



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

▶ **FILE #:** 12-C-07-UR **AGENDA ITEM #:** 61
 POSTPONEMENT(S): 12/13/2007- 2/14/2008 **AGENDA DATE:** 3/13/2008
 ▶ **APPLICANT:** **NEELY REALTY PARTNERSHIP**
 OWNER(S): NEELY REALTY PARTNERSHIP

TAX ID NUMBER: 94 N P 001 & 020
 JURISDICTION: City Council District 1
 ▶ **LOCATION:** **Southeast side of Forest Ave., northeast side of S. Twenty First St.**
 ▶ **APPX. SIZE OF TRACT:** **0.21 acres**
 SECTOR PLAN: Central City
 GROWTH POLICY PLAN: Urban Growth Area
 ACCESSIBILITY: Access is via S. Twenty First St. and Forest Ave., both local streets with 26' pavement widths within 50' rights-of-way.
 UTILITIES: Water Source: Knoxville Utilities Board
 Sewer Source: Knoxville Utilities Board
 WATERSHED: Third Creek

▶ **ZONING:** **C-1 (Neighborhood Commercial)**
 ▶ **EXISTING LAND USE:** **Vacant wholesale**
 ▶ **PROPOSED USE:** **Dwelling units & a restaurant in conjunction with a food market/grocery store**
 HISTORY OF ZONING: This property was recently rezoned to C-1 (10-N-07-RZ/10-J-07-PA)
 SURROUNDING LAND USE AND ZONING: North: Business & Forest Ave. / I-2 (Restricted Manufacturing & Warehousing)
 South: Residences / R-3 (High Density Residential)
 East: Residences / I-2 (Restricted Manufacturing & Warehousing)
 West: Business & S. Twenty-First St. / O-2 (Civic & Institutional)
 NEIGHBORHOOD CONTEXT: This vacant site is located in an area that has developed with business, residential, and warehousing uses under I-2, O-1, O-2, RP-1 and R-2 zoning.

STAFF RECOMMENDATION:

- ▶ **APPROVE the request for 5 dwelling units & a restaurant in conjunction with a food market/grocery store in the C-1 (Neighborhood Commercial) zoning district, subject to the following 9 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. Installation of proposed landscaping within six months of the issuance of occupancy permits for each unit.
 5. Obtaining all necessary variances from the Knoxville Board of Zoning Appeals prior to issuance of building permits.
 6. Obtaining a lease agreement from the property owner across S. Twenty-First St. for the use of their parking

facilities.

7. Meeting all applicable requirements of the Knoxville Fire Marshall.
8. Meeting all requirements of the American Disabilities Act with regards to the proposed sidewalks.
9. 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 proposing to develop a 3-story mixed use retail/residential building at the corner of Forest Ave., and Twenty-First St. in the Fort Sanders area. The ground floor will accommodate a 1,436 sq. ft. restaurant with 300 sq. ft of outdoor seating, a 1,026 sq. ft. food market/grocery store, and a 400 sq. ft. residential efficiency unit. There will be a total of 4 apartments located on the 2nd and 3rd floors. Restaurants are a use that is permitted on review in the C-1 zoning district. Due to a recently approved amendment to the C-1 zoning district, dwelling units are a use that is permitted on review as long as they are in conjunction with a permitted use, which in this case is a food market/grocery store (1-A-08-OA).

In order to accommodate the proposed development plan, the applicant will be required to obtain a number of variances from the Knoxville Board of Zoning Appeals (BZA). In addition to the 10 available parking spaces located behind the proposed mixed use building, the applicant is planning on obtaining a parking lease agreements from the property owner located across S. Twenty First St. (2102 Forest Ave.) in order to accommodate an additional 15 parking spaces. Despite this additional parking, the proposed plan does not accommodate an adequate amount of parking to satisfy the proposed use of the property. The applicant will also be required to obtain the following variances: front yard setback, lot coverage, parking aisle width, and parking stall width. The BZA approved these variances on 12/20/2007.

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

1. The proposed mixed use development is consistent with surrounding apartments, offices and wholesale warehouses noted in the area.
2. Public water and sewer utilities are available to serve the site.
3. There will be minimal impact on schools and streets resulting from this proposal. The majority of restaurant customers will be University students residing in nearby apartments. Therefore, the traffic generated from the proposed use will primarily be pedestrian.
4. The proposed mixed use development will have minimal impact on adjacent properties, since the subject property is located in a mixed use area of Fort Sanders.
5. The applicant met with representatives from the neighborhood to discuss the development plan and impacts on nearby properties when the rezoning went before MPC. The Historic Fort Sanders Neighborhood Association supports the Neighborhood Commercial and C-1 zoning.

