

CASE SUMMARY

APPLICATION TYPE: SPECIAL USE



File Number: 10-A-24-SU **Related File Number:**
Application Filed: 8/19/2024 **Date of Revision:**
Applicant: WILLIAM CARITHERS

PROPERTY INFORMATION

General Location: Northeast corner of the intersection of Sevier Ave and Trotter Ave
Other Parcel Info.:
Tax ID Number: 109 F K 029 **Jurisdiction:** City
Size of Tract: 7228 square feet
Accessibility: Access is via Sevier Avenue, a major collector with a pavement width of 22 ft within a 42-ft right-of-way. Access is also via Trotter Avenue, a local street with a pavement width of 19 ft within a 42-ft right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Commercial
Surrounding Land Use:
Proposed Use: Eating and Drinking Establishment **Density:**
Planning Sector: South City **Plan Designation:** LDR (Low Density Residential)
Growth Policy Plan: N/A (Within City Limits)
Neighborhood Context: The South Haven neighborhood is comprised mostly of single family houses on small lots, though there are some multifamily uses mixed in. The neighborhood has streets in a grid pattern and is served by Knoxville Area Transit (KAT).

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

Street: 3336 SEVIER AVE
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: In 1987, the property was rezoned from R-2 (General Residential) to C-1 (Neighborhood Commercial) (11-E-87-RZ).

PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential)

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: Samiul Haque

Staff Recomm. (Abbr.): Approve the request for an eating and drinking establishment in the CN (Neighborhood Commercial) district, subject to 3 conditions.

Staff Recomm. (Full):
1) Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.
2) Meeting all applicable requirements of the City of Knoxville Engineering Department and Plans Review and Inspections Department.
3) No outdoor cooking appliances shall be placed along the two boundaries that abut residential properties.

Comments: The proposal is to renovate the existing building to use as a restaurant with a retail section for groceries and a butcher shop. The restaurant, which includes 38 indoor and patio seats along with a bar with 6 seats, requires special use approval as an eating and drinking establishment in the C-N district. This proposal includes a 309-sq ft expansion to the 3,286-sq ft building, as indicated on the floor plan. The proposed business owner is currently seeking a façade improvement grant and the front elevation of the building would depend on obtaining the grant (Exhibit B shows an alternative preliminary elevation).

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 General Plan's Development Policy 8.2 recommends locating neighborhood commercial uses in a way so that it will enhance, rather than hinder, the stability of residential areas. The property's location at the intersection of a major collector and a local street with a church and multifamily developments across the streets and within an established residential neighborhood is consistent with the policy.

B. The proposed use at this property is also consistent with the South City Sector Plan and One Year Plan's NC (Neighborhood Commercial) land use classification, which recommends day-to-day retail and service-oriented uses located within a walking or short driving distance of neighborhoods on properties generally less than 5 acres.

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

A. The C-N district is intended to provide for an environment of integrated residential development and small-scale commercial and service uses, predominantly serving nearby residential neighborhoods. The proposed restaurant on this property as located meets the district's intent.

B. The building additions to this nonconforming structure that currently encroaches into all setbacks are permitted per Article 17.1.A.2.a, which states that nonconforming structures may be enlarged along existing building lines, providing they do not extend into any other required yard. Further, since the expansion area is less than 30% of the existing building, foundation landscape (Article 12.7), buffer yard (Article 12.8), and design standards of the C-N district (Article 5.4) are not applicable for the proposed additions.

C. Two Board of Zoning Appeals (BZA) variances were granted for this property last month to reduce the required number of parking spaces to five and to reduce the width of the parking spaces to 8.5 ft (BZA-24-0057). With this, the site plan appears to meet all requirements of the zoning ordinance.

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 use is compatible with the character of the South Haven neighborhood, which includes a mix of single-family and multifamily developments with several nonresidential uses on street

intersections.

B. The existing structure and the proposed second-story addition would be consistent with the size and scale of other structures in the surrounding area.

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 restaurant along with the community-serving retail section is a small-scale commercial use that would be compatible with other residential and nonresidential uses in the vicinity. The applicant team has indicated that the restaurant would be closed at 8 pm except for special events (Exhibit C), so the impact on the adjacent houses should be mitigated.

B. The proposed exterior smoker with the lean-on roof in the rear yard may cause odor issues for the adjacent residential property to the east. However, as stipulated by condition 3, the smoker shall either be removed or relocated to a different place within the subject property so that it is not abutting any residential parcels.

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

A. A restaurant with up to 44 seats at its maximum capacity, as shown on the site plan, is not expected to significantly impact traffic on surrounding streets. Traffic should primarily be directed to Sevier Avenue, 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 property that would pose a potential hazard or undesirable environment for the proposed use.

Action: Approved with Conditions

Meeting Date: 10/3/2024

Details of Action:

Summary of Action: Approve the request for an eating and drinking establishment in the CN (Neighborhood Commercial) district, subject to 3 conditions.

Date of Approval: 10/3/2024

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: