

Kevin Murphy
4508 Murphy Rd
Knoxville, TN 37918

Knoxville-Knox County Planning Commission
400 Main Street Suite 400
Knoxville, TN 37902

2024 July 3

RE: Direct Testimony on significant and adverse impact on uses of fueling stations, drive-thru and restaurants next to residential and historic uses for 6-B-24-UR

Summary

There are only two (2) built convenience stores in Knox County within the CN zone, and one of them is across the street from me. Having lived to it for 15 years, I offer direct testimony of the significant and adverse impact of this type of use next to residential uses. I also offer direct testimony of observations of a store owned by this applicant in Maryville. Finally, I have enclosed evidence that required landscaping and lighting are often not installed or correctly implemented in the CN zone (or similar CR zone), demonstrating the difficulty neighbors face when development plans are approved.

I urge all of you to go sit at a busy convenience store at 7:30AM and imagine if you would like this next to your house.

Dear Planning Commissioners,

For material evidence of noise, light, and fumes that rises to the “relevant evidence a reasonable mind might accept as adequate to support a rational conclusion and such as to furnish a reasonably sound basis for the action under consideration” *Sexton vs. Anderson Couty*, 587 W.S.2d 663, 66 (Tenn Ct App. 1979) – I offer the following:

Locations similar zoned and used in Knox County

Attachment #1 is a table of all the parcels zoned CN (Neighborhood Commercial) in unincorporated Knox County, Tennessee, as of March 6, 2022. There are four (4) approved convenience stores with fueling stations in CN zones:

1. 5904 Washington Pike – a Weigels convenience store with fuel pumps. My property is within 50 feet of this parcel (across Washington Pike)
2. 12400 S Northshore Dr - Weigels at the Markets at Choto development - does not have drive-thru or restaurant (in the store) When the CN zoning was approved for this parcel and the rest of the surrounding development, the rezoning was conditioned to limit the uses on the northeast / southeast sides so that less intensive uses were on those sides

(and in particular it limited the types of uses that could be considered in that area for use-on-review). The Weigels was developed in the portion where all uses were allowed / permitted for review and adjacent residences are buffered by surrounding less-intense uses. See Attachment #2 - [12-B-09-RZ staff report](#) with Exhibits B and C

3. 2718 Shipetown Road - An approved but not-yet-built store - northeast corner of Shipetown Rd and Rutledge Pike. Includes fueling station, drive-thru, and restaurant like the proposed Concord Rd one. Buffered on east by retail shops, and north is CA zoning with existing commercial use.
4. 3216 Johnson Rd – An approved but not-yet-built store – northeast corner of Johnson Rd and Schaad Rd. Includes fueling station, drive-thru, and restaurants, adjacent to single family residential.

#3 (Shipetown Road) and #4 (3216 Johnson Rd) have not been developed. #2 (Weigels at 12400 S Northshore Drive) was a portion of a rezoning with surrounding property and is not adjacent to residential; that residential is buffered by less intensive CN uses (see Attachment #2 - 12-B-09-RZ staff report). The Northshore Drive development is more of a shopping center developed under the CN zoning.

That leaves the Weigels at 5904 Washington Pike (southeast corner of Murphy Road and Washington Pike intersection). The Weigels at 5904 Washington Pike is the most similar parcel in Knox County to the requested Concord Rd store. It is on a corner with a stoplight with approximately 20,000 vehicles per day going through the intersection (compared to an 2023 ADT volume of 15,482 on Concord Rd). Impacts from the existing Weigels on the adjacent residential and cemetery property are likely less intense than on Concord Rd because the adjacent residential uses are across the street (farther away) and this Weigels does not have a drive-thru and restaurant facility like the proposed Johnson Rd one.

I reside at 4508 Murphy Rd, which is the northwest corner of Washington Pike and Murphy Road. While my house is 840 feet away from the fueling canopy of the Weigels, I am impacted by noise and light from this establishment and am offering direct testimony of the impact.

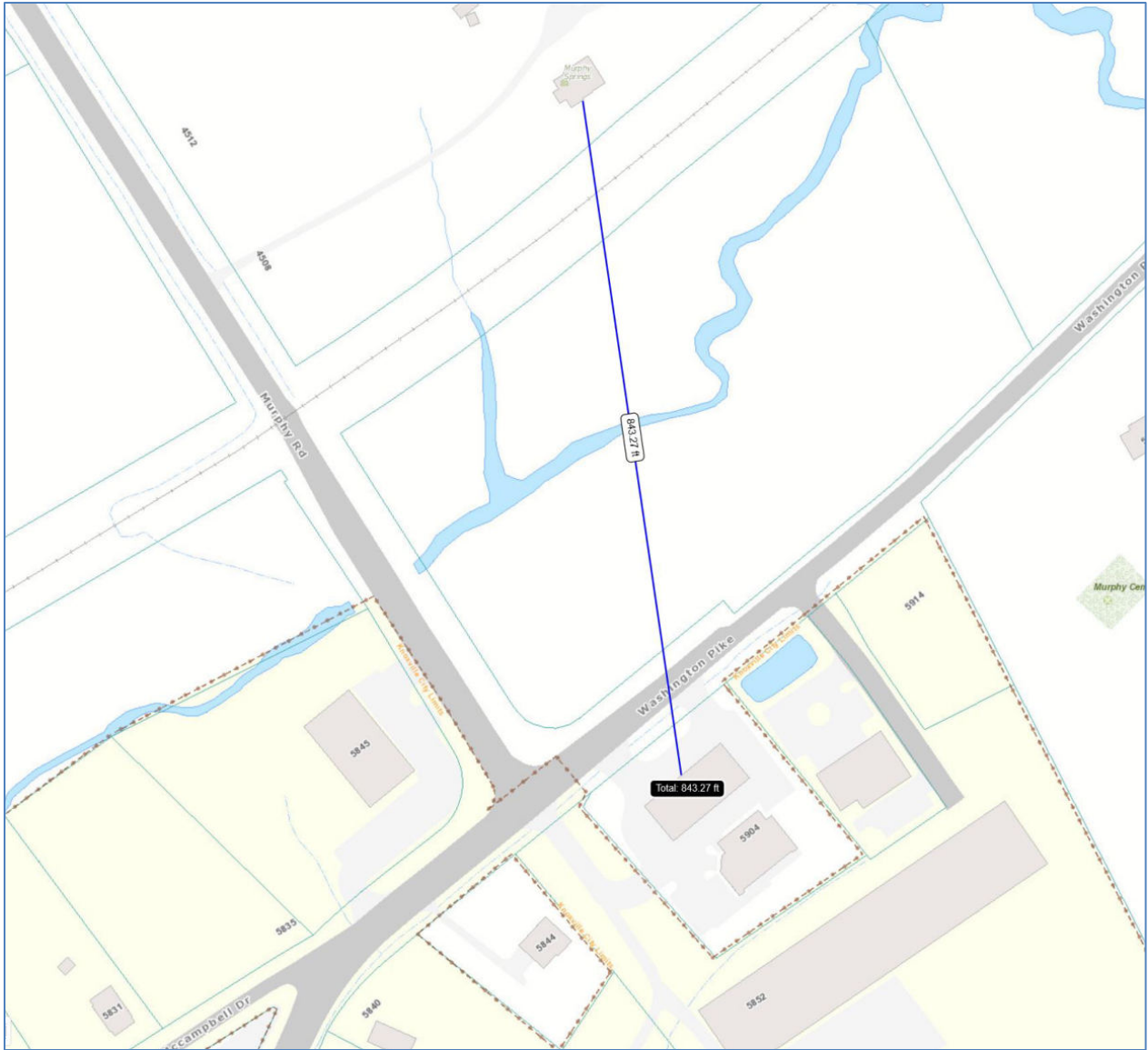


Figure 1 - Distance from Kevin Murphy's House to Weigels at 5904 Washington Pike

Direct Testimony of Impact of Convenience Store to Adjacent Residential

I am across the street and 840 feet away from the fueling canopy from Weigels. I suffer significant impact and adverse impact from the uses of a convenience store with fueling pumps.

Lighting: Lighting from the store has been an issue for me since moving to the farm in 2008. My first evidence of this is a letter to Mr. Weigel in 2009, from which I never received a response from him or any action. This demonstrates the difficulty that residential property owners face when dealing with an adjacent convenience store with fueling station owner, who has no incentive to make in any improvements once the development is completed.

Kevin Murphy
4508 Murphy Rd
Knoxville, TN 37918-9179
November 22, 2008

Mr. Bill Weigel, Chairman
Weigels Farm Stores, Inc.
3100 Staffordshire Blvd.
Powell, TN 37849

Dear Mr. Weigel:

After our telephone conversation on the 13th of October, I have been waiting for you to follow up on your agreement to arrange a visit out to our farm to observe the impact of the light from your store on our property. I called your office on the 10th and 17th of November when you were out, but I have not received a call back.

I am therefore requesting that you respond in writing with a plan to reduce the impact of the exterior lighting at your store located at 5904 Washington Pike. The goal of this plan should be to reduce the amount of light that emanates from your store across to our property to a level of .01 footcandle measured on a vertical plane at our property's closest point to your store.

Implementing a plan benefits my family and the enjoyment of our rural, historical farm as well a providing you with some benefits:

- 1) **Reduced operating costs** – properly installed and aimed lighting should require less illumination, and therefore less energy to operate.
- 2) **Sustainability** - Lower energy requirements also align with today's sustainability and green movements.
- 3) **Reduction in night-blindness for customers** – Drivers leaving the highly lit area under your gas island canopy are temporarily night-blind when they enter the surrounding roads. Properly lighting the area can reduce the potential for nighttime traffic accidents in the vicinity.

Please respond in writing to the address above by December 20th, 2008 with a plan to implement the changes in exterior lighting no later than November 30th, 2009.

Very respectfully,

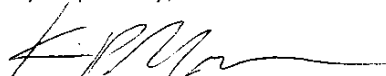

Kevin P. Murphy

Figure 2 - Kevin Murphy Letter to Bill Weigel Nov 22, 2008

After this, I determined the only way to mitigate the impact of the lighting on my property and residence was to plant over 600 loblolly pines in my hay field across from Weigels to attempt to

shield myself from the lighting impact. It cost me several thousand dollars and took nearly over 9 years before they blocked the view of the Weigels from my residence. I was forced to adapt my farming operation – reducing the cattle and adding a timber component.



Figure 3 - Planting Pine Trees in Murphy Hay Field 12
Mar 2012



Figure 4 - Murphy Pine Trees March 12, 2022

But, even with those trees, the impact of lighting was still greater than the standard set out in 4.10.10.B – “The light source shall be shielded and shall be arranged so that lighting is directed away from any boundary of the lot or tract adjacent to any property zoned to permit residential uses.” The light from Weigels came through my windows and was clearly visible on walls in my kitchen and bathroom. ***In other words, the light from over 840 feet away was so bright that it cast shadows inside my house.*** I had to file a complaint with Codes Enforcement on Jan 10, 2020 about pole lights that had been adjusted towards my residential property across the street from it. (see Attachment 2).



Figure 5 - Weigels Lighting and glare from Property Line of 4508 Murphy Rd taken Jan 10 2020



Figure 6 – Glare of convenience store from residence at 4508 Murphy Rd, approx 850 feet away, Jan 10 2020

My direct evidence is that the lighting of a convenience store adjacent to my property is a source of significant light trespass. I have had to take measures to request compliance with the zoning ordinance, and found the ordinance insufficient to the point that I decided to plant 600 pine trees to block the light.

I went to the Weigels on March 13, 2022 with a light meter and measured the light limit at the rear property line of 0.22 footcandles. Across the street at my lot line, the light at 6' on the vertical plane was 0.15 footcandles. When I made these measurements, I was surprised at how much light is present even at 0.22 or 0.15 footcandles. I was able to read a photometric drawing by that light. It was enough to clearly see a shadow cast by my body. In other words, light levels of even 0.1 footcandles are still very bright – brighter than I would want next to my residence. My point is that even 0.1 footcandles is bright, especially if there is glare.



Figure 7 - Rear of 5904 Washington Pike from rear property line. Glare from wall pack. Measured 0.22 footcandles vertical illuminance. March 14, 2022

Noise: Noise pollution is the one I have not been able to mitigate. As a child I remember that the farm was quiet, you'd hear the crickets and frogs at night. Now all you hear is loud exhaust, some of which comes from the road, and some directly from cars at Weigels. As a child when I visited, I had to sleep with the windows open – there was no air conditioning. Today I cannot sleep with the windows open due to the excessive noise from vehicles. I hear cars revving their engines leaving the convenience store multiple times per hour. In warmer months, the motorcycles are particularly noisy going “blap-blap-BLAP” as they depart the fueling station and roar onto Washington Pike. These noises are not under the control of the owner of the convenience store, but are a direct impact of the operation of a convenience store and are a nuisance for me.

I also suffer from noise pollution caused by car alarms on a frequent basis. In March 2022 I went outside to hang laundry outside – I heard a one car alarm from Weigels while I was hanging laundry on the line, and an hour later I went outside and another car alarm went off, coming from Weigels.

I have been woken up in the middle of the night by the clanging of the dumpster being emptied at Weigels by a garbage truck.

Landscaping has not reduced the noise. The addition of numerous pine trees has done nothing to filter this noise; trees are not an effective noise barrier.

The morning of March 15, 2022, I visited the Weigels from 7:30-7:50am (AM peak hour time) and stood on the west property line. I heard the following noise events:

- Engines starting
- Doors slamming
- Car horns beeping when locked / unlocked
- Tree repair truck with a very noisy diesel engine idling for 10 minutes while parked at opposite lot line
- Another pickup truck with diesel engine idling near me for several minutes
- Work trucks with loud diesel engines entering and exiting the fueling area
- “Fifth-wheel” trucks with squeaky trailers (i.e. the vehicle and trailer made a lot of noise when turning, maneuvering, and especially when navigating elevation changes). The elevation changes for the proposed E-Z Stop on Johnson Road are substantial when entering/exiting on Johnson.
- Machinery from the building (exhaust fan)

I took a video of the secondary exit of Weigels onto Murphy Road that gives an idea of how lights shine on adjacent property. This was taken on the property line of 5844 Washington Pike, a residence that has ceased to be occupied at some point since 2016. Attachment #6 - <https://www.youtube.com/watch?v=THrIsLwBKfY>

In particular, I thought of the pickup truck that idled with its engine near me. It was parked in the equivalent location to the below depiction on the proposed Johnson Rd store – on the side of the store. It sat there for about 5 minutes, diesel exhaust loudly rumbling, at 7:35AM. If your house was located next to that property line, you would hear it. This could easily happen at 6:30AM or 5:30AM. The parking wasn't full at the store – that's just where the driver elected to park.

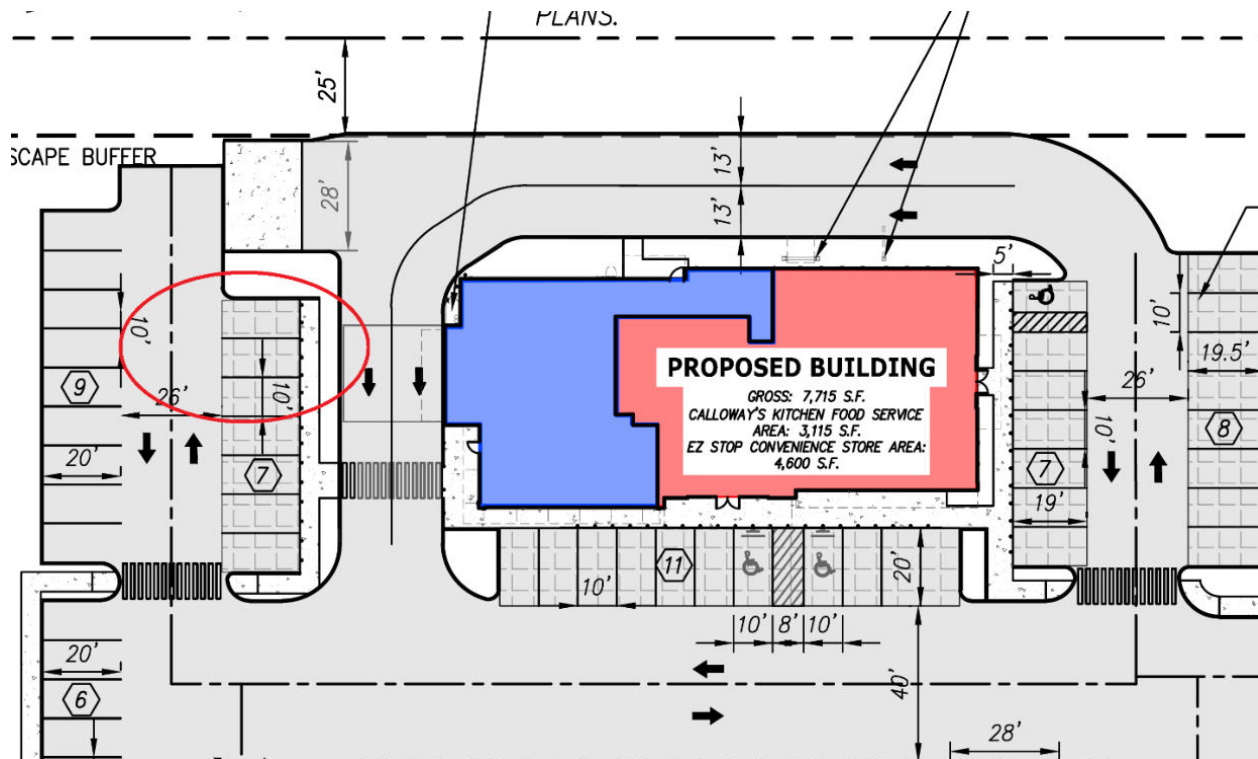


Figure 8 - Equivalent Spot on proposed Concord Rd store compared to Weigels where the parked diesel truck was loudly idling

I returned the evening of March 15, 2022 because I noticed that this Weigels has conditions along the back nearly identical to what the proposed Concord Rd store will have. The property at the rear (next to the cemetery at the Concord Rd location) is raised up about 6' above the pavement level of the Weigels. There is a buffer of mature trees. The distance from the rear wall of the Weigels building to the property line is approximately 50'; the Johnson Rd has 51' from the building wall to the property line. The only differences are a) the lack of a privacy fence at the Weigels, b) the lack of a drive-thru facility at Weigels which means there are no vehicles on the rear side of Weigels, and c) the lack of a restaurant at Weigels. *This is as apples-to-apples as you can get in the real world.*

That evening about 5:30PM, I stood at a point approximately 65' from the back wall of the Weigels and noticed:

- First – the mechanical equipment was located there – 3-4 HVAC condensers and at least two (2) refrigeration condensers. One of the condensers was not in proper repair and made a very irritating noise.
- When I was at points behind the building, the building blocked most of sound coming from the Weigels fueling canopy. However, when the building was not blocking sound, I could hear voices, doors slamming, a car horn, exhaust.
- There was less traffic than usual – Knox County Schools are on spring break. I observed fewer diesel pickup trucks; in the morning I noticed diesel pickup truck volume was higher as workers stopped to fuel the truck in the morning before beginning the day.
- There was not a drive-thru on the back side.

Please see Attachment #5, which is a sound recording from the rear of the Weigels, available at <https://www.youtube.com/watch?v=x4RXd7EB3Tw>

I noticed that the 6 foot elevation difference, where the rear property is above the other property, didn't make a material difference in perceived noise levels – I tested this by crouching down and then standing up to simulate changing my elevation. It also didn't matter regarding lighting (wall packs were still visible through the landscaping buffer

Fumes: In the morning of March 15, 2022 I noticed fumes from the numerous cars that were parked and idling on a cool early spring morning (temp was about 42 degrees).

Impact on other Adjacent Residential Use: The other residence adjacent to this is on the west side is 5844 Washington Pike (southwest corner of Murphy Rd / Washington Pike). That residence was unoccupied from approximately 2016 until 2024. Other property surrounding this convenience store has also zoned from Planned Residential to various commercial uses since the convenience store was built. The operation a heavy use of a convenience store with fueling stations has made adjacent residential use undesirable, which is demonstrated by the abandonment of one residence and the conversion of other residences to residential.

Observations of a comparable EZ-Stop Store

The applicant owns and operates a number of convenience stores under the E-Z Stop brand in the Knoxville / Maryville area. I looked at them via Google Maps and street view. The most similar EZ-Stop store I could find in 2022 was this one:

- 1764 W Broadway Ave, Maryville TN 37801 - with Marco's Pizza drive thru, large canopy, corner of a major road and a minor road, with some residential adjacent to it.

One nearly identical to the proposed Concord Rd design has been built since 2022 at 2125 Morgantown Rd, Maryville TN 37801. This is on a corner, with newly developed apartments across the street and adjacent to it on one side.

There are not-quite-as-similar stores here:

- 2428 E Lamar Alexander Pkwy, Maryville TN 37804 - with drive-thru, large canopy, but no adjacent residential and a very busy US highway
- 7319 Clinton Hwy, Powell TN - restaurant but no drive-thru, surrounded by commercial
- 11311 Chapman Hwy, Seymour TN 37865 - drive thru, but surrounded by commercial

I elected to visit the *1764 W Broadway Ave, Maryville* store on the evening of Monday, March 14, 2022 and made these observations. Overall usage level was lower due to the high gas prices (fewer people want to fill up their tanks) and spring break for public schools in Maryville, Blount County and Knox County.



Figure 9 - E-Z Stop, 1764 W Broadway Ave, Maryville

Noise: I obtained a decibel reading of 70.7 dB LAeq, with a max level of 85.1 dB and LCPeak of 101.1 dB at the property line where the drive-thru is. When I made the reading, there was a truck with rumbling exhaust waiting at the drive-thru for approximately 3 minutes, *which I noticed reflected off the side of the E-Z Stop building as well, increasing the volume* (volume decreased when the truck moved past the building into more open air). I also noticed another truck that went through the drive-thru with suspension that creaked and made excessive noise. Noise from the convenience store was difficult to isolate from the background noise of busy US 321. Additional noise I noted was from cars with loud stereos on a few cars, and also a driver with their mobile phone piped through their car speakers who had the windows open. I also noticed horns honking when a driver remotely locked and then unlocked their car. There were no motorcycles present.

Light: Was during daylight hours. House-side shields were not installed on lights next to the residence.

Neighboring resident comment: I twice approached the one residence that is adjacent to the E-Z Stop, but nobody was home. I observed a wooden privacy fence installed that shielded their large back yard. The fence was interwoven with wood planks such that there were numerous air slots, which would not make it an effective noise barrier.



Figure 10 - Privacy Fence between E-Z Stop 1704 W Broadway Ave, Maryville and the adjacent residential lot

Litter: Another impact from convenience stores are litter. Here are pictures of the Weigels on Washington Pike taken July 3, 2024 depicting litter. I do find litter – Weigels bags and cups – that blow onto my property and that I have to remove.



Figure 11 – Litter at Weigels on Washington Pike, Jul 3 2024

The Dollar General at 8004 Millertown Pike was not better:



Figure 12 – Litter at Dollar General on Millertown Pike, Jul 3, 2024

Installation and Maintenance of Required Landscaping, Lighting, or Other Measures



Finally, regulations and conditions designed to mitigate impacts are only effective if they are implemented and maintained. I looked at the other two CN-zoned convenience stores, as well as a store in a CN zone and a CR (Rural Commercial) zone to see how they are installed and maintained. Summary table:




Property	Summary
5904 Washington Pike – Weigels – CN zone	Built approx 2005. Has some but not all the required landscaping, and trees along frontage have consistently been chopped back and not allowed to grow. Had to report lights with glare cast onto adjacent properties.
12000 S Northshore Dr – Weigels – CN zone	Landscaping installed and maintained according to requirements – looks great
8004 Millertown Pike – Dollar General – CR zone	The CR (Rural Commercial) zone also has planting requirements for front yard setbacks, side yard setbacks, and rear yard setbacks, as well as parking areas and terminal planting islands, and the requirement for a landscaping strip at least four (4) feet in width along the exterior of the building. This Dollar General hardly had any landscaping installed at all except for the parking islands, and it has been open since September 2020. A citizen complaint to Knox County Development Services in 2022 was required to get the owner to install landscaping that was required in the zone.
2725 Shipetown Rd – Dollar General - CN zone	The store was built in 2010-2011. Some landscaping is installed but very poorly maintained. Initial implementation may have met the letter of the law, but it certainly is not something I would want next to me.

As a resident next to a CN-zoned convenience store with fueling pumps, I state that the owner does not maintain the store to the required standards:

1. I had to file a complaint regarding lighting that was directed onto my property (see above and Attachment #3)

2. In the course of researching this letter, I came across the Use-on-Review approval for the Weiegls on Washington Pike. There is a letter clearly stating the plantings required (see Attachment #4 – 5-G-05-UR staff report, letter on page 2 dated April 27, 2005). Here’s what is required – the applicant was clearly advised of this, and what was installed as of March 12, 2022 (I verified on July 3, 2024 that the photos still depict installed landscaping):

	Requirement (from MPC letter)	Installed (pictures taken Mar 12 2022)
Front – Was Pike	4 native shade trees such as maples and oaks (capable of reaching 50 feet height at maturity) and 9 ornamental trees, such as dogwoods	<p>1 shade tree (next to electrical pole) and 2 ornamentals (crape myrtle)</p> 
Side/Front – Murphy	3 native shade trees and 8 ornamentals	<p>None. The plants to the left are the self storage facility’s and were planted in 2020-2021.</p> 

	Requirement (from MPC letter)	Installed (pictures taken Mar 12 2022)
Side (Snappy)	4 native shade trees and 9 ornamentals	<p data-bbox="716 254 1419 317">None – just boxwoods. Landscaping plan shows a mix of Willow Oaks and Saucer Magnolias</p> 
Rear	3 native shade trees and 7 ornamentals	<p data-bbox="716 873 1130 905">Sufficient – a number of pine trees.</p> 
Exterior length	50 percent of the length of the exterior of the building must have a landscaping strip of at least 4 feet in width	<p data-bbox="716 1268 1395 1331">None. Here's the back and side of the building. There are no landscaping strips along the front or other side either.</p> 

	Requirement (from MPC letter)	Installed (pictures taken Mar 12 2022)
Landscape islands at end of parking rows	Native shade tree and shrubs / groundcovers	<p>Chinese Holly on the parking islands next to the front doors (not shown) – apparently was adequate according to approved landscaping plan. But this parking islands exiting to Murphy have no Willow Oaks and Sweet Bay Magnolias as depicted on the landscaping plan in 5-G-05-UR</p> 

The landscaping plan showed an exterior planting strip on the non-parking sides of the store (rear and side (Snappy Tomato), but it was never installed. There have been changes to adjacent zoning (from residential to commercial) along the side and rear lines that would reduce the number of trees required. That reduces, not eliminates, the requirement along the Side (Snappy) where there are currently no trees planted. The Weigels convenience store at 5904 Washington Pike is not compliant with the CN zoning requirements for landscaping and did not implement the landscaping plan it submitted for the Use-on-Review hearing 5-G-05-UR.

- It's not just a Weigels that has been in existence for a while. There is a new Dollar General (8004 Millertown Pike) zoned CR and built in 2020. The CR (Rural Commercial) zone also has planting requirements for front yard setbacks, side yard setbacks, and rear yard setbacks, as well as parking areas and terminal planting islands, and the requirement for a landscaping strip at least four (4) feet in width along the exterior of the building. This Dollar General installed no landscaping at all except for the parking islands, and it has been open since September 2020. This is what it looked like in March 2022:



Figure 13 - Front of 8004 Millertown Pike - no trees or landscaping



Figure 14 - Side (residential adjacent) 8004 Millertown Pike Dollar General - No Landscaping or Trees



Figure 15 - Side (Ellistown Rd) 8004 Millertown Pike - No Trees or Landscaping

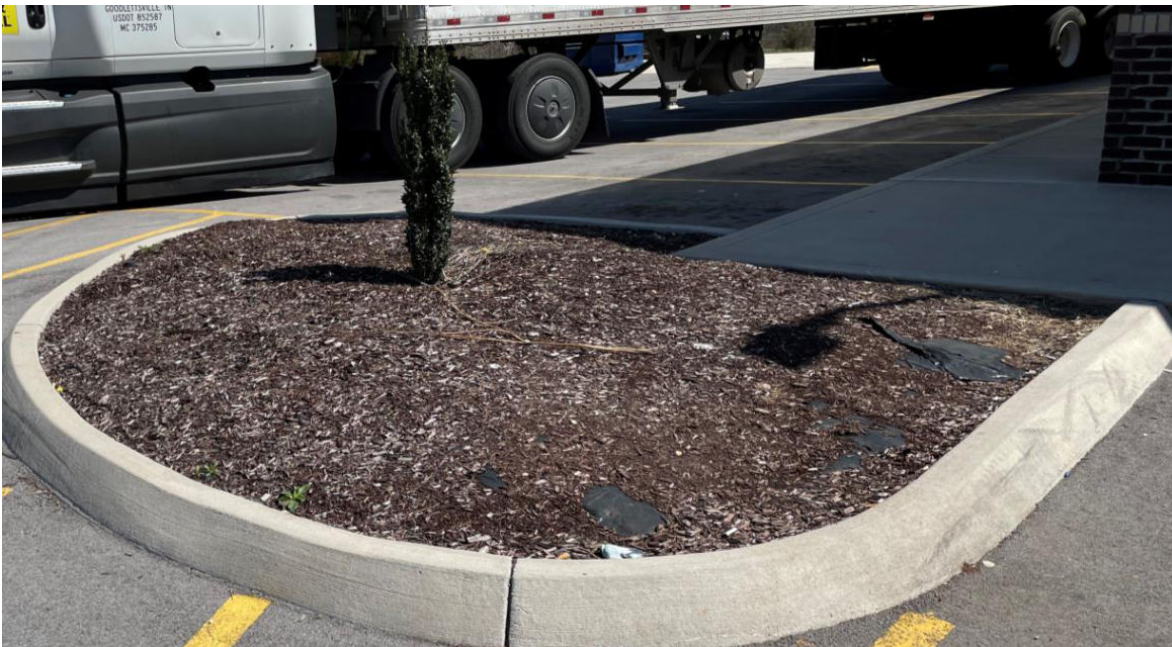


Figure 16 - Terminus Parking Island next to Building

For Figure 16 above, 5.37.09.3 states “At the end of any parking row, there must be a terminal planting island a minimum of five (5) feet in width containing at least one (1) native shade tree surrounded by shrubs and groundcovers.” Above is direct evidence that the required native shade tree with shrubs and groundcovers was not installed to the required standards. There’s just one very small, sad... something. It’s alive, for now.



Figure 17 - Planting Island in row of more than 10 parking spaces - north side



Figure 18 - Planting Island in row of more than 10 parking spaces

For Figure 17 and Figure 18, 5.37.09.A.1 requires a planting island containing at least one (10 native shade tree surrounded by shrubs and groundcovers. Again... they installed just one very small, sad... something.

Those three bushes are the TOTAL LANDSCAPING that were installed for the Dollar General at 8004 Millertown Pike, which is in the CR zone and should have significant landscaping installed according to 5.37.06-09.

After a complaint to Knox County Codes Enforcement in 2022, the Dollar General finally installed landscaping to meet requirements in 2023 along the perimeters. The planting islands still do not contain adequate landscaping.

Even when the zoning ordinance requires implementation of features (or when conditions are placed on approval of a use-on-review), there is significant non-implementation of these items by owners/developers. Landscaping and lighting requirements are in place to mitigate the impact of commercial use, but they are ineffective if they are not installed, or are incorrectly installed.

4. As an exhibit of landscaping poorly installed or not installed, there is a Dollar General at 2725 Shipetown Rd (southeast corner of Rutledge Pike). It is zoned CN. The store was built in 2010-2011. Some landscaping is installed but very poorly maintained. Initial implementation may have met the letter of the law, but it certainly is not something I would want next to me.

This is what the landscaping plan presented to this Board of Zoning Appeals for items 5c-e in the Jan 2011 meeting where the applicant requested parking space number and size variances and a sign variance

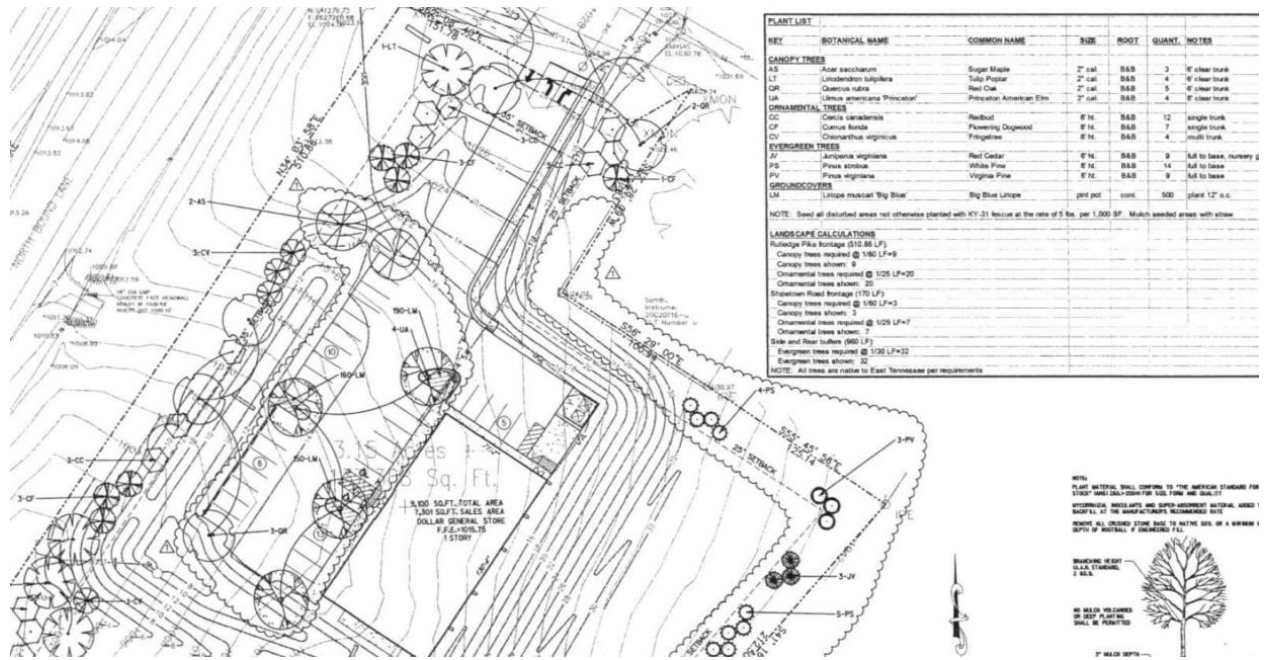


Figure 19 - Landscaping Plan from BZA Jan 2011 item 5c for 2725 Shipetown Rd



Figure 20 - 2725 Shipetown Rd Dollar General - CN Zone - Front Setback Landscaping

From that plan, supposedly from right-to-left in the above picture there are two Flowering Dogwoods (should be 3 planted), a Sugar Maple, and then two Fringetrees (3rd is just at edge of frame). I will let the viewer judge the health and maintenance of these which were planted nearly 10 years ago.



Figure 21 - 2725 Shipetown Rd Dollar General - No 4' planting around 50% of building exterior (there is none on the front or other sides either)

In conclusion, I have visited the other two CN-zoned convenience stores with fueling stations in Knox County and documented my observations about noise, lights, and fumes. The property that I reside on is within 50 feet of the CN-zoned Weigels on Washington Pike. I suffer excessive noise from the use, and was forced to plant pine trees and still call Codes Enforcement due to excessive glare from the site. Finally, I have documented that owners of several CN-zoned parcels have not implemented required landscaping or lighting standards and/or have poorly maintained them. This places additional burden and impact on adjacent residential owners

Sincerely,

--Kevin

Attachments:

#1 – Table of all parcels zoned CN

#2 12-B-09-RZ staff report for rezoning of Markets at Choto, within are Exhibits B and C depicting how parcels next to adjacent residential lands were restricted to less intensive commercial uses.

