

▶ **FILE #:** 2-A-10-UR

**AGENDA ITEM #** 31

**AGENDA DATE:** 2/10/2011

▶ **APPLICANT:** MIKE ELLIOTT

OWNER(S):

TAX ID NUMBER: 94 F H 011.01

JURISDICTION: City Council District 6

▶ **LOCATION:** West side of Arthur St., north side of McGhee Av.

▶ **APPX. SIZE OF TRACT:** 3750 square feet

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via Arthur St., a local street with a pavement width of 28' within a 40' wide right-of-way

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

▶ **ZONING:** C-1 (Neighborhood Commercial) & H-1 (Historic Overlay)

▶ **EXISTING LAND USE:** Restaurant / deli

▶ **PROPOSED USE:** Restaurant

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Residence / R-1A residential & H-1 historic overlay

South: Knoxville Fire Dept. / O-1 office & H-1 historic overlay

East: Pest control service / O-1 office

West: Residence / O-1 office

NEIGHBORHOOD CONTEXT: The site is located in historic district that includes numerous dwellings commercial structures and the historically significant Arthur Street fire hall.

**STAFF RECOMMENDATION:**

▶ **APPROVE the request for a restaurant with up to sixteen seats as shown on the plan subject to 6 conditions**

1. Providing the required number of off street parking spaces or obtaining the appropriate parking variance from the Knoxville Board of Zoning Appeals
2. Meeting all other applicable requirements of the Knoxville Zoning Ordinance
3. Meeting all applicable requirements of the Building Code and the requirements of the Knoxville Fire Marshall's office
4. Meeting all applicable requirements of the Knoxville Historic Zoning Commission for any proposed changes or renovation to the exterior of the building
5. Meeting all applicable requirements of the Knoxville Engineering Dept.
6. Meeting all applicable requirements of the Knox County Health Dept.

**COMMENTS:**

The applicant has requested a use on review for a restaurant in a C-1 (Neighborhood Commercial) District. The site has been home to a deli for a number of years. The applicant is wanting to add permanent seating to permit the patrons to sit as they have their meal. By adding the seating the operation changes from a deli to a restaurant which requires MPC approval in the C-1 district.

The site is located in the Mechanicsville Historic District. The building and the surrounding area was developed before the automobile was our primary mode of transportation. As a result, no off street parking was ever provided for this site because it was not an issue when this historic neighborhood was developed. The City Zoning Ordinance requires that a place of business provide adequate off street parking to accommodate the customers and employees of a particular enterprise. Since parking cannot be provided on site, the applicant has requested a variance to that requirement from the Knoxville Board of Zoning Appeals. The business has been operational for a number of years. Area residents support the business by walking to the location or parking on the street. Staff believes that permitting this business to transition from a deli to a restaurant will have little or no negative impact on the surrounding neighborhood.

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

- 1. The proposed restaurant will have minimal impact on local services since all utilities are available to serve this site.
- 2. Parking has not been an issue because the existing deli has served this neighborhood for a number of years without any off street parking.

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

- 1. With the granting of the parking variance, this proposed restaurant will meet the standards for development within a C-1 (Neighborhood Commercial) District and all other requirements of the Zoning Ordinance.
- 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 and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property.

**CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS**

- 1. The Knoxville One Year Plan designates this site for NC (Neighborhood Commercial) uses. The Central City Sector Plan designates this property for low density residential use.

ESTIMATED TRAFFIC IMPACT: Not calculated.

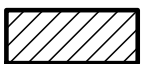
ESTIMATED STUDENT YIELD: Not applicable.

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.



**2-A-10-UR  
USE ON REVIEW**

Petitioner: Elliott, Mike



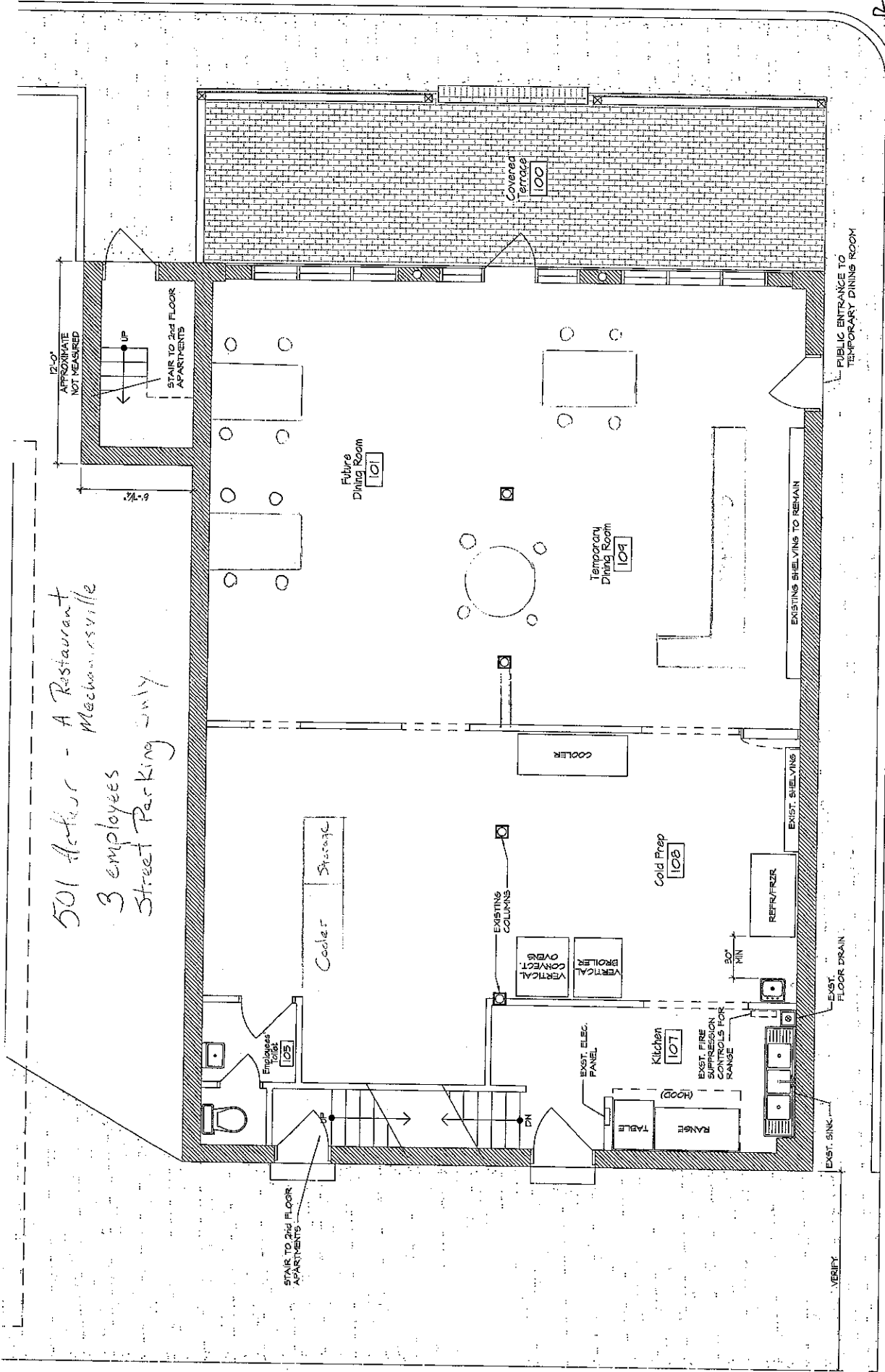
Restaurant in C-1 (Neighborhood Commercial) & H-1 (Historic Overlay)

Original Print Date: 1/27/2010  
 Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Map No: 94  
 Jurisdiction: City

0 250  
 Feet

N



501 Arthur - A Restaurant  
 Mechanicville  
 3 employees  
 Street Parking Only

Arthur St

2-A-10-UR  
 1/13/10

McGline St

FLOOR PLAN  
 SCALE: 3/4" = 1'-0"

Old Mechanicsville Neighborhood Interest (OMNI)  
1317 Hannah Ave.  
Knoxville, TN 37921  
January 27, 2011

Metropolitan Planning Commission  
400 Main St  
Knoxville, TN 37902

Dear Mr. Donaldson,

On behalf of our community I would like to express our support of the approval of Michael Elliot's restaurant **501 Arthur**. The restaurant is located at 501 Arthur St. which is in the historic district of Old Mechanicsville. Mr. Elliot has had a luncheon restaurant, at this spot, over the past few years and I know that many folks enjoyed eating there and taking in the sites of our beautiful historic structures. I am confident that the restaurant will be a win/win situation for Mr. Elliot and the community.

If you have any questions, please contact me at 673-4820 or 659-4820 (cell).

Many thanks,

Cathy Gonzalez  
OMNI President

**2-A-10-UR-COR-JAMES**  
**THE MECHANICSVILLE COMMUNITY ASSOCIATION**

1625 DUNBAR STREET  
KNOXVILLE, TN 37921  
865-524-5156

January 21, 2011

~~Ms. Ann Bennett~~ <sup>MB</sup> Mark Donaldson  
Metropolitan Planning Commission  
City County Building  
400 Main Street 4<sup>th</sup> Floor  
Knoxville, TN 37902



Dear ~~Ms. Bennett~~ <sup>MB</sup> Donaldson,

This letter will serve to support the request of Mr. Mike Elliott to be granted the Use On Review/Variance for his restaurant in the Mechanicsville community.

Mr. Elliott has been a very visible asset to the community for several years. He has supported the Mechanicsville Community Association by attending meetings and contributing to our Mechanicsville Community Association's Homecoming efforts. He has also been an active participant in the Cemetery Preservation meetings with Dr. Whaley, often taking a leadership role in planning the necessary strategy for maintaining and upgrading the grounds of the cemetery. I, too, have attended the meetings.

Mr. Elliott is also a faithful, active member of the Clinton Chapel AME Zion Church on College Street. I was please to attend the service in which he made his first presentation as a minister.

His restaurant has been a highlight in the Mechanicsville community, receiving outstanding press from Metropulse, The News-Sentinel and other media sources. The restaurant has established a clientele ranging from various parts of the city, including my former boss, Victor Ashe.

He also supports the newly formed Greater Mechanicsville Neighborhood Crime Watch Organization.

All of the above is simply to express my knowledge about the character of Mr. Elliott, being a person worthy to receive your consideration in granting the Use On Review/Variance. He is a knowledgeable, hardworking former teacher who is true to his word. I consider him a friend.

Sincerely,



Jean Davis-James  
Secretary  
The Mechanicsville Community Association

2010 Mechanicsville Homecoming Core Committee: Diane Evans, Chairperson—522-0856 Fred Downs Juanita Porter---524-0689 Rita McKinnon James Hudson

MCA THE MECHANICSVILLE COMMUNITY ASSOCIATION

Charles Wright, President Shirley Kellogg, Vice President John McClure, Treasurer Jean Davis-James, Secretary Teressa Williams, Assistant Secretary

2-A-10-UR-Cor-Marlow

R. Bentley Marlow, J.D., M.A.  
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Knoxville, Tennessee 37921-4813  
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www.rbentleymarlow.com

Metropolitan Planning Commission  
400 Main Street, Suite 403  
Knoxville, Tennessee 37902

To Concerned Parties:

Greetings, I am R. Bentley Marlow, the president of the Mechanicsville Neighborhood Watch Association and the scoutmaster for Mechanicville Boy Scout Troop 99.


During the seven years since Mike Elliott's move into Mechanicsville I have observed his dedication to the neighborhood and 501 Arthur. In that time I have seen him transform a long forgotten building into a treasure in Mechanicsville. He created two beautiful residential units and opened a restaurant that received unanimous raving reviews for its food and atmosphere.

Mike is before you now requesting certain variances necessary for his success. 501 Arthur, being within the historic overlay is handicapped by the requirements for parking spaces. Without the purchase and demolition of historically protected property 501 Arthur cannot have a parking lot adjacent its doors. Moreover, such a lot is unnecessary given Mechanicsville's pedestrian and bicycle friendly layout, and proximity to a KAT bus stop. Additionally, when 501 was operating it was frequently busy during lunch and dinner hours and I never observed a parking or traffic problem result.

501 Arthur is just the sort of small business Mechanicsville needs. It provides opportunities for local residents to work and learn business skills, as well as being a source of pride for our neighborhood. As an active resident of Mechanicsville and a small business owner, I strongly urge this board to favorably review Mike Elliott's requests.

Should you require additional information please contact me at (865) 607-4357.

Very truly yours,



R. Bentley Marlow

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**TERMINIX®**

TERMITE AND  
PEST CONTROL

P.O. Box 1768  
Knoxville, Tennessee 37901  
(865) 524-2503

January 31, 2011

To: BZA and MPC,

RE: 501 Arthur Street, Knoxville, TN 37921

This letter is to advise you of our support of Mike Elliott's request for the necessary Parking Variance and Use on Review approval to re-open 501 Arthur as a restaurant. We would appreciate your consideration of this item as we believe it would be a positive addition to the Old Mechanicsville Neighborhood.

Sincerely,



Bob Hutchison

Terminix Pest Control  
500 Arthur St.