

▶ **FILE #:** 11-E-10-UR

AGENDA ITEM # 32

AGENDA DATE: 11/10/2010

▶ **APPLICANT:** DONALD FERGUSON

OWNER(S): Donald Ferguson

TAX ID NUMBER: 107 K G 007

JURISDICTION: City Council District 2

▶ **LOCATION:** West side of N. Forest Park Bv., north of Newcom Av.

▶ **APPX. SIZE OF TRACT:** 10500 square feet

SECTOR PLAN: West City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via N. Forest Park Bv., a minor collector street with a pavement width of 32' within a 50' wide right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **ZONING:** O-1 (Office, Medical, and Related Services)

▶ **EXISTING LAND USE:** Office / dwelling

▶ **PROPOSED USE:** Home occupation for a domestic Kitchen

HISTORY OF ZONING: The site was zoned O-1 (Office, Medical and Related Services) in 1986

SURROUNDING LAND USE AND ZONING: North: Offices & apartments / O-1 office & R-3 residential

South: General commercial / C-3 commercial

East: Offices / O-1 office

West: Vacant lots / C-3 commercial

NEIGHBORHOOD CONTEXT: The site is located in an area that has been transitioning from residential use to office and commercial uses during the past three decades. A number of the structures that were built as dwellings have now been converted for small office use.

STAFF RECOMMENDATION:

▶ **APPROVE the request for a domestic kitchen as an home occupation subject to 8 conditions**

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance
2. Meeting all applicable requirements of the Knoxville fire Marshall's office
3. Meeting all applicable requirements of the Knox county Health Dept.
4. Meeting all applicable requirements of the Tennessee Dept. of Agriculture
5. No walk-in retail trade. All cakes or pastries are to be prepared on site and pre-ordered for pick-up or delivery
6. The applicant must reside in the dwelling
7. There shall be no change in the outside appearance of the building

8. No more than one building mounted sign not to exceed 2 sq. ft. in area may be permitted

With conditions noted this request meets the requirements for a home occupation in the O-1 (Office, Medical and Related Services) District and the other criteria for approval of a use on review

COMMENTS:

The applicant are proposing to operate a "domestic kitchen" as a home occupation. It is their intent to bake cakes and other pastries at this location. They will require that all baked goods be pre ordered. They will not cater to walk-in retail trade. The site is zoned O-1 office and has been used as an office in the recent past. In order to operate the proposed business, the applicant will have to live in the dwelling.

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

1. The proposed self home occupation will have minimal impact on local services since all utilities are available to serve this site.
2. Traffic generated from this type facility is minimal and will have little or no additional impact on N. Forest Park Bv.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. With the recommended conditions, the proposed home occupation meets the standards for development within the O-1 zoning district and all other requirements of the Zoning Ordinance..
2. The proposed home occupation 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 and intent of the Zoning Ordinance. The use is compatible with the character of the area where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas.

