

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

▶ **FILE #:** 11-C-15-UR

AGENDA ITEM #: 42

AGENDA DATE: 11/12/2015

▶ **APPLICANT:** HERIBERTO HERNANDEZ

OWNER(S): Edward & JoAnn King

TAX ID NUMBER: 59 K C 009

[View map on KGIS](#)

JURISDICTION: City Council District 4

STREET ADDRESS: 5020 Washington Pike

▶ **LOCATION:** East side of Washington Pike, south side of South Mall Rd.

▶ **APPX. SIZE OF TRACT:** 30420 square feet

SECTOR PLAN: East City

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

ACCESSIBILITY: Access is via Washington Pike a minor arterial street with a four lane street section just south of the exit off of I-640 and north of the transition to a two lane section.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Love Creek

▶ **ZONING:** C-1 (Neighborhood Commercial)

▶ **EXISTING LAND USE:** Vacant commercial building

▶ **PROPOSED USE:** Eating and drinking establishment

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: I640 and Washington Pike exit / C-1 (Neighborhood Commercial) & R-1 (Low Density Residential)

South: Mixed businesses / C-6 (General Commercial Park)

East: Business and I640/South Mall Rd. / C-6 (General Commercial Park)

West: Business / R-1 (Low Density Residential) & O-1 (Office, Medical, and Related Services)

NEIGHBORHOOD CONTEXT: The site is located within a commercial corridor along I-640 between the Washington Pike and Millertown Rd. exits.

STAFF RECOMMENDATION:

▶ **APPROVE** the request for reuse of an existing 2,182 square foot building as an eating and drinking establishment, subject to the following 4 conditions:

1. Meeting all applicable requirements of the Knox County Health Department.
2. Providing the required parking spaces as identified on the development plan with the parking spaces being restriped to meet the dimensional requirements contained in the Knoxville Zoning Ordinance.
3. Meeting all applicable requirements of the Knoxville Department of Engineering.
4. Meeting all applicable requirements of the Knoxville Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the C-1 (Neighborhood Commercial) district and the other general criteria for approval of a Use-on-Review.

COMMENTS:

The applicant is proposing to reuse an existing building in a C-1 (Neighborhood Commercial) District as an eating and drinking establishment (Mexican restaurant). Eating and drinking establishments require a use on review approval in the C-1 zone. The site is located on the east side of Washington Pike and south side of South Mall Rd. with access off of Washington Pike. The existing building was previously used as a convenience store.

The applicant will be required to restripe the existing pavement in order to provide the required parking (minimum of 25 spaces) for the restaurant. A 12' x 24' patio area is proposed on the west side of the existing building for outdoor seating, A retractable awning will be used as a cover for the patio area.

EFFECT OF 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 in place to serve this development.
2. The proposed restaurant will have minimal impact on traffic since the facility is located on an arterial street.
3. The proposed use is consistent with the mix of commercial development found in the area.

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

1. The proposed restaurant meets all of the requirements of the Knoxville Zoning Ordinance with the recommended conditions.
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 neighborhoods where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw traffic through residential areas since it is located on a minor arterial street.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

