

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

▶ **FILE #:** 12-A-16-UR

AGENDA ITEM #: 38

AGENDA DATE: 12/8/2016

▶ **APPLICANT:** SMITH-LINDSEY DEVELOPMENT LLC

OWNER(S): Daniel Smith

TAX ID NUMBER: 58 E H 021.01

[View map on KGIS](#)

JURISDICTION: City Council District 4

STREET ADDRESS: 5132 N Broadway

▶ **LOCATION:** East side N Broadway, south side Gibbs Dr.

▶ **APPX. SIZE OF TRACT:** 1.62 acres

SECTOR PLAN: North City

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

ACCESSIBILITY: Access is N. Broadway, a major arterial street with 4 lanes and a center turn lane and 52' of pavement width within 90' of right-of-way. The site is also serviced by several transit routes and sidewalks.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **ZONING:** C-1 (Neighborhood Commercial) & O-1 (Office, Medical, and Related Services)

▶ **EXISTING LAND USE:** Vacant

▶ **PROPOSED USE:** Mattress store

HISTORY OF ZONING: Property was rezoned C-1 and O-1 in 2015 (7-H-15-RZ)

SURROUNDING LAND USE AND ZONING: North: Gibbs Dr., house / R-1 (Low Density Residential)

South: Chick-Fil-A restaurant / C-3 (General Commercial)

East: House / R-1 (Low Density Residential)

West: N. Broadway, Kroger shopping center / PC-1 (Planned Commercial)

NEIGHBORHOOD CONTEXT: This site is at the southwest corner of Gibbs Dr. and N. Broadway intersection. All properties along Gibbs Dr. have remained zoned R-1 and developed with residential uses. Properties to the north, south and west, fronting on N. Broadway are developed with commercial uses under C-3, C-6 and PC-1.

STAFF RECOMMENDATION:

▶ **APPROVE** the request of a mattress store that is approximately 4,500 square feet in the commercial building currently under construction, subject to the following 3 conditions.

1. Meeting all applicable requirements of the Knox County Health Department.
2. Meeting all applicable requirements of the Knoxville Department of Engineering.
3. Meeting all applicable requirements of the Knoxville Zoning Ordinance, including but not limited to Article 5,

Section 7 (Minimum off-street parking, access and driveway requirements) and Article 8 (Signs, Billboards, and Other Advertising Structures).

With the conditions noted, the proposed mattress store 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 subject property was recently rezoned with split zone districts, O-1 (Office, Medical, and Related Services) on the northwest portion of the property near Gibbs Drive and C-1 (Neighborhood Commercial) on the southern portion of the property. The applicant is constructing a new multi-tenant commercial building in the C-1 zoned area of the site and a restaurant was approved for this strip shopping center at the September 2016 MPC meeting (9-G-16-UR). The requested mattress store requires a use on review approval in the C-1 zone. Vehicular access is limited to Broadway. A pedestrian connection will be provided to both Broadway and Gibbs Drive. The required amount of parking is provided for the requested mattress store and the approved restaurant on the site.

When the property was rezoned, there was a memorandum of understanding and agreement between the applicant, the Historic Gibbs Drive Neighborhood Association, and Fountain City Town Hall. In this there are several general use, buffer, and operational requirement, including that business hours in the C-1 zoned area is restricted to the daytime hours between 5:30 a.m. and 10:30 p.m., Sunday through Thursday, and the daytime hours between 5:30 a.m. and 11:00 p.m. on Friday and Saturdays. Restrictive covenants were developed and recorded based on this agreement. The proposed mattress store anticipates being open from approximately 9:30 a.m. to 10:30 p.m.

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

1. The proposed mattress store will have minimal impact on local services since all utilities are in place to serve this development.
2. The proposed mattress store will have minimal impact on traffic since the facility is located along a major arterial street (Kingston Pike) and does not have access to the adjacent neighborhood street (Gibbs Drive).
3. The proposed mattress store is consistent with the neighborhood scale of commercial development found in the area.
4. The commercial development where the mattress store will be located is installing screening to the adjacent residential district, including a fence and landscaping as required by the Declaration of Restrictive Covenants.

