



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

▶ **FILE #:** 9-A-08-UR **AGENDA ITEM #:** 61
POSTPONEMENT(S): 9/11/2008 **AGENDA DATE:** 10/9/2008
▶ **APPLICANT:** ALBERTO & GINNER MONROY
OWNER(S): K. BUSHING

TAX ID NUMBER: 82 J F 019
JURISDICTION: City Council District 6
▶ **LOCATION:** Southwest side of N. Cherry St., northwest side of Jefferson Ave.
▶ **APPX. SIZE OF TRACT:** 18000 square feet
SECTOR PLAN: Central City
GROWTH POLICY PLAN: Urban Growth Area
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.
UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board
WATERSHED: Williams Creek

▶ **ZONING:** C-1 (Neighborhood Commercial)
▶ **EXISTING LAND USE:** Vacant commercial space
▶ **PROPOSED USE:** Restaurant

HISTORY OF ZONING: None noted
SURROUNDING LAND USE AND ZONING: North: Business / C-1 commercial
South: Detached dwellings / R-2 residential
East: Detached dwellings / R-2 residential
West: Detached dwellings / R-1A residential
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.

STAFF RECOMMENDATION:

- ▶ **APPROVE the request for a restaurant in this C-1 zoning district as shown on the development plan subject to 5 conditions**
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.

ESTIMATED TRAFFIC IMPACT 223 (average daily vehicle trips)

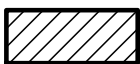
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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-08-UR
USE ON REVIEW**



Restaurant in C-1 (Neighborhood Commercial)

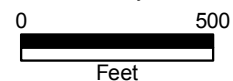
Original Print Date: 8/19/2008
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

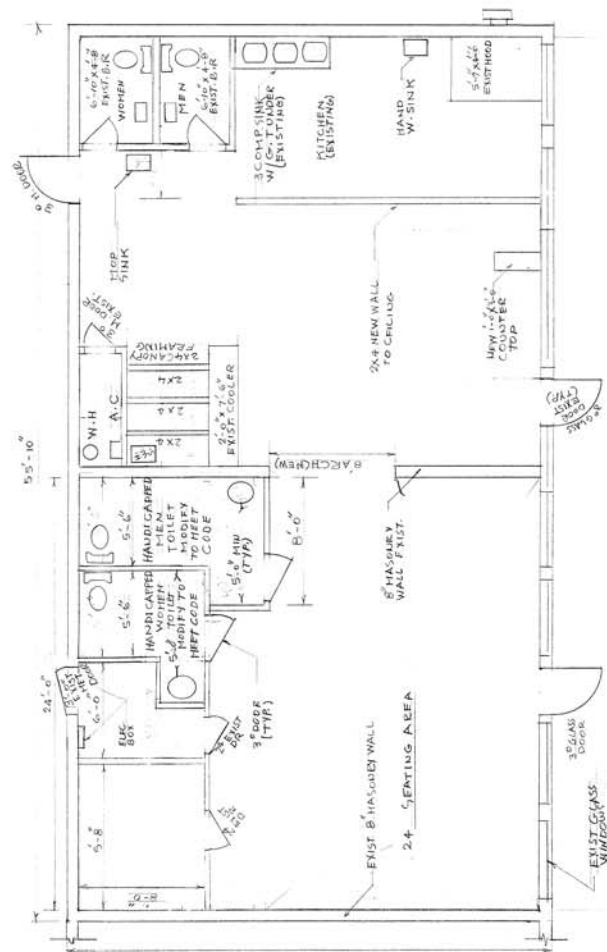
Revised:

Petitioner: Monroy, Alberto & Ginner

Map No: 82

Jurisdiction: City



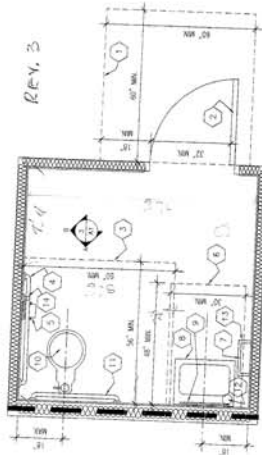


FLOOR PLAN
SCALE: 1/8" = 1'-0"

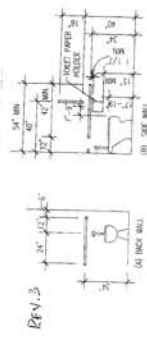
CHERRY STREET

HCAP TOILET PLAN KEYED NOTES

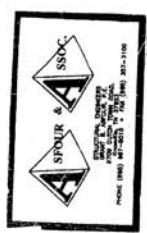
- 1 48" x 60" CLEAR FLOOR AREA REQUIRED ON FULL USE OF TOILET. TOILET SHALL BE A PRINCY LOCK.
- 2 48" x 60" CLEAR FLOOR AREA REQUIRED INSIDE FLOOR AREA. TOILET SHALL NOT TOUCH UP CLEAR FLOOR AREA.
- 3 42" OMB BAR STARTING AT 12" MAX FROM REAR WALL TO CENTERLINE OF TOILET.
- 4 30" x 48" REAR WALL TO 48" MAX A.F.F. AND TOILET SHALL BE 12" FROM REAR WALL TO CENTERLINE OF TOILET.
- 5 30" x 48" REAR WALL TO 48" MAX A.F.F. AND TOILET SHALL BE 12" FROM REAR WALL TO CENTERLINE OF TOILET.
- 6 30" x 48" REAR WALL TO 48" MAX A.F.F. AND TOILET SHALL BE 12" FROM REAR WALL TO CENTERLINE OF TOILET.
- 7 30" x 48" REAR WALL TO 48" MAX A.F.F. AND TOILET SHALL BE 12" FROM REAR WALL TO CENTERLINE OF TOILET.
- 8 30" x 48" REAR WALL TO 48" MAX A.F.F. AND TOILET SHALL BE 12" FROM REAR WALL TO CENTERLINE OF TOILET.
- 9 30" x 48" REAR WALL TO 48" MAX A.F.F. AND TOILET SHALL BE 12" FROM REAR WALL TO CENTERLINE OF TOILET.
- 10 30" x 48" REAR WALL TO 48" MAX A.F.F. AND TOILET SHALL BE 12" FROM REAR WALL TO CENTERLINE OF TOILET.
- 11 30" x 48" REAR WALL TO 48" MAX A.F.F. AND TOILET SHALL BE 12" FROM REAR WALL TO CENTERLINE OF TOILET.
- 12 30" x 48" REAR WALL TO 48" MAX A.F.F. AND TOILET SHALL BE 12" FROM REAR WALL TO CENTERLINE OF TOILET.
- 13 30" x 48" REAR WALL TO 48" MAX A.F.F. AND TOILET SHALL BE 12" FROM REAR WALL TO CENTERLINE OF TOILET.
- 14 30" x 48" REAR WALL TO 48" MAX A.F.F. AND TOILET SHALL BE 12" FROM REAR WALL TO CENTERLINE OF TOILET.



TYP. HCAP INDIVID. TOILET RM PLAN - PHASE 2 (N.I.C.C.)
1/8" = 1'-0" DRAWING IS FOR PLUMBING AND BLOCKING ROOM-IN-ENTRY



GRAB BAR AND FIXTURE MOUNTING DETAILS
1/8" = 1'-0" DRAWING IS FOR PLUMBING AND BLOCKING ROOM-IN-ENTRY



DESIGN BY	CONTRACTOR
REVISIONS	DATE
1	8/14/08
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	

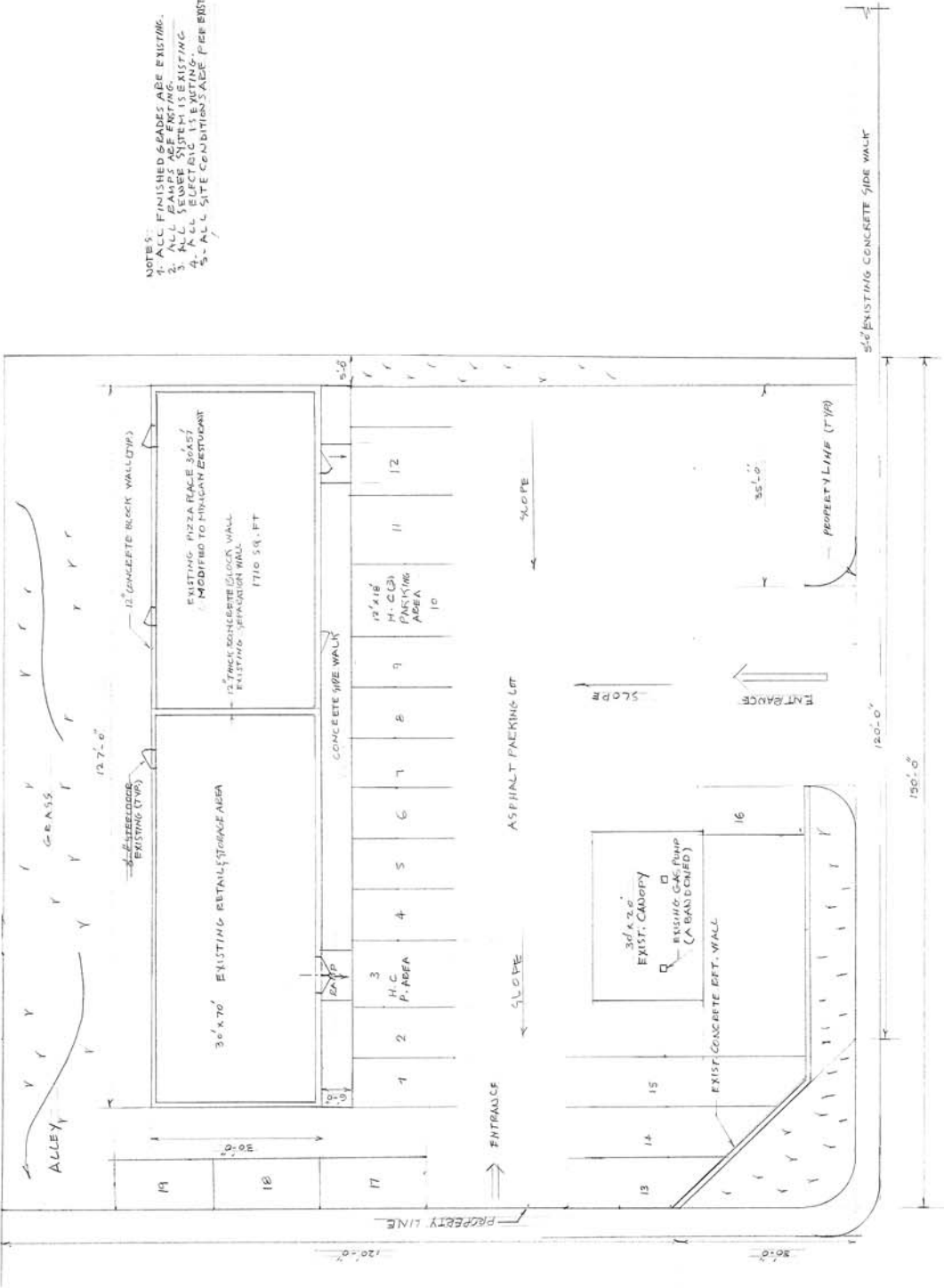
9. A. 08-UR
8/14/08



REV
7/10/08



- NOTE:
1. ALL FINISHED GRADES ARE EXISTING.
 2. ALL EASEMENTS ARE EXISTING.
 3. ALL SEWER SYSTEM IS EXISTING.
 4. ALL UTILITIES ARE SHOWN PER EXISTING RECORDS AND FIELD SURVEY.
 5. ALL SITE CONDITIONS ARE PER EXISTING.



N. CHERRY STREET

SITE PLAN

