

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
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
F A X • 215 • 2068
www.knoxmpc.org

File Number: 9-A-08-UR **Related File Number:**
Application Filed: 8/4/2008 **Date of Revision:**
Applicant: ALBERTO & GINNER MONROY

PROPERTY INFORMATION

General Location: Southwest side of N. Cherry St., northwest side of Jefferson Ave.
Other Parcel Info.:
Tax ID Number: 82 J F 019 **Jurisdiction:** City
Size of Tract: 18000 square feet
Accessibility: Access is via N. Cherry St., a four lane, median divided, arterial street and Jefferson Av., a local street with a pavement width of 25' to 29' within a 50' wide right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant commercial space
Surrounding Land Use:
Proposed Use: Restaurant **Density:**
Sector Plan: Central City **Sector Plan Designation:** NC
Growth Policy Plan: Urban Growth Area
Neighborhood Context: The site is the location of an existing commercial building that is divided into three tenant spaces. Development in the area consists of detached dwellings and a church.

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

Street: 701 N Cherry St
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: Dan Kelly

Staff Recomm. (Abbr.): APPROVE the request for a restaurant in this C-1 zoning district as shown on the development plan subject to 5 conditions

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance or obtaining any required variances
2. Meeting all applicable requirements of the Knox County Health Dept.
3. Meeting all applicable requirements of the Knoxville Dept. of Engineering
4. Meeting all applicable requirements and obtaining all required permits from the Knoxville Beer Board
5. Limiting the hours of operation of the restaurant from 9:00 AM to 11:00 PM daily.

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 to renovate 2 of the existing tenant spaces in the current structure for use as a Mexican restaurant. The third tenant space is currently being operated as a convenience store. The owner of the building told staff that the long term proposed use of that portion of the building is to convert it to a grocery store that specializes in Latino foods. The site plan reflects that the business will contain seating for 24 customers.

Due to the fact the applicant is proposing to serve alcoholic beverages and the surrounding area is impacted by criminal activity, staff discussed with the applicant the need to limit the hours the restaurant will operate. The applicant stated he had no objection to limiting the hours of operation.

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

1. Public utilities are available to serve the site.
2. Cherry St. is a major Arterial street and has sufficient capacity to handle the traffic which will be generated by this development; however, there may be inadequate parking which may necessitate the need for a variance.
3. This request will have no impact on schools.

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

1. This request meets all requirements of the C-1 zoning district, as well as other criteria for approval of a use on review.
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 of the Zoning Ordinance. The use should not significantly injure the value of adjacent property.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The East City Sector Plan proposes neighborhood commercial uses for this property.

MPC Action: Approved

MPC Meeting Date: 10/9/2008

Details of MPC action:

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance or obtaining any required variances
2. Meeting all applicable requirements of the Knox County Health Dept.
3. Meeting all applicable requirements of the Knoxville Dept. of Engineering
4. Meeting all applicable requirements and obtaining all required permits from the Knoxville Beer Board

5. Limiting the hours of operation of the restaurant from 9:00 AM to 11:00 PM daily.

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 restaurant in this C-1 zoning district as shown on the development plan subject to 5 conditions

Date of MPC Approval: 10/9/2008 **Date of Denial:** **Postponements:** 9/11/2008

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: