

Planning Commissioners and Staff,

There have been many concerns raised about the proposed EZ Stop development being considered under Use on Review case 6-B-24-UR but what has become abundantly clear throughout this entire process is the fact that not only is it not a fit for our community but it is in direct violation of Knox County's own zoning codes.

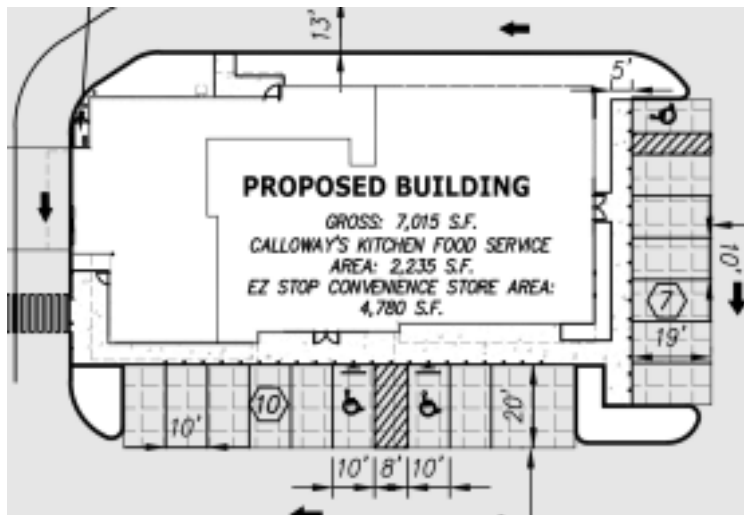
THE USE IS **NOT IN HARMONY** WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE.

ZONING REGULATION 5.38.04. Building size regulations.

A. No building shall exceed thirty-five (35) feet in height.

B. No individual building or commercial establishment shall have a floor area exceeding five thousand (5,000) square feet.

The proposed plan has an individual building that is **7,015 sq. Ft.**



This limit on building size for a UR in a CN zone is a clearly stated standard that has been applied to all of the similar cases for use on review in a commercial neighborhood zone.

There are many instances of the staff planning recommendations being consistent with this limit on building size.

1-F-10-UR (12400 S Northshore Dr - 12/4/2009 LKM PROPERTIES LP)

-Convenience store with gas pumps

5-G-11-UR (Northshore Dr. & Choto Rd. 5/12/2011 Huber Properties, LLC)

-Commercial development

-Staff required plan revisions so that none of the proposed buildings have a scaled footprint greater than the maximum of 5000 square feet. From the

revised plan: *Maximum Building Footprint: The site plan has been revised (copy enclosed) so that none of the proposed buildings have a scaled footprint greater than the maximum of 5000 square feet.*

11-C-11-UR (Northshore Dr. & Choto Rd 9/27/2011 Huber Properties, LLC)

- Commercial office space
- Each individual building is no more than 5,000 sq ft

7-L-18-UR (12344 S Northshore Dr 7/12/18 Huber Properties, LLC)

- Self service storage facility and mixed use commercial building
- Individual buildings were to be 5,000 sq ft or less

2-C-21-UR (12344 S. Northshore Dr. 2/11/2021 Huber Properties, LLC)
Restaurant use

- Up to 5,000 sq ft of restaurant uses within the recently constructed building which has 5,000 sq ft of usable floor space.

10-H-21-UR (1401 Bexhill Dr. 8/30/21 MCS ENTERPRISES, LLC)

- Restaurants
- Two buildings, each under 5k sq ft

3-D-21-UR (2718 Shipetown Rd. 3/11/2021 RELIANCE DEVELOPMENT, LLC) Fueling service station with convenience store and Restaurant with drive-through facility

- All under the 5k sq ft maximum

In all of the above instances, the 5,000 sq ft limitation on an individual building zoned CN were adhered to by the developer, and the planning staff enforced the regulation and made their recommendations based on those regulations.

There is **one** exception in the use on review cases in which a **6,472 Sq. Ft.** Was passed by the planning commission.

12-D-21-UR (3216 Johnson Rd. 12/9/21 TOMMY HUNT CALLOWAY HUNT REAL ESTATE)

Convenience store with a gas station and a restaurant with drive-through service

In regards to the building size here, the staff report for this case noted:

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

C. The CN zone permits individual buildings or commercial establishments that are no more than 5,000 sq. ft. Each use is below the maximum allowed. The convenience store is approximately 4,609 sq. ft. and the restaurant is approximately 1,863 sq. ft.

This is **inconsistent** with wording and intent of the zoning regulations when in every other instance of CN building size regulations the planning department has enforced this 5k sq ft per individual building maximum. The Planning Commission failed to hold EZ Stop to the same size limitations as every other development - the clearly stated **building size** limit of 5,000 sq ft

During the 12/9/21, the planning commission discussed many of the problems with this plan. Especially in regards to the scope and intensity of having 3 uses on review next to a residential area. However the commissioners failed to address the issue of the building size regulations in their discussion. They were not in compliance then and the current plans for 6-B-24-UR are not in compliance now.

The question now is: Has the building size limit for CN zoning being ignored in one instance has created a slippery slope? The intended purpose of the regulation is to limit the size of a single building so that it fits with neighborhood-scale context.

If this building is allowed to pass this will reinforce that either

A) Tommy Hunt alone is above the rules set by zoning regulation

OR

B) That there is no true square footage limitation for any individual building in a CN zone thus any future developers may submit plans in a CN zone for a building of unlimited size provided that it meets the set backs of the property and is subdivided into 5000 sq. ft. usable spaces.