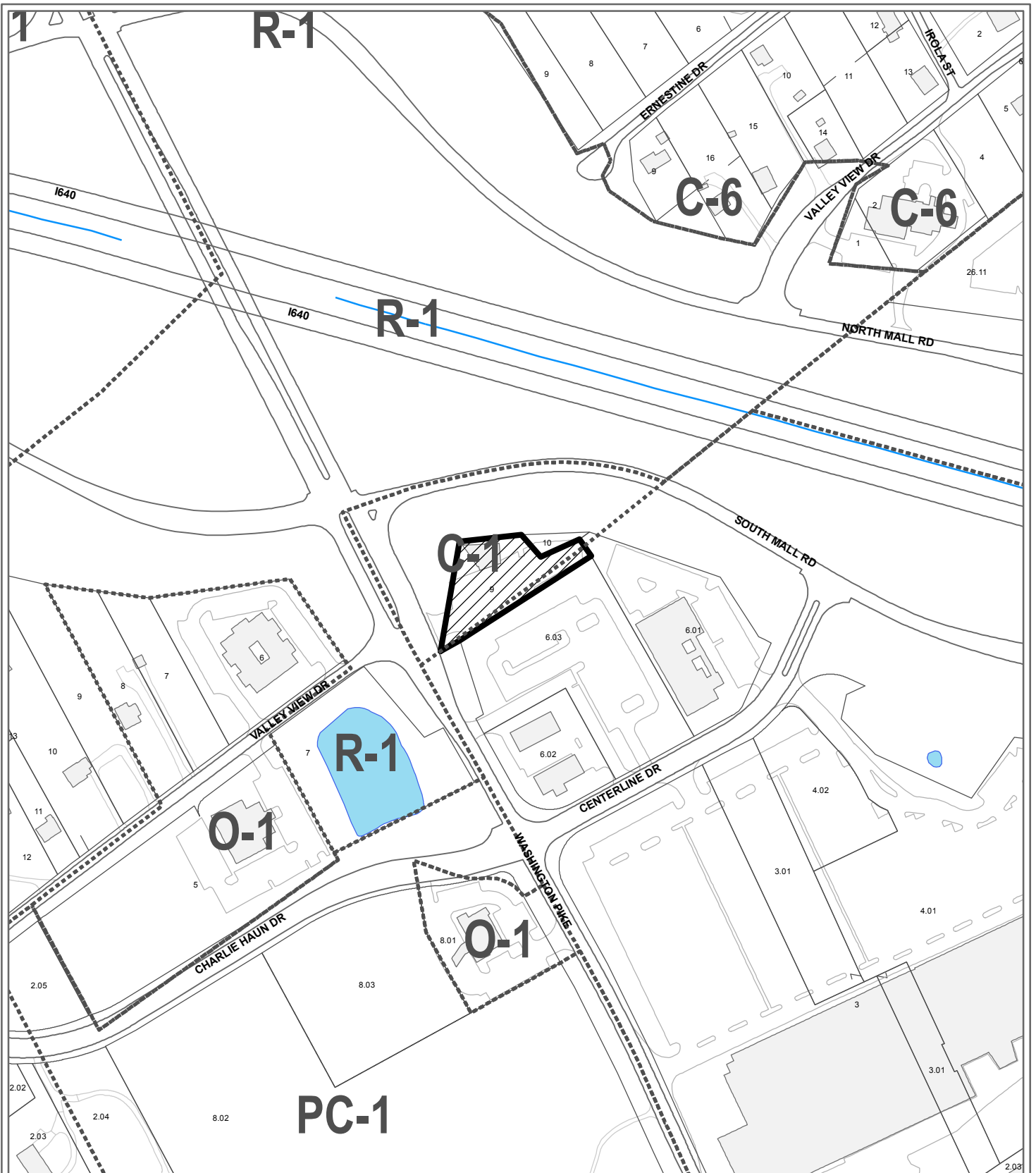
1. The East City Sector Plan proposes commercial uses on this property. The proposed use is consistent with this land use designation.
2. The site is located within the Urban Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: 284 (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.



**11-C-15-UR
USE ON REVIEW**

Petitioner: Hernandez, Heriberto



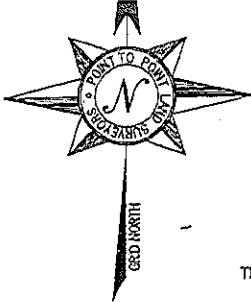
Eating and drinking establishment in C-1 (Neighborhood Commercial)

Map No: 59

Jurisdiction: City



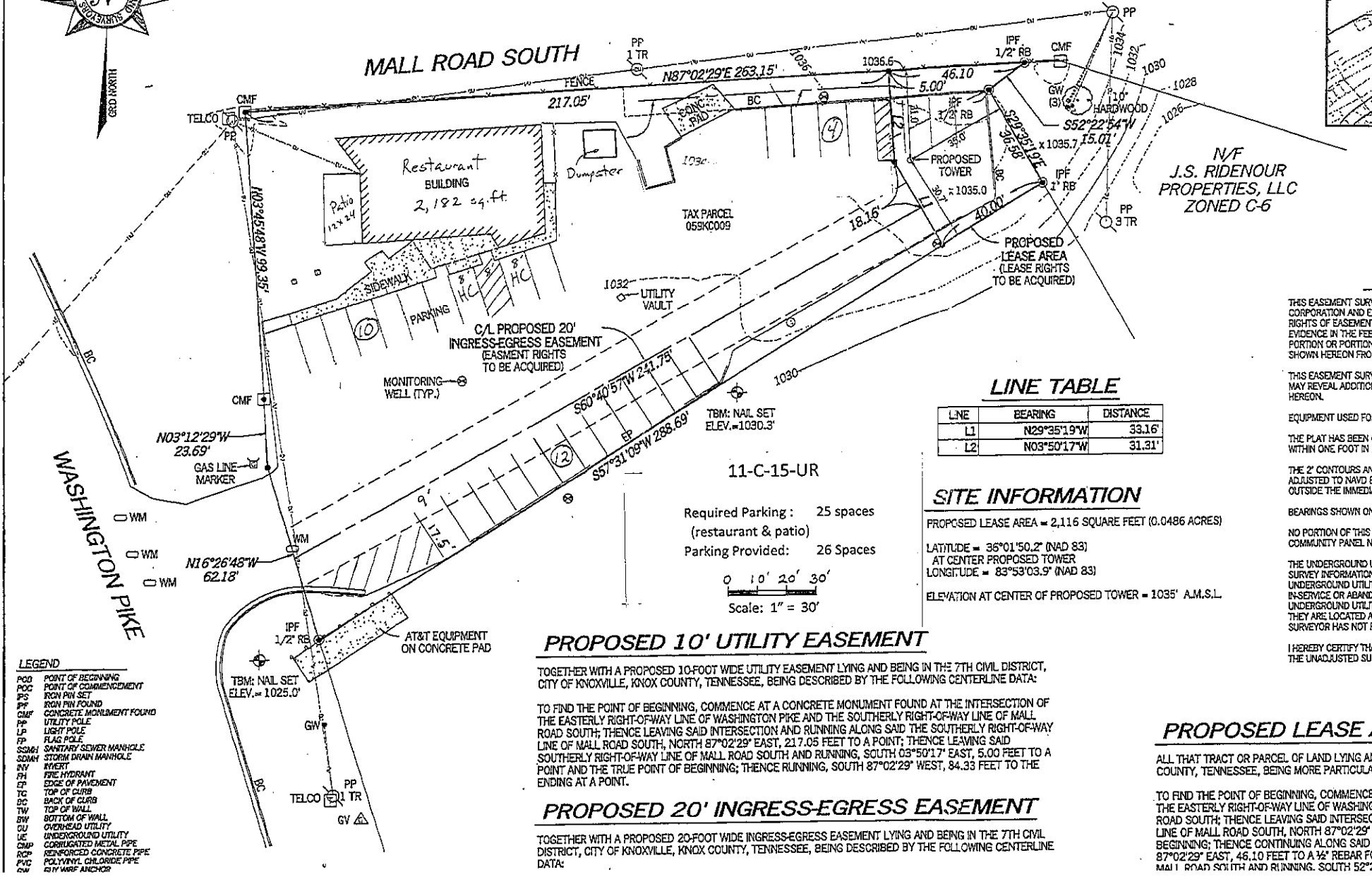
Original Print Date: 10/27/2015 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



ZONED: C-1
 REFERENCE: DEED BOOK 1857 PAGE 870
 DEED BOOK 1698 PAGE 187
 MAP CABINET K SLIDE 274C

SOUTH 57°31'09" WEST, 288.69 FEET TO A 1/2" REBAR FOUND ON THE EASTERLY RIGHT-OF-WAY LINE OF WASHINGTON PIKE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF WASHINGTON PIKE, NORTH 16°26'48" WEST, 62.18 FEET TO A POINT; THENCE, NORTH 03°12'29" WEST, 23.69 FEET TO A CONCRETE MONUMENT FOUND; THENCE, NORTH 03°45'48" WEST, 99.35 FEET TO A CONCRETE MONUMENT FOUND ON THE SOUTHERLY RIGHT-OF-WAY LINE OF MALL ROAD SOUTH AND THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.6927 ACRES (30,175 SQUARE FEET), MORE OR LESS.



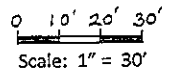
LINE TABLE

LINE	BEARING	DISTANCE
L1	N29°35'19"W	33.16'
L2	N03°50'17"W	31.31'

SITE INFORMATION

PROPOSED LEASE AREA = 2,116 SQUARE FEET (0.0486 ACRES)
 LATITUDE = 36°01'50.2" (NAD 83)
 AT CENTER PROPOSED TOWER
 LONGITUDE = 83°53'03.9" (NAD 83)
 ELEVATION AT CENTER OF PROPOSED TOWER = 1035' A.M.S.L.