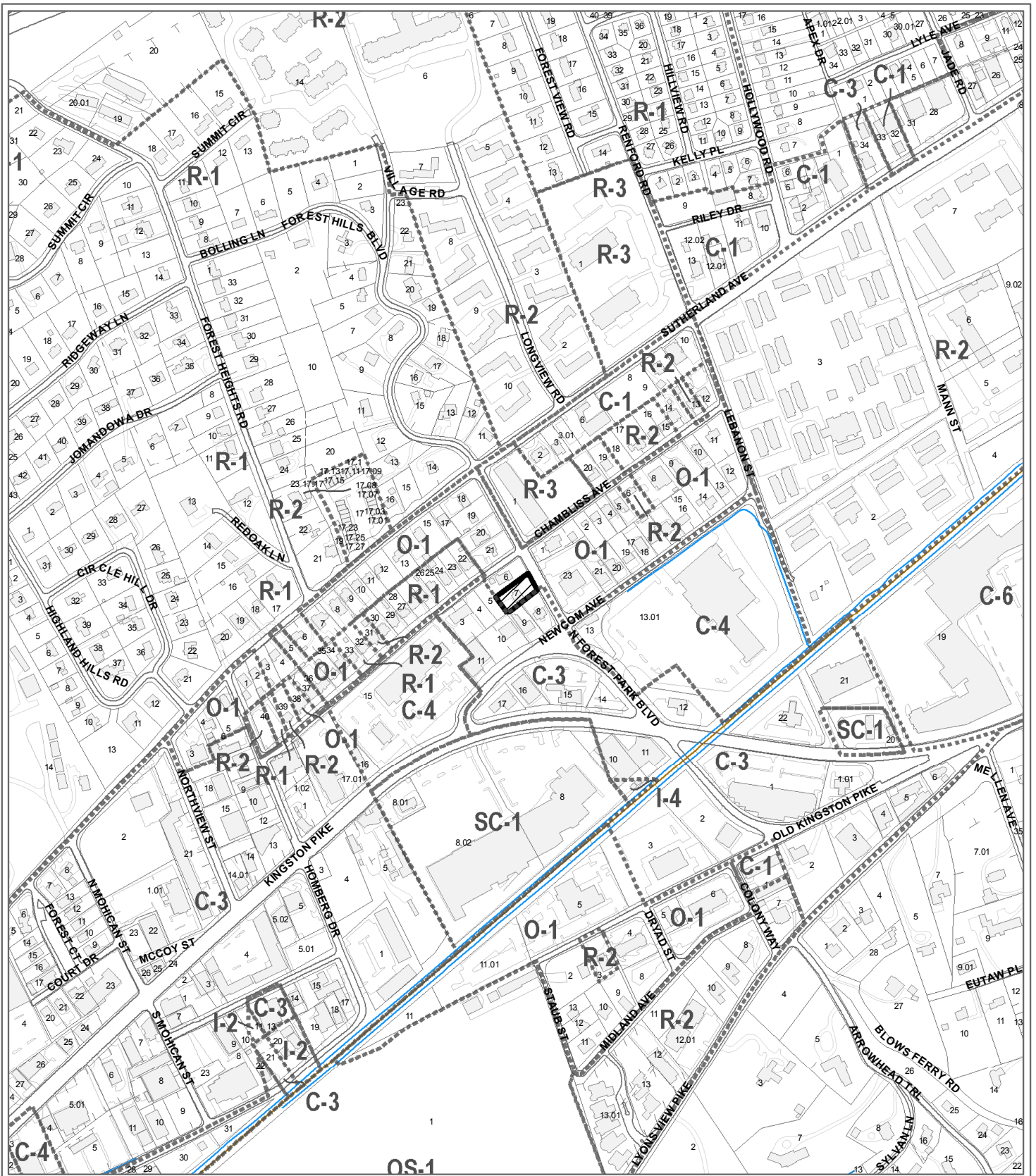
CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The West City Sector Plan and One Year Plan identifies this property as being within a larger mixed use area of residential, office and commercial uses being permitted.

ESTIMATED TRAFFIC IMPACT: Not calculated.

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.



**11-E-10-UR
USE ON REVIEW**



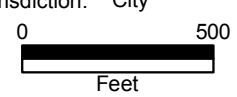
Domestic Kitchen in O-1 (Office, Medical, and Related Services)

Petitioner: Ferguson, Donald

Map No: 107

Jurisdiction: City

Original Print Date: 10/26/2010 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



11-E-10-UR

Home Occupation Guidelines
Donald Ferguson
Connie McMahan
313 N. Forest Park Blvd.
Knoxville, TN 37919

September 27, 2010

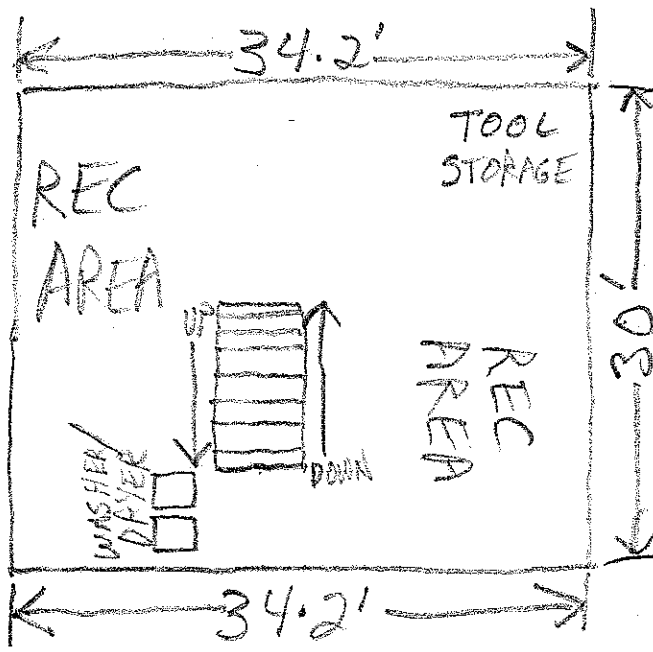
Sugarbuzz custom cakes
Hours of operation 10:00am – 5:00pm

We abide by the following criteria:

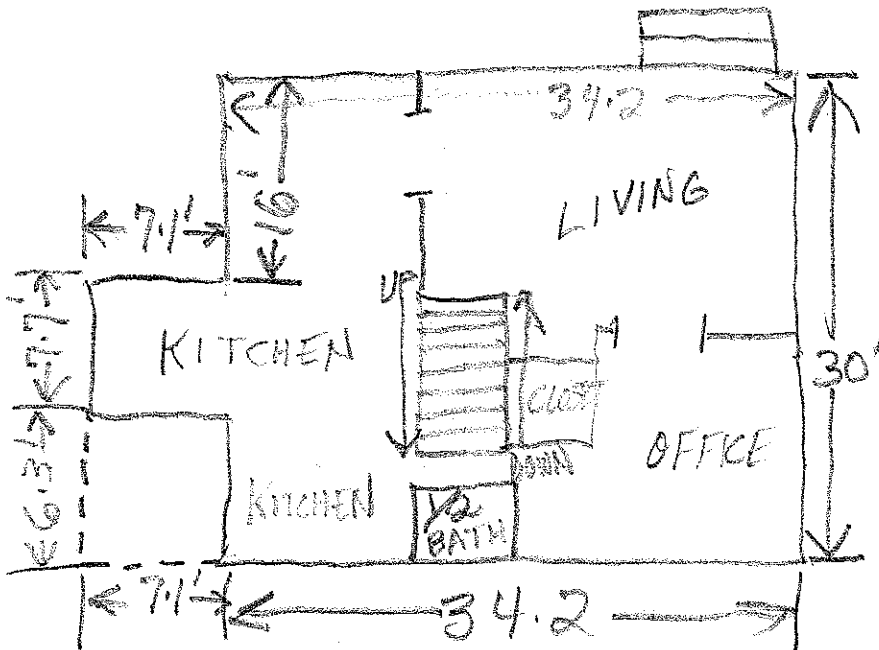
1. We do not have any employees outside of household members residing in the home.
2. No more than twenty five percent of the home will be used for the business.
3. The outside of the building will not change to indicate any business activity and no sign is currently planned. If at a future date we put up a sign we will first show the plan to the MPC for approval knowing it should not exceed two square feet and would be mounted flat against the wall of the principal building.
4. There are no accessory buildings on the property.
5. The only sales will be those produced on the premises.
6. The business will not generate any traffic volume greater than what would be normally expected in this neighborhood.
7. We will not create any increased noise, vibration, glare, fumes, odors or electrical interference.

313 N FOREST PK BLVD -

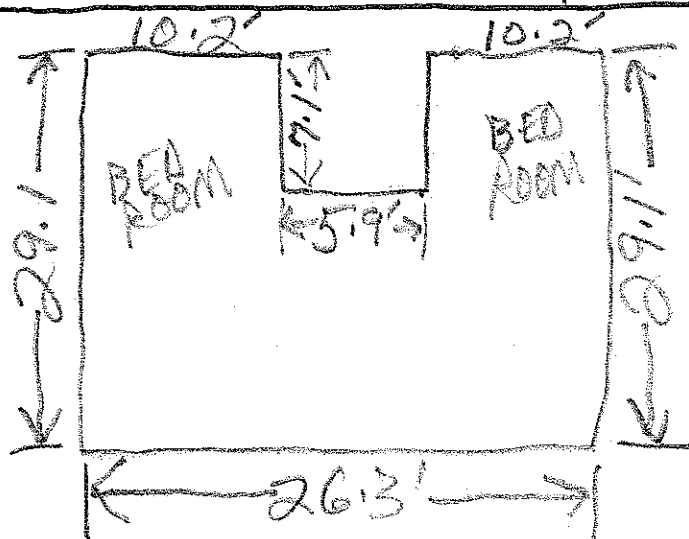
FLOOR PLAN



BASEMENT
1026 SQ'

