

CASE SUMMARY

APPLICATION TYPE: SPECIAL USE



File Number: 6-A-23-SU **Related File Number:**
Application Filed: 4/24/2023 **Date of Revision:**
Applicant: PETER DADZIE

PROPERTY INFORMATION

General Location: North side of Western Ave, east of Mynderse Ave
Other Parcel Info.:
Tax ID Number: 94 A A 017 **Jurisdiction:** City
Size of Tract: 0.69 acres
Accessibility: Access is via Western Avenue, a major arterial with 88 ft of pavement width within 114 feet to 127 feet of right-of-way width in front of the subject property.

GENERAL LAND USE INFORMATION

Existing Land Use: Commercial
Surrounding Land Use:
Proposed Use: Nightclub **Density:**
Sector Plan: Central City **Sector Plan Designation:** LI (Light Industrial)
Growth Policy Plan: N/A (Within City Limits)
Neighborhood Context: This area is developed with a mix of commercial and light to heavy industrial uses, under C-H-1, I-MU, I-G, and I-H zones, and single-family residential to the east in the RN-2 zone.

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

Street: 2553 WESTERN AVE
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: C-H-1 (Highway Commercial)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: The property was rezoned from I-3 to C-6 in 2019 (11-E-19-RZ)

PLAN INFORMATION (where applicable)

Current Plan Category: LI (Light Industrial)
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 nightclub with approximately 3,000 sqft of floor area in the C-H-1 (Highway Commercial) zoning district, subject to 5 conditions.

Staff Recomm. (Full):

1. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance, including but not limited to Article 10.5 (Environmental Performance Standards), Article 11 (Off-Street Parking), and Article 12 (Landscaping).
2. Installing curbing or another barrier between the parking lot and the garage doors to restrict vehicle access.
3. Meeting all applicable requirements of the City of Knoxville Department of Plans Review and Inspections.
4. Meeting all applicable requirements of the City of Knoxville Department of Engineering.
5. Meeting all applicable requirements of the Tennessee Department of Transportation regarding the number and location of driveways to Western Avenue.

With the conditions noted, this plan meets the requirements for approval in the C-H-1 zoning district and the criteria for approval of a special use.

Comments:

This proposal is for a nightclub with approximately 3,000 sqft of floor space in a building recently constructed for a car dealership on Western Avenue. There will not be any significant alterations to the exterior of the building. The property is zoned C-H-1 (Highway Commercial), which requires Special Use approval for nightclubs. The property currently has two driveway connections to Western Avenue. TDOT has stated that as part of this change of use review, one of the two access points may be required to be removed.

A nightclub is defined by the City of Knoxville Zoning Ordinance as follows: A commercial establishment, whether or not open to the public, which:

1. Primarily serves alcohol or tobacco, or allows on-site consumption of the same.
2. May operate with a permit from the City of Knoxville or with a state license either to serve alcohol or to allow alcohol to be consumed on the premises.
3. Stays open at night, until up to 6:00 a.m. Eastern Standard Time, or later in the daylight hours.
4. Is operated as a place of entertainment at night.
5. Typically provides live or recorded entertainment in which patrons may or may not participate, and which includes music, singing, performing, dancing, and the like.
6. Typically restricts entry to those 18 years of age or older.
7. May or may not serve tobacco or food, or allow on-site consumption of the same.
8. May or may not include an outdoor area, including a patio or rooftop bar, where alcohol or tobacco may be consumed or served.

If an establishment meets this definition and another in this Code, this definition controls.

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 Central City Sector Plan designation for this site are LI (Light Industrial). The property was rezoned to C-6 (General Commercial Park) in 2019 (11-E-19-RZ), which was allowed in the LI land use classification. The C-H-1 and I-MU zones were considered equivalent zones to the C-6, and this property was designated C-H-1 because of the intent to use the property for commercial purposes.

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

- a. Nightclubs require Special Use approval by the Planning Commission in the C-H-1 (Highway Commercial) zoning district.
- b. Nightclubs do not have principal use standards. They only need to meet the standards of the C-H-1 zone and other general standards of the zoning ordinance.
- c. Additional landscaping may be required depending on where new parking is located. This will be determined during the permit review.

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 proposed nightclub is located in an industrial and commercial portion of Western Avenue, east of I-640 and west of Western Heights.
- b. There is a residential zone district located to the east of the subject property, however, there is a creek, vacant industrial land, and a railroad line located between the closest house and the nightclub. The closest residence is approximately 800 ft away.

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 subject property is surrounded by industrial and warehouse uses.
- b. The closest residential use is approximately 800 ft away.

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

- a. The proposed nightclub will not draw additional traffic through residential streets because it is located on Western Avenue, a major arterial 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 will pose a potential hazard or undesirable environment for the proposed use.

Action: Approved with Conditions **Meeting Date:** 6/8/2023

Details of Action:

Summary of Action: Approve the request for the nightclub with approximately 3,000 sqft of floor area in the C-H-1 (Highway Commercial) zoning district, subject to 5 conditions.

Date of Approval: 6/8/2023 **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:**