

CASE SUMMARY

APPLICATION TYPE: SPECIAL USE



File Number: 10-B-21-SU Related File Number:
Application Filed: 8/30/2021 Date of Revision:
Applicant: JIM ODLE

PROPERTY INFORMATION

General Location: East side of Broadway, north of Marietta Avenue
Other Parcel Info.:
Tax ID Number: 69 L B 02303 (PART OF) Jurisdiction: City
Size of Tract: 3800 square feet
Accessibility: Access is via N. Broadway, a major arterial street with 38-ft to 52-ft of pavement width within 78-ft to 105-ft of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: CO (Commercial)
Surrounding Land Use:
Proposed Use: Nightclub Density:
Sector Plan: East City Sector Plan Designation: MU-SD, EC-3 (Mixed Use Special District, Broadw
Growth Policy Plan: N/A
Neighborhood Context: The proposed nightclub is located in the Northgate Plaza shopping center on N. Broadway, located south of I-640 and on the western border of the Whittle Springs neighborhood.

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

Street: 4328 N. Broadway
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: C-G-3 (General Commercial) / F (Floodway)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: None noted

PLAN INFORMATION (where applicable)

Current Plan Category:
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 the nightclub with approximately 19,100 sqft of floor area in the C-G-3 (General Commercial) zoning district, subject to 2 conditions.

Staff Recomm. (Full):

1. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance, including but not limited to the environmental performance standards in Article 10.5.
2. Meeting all applicable requirements of the City of Knoxville Department of Engineering, Fire Prevention Bureau, and Department of Plans Review and Inspections.

With the conditions noted, this plan meets the requirements for approval in the C-G-3 zoning district and the criteria for approval of a special use.

Comments:

This proposal is for a nightclub that has approximately 19,100 sqft of floor space in a portion of a former grocery store in the Northgate Plaza on N. Broadway. The property is zoned C-G-3 (General Commercial) which requires Special Use approval for nightclubs. There will not be any significant alterations to the exterior of the building.

A nightclub is defined by the City of Knoxville Zoning Ordinance as follows: A commercial establishment, whether or not open to the public, which:

1. Primarily serves alcohol or tobacco, or allows on-site consumption of the same.
2. May operate with a permit from the City of Knoxville or with a state license either to serve alcohol or to allow alcohol to be consumed on the premises.
3. Stays open at night, until up to 6:00 a.m. Eastern Standard Time, or later in the daylight hours.
4. Is operated as a place of entertainment at night.
5. Typically provides live or recorded entertainment in which patrons may or may not participate, and which includes music, singing, performing, dancing, and the like.
6. Typically restricts entry to those 18 years of age or older.
7. May or may not serve tobacco or food, or allow on-site consumption of the same.
8. May or may not include an outdoor area, including a patio or rooftop bar, where alcohol or tobacco may be consumed or served.

If an establishment meets this definition and another in this Code, this definition controls.

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 East City Sector Plan designation for this site are MU-SD (Mixed Use Special District), EC-3 (Broadway [Washington Pike to I-640]) which allows a mix of residential, office, and commercial uses.
- b. The proposed nightclub use is consistent with the sector plan and One Year Plan.

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

- a. Nightclubs require Special Use approval by the Planning Commission in the C-G-3 (General Commercial) zoning district.
- b. Nightclubs do not have principal use standards. They only need to meet the standards of the C-G-3 zone and the other general standards of the zoning ordinance.
- c. The design standards for the C-G-3 zone are not applicable to this request because the addition does not exceed 30 percent or more of the existing structure's square footage.

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. The proposed nightclub is located in a commercial shopping center along the N. Broadway corridor,

just south of I-640.

b. There is a residential zone district located to the rear of the subject property, however, there is a creek and an office use located between the closest house and the nightclub. The closest residence is approximately 600-ft away.

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. Nightclubs are typically open later than most other commercial uses so it should not negatively impact other businesses in the shopping center.

b. The closest residential use is located on the east side of First Creek and approximately 600-ft away.

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

a. The proposed nightclub will not draw additional traffic through residential streets because it is located on 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 immediately surrounding the subject site that will pose a potential hazard or undesirable environment for the proposed use.

Action: Approved **Meeting Date:** 10/14/2021

Details of Action:

Summary of Action: Approve the request for the nightclub with approximately 19,100 sqft of floor area in the C-G-3 (General Commercial) zoning district, subject to 2 conditions.

Date of Approval: 10/14/2021 **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:**