



BOARD OF ZONING APPEALS APPLICATION

Please reach out to a City of Knoxville Zoning Examiner about your project before submitting a variance application.

APPLICANT INFORMATION	APPLICANT IS:	THIS PROPOSAL PERTAINS TO:
Name (Individual not company) Robert Sweet, McBride Dale Clarion	Owner <input type="checkbox"/>	New Structure <input type="checkbox"/>
Street Address 5721 Dragon Way, Suite 300	Contractor <input type="checkbox"/>	Modification of Existing Structure <input type="checkbox"/>
City, State, Zip Cincinnati, OH 45227	Tenant <input type="checkbox"/>	Off Street Parking <input checked="" type="checkbox"/>
Phone Number 513-441-7747	Other <input checked="" type="checkbox"/>	Signage <input type="checkbox"/>
Applicant Email rsweet@mcbridedale.com		Other <input type="checkbox"/>

THIS IS A REQUEST FOR:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Zoning Variance (Building Permit Denied) | <input type="checkbox"/> Extension of Non-Conforming Use/or Structure |
| <input checked="" type="checkbox"/> Appeal of Administrative Official's Decision | <input type="checkbox"/> Map Interpretation |

PROPERTY INFORMATION

Street Address 1415 Third Creek Road City, State, Zip Knoxville, TN 37921
 See KGIS.org for Parcel # 0930A021 City Council District # 2 and Zoning District "IG"

VARIANCE REQUIREMENTS

City of Knoxville Zoning Ordinance Article 16, Section 16.3

The City of Knoxville Board of Zoning Appeals shall have the power and authority to grant variances from terms of this ordinance according to the procedure and under the restrictions set out in this section.

The purpose of the variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property as the zoning ordinance intended.

DESCRIPTION OF APPEAL

Describe your project and why you need variances.

Casey's has a contract to lease 2.0 acres of property at 1415 Third Creek Road. Casey's is requesting a variance from Section "11.4, Table 11-2" to allow 16 parking spaces, when a minimum of 19 / maximum of 38 spaces are required.

Please see the attached project description and justification statement for additional information.

Describe hardship conditions that apply to this variance.

Due to the nature of the use and additional parking provided at the fueling positions, Casey's feels there is sufficient parking for the development.

Please see the attached project description and justification statement for additional information.

Site plans and any other relevant information associated with the hardship must accompany this application.

APPLICANT AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request and that all owners have been notified of this request in writing.

APPLICANT'S SIGNATURE R. Sweet DATE 5-26-2023

INCOMPLETE APPLICATIONS WILL BE RETURNED FOR RESUBMISSION. ALL INFORMATION IS REQUIRED.

File #



BOARD OF ZONING APPEALS APPLICATION

*******OFFICE USE ONLY*******

Is a plat required? Yes No

VARIANCE REQUEST(S) WITH ORDINANCE CITATION(S):

(This area is intentionally left blank for the applicant to provide variance request details and ordinance citations.)

PROJECT INFORMATION

Date Filed	Fee Amount
Council District	BZA Meeting Date
PLANS REVIEWER	DATE

May 26, 2023

Board of Zoning Appeals
City of Knoxville
Building Inspections Department
400 Main Street, Ste. 475
Knoxville, Tennessee 37902

Via Email / Digital Submittal

RE: Casey's – 1415 Third Creek Road – Parking Variance

Dear Knoxville Board of Zoning Appeals Members:

On behalf of Casey's General Stores, I am transmitting this letter and enclosed materials requesting a parking variance associated with a proposed Casey's convenience store and fuel sales facility located at 1415 Third Creek Road, Knoxville, Tennessee. Casey's has contract to lease 2-acres of property from the owners of the parent parcel (4810 North Middlebrook Pike), for the development of a 4,750+/- square foot convenience store and a 3,100+/- square foot automobile fueling canopy over five (5) double-sided dispensers.

The subject property is zoned "IG" General Industrial District. Casey's is requesting approval of a variance from Section "11.4, Table 11-2" to allow 16 parking spaces, when a minimum of 19 / maximum of 38 spaces are required.

To initiate the request, I am transmitting the following materials:

- A completed and signed Board of Zoning Appeals Applications;
- A Project Description and Variance Justification Statement; and
- A Site Plan.

Please review the enclosed materials and contact me immediately if additional information is needed. It is our understanding that upon receipt and review of the submittal materials, the fee for the requests will be determined. Once available, please send the invoice for fee payment to my attention.

Our team looks forward to presenting our request to the Board of Zoning Appeals on July 18, 2023.

Sincerely,



Robert C. Sweet

CC: Casey's General Stores
CESO

MDC File #4814

Casey's #4318
Project Description & Variance Justification Statement
1415 Third Creek Road, Knoxville, Tennessee

Introduction

Casey's has a contract to lease 2.0+/- acres of property at 1415 Third Creek Road, Knoxville, Tennessee. The property is zoned "IG" General Industrial Zoning District within the City of Knoxville zoning jurisdiction. Casey's proposes to develop the subject property with a convenience store and fuel sales facility. As part of the project, Casey's is requesting variances related to the proposed driveway location, number of required parking spaces, and proposed freestanding signage.

Project Description

Casey's proposes to develop a 4,750+/- square foot convenience store and 3,100+/- square foot fueling canopy over five (5) double-sided dispensers. A total of sixteen (16) parking spaces are proposed. Driveway access to the property consists of a 35' left-in/right-out driveway along South Middlebrook Pike and two (2) - 35' wide full access driveways along 3rd Creek Road. The driveways proposed along 3rd Creek Road are designed to align with the access points provided for the existing Weigel's on the east side of 3rd Creek Road. The development has a retaining wall along the North Middlebrook Pike property line, and along a portion of the western property line.

The proposed convenience store is a flat roofed structure, approximately 22 feet tall, and constructed of Redstone antique brick. Stone columns are provided on the four corners of the building and the two corners of the building's primary entry. The entry feature projects roughly 4 feet from the plane of the front façade. An ACM panel system and glazing providing views into the store is proposed along the primary elevation. The main entrance to the convenience store is on the eastern elevation facing 3rd Creek Road. Service entrances are proposed on the northern and southern elevations of the building. Enhancement of the primary elevation is completed with the use of decorative lighting fixtures on the building walls and lighting fixtures flush mounted into the soffit of the convenience store. Mechanical units for the convenience store are installed on the roof. A flat roofed metal canopy is proposed. A dumpster enclosure is proposed on the northern side of the building and utilizes design elements from the proposed convenience store.

The property is landscaped with a variety of trees, shrubs, and ground covers to meet code and enhance the development. A total of 25 trees and 104 shrubs are provided throughout the site. Within areas that are not paved or built on, sod and ground cover are provided. Areas behind the store and within the detention basin are seeded.

Variance Requests

Casey's is requesting the following variances from the City of Knoxville Zoning Code to allow the development to be constructed as proposed:

- Driveway related:
 - **Variance from Section "11.7A.2"** – To allow a total of 3 driveways - two on 3rd Creek Road and one on South Middlebrook Pike.

- **Variance from Section “11.7B / Table 11-6”** – To reduce the corner clearance requirements to allow the proposed configuration of the driveways.
- **Parking Related:**
 - **Variance from Section “11.4, Table 11-2”** – To allow 16 parking spaces, when a minimum of 19 / maximum of 38 spaces are required.
- **Signage related:**
 - **Variance from Section “13.6.F.G”** – To allow LED changeable price panels on a property where the street address frontage is less than 250’.
 - **Variance from Section “13.9F / Table 13-2”** – To allow the height of the primary and secondary freestanding sign to exceed the 10’ and 8’ maximum height requirements.
 - **Variance from Section “13.9F.2.C”** – To allow the secondary freestanding to exceed 32 square feet in area.

Please consider the following justification statements for each of the requested variances.

- **Driveway related Variances – Sections “11.7A.2” and “11.7B/Table 11-6”**
 - Section “11.7A.2” restricts gas stations to no more than two driveways. Casey’s is requesting a third driveway for their development to ease traffic flow and circulation for customers and delivery vehicles entering and exiting the facility.
 - Section “11.7B/Table 11-6” regulates the corner clearance distance between types of streets and roadways. The minimum distance required between access points from intersections of arterial and collector streets is 150 feet.

The subject property is directly across 3rd Creek Road from an existing Weigel’s convenience store and gas station. Casey’s is requesting access along 3rd Creek Road that would line up directly with Weigel’s existing access points. By aligning the driveways, conflicts from opposing traffic are minimized. Allowing only one driveway on 3rd Creek Road or requiring the driveway(s) meet corner clearance standards in this situation would increase opposing left turn traffic conflicts and decrease safety.

Approval of a third driveway allows Casey’s to provide a second access driveway along 3rd Creek Road to allow for safe and unobstructed movement of the fuel delivery trucks. The fuel delivery truck will enter the site from South Middlebrook Pike and maneuver to the tank pad to re-fuel underground storage tanks. The fuel delivery truck off-loads fuel on the passenger side of the vehicle. Once re-filling is completed, the truck will exit onto 3rd Creek Road. This set up allows fuel trucks to maneuver the site without more dangerous backing up/reverse movements.

Casey’s typically aims to have access to all abutting roadways. In this circumstance, a driveway on North Middlebrook Pike is not feasible due to the grading and retaining wall associated with the project. Additionally, access is further restricted due to being in the middle of a divided roadway. The abutting streets are one-way roadways that limit the

movements of the fuel delivery truck and customers utilizing the facility, which makes the requested accesses vital to the successful use of this property.

