

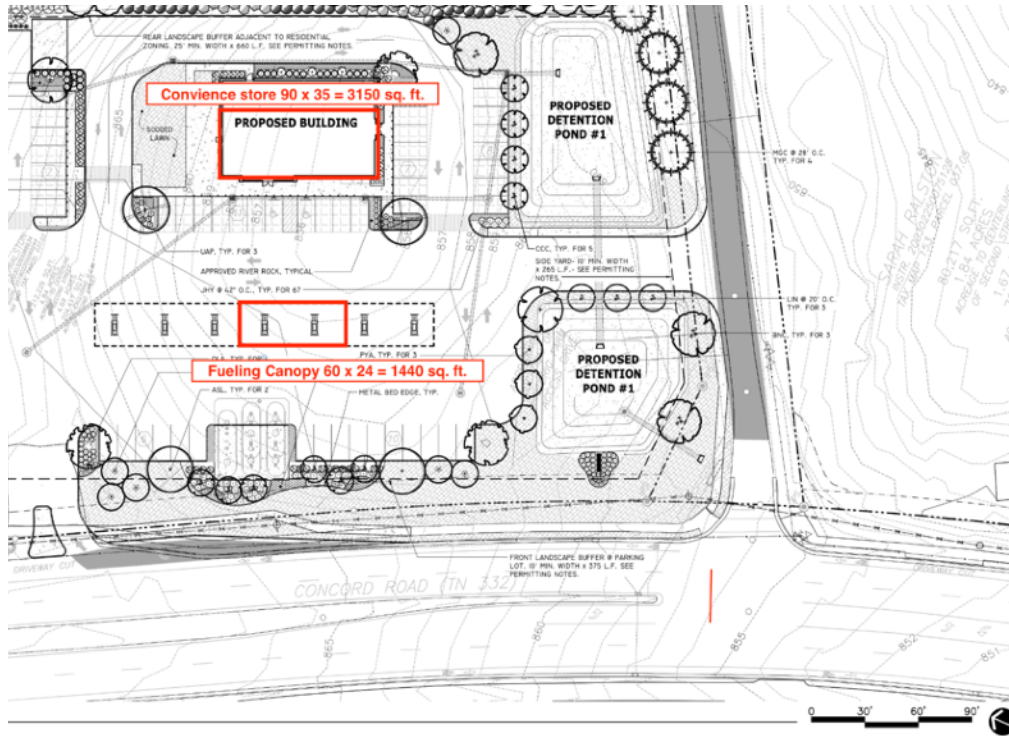
While the convenience store is now scaled down to 4,975 sq. ft. the fueling area will be an additional 4,560 sq. ft. putting this establishment at 9,535 sq. ft. This scale is not in harmony with 5.38.04..B. No individual building or commercial establishment shall have a floor area exceeding five thousand (5,000) square feet.

As can be seen in zoning regulation. 5.38.03. *Uses permitted on review. . D. Fueling service stations with or without convenience stores (NAICS 447110)* **The application for this development is for a fueling station with a convenience store. The use is listed in combination making the establishment of one single use under the zoning code.** Because of this the fueling area and convenience store must be considered in combination for the total area of the establishment. Neither use is an accessory to the other and cannot be counted separately.

This principle can be seen in many cases where the Planning Staff and Planning Commission have included restaurant patios in the floor area even though they are outside of the exterior walls. A very good example of this would be a Sonic Drive-in restaurant. While the kitchen for these restaurants is very small, the canopies and order stations where you order and pay for the offered service often triple the size of the establishment. In the same way the fueling station and convenience store are linked.

The intent and purpose of the CN zone is to provide 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. If there was an exception listed within the CN zone for the pump area to be considered separate this plan could be more appropriate. **However, the zoning regulations do not provide an exception or guidance that would exclude it from this rule.** A developer would no doubt point to other fueling stations that have been allowed to ignore this limitation within CN zoning. In the words of Thomas Pain *“a long habit of not thinking a thing wrong, gives it a superficial appearance of being right.”* Just because something has been approved of by commissioners in the past does not make it right.

Mr. Hunt has submitted plans for a very nice establishment. However, because of the size issues, this establishment is out of the scale and purpose of Neighborhood Commercial and should be more appropriately located in a CA zone. We would ask that Mr. Hunt submit plans for a true “neighborhood” sized Fueling Station/Convenience store (examples provided below) or find a suitable CA zoned property that is more oriented toward servicing the general public and commuter traffic rather than that of a neighborhood.



The EZstop site plan modified with two pumps and approx 3150 sq. ft. convenience store would fit within the CN purpose and limits.



The breadbox at 8480 Gleason Dr, Knoxville, TN 37919 is an example of a store with 3 pumps that satisfies the requirements for sizing of a CN zone establishment.



The Westland Market at 9233 Westland Dr, Knoxville, TN 37922 is an example of a store with 2 pumps that easily satisfies the requirements for sizing of a CN zone establishment.



Ebenezer Market at 600 Ebenezer Rd, Knoxville, TN 37923 is an example of a store with 3 pumps that satisfies the requirements for sizing of a CN zone establishment.