

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: 9-A-07-UR **Related File Number:**
Application Filed: 7/23/2007 **Date of Revision:**
Applicant: LETICIA HERNANDEZ

PROPERTY INFORMATION

General Location: Southeast side of Washington Pike, northeast side of Whittle Springs Rd.
Other Parcel Info.:
Tax ID Number: 70 P H 005 **Jurisdiction:** City
Size of Tract: 7560 square feet
Accessibility: Access is via Washington Pike, a minor arterial street with a 21' pavement width within a 40' right-of-way, and Whittle Springs Rd., a minor arterial street with a 45' pavement width within a 60' right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant commercial building
Surrounding Land Use:
Proposed Use: Retail clothing store **Density:**
Sector Plan: Central City **Sector Plan Designation:** MU, NC, MDR
Growth Policy Plan: Urban Growth Area
Neighborhood Context: This property is part of a neighborhood commercial node that provides services to surrounding residential neighborhoods. This area has developed with a mix of office, multi-family, and neighborhood commercial uses developed under R-1A, R-2, & C-1 zoning districts.

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

Street: 2400 Washington Pike
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: C-1 (Neighborhood Commercial)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: None noted

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: Kelley Schlitz

Staff Recomm. (Abbr.): APPROVE the request for a retail clothing store in the C-1 (Neighborhood Commercial) zoning district, subject to the following 7 conditions:

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the Knoxville Engineering Department.
3. Connection to sanitary sewer and meeting all other requirements of the Knox County Health Department.
4. Obtaining a variance from the Knoxville Board of Zoning Appeals to reduce the required number of parking spaces or obtaining a lease agreement from the adjoining property owner for use of their parking facilities.
5. Installing a physical barrier along the southwest property line (Whittle Springs Rd.) in order to prevent customer parking in the dedicated right-of-way (see attached letter from the Knoxville Engineering Dept.)
6. Meeting all applicable requirements of the Knoxville Fire Marshall.
7. Adhering to attached plans and stipulations, as submitted by the applicant for the purposes of this review.

With the conditions noted above, this request meets all criteria for a use on review in the C-1 zoning district.

Comments: The applicant is requesting approval of a retail clothing store to be located in an existing 2,500 square foot commercial building. Clothing stores are a use that is permitted on review in the C-1 zoning district. According to the Knoxville Zoning Ordinance, retail uses less than 15,000 square feet are required to provide 5 parking spaces per 1000 square feet of retail floor area. The proposed plan does not provide an adequate amount of parking to satisfy these requirements. There is, however, an existing grocery store on the adjoining lot to the northeast and the applicant may obtain a lease agreement from that property owner to allow use of some of their parking in order to meet the requirements. If the applicant is unable to obtain this agreement, they will be required to obtain a variance from the Knox County Board of Zoning Appeals to reduce the required amount of parking.

The applicant will also be required to eliminate the proposed parking spaces shown on the site plan along Whittle Springs Rd. There is currently not a curb along this section of Whittle Springs Rd and in the past customers have parked on the sidewalk and within the right-of-way of Whittle Springs Rd. In order to prevent parking in the required right-of-way of Whittle Springs Rd. and the sidewalk, staff is requiring that the applicant control access by installing physical barriers (ex. curb, wheel stops, or bollards) along the southwest property line. This requirement will help maintain a more pedestrian oriented environment at this intersection which is directly across the street from the elementary school.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE

1. This request will have no impact on schools and minimal impact on adjacent properties.
2. Public utilities are available to serve the site.
3. Washington Pike and Whittle Spring Rd. are minor arterials at this location and have sufficient capacity to handle the additional traffic which will be generated by this development.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. The proposed use 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 of the Zoning Ordinance. The use should not

significantly injure the value of adjacent property. The use will not draw substantial additional traffic through residential areas.

2. The request with the noted conditions meets the requirements of the C-1 zoning district, as well as other criteria for approval of a use-on-review.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Central City One Year Plan identifies this property for mixed use, neighborhood commercial and medium density residential uses.

2. The current C-1 zoning of the property permits consideration of a retail clothing store as a use considered on review.

MPC Action: Approved

MPC Meeting Date: 9/13/2007

Details of MPC action:

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the Knoxville Engineering Department.
3. Connection to sanitary sewer and meeting all other requirements of the Knox County Health Department.
4. Obtaining a variance from the Knoxville Board of Zoning Appeals to reduce the required number of parking spaces or obtaining a lease agreement from the adjoining property owner for use of their parking facilities.
5. Installing a physical barrier along the southwest property line (Whittle Springs Rd.) in order to prevent customer parking in the dedicated right-of-way (see attached letter from the Knoxville Engineering Dept.)
6. Meeting all applicable requirements of the Knoxville Fire Marshall.
7. Adhering to attached plans and stipulations, as submitted by the applicant for the purposes of this review.

With the conditions noted above, this request meets all criteria for a use on review in the C-1 zoning district.

Summary of MPC action:

APPROVE the request for a retail clothing store in the C-1 (Neighborhood Commercial) zoning district, subject to the following 7 conditions:

Date of MPC Approval: 9/13/2007

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: