

▶ **FILE #:** 11-B-14-UR

**AGENDA ITEM #:** 45

**AGENDA DATE:** 11/13/2014

▶ **APPLICANT:** BREVARD PARTNERS OF TN, GP

OWNER(S): Sharon Thurner

TAX ID NUMBER: 69 L J 011

JURISDICTION: City Council District 5

STREET ADDRESS: 1322 Pembroke Ave

▶ **LOCATION:** South side of Pembroke Ave., west of N. Broadway

▶ **APPX. SIZE OF TRACT:** 0.188 acres

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access to this parking lot will be via an internal connection to the proposed restaurant. Access to the restaurant will be via N. Broadway, Pembroke Ave. and Fairfax Ave.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **ZONING:** O-1 (Office, Medical, and Related Services) & IH-1 (Infill Housing Overlay)

▶ **EXISTING LAND USE:** Vacant

▶ **PROPOSED USE:** Parking in a more restrictive zone

HISTORY OF ZONING: The site was zoned O-1 (Office, Medical and Related Services) District in 2003 (7-A-03-RZ). The IH-1 (Infill Housing Overlay) District was added in 2007

SURROUNDING LAND USE AND ZONING:  
 North: Mixed commercial/ C-3 commercial & IH-1 infill housing  
 South: Detached dwelling / R-2 residential & IH-1 infill housing  
 East: Mixed commercial / C-3 commercial  
 West: Detached dwellings / R-2 residential & IH-1 infill housing

NEIGHBORHOOD CONTEXT: The site forms the boundary between the commercial uses found along N. Broadway and the residential uses found on Pembroke Av. C-3 (General Commercial) is the primary commercial zoning classification found in the area. R-2 (General Residential) is the zoning of the dwellings found in the immediate vicinity. The IH-1 (Infill Housing Overlay) zone was applied to much of the area in 2007.

**STAFF RECOMMENDATION:**

▶ **APPROVE the request for parking in a more restrictive zone as shown on the site plan subject to 5 conditions**

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance
2. Prior to obtaining a grading permit, combine this site (069LJ011) with the adjoining commercial property (069LJ012) and the closed alley (O-279-03) by recording a plat
3. Meeting all applicable of the City of Knoxville Engineering Dept.
4. Installation of landscaping as shown on the development plan within six months of the issuance of occupancy permits for the proposed restaurant
5. Installation of the parking lot lighting as shown on the development plan

With the conditions noted this request meets the requirements for approval in the O-1 & IH-1 zones and the other criteria for approval of a use on review

#### **COMMENTS:**

The Knoxville Zoning Ordinance states that the "Metropolitan Planning Commission may approve required off street parking as a use on review in any office, commercial or industrial district which is more restrictive than that required for the principal use that it is intended to serve." In this case the O-1 zoned site is more restrictive than the adjoining C-3 property on which a restaurant will be constructed.

Access to the proposed parking lot will be through the commercial site as required by the Zoning Ordinance. A fence and landscaping will be put in place to buffer/shield the adjoining residential uses. A lighting plan has been submitted with this request. That plan shows that no light will be leaving the site where the property adjoins residential uses.

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

1. All public utilities are available to serve the site.
2. With the fencing, landscaping and controlled lighting the parking lot will be compatible with the scale and intensity of the surrounding development and zoning pattern.

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

1. With the recommended conditions, the proposal meets all relevant requirements of the O-1 zoning district as well as the general criteria for approval of a use on review.
2. The proposed development with the recommended conditions is consistent with the following general standards for uses permitted on review: The proposal 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. The use will not draw additional traffic through residential areas. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.

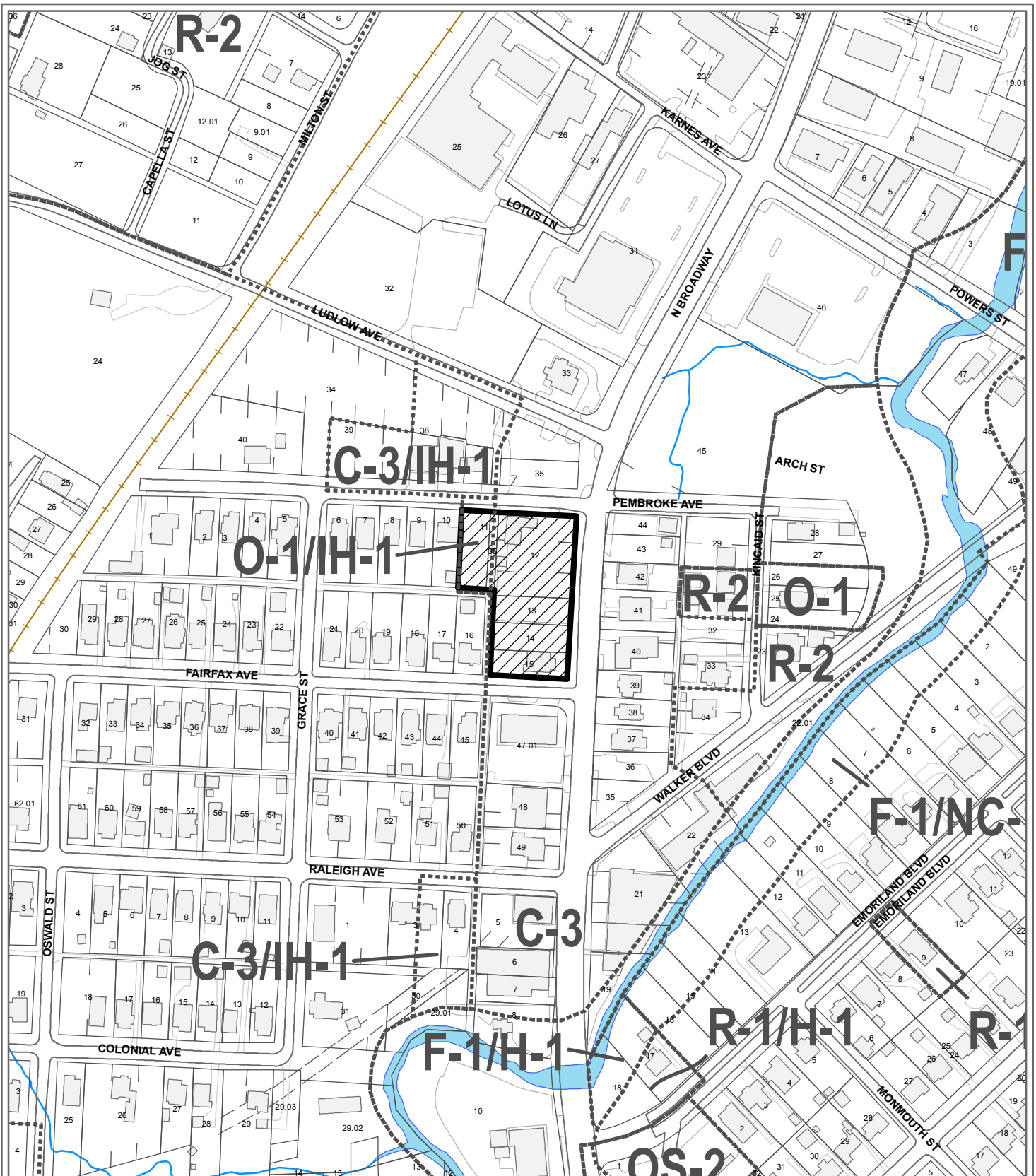
#### **CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS**

1. The Knoxville One Year Plan proposes O (Office) and the Central City Sector Plan proposes LDR (Low Density Residential) for this site.

ESTIMATED TRAFFIC IMPACT: Not required.

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-B-14-UR  
USE ON REVIEW**

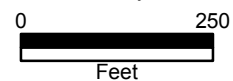


Parking in a more restrictive zone in O-1 (Office, Medical, and Related Services) & IH-1 (Infill Housing Overlay)

Original Print Date: 10/27/2014  
 Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Brevard Partners of TN, GP

Map No: 69  
 Jurisdiction: City

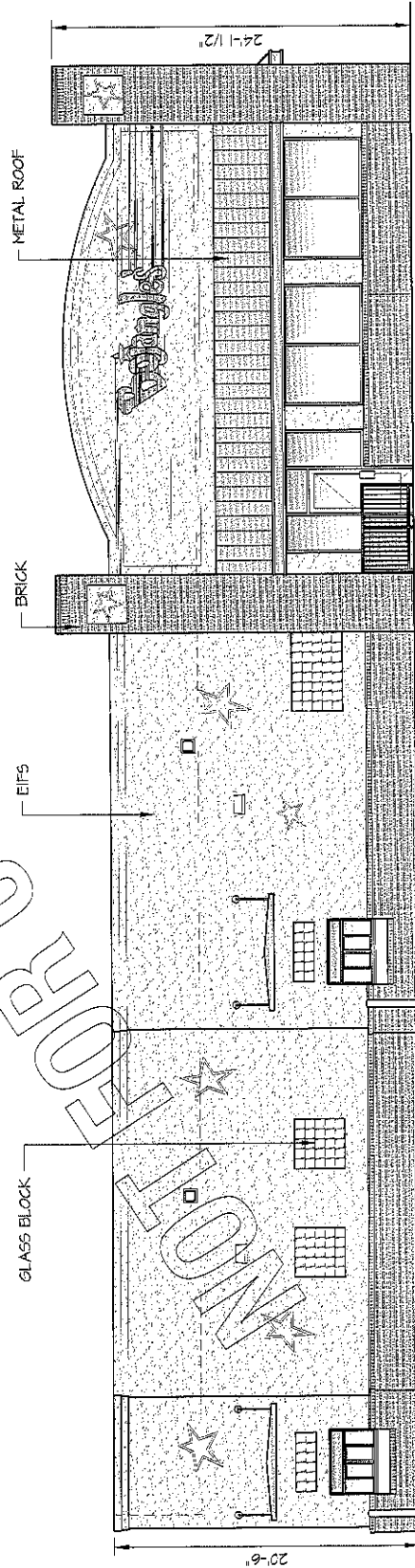
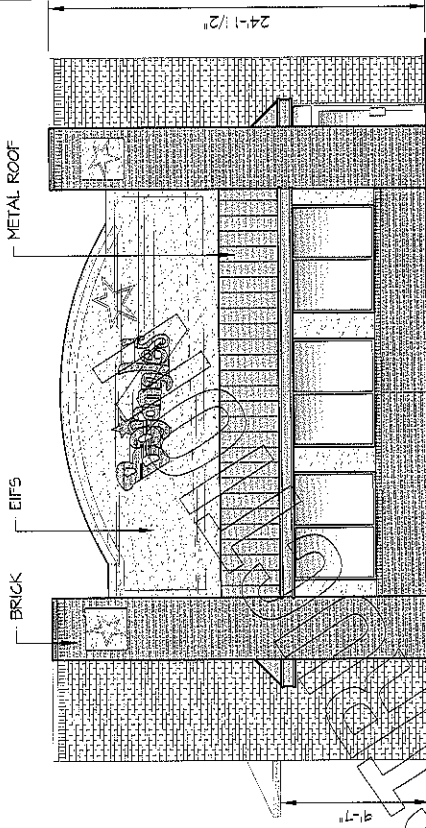




BOJANGLES' RESTAURANT  
 PLAN 8

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Sheet (1)  
 ELEVATIONS



EXTERIOR FINISH SCHEDULE

MATERIAL	DESCRIPTION	MANUFACTURER	STYLE / MODEL	COLOR / FINISH	REMARKS
EIFS	EXTERIOR RAINWATER DIVERTER WITH BRASS FINISH	SIC CORP	GLASS BLOCK INSULATED WALL CLADDING SYSTEM	N/A-COLOR IN SUPPLEMENT	METAL COLOR BRASS AND LEAD APPLIED FEAATHER RESISTIVE FINISH
BRICK	TRUCKEE MASONRY BRICK	TRUCKEE BRICK CO.	GLD SOUTH HANDBOOK	FIRE BRICK FINISH	
ROOFING	SHYKAL GORKE	EMERCO CORP. CORP.	EMERCO BK-COLOR	TO MATCH EIFS FINISH	
ALUM. STONE/TONE	AIR CURVED FINISH BRICKS AND SUBSTITUTES	EMERCO	48" X CENTER SET	GLEAM ANODIZED	
METAL ROOF	STANDING SEAM METAL ROOF	CONSTRUCTION METAL PRODUCTS 888-78-2822	8" - 30 RIBS	CUSTOM COLOR - TAZCA PANTONE COLOR: TR C	CUSTOM PAZCHA SHAWL BY ROCK HAMP.
CONCRETE	METAL CORING CAP ON PAVEMENT	**	**	PAINTED - BRONZE	OPTION FABRICATED
GLASS BLOCK	PRE-CORNERED WINDOW UNIT	INTERTECH CORNING	LUMINER	OPACORA BLACK	SUBSTITUTE FINISH

1 FRONT ELEVATION  
 SCALE: 1/8" = 1'-0"

1 LEFT SIDE ELEVATION  
 SCALE: 1/8" = 1'-0"

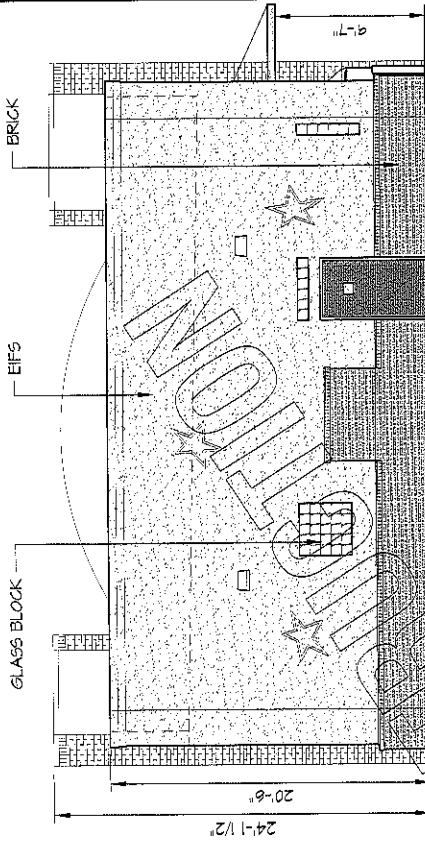
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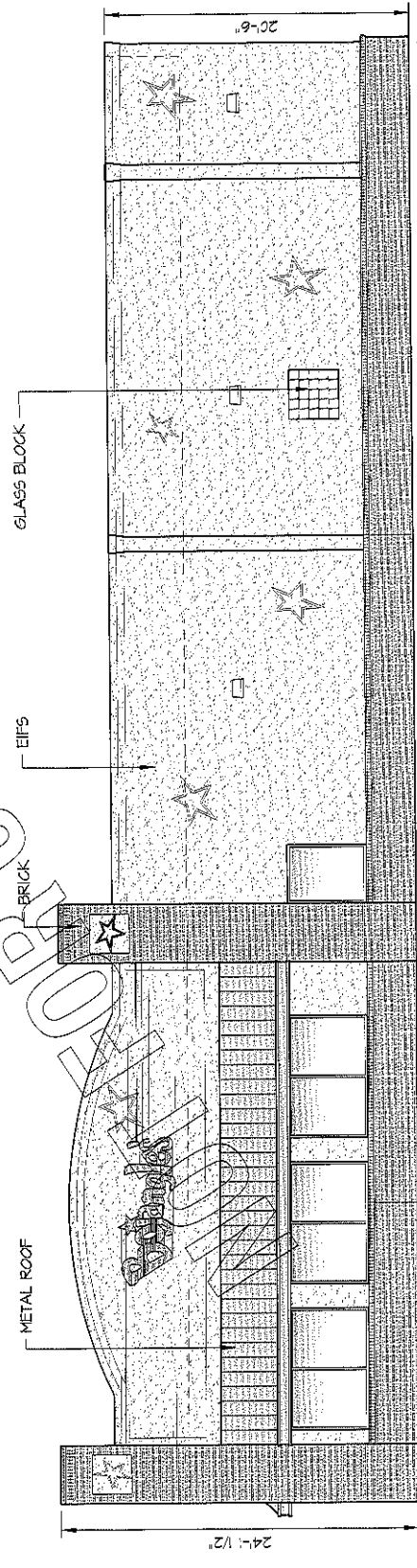
BOJANGLES RESTAURANT  
 PLAN 8

