

# CASE SUMMARY

**APPLICATION TYPE: USE ON REVIEW**

KNOXVILLE-KNOX COUNTY

**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N

T E N N E S S E E

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**File Number:** 10-C-17-UR

**Related File Number:**

**Application Filed:** 8/28/2017

**Date of Revision:**

**Applicant:** GATEHOUSE PROPERTIES

## PROPERTY INFORMATION

**General Location:** South side Sevierville Pike, west side Sevier Heights Rd.

**Other Parcel Info.:**

**Tax ID Number:** 109 K D 002, 002.01

**Jurisdiction:** City

**Size of Tract:** 0.4 acres

**Accessibility:** Access is via Sevier Heights Rd, a local street with a 20' pavement width within a 40' right-of-way. The property fronts on Sevierville Pike, a major collector with a 22' pavement width within a 50' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land

**Surrounding Land Use:**

**Proposed Use:** Mixed use building with 3 dwelling units and 2,200 square feet of retail **Density:** 7.5 du/ac

**Sector Plan:** South City **Sector Plan Designation:** NC (Neighborhood Commercial)

**Growth Policy Plan:** Urban Growth Area (Inside City Limits)

**Neighborhood Context:** The site is located in a small neighborhood commercial node at the intersection of Sevierville Pike and Sevier Heights Rd. in a predominantly residential neighborhood that has developed under R-1 (Low Density Residential) and R-2 (General Residential) zoning. There is an adjacent restaurant developed in the C-1 (Neighborhood Commercial) zoning.

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

**Street:** 0 Sevierville Pike

**Location:**

**Proposed Street Name:**

**Department-Utility Report:**

**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** C-1 (Neighborhood Commercial)

**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.:

### ***MPC ACTION AND DISPOSITION***

Planner In Charge:

Mike Reynolds

Staff Recomm. (Abbr.):

APPROVE the request for up to 3 dwelling units on the second story of the proposed building, as shown on the development plan, subject to 10 conditions.

Staff Recomm. (Full):

1. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Department.
2. Obtaining all necessary zoning variances from the Knoxville Board of Zoning Appeals and/or right-of-way dedication variances from the Metropolitan Planning Commission.
3. Installation of sidewalks as identified on the development plan meeting all applicable requirements of the City of Knoxville Department of Engineering and the Americans with Disabilities Act (ADA). The sidewalks shall be installed prior to the issuance of an occupancy permit for the project.
4. Installation of landscaping as shown on the development plan within six months of the issuance of occupancy permit for this project.
5. Screening the dumpster on all sides with an enclosure constructed of opaque fencing or masonry wall, and opaque gates.
6. Installation of all fencing and screening prior to the issuance of an occupancy permit for the project.
7. Meeting all applicable requirements of the Knoxville Department of Engineering and Department of Plans Review and Inspections.
8. Obtaining approval and recording a final plat of the property prior to obtaining a building permit.
9. Meeting all applicable requirements of the Knoxville sign regulations, with the exception that detached signage is allowed along the Sevierville Pike frontage only. This is not to exclude any other signs that may be permitted along the Sevier Heights Road frontage.
10. Meeting all applicable requirements of the Knoxville Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the C-1 zone and the other criteria for approval of a Use on Review.

Comments:

This proposal is for a mixed use development that includes approximately 2,155 square feet of commercial space on the ground floor and 3 dwelling units on the second floor. The parking lot is to the rear of the building with access from Sevier Heights Rd. and will connect to the adjacent parking lot to the west which has access to Lancaster Dr.

The C-1 zone district allows consideration of dwelling units as a use permitted on review when "in conjunction with another permitted use." This has been interpreted to mean that the persons living in the dwellings must work at a business on-site. If this interpretation were to change or the zoning regulations changed, the persons living in the dwelling may not be required to work at a business on-site. The use on the ground floor has not been specified but it is identified for retail use for the purpose of calculating the minimum parking requirement. The ground floor use could be any of the permitted uses in the C-1 district. A 6' tall privacy fence will be installed between the south side of the parking lot and the adjacent residential lot.

Staff has identified that right-of-way dedication variances will need to be approved by the Planning Commission when the lot is platted in order for the development to be constructed as proposed without zoning variances. It is unknown if setback variances will be required until the lot is platted, however, it is Staff's opinion that the site design meets the intent of the zoning ordinance by setting the building 25' from Sevierville Pike and the building and parking lot 50' from the centerline of Sevier Heights Rd., which is approximately the same setback of the houses on the same side of this street.

EFFECT OF PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE

1. The proposed commercial development will have minimal impact on local services since utilities are in place to serve this development.
2. At this location, the proposed commercial development will be neighborhood serving in scale and the permitted business uses in the C-1 should not draw significant additional traffic into the area. Restaurants are a "use permitted on review" in the C-1 district and could cause more traffic in the area. If a restaurant is proposed a new Use on Review approval would be required and the impact that specific use would be evaluated at that time.
3. The proposal will have little impact on schools.

#### CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. With the recommended conditions, the proposed mixed use development with 3 one bedroom dwelling units meets all of the requirements of the C-1 (Neighborhood Commercial) district of the Knoxville Zoning Ordinance.
2. The proposed development is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The scale of the development is compatible with the character of the neighborhood where it is proposed which includes a mix of residential and business uses. The use will not significantly injure the value of adjacent property. The use will not draw substantial additional traffic through residential areas since the development is located off of a major collector street. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The South City Sector Plan and Knoxville One Year Plan identify the property for NC (Neighborhood Commercial) use. The C-1 zoning is consistent with the NC land use and allows consideration of dwelling units through the use-on-review process.
2. The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

**Action:** Approved **Meeting Date:** 12/14/2017

- Details of Action:**
1. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Department.
  2. Obtaining all necessary zoning variances from the Knoxville Board of Zoning Appeals and/or right-of-way dedication variances from the Metropolitan Planning Commission.
  3. Installation of sidewalks as identified on the development plan meeting all applicable requirements of the City of Knoxville Department of Engineering and the Americans with Disabilities Act (ADA). The sidewalks shall be installed prior to the issuance of an occupancy permit for the project.
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With the conditions noted, this plan meets the requirements for approval in the C-1 zone and the other criteria for approval of a Use on Review.

**Summary of Action:** APPROVE the request for up to 3 dwelling units on the second story of the proposed building, as shown on the development plan, subject to 10 conditions.

**Date of Approval:** 12/14/2017 **Date of Denial:** **Postponements:** 10/12/2017

**Date of Withdrawal:** **Withdrawn prior to publication?:** ☐ **Action Appealed?:**

### LEGISLATIVE ACTION AND DISPOSITION

**Legislative Body:** Knoxville City Council

**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":**

**Amendments:**

**Date of Legislative Appeal:**

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**