

General comments regarding CN Zoning Ordinances

The land under consideration for the proposed development of the EZ Stop at 1025 Concord Road is currently zoned CN (Neighborhood Commercial) with a property type classification of Agriculture/Forestry/Vacant Land.

The following Knox County zoning ordinances are of relevance pursuant to my submitted comments included in this document:

- 4.10. - *Supplementary regulations applying to a specific, to several, or to all zones.*
 - 4.10.17. *The use will not significantly injure the value of adjacent property by noise, lights, fumes, odors, vibration, traffic congestion or other impacts which may detract from the immediate environment.*
 - 4.10.18. *The use is not of a nature or so located as to draw substantial additional traffic through residential streets.*
- 5.38. - *CN Neighborhood Commercial Zone.*
 - 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.*
 - 5.38.02. *Uses permitted. Only the following uses shall be permitted by right in the CN. This section outlines various uses that are permitted in the CN Zone. The use of a Fueling service stations with or without convenience stores (NAICS 447110) is NOT a permitted use for the CN Zone.*
 - 5.38.03. *Uses permitted on review. This section includes Fueling service stations with or without convenience stores (NAICS 447110). Such use can only be permitted with the permission and approval of the Knox County Planning Commission.*

COMMENTS REGARDING ENCROACHMENT ONTO CONCORD MASONIC CEMETERY PROPERTY

The site map for this development shows what appears to be an encroachment on Concord Masonic Cemetery property. It references Inst# 199212140045277, which is a deed dated 1992 of the property to be developed. I would like to hear an explanation of this note on the site map. Is this an encroachment onto the Concord Masonic Property? Is this granting a right of way for the developers?

If this is, indeed, an encroachment onto the Concord Masonic Property, I would then ask by what legal means the developers are planning to obtain this encroachment. And what is the square footage involved in this piece of land that is outlined on the map? Continuing, I would like to ask why the developers find it necessary to encroach on the Concord Masonic Cemetery Property.

This particular part of the Concord Masonic Property has historically been used to allow burial equipment access to the grounds for the purpose of interment or installation or repairing of stones.

While the oldest grave in the cemetery dates to 1865, it is still an active cemetery today with 708 graves remaining to be used and owned by people living in the Concord/Farragut community and there are approximately 150 graves yet to be sold. Contrary to what has been previously opined by the developers, there are only 105 graves older than 100 years which is an estimated 8 percent of those interred. These statistics are presented to substantiate that the Cemetery is still actively being used by the Concord/Farragut residents today.

Records show 100 known unmarked graves. Because of the age of the cemetery, it is highly likely that there will be additional unmarked graves that exist along the border of the cemetery adjacent to the proposed development.

Request for archeological survey of cemetery along border adjacent to proposed development. In keeping with previous discussions and as agreed to on the initial proposal, I would like to make written request for this revision of the development that an archeological survey be completed in order to ascertain that no unmarked graves will be disturbed as a result of the building of the EZ Stop Development.

Request for no encroachment onto Concord Masonic Cemetery be allowed. Further, I cannot see the necessity to even encroach on the cemetery property at all and would request that the developers stay within their property boundaries.

Request for no speaker at drive through window.

As previously established in this document that the Concord Masonic Cemetery is an active service for interring loved ones of the Concord/Farragut community, I would like to emphasize that noise from a drive thru window would be a distraction during burial services being held. The ordinances as stated above with regard to noise substantiate that this part of the development would be adverse to these established CN ordinances.

I understand that the revised development plans have eliminated a drive through window; however, I wish to continue to document this request and maintain it in writing that no drive through communications from a speaker be allowed for either a drive through or a walk up window.

SECOND DRIVE – EGRESS FROM SECOND DRIVE WITHIN THE DEVELOPMENT INTO CONCORD RESIDENTIAL AREA

Prohibit left turn traffic from development onto Second Drive

It is my understanding that previous discussions have addressed prohibiting traffic from the development via egress into Second Drive of the Concord Residential area.

Subsequently, a proposed solution was entered so as to simply place a sign stating “Left Turn – Local Access Only.” My comments pertaining to this subject follow.

Infrastructure of existing Second Drive

A recent Transportation Impact Study, CCI Project # 01634-0010.000 Rev 2 9-16-2024 by Cannon & Cannon, Inc., describes Second Drive as “*2nd Drive is a local road with no pavement markings except at the intersection with Concord Road, and one travel lane each direction ranging from 7 to 8 feet wide. 2nd Drive has a posted speed limit of 25 mph, and it does not have curb and gutter or sidewalk.*” I wish to add that there are grave sights that are immediately on the line of the Masonic Cemetery and Second Drive. Because of these grave sights, it would not be feasible to entertain widening Second Drive along the Concord Masonic Property to allow for increasing traffic.

In addition, on occasion, large attendance at funeral services have found it necessary to park along the road because the Masonic Lodge did not have sufficient parking space.

I have read that the Knox County Engineering Department has requested that the minimum width of 2nd Drive be increased to at least 20 feet, to wit: “*The lanes on 2nd Drive should be widened to at least 10 feet per Knox County requirements.*” I would ask for clarification on this statement. Are they proposing that Second Drive be widened just within the new development or the entirety of Second Drive? As previously discussed, in my opinion, the latter option is not feasible.

Enforcing a Sign

As an example of case in point, I would like to point out how useful a sign is in enforcing traffic. Residents of Farragut are familiar with the location of McDonald’s at 11205 Kingston Pike. Upon exiting the restaurant from the actual restaurant property, one will find a traffic sign that says NO LEFT TURN. That sign is there for a purpose. Directly across the street is a Dairy Queen where people may be making a left turn onto Kingston Pike. This situation is an invitation for a head on collision for those who choose to ignore the sign. I invite all to visit this fine establishment and observe the number of times that a car will hold up traffic to make a left hand turn there and dart out into traffic. (I sit in wonder why they do not travel approx. 100 feet to their left and exit at a traffic light.) This is an illustration of why just placing a sign on the development will not work. A sign will not keep people from exiting and traveling through the Concord Residential area.

Summary on this topic

If left turn egress from Second Drive is allowed, traffic will either continue onto Church Street with the option of turning left onto Lake Ridge and throughout to Olive Road and Concord Road, or they will continue onto Church Street and turn right to join Concord Road which will add to traffic flow confusion just short of the Northshore roundabout.

The Residents of Concord do not wish increased traffic through their peaceful hamlet.

The roads will not manage the traffic and the increased traffic that will result from allowing this egress should be enforced by ordinances that are mentioned at the beginning of this document that pertain to traffic.

I would request that a concrete or similar barrier be placed on the development to physically prohibit a left turn onto Second Drive.

SECOND DRIVE – EGRESS FROM SECOND DRIVE ONTO CONCORD ROAD.

I do not see a problem with turning right out of Second Drive onto Concord Road as it is a matter of waiting for a break in traffic and merging. I do, however, see the potential for a dangerous left turn from Second Drive onto Concord Road.

Plans within this proposal have acknowledged that major congestion issues during peak hours do currently exist but the same traffic analysis referenced above says that to place a signal at Second Drive is not *“significant enough to justify the cost and effort involved.”*

I would present TDOT or whoever is responsible for the decision of not placing a traffic light at Concord and Second Drive to consider what the price of one life is in relation to the cost of installing a light.

MISCELLANEOUS COMMENTS

Size of the building

The revised plan has the proposed building as 4,975 square feet which is below the 5000 maximum allowed. However, I would like to point out that ordinance 3.90.09 for commercial zones specifies that the square footage of the canopy for the fuel pumps are included with the building size. Per Knox County Planning documents, a building has been described as *“ Any structure built for the support, shelter or enclosure of persons, animals, moveable possessions, or property of any kind which has a roof and enclosing walls for at least fifty (50) percent of its perimeter. The term "building" shall be as if followed by the words "or part thereof." For the purpose of area and height limitations this definition shall be applicable to sheds and open sheds. “*

“ 3.90.09 commercial zones

For the purposes of this section, canopies, gasoline pumps, and drive through order boards are considered part of the building.”

It is difficult to ascertain the exact dimensions of the proposed canopy for the 14 fuel pumps but if the map presented is to scale, it shows 28' from the center of one pump to the next, multiplying by 7 and not allowing for an overhang on either end and allocating 22 feet for the width of the canopy, would be an estimated 4312 square feet that would be considered a part of the building, thus placing the building considerably over the 5000 square foot limitation.

I do not see any specifications that specify the height of the building which should be no higher than 35 feet.

Signage

Ordinance 3.20.04 speaks of the importance of a visibility triangle for signs. I would like to see a discussion about the monument sign, 6'x4', and whether or not the placement of the sign meets this criteria. Care should be taken that the sign does not block visibility.

Other requirements specify that the total square footage of the monument sign **face** may not exceed fifty (50) square feet and the height may not exceed five (5) feet as measured from the natural or finished grade, whichever is lower. The Monument is drawn as 24 sq ft a height of height 6ft. Please explain what is meant by the 'face' of the sign and if the sign exceeds these specifications.

Summary of Comments

- Clarification of encroachment on Concord Masonic Cemetery
 - Size of property to be encroached
 - Legal source used for the encroachment
- Do not allow encroachment onto Concord Masonic Cemetery property
- Require archeological survey of boundary between proposed development and Concord Masonic to ascertain if unmarked graves are present
- Do not allow loud speaker communications at drive through or walk up window
- Prohibit left turn egress from Second Drive by installing a physical barrier to prevent vehicles from entering in that direction
- Clarify the intention to Widen Second Drive, i.e. development area only or the entirety of Second Drive
- Do not widen Second Drive along Masonic Cemetery Property
- Place a traffic light at Second Drive and Concord Road to allow left hand turns
- Document the height of the building within the site plan
- Determine if a variance would be necessary to allow for canopy of fuel pumps that would increase the size of the building
- Verify signage for Monument Sign that is follows the visibility triangle measurement system
- Verify that the Monument face size does not exceed 5 feet

Thank you for the consideration of my comments,
Mona I. Smith
November 2, 2024