

CASE SUMMARY

APPLICATION TYPE: SPECIAL USE



File Number: 2-A-23-SU **Related File Number:**
Application Filed: 11/28/2022 **Date of Revision:**
Applicant: AMY SHERRILL

PROPERTY INFORMATION

General Location: Southeast side of E. Scott Ave, southwest of Harvey St
Other Parcel Info.:
Tax ID Number: 81 L Q 015.01 **Jurisdiction:** City
Size of Tract: 18633 square feet
Accessibility: Access is via E. Scott Avenue, a local street with 30-ft pavement width within a 48-ft right-of-way.
Access is also via Harvey Street, a 35-ft pavement width within a 50-ft right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Wholesale
Surrounding Land Use:
Proposed Use: Neighborhood Nonresidential Reuse for office and personal services **Density:** uses
Sector Plan: Central City **Sector Plan Designation:** TDR (Traditional Neighborhood Residential)
Growth Policy Plan: N/A (Within City Limits)
Neighborhood Context: The subject property is part of the Old North Knoxville Historic District. The surrounding area is comprised of single family and multifamily detached homes on relatively small lots.

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

Street: 428 E SCOTT AVE
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RN-5 (General Residential Neighborhood), H (Historic Overlay)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: 11-F-18-RZ: R-1A/H-1 to RP-1/H-1

PLAN INFORMATION (where applicable)

Current Plan Category: TDR (Traditional Neighborhood Residential)

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.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge:

Jessie Hillman

Staff Recomm. (Abbr.):

Approve the request for a neighborhood non-residential reuse for office and personal service uses in the RN-5 (General Residential Neighborhood) zoning district, subject to 3 conditions.

Staff Recomm. (Full):

- 1) Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.
- 2) Meeting all applicable requirements of the City of Knoxville Engineering Department.
- 3) Meeting all applicable requirements of the City of Knoxville Plans Review and Inspections Department.

With the conditions noted above, this plan meets the requirements for approval of a neighborhood non-residential reuse for office and personal service uses in the RN-5 zoning district, and the criteria for approval of a special use.

Comments:

The subject property has operated as an office building going back to at least 1962, when the City directory showed an electrician office at this address. The City of Knoxville Plans Review and Inspection Division recognized that the last legal use is an office and does not require a neighborhood nonresidential reuse permit. However, personal services uses such as a skin care office also to operate here, and there is not a history of that being a precedented or explicitly approved use. Both uses are included in this application to provide clear documentation of what is permitted. No changes are proposed to the building, floor plan or parking lot. This special use request is an effort to bring existing operations into compliance.

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2.)

- 1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.
A. The proposed neighborhood nonresidential reuse for office and personal service uses is consistent with how the building has operated for many years. Considering the established nature of business operations here, the proposed nonresidential uses do not conflict with policies in the General Plan or the One Year Plan intended to protect residential neighborhoods from an encroachment of commercial uses.
- 2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.
A. The RN-5 (General Residential Neighborhood) zoning district permits limited nonresidential uses that are compatible with the surrounding area.
B. The subject property's location next to a cluster of denser multifamily development among single family homes makes office-type uses here an appropriate consideration among a transition of development intensities.
- 3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.
A. This inconspicuous, 2-story brick building was constructed in 1927 and is part of the historic makeup of the Old North Knoxville Historic District. The building appears intended to accommodate office and personal service uses. There is no outdoor storage or display that exists or is proposed. The requested uses at this location are in harmony with the surrounding neighborhood.
- 4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.
A. The proposed office and personal service uses should not conducive to noxious environmental conditions that would harm the neighborhood.

B. Although E Scott Ave is a local street, its 30-ft pavement width can easily accommodate street parking on both sides with room for through traffic. The property also includes ample parking in the rear, so business operations here should not negatively impact traffic conditions here.

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

A. The floor plan provided shows tenants such as real estate and finance offices, as well as skin care/beautician services in office spaces that appear to have capacity for one client at a time. These uses and space configurations are not anticipated to bring undue traffic into this residential area.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for future uses on this site.

Action: Approved with Conditions **Meeting Date:** 2/9/2023

Details of Action:

Summary of Action: Approve the request for a neighborhood non-residential reuse for office and personal service uses in the RN-5 (General Residential Neighborhood) zoning district, subject to 3 conditions.

Date of Approval: 2/9/2023 **Date of Denial:** **Postponements:**

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

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:**