#3 2020-01-10 Weigels – reporting a lighting violation

#4 – Washington Pike 5-G-05-UR staff report

#5 – Sound recording from rear of Weigels on March 15, 2022 – <https://youtu.be/x4RXd7EB3Tw>

#6 – Recording of Weigels 5904 Washington Pike morning March 15, 2022 -

<https://youtu.be/THrIsLwBKfY>

#7 – Jan 2011 agenda file for BZA item 5c – 2725 Shipetown Rd

Attachment 1 - Table of all of the parcels zoned CN

(Neighborhood Commercial) in unincorporated Knox County, Tennessee, as of March 13, 2024

Parcel ID	Address	CONDITIONS	Current Use	Notes
078GC082	6407 PAINTER FARM LN	-	Single family residence	Eagle Bend Realty LLC
118 01203, 118 012	1544 Schaffer Rd	11-C-17-RZ (no vehicular access to Lovell Rd)	Single family residence	Lovell Rd just east of Pellissippi Parkway
Next section are all ChotoMarkets development and related conditions / cases				
162MB00102, 04, 06, 07, 09-11, 13-17	Choto Dr & S Northshore Dr	12-B-09-RZ - staff report -	convenience store with filling stations, restaurants, retail, fire station	Choto Markets development at Choto / Northshore Conditions limited some CN uses on perimeter next to residences
162MB00102	12400 S Northshore Dr	1-F-10-UR - staff report , case summary , site plan	Weigels with fueling stations	Use on Review approval of convenience store with gas pumps. Lighting plan provided, and condition that lights are off when store is closed except for a security light. Surrounded by
multiple	Choto Dr & S Northshore Dr	5-G-11-UR - staff report , case summary , site plan	Markets at Choto development	Site plan for Markets at Choto - landscaping, sign, photometric, architectural renderings, traffic study
multiple	Choto Dr & S Northshore Dr	11-C-11-UR - staff report , case summary , site plan	Markets at Choto development	Revised Site plan for Markets at Choto - landscaping, sign, photometric, architectural renderings, traffic study
162MB00104 162MB00106 162MB00107	12366 S Northshore Dr	1-E-18-RZ - staff report , case summary	self storage, vet clinic	Rezoning removed the use restriction from this northern portion of the Markets at Choto
162MB00104 162MB00106 162MB00107	12366 S Northshore Dr	12-C-17-UR - staff report , case summary , site plan	-	Site plan and use for self service storage facility
162MB00104 162MB00106 162MB00107	12366 S Northshore Dr	7-L-18-UR - site plan	-	Revised site plan for self service storage facility
END Choto Markets and related Conditions				
119 H F 014	513 N Cedar Bluff Rd	12-B-23-UR – staff report , case summary , site plan	Andy’s Frozen custard restaurant with drive-thru	Required lighting standards and CN landscaping. Project obtained 4 variances from BZA for increasing signage Apr 2024
119 H F 015	509 N Cedar Bluff Rd	2-D-17-RZ - staff report	vacant lot (formerly community bank; building torn down)	Cedar Bluff and Fox Lonas. Drive-thru must have shared with northern parcel and align with Fox Lonas Rd

Parcel ID	Address	CONDITIONS	Current Use	Notes
089 20901 089 20902	8410 Oak Rdige Highway	-	Single family residence	requested CA which was not allowed in Rural Area
056 1404 and 05	1714 W Emory Rd	-	Commercial, parking lot	Surrounded by Industrial (I)
92 01201	3216 Johnson Rd	12-D-21-UR – staff report, case summary, site plan	Single family residence	Approved for convenience store with fueling, restaurant with drive-thru. 1 building total 6,472 sq ft. Required 6 ft opaque fence, landscaping, lighting requirements
078 16702	7515 Beaver Ridge Rd	6-C-07-RZ - staff report, case summary	Vacant lot	Adjacent to CA (Ingles) on left. Condition required a Type A landscape buffer on sides adjacent to residential (north and west). County Commission added additional (see case summary)
153 03703	1025 Concord Rd	-	Vacant lot	Concord Rd just north of Northshore roundabout. CA was denied in 2004; CN approved
153 03706	0 Concord Rd	-	Vacant lot	Concord Rd just north of 1025 Concord Rd and Northshore roundabout. CA was denied in 2004; CN approved
162MC019	1615 Choto Rd	1-G-21-UR - staff report, case summary, site plan	Vacant lot	UoR approved for restaurant. Required lighting to be turned off after 10pm; landscaping
105OC028	9036 Middlebrook Pike	6-A-21-UR	Hey Bear Cafe and Food trucks	Neighbor noted that volume was excessive on Saturday and Sundays for amplified music
049 079	5904 Washington Pike	5-G-05-UR - case summary, meeting minutes (page 34-35)	Weigels with fueling stations	Neighbor notes that lighting and noise is excessive, along with large amounts of litter. Hours are 5AM-midnight. BZA granted numerous variances for signs
042 045	2725 Shipetown Rd	-	Dollar General on southern parcel. Vacant on northern (approved for convenience store)	Both sides Shipetown Rd east of Rutledge Pike intersection.
042 056	2718 Shipetown Rd	3-D-21-UR (northern parcel) - staff report, case summary, site plan	Single family residence	Approved for convenience store with fueling, restaurant with drive-thru. Required landscaping and traffic improvements. Shops on back end buffer residential to the east; northern parcel is existing commercial CA.
042 029	8819 Rutledge Pk	3-C-22-RZ – case file	Vacant lot	Southwest corner Shipetown Rd and Rutledge Pk
118EL005	0 Bob Kirby Rd (Dutchtown corner)		vacant small lot	Corner Dutchtown and Bob Kirby Dr
133LB026	0 S Northshore Dr	7-B-22-RZ – staff report	vacant small lot	Rocky Hill area across from Casa Don Gallo
144LB003 144LB00301	1403 Bexhill Dr	10-H-21-UR -staff report, site plan, case summary	Small neighborhood commercial with 3 buildings < 5,000 sq ft and	Approved for restaurants as long as total restaurants in zone does not exceed 8,600 sq ft. Parcel 144LB00301 was subdivided off after UoR approval.

Attachment #2 –

12-B-09-RZ staff report for rezoning of Markets at Choto, within are Exhibits B and C depicting how parcels next to adjacent residential lands were restricted to less intensive commercial uses

Source: <https://agenda.knoxplanning.org/2009/dec09/12-B-09-RZ.pdf>



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 12-B-09-RZ
12-B-09-SP

AGENDA ITEM #: 37
AGENDA DATE: 12/10/2009

▶ **APPLICANT:** HUBER PROPERTIES, LLC
OWNER(S): TIPTON WILLIAM O & BRENDA S TIPTON

TAX ID NUMBER: 162 M B PART OF 001 EXCLUDE EASTERN ACCESS TO CHOTO RD.
JURISDICTION: Commission District 5

▶ **LOCATION:** Southeast side S. Northshore Dr., northeast side Choto Rd.

▶ **TRACT INFORMATION:** 12 acres.

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via S. Northshore Dr., a minor arterial street with 21' of pavement width within 85' of right of way, or Choto Rd., a minor collector street with 21' of pavement width within 50' of right of way.

UTILITIES: Water Source: First Knox Utility District
Sewer Source: First Knox Utility District

WATERSHED: Tennessee River

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** NC (Neighborhood Commercial) / CN (Neighborhood Commercial)

▶ **EXISTING LAND USE:** Agricultural use and dwelling

▶ **PROPOSED USE:** Neighborhood commercial

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted for this site

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Residences and vacant land / LDR / A (Agricultural)
South: Choto Rd. - Residences and vacant land / LDR / A (Agricultural) and PR (Planned Residential) @ 1-3 du/ac
East: Residences and vacant land / LDR / A (Agricultural) and PR (Planned Residential) at up to 3 du/ac
West: S. Northshore Rd. - Residential subdivision / LDR / PR (Planned Residential) @ 2.4 du/ac

NEIGHBORHOOD CONTEXT: This area is developed with agricultural, rural residential and low density residential uses under A and PR zoning.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION #12-B-09-SP, amending the Southwest County Sector Plan to NC (Neighborhood Commercial) and recommend that Knox County Commission also adopt the sector plan amendment. (See attached resolution, Exhibit A.)**

This site meets criteria for approval of neighborhood commercial uses, as recommended. The neighborhood commercial designation is appropriate for this commercial crossroads location which is in close proximity to residential uses.

- ▶ **RECOMMEND that County Commission APPROVE CN (Neighborhood Commercial) zoning, subject to the following 3 conditions.**

1. Uses within the area of the site depicted on the attached map (Exhibit B), shall be limited to the permitted uses and uses on review marked with an asterisk on the attached copy of the CN zoning district from the Knox County Zoning Ordinance (Exhibit C).
2. All outdoor site lighting must be full cutoff luminaire, meaning the luminaire/light fixture shall allow no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part. Also, lights located under gasoline service station canopies, canopies for bank automatic teller machines, and other such similar canopies shall be recessed into the structure ceiling and shall use light shields so as to prevent glare. No portion of the bulb or the glass/plastic surrounding the bulb shall protrude from the structure ceiling unless it can be shown that a different style would be equivalent to or better than this requirement.
3. All development shall be subject to a unified architectural plan that meets the intent of the General Plan's village-like appearance, consistent with development policy 9.9 of the Knoxville-Knox County General Plan 2032.

With the above conditions, CN zoning is appropriate at this location to serve residents who live in the vicinity of the site, as well as commuters travelling on either of the two streets at this intersection. CN zoning will allow low impact commercial uses and includes considerable landscaping and other development regulations to minimize the impact on nearby residential areas, as well as improve the aesthetic appeal of the development. The condition limiting the use of the northeast and southeast portions of the site to selected less intense CN uses will provide a transitional area between commercial and residential areas, as well as establish a stopping point for commercial uses to keep them from extending further down Northshore Dr. or Choto Rd.

COMMENTS:

The applicant is requesting a sector plan amendment to Neighborhood Commercial and a rezoning to CN (Neighborhood Commercial) for this entire site of approximately 12 acres in size. The same applicant has also submitted applications to MPC with the same requests for parcel 64, which is approximately 3.4 acres and is adjacent to the subject property. The file numbers for these applications are 1-E-10-RZ and 1-C-10-SP and will be considered by MPC on January 14, 2010. Staff anticipates that the recommendation for that site in January will be consistent with this one, limiting that site to certain lower impact CN uses east of the blue-line stream that cuts through both parcels. In considering these requests, parcel 64 should also be considered, as the developer's future intent is to consolidate the two properties in a unified development, at least on the portion west of the stream. Taking into account both sets of applications, the total area to be considered by these proposals is about 15.4 acres. Some of this acreage would not be developed, because of setback requirements and development restrictions around the stream. The exact area that would be undisturbed is unknown at this time, but could be up to 3 acres. The exact stream protection requirements would be determined by the Knox County Department of Engineering, consistent with the regulations of the Knox County Stormwater Ordinance. Development around the stream may also be subject to approval by the Tennessee Department of Environment and Conservation (TDEC). The applicant has stated that there is no intent to disturb the area around the stream or cross it with a driveway for vehicular traffic. However, a pedestrian crossing may be desirable and should not be ruled out. He has had discussions with the Knox County Greenways Coordinator about creating an easement and dedicating that land for public use as a possible greenway connection. The applicant will attempt to make arrangements that the entire 15.4 acres be considered at the same time by Knox County Commission at their January 25, 2010 meeting, barring any postponements at MPC's December or January meetings.

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

There have not been any recent road improvements around the intersection of S. Northshore Dr. and Choto Rd. However, Knox County Engineering reports that there is a history of crashes at the intersection and that there has been some study into installing either a traffic signal or a roundabout to help with traffic control. There is a crest on S. Northshore Dr. in front of the subject property that limits the sight distance for vehicles turning from Choto Rd. onto S. Northshore Dr. Knox County Engineering reports that preliminary study indicates that the road grade must be lowered about six feet to eliminate the sight distance issue, which would involve about 350 linear feet of S. Northshore Dr. in the improvements. The expectation is that if the applicant is granted this rezoning and the right to develop the property, that he should enter a public-private partnership to help fund the improvements, or finance the improvements himself. The applicant has had discussions with Knox County Engineering staff about this issue. Engineering staff has also stated that a traffic impact study will be required prior to development of the property. Depending on the results of this study, there may be additional improvements needed, such as the addition of turning lanes or some form of added traffic controls at the intersection. The expectation is that if this site is approved for neighborhood commercial development, that the developer would participate in making needed road improvements in some form of private-public partnership, the most likely occurrence.

ERROR OR OMISSION IN CURRENT PLAN:

The current sector plan calls for low density residential use for the site. However, this site is located at the intersection of a collector and arterial street, which makes it a viable location for a small commercial node. During the last update of the Southwest County Sector Plan, which was adopted in August, 2005, comprehensive planning staff had identified this intersection as an appropriate location for neighborhood commercial uses, but that proposal was taken out of the plan after staff heard concerns from area residents at public meetings. The staff's opinion has not changed that neighborhood commercial would be the best use of this site.

CHANGES IN GOVERNMENT POLICY:

This location at an intersection is appropriate for neighborhood commercial uses. The requested CN zone is intended to allow lower impact neighborhood serving commercial uses. Being located at the intersection, two points of access may be gained to the site from the arterial or collector street. This site is a typical situation for establishment of a commercial crossroads.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

There has been pressure to develop commercial uses at this intersection in the past. The number of residential permits issued in the area since 2000 seems to indicate a perceived demand for commercial services to serve area residents as well as commuters driving through the area. This location, because it is at the intersection of a collector and an arterial street, is appropriate for the establishment of a small commercial node. Permitting commercial development at this location could lead to much needed improvements to this dangerous intersection, where there is a history of crashes.

REZONING REQUIREMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. CN zoning is appropriate at this commercial crossroads location at the intersection of collector and arterial streets.
2. The surrounding area has been developing rapidly with residential uses. MPC staff research shows that within 2 miles of this site, 1,321 building permits have been issued for detached houses since the year 2000, as well as 10 condominium units and 5 mobile homes. The closest commercial use to the subject site is about 1.2 miles to the north along Harvey Rd., which is a convenience store with fuel pumps, developed in PR zoning. The next closest commercial uses/zoning are about 2.9 miles to the northeast, on Concord Rd., north of Northshore Dr. Commercial uses/zoning on Kingston Pike to the north are about 3.5 miles to the north of the site. These numbers indicate that establishment of commercial uses at this location would substantially reduce vehicle miles travelled, because area residents would not have to drive as far to obtain certain commercial goods and services that could be offered at this location.
3. The development criteria of the CN zone allows for commercial development that is compatible with nearby residential uses. On parcel 19 to the southwest, which is about one acre in size, CA zoning and a commercial plan designation were applied for twice within the last 8 years (12-D-01-RZ/12-A-01-SP and 9-C-04-RZ/9-B-04-SP). In 2001, the CN zone was not available. Staff recommended denial of both requests and the applicant withdrew the requests before they were ever heard by MPC. In 2004, staff recommended approval of a C sector plan designation, limited to CN zoning and approval of the rezoning to CN, rather than the requested CA zoning. These requests were denied by MPC on 9/9/04, due to neighborhood opposition, and there were no appeals filed. Staff maintains its position that CN zoning is appropriate at this intersection. The subject

property is larger in size than the one acre site that was previously considered, which will allow more space for increased setbacks and a better landscaping and traffic circulation plan, leading to an overall higher quality development.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested CN zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.
2. The subject property clearly fits the criteria spelled out in the above general description of the CN zone from the Knox County Zoning Ordinance.
3. The development criteria contained within the CN zone are essential to minimize the impacts to adjacent residential uses and leading to compatible development. Staff would not support any BZA variances to these development standards for this site, as they would undermine the compatibility with surrounding properties and dilute the effectiveness of the CN zone.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. The proposal will have no impact on schools and the traffic impact will depend on the type of commercial uses that are established.
3. CN zoning is compatible with surrounding development and should have a minimal impact on adjacent properties. Also, the CN zone requires substantial landscaping throughout the perimeter of the site and parking areas, requires sidewalks to connect with adjacent neighborhoods, permits only indirectly illuminated, monument signs and contains criteria to prevent site lighting spillover to adjacent properties, which are further specified in the above recommended condition 2.
4. Many uses allowed within the CN zone, such as restaurants, fueling stations (with or without convenience stores), child day care centers and any use which includes drive-through or drive-in facilities, requires use on review approval by MPC prior to construction. This will provide the opportunity for MPC and County Engineering staff to review the plan and address issues such as traffic circulation, layout, access, landscaping, drainage and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the amendment from LDR to NC, the requested CN zoning would be consistent with the Southwest County Sector Plan.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of these requests could lead to future requests for neighborhood commercial or similar zoning in the surrounding area. Each request would have to be considered on a case by case basis, based on its own merits. Staff would likely not recommend further expansion of neighborhood commercial uses at this time, beyond the approximately 15 acres being considered between these and the upcoming January applications referenced above.
4. The proposal is supported by several development policies of the Knoxville-Knox County General Plan 2032. Several of these policies are listed below, exactly as written in the plan under "Development Policies."
 - 8.2 Locate neighborhood commercial so that it will enhance, rather than hinder, the stability of residential areas.
 - 8.3 Focus on design quality and neighborhood compatibility in reviewing development proposals.
 - 9.9 Encourage village centers as the preferred form of retail development, and use the neighborhood commercial zones to provide day-to-day services near residential areas.
 - 9.11 Locate community-serving commercial areas where they can easily be shared by several neighborhoods.
 - 9.12 Locate day care centers and other neighborhood services at the edges of neighborhoods or in village centers. Locate freestanding day care facilities (those serving six or more children) on the perimeter of residential areas, on arterial or collector streets, in a manner which will not adversely affect surrounding

properties.

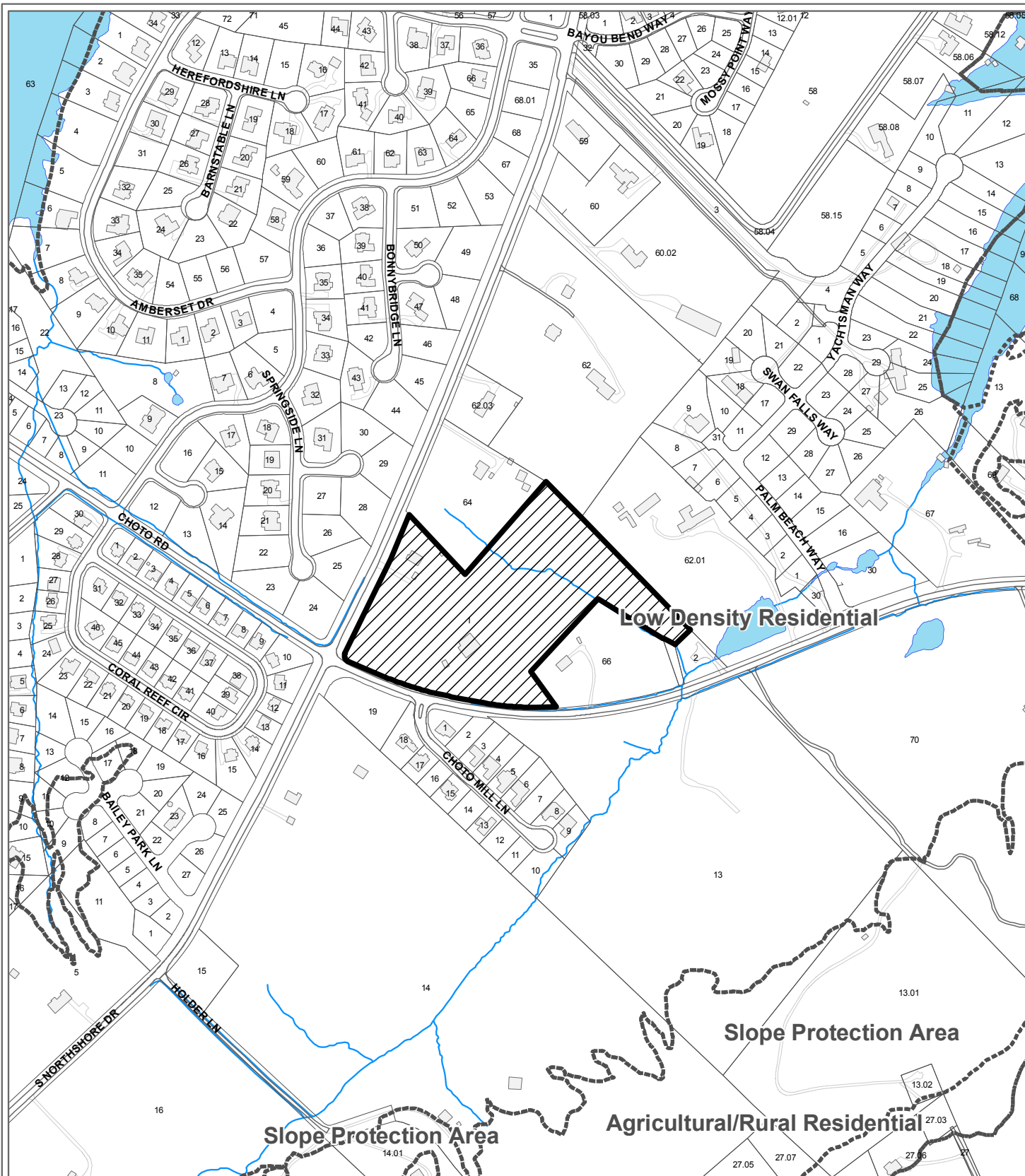
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. New law provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 1/25/2010. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**12-B-09-SP / 12-B-09-RZ
SOUTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)

