

# CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



**File Number:** 2-C-21-UR                      **Related File Number:**  
**Application Filed:** 12/28/2020              **Date of Revision:**  
**Applicant:** MARKETS AT CHOTO / HUBER PROPERTIES, LLC

## PROPERTY INFORMATION

**General Location:** Southeast side of S. Northshore Dr., north of Choto Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 162 M B 00105                      **Jurisdiction:** County  
**Size of Tract:** 0.54 acres  
**Accessibility:** Access is via S. Northshore Dr., a minor arterial street with a three lane street section with a 36' pavement width within an 88' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Commercial & Vacant  
**Surrounding Land Use:**  
**Proposed Use:** Up to 5,000 sqft of Restaurant uses in a mixed use building                      **Density:**  
**Sector Plan:** Southwest County              **Sector Plan Designation:** NC (Neighborhood Commercial)  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** This property is within the Markets at Choto mixed use commercial development area developed in the CN zone. The surrounding area is primarily developed with rural and low density residential uses under A and PR zoning.

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

**Street:** 12344 S. Northshore Dr.  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** CN (Neighborhood Commercial)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** Property was rezoned to CN with conditions in March 2010 (1-E-10-RZ) and in February 2018, Knox County Commission approved a request to remove the use restriction condition on the property (1-E-18-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.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge: Mike Reynolds

Staff Recomm. (Abbr.): APPROVE the request for the Restaurant use for up to 5,000 sqft of floor area within the existing building on this site, subject to 4 conditions.

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Zoning Ordinance, including but not limited to the sign regulations (Section 3.90. – Signs, billboards, and other advertising structures).
2. The restaurant floor area associated with this request is for the subject building only and cannot be used in other buildings in the Markets at Choto development. Any new or existing floor area within the Markets at Choto development that is not currently used as a restaurant must be approved by the Planning Commission before they can be permitted, with the exception of minor building modifications or additions that do not substantively increase the seating capacity of an existing space used as a restaurant.
3. Meeting all applicable requirements of Knox County Engineering and Public Works.
4. Meeting all applicable requirements of the Knox County Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the CN district, and the criteria for approval of a use on review.

Comments: This proposal is for up to 5,000 sqft of restaurant uses within the recently constructed building which has 5,000 sqft of useable floor space. The restaurant uses will not have drive-through facilities. There are not external changes proposed to the building or site.

This property is part of the Markets at Choto development but separated by the Weigel's in the middle of the site. This unified development is considered a shopping center for the purpose of calculating the required minimum parking standard. The applicant provided a diagram that illustrates the shared parking within the development, shown with the red crosshatch on an aerial photograph, and the sidewalk system, highlighted in green, that connects the subject building to the parking lot behind the Weigel's store and the western portion of the development and nearby residential neighborhoods.

In addition to the buildings that are already constructed on this site, there are four more buildings that could be constructed in the southwestern portion of this site based on previous approvals. Three of the buildings could potentially be two-stories with the main level being at-grade with the existing large parking lot that wraps around the Weigel's store and a basement level that is at-grade with existing drive aisle to the rear.

The CN zone has specific building setback and landscape standards when adjacent to a residential zone, which will be applicable along the west and south property lines. This building is not located along an external boundary of the Markets at Choto commercial development so these standards do not apply.

DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 – SECTION 2)

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

- 1) THE PROPOSED USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.
  - A. The Southwest County Sector Plan recommends NC (Neighborhood Commercial) uses for this site. The CN (Neighborhood Commercial) zone allows restaurants to be considered as a use permitted by review if approved by the Planning Commission.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE.

A. The CN (Neighborhood Commercial) zone is intended to provide for the recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.

B. The subject building where the restaurant uses are proposed already exists and no additional site improvements are required to allow the restaurant uses.

C. The CN zone has a maximum floor area of 5,000 sqft for individual buildings or commercial establishments. This proposal is in compliance with this standard.

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. The subject building already exists and its compatibility with the character of the area was determined during its previous use on review approval (7-L-18-UR). The exterior of the building and the site design will be modified as part of this request.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY.

A. The proposed restaurants are located internal to the Markets at Choto development and separated from the nearest residential uses to the east by a veterinary clinic. The clinic is also part of this unified development.

5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.

A. This development has direct access to S. Northshore Drive and Choto Road through the internal driveways of the development.

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 to the proposed restaurant uses.

**Action:** Approved

**Meeting Date:** 2/11/2021

**Details of Action:**

**Summary of Action:** APPROVE the request for the Restaurant use for up to 5,000 sqft of floor area within the existing building on this site, subject to 4 conditions.

**Date of Approval:** 2/11/2021

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

### **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Board of Zoning Appeals

**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:**