



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
USE ON REVIEW REPORT**

▶ **FILE #:** 9-A-07-UR

AGENDA ITEM #: 82

AGENDA DATE: 9/13/2007

▶ **APPLICANT:** LETICIA HERNANDEZ

OWNER(S): LETICIA HERNANDEZ

TAX ID NUMBER: 70 P H 005

JURISDICTION: City Council District 4

▶ **LOCATION:** Southeast side of Washington Pike, northeast side of Whittle Springs Rd.

▶ **APPX. SIZE OF TRACT:** 7560 square feet

SECTOR PLAN: Central City

GROWTH POLICY PLAN: Urban Growth Area

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.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **ZONING:** C-1 (Neighborhood Commercial)

▶ **EXISTING LAND USE:** Vacant commercial building

▶ **PROPOSED USE:** Retail clothing store

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Vacant gas station / C-1 (Neighborhood Commercial)

South: School, fire station & residences / R-2 (General Residential) & R-1A (Low Density Residential)

East: Grocery store & residences / C-1 (Neighborhood Commercial) & R-1A (Low Density Residential)

West: Restaurant & school / C-1 (Neighborhood Commercial)

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.

STAFF RECOMMENDATION:

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

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

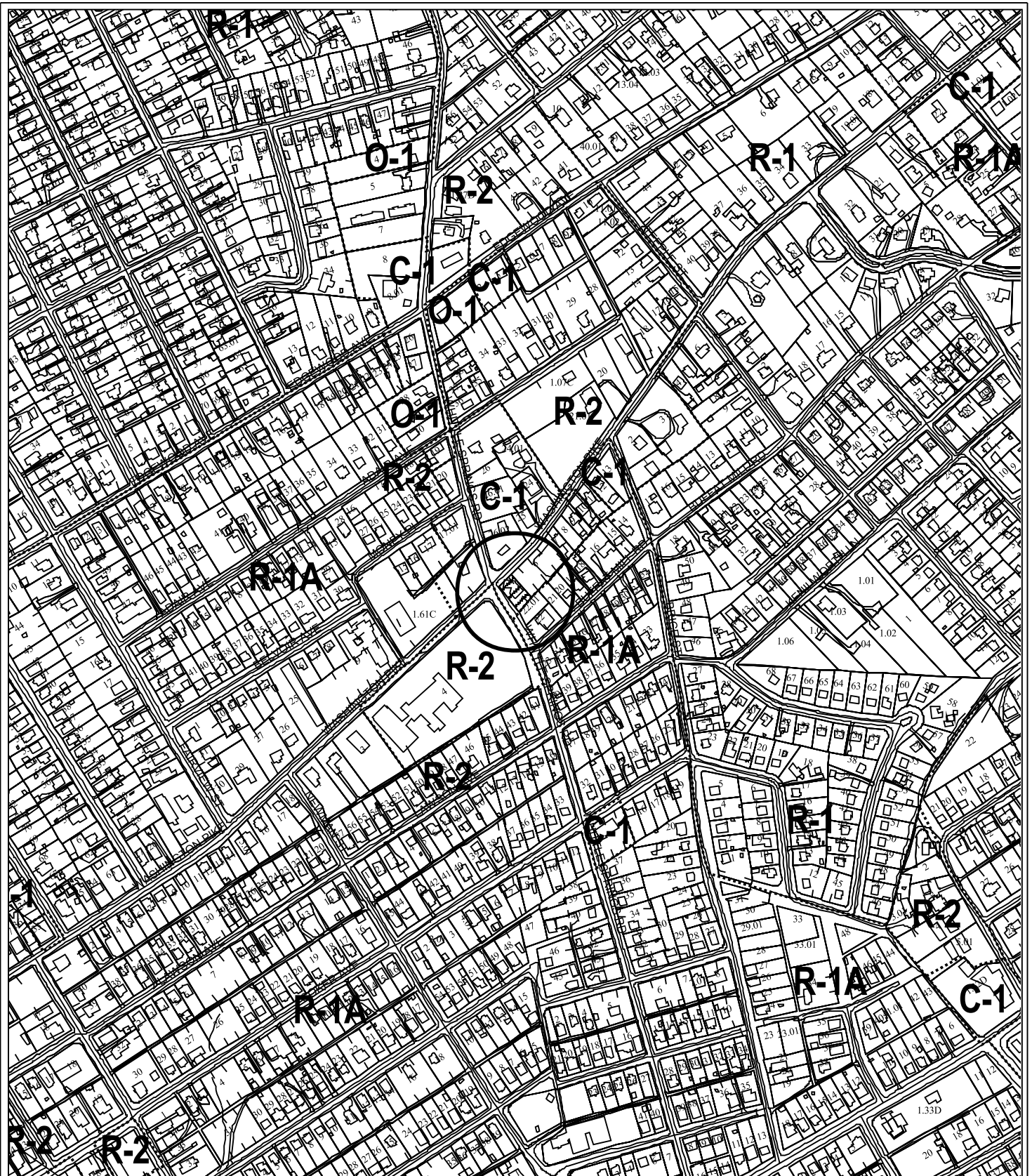
1. The Central City One Year Plan identifies this property for mixed use, neighborhood commercial and medium density residential uses.
2. The current C-1 zoning of the property permits consideration of a retail clothing store as a use considered on review.

ESTIMATED TRAFFIC IMPACT: 98 (average daily vehicle trips)

Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.




