

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: 12-A-16-UR **Related File Number:**
Application Filed: 9/29/2016 **Date of Revision:**
Applicant: SMITH-LINDSEY DEVELOPMENT LLC

PROPERTY INFORMATION

General Location: East side N Broadway, south side Gibbs Dr.
Other Parcel Info.:
Tax ID Number: 58 E H 021.01 **Jurisdiction:** City
Size of Tract: 1.62 acres
Accessibility: Access is N. Broadway, a major arterial street with 4 lanes and a center turn lane and 52' of pavement width within 90' of right-of-way. The site is also serviced by several transit routes and sidewalks.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant
Surrounding Land Use:
Proposed Use: Mattress store **Density:**
Sector Plan: North City **Sector Plan Designation:** NC (Neighborhood Commercial) & O (Office)
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: This site is at the southwest corner of Gibbs Dr. and N. Broadway intersection. All properties along Gibbs Dr. have remained zoned R-1 and developed with residential uses. Properties to the north, south and west, fronting on N. Broadway are developed with commercial uses under C-3, C-6 and PC-1.

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

Street: 5132 N Broadway
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: C-1 (Neighborhood Commercial) & O-1 (Office, Medical, and Related Services)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: Property was rezoned C-1 and O-1 in 2015 (7-H-15-RZ)

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 of a mattress store that is approximately 4,500 square feet in the commercial building currently under construction, subject to the following 3 conditions.

Staff Recomm. (Full):
1. Meeting all applicable requirements of the Knox County Health Department.
2. Meeting all applicable requirements of the Knoxville Department of Engineering.
3. Meeting all applicable requirements of the Knoxville Zoning Ordinance, including but not limited to Article 5, Section 7 (Minimum off-street parking, access and driveway requirements) and Article 8 (Signs, Billboards, and Other Advertising Structures).

With the conditions noted, the proposed mattress store 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 subject property was recently rezoned with split zone districts, O-1 (Office, Medical, and Related Services) on the northwest portion of the property near Gibbs Drive and C-1 (Neighborhood Commercial) on the southern portion of the property. The applicant is constructing a new multi-tenant commercial building in the C-1 zoned area of the site and a restaurant was approved for this strip shopping center at the September 2016 MPC meeting (9-G-16-UR). The requested mattress store requires a use on review approval in the C-1 zone. Vehicular access is limited to Broadway. A pedestrian connection will be provided to both Broadway and Gibbs Drive. The required amount of parking is provided for the requested mattress store and the approved restaurant on the site.

When the property was rezoned, there was a memorandum of understanding and agreement between the applicant, the Historic Gibbs Drive Neighborhood Association, and Fountain City Town Hall. In this there are several general use, buffer, and operational requirement, including that business hours in the C-1 zoned area is restricted to the daytime hours between 5:30 a.m. and 10:30 p.m., Sunday through Thursday, and the daytime hours between 5:30 a.m. and 11:00 p.m. on Friday and Saturdays. Restrictive covenants were developed and recorded based on this agreement. The proposed mattress store anticipates being open from approximately 9:30 a.m. to 10:30 p.m.

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

1. The proposed mattress store will have minimal impact on local services since all utilities are in place to serve this development.
2. The proposed mattress store will have minimal impact on traffic since the facility is located along a major arterial street (Kingston Pike) and does not have access to the adjacent neighborhood street (Gibbs Drive).
3. The proposed mattress store is consistent with the neighborhood scale of commercial development found in the area.
4. The commercial development where the mattress store will be located is installing screening to the adjacent residential district, including a fence and landscaping as required by the Declaration of Restrictive Covenants.

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

1. The proposed mattress store meets all of the requirements of the Knoxville Zoning Ordinance with the recommended conditions.
2. The proposed mattress store 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 and major collector street.

3. Mattress stores have been determined eligible by Knoxville's Chief Building Official to be considered a "dry goods store", which is a use permitted on review in the C-1 district. The Planning Commission has the authority to determine if the proposal as presented is appropriate for for this location. It is the opinion of MPC staff that the mattress store as presented is appropriate in this location because it is a small scale retail establishment, generates a relatively low amount of traffic, will not have frequent deliveries, and does not produce noise or smells that are nuisance to nearby residential uses.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Knoxville One Year Plan and the North City Sector Plan propose neighborhood commercial uses for this site. The proposed mattress store is consistent with the One Year Plan and Sector Plan.
2. The site is located within the Urban Growth Area (inside City limits) on the Knoxville-Knox County-Farragut Growth Policy Plan map.

Action: Approved **Meeting Date:** 12/8/2016

Details of Action:

1. Meeting all applicable requirements of the Knox County Health Department.
2. Meeting all applicable requirements of the Knoxville Department of Engineering.
3. Meeting all applicable requirements of the Knoxville Zoning Ordinance, including but not limited to Article 5, Section 7 (Minimum off-street parking, access and driveway requirements) and Article 8 (Signs, Billboards, and Other Advertising Structures).

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

Summary of Action: APPROVE the request of a mattress store that is approximately 4,500 square feet in the commercial building currently under construction, subject to 3 conditions.

Date of Approval: 12/8/2016 **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:**