p.m. _____ Month • Date • Year
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The Planning Commission met in regular session on August 11, 2022 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	A Ms. Nancy Barger	A Ms. Tamara Boyer
Mr. Louis Browning	Mr. Logan Higgins	Mr. Tim Hill, Chair
Mr. John Huber	Mr. Richard Levenson	Ms. Amy Midis
Mr. Chris Ooten, Vice Chair	A Ms. Marité Pérez	Mr. Patrick Phillips
Mr. Jeff Roth	Mr. Nathaniel Shelso	* Mr. Eddie Smith

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

35. THOMAS R. GASS / ANDY'S FROZEN CUSTARD

8-C-22-SU

6217 Kingston Pike / Parcel ID 121 A A 023. Proposed use: Drive-through facility in C-G-1 (General Commercial) / HP (Hillside Protection Overlay) District. Council District 2.

1. STAFF RECOMMENDATION

Approve request for a drive-through facility in the C-G-1 (General Commercial) / HP (Hillside Protection Overlay) zoning district, subject to 7 conditions.

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

Commissioner Nathaniel Shelso left the meeting at this time.

MOTION CARRIED 10-1 (NO ADAMS). APPROVED

Knoxville NEWS SENTINEL

PART OF THE USA TODAY NETWORK

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	0005395693	\$69.31	\$0.00	\$69.31	Invoice	\$0.00	\$69.31

Sales Rep: BWeaver

Order Taker: BWeaver

Order Created 08/30/2022

Product	# Ins	Start Date	End Date
KNS-knoxnews.com	1	09/02/2022	09/02/2022
KNS-Knoxville News Sentinel	1	09/02/2022	09/02/2022

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

Text of Ad: 08/30/2022

PUBLIC NOTICE

The following item will be considered by the Knoxville City Council on September 20, 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 Dr. Amanda Pittman - Animal Wellness and Rehabilitation Center - Brown Bear Properties of the Knoxville-Knox County Planning Commission's approval of a Special Use for a drive-through facility in the C-G-1 (General Commercial) / HP (Hillside Protection Overlay) zoning district for Thomas R. Gass / Andy's Frozen Custard, for property located at 6217 Kingston Pike / Parcel ID 121 A A 023. Planning Commission File No. 8-C-22-SU.



SPECIAL USE REPORT

▶ **FILE #:** 8-C-22-SU

AGENDA ITEM #: 35

AGENDA DATE: 8/11/2022

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

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

TAX ID NUMBER: 121 A A 023

[View map on KGIS](#)

JURISDICTION: City Council District 2

STREET ADDRESS: 6217 KINGSTON PIKE

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

▶ **APPX. SIZE OF TRACT:** 0.71 acres

SECTOR PLAN: West City

GROWTH POLICY PLAN: N/A

ACCESSIBILITY: Access is via Kingston Pike, a 4-lane with a center turning lane, major arterial within a right-of-way width of 120-ft.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

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

▶ **EXISTING LAND USE:** Commercial

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

DENSITY PROPOSED: N/A

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

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

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

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

West: Offices - O (Office)

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

STAFF RECOMMENDATION:

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

1. Meeting the requirements of principal use standards for drive-through facilities (Article 9.3.F) of the City of Knoxville Zoning Ordinance.
2. Meeting the requirements of Article 13 (Signs) of the City of Knoxville Zoning Ordinance, including but not limited to menu boards for the drive-through facility.
3. Installation of landscaping per the requirements of Article 12 (Landscaping) of the City of Knoxville Zoning Ordinance.

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

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

COMMENTS:

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

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

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

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

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

A. The C-G zoning district is intended to provide for a heterogeneous mix of retail, personal service, office and residential uses within and along Knoxville's commercial nodes and corridors. Drive-through facilities may be permitted as a special use approval.

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

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

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

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

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

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.

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

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

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

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

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

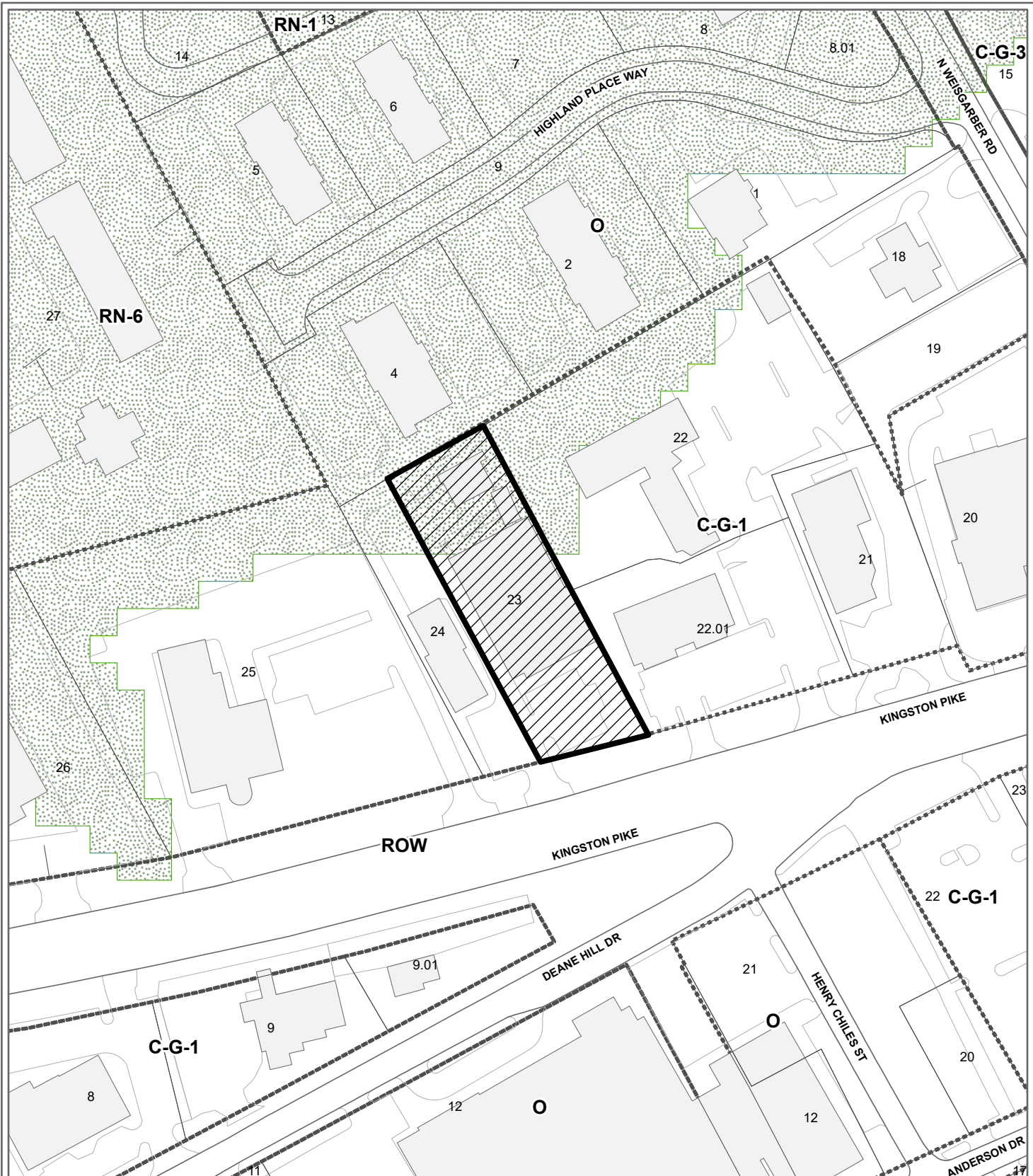
A. There are no known uses immediately surrounding the subject site that pose a potential hazard or undesirable environment for the proposed use.

ESTIMATED TRAFFIC IMPACT: 410 (average daily vehicle trips)

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

ESTIMATED STUDENT YIELD: Not applicable.