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Sheet (2)  
 ELEVATIONS



2 REAR ELEVATION  
 SCALE: 1/8" = 1'-0"



2 RIGHT SIDE ELEVATION  
 SCALE: 1/8" = 1'-0"

EXTERIOR FINISH SCHEDULE

MATERIAL	DESCRIPTION	MANUFACTURER	STYLE / MODEL	COLOR / FINISH	REMARKS
EIFS	EXTERIOR INSULATION FINISH SYSTEM WITH DRAINAGE	SPD CORP.	CLASSIC NEXT INSTALLATION WALL CLADDING SYSTEM	MIX 2025 IN 50% Primer with THE 50/50 FINISH	INSTALL OVER SUSPENDED LEAD APPLIED FIBERGLASS INSULATION
BRICK	MODULAR MASONRY UNITS	TRINACRE BRICK CO.	OLD SOUTH MASONRY	--	--
MORTAR	MORTAR JOINTS	ESBAC CORP.	ESBAC GEMINI CORP.	BROWNE-INGRAM	TO MATCH EIFS FINISH
ADXL STOREFRONT	ALUMINUM-FRAMED ENTRANCES AND STOREFRONTS	MAHAR	9617 CENTER SET	CLEAR ANODIZED	--
METAL ROOF	STANDARD SEAM METAL ROOF	CONSTRUCTION METAL PRODUCTS	8" - 10 RIBS	CUSTOM COLOR - MATCH FINISH COLOR (13 & 14)	GROUP FINISH SHIMED BY ROOF HANGAR
COPING CAP	METAL COPING CAP OR PARAPET	--	--	PAINTED - BRONZE	CUSTOM PAINT/MATCH
GLASS BLOCK WINDOWS	PRE-ASSEMBLED WINDOW UNIT	PITTSBURGH-CORNING	LOWRISSE	EXTERIOR BRICK FINISH	--

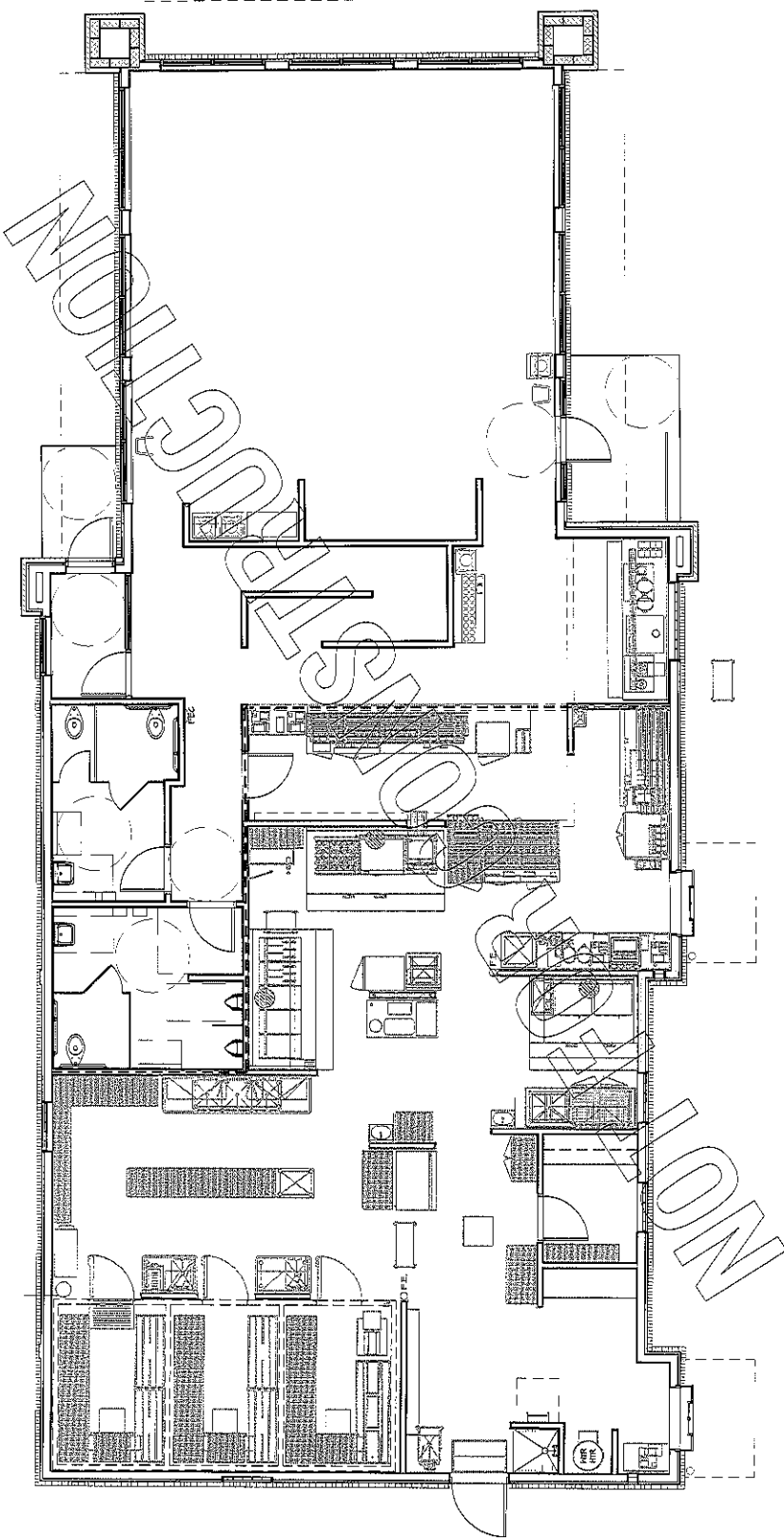


# BOJANGLES' RESTAURANT PLAN 8

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Sheet (3)

ELEVATIONS

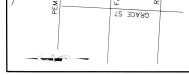
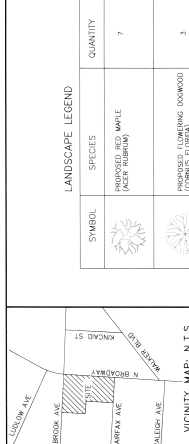
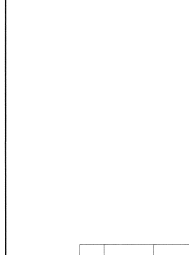
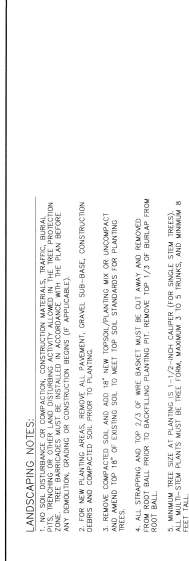
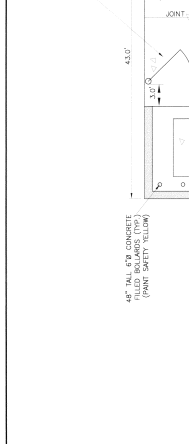


11-B-14-UR

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

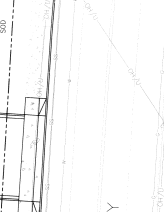
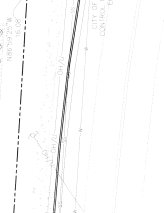
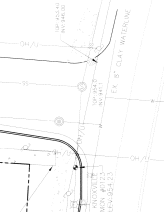
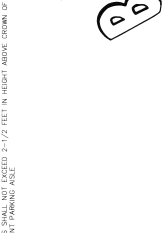
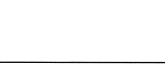
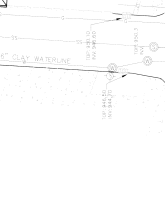
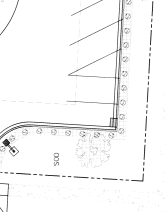
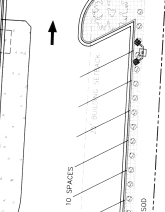
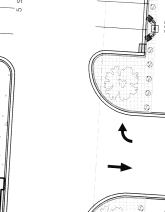
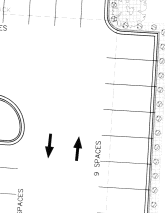
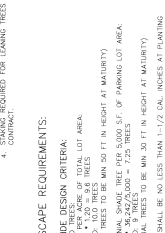
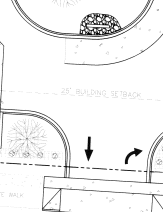
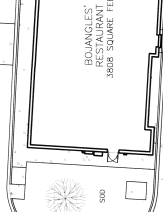
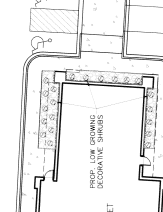
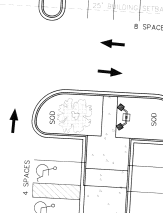
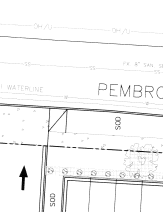
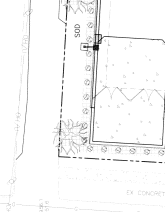
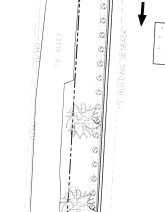
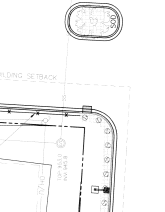
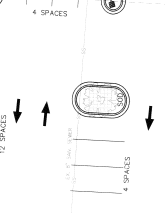
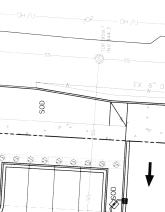
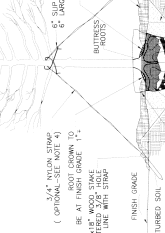
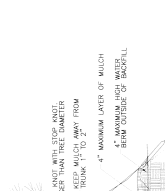
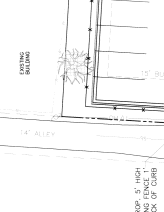
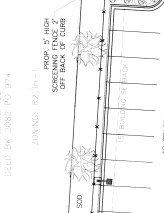
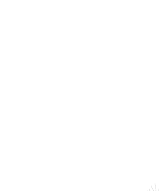
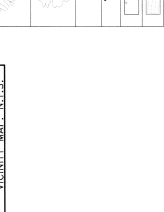
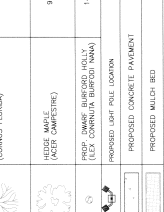
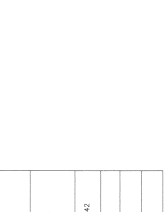
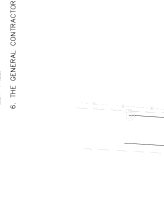
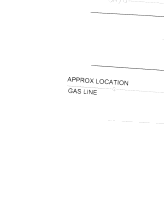
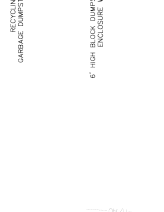
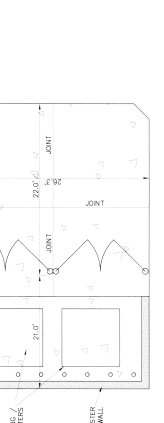
LANDSCAPE LEGEND

SYMBOL	SPECIES	QUANTITY
	PROPOSED RED MAPLE (ACER RUBRA)	7
	PROPOSED LORNAINGS DOWNYWOOD (LORNAINGS)	3
	HEIDE MAPLE (ACER CANCESTRE)	9
	HEIDE YEW (TAXUS DISTICHA) (TEX. COMMON W. BURIED YEW)	142
	PROPOSED LIGHT PAVEMENT	
	PROPOSED CONCRETE PAVEMENT	
	PROPOSED MUDCHIFF BED	



LANDSCAPING NOTES:

- NO SOIL DISTURBANCE OR COMPACTION. CONSTRUCTION MATERIALS, TRAFFIC, BUREAU, AND OTHERS SHALL BE EXCLUDED FROM THE SITE. ALL SOILS SHALL BE TESTED FOR CONTAMINATION AND MUST BE RESTORED TO ORIGINAL OR BETTER CONDITION. ANY EROSION, GRADING OR CONSTRUCTION BEING (IF APPLICABLE).
- THESE PLANTS MUST BE INSTALLED IN ACCORDANCE WITH THE ILLINOIS REGULATIONS AND THE ILLINOIS PLANTING STANDARDS (IF APPLICABLE).
- REMOVE COMPACTED SOIL AND ADD 18" NEW TOPSOIL/PLANTING MIX OR UNCOMPACTED SOIL AND COMPACTED SOIL PRIOR TO PLANTING. GRAVEL SUB-BASE, CONSTRUCTION DEBRIS AND COMPACTED SOIL PRIOR TO PLANTING. GRAVEL SUB-BASE, CONSTRUCTION DEBRIS AND COMPACTED SOIL PRIOR TO PLANTING.
- ALL STRAPPING AND TOP 2/3 OF MULCH MUST BE CUT AWAY AND REMOVED FROM THE SITE PRIOR TO PLANTING. MULCH MUST BE AT LEAST 1/2" OF MULCH FROM THE TRUNK OF THE TREE. ALL MULCH MUST BE AT LEAST 1/2" OF MULCH FROM THE TRUNK OF THE TREE. ALL MULCH MUST BE AT LEAST 1/2" OF MULCH FROM THE TRUNK OF THE TREE.
- MINIMUM TREE SIZE AT PLANTING IS 1-1/2" HIGH CALIPERS (FOR SINGLE STEM TREES). ALL TREES MUST BE AT LEAST 3" CALIPERS (FOR TRUNKS) AND MINIMUM 8 FEET TALL. ALL TREES MUST BE AT LEAST 3" CALIPERS (FOR TRUNKS) AND MINIMUM 8 FEET TALL.
- THE GENERAL CONTRACTOR SHALL INSTALL THE IRRIGATION SYSTEM.



11-B-W-UR

REVISION

**BOJANGLES**

3001-NB17, NORTH BROADWAY  
INDIANAPOLIS, INDIANAPOLIS, IN 46204

**LANDSCAPE PLAN**

**THE ISAACS**

705 W. MADISON ST., SUITE 100  
INDIANAPOLIS, IN 46202

PHONE (317) 527-5441 FAX (317) 527-5335

NO. | DT. | DATE | REVISION

**PRELIMINARY**

DO NOT USE FOR CONSTRUCTION

GRAPHIC SCALE  
1" = 20 FEET

C1.1