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

1. The proposed mattress store meets all of the requirements of the Knoxville Zoning Ordinance with the recommended conditions.
2. The proposed mattress store 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 and major collector street.
3. Mattress stores have been determined eligible by Knoxville's Chief Building Official to be considered a "dry goods store", which is a use permitted on review in the C-1 district. The Planning Commission has the authority to determine if the proposal as presented is appropriate for for this location. It is the opinion of MPC staff that the mattress store as presented is appropriate in this location because it is a small scale retail establishment, generates a relatively low amount of traffic, will not have frequent deliveries, and does not produce noise or smells that are nuisance to nearby residential uses.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Knoxville One Year Plan and the North City Sector Plan propose neighborhood commercial uses for this site. The proposed mattress store is consistent with the One Year Plan and Sector Plan.
2. The site is located within the Urban Growth Area (inside City limits) on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: 183 (average daily vehicle trips)

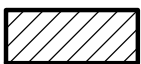
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate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



**12-A-16-UR
USE ON REVIEW**



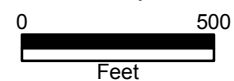
Sleep Outfitters store in C-1 (Neighborhood Commercial) & O-1 (Office, Medical, and Related Services)

Original Print Date: 11/17/2016
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Smith-Lindsey Development LLC

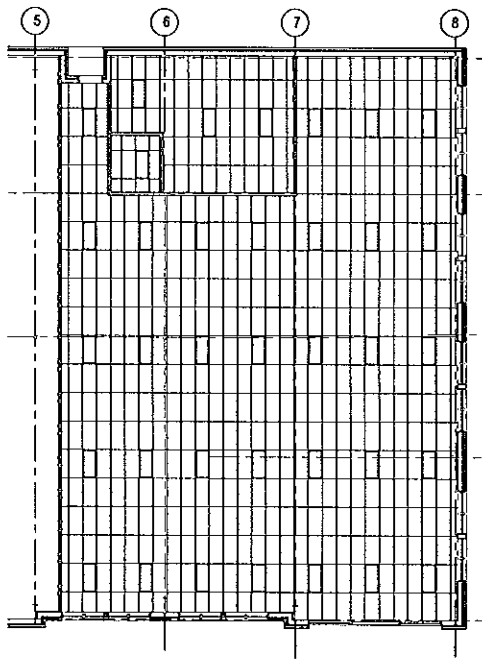
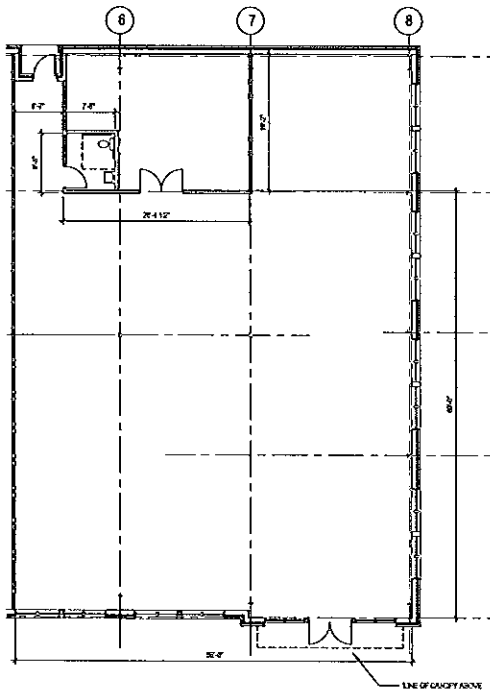
Map No: 58
Jurisdiction: City



Daniel Smith
Smith-Lindsey Development, LLC
810 Henley Street
Knoxville, TN 37902
865-406-0938
daniel@smithlawtn.com

Use on Review Development Plan

1. Proposed use: Sleep Outfitters, a mattress and bedding store that is open to the public from 0930 to approximately 1030 pm EST. Sleep Outfitters operates over 150 such stores in the South East. They are currently expanding into Knoxville with a location in Fountain City and Maryville.
2. Building footprint (including floor plan) is provided on page 2.
3. Architectural elevations are provided on page 3.
4. Proposed signage: Sleep Outfitters will request the highest amount of attached signage area as permitted by the sign ordinance.
5. Site Plan with the following is attached on page 4:
 - a. Topographic information
 - b. Off-street parking and loading plan (include total area)
 - c. Circulation diagram to indicate ingress/egress and the movement of vehicles, goods, and people
 - d. Conformance to required building setbacks
 - e. Preliminary drainage plan as required by City and/or County Engineering Departments
 - f. Garbage dumpster location(s)
6. Species specific landscape plan is provided on page 5.



FLOOR PLAN NOTES

1. INTERIOR PARTITIONS UNLESS NOTED OTHERWISE ARE TO BE 5/8" Gypsum Board (GWB) FINISHED WITH GYPSUM BOARD OVER GWB.
2. BRICKWORK INDICATED ON FIRE-RATED PARTITION WHICH UNLESS NOTED OTHERWISE IS TO BE 3/4" MIN. THICK GYPSUM BOARD FINISHED WITH 1/2" GYPSUM BOARD OVER GWB. FINISH TO MATCH ADJACENT FLOORING AND CEILING.
3. PROVIDE 1/2" MIN. INSULATION TO ALL INTERIOR PARTITIONS UNLESS NOTED OTHERWISE.
4. ALL DIMENSIONS ARE FROM FACE OF STUD OR FINISH UNLESS NOTED OTHERWISE.

REFLECTED CEILING PLAN NOTES

1. CENTER CEILING GRID IN ALL ROOMS UNLESS NOTED OTHERWISE.
2. SUPPLY & RETURN AIR GRILLS, SLOTS OR SUSPENDED CEILING PANELS SHALL BE LOCATED AS INDICATED ON REFLECTED CEILING PLAN. LOCATIONS ARE SHOWN ON MECHANICAL PLAN AND SYMBOLIC.
3. SPRINKLER HEADS SHALL BE LOCATED IN ACCORDANCE WITH UL'S AND INDICATED IN THIS SECTION HORIZONTALLY WHERE POSSIBLE UNLESS NOTED OTHERWISE.

WALL LEGEND

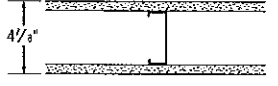
- INDICATES NEW WALL CONSTRUCTION. SEE PLAN FOR WALL TYPES.
- INDICATES FIRE-RATED WALL CONSTRUCTION. (S.A. NO. 402) SEE PLAN FOR WALL TYPE DETAIL.

RCP LEGEND

- OPTIONAL CEILING TILE
- SUPPLY AIR DIFFUSER
- RETURN AIR DIFFUSER
- EXIT LIGHT
- EMERGENCY LIGHT
- RECESSED FLUORESCENT LIGHT
- SPRINKLER HEAD

2 REFLECTED CEILING PLAN
SCALE: 1/4" = 1'-0"

Fire-rated System Design



Over US55

Consists of 5/8" Fire-rated Gypsum Core on Facing of Sheetrock Board (GWB) Over Gypsum Board. Minimum thickness of 5/8" Fire-rated Gypsum Board on each side of 5/8" Fire-rated Gypsum Core. Horizontal joints shall not be staggered or abutted.

1/2" Gypsum Board shall be 1/2" thick.