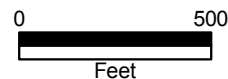
To: NC (Neighborhood Commercial)



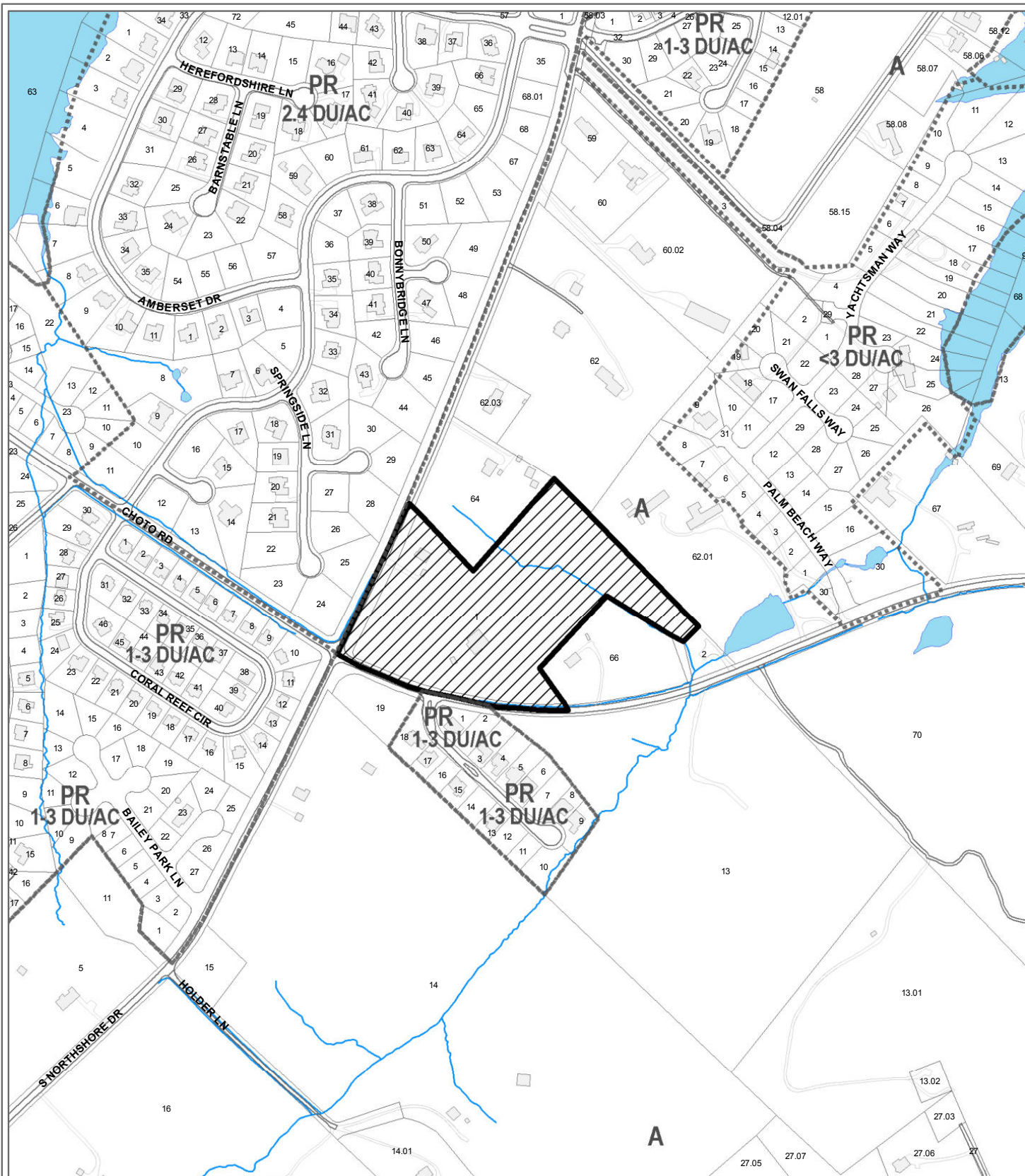
Petitioner: Huber Properties, LLC

Map No: 162

Jurisdiction: County



Original Print Date: 11/19/2009 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**12-B-09-RZ
REZONING**

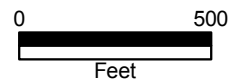
From: A (Agricultural)
To: CN (Neighborhood Commercial)



Original Print Date: 11/19/2009 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Huber Properties, LLC

Map No: 162
Jurisdiction: County



**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE SOUTHWEST COUNTY SECTOR PLAN**

WHEREAS, the Knoxville-Knox County Metropolitan Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Southwest County Sector Plan, consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within sector plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, Huber Properties, LLC, has submitted an application to amend the Sector Plan from Low Density Residential to Neighborhood Commercial for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of an amendment to the Southwest County Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Metropolitan Planning Commission, at its regularly scheduled public hearing on December 10, 2009, after consideration of the staff recommendation and testimony from those persons in support and opposed to the sector plan amendment, approved the amendment for the subject property, as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Southwest County Sector Plan, with its accompanying staff report and map, file #12-B-09-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that the Commission of Knox County likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary

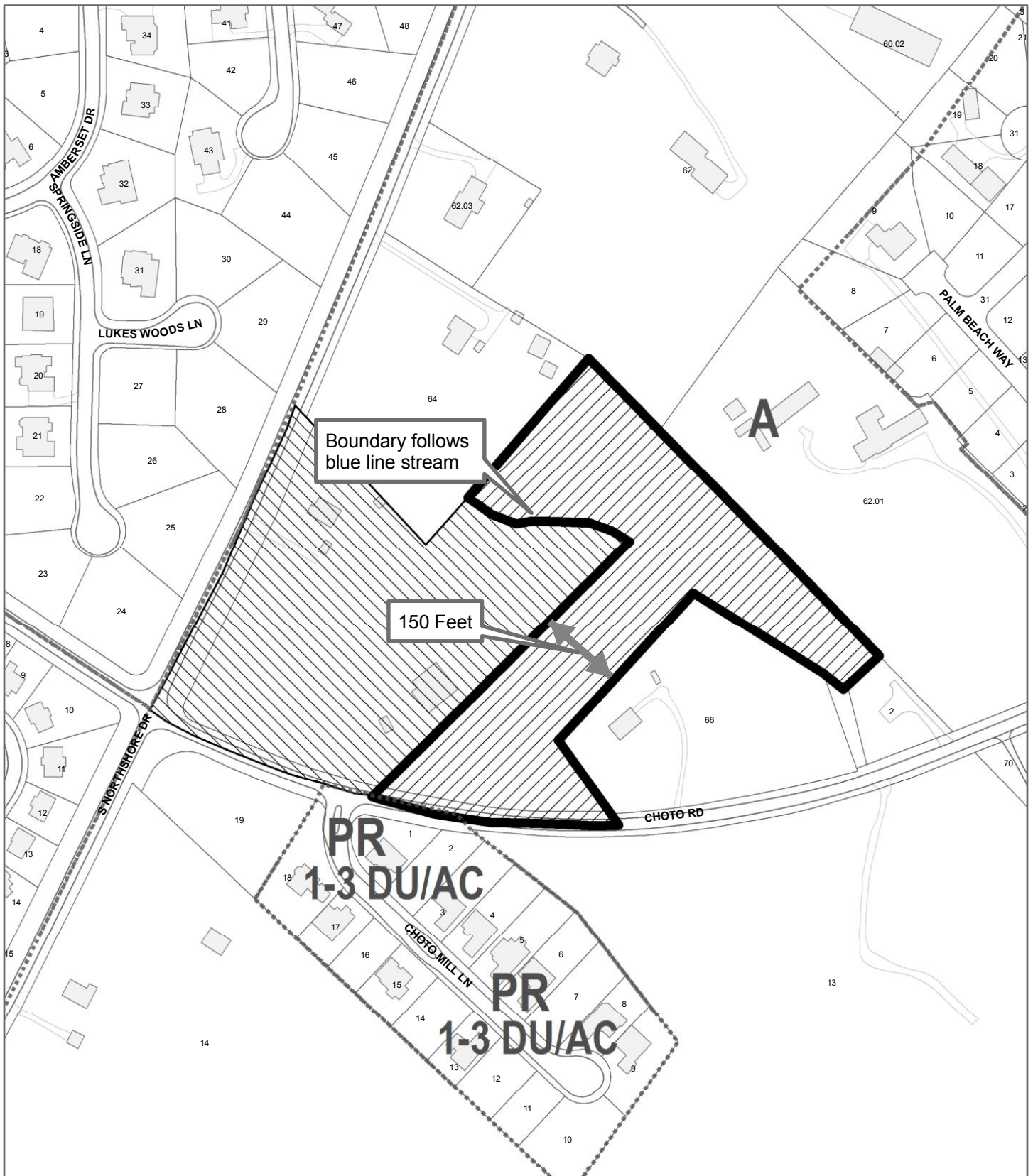
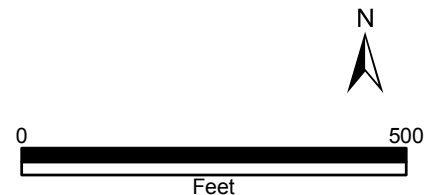


Exhibit B: Area Recommended for Limited CN Uses (12-B-09-RZ)

Petitioner: Huber Properties, LLC



From: A (Agricultural)
To: CN (Neighborhood Commercial)



Original Print Date: 12/3/2009 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Article 5

5.38 NEIGHBORHOOD COMMERCIAL ZONE (CN)

5.38.01 General Description

This commercial zoning district provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for the recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.

5.38.02 Uses Permitted

Only the following uses shall be permitted by right in the CN zoning district. Where North American Industry Classification System (NAICS) codes are indicated after permitted uses, the businesses listed under that classification in the United States Office of Management and Budget *North American Industry Classification Manual, 1997 edition*, shall be permitted providing all other requirements of this ordinance are fulfilled. All uses permitted are subject to administrative site plan approval (Article 6, Section 6.70):

- A. Retail sales limited to:
 - Grocery stores (NAICS 4451)
 - Household supplies
 - Clothing/shoes/jewelry (NAICS 448)
 - Garden and lawn supplies (NAICS 4442)
 - Drugs and medicine (NAICS 446110)
 - Small appliance sales (NAICS 44311) and repair (NAICS 811412)

Baked goods (NAICS 445291)
Delicatessen goods
Newsstands/bookstores (NAICS 45121)
Florists (NAICS 453110)
Gift shops (NAICS 453220)
Arts/crafts (NAICS 453920)
Antiques
Hardware (NAICS 44413)
Fabric/upholstery shops
Video sales and rentals (NAICS 532230)

B. Business and personal services limited to:

- * Barber and beauty shops (NAICS 8121)
- * Tailor/shoe repair (NAICS 811430)
- * Laundry and dry cleaning drop-off / pick-up stations only
- * Banks and similar institutions (NAICS 522)
- ~~Laundromats limited to self-service facilities (NAICS 812310)~~
- * Copying services (NAICS 56143)
- ~~Equipment rental (excluding vehicles intended for highway use) (NAICS 532)~~

- * C. Business and professional offices, which provide direct services to customers limited to:
 - Travel agencies (NAICS 561510)
 - Outpatient medical (NAICS 621)
 - Dental (NAICS 6212)
 - Real estate (NAICS 531)
 - Finance and accounting (NAICS 523, 5412)
 - Architect/engineering (NAICS 5413)
 - Insurance (NAICS 524)
 - Legal services (NAICS 5411)
 - Local, state and federal government offices and programs

- * D. Veterinary clinics and animal hospitals, with no boarding of animals (NAICS 541940).

- * E. Accessory uses to the principal use such as: parking facilities (subject to Article 3.50), indoor storage areas, signs (subject to Article 3.90).
- F. Commercial telecommunications towers, if the proposed tower is located 500 feet or more from a residence or residential zone, provided they meet the requirements of Article 4.92.
- * G. Residential uses may be located on the second floor and above of a business. Dwellings may also be located on the same site only if an accessory use to the primary use for a business.
- * H. Uses similar to the uses listed as "uses permitted" may be considered for appropriateness by the Planning Commission under the Use Determination public hearing process. If the requested use is approved, it may be located in this zoning district.

5.38.03 Uses Permitted on Review

- * A. Child day care centers, provided they meet the requirements of Article 4.93.
- * B. Adult day care facilities, provided they meet the requirements of Article 4.98.
- C. Restaurants (NAICS 722)
- D. Fueling service stations with or without convenience stores (NAICS 447110).
- E. Any permitted use listed above, which includes drive-through or drive-in facilities.
- F. Outdoor storage of materials, products, or equipment.
- G. Commercial telecommunications towers, if the proposed tower is located within 500 feet of a

residence or residential zone, provided they meet the requirements of Article 4.92.

5.38.04 Building Size and Type Regulations

- A. No building shall exceed 35 feet in height.
- B. No individual building or commercial establishment shall have a floor area exceeding 5,000 square feet.

5.38.05 Lot area

The building lot must be a minimum of 10,000 square feet in size.

5.38.06 Front yard setbacks and landscaping requirements

All buildings shall be setback from the street right of way lines not less than thirty-five feet. Parking must be setback a minimum of ten feet. The parking setback area must contain a minimum of one native shade tree, capable of reaching 50 feet in height at maturity, per every 60 feet or portion thereof of linear street frontage. The native shade trees must be spaced a minimum of 50 feet apart at the time of planting. One ornamental tree is required per every 25 feet or portion thereof of linear street frontage, to be placed between and among the shade trees, with a minimum of 15 feet spacing from the shade trees.

5.38.07 Side yard setbacks and landscaping requirements

- A. Where the side yard is adjacent to a residential district, the building setback shall be not less than twenty feet. The required side yard must be landscaped with a minimum of one evergreen tree per every 30 feet or portion thereof of side yard property depth (portion outside of required front and rear yards). The evergreen trees must be spaced a minimum of 30 feet apart at the time of planting. Shrubs and/or ground cover plantings must cover the

remainder of the side yard, except for the space within 10 feet from the base of the evergreen trees.

- B. Where the side yard is not adjacent to a residential or agricultural district, the building setback shall be not less than ten feet. The side yard must be landscaped with a minimum of one native shade tree per every 60 feet or portion thereof of side yard property depth (portion outside of required front and rear yards). The native shade trees must be spaced a minimum of 50 feet apart at the time of planting. One ornamental tree is required per every 25 feet or portion thereof of side yard property depth (portion outside of required front and rear yards), to be placed between and among the shade trees, with a minimum of 15 feet spacing from the shade trees.

5.38.08 Rear yard setbacks and landscaping requirements

- A. Where the rear yard is adjacent to a residential or agricultural district, the building setback shall be not less than twenty-five feet. The required rear yard must be landscaped with a minimum of one evergreen tree per every 25 linear feet or portion thereof of rear yard property length. The evergreen trees must be spaced a minimum of 30 feet apart at the time of planting. Shrubs and/or ground cover plantings must cover the remainder of the rear yard, except for within 10 feet from the base of the evergreen trees.
- B. Where the rear yard is not adjacent to a residential or agricultural district, the building setback shall be not less than ten feet. The rear yard must be landscaped with a minimum of one native shade tree per every 60 feet or portion thereof of rear yard property length. The native shade trees must be spaced a minimum of 50 feet apart at the time of planting. One ornamental tree is required per every 25 feet or portion thereof of side yard property depth (portion outside of required

front and rear yards), to be placed between and among the shade trees, with a minimum of 15 feet spacing from the shade trees.

5.38.09 Additional Landscaping and Site Development Standards

A. Parking areas:

1. All parking lots of 20 or more spaces shall contain within the interior of the parking lot not less than one native shade tree, capable of reaching 50 feet in height at maturity for every ten spaces or fraction thereof. In no case shall more than 10 parking spaces be located in a row without a planting island (minimum of 9 feet in width) containing at least one native shade tree surrounded by shrubs and groundcovers.
2. Where parking abuts the building, there must be a sidewalk of at least five feet in width between the parking spaces and the building.
3. At the end of any parking row, there must be a terminal planting island (minimum of five feet in width) containing at least one native shade tree surrounded by shrubs and groundcovers.
4. At least 50 percent of the length of the exterior walls of the building must have a landscaping strip of at least four feet in width.

B. Any pre-existing, healthy, applicable landscaping on a proposed site may be counted toward any of the landscaping requirements of this zoning district.

5.38.10 Off-street Parking

As regulated in Article 3, Section 3.50 of this resolution.

- 5.38.11 Signs

As permitted by Article 3.90 of this resolution.
- 5.38.12 Health Department Approval

The development shall not be approved until the Knox County Department of Code Administration has been notified in writing by the Knox County Health Department that the disposal system for sewage abides by all applicable standards.
- 5.38.13 Utilities

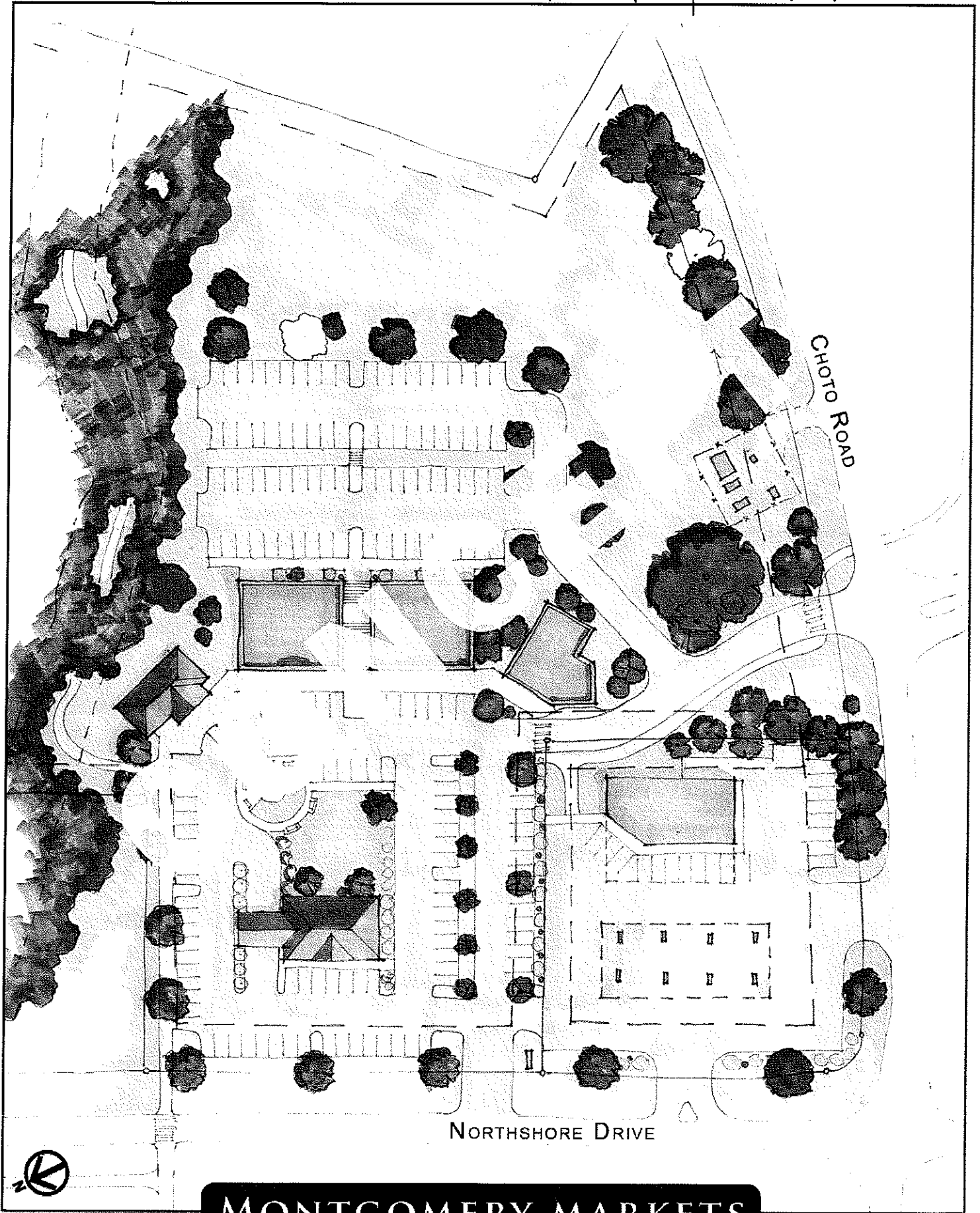
All utility transmission lines serving individual uses shall be placed underground.
- 5.38.14 Site Lighting

Lighting of all types shall be directed away from all residential or agricultural districts and any public rights-of-way.
- 5.38.15 Administration

For uses listed as permitted uses within the CN (Neighborhood Commercial) zoning district, no building or structure shall be erected or altered until and unless a plan for such development has been filed with and approved by the Knox County Department of Code Administration. The plan shall be filed in accordance with the requirements of Article 6, Section 6.70 (Administrative Site Plan Review), of this zoning ordinance.
- 5.38.16 Sidewalks

Pedestrian sidewalks must be provided on each site to allow access to the adjacent neighborhood. If adjacent properties have a sidewalk, the sidewalk must connect with it. If adjacent properties are vacant, then the developer must post

a bond with the Knox County Department of Engineering and Public Works to guarantee installation of a sidewalk at the time of development of adjacent properties. Sidewalks must be paved with a minimum width of 4 feet.



