

# CASE SUMMARY

APPLICATION TYPE: SPECIAL USE



**File Number:** 8-C-24-SU                      **Related File Number:**  
**Application Filed:** 6/24/2024              **Date of Revision:**  
**Applicant:** COREY BOSS

## PROPERTY INFORMATION

**General Location:** Southwest quadrant of the intersection at Woodrow Rd and N Broadway  
**Other Parcel Info.:**  
**Tax ID Number:** 58 N D 036                      **Jurisdiction:** City  
**Size of Tract:** 1.93 acres  
**Accessibility:** Access is via N Broadway, a major arterial with 65 ft of pavement width within 110 ft of right-of-way; and via Woodrow Dr, a local street with 20 ft of pavement width within 36 ft of right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Commercial  
**Surrounding Land Use:**  
**Proposed Use:** Drive-through facility                      **Density:**  
**Planning Sector:** North City                      **Plan Designation:** GC (General Commercial), SP (Stream Protection)  
**Growth Policy Plan:** N/A (Within City Limits)  
**Neighborhood Context:** The property is in the N. Broadway commercial corridor at the intersection with Woodrow Dr. The Highland residential neighborhood is the west and the Broadway Square Shopping Center is to the south.

## ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

**Street:** 4861 N BROADWAY  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** C-G-2 (General Commercial), F (Floodplain Overlay)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** None noted.

## PLAN INFORMATION (where applicable)

**Current Plan Category:** GC (General Commercial), SP (Stream Protection)

Requested Plan Category:

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge:

Mike Reynolds

Staff Recomm. (Abbr.):

Approve the request for a drive-through facility for a restaurant with approximately 1,500 sqft of floor area, subject to 4 conditions.

Staff Recomm. (Full):

1. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance, including but not limited to the principal use standards for drive-through facilities (Article 9.3.F) and signs (Article 13).
2. Modifying the curb line around the south side of the building to maintain a 20-ft driveway width to accommodate the drive-through lane and the bail out lane per Article 9.3.F.
3. No encroachments within the FEMA floodway are permissible unless a no-rise certification demonstrates that there is no increase in flood levels during the occurrence of the 0.2 percent chance of flood. The no-rise certification must be provided to the Knoxville Department of Engineering during permitting. Encroachments include but are not limited to ground-mounted signage.
4. Meeting all applicable requirements of the Knoxville Department of Engineering.

With the conditions noted, this plan meets the requirements for approval in the C-G-2 zoning district and the criteria for approval of a special use.

Comments:

This request is to convert 1,500 sqft of an existing 20,000 sqft shopping center to a restaurant with a drive-through facility. The restaurant is proposed in the southern (left) end of the building with the drive-through window located on the south building elevation. The drive-through lane is only accessible from Woodrow Drive and wraps around the rear of the building. The existing angled parking spaces to the rear of the building will be converted to parallel spaces, and a curbed island will be provided at the end of the parallel spaces for the menu board.

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

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

A. The One Year Plan and North City Sector Plan designation for this site is GC (General Commercial), which recommends a wide range of retail and service-oriented uses.

B. The entire property is also located in the SP (Stream Protection) area, which aligns with the FEMA 500-year floodplain for First Creek. Most of the property is located within the 100-year floodplain, and the rear of the property is located within the floodway. Any new encroachments into the floodway or no-fill area, such as ground-mounted signage, will require a "no-rise" certification that flood levels will not increase.

C. The North City Sector Plan includes a small area plan for Fountain City. The focus of the study is the four elements of walkability: 1) a mix of land uses, 2) network of bike and pedestrian facilities, 3) site design and details, and 4) safety.

D. There are no pedestrian facilities along the subject property's street frontages. The existing access points will not change, and the overall site plan only proposes minor modifications to the rear and south side of the building.

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

A. C-G zoning is intended to provide for a heterogeneous mix of retail, personal service, office, and residential uses within and along Knoxville's commercial nodes and corridors, and to promote mixed-use development in a pedestrian-oriented environment. The district is divided into three levels of intensity related to the overall form and design of the development, but permitted uses are the same across all levels.

B. The proposed drive-through facility makes only minor changes to the shopping center site plan. The entrance point for the drive-through is the existing driveway to the rear of the building, which can only be accessed from Woodrow Drive. Vehicles exiting the drive-through can access N. Broadway and

Woodrow Drive.

C. The proposal meets the principal use standards for drive-through facilities (Article 9.3.F) with the recommended conditions.

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

A. This proposal will only make minor modifications to the exterior of the building to install a drive-through window on the south side of the building.

B. The N. Broadway commercial corridor consists primarily of auto-oriented uses.

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

A. The subject site is surrounded by nonresidential uses of similar nature.

B. New encroachments within the FEMA floodway are not permissible unless a no-rise certification demonstrates that there is no increase in flood levels during the occurrence of the 0.2 percent chance of flood.

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

A. It is not anticipated that additional traffic will be drawn through residential streets because the property has direct access to a major arterial street.

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

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for the proposed uses within the development.

B. New encroachments within the FEMA floodway are not permissible unless a no-rise certification demonstrates that there is no increase in flood levels during the occurrence of the 0.2 percent chance of flood.

**Action:** Approved

**Meeting Date:** 8/8/2024

**Details of Action:**

**Summary of Action:** Approve the request for a drive-through facility for a restaurant with approximately 1,500 sqft of floor area, subject to 4 conditions.

**Date of Approval:** 8/8/2024

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

## LEGISLATIVE ACTION AND DISPOSITION

**Legislative Body:**

**Date of Legislative Action:**

**Date of Legislative Action, Second Reading:**

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:**

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**