

CASE SUMMARY

APPLICATION TYPE: SPECIAL USE



File Number: 7-A-21-SU **Related File Number:**
Application Filed: 5/3/2021 **Date of Revision:**
Applicant: GIRISH THAKKAR / SCHEMATIC DESIGN, INC.

PROPERTY INFORMATION

General Location: Northeast corner of Whittle Springs R. & Tecoma Dr.
Other Parcel Info.:
Tax ID Number: 70 H B 024 **Jurisdiction:** City
Size of Tract: 0.2 acres
Accessibility: Access is via Whittle Springs Rd., a minor arterial with 24' of pavement width within 42' of right-of-way, and via Tecoma Dr., a local street with 20' of pavement width within 42' of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Commercial
Surrounding Land Use:
Proposed Use: Neighborhood Nonresidential Reuse -- Retail goods establishment **Density:**
Sector Plan: East City **Sector Plan Designation:** TDR (Traditional Neighborhood Residential)
Growth Policy Plan: N/A
Neighborhood Context: This property is located in the Whittle Springs neighborhood, east of the historic Fairmont - Emoriland neighborhood. The surrounding area is developed with single- and two-family dwellings developed in the RN-1 and RN-2 zone districts.

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

Street: 3700 Whittle Springs Rd.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RN-2 (Single-Family Residential Neighborhood) (C)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: The property was zoned RP-1 (Planned Residential) < 12 du/ac in the mid 1970's.

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 a retail good establishment as a neighborhood nonresidential reuse at 3700 Whittle Springs Road, subject to 2 conditions.

Staff Recomm. (Full):

1. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance, including but not limited to Article 11 (Off-Street Parking) and Article 13 (Signs).
2. Meeting all applicable requirements of the City of Knoxville Department of Engineering, including but not limited to the parking layout and providing a physical separation between the site and right-of-way.

With the conditions noted, this plan meets the requirements for approval of a neighborhood nonresidential reuse and the criteria for approval of a special use.

Comments:

This is a request for a neighborhood nonresidential reuse of a commercial structure in the RN-2 (Single Family Residential Neighborhood) Zoning District, located at the corner of Tecoma Drive and Whittle Springs Road, which is a minor arterial street. The building was purpose built as a commercial structure and was most recently a laundromat. According to the Knox County tax records, building was constructed in 1955.

As a previously existing commercial structure, it meets the City's Zoning Ordinance definition of neighborhood nonresidential reuse, defined as, "A nonresidential use, subject to special approval, within a residential neighborhood that is nonresidential in its original construction and/or use." Special use approval will allow the applicant to use the property for a retail goods establishment, which specifically excludes liquor stores and specialty food services. The proposed "neighborhood food store" is a permissible use as a retail good establishment.

The current parking lot is located in the front yard along the Whittle Springs Road frontage, and in the corner side yard along the Tecoma Drive frontage. The parking spaces require vehicles to back into the street which is a safety concern and prohibited by the zoning ordinance. The proposed site plan shows two parking stalls in front of the building that are turned parallel to Whittle Springs Road. These spaces can remain in front of the building but must be flipped so the parking is closer to the intersection and the driveway is as far from the intersection as possible. There are four parking spaces to the rear of the building with a one-way driveway with the entrance from the alley and the exit onto Tecoma Drive. This parking area has not been previously permitted so it must meet all current standards, which includes a 10-FT setback from the interior side and rear lot lines. The parking spaces may need to be located so they are perpendicular to the rear façade of the building. There is currently no curbing or other separation between the road pavement and the parking lot. A physical separation between the site and right-of-way must be established through landscaping or curbing.

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.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 One Year Plan, and by the following general standards:

- 1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.
A. The TDR (Traditional Neighborhood Residential) land use classification of the East City Sector Plan and the City's One Year Plan supports the current RN-2 (Single Family Residential Neighborhood) Zoning District, which allows neighborhood nonresidential reuse of a commercial structure as a special use. The TDR land use class does not prohibit commercial uses.

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

CODE.

A. The RN-2 (Single Family Residential Neighborhood) Zoning District is intended to accommodate low density single-family residential development on relatively small lots with smaller setbacks within the City of Knoxville. Two-family dwellings may also be allowed by special use approval. Limited nonresidential uses that are compatible with the character of the district may also be permitted.

B. The retail goods establishment is consistent with the intent of the RN-2 zone to permit limited nonresidential uses that are compatible with the character of the district.

C. The proposal is in compliance with the principle use standards for neighborhood nonresidential reuse per section 9.3.V. of the City's Zoning Ordinance:

Once approval of a neighborhood nonresidential reuse is granted, the structure may be reused for any of the uses in item 2 below. Any change of an approved use to another use allowed within item 2 requires a new special use approval.

1. Neighborhood nonresidential reuse establishments are only allowed within existing structures that are nonresidential in their construction and/or use as of the effective date of this Code.

2. The following nonresidential uses are permitted within a neighborhood commercial establishment:

- a. Art gallery;
- b. Art and fitness studio;
- c. Office;
- d. Personal service establishment;
- e. Eating and drinking establishment; live entertainment—secondary use prohibited;
- f. Retail goods establishment;
- g. Social service center.

3. No off-street parking is required. However, any off-street parking currently provided must be maintained.

4. Drive-through facilities are prohibited.

5. Outside storage or display is prohibited. All business, servicing, processing, and storage uses must be located within the structure.

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 neighborhood food store is complementary to the neighborhood and would be likely to draw clientele directly from the surrounding neighborhood.

B. The one-story structure is currently compatible in size and location with other structures in the vicinity. Any request to expand the building will require special use approval by the Planning Commission.

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. Retail establishments are not restricted in the hours of operation. Vehicle traffic in the evening hours could impact nearby residences. The previous commercial uses on this site also did not have restrictions on the hours of operation.

B. Both the site plans and the business itself would be required to comply with the Article 10 of the City of Knoxville Zoning Ordinance, which regulates the aforementioned impacts. Section 10.2 regulates lighting, while noise, dust and pollution, odors, fire hazards, and other similar concerns are regulated in Section 10.5.

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

A. Due to the small size of the use, customers will likely live within close proximity.

B. The property is located on Whittle Springs Road which is a minor 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 in the area that could be a potential hazard or create an undesirable environment for the proposed uses within the development.

Action: Approved

Meeting Date: 7/8/2021

Details of Action:

Summary of Action: Approve the request for a retail good establishment as a neighborhood nonresidential reuse at 3700 Whittle Springs Road, subject to 2 conditions.

Date of Approval: 7/8/2021

Date of Denial:

Postponements:

Date of Withdrawal:

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Date of Legislative Action:

Ordinance Number:

Disposition of Case:

If "Other":

Amendments:

Date of Legislative Appeal:

Date of Legislative Action, Second Reading:

Other Ordinance Number References:

Disposition of Case, Second Reading:

If "Other":

Amendments:

Effective Date of Ordinance: