

# 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:** 11-C-15-UR                      **Related File Number:**  
**Application Filed:** 9/18/2015              **Date of Revision:**  
**Applicant:** HERIBERTO HERNANDEZ

## PROPERTY INFORMATION

**General Location:** East side of Washington Pike, south side of South Mall Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 59 K C 009                      **Jurisdiction:** City  
**Size of Tract:** 30420 square feet  
**Accessibility:** Access is via Washington Pike a minor arterial street with a four lane street section just south of the exit off of I-640 and north of the transition to a two lane section.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant commercial building  
**Surrounding Land Use:**  
**Proposed Use:** Eating and drinking establishment                      **Density:**  
**Sector Plan:** East City                      **Sector Plan Designation:** Mixed use  
**Growth Policy Plan:** Urban Growth Area (Inside City Limits)  
**Neighborhood Context:** The site is located within a commercial corridor along I-640 between the Washington Pike and Millertown Rd. exits.

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

**Street:** 5020 Washington 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:

Tom Brechko

Staff Recomm. (Abbr.):

APPROVE the request for reuse of an existing 2,182 square foot building as an eating and drinking establishment, subject to the following 4 conditions:

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Health Department.
2. Providing the required parking spaces as identified on the development plan with the parking spaces being restriped to meet the dimensional requirements contained in the Knoxville Zoning Ordinance.
3. Meeting all applicable requirements of the Knoxville Department of Engineering.
4. Meeting all applicable requirements of the Knoxville Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the C-1 (Neighborhood Commercial) district and the other general criteria for approval of a Use-on-Review.

Comments:

The applicant is proposing to reuse an existing building in a C-1 (Neighborhood Commercial) District as an eating and drinking establishment (Mexican restaurant). Eating and drinking establishments require a use on review approval in the C-1 zone. The site is located on the east side of Washington Pike and south side of South Mall Rd. with access off of Washington Pike. The existing building was previously used as a convenience store.

The applicant will be required to restripe the existing pavement in order to provide the required parking (minimum of 25 spaces) for the restaurant. A 12' x 24' patio area is proposed on the west side of the existing building for outdoor seating, A retractable awning will be used as a cover for the patio area.

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

1. The proposed restaurant will have minimal impact on local services since all utilities are in place to serve this development.
2. The proposed restaurant will have minimal impact on traffic since the facility is located on an arterial street.
3. The proposed use is consistent with the mix of commercial development found in the area.

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

1. The proposed restaurant meets all of the requirements of the Knoxville Zoning Ordinance with the recommended conditions.
2. The proposed restaurant 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 use is compatible with the character of the neighborhoods where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw traffic through residential areas since it is located on a minor arterial street.

### **CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS**

1. The East City Sector Plan proposes commercial uses on this property. The proposed use is consistent with this land use designation.
2. The site is located within the Urban Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

Action: Approved

Meeting Date: 11/12/2015

**Details of Action:**

**Summary of Action:** APPROVE the request for reuse of an existing 2,182 square foot building as an eating and drinking establishment, subject to the following 4 conditions:

**Date of Approval:** 11/12/2015

**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:**