

# 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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Knoxville, Tennessee 37902  
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**File Number:** 12-C-07-UR                      **Related File Number:**  
**Application Filed:** 11/2/2007              **Date of Revision:**  
**Applicant:** NEELY REALTY PARTNERSHIP

## PROPERTY INFORMATION

**General Location:** Southeast side of Forest Ave., northeast side of S. Twenty First St.  
**Other Parcel Info.:**  
**Tax ID Number:** 94 N P 001 & 020                      **Jurisdiction:** City  
**Size of Tract:** 0.21 acres  
**Accessibility:** Access is via S. Twenty First St. and Forest Ave., both local streets with 26' pavement widths within 50' rights-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant wholesale  
**Surrounding Land Use:**  
**Proposed Use:** Dwelling units & a restaurant in conjunction with a food market/grocery store      **Density:**  
**Sector Plan:** Central City                      **Sector Plan Designation:** NC/MU  
**Growth Policy Plan:** Urban Growth Area  
**Neighborhood Context:** This vacant site is located in an area that has developed with business, residential, and warehousing uses under I-2, O-1, O-2, RP-1 and R-2 zoning.

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

**Street:** 2022 Forest Ave  
**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:** This property was recently rezoned to C-1 (10-N-07-RZ/10-J-07-PA)

## 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

Variations Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**MPC ACTION AND DISPOSITION**

Planner In Charge: Kelley Schlitz

Staff Recomm. (Abbr.): APPROVE the request for 5 dwelling units & a restaurant in conjunction with a food market/grocery store in the C-1 (Neighborhood Commercial) zoning district, subject to the following 9 conditions:

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the Knoxville Engineering Department.
3. Connection to sanitary sewer and meeting all other requirements of the Knox County Health Department.
4. Installation of proposed landscaping within six months of the issuance of occupancy permits for each unit.
5. Obtaining all necessary variances from the Knoxville Board of Zoning Appeals prior to issuance of building permits.
6. Obtaining a lease agreement from the property owner across S. Twenty-First St. for the use of their parking facilities.
7. Meeting all applicable requirements of the Knoxville Fire Marshall.
8. Meeting all requirements of the American Disabilities Act with regards to the proposed sidewalks.
9. Adhering to attached plans and stipulations, as submitted by the applicant for the purposes of this review.

With the conditions noted above, this request meets all criteria for a use on review in the C-1 zoning district.

Comments: The applicant is proposing to develop a 3-story mixed use retail/residential building at the corner of Forest Ave., and Twenty-First St. in the Fort Sanders area. The ground floor will accommodate a 1,436 sq. ft. restaurant with 300 sq. ft. of outdoor seating, a 1,026 sq. ft. food market/grocery store, and a 400 sq. ft. residential efficiency unit. There will be a total of 4 apartments located on the 2nd and 3rd floors. Restaurants are a use that is permitted on review in the C-1 zoning district. Due to a recently approved amendment to the C-1 zoning district, dwelling units are a use that is permitted on review as long as they are in conjunction with a permitted use, which in this case is a food market/grocery store (1-A-08-OA).

In order to accommodate the proposed development plan, the applicant will be required to obtain a number of variances from the Knoxville Board of Zoning Appeals (BZA). In addition to the 10 available parking spaces located behind the proposed mixed use building, the applicant is planning on obtaining a parking lease agreements from the property owner located across S. Twenty First St. (2102 Forest Ave.) in order to accommodate an additional 15 parking spaces. Despite this additional parking, the proposed plan does not accommodate an adequate amount of parking to satisfy the proposed use of the property. The applicant will also be required to obtain the following variances: front yard setback, lot coverage, parking aisle width, and parking stall width. The BZA approved these variances on 12/20/2007.

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

1. The proposed mixed use development is consistent with surrounding apartments, offices and wholesale warehouses noted in the area.
2. Public water and sewer utilities are available to serve the site.
3. There will be minimal impact on schools and streets resulting from this proposal. The majority of restaurant customers will be University students residing in nearby apartments. Therefore, the traffic generated from the proposed use will primarily be pedestrian.
4. The proposed mixed use development will have minimal impact on adjacent properties, since the subject property is located in a mixed use area of Fort Sanders.

5. The applicant met with representatives from the neighborhood to discuss the development plan and impacts on nearby properties when the rezoning went before MPC. The Historic Fort Sanders Neighborhood Association supports the Neighborhood Commercial and C-1 zoning.

**CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE**

1. The proposal 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 of the Zoning Ordinance. The use should not significantly injure the value of adjacent properties. The use will not draw substantial additional traffic through residential areas since the majority of traffic will be pedestrian based.
2. The proposal is consistent with all requirements for the C-1 zoning district.

**CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS**

1. The Central City Sector Plan proposes O (Office) use, while the One Year Plan shows Mixed use (HDR/O/NC).
2. The current C-1 zoning of the property permits consideration of outdoor seating for a restaurant as a use on review.

**MPC Action:**

Approved

**MPC Meeting Date:** 3/13/2008

**Details of MPC action:**

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the Knoxville Engineering Department.
3. Connection to sanitary sewer and meeting all other requirements of the Knox County Health Department.
4. Installation of proposed landscaping within six months of the issuance of occupancy permits for each unit.
5. Obtaining all necessary variances from the Knoxville Board of Zoning Appeals prior to issuance of building permits.
6. Obtaining a lease agreement from the property owner across S. Twenty-First St. for the use of their parking facilities.
7. Meeting all applicable requirements of the Knoxville Fire Marshall.
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9. Adhering to attached plans and stipulations, as submitted by the applicant for the purposes of this review.

With the conditions noted above, this request meets all criteria for a use on review in the C-1 zoning district.

**Summary of MPC action:**

APPROVE the request for 5 dwelling units & a restaurant in conjunction with a food market/grocery store in the C-1 (Neighborhood Commercial) zoning district, subject to the following 9 conditions:

**Date of MPC Approval:**

3/13/2008

**Date of Denial:**

**Postponements:** 12/13/2007-  
2/14/2008

**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:**