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



**8-C-22-SU
SPECIAL USE**



Drive-through facility in C-G-1 (General Commercial), HP (Hillside and Ridgetop Protection Overlay)

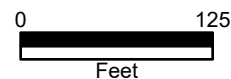
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 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

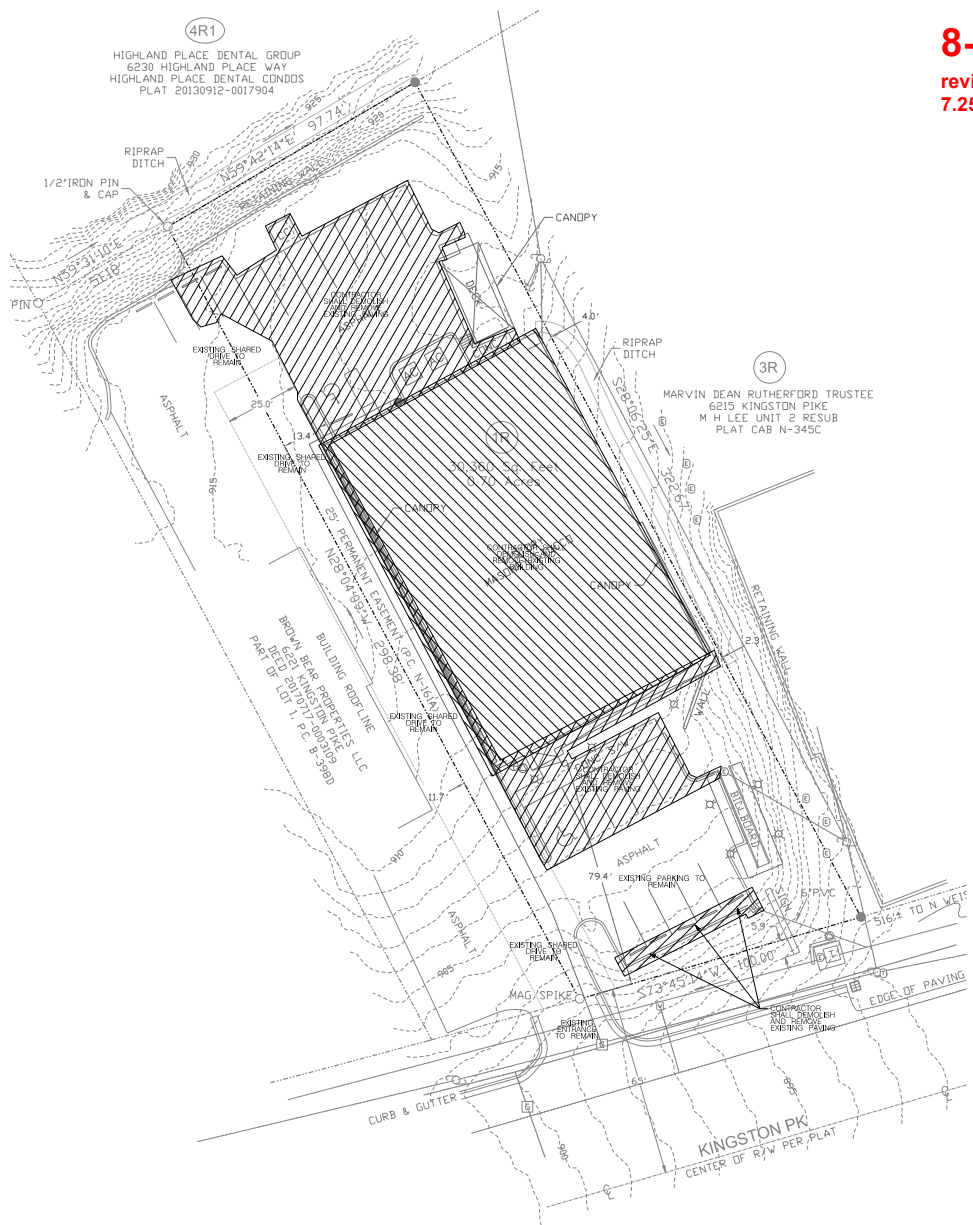
Revised:

Petitioner: Thomas R. Gass / Andy's Frozen Custard

Map No: 121

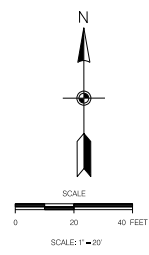
Jurisdiction: City





8-C-22-SU

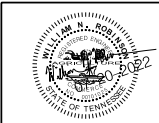
revised
7.25.2022



LEGEND:		
EXISTING	PROPOSED	
		GROUND CONTOUR ELEVATION
		SPOT ELEVATION
		STRUCTURE LINE
		EASEMENT
		EDGE OF PAVEMENT
		STORM DRAIN
		SANITARY SEWER
		POTABLE WATER
		NATURAL GAS
		OVERHEAD ELECTRICAL
		WATER METER
		FIRE HYDRANT
		SURFACE FLOW
		SILT FENCING
		CURB
		CATCH BASIN
		CONCRETE PAVEMENT
		ASPHALT PAVEMENT
		RIP RAP

**WILL ROBINSON
& ASSOCIATES**

1248 N. Shreveport Ln
Caryville, TN 37714
(865) 386-4200
wrobinson@bcfsouth.net

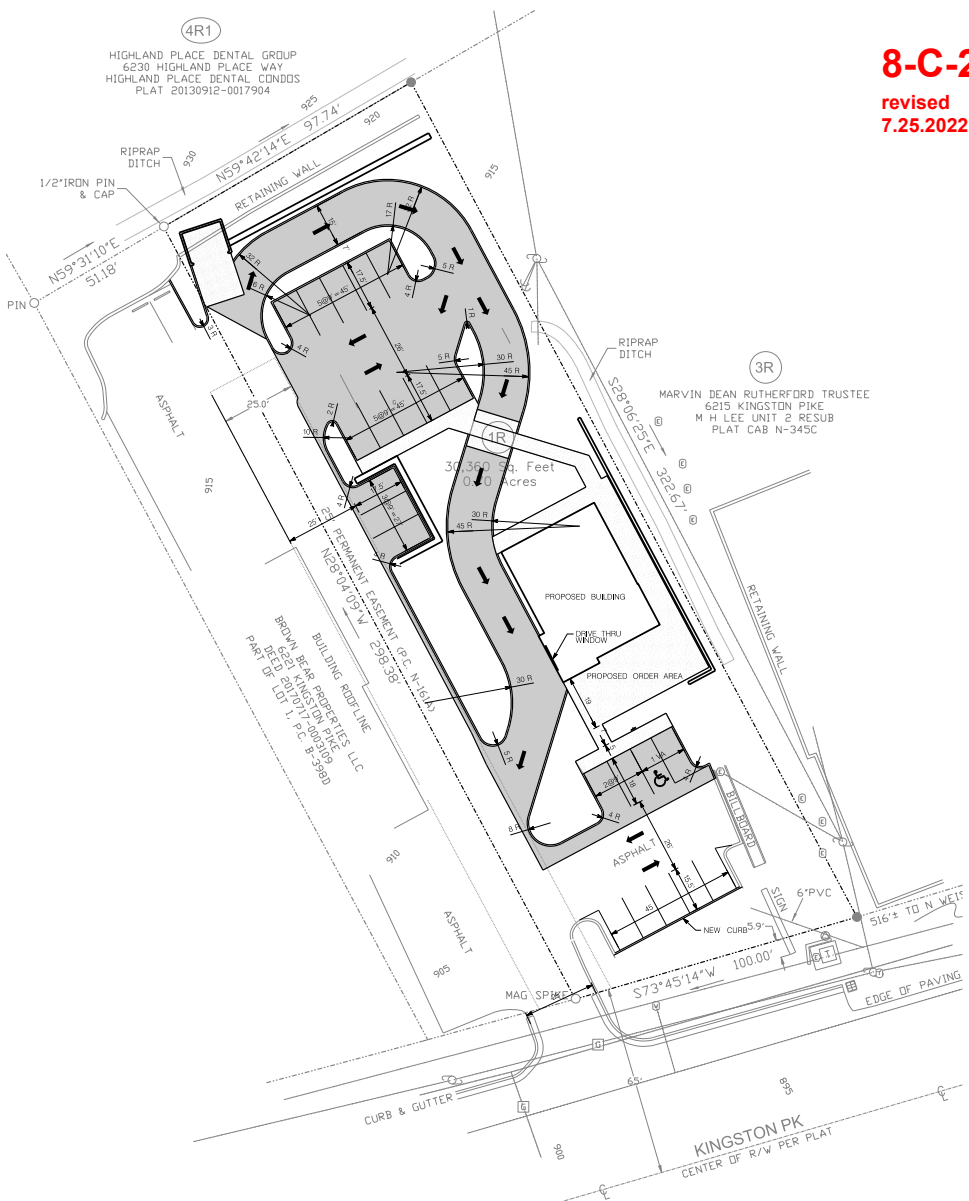


A Site Plan for:
Andy's Custard
6217 Kingston Pike
Knoxville, TN
Planning Case # 8-C-22-SU