9-A-07-UR
 USE ON REVIEW

Petitioner: Leticia Hernandez

Map No: 70

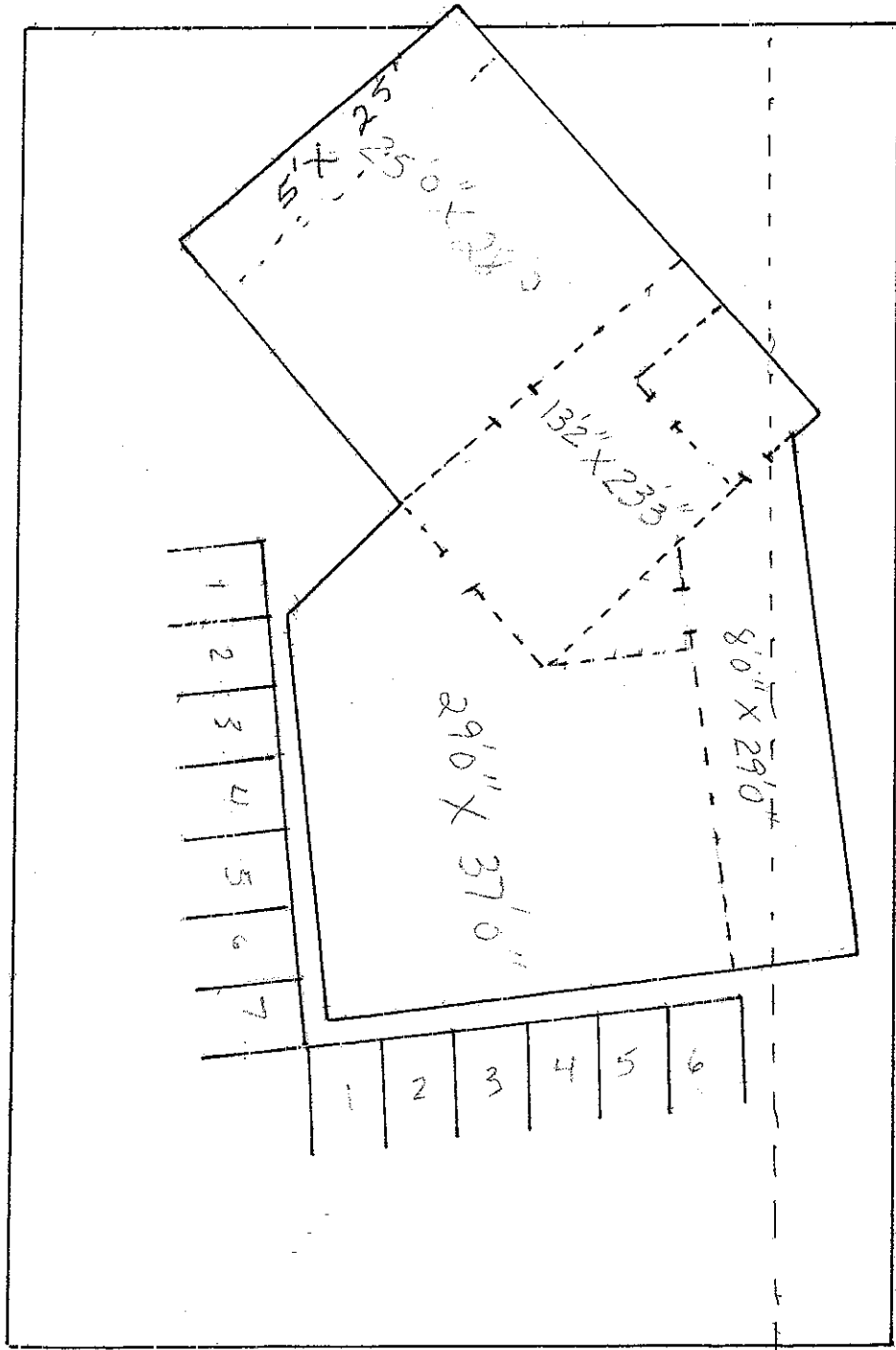
Jurisdiction: City

 Retail clothing store in C-1 (Neighborhood Commercial)

Original Print Date: 08/28/07 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

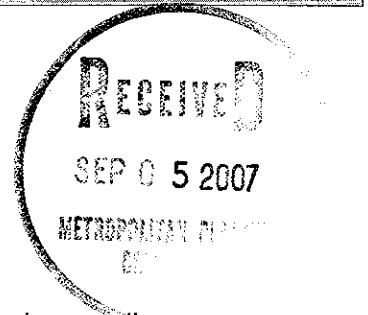


Proposed use: Clothing Store
Open Mon. - Sun.



9-A-07-WR

From: Mark Johnson
To: kelley.schlitz@knoxmpc.org
Date: 9/5/2007 3:05:10 PM
Subject: 2400 Washington Pike - Use on Review



Kelley,
David McGinley visited the site to assess the existing parking layout and determined there is currently no discernable layout to the parking on this site. Also, ingress and egress from the lot is not safely controlled. Therefore, City Engineering, during the occupancy permit review process, will require that the parking layout be brought into compliance with the Knoxville Zoning Ordinance, or Board of Zoning Appeals variances obtained where hardships prevent compliance with the Ordinance. Areas of concern include, but are not limited to: parking stall widths and depths, parking aisle widths, driveway widths and locations, parking setbacks from property lines, etc. Site plans, stamped by a licensed architect or engineer, showing all required information will be required before an occupancy permit is issued.

Please let me know if I can be of further assistance.

Thanks,

Mark Johnson
Stormwater Design Reviewer
Engineering Division
City of Knoxville
865-215-2608

CC: Chris Howley; David McGinley