MONTGOMERY MARKETS

From: Mike Brusseau
To: Betty Jo Mahan
Date: 12/2/2009 9:28:30 AM
Subject: Fwd: Proposed Development - Northshore and Choto

Re: Item 37, 12-B-09-RZ/12-B-09-SP

>>> Dale Walker <wwalkerdale@hotmail.com> 12/2/2009 9:29 AM >>>

To the Knox County Planning Commission:

My name is Dale Walker and I am a resident of Bayou Bend located on Northshore Drive, just east of the development proposed by John Huber. I am president of the Bayou Bend Homeowners Association, but I am not representing the HOA in this matter. My opinion here represents only me and my wife, Laura.

We have enjoyed living in Bayou Bend for six and a half years with one drawback. It's a fairly long drive to any businesses, so we try to combine trips as much as possible to save gas and money. The limited development John Huber has proposed would definitely improve the local area and improve our standard of living. Having a convenience store within walking distance, or just a short drive away, along with some other facilities such as a deli, dry cleaners, etc. would save gas and money. The zoning requirements, along with John Huber's reputation for first class work, will ensure the attractiveness of the development. The area would become more of a neighborhood rather than just a series of subdivisions built on farmland.

I believe the development would actually decrease traffic on Northshore Drive as it would eliminate the need to drive to Farragut to buy a gallon of milk or a loaf of bread. While there is a small convenience store on Choto near the NS tracks, they charge very high prices due to lack of competition nearby.

Thank you for taking to time to hear the opinion of a resident and voter.

Best regards,

Dale Walker

12252 Mossy Point Way

Knoxville, TN 37922

865-675-2799

From: Sarah Powell
To: Betty Jo Mahan
Date: 11/30/2009 10:21:09 AM
Subject: Fwd: Opposition to the rezoning at the corner of Northshore and Choto Rd.

>>> <agentblanton@aol.com> 11/29/2009 8:27:46 PM >>>

Dear Sir/Ma'am,

I am writing this letter in opposition to the rezoning of residential property at the corner of Northshore Rd and Choto Rd to Residential Commercial. Apparently a developer is in the preliminary stages of planning to place a Weigles gas station and other commercial developments at this location. I live in Choto Fields subdivision which is on the north side of the Northshore/Choto intersection. I chose this location to live because of it's rural setting, quiet neighborhoods, and beautiful local near the lake. The residents in this neighborhood can still sit on the porches in the evening, look at the stars, and listen to the crickets and whopperwhills. This will all be gone with Weigles day-like illumination around its store and its illuminated sign. Since I have lived here, the area near Choto Rd and Northshore has become wildly popular as an exclusive residential community with property values among the highest in Knox Co. Many million dollar homes sit within one mile of this proposed location. I understand the need for Knox Co to collect taxes. It is the core of what makes our County government function. This 12 acres of ground would be a better tax base for Knox Co as a residential community rather than a single convenient store and strip mall.

Now, a builder wishes to alter this area forever by placing another convenient store/gas station in the heart of a neighborhood. If you are familiar with this area, there is a new AM/PM store within 1 mile of this location. The vast majority of residents work in Knoxville and pass several Weigles on their way to and from home. With the addition of this Weigles, it will be the third on Northshore from Ebenezer Rd to Choto Rd. There is a Weigles at the intersection of Pellissippi Parkway and Westland, and if you access Kingston Pike from McFee Rd there is a Weigles either direction you travel. I believe the potential for this store to be successful would be unlikely at best due to competition from the other stores. We just don't need a Weigles here nor do we want one. What we do want is our peace and quiet.

Furthermore, Northshore is a small, curvy, two lane road that is packed with commuters, bicyclist, and boaters. The addition of commercial traffic for this store will be a nuisance and a hazard to the residence of this area. The intersection at Northshore and Choto is already this highest accident location in this area due to the blind hill and four way intersection.

In closing I charge you with keep this area residential and preserving our quality of life and our property values and deny the application for rezoning. Please come to our neighborhoods and envision for yourself what this will do to our community.

Thank you for your time and feel free to contact me if you have further questions.

James and Jaime Blanton
12609 Coral Reef Circle
Knoxville, TN 37922
865-335-8882

From: Sarah Powell
To: Betty Jo Mahan
Date: 12/3/2009 10:20:01 AM
Subject: Fwd: Proposed Rezoning to Neighborhood Commerical at the corner of Northshore and Choto

>>> John Lash <jrl031963@yahoo.com> 12/3/2009 9:06:29 AM >>>

It is my understanding the Commission will consider the re-zoning application for the above on December 10, 2009. I firmly believe the application is not in the best interest of the surrounding neighborhoods for a variety of reasons. However this email is being sent to address specifically the requirements in the zoning regulations in section 5.38.03 D. Can you either provide via email or tell me the procedure to procure documents supporting your review for fueling service station. I would assume that this would include documentation on potential environmental impacts, hazardous materials storage and odor issues being potentially being emitted for the proposed establishment. Thank you in advance for your help on this issue.

John Lash
12531 Choto Mill Lane
Knoxville, TN 37922
(865) 719-0448

From: Mike Brusseau
To: Betty Jo Mahan
Date: 12/2/2009 4:27:54 PM
Subject: Fwd: Northshore Dr and Choto Development

Re: Item 37: 12-B-09-RZ/12-B-09-SP

>>> "Neil Schmitt" <neil.schmitt.gbx9@statefarm.com> 12/2/2009 2:19 PM >>>
Dear member of the MPC,

I am aware that the Northshore Drive and Choto RD area is being considered for development by Huber Development. I live in that area and have had discussions with several people about the future of this area, and would like to share my feelings with you

Living in the area, my first preference for that or any property near there, would be a quiet park like setting. But unfortunately if history is any indicator, it is inevitable that Northshore will become more and more developed. If this is indeed the case, I would then like to say that I hope that the MPC will give preference to developers that are local and more sensitive to the "scenic highway" that Northshore has been designated. I believe John Huber to be one that would understand the concerns of the citizens and give every attempt to protect the area and the values of other's property. I have asked Mr. Huber that should he be successful in being able to develop this property to consider the more progressive developments that you now see in Florida and the Hilton Head area where buildings are further removed from the road and landscaping is used to keep a more natural setting. I think everyone can agree that this development, whether a grocery store, a convenience store, or other similar ideas will be considered destination stops, not needing such high visibility.

With our without this immediate development, our neighborhood and this immediate area has a real road problem that I hope can be resolved. I am afraid as Jefferson Park completes it's subdivision and the YMCA opens, we will see increased traffic at rates of speed much too high for this area. People go too fast, cross the yellow line frequently and are not aware of the dangers exiting the Montgomery Cover subdivision due to terrible visibility. Possibly this development will facilitate or require improvements prior to completion.

In summary I hope that your authority can work with Mr. Huber to develop a plan that would be satisfactory to the community and yet satisfy the inevitable development for this area. Thank you for your work on behalf of the county citizens.

Respectfully,

Neil Schmitt

Attachment #3 –

2020-01-10 Email from Kevin Murphy to Knox County Codes Enforcement

Subject: Weigels – reporting a lighting violation

Subject: reporting a lighting violation
From: "Kevin P. Murphy" <murphysprings@gmail.com>
Date: 2020-01-10, 09:02
To: Max Lemons <max.lemons@knoxcounty.org>

Hi Max,

I'd like to report a violation of the zoning ordinance, specifically section 5.38.14.

Property information:
Owner: LKM Properties L P
Address: 5904 Washington Pike
Parcel ID: 049 079
Zoning: CN (Neighborhood Commercial)

Knox County Zoning Ordinance violated: 5.38.14 Site lighting. Lighting of all types shall be directed away from all residential or agricultural zones and any public rights-of-way.

This location has a Weigels convenience store on it, with three different sources of the violation of this ordinance:

The Weigels has two light poles, each with three lights on it. Each of these light poles is installed with two of the lights facing outward at approximately a 20 degree to horizontal. These lights are directed directly towards Washington Pike and the agricultural property located across the street (049 080). The lights also point towards the building, indirectly lighting up the property behind it. I do not have pictures of it, but they have direct light spill to the residential property on Edmondson Lane. These lights are brighter than a full moon. They light up the interior of my house at night. This is the source of two violations.

The Weigels also has wall packs on the back of the store that are not full-cut-off. They emit light directly out (parallel to the ground) as well as upward, and are light sources for residences on Edmondson Lane.

I have attached a number of pictures to illustrate the violation.

How should I handle reporting this to the Codes Enforcement department? And is there a way to track the progress of this complaint?

Sincerely,

--Kevin

Kevin Murphy
4508 Murphy Rd
Knoxville, TN 37918
865-687-8799

— View from residence located 800 feet away.jpg —



— Wall packs on back of building.jpg



— Wall pack pointed outward, not down - not shielded.jpg



— Pole light on west side of parking lot brighter than full moon.jpg



— Lighting configuration on top of pole.jpg —



— East lighting seen from property line of Agricultural property 049 080.jpg —



— West lighting seen from property line of 049 080.jpg —



— Attachments: —

View from residence located 800 feet away.jpg	815 KB
Wall packs on back of building.jpg	2.9 MB
Wall pack pointed outward, not down - not shielded.jpg	605 KB
Pole light on west side of parking lot brighter than full moon.jpg	749 KB
Lighting configuration on top of pole.jpg	1.2 MB
East lighting seen from property line of Agricultural property 049 080.jpg	576 KB
West lighting seen from property line of 049 080.jpg	623 KB

Attachment #4 –

Washington Pike 5-G-05-UR Staff Report

Retrieved from Knoxville-Knox County Planning Library (not available online)

M P C

METROPOLITAN
PLANNING
COMMISSION

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

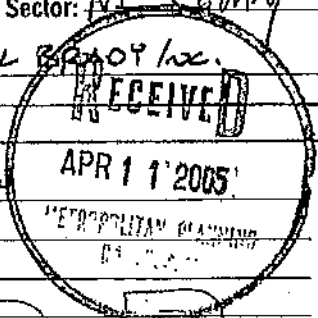
USE ON REVIEW

Jurisdiction: City _____ Councilmanic District County ^{8th} Commission District

Date Filed: 4/11/05 Fee Paid: \$630.00 File Number: 5-6-05-UR

Map Number: 049 Zoning District: CN City County Sector: NE County

Name of Applicant: PAUL ANASTASIO - MICHAEL BRADY Inc.



PROPERTY INFORMATION:

Address: (Street Name) WASHINGTON PIKE (Street Number) 590

General Location: CORNER OF WASHINGTON PIKE & MURPHY ROAD

Description: Parcel(s) 079 City Block(s) _____

Other: PROPERTY IS ZONED CN - REQUEST APPROVAL FOR NEW WIGGOL'S FARM STORE TO BE LOCATED ON SITE

DATE _____

Size of Tract: 1.4 Acres _____ Square Feet

APPROVAL REQUESTED:

- Development Plans in Planned District or Zone
- Home Occupation (Specify Occupation) _____

Other (Be specific) WIGGOL'S FARM STORE TO BE LOCATED ON SITE IN "CN" ZONE

Density Proposed: _____ Dwelling Units per Acre

ACCOMPANYING MATERIALS:

- Development Plan
- Off-Street Parking Plan
- Floor Plan
- Landscape Plan
- Restrictive Covenants
- Affidavit
- Home Occupation Check List
- Other _____

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE MAILED OR FAXED TO:

Paul Anastasio 299 N. WISEGARDEN RD. KNOXVILLE, TN 37919 (865) 584-0999
 Name: (Print) Address City State Zip Phone Fax
MICHAEL BRADY Inc.

AUTHORIZATION OF APPLICATION:

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.

Signature: [Signature]

Name: (Print) Address City State Zip Phone Fax

APPLICATION ACCEPTED BY: Brisseau



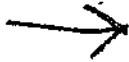
April 27, 2005

Paul Anastasio
Michael Brady, Inc.
299 N. Weisgarber Rd.
Knoxville, TN 37919
Fax: 584-5213

Subject: MPC Case 5-G-05-UR – Weigel’s - Use on Review

Dear Mr. Anastasio,

The MPC staff has completed its preliminary review of the development plan submitted for the proposed Weigel’s Farm Store on Washington Pike. The following comments are for your use in meeting the requirements for consideration of MPC’s use on review approval:



1. The plan meets all building and parking setback requirements, however the landscaping plan does not meet the specific requirements of the CN zoning district. This must be addressed in order for staff to recommend approval of the plans. Based on linear footage on property lines, the following are the minimum number of plantings required by the CN zoning district:
Front – Was. Pike – 230 feet frontage – 4 native shade trees such as maples and oaks (Capable of reaching 50 feet in height at maturity) and 9 ornamental trees, such as dogwoods.
Side/Front – Murphy – 205 feet frontage – 3 native shade trees and 8 ornamentals
Side – 225 feet frontage -- 4 native shade trees and 9 ornamentals
Rear – 180 feet frontage – 3 native shade trees and 7 ornamentals

Also, CN requires a terminal landscape island (5 feet width) at the end of all parking rows with a native shade tree and shrubs/ groundcovers. This is not met at side/rear of building.

Also, at least 50 percent of the length of the exterior building must have a landscaping strip of at least 4 feet in width.

2. In regards to parking, the ordinance requires 1 space per 100 square feet of retail floor area. The retail floor area excludes non-public areas such as bathrooms, behind the counter space, shelving space, etc. Please provide a square footage for the actual retail floor area and show that the proposed 17

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2088
www.knoxmpc.org

- spaces meet parking requirements. Otherwise, a BZA variance will be required if parking standards are not met.
3. Provide proposed signage information, including all locations and square footages. The proposed signage must meet all requirements of the Zoning Ordinance as specified in Article 3, Section 3.90.09 (J).
 4. Please include the Tax Parcel ID # 049-079 in the Project Information section.

Please submit four (4) revised site plans, addressing the above comments, to me no later than 4:30pm on Monday, May 2nd. If revisions are not received by this date and time, the request may be recommended for postponement to the following month's MPC meeting. MPC staff reserves the right to modify these comments as new information comes to our attention from the revised application package, field review and/or requirements of other government review agencies. Please feel free to call me at (865) 215-2500 with any questions or concerns.

Sincerely,



Michael A. Brusseau, AICP
Planner II, MPC

Signage for Weigel's proposal in the CN zone

	Ordinance requirement	Proposal/BZA approval
Sign type	Monument	Pole
Height	5 feet	27 feet
Size	50 s.f.	150 s.f.
Setback	10 feet	0 feet
Illuminated sign	Not allowed	Allowed
Setback from residential zone	300 feet	80 feet
Wall sign size	40 s.f.	79 s.f.
Number wall signs allowed	1 wall sign	6 wall signs (3 bldg., 3 canopy)
Wall sign illumination	Not allowed	Allowed



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
USE ON REVIEW REPORT**

▶ **FILE #:** 5-G-05-UR **AGENDA ITEM #:** 68
POSTPONEMENT(S): 5/12/2005 **AGENDA DATE:** 6/9/2005
▶ **APPLICANT:** PAUL ANASTASIO - MICHAEL BRADY, INC.

TAX ID NUMBER: 49 079
JURISDICTION: County Commission District 8
▶ **LOCATION:** Southeast side Washington Pike, southeast of Murphy Rd.
▶ **APPX. SIZE OF TRACT:** 1.4 acres
SECTOR PLAN: Northeast County
GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)
ACCESSIBILITY: Access is via Washington Pike, a minor arterial street with 30-40' of pavement width within 80' of right of way. The development will also have future access to Murphy Road, after it is extended along the southwest boundary of this site.
UTILITIES: Water Source: Northeast Knox Utility District
Sewer Source: Knoxville Utilities Board

▶ **ZONING:** CN (Neighborhood Commercial)
▶ **EXISTING LAND USE:** Vacant land
▶ **PROPOSED USE:** Convenience store with gasoline pumps

HISTORY OF ZONING: MPC approved a commercial sector plan designation and CN zoning on 2/13/03. (2-B-03-SP / 2-J-03-RZ)
SURROUNDING LAND USE AND ZONING: North: Washington Pike - Vacant land / A (Agricultural)
South: Vacant land / CN (Neighborhood Commercial) and PR (Planned Residential)
East: Vacant land / CN (Neighborhood Commercial)
West: Future Murphy Rd. right of way, dwelling / CN, RA (Low Density Residential) and PR (Planned Residential)
NEIGHBORHOOD CONTEXT: This area is developed with primarily residential uses under A, RA and PR zoning. There are a few individual properties to the west that are zoned CA, OB and SC.

STAFF RECOMMENDATION:

- ▶ **APPROVE the development plan for a convenience store with gasoline pumps in the CN (Neighborhood Commercial) zoning district, subject to 5 conditions:**
1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
 2. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
 3. Connecting the development to sanitary sewer, as well as meeting other applicable requirements of the Knox County Health Department.
 4. Installing all landscaping, as shown on the revised (6/7/05) landscape plan, within six months of issuance of occupancy permits for the project, or posting a bond with the Knox County Department of Engineering and Public Works, to guarantee such installation.

5. Installing a traffic signal in the south direction to serve traffic entering and exiting the proposed development, per requirements of the Knox County Department of Engineering and Public Works.

With the conditions noted above and with the approved BZA variances, this request meets the requirements for approval in the CN zone, as well as other criteria for approval of a use on review.

COMMENTS:

The applicant is proposing to construct a Wegel's Farm Stores convenience store with fueling station on the subject property, within the CN zoning district. The development plan shows a 3,780 square foot building (1,532 s.f. retail floor area) with 17 parking spaces and eight gasoline pumps. The applicant has applied for and been granted by the Knox County Board of Zoning Appeals eight different variances for the proposed signage, essentially waiving every requirement that reduces sign impact in the CN (Neighborhood Commercial) zone. A landscape plan is included which meets the landscaping requirements of the CN zone.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTIES AND THE COMMUNITY AS A WHOLE

1. Public water and sewer utilities are available to serve the site.
2. Washington Pike has sufficient capacity to handle the additional traffic which will be generated by this development.
3. This request will have no impact on schools and minimal impact on adjacent properties.

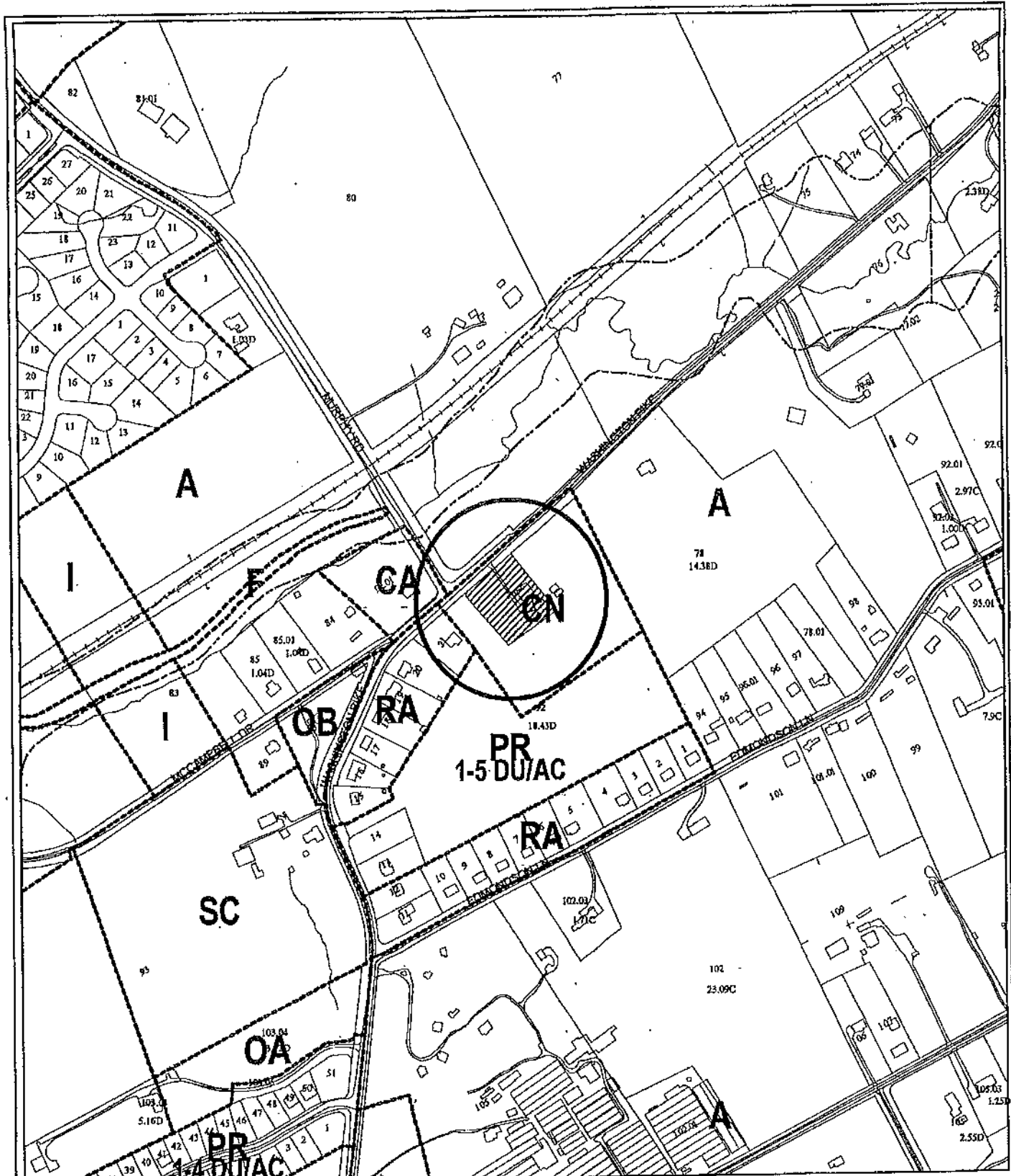
CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. With the approved BZA variances regarding signage, the proposal meets all requirements of the CN zoning district, as well as other criteria for approval of a use on review.
2. The proposed use is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The plans include appropriate landscaping and setbacks to minimize the impact to surrounding properties. The use should not significantly injure the value of adjacent property. The use will not draw substantial additional traffic through residential areas. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.


CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Northeast County Sector Plan proposes neighborhood commercial uses for this property, consistent with the zoning of the property and generally consistent with the proposal.
2. The site is located within the Urban Growth Area of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan.

MPC's approval or denial of this request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



5-G-05-UR
 USE ON REVIEW

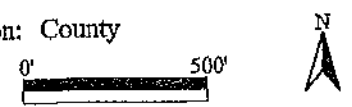
 Convenience store with gasoline pumps in CN (Neighborhood Commercial)

Original Print Date: 04/25/05 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

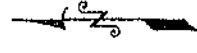
Petitioner: Paul Anastasio
 - Michael Brady, Inc.

Map No: 49

Jurisdiction: County



NOTE: CONTRACTOR IS RESPONSIBLE FOR ALL UTILITY SAFETY. CONTRACTOR SHALL SHOW AND SPACE ALL OPEN CUT REACHES AS REQUIRED BY STATE AND FEDERAL LAWS AND LOCAL ORDINANCES. TO PROTECT EXISTING UTILITIES AND TO PREVENT DAMAGE TO ANY ADJACENT PROPERTY IN CONNECTION WITH THE WORK, THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT ALL ADJACENT PROPERTY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.



LOCATION MAP

NOTE: CONTRACTOR TO VERIFY EXISTING UTILITIES BEFORE START OF CONSTRUCTION.

- NOTES:
1. WORK HAS COMPLETED SHOW ON MAP.
 2. ALL OTHERS SET BY MANIP ON FILE.
 3. THE PROPERTY CONTAINS 1.48 ACRES, 1 LOT.
 4. THE TOTAL NUMBER OF PARCELS SHOWN IN THIS PLAN IS 1, WHICH IS 1.
 5. UTILITIES: WATER, SEWER, GAS, ETC.
 6. THE PROPERTY IS ZONED C-1.

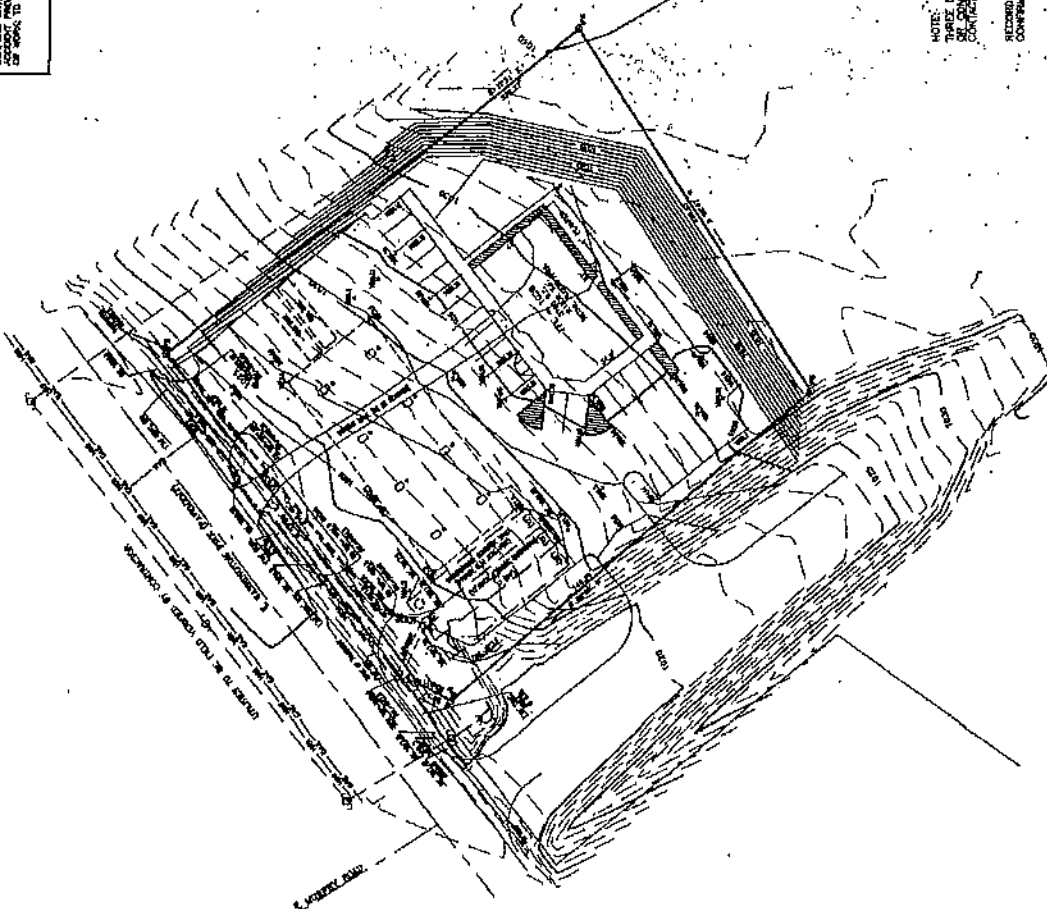


CONTRACTOR OF DESIGN PLAN
 I HEREBY CERTIFY THAT I AM AN ENGINEER, LICENSED TO PRACTICE ENGINEERING IN THE STATE OF TENNESSEE, AND THAT THE DESIGN PLAN IS TRUE AND IS BASED ON SOUND ENGINEERING PRACTICE.

5-18-08-UR
U.O.R.
 DATE

REVISED

OWNER:
 WELLS STORES, INC.
 1000 W. WASHINGTON ST.
 MEMPHIS, TN 38103

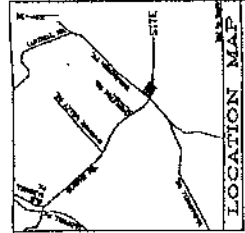


NOTE: THREE DAYS PRIOR TO ANY EARTHWORK OR CONSTRUCTION CONTRACTOR MUST CONTACT THE TENNESSEE ONE-CALL CENTER AT 1-800-351-1113 TO REPORT AND OBTAIN YOUR CONSTRUCTION NUMBER.

LEGEND	
○	EXISTING UTILITIES
□	NEW UTILITIES
—	PROPOSED BUILDING
—	PROPOSED DRIVE
—	PROPOSED SIDEWALK

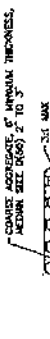
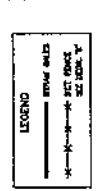
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM GROUND SURVEY, EXCAVATION AND DRIVING METHODS. UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA. ENGINEER HAS ASSUMED THE SITUATION SHOWN IN THIS PLAN IS THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM SURVEY DATA. CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES.

SCALE HORIZONTAL 1" = 20' VERTICAL 1" = 4' DATE: 1/2/05		SITE & GRADING PLAN FOR 5004 WASHINGTON PIKE CITY MAP C-49, PARCEL 079 DISTRICT 8, KNOX COUNTY, TENNESSEE	SHEET 1 OF 3 SHEETS 24028-SP
PROJECTED MAP DRAWN BY: [Signature] CHECKED BY: [Signature]		PLAN REFERENCE: SEE # 3004080808	
PREPARED BY: WELLS STORES, INC. 1000 W. WASHINGTON ST. MEMPHIS, TN 38103		DATE: 1/2/05	

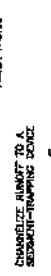


NOTES:

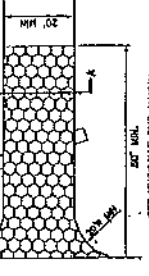
1. CONTRACTOR IS RESPONSIBLE FOR ALL UTILITY LINES AND SERVICES TO BE MAINTAINED AND TO BE PROTECTED BY THE CONTRACTOR. ALL UTILITIES SHALL BE MAINTAINED BY THE CONTRACTOR.
2. ALL UTILITIES SHALL BE MAINTAINED BY THE CONTRACTOR.
3. ALL UTILITIES SHALL BE MAINTAINED BY THE CONTRACTOR.
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8. ALL UTILITIES SHALL BE MAINTAINED BY THE CONTRACTOR.
9. ALL UTILITIES SHALL BE MAINTAINED BY THE CONTRACTOR.
10. ALL UTILITIES SHALL BE MAINTAINED BY THE CONTRACTOR.



CHANNELIZE RUNOFF TO A SEDIMENT-TRAPPING DEVICE.



CONSTRUCTION ENTRANCE - NOT TO SCALE.



DETAIL "B" SILT FENCE - NOT TO SCALE.



PROJECT:
 F. J. ...
 ...
 ...

24029-ESCP
 SHEET 7 OF 3 SHEETS
 3 SHEETS

EROSION & SEDIMENT CONTROL PLAN
 5904 WASHINGTON FIVE
 C/LT MAP 046, PARCEL 073
 DISTRICT 5, INDIAN COUNTY, TENNESSEE

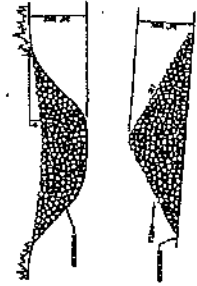


SCALE:
 HORIZONTAL 1" = 40'
 VERTICAL 1" = 10'
DATE: 1/23/05

NO.	DESCRIPTION	DATE	BY	CHECKED
1	DESIGNED	1/23/05	F. J. ...	F. J. ...
2	CHECKED			
3	APPROVED			

NOTE:
 CONTRACTOR TO VERIFY LOCATION AND DEPTH OF ALL UTILITIES AND SERVICES TO BE MAINTAINED AND TO BE PROTECTED BY THE CONTRACTOR. ALL UTILITIES SHALL BE MAINTAINED BY THE CONTRACTOR.

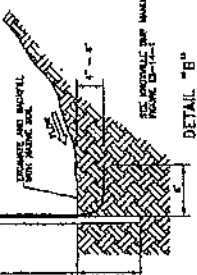
NOTE:
 CONTRACTOR TO VERIFY LOCATION AND DEPTH OF ALL UTILITIES AND SERVICES TO BE MAINTAINED AND TO BE PROTECTED BY THE CONTRACTOR. ALL UTILITIES SHALL BE MAINTAINED BY THE CONTRACTOR.



ROCK CHECK DAMS

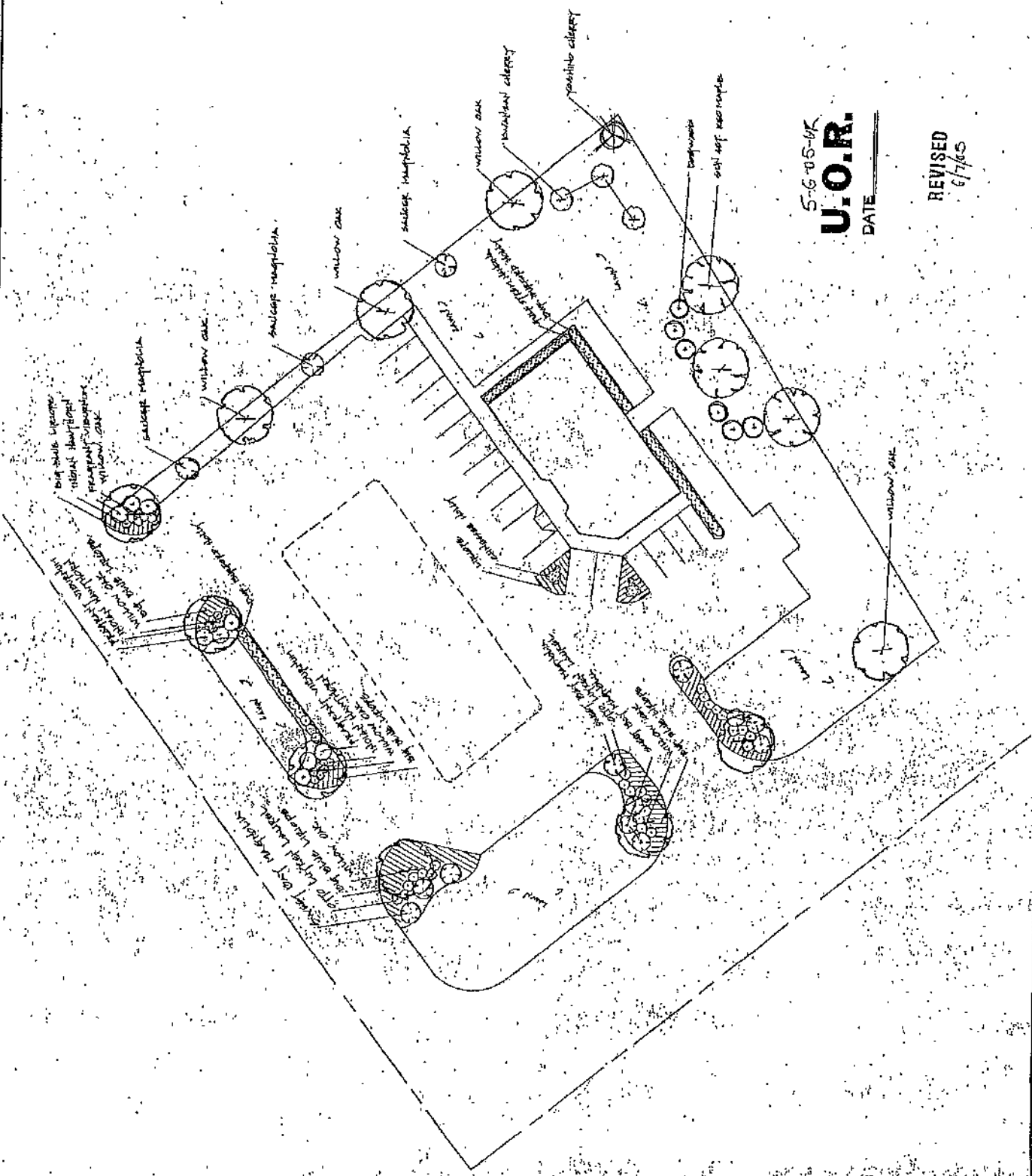


ROCK CHECK DAMS (SEE LISTING)
 CONTRACTOR TO VERIFY LOCATION AND DEPTH OF ALL UTILITIES AND SERVICES TO BE MAINTAINED AND TO BE PROTECTED BY THE CONTRACTOR. ALL UTILITIES SHALL BE MAINTAINED BY THE CONTRACTOR.



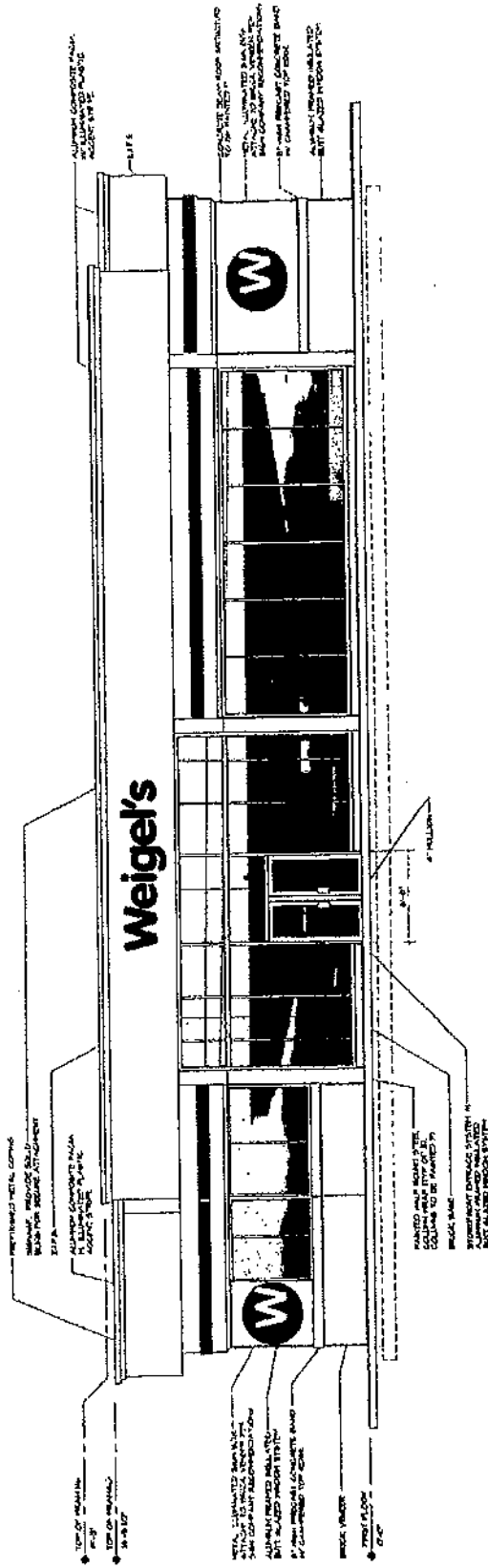
DETAIL "B" SILT FENCE
 NOT TO SCALE.

REVISIONS:
 NO. DATE DESCRIPTION
 1 1/23/05 DESIGN
 2 1/23/05 CHECKED
 3 1/23/05 APPROVED



5-16-65-UK
U.O.R.
 DATE _____

REVISED
 6/7/65

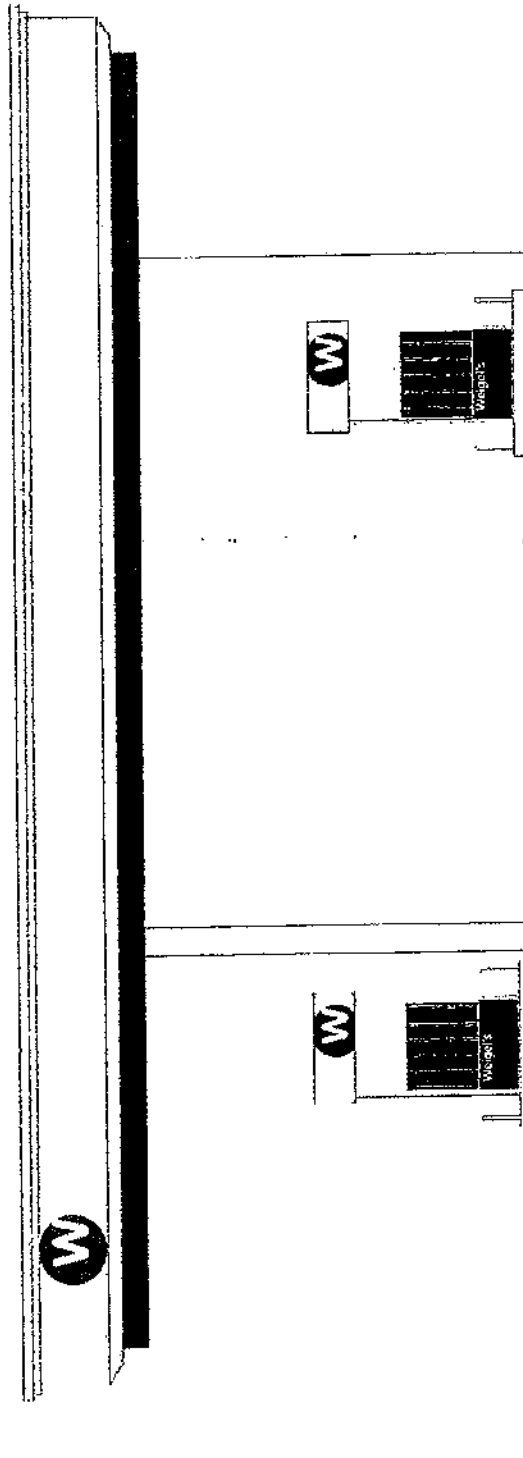


FRONT ELEVATION

1

Neon Service Co.	
SCALE: 1/8"=1'-0"	APPROVED BY: S. M.
DATE:	DRAWN BY: S. M.
NAME: Weigel's	
DRAWING NUMBER	

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Neon Service Co.
SCALE: None APPROVED BY: DRAWN BY: S. M.
DATE: _____
NAME: Weigel's
DRAWING NUMBER _____

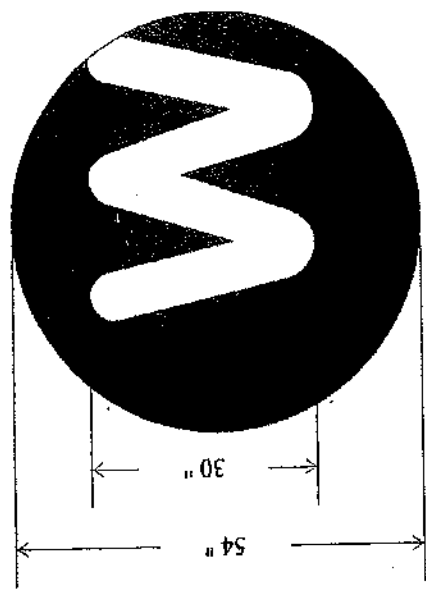
12'-3 1/2"

41 1/2"

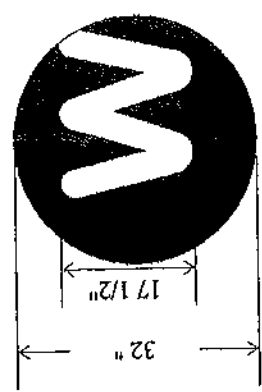
Weigel's

30"

30.73 Sq. Ft.



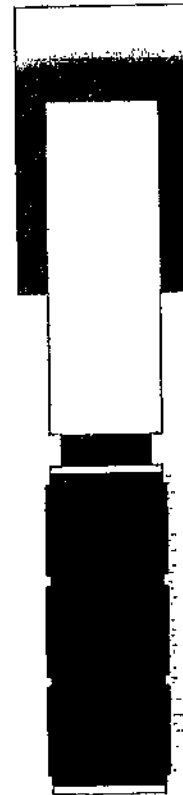
15.9 Sq. Ft.



5.58 Sq. Ft.

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<i>Neon Service Co.</i>	
SCALE: 1/2" = 1'	APPROVED BY: DRAWN BY:
DATE:	S. M.
NAME: Weigel's	
DRAWING NUMBER	



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<i>Neon Service Co.</i>		
SCALE: 1/2" = 1'	APPROVED BY:	DRAWN BY:
DATE:		S. M.
NAME: Weigel's		
DRAWING NUMBER		

KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION

USE ON REVIEW - REPORT OF MPC ACTION

MEETING DATE: 6/9/2005 ▶ FILE NO.: 5-G-05-UR

POSTPONEMENT(S): 5/12/2005

▶ APPLICANT: PAUL ANASTASIO - MICHAEL BRADY, INC.

TAX ID NUMBER: 49 079

JURISDICTION: County Commission District 8

▶ LOCATION: Southeast side Washington Pike, southeast of Murphy Rd.

ADDRESS: 5904 WASHINGTON PIKE

▶ APPX. SIZE OF TRACT: 1.4 acres

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

ACCESSIBILITY: Access is via Washington Pike, a minor arterial street with 30-40' of pavement width within 80' of right of way. The development will also have future access to Murphy Road, after it is extended along the southwest boundary of this site.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source: Knoxville Utilities Board

▶ ZONING: CN (Neighborhood Commercial)

▶ EXISTING LAND USE: Vacant land

▶ PROPOSED USE: Convenience store with gasoline pumps

HISTORY OF ZONING: MPC approved a commercial sector plan designation and CN zoning on 2/13/03. (2-B-03-SP / 2-J-03-RZ)

SURROUNDING LAND USE AND ZONING: North: Washington Pike - Vacant land / A (Agricultural)

South: Vacant land / CN (Neighborhood Commercial) and PR (Planned Residential)

East: Vacant land / CN (Neighborhood Commercial)

West: Future Murphy Rd. right of way, dwelling / CN, RA (Low Density Residential) and PR (Planned Residential)

NEIGHBORHOOD CONTEXT: This area is developed with primarily residential uses under A, RA and PR zoning. There are a few individual properties to the west that are zoned CA, OB and SC.

▶ **MPC DECISION**

APPROVE the development plan for a convenience store with gasoline pumps in the CN (Neighborhood Commercial) zoning district, subject to 5 conditions:

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
3. Connecting the development to sanitary sewer, as well as meeting other applicable requirements of the Knox County Health Department.
4. Installing all landscaping, as shown on the revised (6/7/05) landscape plan, within six months of issuance of occupancy permits for the project, or posting a bond with the Knox County Department of Engineering and

Public Works, to guarantee such installation.

5. Installing a traffic signal in the south direction to serve traffic entering and exiting the proposed development, per requirements of the Knox County Department of Engineering and Public Works.

COMMENTS:

The applicant is proposing to construct a Weigel's Farm Stores convenience store with fueling station on the subject property, within the CN zoning district. The development plan shows a 3,780 square foot building (1,532 s.f. retail floor area) with 17 parking spaces and eight gasoline pumps. The applicant has applied for and been granted by the Knox County Board of Zoning Appeals eight different variances for the proposed signage, essentially waiving every requirement that reduces sign impact in the CN (Neighborhood Commercial) zone. A landscape plan is included which meets the landscaping requirements of the CN zone.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTIES AND THE COMMUNITY AS A WHOLE

1. Public water and sewer utilities are available to serve the site.
2. Washington Pike has sufficient capacity to handle the additional traffic which will be generated by this development.
3. This request will have no impact on schools and minimal impact on adjacent properties.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. With the approved BZA variances regarding signage, the proposal meets all requirements of the CN zoning district, as well as other criteria for approval of a use on review.
2. The proposed use is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The plans include appropriate landscaping and setbacks to minimize the impact to surrounding properties. The use should not significantly injure the value of adjacent property. The use will not draw substantial additional traffic through residential areas. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Northeast County Sector Plan proposes neighborhood commercial uses for this property, consistent with the zoning of the property and generally consistent with the proposal.
2. The site is located within the Urban Growth Area of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan.

Attachment #5 and 6 –

#5 – Sound recording from rear of Weigels on March 15, 2022 – <https://youtu.be/x4RXd7EB3Tw>

#6 – Recording of Weigels 5904 Washington Pike morning March 15, 2022 -
<https://youtu.be/THrIsLwBKfY>

Recordings available for download via request to murphysprings@gmail.com

Attachment #7 -

Jan 2011 Agenda File for Knox County Board of Zoning Appeals Item 5c – 2725 Shipetown Rd, Dollar General, with a landscaping plan included

KNOX COUNTY BOARD OF ZONING APPEALS

Application Date: 01/12/2011

Meeting Date: Wednesday, January 26 2011

Gentlemen: The undersigned hereby petitions the Knox County Board of Zoning Appeals to grant the follow request:

Request: **for waiver of requirement of one non-illuminated wall sign per tenant to one indirectly illuminated wall sign per tenant**

Reason: **Limits visibilty as per letter attached**

Property Address **2725 Shipetown Rd**

Subdivision:

Zone: **CN**

Lot Size: **3.15 ACRE**

CLT Map: 042 Group:
Parcel:045

Lot:

In Commission District 08, Knox County, Tennessee, in accordance with plans, applications, and all data heretofore filed with the Knox County Board of Zoning Appeals all of which are hereto attached and made part of the appeal.

I hereby depose and say that all the above statements and the statements contained in all the exhibits transmitted herewith are true.

Appellant: **CHRIS BROWN**
Address: **1111 N NORTHSHORE DR**
City, State, Zip: **KNOXVILLE TN 37919**
Telephone: **865 521-6777**

Owner: **JAMES W. & BRUCE H. JARNAGIN**
Address: **9019 THREE POINTS RD**
City, State, Zip: **MASCOT TN 37806**
Telephone: **865 933-5063**

The Board of Zoning Appeals meets on the fourth Wednesday of each month. REPRESENTATION MUST BE PRESENT AT TI MEETING BEFORE THE APPEAL WILL BE GRANTED.

Every appeal shall be taken within thirty(30) days from the date of any refusal by the Building Inspector to issue the permit.

Page:: 3-3.90-12 Regulation: 3.90.09 Section: J.4

Appellant: Chris R. Brown

Code Administration: Etta Carver

KNOX COUNTY CODE ADMINISTRATION

865.215.2325

Property Assessor's Office - Knox County, Tennessee Map Department - Ownership Card						
KGIS		NORMAL			1/12/2011	
District	Map	Insert	Group	Parcel	Ward	Property Location
N8	042			45		2725 SHIPETOWN RD
Owner		Deed Date	Book	Page	Sale Price	Mailing Address
YARDLEY ROBERT E & BLONDE D		4/12/1950	852	459	\$0	9021 THREE POINT RD MASCOT, TN 37806
		11/22/1960	1159	485	\$0	9021 THREE POINT RD MASCOT, TN 37806
JARNAGIN JAMES W & BRUCE H		7/8/2002	20020725	0007381	\$43,005	9019 THREE POINTS RD MASCOT, TN 37806
Previous Parcel(Split From)			Next Parcel (Merged Into)			
Subdivision	Block	Lot	Plat	Dimensions (shown in ft.)		Acreage
						3.15 - A.C. Deeded
						0.00 - A.C. Calculated

Data shown on this report was current as of: 1/2/2011



G R E S H A M
S M I T H A N D
P A R T N E R S

January 11, 2011

Knox County Code Administration
Suite 547 City County Building
400 Main Street
Knoxville, TN 37902

Subject: Sign Size and Illumination
Proposed Dollar General Store
Zone District CN
2725 Shipetown Road
CLT Map 042, Parcel 045
District 8, Knox County, Tennessee
GS&P Project No. 27761.16

To Knox County Board of Zoning Appeals;

On October 26, 2010, we were granted variances for building size and number of parking spaces. We are submitting an additional request for two variances for the above referenced project to the Knox County Board of Zoning Appeals for the January 26, 2011, BZA meeting. This letter will provide you details concerning our request for height of sign and illuminated wall sign. This proposed development consists of a 9,100 square foot Dollar General Store, associated paving, utility services, and necessary grading. Vehicular access to the site will be provided via a full-movement access along Shipetown Road. I've attached site and landscape plans for your reference.

Height of Sign

CN zoning allows one indirectly illuminated monument sign per site. The total square footage of the monument sign face may not exceed 50 square feet and the height may not exceed 5 feet as measured from the natural or finished grade, whichever is lower. We are requesting a variance to increase the illuminated sign height from 5 feet to 6 feet.

The following conditions present hardships affecting sign height:

1. Traffic travelling southwest on Rutledge Pike will have limited visibility of the sign due to existing utility poles located at the intersection of Rutledge Pike and Shipetown Road.
2. 200 foot right of way width and elevation of Rutledge Pike limits visibility of traffic travelling southwest.

We believe the topography of the site and Rutledge Pike present a hardship in accordance BZA standards for a variance.



Knox County Code Administration
January 11, 2011
Page 2

Illuminated Wall Sign

CN zoning allows for one non-illuminated wall sign for each tenant of a building. Such sign may have 1 square foot of area for each linear foot of building frontage, not to exceed 40 square feet in area. Such sign shall be attached to the front face of the building and may not project above the parapet wall. We are requesting a variance to indirectly illuminate the sign with goose neck lights mounted on the building.

The following conditions present hardships affecting visibility of sign:

1. Proposed building is located at a greater distance from the front property line than required by CN zoning.
2. Proposed building is located off center of lot.

The preceding hardships affecting visibility of sign are created by the parcels' shape and topography and our use of more stringent requirements for setback and location of parking area required for CR zoning. Dollar General Stores are also open in evening hours, thereby requiring greater visibility. The indirectly lighted wall sign will offset the limited height, 5 or 6 feet, for the monument sign. Dollar General prototypical store signage is an internally illuminated box sign; however, Dollar General is trying to fit within the zoning code as much as possible.

Conclusion:

The granting of these two variances will not compromise the intent of the zoning, and includes a use allowed, needed, and desired by the local community. The sign height and illuminated wall sign will neither negatively impact the neighborhood nor be detrimental to the public welfare. We are requesting your favorable vote for these variances at the January 26, 2011, BZA meeting.

Please contact me at (615) 770-8136 if you have any questions.