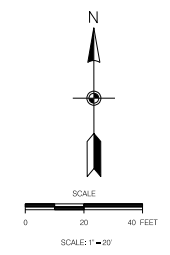
REVISIONS:
07.20.2022 CITY COMMENTS

DRAWN: WNR
CHECKED: WNR
DATE: 09/23/2022
FILE NAME:
PROJECT NO:

PL01
CONCEPT DEMOLITION PLAN
DRAWING



8-C-22-SU
 revised
 7.25.2022



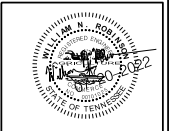
LEGEND:

EXISTING	PROPOSED	
		GROUND CONTOUR ELEVATION
		STRUCTURE
		EASEMENT
		EDGE OF PAVEMENT
		STORM DRAIN
		SANITARY SEWER
		POTABLE WATER
		NATURAL GAS
		OVERHEAD ELECTRICAL
		WATER METER
		FIRE HYDRANT
		SURFACE FLOW
		SILT FENCING
		CURB
		CATCH BASIN
		CONCRETE PAVEMENT
		ASPHALT PAVEMENT
		RIP RAP



PROJECT DATA:
 LEGISLATIVE SHOP (SMB) THROUGH LOT 1
 ZONING: C-22
 BULKHEAD TOTAL: 1763
 PARCELS: 10-10-15
 PARKING SUMMARY:
 PARKING: 100 SPACES
 BICYCLE SPACES: 10 SPACES
 MAN-H SPACES: 10 SPACES
 PARKING: 100 SPACES
 BICYCLE SPACES: 10 SPACES
 MAN-H SPACES: 10 SPACES
 SUBTRACTOR:
 BROWN BEAR PROPERTIES, LLC
 6240 KINGSTON PIKE PHASE 1
 PART OF LOT 1, P.O. B-3980

WILL ROBINSON & ASSOCIATES
 1248 N. Shreveport Ln
 Caryville, TN 37714
 (865) 386-4200
 wrobinson@willrobinson.net

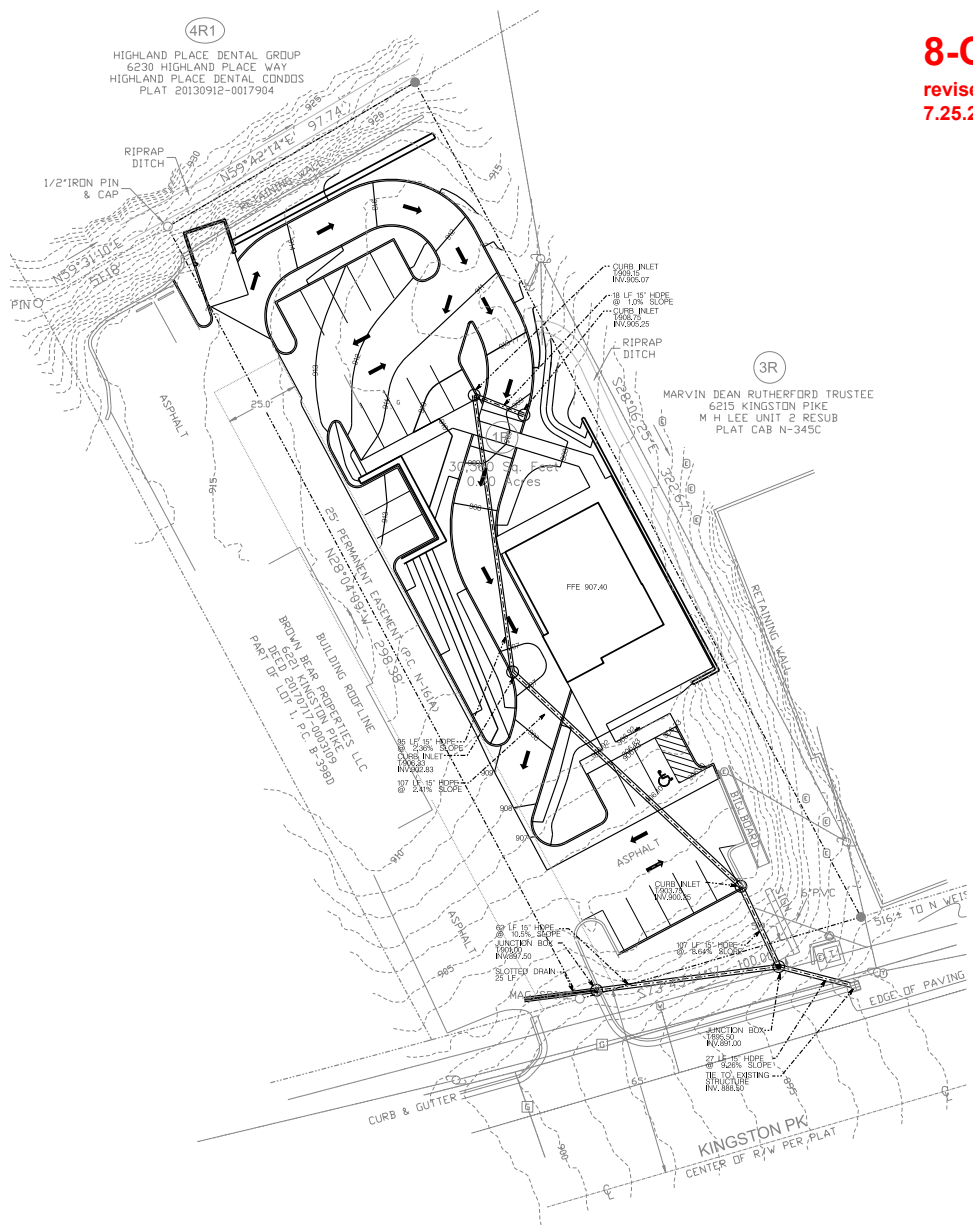


A Site Plan for:
Andy's Custard
 6217 Kingston Pike
 Knoxville, TN
 Planning Case # 8-C-22-SU

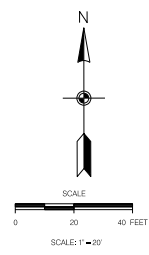
REVISIONS:
 07.20.2022 CITY COMMENTS

DRAWN: WNR
 CHECKED: WNR
 DATE: 09/23/2022
 FILE NAME:
 PROJECT NO:

PL02
 CONCEPT LAYOUT PLAN
 DRAWING



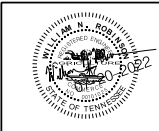
8-C-22-SU
revised
7.25.2022



LEGEND:

EXISTING	PROPOSED	
536	536	GROUND CONTOUR ELEVATION
535.25	535.25	SPOT ELEVATION
		STRUCTURE LINE
		PROPERTY LINE
		EASEMENT
		EDGE OF PAVEMENT
		STORM DRAIN
		SANITARY SEWER
		POTABLE WATER
		NATURAL GAS
		OVERHEAD ELECTRICAL
		WATER METER
		FIRE HYDRANT
		SURFACE FLOW
		SILT FENCING
		CURB
		CATCH BASIN
		CONCRETE PAVEMENT
		ASPHALT PAVEMENT
		RIP RAP

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wrobinson@willrobinson.net



A Site Plan for:
Andy's Custard
6217 Kingston Pike
Knoxville, TN
Planning Case # 8-C-22-SU