- **Parking related Variance – Section “11.4, Table 11-2”**

- Section “11.4, Table 11-2” requires a minimum of 19 and a maximum of 38 spaces.

Per code, gas stations are required to provide 4 parking spaces per 1,000 SF of gross floor area of any retail component of the establishment. Using the parking formula, a minimum of 19 parking spaces are required for the development.

The overall size of the convenience store and the gross floor area calculation requirement do not accurately reflect the usable space of the store. The building is approximately 4,748 square feet. Not all areas of the convenience store are accessible to the customers. Areas like the kitchens, storage spaces, cooler areas, and backroom offices are only accessible to employees. We feel approximately 80% of the building is accessible to the customer. When removing the portions of the convenience store not used for retail sales the facility only provides 3,799 square feet of floor area used for retail/mercantile. Additionally, the store does not provide any seating areas for dining purposes. When considering the retail component rather than the total area of the store, only 16 parking spaces are required. Casey’s feels that 16 parking spaces is adequate parking for their customers utilizing the convenience store. Casey’s operates more than 2,400 stores across their 16 state footprint and the provided parking spaces for the development are consistent with similar sized facilities.

In addition to the 16 striped parking spaces along the front of the convenience store, each fueling position can be considered a parking space. This provides a total of 10 additional spaces. It is common that when customers are fueling their automobile, they will leave their car parked while entering the convenience store. Frequently Casey’s finds their customers will park at a fueling position to access the store because they find it easier and more convenient to maneuver in and out of a fueling space rather than a traditional parking space.

- **Signage related Variances – Sections “13.6.F.G”, “13.9F/Table 13.2” and “13.9F.2.C”**

- Section “13.6.F.G” restricts changeable price signs to properties with a minimum of 250 feet of frontage on the street where the property is addressed.
- Section “13.9F/Table 13.2” regulates primary freestanding sign to be no taller than 10’ and a secondary freestanding sign to be no taller than 8’.
- Section “13.9F.2.C” restricts secondary freestanding signs to 32 square feet total.

Casey’s is requesting a variance to allow two freestanding signs for the facility, one near the corner of 3rd Creek Road and North Middlebrook Pike, and another located near the corner of 3rd Creek Road and South Middlebrook Pike. Both freestanding signs are 25’ tall and 88+/- square feet in area. The proposed signs have three digital price panels, and non-illuminated product tag, and the traditional Casey’s logo with rooster.

The zoning code restricts changeable price panels to be located on properties which have at least 250’ of street frontage on the street where the property is addressed. The proposed site

includes about 178' of frontage along Third Creek Road, measured in a straight line. When including the bend of the street frontage, and the street corners, roughly 259' of frontage can be estimated. Casey's is requesting a variance to allow changeable price panels for their development.