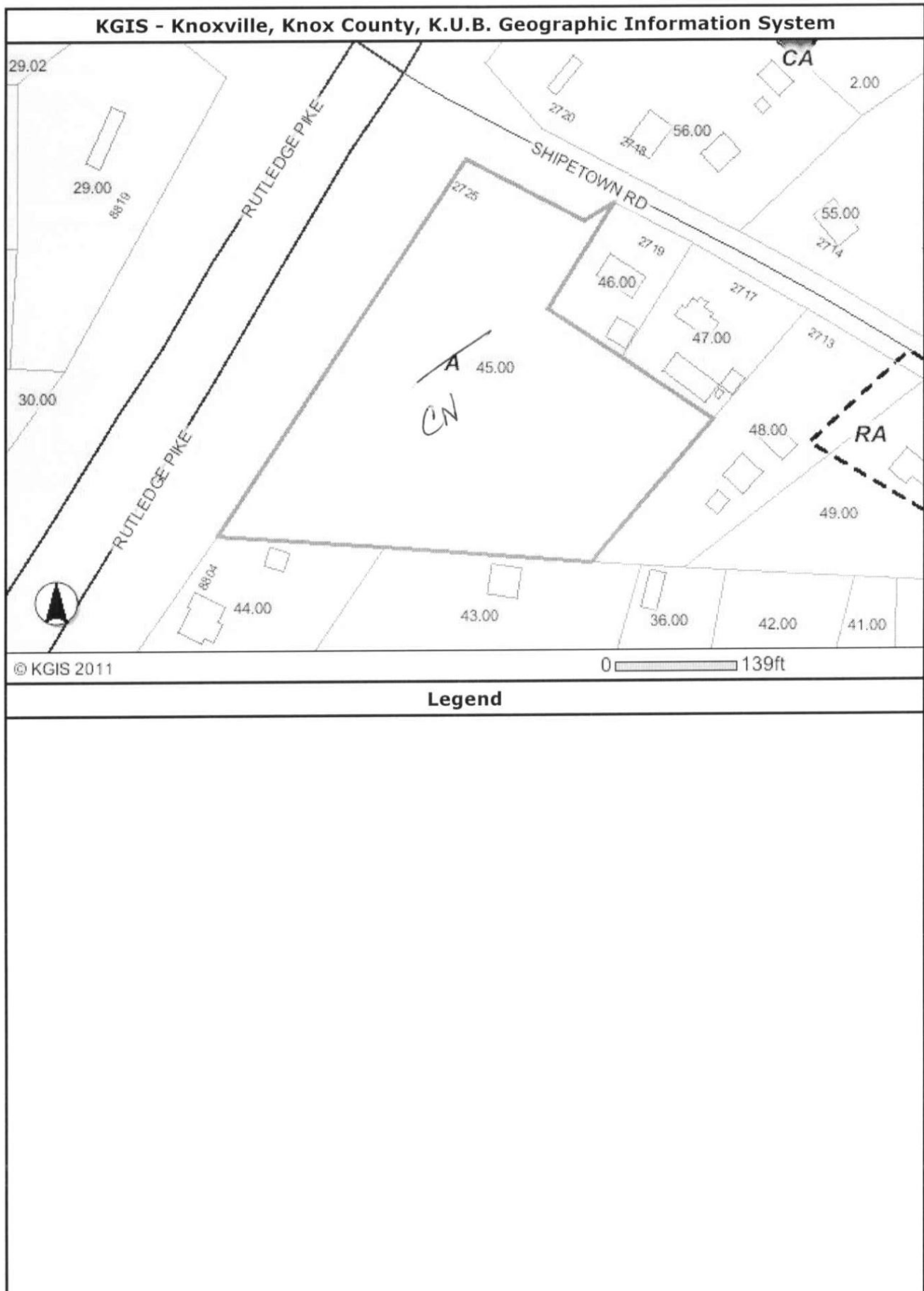
Sincerely,

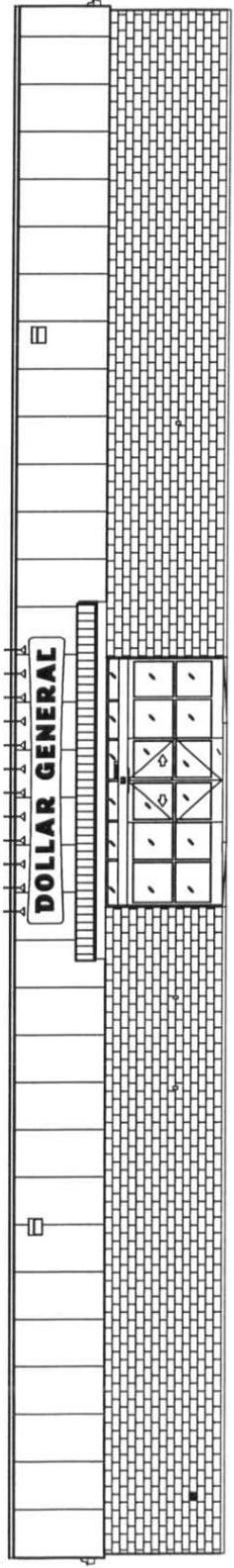
A handwritten signature in black ink, appearing to read "Kenneth D. Church", is written over a horizontal line.

Kenneth D. Church, R.L.S.
Associate
Land Planning and Design Services

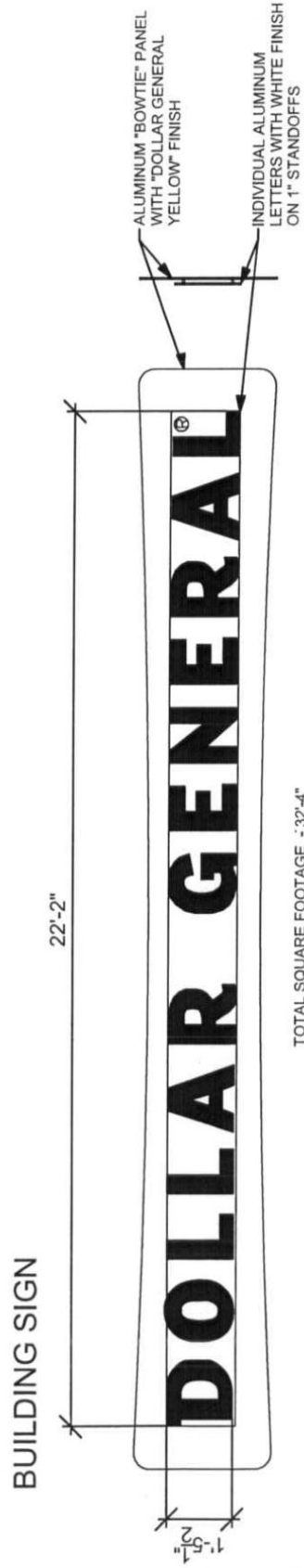
crs

Copy Bob Gage - GBT Realty Corporation
Craig Cole - GBT Realty Corporation
Joe Johnston - Gresham, Smith and Partners





○ FRONT ELEVATION WITH PROPOSED SIGN
1/16" = 1'-0"



BUILDING SIGN

22'-2"

1'-5 1/2"

TOTAL SQUARE FOOTAGE - 32'-4"

ILLUMINATION TO BE PROVIDED BY ABOOLITE GOOSENECK - 135 WATT MISER/130 VOLT GE INCANDESCENT BULBS. THERE WILL BE TWELVE LIGHTS (ONE FOR EVERY TWO FEET OF SIGN WIDTH).



MONUMENT SIGN

10'-0"

5'-0"

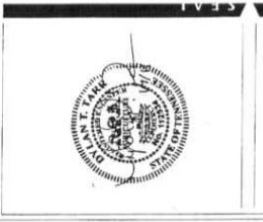
4'-0"

3'-0"

TOTAL SQUARE FOOTAGE - 50'-0"

SIGN SHALL BE INDIRECTLY ILLUMINATED BY TWO 100 WATT METAL HALIDE FLOOD FIXTURES ON EACH SIDE; 4 FIXTURES TOTAL (LITHONIA TFM 100M TA 120 FV LPI; CE EQUAL) SPACED 4'-6" FROM THE SIGN FACE AT 4'-0" LEFT & RIGHT FROM THE CENTER OF THE SIGN.

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**ARCHITECTURE
ENGINEERING
GRAPHICS**

111 BRADSHAW
KNOXVILLE, TN 37922
(615) 252-1111
www.mascot.com

CGI

101 Union Street
Nashville, Tennessee 37219
Phone: (615) 710-8000
COP #27761.N

DOLLAR GENERAL

STORE #XXXXX
MASCOT
TN

DOLLAR GENERAL REVIEW SET
1811.09
M. JIM XXXXX

COUNTY COMMENTS	12/21/19
TRAFFIC COMMENTS	4/28/20 (01/1/)

SITE LAYOUT PLAN

C2.1

SPRINGING LEGEND

YELLOW CURBING
METAL SURFACES PER LOCAL ADOPTED
PARKING LOT
PARKING LOT
PARKING LOT

SPRINGING LEGEND
SURFACES SHOULD BE CLEAN, DRY,
AND TRAFFIC MARKING PAINT WHITE
TOP COAT SHOULD BE YELLOW, 100%
TOP COAT SHOULD BE YELLOW, 100%
PAINT

UTILITY NOTES

1. CONTRACTOR SHALL CHECK EXISTING GRADES, DIMENSIONS, AND INVERTS IN THE FIELD AND REPORT ANY DISCREPANCIES TO THE ARCHITECT/ENGINEER PRIOR TO BEGINNING WORK.

2. ALL EXISTING UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND AT THE CONTRACTOR'S EXPENSE, FOR THE PROTECTION AND MAINTENANCE OF ALL UTILITIES.

3. ALL UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND AT THE CONTRACTOR'S EXPENSE, FOR THE PROTECTION AND MAINTENANCE OF ALL UTILITIES.

SITE DATA TABLE

1. ZONING - M-1 (MEDIUM DENSITY RESIDENTIAL)

2. SETBACKS FRONT - 25'
SIDE - 25'
REAR - 25'

3. SITE AREA 127,266 SF ± 3.15 ACRES

4. BUILDING AREA STORE - 2,801 SF ± ONE STORY
GARAGE - 1,200 SF ± ONE STORY
TOTAL - 4,001 SF ± TWO STORY
TOTAL - 4,001 SF ± TWO STORY

5. PARKING REQUIRED - 36 SPACES (PERMITS APPROVED)
PARKING PROVIDED - 36 SPACES

6. IMPERVIOUS AREA - 0.170 ACRES ± 247
LANDSCAPE AREA - 2.330 ACRES ± 321

CONCRETE NOTES

1. CONTRACTOR SHALL PROVIDE AS-BUILT ELEVATION SURVEY FOR ALL NEW SIDEWALK RAMPS.

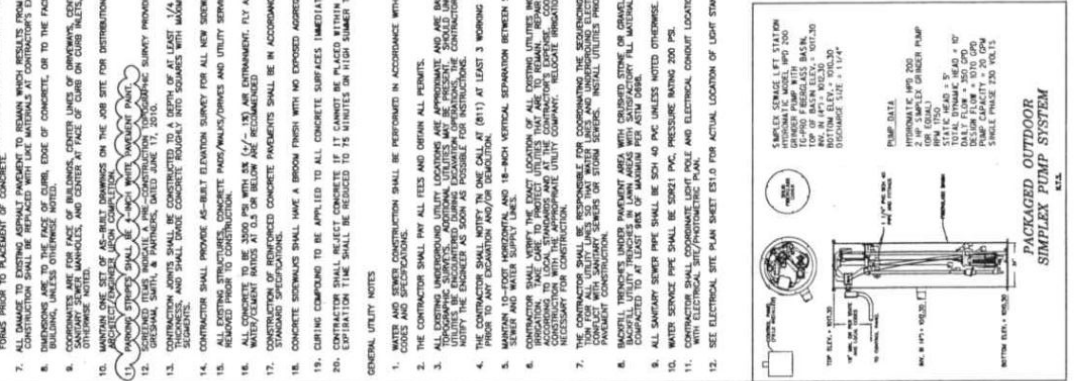
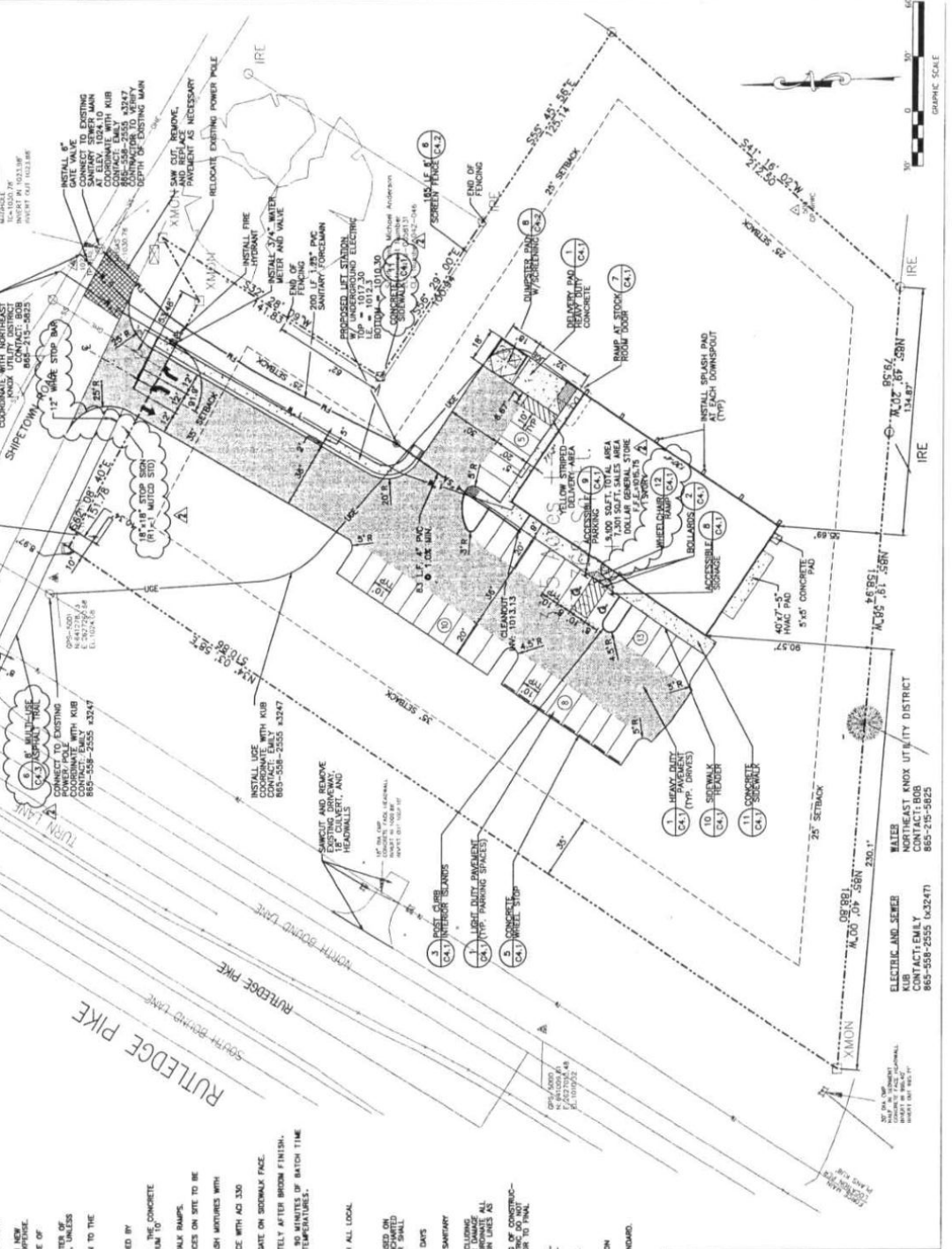
2. ALL EXISTING STRUCTURES, CONCRETE PAVEMENTS/DRIVES AND UTILITY SERVICES ON SITE TO BE REMOVED PRIOR TO CONSTRUCTION.

3. CONSTRUCTION OF REINFORCED CONCRETE PAVEMENTS SHALL BE IN ACCORDANCE WITH ADOPTED STANDARD SPECIFICATIONS.

4. CONCRETE SIDEWALKS SHALL HAVE A BROWN FINISH WITH NO EXPOSED AGGREGATE ON SIDEWALK FACE.

5. CONTRACTOR SHALL PROVIDE A FINISH TO ALL CONCRETE SURFACES IMMEDIATELY AFTER BROWN FINISH.

6. CONTRACTOR SHALL PROVIDE A FINISH TO ALL CONCRETE SURFACES IMMEDIATELY AFTER BROWN FINISH.





**ARCHITECTURE
PLANNING
ENGINEERING
GRAPHICS**

1815 W. BROAD ST.
MEMPHIS, TN 38102
WWW.MMMARCHITECTURE.COM



TERENCE S. MULVANEY
TN REG. NO. 431

LANDSCAPE ARCHITECTURE
GAIL H. SMITH AND PARTNERS
501 Union Street
1480 Nashville, City Center
Nashville, TN 37203
Phone: (615) 776-8800
Fax: (615) 776-3436
COP #277634



DOLLAR GENERAL
STORE #XXXX
MASCOT
TN

DOLLAR GENERAL REVIEW SET
M/JM XXXXX
DATE 10/20/10

DATE	REVISIONS
10/20/10	

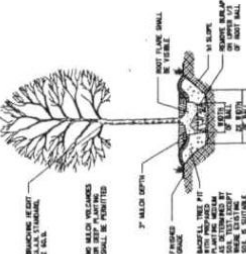
LANDSCAPE PLAN
L1.1

- LANDSCAPE NOTES**
1. ALL PLANTING SHALL BE INSTALLED BY THE END OF THE CONSTRUCTION PERIOD UNLESS OTHERWISE NOTED.
 2. ALL PLANTING SHALL BE INSTALLED BY THE END OF THE CONSTRUCTION PERIOD UNLESS OTHERWISE NOTED.
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 11. ALL PLANTING SHALL BE INSTALLED BY THE END OF THE CONSTRUCTION PERIOD UNLESS OTHERWISE NOTED.
 12. ALL PLANTING SHALL BE INSTALLED BY THE END OF THE CONSTRUCTION PERIOD UNLESS OTHERWISE NOTED.
 13. ALL PLANTING SHALL BE INSTALLED BY THE END OF THE CONSTRUCTION PERIOD UNLESS OTHERWISE NOTED.
 14. ALL PLANTING SHALL BE INSTALLED BY THE END OF THE CONSTRUCTION PERIOD UNLESS OTHERWISE NOTED.
 15. ALL PLANTING SHALL BE INSTALLED BY THE END OF THE CONSTRUCTION PERIOD UNLESS OTHERWISE NOTED.
 16. ALL PLANTING SHALL BE INSTALLED BY THE END OF THE CONSTRUCTION PERIOD UNLESS OTHERWISE NOTED.
 17. ALL PLANTING SHALL BE INSTALLED BY THE END OF THE CONSTRUCTION PERIOD UNLESS OTHERWISE NOTED.
 18. ALL PLANTING SHALL BE INSTALLED BY THE END OF THE CONSTRUCTION PERIOD UNLESS OTHERWISE NOTED.
 19. ALL PLANTING SHALL BE INSTALLED BY THE END OF THE CONSTRUCTION PERIOD UNLESS OTHERWISE NOTED.
 20. ALL PLANTING SHALL BE INSTALLED BY THE END OF THE CONSTRUCTION PERIOD UNLESS OTHERWISE NOTED.

KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	QUANT.	NOTES
AS	Acer saccharum	Sugar Maple	2" cal	B18.5	3	6" clear trunk
BT	Liquidambar styraciflua	Tupelo	2" cal	B18.5	4	6" clear trunk
LA	Liriodendron tulipifera	Yellow Pencil	2" cal	B18.5	5	6" clear trunk
UA	Ulmus americana	American Elm	2" cal	B18.5	6	6" clear trunk
OC	Cornus canadensis	Flowering Dogwood	2" cal	B18.5	12	single trunk
CV	Chaenactis virginica	Frageblume	2" cal	B18.5	4	single trunk
JY	Juglans nigra	Red Cedar	2" cal	B18.5	9	6" clear trunk
PV	Pinus virginiana	Virginia Pine	2" cal	B18.5	9	6" clear trunk
LM	Linum catharticum	Big Blue Linum	plant	cont.	500	plant 12" o.e.

LANDSCAPE CALCULATIONS:

Canopy trees required @ 1/100 LF=9
 Ornamental trees required @ 1/100 LF=20
 Shapstone Road bridge (170 LF)
 Canopy trees required @ 1/100 LF=3
 Ornamental trees shown: 7
 Stake and four bushes (960 LF)
 Evergreen trees required @ 1/100 LF=25
 Planting trees required @ 1/100 LF=25
 NOTE: All trees are native to East Tennessee per requirements



Knox County Board of Zoning Appeals
Codes Administration & Inspection
Room 547
City County Building
400 Main Street
Knoxville, TN 37902


January 10, 2011

Re: Request for Variance

CLT Map 042, Parcel 45

Gresham Smith and Partners is authorized to submit a Variance request for size and illumination of store sign on property located at 2725 Shipetown Road Knox County CLY Map 042, Parcel 45.

Sincerely


James or Bruce Jarnagin

9019 Three Points Road

Mascot, Tennessee 37806