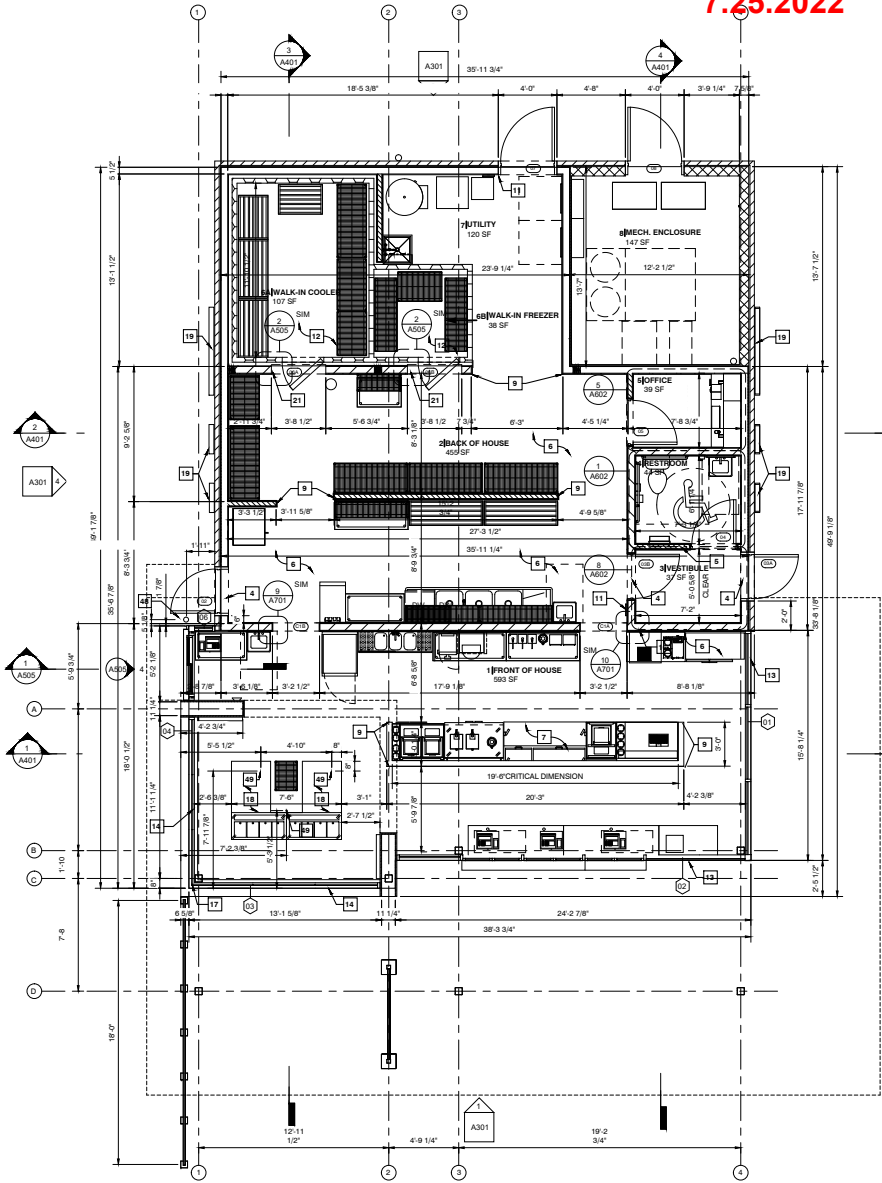
REVISIONS:
07.20.2022 CITY COMMENTS

DRAWN: WNR
CHECKED: WNR
DATE: 09/23/2022
FILE NAME:
PROJECT NO:

PL03
CONCEPT GRADING PLAN
DRAWING

8-C-22-SU

revised
7.25.2022



- ### KEYNOTES:
- ROOF DRAINS BELOW SIDEWALK TO STORM SEWER. NOTE: EXPELL WATER UNDER SIDEWALK TO CURB - NOT ONTO WALK.
 - NEW PANEL SIGNAGE.
 - DRIVE THRU WINDOW.
 - TACTILE ALUMINUM EXIT SIGNAGE IN COMPLIANCE WITH SECTION 1011.3 BC 2006 SURFACE MOUNTED TO DOOR.
 - TACTILE ALUMINUM RESTROOM SIGNAGE IN COMPLIANCE WITH SECTION 1113.1 BC 2006 SURFACE MOUNTED TO DRYWALL.
 - PROVIDE 3" CLEAR ACCESSIBLE EGRESS PATH.
 - CONTRACTOR TO CONFIRM LOCATION OF THE CENTER SERVICE ISLAND WITH ARCHITECT BEFORE ROUGH-IN OF PLUMBING.
 - ROOF STRUCTURE WITH CLEAR ANODIZED ALUMINUM FASCIA WITH 3 CONTINUOUS BANDS OF NEON TUBING AND HARDIE REVEAL PANEL (7'10") SOFFIT PAINTED WHITE.
 - INSTALL CORNER GUARDS TO
 - PROVIDE HOT AND COLD WATER HOSE BIB ON WALL BEHIND AND ADJACENT TO CUSTARD MACHINES.
 - FIRE EXTINGUISHER AND CABINET - SEE 4/A701
 - COORDINATE INSTALLATION OF WALK-IN COOLER AND FREEZER W/ SUPPLIER
 - EFCO 400 STOREFRONT OR EQUIVALENT - REINFORCE AS REQUIRED IN MFG. W/ 1" INSULATED GLAZING.
 - EFCO 5500 CURTAIN WALL SYSTEM OR EQUIVALENT WITH 1" INSULATED GLAZING.
 - CLEAR OVER CLEAR 1" INSULATED GLAZING - SEE GLAZING SPECS ON SHEET A701.
 - OCCUPANCY LOAD SIGNAGE IN COMPLIANCE WITH SECTION 1004.3 BC 2003 - SURFACE MOUNTED ABOVE DOOR.
 - CORNER TO BE BUTT GLAZED WITH 4-DEGREE MILLION.
 - CUSTARD MACHINES TO STRADDLE FLOOR SINKS.
 - ANDYS MENU AND POSTER SIGNAGE BY OTHERS - VERIFY INSTALLED LOCATION W/ OWNER.
 - EXTERIOR UPLIGHTING MOUNTED TO MULLION PER SPECIFICATIONS.
 - MAINTAIN A MINIMUM OF 10" CLEAR ON OPERABLE SIDE OF WALK-IN COOLER AND FREEZER - COORDINATE DETAILS WITH MFG.
 - TRASH / RECYCLING PER OWNER.
 - ALL EXPOSED DUCTWORK TO BE PAINTED WHITE TO MATCH GWS CEILING.
 - 60 MIL WHITE TPO MECHANICALLY FASTENED WITH 1" RIDG INSULATION.
 - PROVIDE SOLID BLOCKING FOR ALL SHELVES & WALL MOUNTED EQUIPMENT - SEE ADDS FOR LOCATIONS.
 - COLUMNS PER STRUCTURAL.
 - BRICK VENEER PER WALL SECTION.
 - PERIMETER NEON LIGHTING ON EXTENTS OF ALUMINUM FASCIA BY OWNER.
 - SQUARE CUT ROOF EDGE.
 - SEE WORK PER CIVIL PLANS AND SPECIFICATIONS.
 - COMPOSITE SLATS ON GALVANIZED TUBE STEEL FRAME.
 - DUNSELY PRODUCTS INC. SLUING WINDOWS: SELF CLOSING SC-4030 AT WALK UP PATIO WINDOWS. FULLY AUTOMATIC 4030E AT DRIVE THRU WINDOW.
 - CAP AND SILL FLASHING AT TOP DATUM OF MASONRY VENEER AND FREESTANDING WALL TOP.
 - FOUNDATION PER STRUCTURAL.
 - WALL TYPE PER PLAN.
 - DUCTWORK LOCATION AND SIZING PER MEP.
 - ROOF CONSTRUCTION: 60 MIL WHITE TPO ROOFING MECHANICALLY FASTENED ON 1" RIDG INSULATION OVER 1/2" S PER STRUCTURAL WITH OPEN CELL INSULATION - MINIMUM UEA R-30.
 - WHITE SPANDELE GLAZING - ALL SPANDELE GLASS TO BE WHITE, U.O.N.
 - PREFINISHED METAL BOX GUTTER.
 - PRE FINISHED METAL PARAPET CAP FLASHING.
 - 1 1/2" T-C COMPOSITE SINKS. BASIS OF DESIGN: TIMBERTECH PORCH COLLECTION, MANDOGANY.
 - JAMES HARDIE - 5/8" HARDIE PANELS - COLOR PLUS® - EXTERIOR FIBER CEMENT VERTICAL SIDING - 1 x 1" SECTIONS. SMOOTH FINISH - COLOR LIGHT MIST. ON 3/4" BATTENS.
 - CASED OPENING FOR WALK-IN COOLERS ACCESS.
 - HARDIE REVEAL PANEL (7'10") SOFFIT PAINTED WHITE.
 - 6" DIAMETER DOWNSPOUT - CONNECTED TO STORM SEWER PER CIVIL PLANS.
 - ANDY'S FROZEN CUSTARD NEON CONE SIGN "MADE FRESH EVERY HOUR" - LOCATED INSIDE STORE IN FRONT OF STOREFRONT GLAZING - SUSPEND FROM HORIZONTAL MULLION AND CONCEAL POWER SUPPLY ALONG INSIDE FACE OF MULLION.
 - ANDY'S FROZEN CUSTARD SPEECHER ROOT BEER NEON SIGN - LOCATED INSIDE STORE IN FRONT OF STOREFRONT GLAZING - SUSPEND FROM HORIZONTAL MULLION AND CONCEAL POWER SUPPLY ALONG INSIDE FACE OF MULLION.
 - STEEL PIPE BOLLARD - 4" DIAMETER SCHEDULE 40 STEEL PIPE - 4' ABOVE GRADE W/ 2' CORE BELOW GRADE.
 - ELECTRIC STUB

PARTITION LEGEND:

NEW INTERIOR PARTITION
2 x 4 WOOD STUDS
A-1: 5/8" GWB BOTH SIDES
A-2: 5/8" GWB ONE SIDE

- ### NEW INTERIOR PARTITION
- | |
|--------------------------|
| 2 x 4 WOOD STUDS |
| B-1: 5/8" GWB BOTH SIDES |
| B-2: 5/8" GWB ONE SIDE |
- DRMS ARE FROM FACE OF STUD TO FACE OF STUD UNLESS OTHERWISE NOTED.
 - REFER TO A701 FOR NOTES ON WALL TYPE / DETAILING.
 - REFER TO FINISH PLAN AND SCHEDULE FOR VARIATIONS TO INTERIOR WALL FINISHES.
 - ALL FOOD AND NON-FOOD SURFACES ARE TO BE SMOOTH, DURABLE, NON-ABSORBENT, LIGHT IN COLOR AND EASILY CLEANABLE PER LOCAL CITY HEALTH DEPARTMENT REGULATIONS.
 - REFER TO INT. ELEV. FOR CONDITIONS WITH TILES AS FIN. WALL SURFACE - PROVIDE 5/8" CONCRETE BACKER BOARD IN LIEU OF G.W.B.
 - BATHROOM WALLS SHOULD BE INSUL. WITH SOUND BATT INSUL. TO ACHIEVE AN STC RATING OF 50.
 - ALL WALLS CONTAINED WITHIN OR DIRECTLY FACING ROOM 2 BACK OF HOUSE TO UTILIZE FRP 1 IN LIEU OF 5/8" G.W.B.



2809 Apex Avenue Suite 100
Knoxville, TN 37924
Phone: 423.234.3545
Fax: 423.836.1021

Architect of Record
Wilson Douglas Hulvey
Tennessee License No. 10310
Form Disclosure No. 3352



ANDY'S FROZEN CUSTARD
6217 Kingston Pike
Knoxville, TN
Planning Case # 8-C-22-SU

ISSUE BLOCK	

CHECKED BY: JWS
DRAWN BY: JWS
DOCUMENT DATE: 11/8/21



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DIMENSIONED PLAN

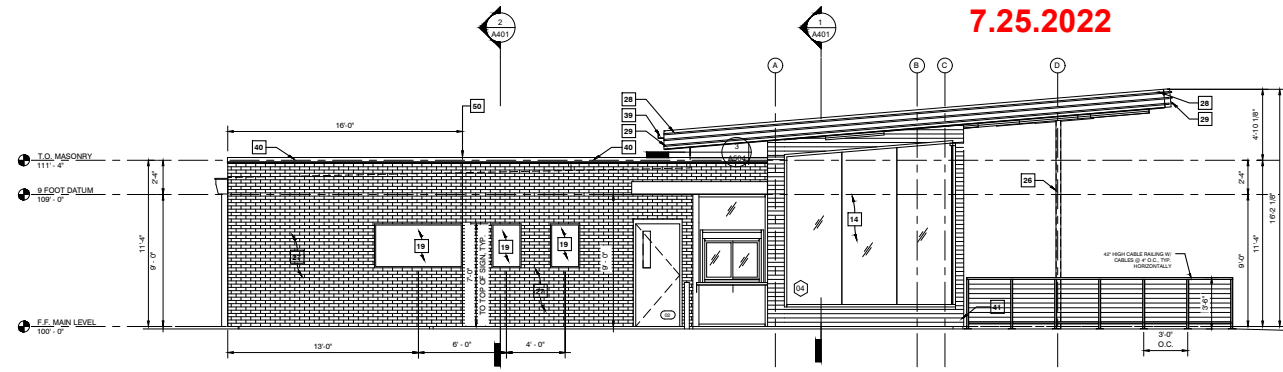
SHEET: A201

NOTES:
1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT SITE PRIOR TO COMMENCEMENT OF WORK.
2. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF KNOXVILLE.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF KNOXVILLE.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF KNOXVILLE.

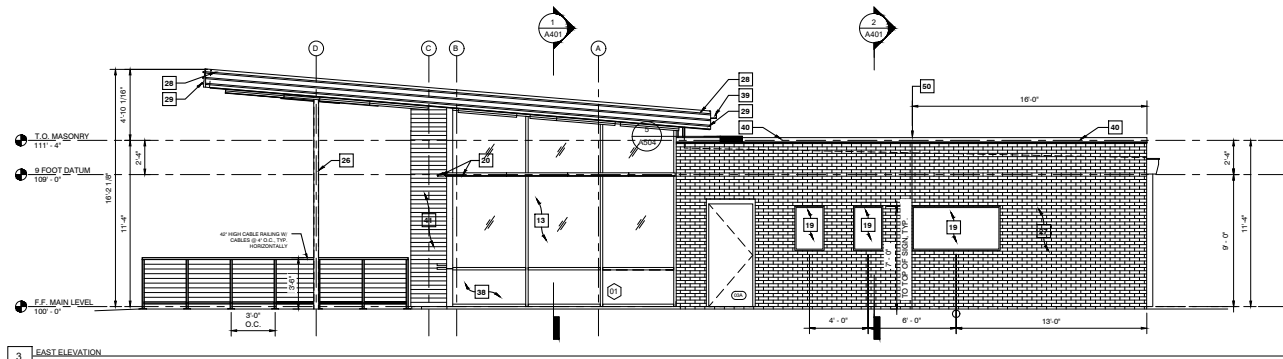
1 DIMENSIONED PLAN
1/4" = 1'-0"

8-C-22-SU

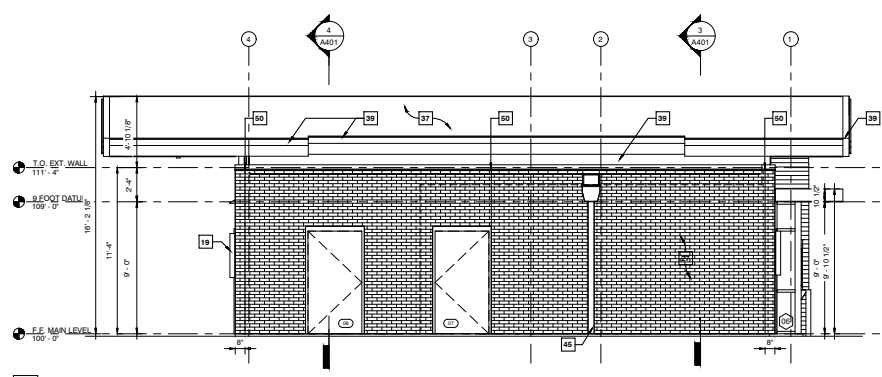
revised
7.25.2022



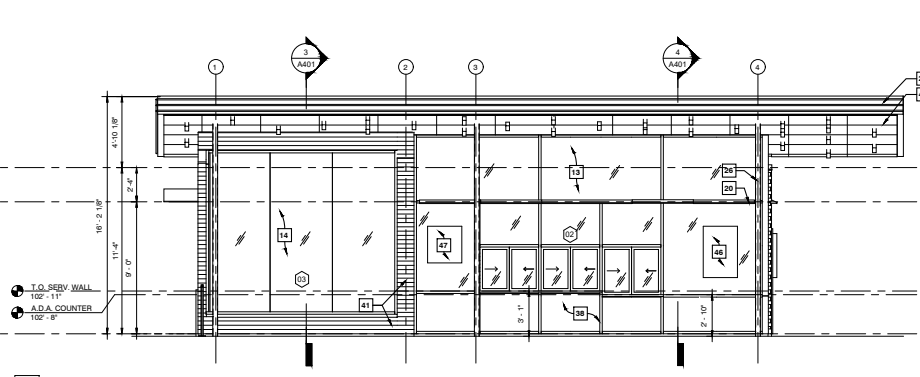
4 WEST ELEVATION
1/4" = 1'-0"



3 EAST ELEVATION
1/4" = 1'-0"



2 NORTH ELEVATION
1/4" = 1'-0"



1 SOUTH ELEVATION
1/4" = 1'-0"

6217 Kingston Pike
Knoxville, TN
Planning Case # 8-C-22-SU

KEYNOTES:

1. ROOF DRAINS BELOW SIDEWALK TO STORM SEWER - NOTE: EXPELL WATER UNDER SIDEWALK TO CURB - NOT ONTO TALK.
2. NEW PANELBOARDS:
3. DRIVE THRU WINDOW.
4. TACTILE ALUMINUM EXIT SIGNAGE IN COMPLIANCE WITH SECTION 1011.3 BC 2006 SURFACE MOUNTED TO DOOR.
5. TACTILE ALUMINUM RESTROOM SIGNAGE IN COMPLIANCE WITH SECTION 1110.1 BC 2006 SURFACE MOUNTED TO DRYWALL.
6. PROVIDE 3' CLEAR ACCESSIBLE EGRESS PATH.
7. CONTRACTOR TO CONFIRM LOCATION OF THE CENTER SERVICE ISLAND WITH ARCHITECT BEFORE ROUGH IN OF PLUMBING.
8. ROOF STRUCTURE WITH CLEAR ANODIZED ALUMINUM FASCIA WITH 3 CONTINUOUS BANDS OF NEON TUBING AND HARDIE REVEAL PANEL (7'10") SOFFIT PAINTED WHITE.
9. INSTALL CORNER GUARDS TYP.
10. PROVIDE HOT AND COLD WATER HOSE BIB ON WALL BEHIND AND ADJACENT TO CUSTARD MACHINES.
11. FIRE EXTINGUISHER AND CABINET - SEE 4/A701.
12. COORDINATE INSTALLATION OF WALK-IN COOLER AND FREEZER W/ SUPPLIER.
13. EFCO 400 STOREFRONT OR EQUIVALENT - REINFORCE AS REQUIRED BY MFG. W/ 1" INSULATED GLAZING.
14. EFCO 5500 CURTAIN WALL SYSTEM OR EQUIVALENT WITH 1" INSULATED GLAZING.
15. CLEAR OVER CLEAR 1" INSULATED GLAZING - SEE GLAZING SPECS ON SHEET A701.
16. OCCUPANCY LOAD SIGNAGE IN COMPLIANCE WITH SECTION 1004.3 BC 2003 - SURFACE MOUNTED ABOVE DOOR.
17. CORNER TO BE BUTT GLAZED WITH A 45 DEGREE MILLION.
18. CUSTARD MACHINES TO STRADDLE FLOOR SINKS.
19. ANDY'S MENU AND POSTER SIGNAGE BY OTHERS - VERIFY INSTALLED LOCATION W/ OWNER.
20. EXTERIOR UPLIGHTING MOUNTED TO MULLION PER SPECIFICATIONS.
21. MAINTAIN A MINIMUM OF 10' CLEAR ON OPERABLE SIDE OF WALK-IN COOLER AND FREEZER - COORDINATE DETAILING W/ MFG.
22. TRASH/ RECYCLING PER OWNER.
23. ALL EXPOSED DUCTWORK TO BE PAINTED WHITE TO MATCH GWS CEILING.
24. 60 MIL WHITE TPO MECHANICALLY FASTENED WITH 1" ROIB INSULATION.
25. PROVIDE SOLID BLOCKING FOR ALL SHELVES & WALL MOUNTED EQUIPMENT - SEE A203 FOR LOCATIONS.
26. COLUMNS PER STRUCTURAL.
27. BRICK VENEER PER WALL SECTION.
28. PERIMETER NEON LIGHTING ON EXTENTS OF ALUMINUM FASCIA BY OWNER.
29. SQUARE CUT ROOF EDGE.
30. SITE WORK PER CIVIL PLANS AND SPECIFICATIONS.
31. COMPOSITE SLATS ON GALVANIZED TUBE STEEL FRAME.
32. GUNSBERRY PRODUCTS INC. SLIDING WINDOWS - SELF CLOSING SC-4030 AT WALK-UP PATIO WINDOWS. FULLY AUTOMATIC 403SE AT DRIVE THRU WINDOW.
33. CAP AND SILL FLASHING AT TOP DATUM OF MASONRY VENEER AND FREESTANDING WALL TYP.
34. FOUNDATION PER STRUCTURAL.
35. WALL TYPE PER PLAN.
36. DUCTWORK LOCATION AND SIZING PER MEP.
37. ROOF CONSTRUCTION - 60 MIL WHITE TPO ROOFING MECHANICALLY FASTENED ON 1" ROIB INSULATION OVER 2" PER STRUCTURAL WITH OPEN CELL INSULATION - MINIMUM OF R-30.
38. WHITE SPANDREL GLAZING - ALL SPANDREL GLASS TO BE WHITE, U.O.N.
39. PREFINISHED METAL BOX GUTTER.
40. PRE FINISHED METAL PARAPET CAP FLASHING.
41. 1"x2" T-G COMPOSITE SIDING - BASIS OF DESIGN: TIMBERTECH PORCH COLLECTION - MANGOHANY.
42. JAMES HARDIE - 5/8" HARDIE PANELS (COLOR PLUS) EXTERIOR FIRE RESISTANT VERTICAL SIDING - 4" X 8" SECTIONS - SMOOTH FINISH - COLOR: LIGHT MET. ON 3/4" BATTENS.
43. CASSED OPENING FOR WALK-IN COOLER ACCESS.
44. ACM PANEL SOFFIT LAMINATORS OMEGA LITE, BONE WHITE.
45. 2" DIAMETER DOWNSPOUT - TO DRAIN TO DAYLIGHT UNDER SIDEWALK - REF. CIVIL PLANS.
46. ANDY'S FROZEN CUSTARD NEON CONE SIGN (MADE FRESH EVERY HOUR - LOCATED INSIDE STORE IN FRONT OF STOREFRONT GLAZING - SUSPEND FROM HORIZONTAL MULLION AND CONCEAL POWER SUPPLY ALONG INSIDE FACE OF MULLION).
47. ANDY'S FROZEN CUSTARD SPEECHER NOOT BEER NEON SIGN - LOCATED INSIDE STORE IN FRONT OF STOREFRONT GLAZING - SUSPEND FROM HORIZONTAL MULLION AND CONCEAL POWER SUPPLY ALONG INSIDE FACE OF MULLION.
48. STEEL PIPE BOLLARD - 4" DIAMETER SCHEDULE 40 STEEL PIPE - 4' ABOVE GRADE W/ 2' CORE BELOW GRADE.
49. ELECTRIC STUBS.
50. MASONRY CONTROL JOINT - REF. STRUCTURAL DWGS.

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pb2
Engineering
2609 Alpa Avenue Suite 100
Knoxville, Tennessee 37208
Phone: 423.254.3545
Fax: 423.254.1278
Architect of Record
William Douglas Hurley
Tennessee License No. 102100
Firm Disclosure No. 3332

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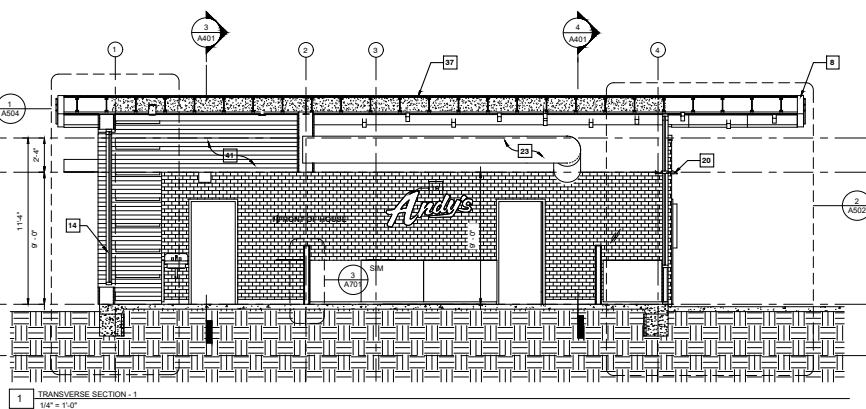
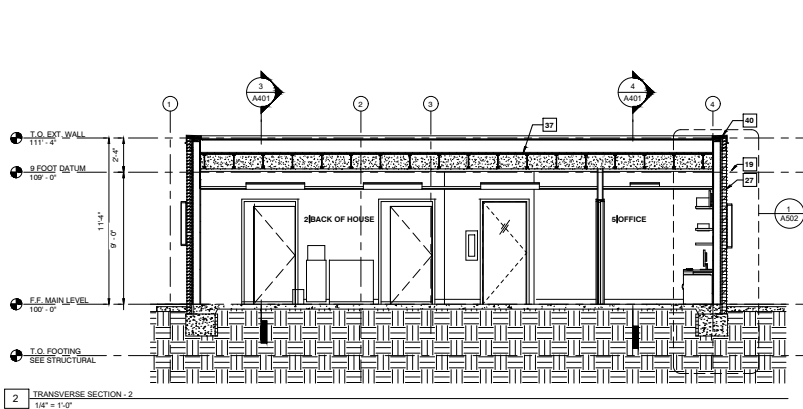
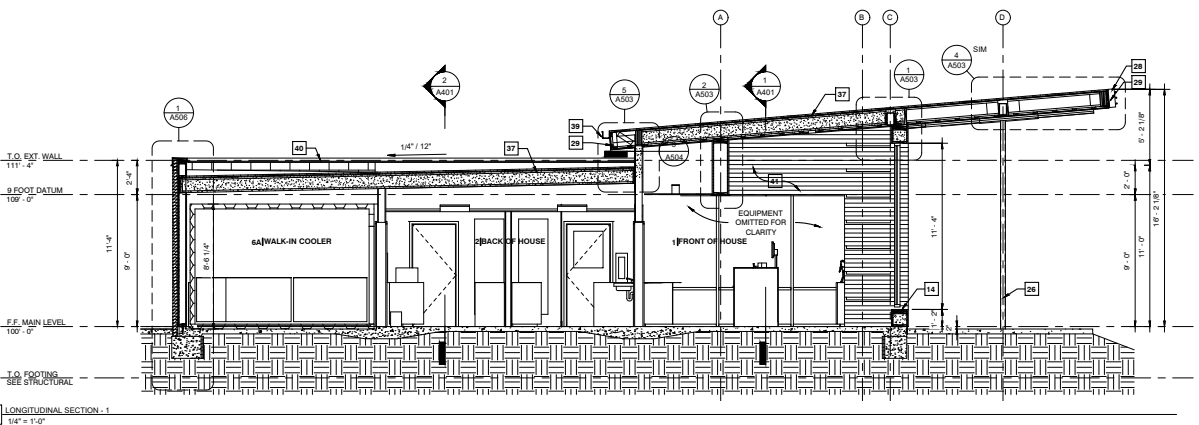
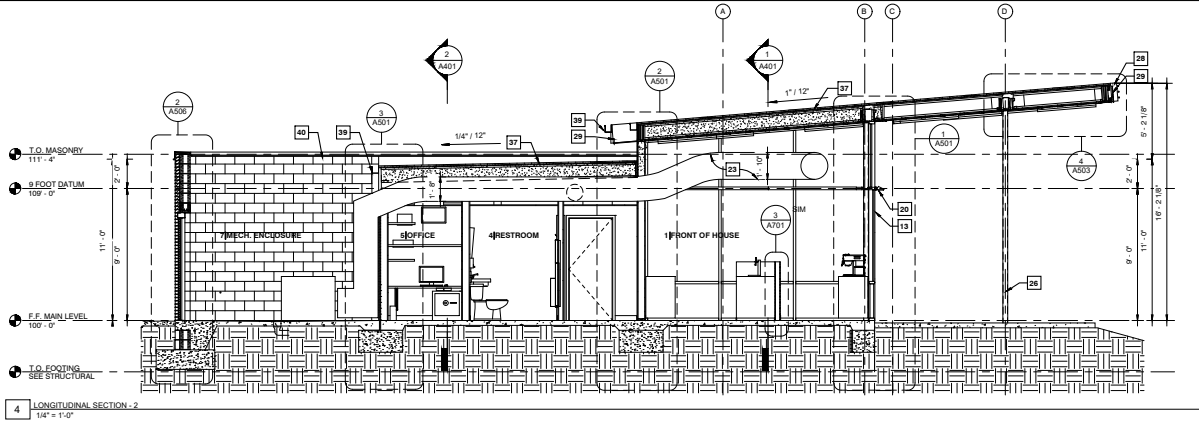
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ELEVATIONS

SHEET:
A301

8-C-22-SU

revised
7.25.2022



- KEYNOTES:**
- ROOF DRAINS BELOW SIDEWALK TO STORM SEWER - NOTE: EXPELL WATER UNDER SIDEWALK TO CURB - NOT ONTO WALK.
 - NEW PANELS/ROOF.
 - DRIVE THRU WINDOW.
 - TACTILE ALUMINUM EXIT SIGNAGE IN COMPLIANCE WITH SECTION 1011.3 IRC 2006 SURFACE MOUNTED TO DOOR.
 - TACTILE ALUMINUM RESTROOM SIGNAGE IN COMPLIANCE WITH SECTION 1115.1 IRC 2006 SURFACE MOUNTED TO DRYWALL.
 - PROVIDE 3" CLEAR ACCESSIBLE EGRESS PATH.
 - CONTRACTOR TO CONFIRM LOCATION OF THE CENTER SERVICE ISLAND WITH ARCHITECT BEFORE ROUGH-IN OF PLUMBING.
 - ROOF STRUCTURE WITH CLEAR ANCHORED ALUMINUM FASCIA WITH 3 CONTINUOUS BANDS OF NEON TUBING AND HARDIE REVEAL PANEL (7'10\"/>
 - INSTALL CORNER GUARDS TYP.
 - PROVIDE HOT AND COLD WATER HOSE BIB ON WALL BEHIND AND ADJACENT TO CUSTARD MACHINES.
 - FIRE EXTINGUISHER AND CABINET - SEE A4/01.
 - COORDINATE INSTALLATION OF WALK-IN COOLER AND FREEZER W/ SUPPLIER.
 - EFCO 403 STOREFRONT OR EQUIVALENT - REINFORCE AS REQUIRED BY MFG. W/ 1\"/>
 - EFCO 5800 CURTAIN WALL SYSTEM OR EQUIVALENT WITH 1\"/>
 - CLEAR OVER CLEAR 1\"/>
 - OCCUPANCY LOAD SIGNAGE IN COMPLIANCE WITH SECTION 1004.3 IRC 2003 - SURFACE MOUNTED ABOVE DOOR.
 - CORNERS TO BE BUTT-GLAZED WITH 4-5 DEGREE MULLION.
 - CUSTARD MACHINES TO STRADDLE FLOOR SINKS.
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 - TRASH - RECYCLING PER OWNER.
 - ALL EXPOSED DUCTWORK TO BE PAINTED WHITE TO MATCH GWB CEILING.
 - 40 MIL WHITE TPO MECHANICALLY FASTENED WITH 1\"/>
 - INSULATION.
 - PROVIDE SOLID BLOCKING FOR ALL SHELVES & WALL MOUNTED EQUIPMENT - SEE A203 FOR LOCATIONS.
 - COLUMNS PER STRUCTURAL.
 - BRICK VENEER PER WALL SECTION.
 - PERIMETER NEON LIGHTING ON EXTENTS OF ALUMINUM FASCIA BY OWNER.
 - SQUARE CUT ROOF EDGE.
 - SITE WORK PER CIVIL PLANS AND SPECIFICATIONS.
 - COMPOSITE SLATS ON GALVANIZED TUBE STEEL FRAME.
 - QUINSEY PRODUCTS INC. SIGNS WINDOWS - SELF-CLOSING SC-4300 AT WALK-UP PATIO WINDOWS. FULLY AUTOMATIC ACCESS AT DRIVE THRU WINDOW.
 - CAP AND SILL FLASHING AT TOP DATUM OF MASONRY VENEER AND FREESTANDING WALL TYP.
 - FOUNDATION PER STRUCTURAL.
 - WALL TYPE PER PLAN.
 - ELECTRICAL LOCATION AND SIZING PER MEP.
 - ROOF CONSTRUCTION - 60 MIL WHITE TPO ROOFING MECHANICALLY FASTENED ON 1\"/>
 - WHITE SPANDREL GLAZING - ALL SPANDREL GLASS TO BE WHITE U.O.N.
 - PRE-FINISHED METAL BOX GUTTER.
 - PRE-FINISHED METAL PARAPET CAP FLASHING.
 - PRE-FINISHED PORCH COLLECTION MANGROVE.
 - JAMES HARDIE - 5/8\"/>
 - FRIBER CEMENT VERTICAL SIDING - 4\"/>
 - CHASED OPENING FOR WALK-IN COOLER ACCESS.
 - ACM PANEL SOFFIT (LAMINATORS OMEGA LITE BONE WHITE).
 - 8\"/>
 - ANDY'S FROZEN CUSTARD NEON CONE SIGN - MADE FRESH EVERY HOUR - LOCATED INSIDE STORE IN FRONT OF STOREFRONT GLAZING - SUSPEND FROM HORIZONTAL MULLION AND CONICAL POWER SUPPLY ALONG INSIDE FACE OF MULLION.
 - ANDY'S FROZEN CUSTARD SPEICHER ROOT BEER NEON SIGN - LOCATED INSIDE STORE IN FRONT OF STOREFRONT GLAZING - SUSPEND FROM HORIZONTAL MULLION AND CONICAL POWER SUPPLY ALONG INSIDE FACE OF MULLION.
 - STEEL PIPE SCLADAR - 4\"/>
 - ELECTRIC STUB.

PRINTED BY: JWS (04/25/2022) 11:58 AM
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 PLOTTING METHOD: PLOT
 PLOTTING SCALE: 1.0000
 PLOTTING RANGE: ALL
 PLOTTING OFFSET: 0.0000
 PLOTTING SHEET: 1 OF 1
 PLOTTING STATUS: SUCCESS

pb2
Engineering

2809 Alpa Avenue Suite 100
Knoxville, Tennessee 37208
Phone: 423.254.3545
Fax: 423.434.1021

Architect of Record
William Douglas Hurley
Tennessee License No. 102150
Firm License No. 9332

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Planning Case # 8-C-22-SU

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SECTIONS

SHEET:
A401



August 11, 2022
Planning Commission meeting

Public Comments

1 Comment for 8-C-22-SU

Daniel (37902), August 10, 2022 at 2:45 PM

Please see attached correspondence in opposition to Planning Commission File No. 8-C-22-SU, including Exhibit A.

[View Attachment](#)



Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - Sector Plan
 - One Year Plan
- Rezoning

Thomas R. Gass / Andy's Frozen Custard

6/27/2022

Applicant Name

Date Filed

8/11/2022

()

8-C-22-SU

Planning Commission Meeting (if applicable)

Legislative Meeting (if applicable)

File Number(s)

CORRESPONDENCE

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

Will Robinson Will Robinson and Associates

Name / Company

1248 N. Shorewood Ln. Ln. Caryville TN 37714

Address

865-386-4201 / wendy@wracivil.com

Phone / Email

CURRENT PROPERTY INFO

Anthony P. Capiello, Jr.

P.O. Box 11505 Knoxville TN 37939

865-482-1214

Owner Name (if different)

Owner Address

Owner Phone / Email

6217 KINGSTON PIKE

Property Address

121 A A 023

0.71 acres

Parcel ID

Part of Parcel (Y/N)?

Tract Size

KUB SEWER

KUB WATER

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

North side of Kingston Pike, north of Deane Hill Drive

General Location

City

Council District 2

C-G-1 (General Commercial), HP (Hillside and Ridgetop Protection Overlay)

Commercial

County

District

Zoning District

Existing Land Use

West City

GC (General Commercial), HP (Hillside and Ridgetop Prot

N/A

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST

- Development Plan Planned Development Use on Review / Special Use
 Hillside Protection COA Residential Non-residential

Home Occupation (specify) _____

Other (specify) **Drive-through facility**

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name

Unit / Phase Number

Total Number of Lots Created

Additional Information _____

- Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST

- Zoning Change

Proposed Zoning

Pending Plat File Number

Proposed Density (units/acre) Previous Zoning Requests

- Plan Amendment Change

Proposed Plan Designation(s)

Additional Information _____

STAFF USE ONLY

PLAT TYPE

- Staff Review Planning Commission

ATTACHMENTS

- Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS

- COA Checklist (Hillside Protection)
 Design Plan Certification (Final Plat)
 Site Plan (Development Request)
 Traffic Impact Study
 Use on Review / Special Use (Concept Plan)

Fee 1

\$1,500.00

Fee 2

Fee 3

Total

AUTHORIZATION

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

Thomas R. Gass Andy's Frozen Custard,

6/27/2022

Application Authorized By

Affiliation

Date

417-676-4970 / tom.gass@eatandys.com

Phone / Email

Mike Reynolds

Staff Signature

Please Print

Date Paid

(1) Download and fill out this form at your convenience.
(2) Sign the application digitally (or print, sign, and scan).

(3) Either print the completed form and bring it to the
Knoxville-Knox County Planning offices
OR email it to applications@knoxplanning.org



Development Request

[Reset Form](#)

- DEVELOPMENT**
- Development Plan
 - Planned Development
 - Use on Review / Special Use
 - Hillside Protection COA

- SUBDIVISION**
- Concept Plan
 - Final Plat

- ZONING**
- Plan Amendment
 - SP OYP
 - Rezoning

Thomas R Gass / Andy's Frozen Custard

Franchisee / Managing Partner

Applicant Name
06/27/2022

August 11, 2022

Affiliation

File Number(s)

Date Filed

Meeting Date (if applicable)

8-C-22-SU

CORRESPONDENCE

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

- Applicant Property Owner Option Holder Project Surveyor Engineer Architect/Landscape Architect
Will Robinson Will Robinson & Associates

Name
1248 N Shorewood Ln

Company
Caryville TN 37714

Address
865-386-4201

City
wendy@wracivil.com

State
ZIP

Phone

Email

CURRENT PROPERTY INFO

Anthony P. Cappiello, Jr.
Property Owner Name (if different)
6217 Kingston Pike Knoxville, TN

A.P.C.
Property Owner Address

P.O. Box 11505, Knoxville, TN 37939

121AA023X

Property Owner Phone
(865) 482 - 1214

Property Address
KUB

KUB

Parcel ID

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

See digital application attached

General Location

Tract Size

City County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

November 22, 2021

DEVELOPMENT REQUEST

Development Plan
 Use on Review / Special Use
 Hillside Protection COA
 Related City Permit Number(s) _____
 Residential
 Non-Residential
 Home Occupation (specify) _____
 Other (specify) Drive-through facility _____

SUBDIVISION REQUEST

Proposed Subdivision Name _____ Related Rezoning File Number _____
 Combine Parcels
 Divide Parcel
 Total Number of Lots Created _____
 Unit / Phase Number _____
 Other (specify) _____
 Attachments / Additional Requirements _____

ZONING REQUEST

Zoning Change
 Proposed Zoning _____ Pending Plat File Number _____
 Plan Amendment Change
 Proposed Plan Designation(s) _____
 Proposed Density (units/acre) _____ Previous Rezoning Requests _____
 Other (specify) _____


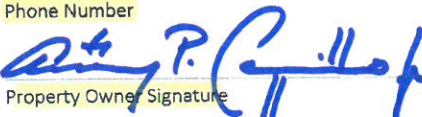
STAFF USE ONLY

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*)

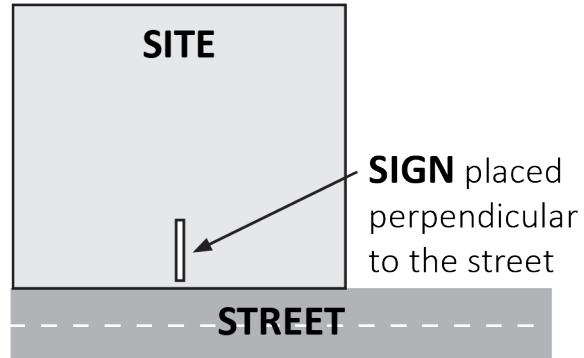
Fee 1	Special Use	Total
401		\$1,500
Fee 2		
Fee 3		

MR

AUTHORIZATION


 Thomas R Gass
 June 24, 2022
 Applicant Signature
 Please Print
 Date
 417-676-4970
 tom.gass@eatandys.com
 Phone Number
 Email

 Anthony P. Cappiello, Jr.
 June 25, 2022
 Property Owner Signature
 Please Print
 Date

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:

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

Applicant Name: _____

Date: _____

File Number: _____

- Sign posted by Staff
- Sign posted by Applicant