11-C-15-UR
 Required Parking : 25 spaces
 (restaurant & patio)
 Parking Provided: 26 Spaces



PROPOSED 10' UTILITY EASEMENT

TOGETHER WITH A PROPOSED 10-FOOT WIDE UTILITY EASEMENT LYING AND BEING IN THE 7TH CIVIL DISTRICT, CITY OF KNOXVILLE, KNOX COUNTY, TENNESSEE, BEING DESCRIBED BY THE FOLLOWING CENTERLINE DATA:

TO FIND THE POINT OF BEGINNING, COMMENCE AT A CONCRETE MONUMENT FOUND AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF WASHINGTON PIKE AND THE SOUTHERLY RIGHT-OF-WAY LINE OF MALL ROAD SOUTH; THENCE LEAVING SAID INTERSECTION AND RUNNING ALONG SAID THE SOUTHERLY RIGHT-OF-WAY LINE OF MALL ROAD SOUTH, NORTH 87°02'29" EAST, 217.05 FEET TO A POINT; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE OF MALL ROAD SOUTH AND RUNNING, SOUTH 03°50'17" EAST, 5.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE RUNNING, SOUTH 87°02'29" WEST, 84.33 FEET TO THE ENDING AT A POINT.

PROPOSED 20' INGRESS-EGRESS EASEMENT

TOGETHER WITH A PROPOSED 20-FOOT WIDE INGRESS-EGRESS EASEMENT LYING AND BEING IN THE 7TH CIVIL DISTRICT, CITY OF KNOXVILLE, KNOX COUNTY, TENNESSEE, BEING DESCRIBED BY THE FOLLOWING CENTERLINE DATA:

PROPOSED LEASE

ALL THAT TRACT OR PARCEL OF LAND LYING IN THE 7TH CIVIL DISTRICT, CITY OF KNOXVILLE, KNOX COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED BY THE FOLLOWING CENTERLINE DATA:
 TO FIND THE POINT OF BEGINNING, COMMENCE AT THE EASTERLY RIGHT-OF-WAY LINE OF WASHINGTON PIKE; THENCE LEAVING SAID INTERSECTION AND RUNNING ALONG SAID THE SOUTHERLY RIGHT-OF-WAY LINE OF MALL ROAD SOUTH, NORTH 87°02'29" EAST, 217.05 FEET TO A POINT; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE OF MALL ROAD SOUTH AND RUNNING, SOUTH 03°50'17" EAST, 5.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE RUNNING, SOUTH 87°02'29" WEST, 84.33 FEET TO THE ENDING AT A POINT.

- LEGEND**
- POB POINT OF BEGINNING
 - POC POINT OF COMMENCEMENT
 - PPS IRON PIN SET
 - PPF IRON PIN FOUND
 - CMF CONCRETE MONUMENT FOUND
 - UP UTILITY POLE
 - LP LIGHT POLE
 - FP FLAG POLE
 - SSM/SANITARY SEWER MANHOLE
 - SDM/S DRAIN MANHOLE
 - RY RYERT
 - FH FIRE HYDRANT
 - EP EDGE OF PAVEMENT
 - TC TOP OF CURB
 - BC BACK OF CURB
 - TW TOP OF WALL
 - BW BOTTOM OF WALL
 - OU OVERHEAD UTILITY
 - UC UNDERGROUND UTILITY
 - CMF CORRUGATED METAL PIPE
 - RCF REINFORCED CONCRETE PIPE
 - PVC POLYVINYL CHLORIDE PIPE
 - CAW 3/4" WIRE ANCHOR

THIS EASEMENT SURV CORPORATION AND RIGHTS OF EASEMENT EVIDENCE IN THE FEE PORTION OR PORTION SHOWN HEREON FROM
 THIS EASEMENT SURV MAY REVEAL ADDITION HEREON.
 EQUIPMENT USED FOR THE PLAT HAS BEEN C WITHIN ONE FOOT IN 1
 THE 2' CONTOURS AN ADJUSTED TO NAVD 83 OUTSIDE THE IMMEDIA
 BEARINGS SHOWN ON
 NO PORTION OF THIS I COMMUNITY PANEL NO
 THE UNDERGROUND U SURVEY INFORMATION UNDERGROUND UTILIT IN-SERVICE OR ABAND UNDERGROUND UTILIT THEY ARE LOCATED AT SURVEYOR HAS NOT P
 I HEREBY CERTIFY THA THE UNADJUSTED SUP