

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

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
F A X • 215 • 2068
www.knoxmpc.org

File Number: 10-E-17-UR

Related File Number:

Application Filed: 8/28/2017

Date of Revision:

Applicant: KATHIE WEAVER

PROPERTY INFORMATION

General Location: West side South Haven Rd, south of Price Ave.

Other Parcel Info.:

Tax ID Number: 109 F B 016

Jurisdiction: City

Size of Tract: 9000 square feet

Accessibility: Access is via South Haven Rd, a minor collector with a 26' pavement width within a 70' right-of-way. The property can also be accessed via an alley with a 10' pavement width within a 12' right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Retail

Surrounding Land Use:

Proposed Use: Residence over commercial use

Density: 5 du/ac

Sector Plan: South City

Sector Plan Designation: NC (Neighborhood Commercial)

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

Neighborhood Context: This property is located in a neighborhood commercial area with commercial, office and residential uses in the C-1 zone. The surrounding residential neighborhood with single and multifamily residential uses in the R-1 and R-2 zones.

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

Street: 3207 South Haven Rd

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 development plan for constructing 1 dwelling unit as a second story addition to the existing single story commercial building, subject to 4 conditions.

Staff Recomm. (Full):

1. Meeting all other applicable requirements of the Knox County Health Department.
2. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
3. Meeting all applicable requirements of the Knoxville Department of Engineering, including but not limited to parking lot access and design.
4. Installation of an opaque fence and/or landscaping along the side lot lines adjacent to required parking and driveways that are located within the side and rear yards.

With the conditions noted above, this request meets all requirements for approval in the CA, as well as other criteria for approval of a use on review.

Comments:

This proposal is to construct a residential addition as a second story to the existing one story commercial building. In the C-1 (Neighborhood Commercial) district, residential uses are a use permitted on review when in conjunction with another permitted use. This has been interpreted to mean that the person living in the dwelling unit has to work at the associated permitted use. In this case, the applicant owns the building and retail business, and plans to living in the dwelling. The applicant received a side setback variance in August from the board of zoning appeals to allow the residential addition to be setback the same as the existing building (8-H-17-VA).

The development plan shows 4 parking spaces provided to the rear of the building and 1 ADA accessible space in front. The current parking is located in the front of the building and requires vehicles to back up into the right-of-way, which is not allowed by the zoning ordinance. Since the addition of the residential use will be expanding the required parking, all of the parking now has to come into compliance with the zoning ordinance. If the planning commission approves the use-on-review, the applicant has the option of seeking a variance to reduce the parking to zero or some other number which is more beneficial to them. The proposed parking layout on the development plan will need to be modified because the proposed location for the ADA space does not appear large enough to meet the minimum standards and part of the rear parking lot is within the 30' stream buffer. However, staff's position is that the addition of a residential dwelling on this property is appropriate if the issues regarding parking can be resolved through the permit review process.

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

1. The proposal will have little impact on schools as the proposal only includes 1 dwelling unit.
2. Public water and sewer utilities are available to serve the development.
3. The construction of 1 residential dwelling unit on this commercial site will not negatively impact adjacent residential or commercial uses.

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

1. The proposed residential 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, One Year Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The use will draw additional traffic through residential areas.
2. With the recommended conditions the proposal meets all relevant requirements of the C-1 zoning district, as well as other criteria for approval of a use-on-review.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The use is in conformity with the Sector Plan and One Year Plan for the area which propose NC (Neighborhood Commercial) uses.

Action: Approved **Meeting Date:** 10/12/2017

- Details of Action:**
1. Meeting all other applicable requirements of the Knox County Health Department.
 2. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
 3. Meeting all applicable requirements of the Knoxville Department of Engineering, including but not limited to parking lot access and design.
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With the conditions noted above, this request meets all requirements for approval in the CA, as well as other criteria for approval of a use on review.

Summary of Action: APPROVE the development plan for constructing 1 dwelling unit as a second story addition to the existing single story commercial building, subject to 4 conditions.

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

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": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**