

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

Suite 403 • City County Building
4 0 0 M a i n S t r e e t
Knoxville, Tennessee 37902
8 6 5 • 2 1 5 • 2 5 0 0
F A X • 2 1 5 • 2 0 6 8
w w w • k n o x m p c • o r g

File Number: 3-E-16-UR
Application Filed: 1/28/2016
Applicant: GRANT R. ASFOUR

Related File Number:
Date of Revision:

PROPERTY INFORMATION

General Location: Northwest side of Maryville Pk., northeast of Edington Rd.
Other Parcel Info.:
Tax ID Number: 122 D E 01701 **Jurisdiction:** City
Size of Tract: 21000 square feet
Accessibility: Access is via Maryville Pk., an arterial street with a pavement width of 22' within a right-of-way that varies in width from 40' to 60' wide.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant commercial building
Surrounding Land Use:
Proposed Use: Revision to approved plan for a restaurant in the C-1 (Neighborhood Commercial) District **Density:**
Sector Plan: South City **Sector Plan Designation:** NC (Neighborhood Commercial)
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: This site is located in a small commercial node that is centered on the intersection of Edington Dr. and Maryville Pk. The majority of the property in this general area is zoned either I-3 or I-4 industrial. Development in the area consists of both commercial and industrial uses.

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

Street: 1045 Maryville Pike
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: C-1 (Neighborhood Commercial) & I-4 (Heavy Industrial)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: Use on review approved for a restaurant on 9/10/15 (9-K-15-UR)

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: Dan Kelly

Staff Recomm. (Abbr.): APPROVE the request for a restaurant at this location subject to 12 conditions

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Health Department.
2. Provision of the minimum number of required parking spaces within a parking lot that meets the dimensional requirements contained in the Knoxville Zoning Ordinance or obtaining any required variances
3. All parking is to be located to the rear or side of the existing building
4. Adjusting the proposed driveway width to meet the requirements of the Zoning Ordinance or obtaining any required variance
5. Removing any commercial signs located in the public right-of-way
6. Remove/install curbs as required by the Knoxville Engineering Dept.
7. Obtaining all required permits from the Tenn. Dept. of Transportation (TDOT)
8. Provide trees in the parking area as required by the Knoxville City Code.
9. Maintaining the required 60' wide stream buffer and stabilize the creek bank along the rear of the site as required by the Knoxville Engineering Dept.
10. Meeting all other applicable requirements of the Knoxville Stormwater Control Ordinance
11. Meeting all other applicable requirements of the Knoxville Department of Engineering.
12. A revised site plan reflecting the conditions of approval must be submitted to MPC staff for certification prior to obtaining a site development permit/building permit

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 applicant is proposing to reuse an existing building in a C-1 (Neighborhood Commercial) District for a restaurant. Restaurants require use-on-review consideration in the C-1 zone. The applicant has stated that this building has previously been a deli. There is no record of a previous use-on-review being approved for this site,. The building is located in the Edington Rd. area of Maryville Pk. A number of other commercial uses, including a grocery store, arte located in the immediate vicinity. MPC acted on this request at the September 2015 meeting. It has come back for reconsideration due to issues with the wording of a condition regarding the number of required parking spaces. As designed, the applicant will need to get a variance to the number of required parking spaces. A variance at this location can be supported by staff at this location due to the topography of the site and the presence of a stream which requires a large buffer area. The use of this building for a restaurant will not have a negative impact on the surrounding uses.

Due to the close proximity of the building to the right-of-way of Maryville Pk., it will be impossible to locate any of the required parking in the front of the building. The applicant's engineer Has revised the site plan to reflect that all parking will be located to the side or rear of the building. Staff has concerns regarding the proposed driveway to the rear of the building. We will require that the grade of the driveway not exceed a slope of 15%.. This is a small site which will make getting the driveway, parking, dumpster in while maintaining the required stream buffer difficult.

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 on an arterial street.
3. The proposed use is consistent with the mix of commercial and industrial development found in the

area.

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 have an impact on drawing traffic through residential areas since it is located on a collector street.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The South City Sector Plan and the Knoxville One Year Plan identify the property for neighborhood commercial use. The proposed use is consistent with those plans..
2. The site is located within the City on the Knoxville-Knox County-Farragut Growth Policy Plan map.

Action: Approved **Meeting Date:** 3/10/2016

- Details of Action:**
1. Meeting all applicable requirements of the Knox County Health Department.
 2. Provision of the minimum number of required parking spaces within a parking lot that meets the dimensional requirements contained in the Knoxville Zoning Ordinance or obtaining any required variances
 3. All parking is to be located to the rear or side of the existing building
 4. Adjusting the proposed driveway width to meet the requirements of the Zoning Ordinance or obtaining any required variance
 5. Removing any commercial signs located in the public right-of-way
 6. Remove/install curbs as required by the Knoxville Engineering Dept.
 7. Obtaining all required permits from the Tenn. Dept. of Transportation (TDOT)
 8. Provide trees in the parking area as required by the Knoxville City Code.
 9. Maintaining the required 60' wide stream buffer and stabilize the creek bank along the rear of the site as required by the Knoxville Engineering Dept.
 10. Meeting all other applicable requirements of the Knoxville Stormwater Control Ordinance
 11. Meeting all other applicable requirements of the Knoxville Department of Engineering.
 12. A revised site plan reflecting the conditions of approval must be submitted to MPC staff for certification prior to obtaining a site development permit/building permit

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 at this location subject to 12 conditions

Date of Approval: 3/10/2016 **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:**