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

1. The proposal 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 properties. The use will not draw substantial additional traffic through residential areas since the majority of traffic will be pedestrian based.
2. The proposal is consistent with all requirements for the C-1 zoning district.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

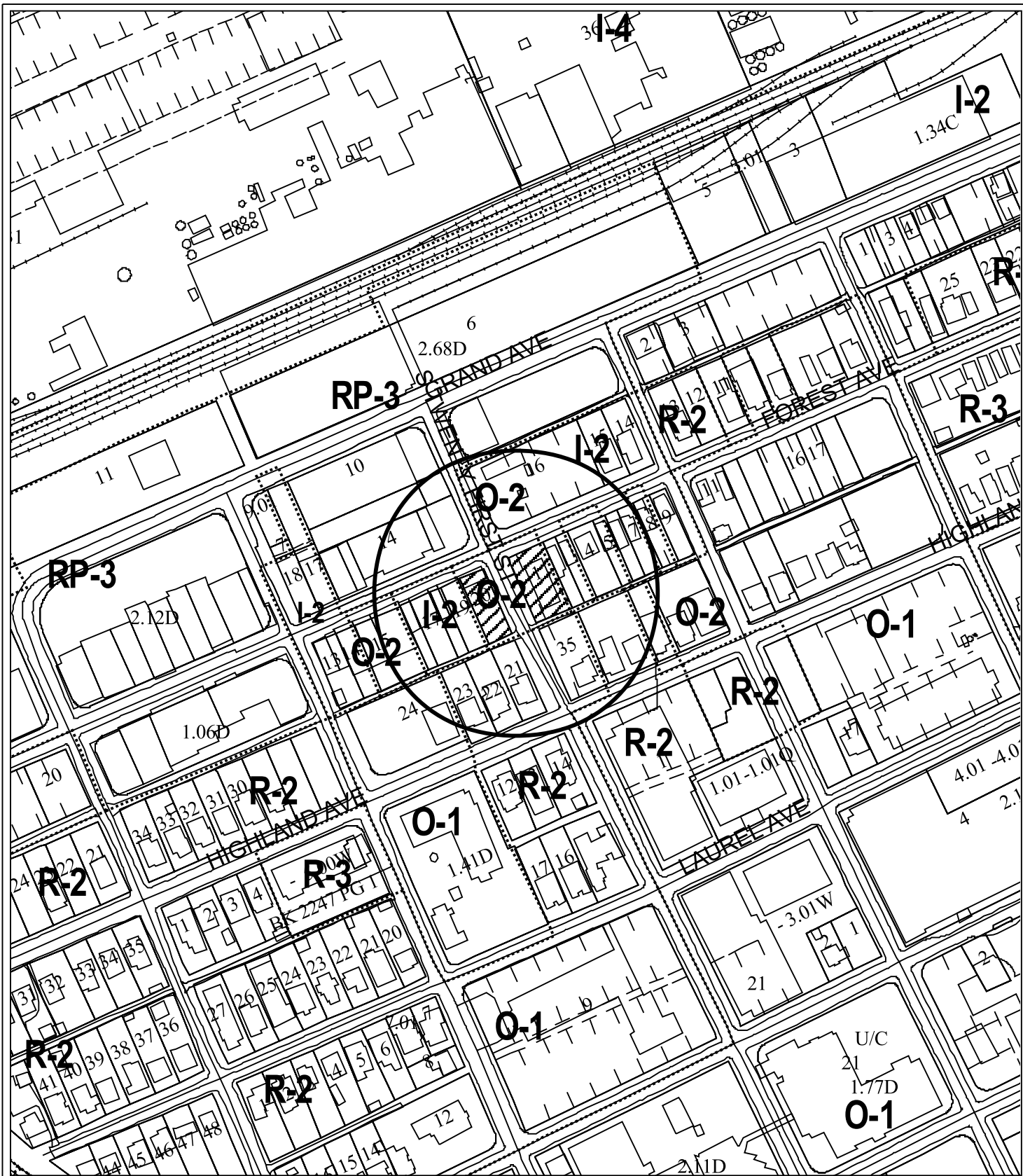
1. The Central City Sector Plan proposes O (Office) use, while the One Year Plan shows Mixed use (HDR/O/NC).
2. The current C-1 zoning of the property permits consideration of outdoor seating for a restaurant as a use on review.

ESTIMATED TRAFFIC IMPACT: 345 (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.



12-C-07-UR
 USE ON REVIEW



Restaurant and a first floor residence in the C-1 (Neighborhood Commercial) Zoning District.