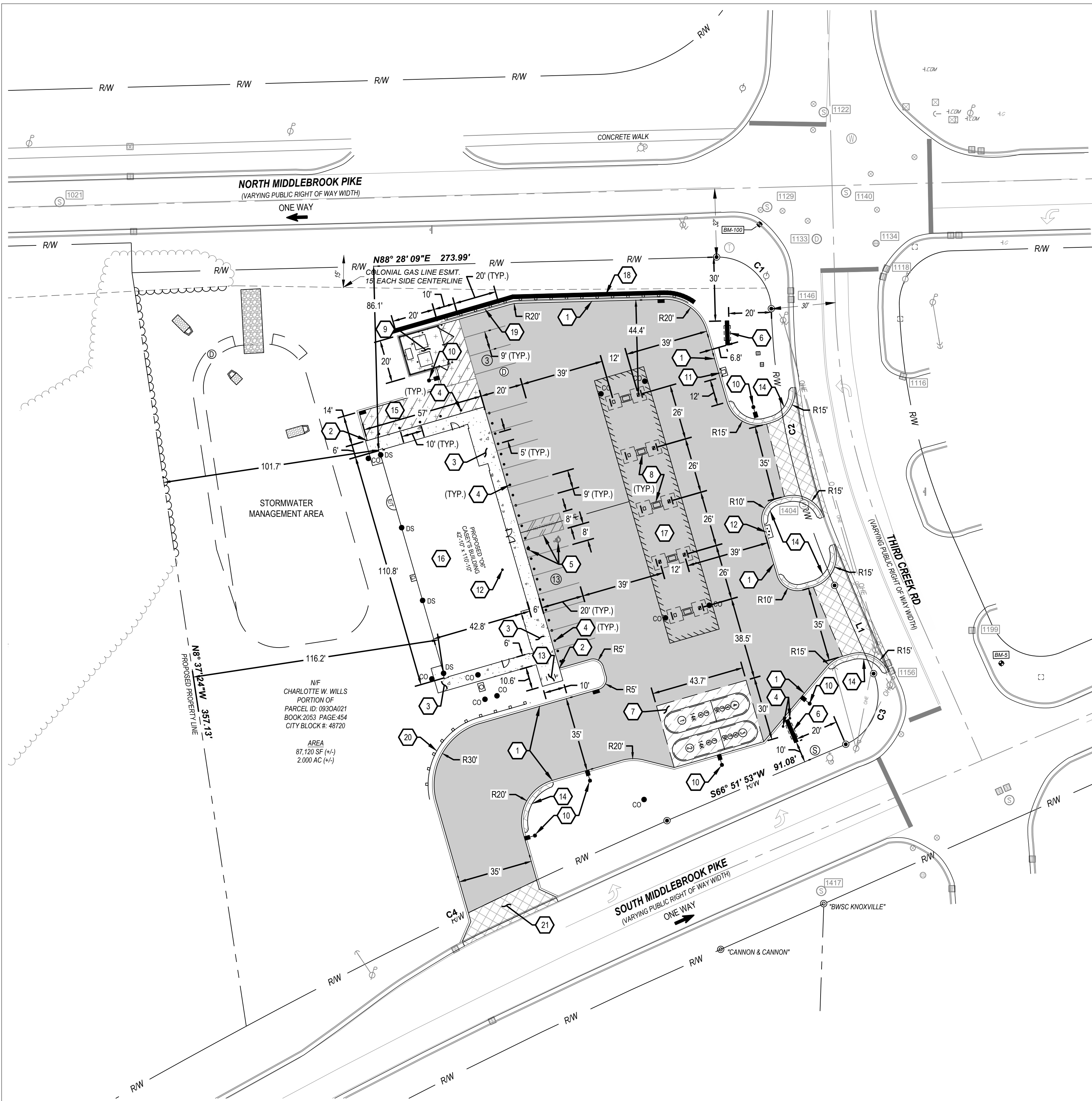
Due to the uniqueness of the divided highway location with traffic moving in only one direction on each highway, two signs are needed to provide adequate visibility to potential customers in both directions. The 25' sign is necessary to provide customers with a clear line of vision to the fuel price panels provided on the sign near the intersection of 3rd Creek Road and South Middlebrook Pike. Existing vegetation and projection of the roadway along South Middlebrook Pike impacts the customers visibility of the sign. The additional height allows customers traveling along South Middlebrook to differentiate in fuel service offerings in the area, as neighboring Weigel's appears to have a sign of similar size and height. Motor fuel is unique in that the public expects to be able to see the price of the product before entering the property. Lack of sufficient signage can lead to safety issues with vehicles slowing to read small signage or making sudden movements onto the property.

A similar situation occurs on the north side of the site along North Middlebrook Road. Due to grading of the site, the sign must be placed at a lower elevation than the adjacent road. Due to the elevation of where the proposed sign will be placed, visibility heading westbound along North Middlebrook Pike is restricted. The additional sign height and area provides adequate visibility to potential customers and provides a competitive balance for the neighboring facilities. Motor fuel is unique in that the public expects to be able to see the price of the product before entering the property. Lack of sufficient signage can lead to safety issues with vehicles slowing to read small signage or making sudden movements onto the property.

Casey's believes the proposed development will have a positive impact on the area and provide another desirable fueling and food option in the corridor. We believe the requested variances are a result of hardships due to the location of the facility and topography of the site. Granting the requested variances will provide the minimum relief necessary to allow the development to be successful. Due to the characteristics of the surrounding area, the variances will not be detrimental to the public welfare or the general area.

We look forward to discussing the project with the Board of Zoning Appeals and respectfully request approval of the preceding Variances.

W:\PROJECTS\CASEY\151670756_Knoxville TN (3rd Creek)\03-CIVIL\PLAN_CONSTRUCTION\760756_C-101-SITE.dwg - 3/13/2023 - Brandon Dattilo



CODED NOTES:

1. PROPOSED INTEGRAL CURB. SEE DETAIL 2 ON SHEET C-601.
2. CURB TAPER. SEE DETAIL ON SHEET C-606.
3. PROPOSED SIDEWALK. SEE DETAIL 1 ON SHEET C-601.
4. CASEY'S TYPICAL BOLLARD. SEE DETAIL 1 ON SHEET C-601.
5. CONTRACTOR TO CONSTRUCT ADA PARKING SPACE PER DETAILS 3 & 4 ON SHEET C-602 AND ACCORDING TO ALL LOCAL, STATE AND FEDERAL REGULATIONS.
6. CASEY'S PYLON SIGN, PER SIGNAGE PLAN.
7. PROPOSED FUEL TANK AREA CONCRETE PAD. SEE DETAIL 2 ON SHEET C-601 AND DETAILS 2 & 5 ON SHEET C-602.
8. PROPOSED GAS TAPERED FUEL ISLAND. SEE DETAIL 1 ON SHEET C-602.
9. PROPOSED 20' X 20' DUMPSTER ENCLOSURE AND PAD. SEE ARCHITECTURAL PLANS FOR DETAILS.
10. PROPOSED SITE LIGHT POLE AND FOUNDATION. SEE DETAIL 9 ON C-602 FOR DETAILS.
11. AIR COMPRESSOR BOX. SEE DETAIL 6 ON SHEET C-601.
12. EMERGENCY SHUTOFF FOR GASOLINE DISPENSERS. ALL DISPENSERS FALL WITHIN A 100-FOOT RADIUS OF SHUTOFF. SEE DETAIL 7 ON SHEET C-601.
13. PROPOSED BIKE RACK SHALL BE PROCURED AND INSTALLED BY CONTRACTOR. EQUIVALENT HEAVY DUTY INVERTED U STYLE, BLACK IN COLOR AND SURFACE-MOUNTED. SEE DETAIL ON SHEET C-606.
14. PROPOSED LANDSCAPE PROTECTOR. SEE DETAIL 4 ON SHEET C-601.
15. PROPOSED 14' X 57' LOADING ZONE.
16. PROPOSED 4,750 SF BUILDING. REFER TO ARCHITECTURAL PLANS FOR DETAILS.
17. PROPOSED 24' X 128', 5 DISPENSER AUTO FUEL CANOPY. REFER TO ARCHITECTURAL PLANS FOR DETAILS.
18. INSTALL APPROXIMATELY 150 LINEAR FEET OF REDI-ROCK RETAINING WALL AND SAFETY RAIL. WALL TO BE DESIGNED BY OTHERS. SEE TYPICAL DETAIL ON SHEET C-605.
19. PROPOSED 120 LINEAR FEET OF GUARDRAIL. SEE DETAILS ON SHEET C-605.
20. PROPOSED 77 LINEAR FEET OF GUARDRAIL. SEE DETAILS ON SHEET C-605.
21. PROPOSED DRIVEWAY PER TDOT STANDARD DETAIL RP-D-15. SEE DETAIL ON SHEET C-606.

SITE LEGEND

REFER TO C-001 FOR EXISTING FEATURES LEGEND

EXISTING

PROPOSED

- PROPOSED STANDARD DUTY CONCRETE PAVEMENT. SEE DETAIL 2 ON SHEET C-601
- PROPOSED FUEL TANK CONCRETE PAVEMENT. SEE DETAIL 2 ON SHEET C-601 AND DETAIL 2 ON SHEET C-602
- PROPOSED HEAVY DUTY NON-REINFORCED CONCRETE PAVEMENT. SEE DETAIL 2 ON SHEET C-601
- PROPOSED APPROACH CONCRETE PAVEMENT. SEE DETAIL 2 ON SHEET C-601
- PROPOSED CONCRETE SIDEWALK. SEE DETAIL 1 ON SHEET C-601

BUILDING

CANOPY

CONCRETE CURB

PAVEMENT/WALK

RETAINING WALL

GUARDRAIL

PARKING SPACE COUNT

STORM MANHOLE

SANITARY MANHOLE

CURB INLET

CLEANOUT

DOWN SPOUT

LIGHT POLE

BOLLARD



CASEY'S #4318

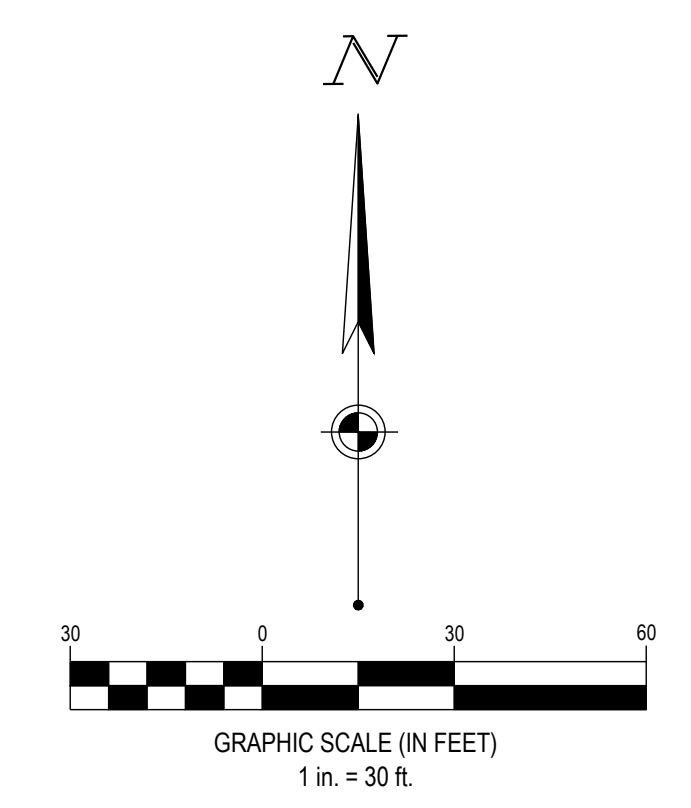
KNOXVILLE, TN

(3RD CREEK)

4810 NORTH MIDDLEBROOK PIKE
KNOXVILLE, TN 37921

Revisions / Submissions		
ID	Description	Date

Project Number: 760756
 Scale: 1" = 30'
 Drawn By: BTB
 Checked By: RAP
 Date: 03/13/2023
 Issue: FOR PERMIT



BENCHMARKS				
	ELEVATION*	EASTING**	NORTHING**	DESCRIPTION
BM-100	944.69	2562561.438	598709.066	CONTROL STATION 0969 - CITY OF KNOXVILLE
BM-5	955.96	2562674.739	598503.387	IRON PIN WITH CAP

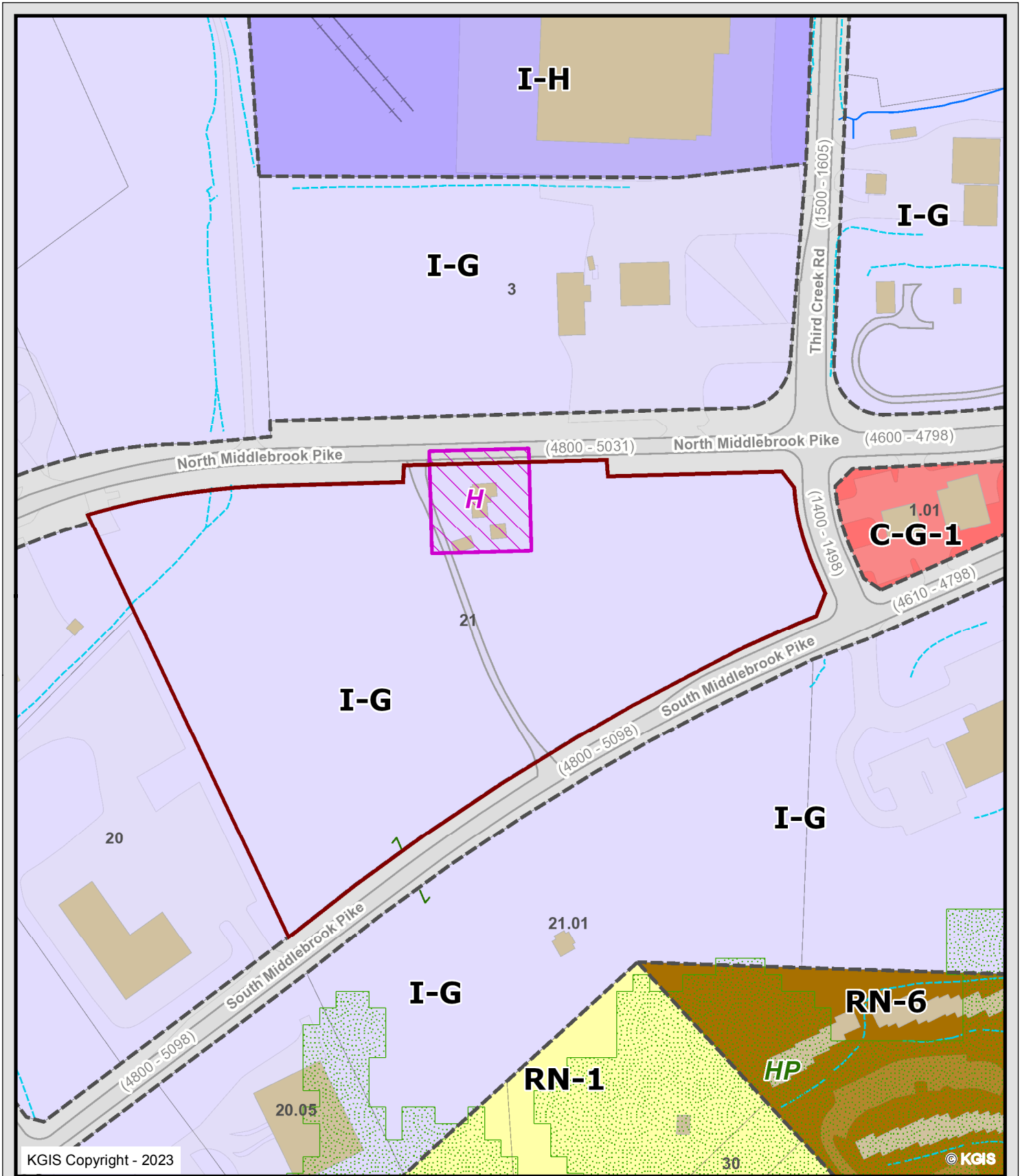
* VERTICAL DATUM: (NAVD 88)
 ** HORIZONTAL DATUM: (NAD 83) TN GRID NORTH
 NOTE: REFER TO ALTA SURVEY, SHEET C-003, FOR BENCHMARK LOCATIONS



SEVENTY-TWO (72) HOURS BEFORE DIGGING IS TO COMMENCE, THE CONTRACTORS SHALL NOTIFY THE FOLLOWING AGENCIES: TENNESSEE UTILITIES PROTECTION SERVICE AT 811 OR 800-351-1111 AND ALL OTHER AGENCIES WHICH MIGHT HAVE UNDERGROUND UTILITIES INVOLVING THIS PROJECT AND ARE NONMEMBERS OF STATE UTILITIES PROTECTION SERVICE

Drawing Title:
SITE PLAN

C-101



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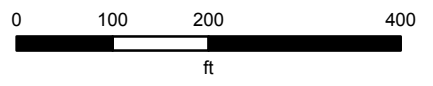
1415 THIRD CREEK RD

7-D-23-VA
ROBERT SWEET

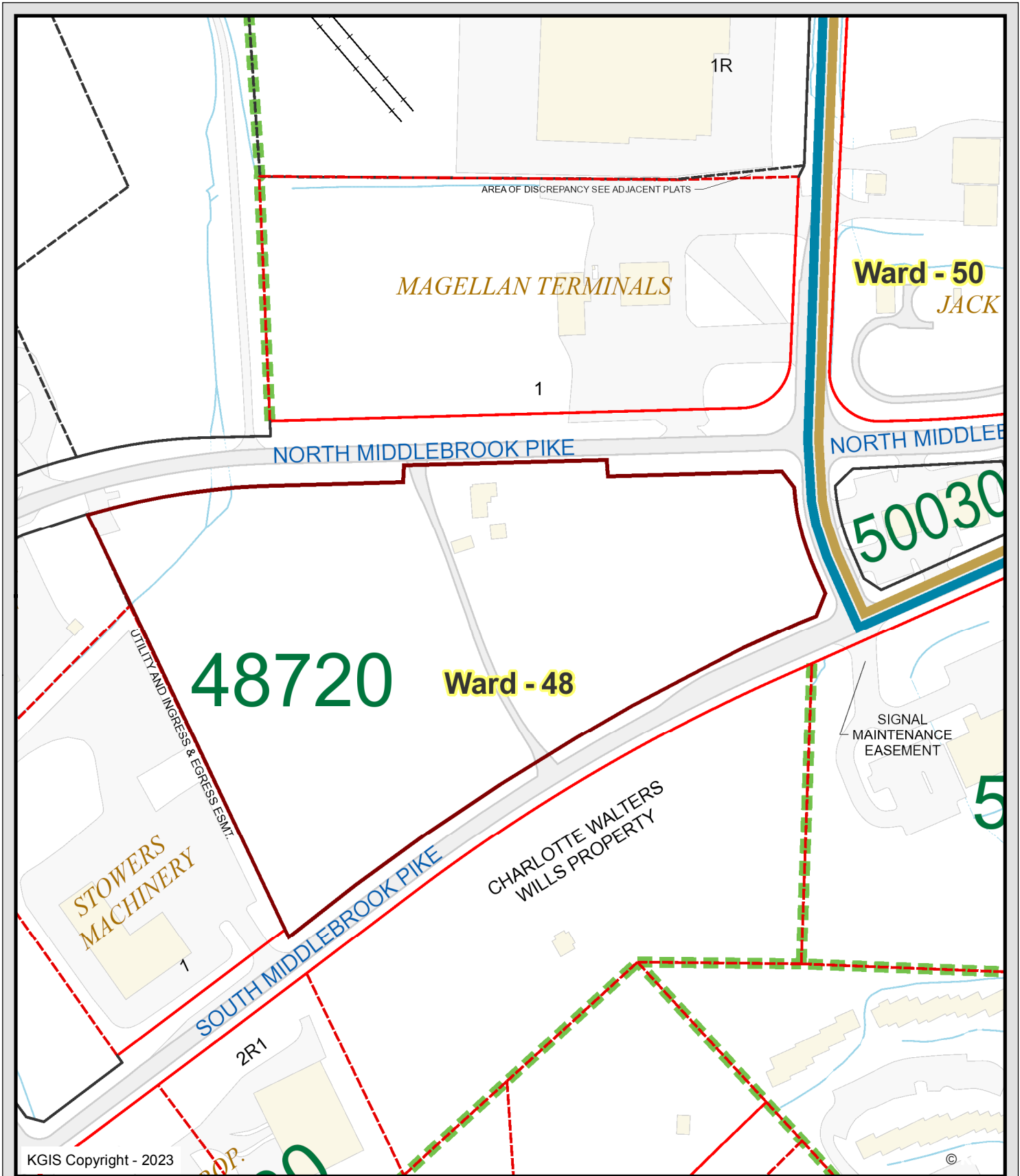
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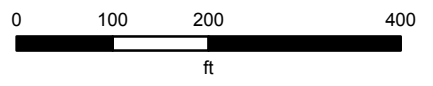
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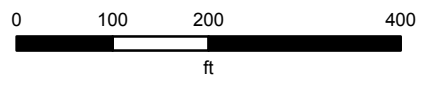
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ROBERT SWEET

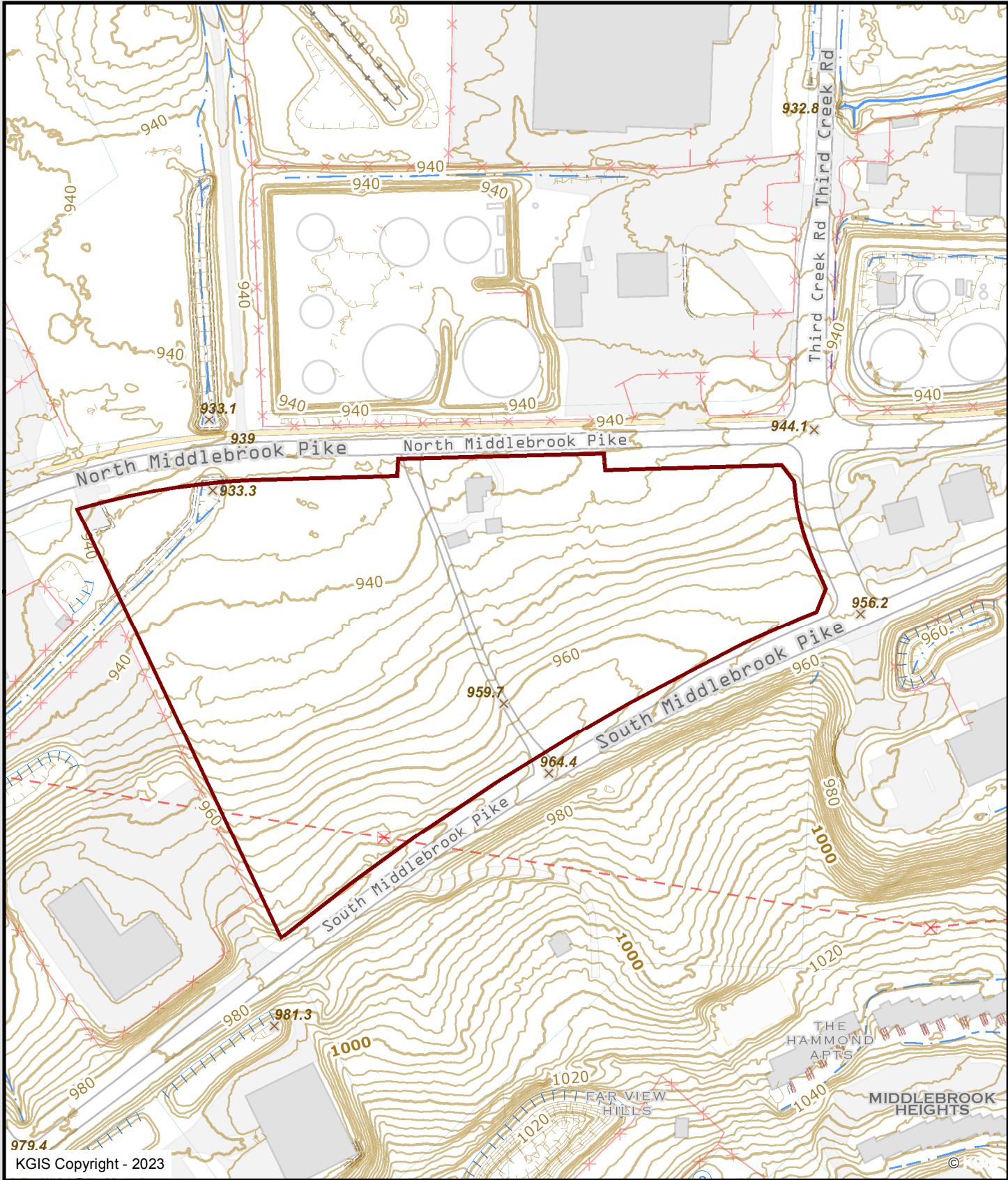
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