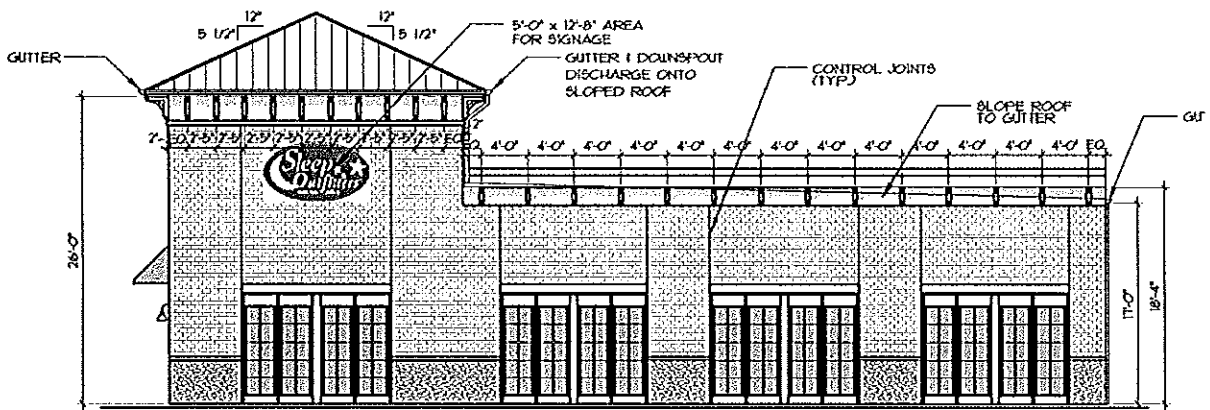
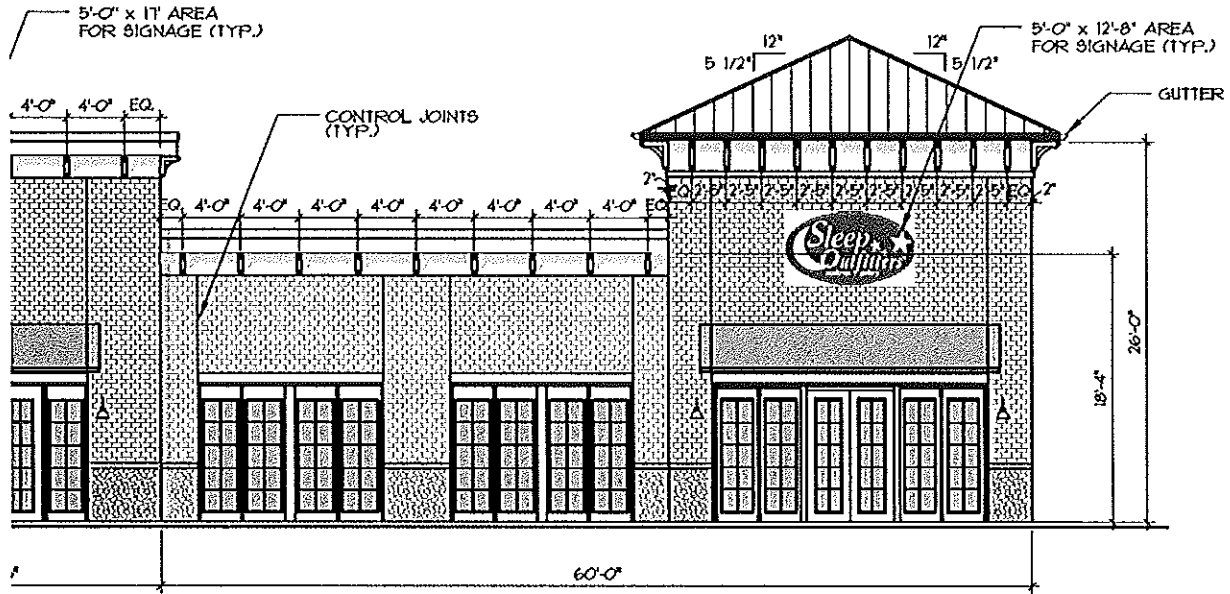
Area	Part	Code	Notes
1	2	US55-4533R	413"

1/2" Gypsum Board shall be 1/2" thick.