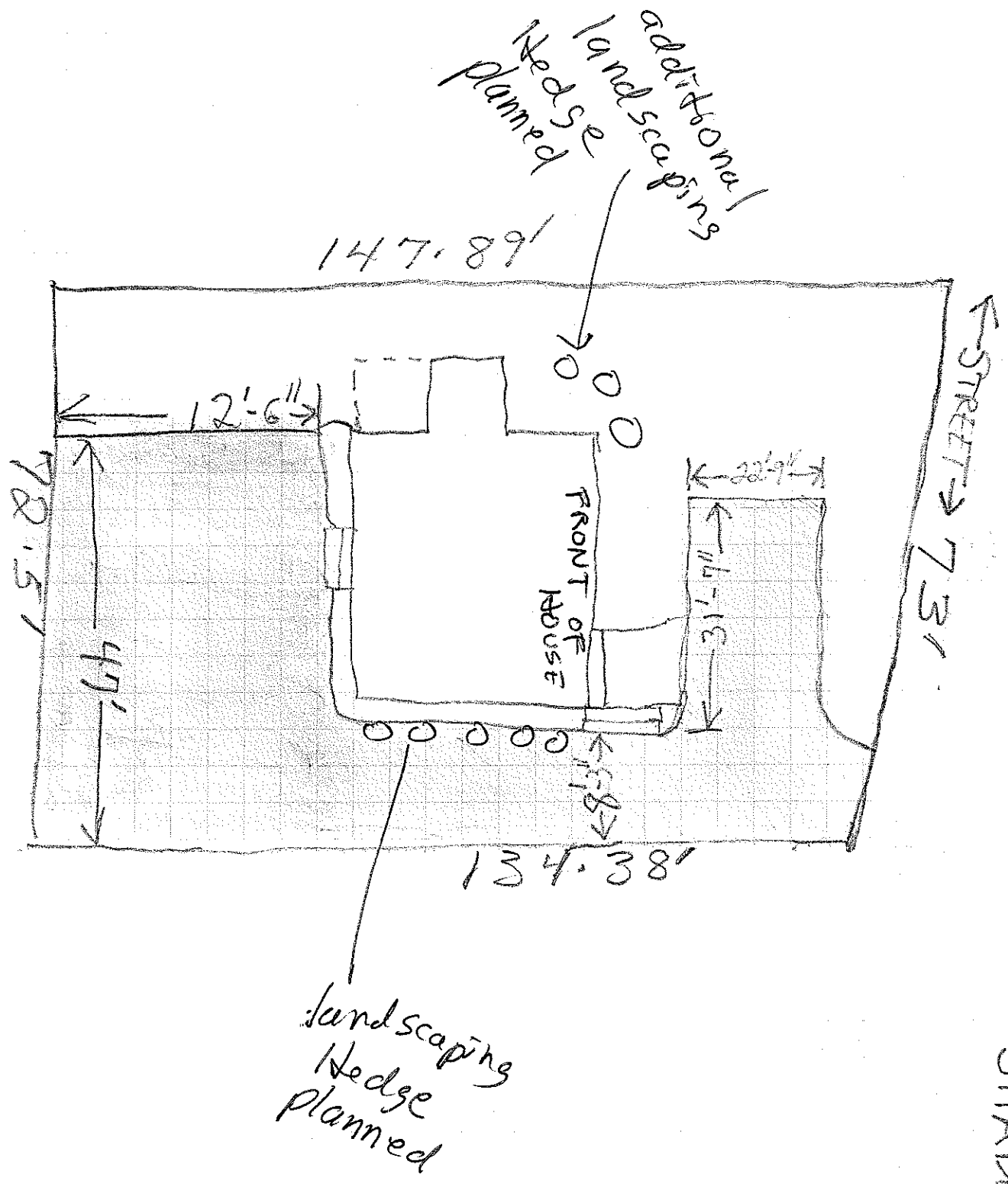


MAIN LEVEL
1026 SQ'



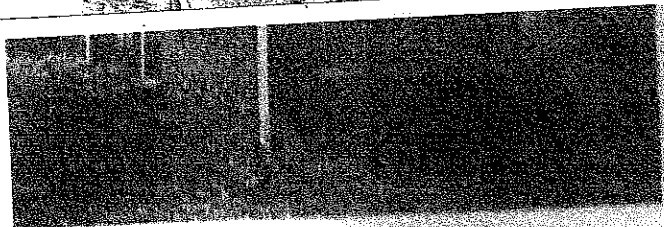
UPSTAIRS
723 SQ'

313 N. FOREST PK BLVD — PARKING AREAS
SHADED IN GRAY





Rear of office



South side of office