

# 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:** 2-E-17-UR                      **Related File Number:**  
**Application Filed:** 12/27/2016              **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:** Retail strip center (under development)  
**Surrounding Land Use:**  
**Proposed Use:** Restaurant (1,800 sq ft)                      **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:** 5140 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 for a restaurant that is approximately 1,800 square feet in an existing commercial building, subject to the 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, 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 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 (9-G-16-UR) and mattress store (12-A-16-UR) were previously approved for this shopping center. Vehicular access is limited to Broadway. A pedestrian connection will be provided to both Broadway and Gibbs Drive.

The required amount of parking is available on-site for the requested Which Wich restaurant and other uses on the site. The site contains 85 parking spaces total and the uses in the development require 84 parking spaces.

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 and the proposed restaurant will need to abide by these operational requirements, which are privately enforceable.

**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 along a major arterial street (Kingston Pike) and does not have access to the adjacent neighborhood street (Gibbs Drive).
3. The proposed restaurant is consistent with a neighborhood scale of commercial use.
4. The shopping center where the restaurant will be located is installing screening along the adjacent residential district boundary, 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 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 major arterial street and does not have direct access to the adjacent local street.

**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 restaurant 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:** 2/9/2017

- 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, 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.

**Summary of Action:** APPROVE the request for a restaurant that is approximately 1,800 square feet in an existing commercial building, subject to the 3 conditions.

**Date of Approval:** 2/9/2017 **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:**