

# CASE SUMMARY

## APPLICATION TYPE: SPECIAL USE



File Number: 4-C-22-SU

Related File Number:

Application Filed: 2/22/2022

Date of Revision:

Applicant: DAN DAVISON

### PROPERTY INFORMATION

**General Location:** North side of Greenway Drive, west side of New Beverly Baptist Church Road

**Other Parcel Info.:**

**Tax ID Number:** 59 J A 006

**Jurisdiction:** City

**Size of Tract:** 16580 square feet

**Accessibility:** Access is via Greenway Drive, a major collector street with 24 ft of pavement width within approximately 170 ft of right-of-way.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** OF (Office)

**Surrounding Land Use:**

**Proposed Use:** Eating and Drinking Establishment (Bakery)

**Density:**

**Sector Plan:** North City

**Sector Plan Designation:** MU-SD, MU-NC-8 (Mixed Use Special District, North)

**Growth Policy Plan:** N/A

**Neighborhood Context:** This portion of Greenway Drive is a transition area from the higher intensity commercial uses at the New Harvest Center shopping center and the industrial uses to the west. The residential uses that remain are primarily located on the north side of Greenway Drive.

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

**Street:** 4505 Greenway Dr.

**Location:**

**Proposed Street Name:**

**Department-Utility Report:**

**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** C-N (Neighborhood Commercial)

**Former Zoning:**

**Requested Zoning:**

**Previous Requests:**

**Extension of Zone:**

**History of Zoning:** The property was annexed into the City in 1999 (10-SS-99-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 an eating and drinking establishment (bakery) with approximately 2,800 sqft of floor area, subject to 3 conditions.

**Staff Recomm. (Full):**

1. Obtaining all necessary variances from the City of Knoxville Board of Zoning Appeals (see Exhibit A).
2. Meeting applicable requirements of the City of Knoxville Zoning Ordinance, including but not limited to Article 12 (Landscaping) and Article 13 (Signs) of the City of Knoxville Zoning Ordinance.
3. Meeting all applicable requirements of the City of Knoxville Department of Engineering.

With the conditions noted above, this request meets the requirements of C-N zone and the other criteria for approval of a Special Use.

**Comments:** This proposal is for an Eating and Drinking Establishment (bakery) in the C-N (Neighborhood Commercial) zone, which requires Special Use approval by the Planning Commission. Bakeries can also be considered an Industrial – Craft use, which is not permitted in the C-N zone. The Zoning Administrator determined that this proposal fits within the Eating and Drinking Establishment use classification.

The subject property is an irregular lot and the existing structures are non-conforming to the zoning standards. This is mainly due to the front (Greenway Drive) portion of the property being purchased for road right-of-way to expand Greenway Drive many years ago. The expansion of Greenway Drive never came to fruition so the property visually appears much bigger than it is. The City of Knoxville Board of Zoning Appeals approved three variances at the March 15, 2022, meeting. This includes two different parking lot setback reductions and a minimum parking space reduction from 13 to 9 (see Exhibit A).

A portion of the property where the parking lot is located is in the County and zoned I (Industrial). The parking lot design will meet the City of Knoxville zoning standards to be consistent with the remainder of the property.

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

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.

a. The One Year Plan and Sector Plan designations for this site are MU-SD, NC-8 (Mixed Use Special District), which recommends a mix of low and medium density residential, office, and civic/institutional uses.

b. The proposed bakery is a restaurant-type use that is generally more compatible with nearby residential uses because typically they do not have late operating hours and generate less traffic.

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

a. The C-N (Neighborhood Commercial) use allows eating and drinking establishments with Special Use approval by the Planning Commission.

b. The applicant already obtained three zoning variances from the City of Knoxville Board of Zoning Appeals. No additional variances are anticipated at this time.

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 existing structure has the appearance of a one-story residential house and may have been originally used as a residence. The previous tenant was a professional office use.

b. The applicant does not propose any significant modifications to the building but will modify the site

by removing the existing parking located in the right-of-way and reconfiguring the parking area to the west of the building. The driveway that extends to the side street, New Beverly Baptist Church Road, will be removed to come into conformance with the zoning standards.

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 bakery will not significantly injure the value of adjacent property or detract from the immediate environment.

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

a. The proposal will not draw additional traffic through residential streets since it accesses a major collector street.

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 immediately surrounding the subject site that poses a potential hazard or undesirable environment for the proposed use.

**Action:** Approved with Conditions

**Meeting Date:** 4/14/2022

**Details of Action:**

**Summary of Action:** Approve the request for an eating and drinking establishment (bakery) with approximately 2,800 sqft of floor area, subject to 3 conditions.

**Date of Approval:** 4/14/2022

**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:**