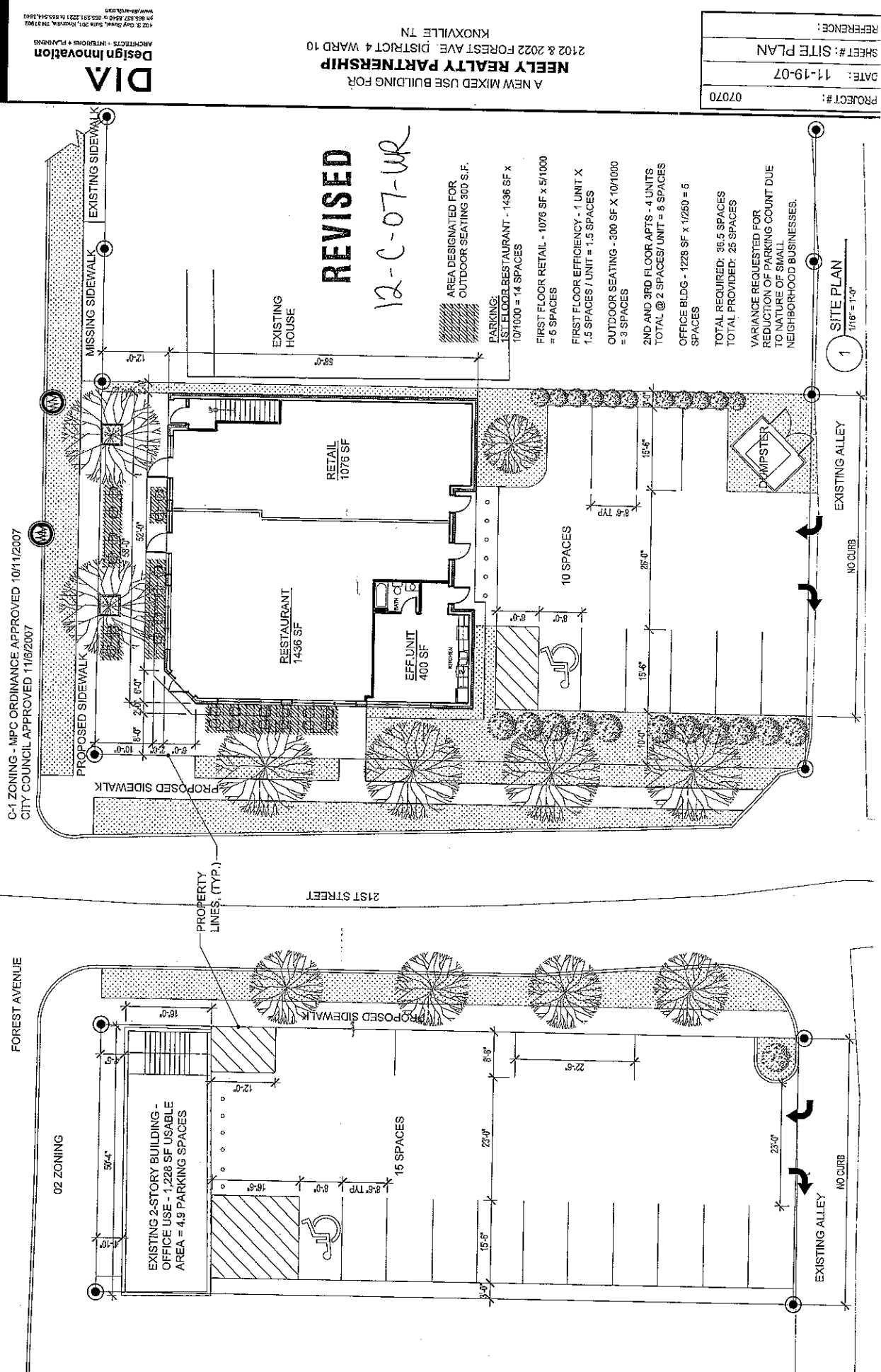
Original Print Date: 11/28/07 Revised: 01/03/08
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Neely Realty Partnership

Map No: 94

Jurisdiction: City





PROJECT #: 07070

DATE: 11-19-07

SHEET #: SITE PLAN

REFERENCE:

A NEW MIXED USE BUILDING FOR

NEELY REALTY PARTNERSHIP

2102 & 2022 FOREST AVE DISTRICT 4 WARD 10

KNOXVILLE TN

DIA

Design Innovation

ARCHITECTS - INTERIORS + PLANNING

112 S. Gay Street, Suite 101, Knoxville, TN 37902

PH: 615.577.4444 • FAX: 615.221.2211 • WWW.DIA-ARCH.COM