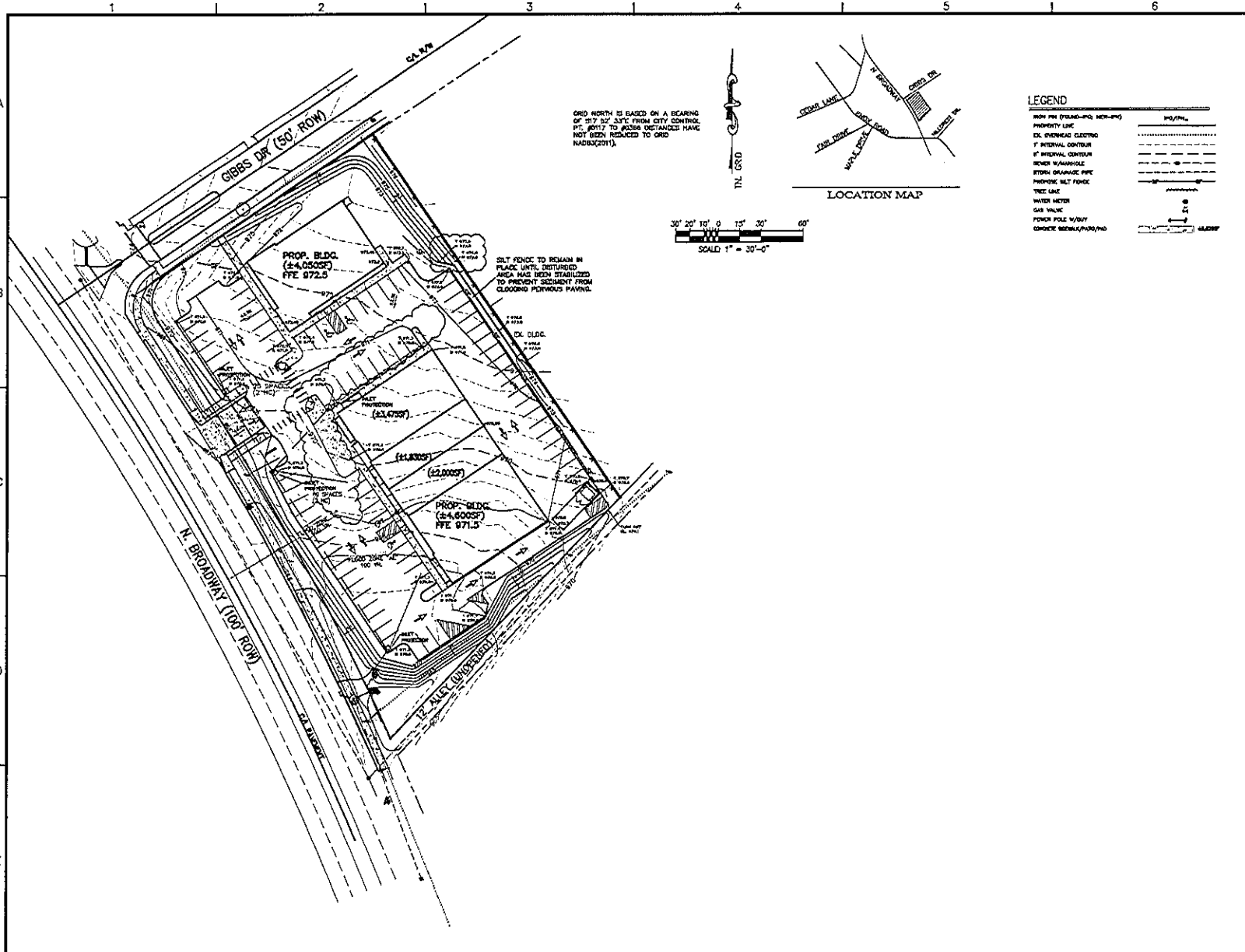
ASSEMBLY

Proposed Elevations

Sleep Outfitters



3 RETAIL RIGHT ELEVATION
SCALE: 1/8" = 1'



NOTES

1. CHECKED: BEFORE RE-SUBMIT, P.L. NO. 158088
SHOWS DATE, TIME, NUMBER AND
REVISIONS, TYPING, SCALE, AREA
AND SHEET NO. 2/15/14
BY: DAVID GIBSON
DATE: 02/15/14
PROJECT: 158088-0000000
SUBJECT: 158088-0000000
2. GROUND: SURVEY LIMITED DEVELOPMENT, LLC
C/O DAVID GIBSON
C/O DAVID GIBSON
1000 W. MARKET ST., SUITE 200
KNOXVILLE, TN 37919
PH: (615) 525-0000
3. TOTAL PARCEL AREA = 81.6 ACRES
LAND DISTURBANCE = 81.6 ACRES (INCLUDING PERMANENT FLOODING)
4. SILT FENCE SHALL BE IN PLACE BEFORE DEMOLITION AND REMOVAL
OF ALL EXISTING STRUCTURES TO BE DESTROYED.
5. CONTRACTOR SHALL POST FOR ALL CONSTRUCTION, EXCAVATION, OR DISTURBANCE.
6. CONTRACTOR TO FOLLOW ALL REQUIREMENTS IN CITY OF KNOXVILLE
MAP MANUAL.
7. CONTRACTOR TO LOCATE AND VERIFY EXISTING UNDERGROUND
UTILITIES PRIOR TO STARTING NEW WORK. CONTRACTOR TO
CALL TOWNWORK ONE CALL AT 1-800-281-1111 THREE DAYS
BEFORE COMMENCING WORK.
8. CONTRACTOR SHALL VERIFY AND FOLLOW THE REQUIREMENTS
OF THE TOWNWORK ONE CALL PRESCRIPTION PLAN INCLUDED IN
THE PROJECT DOCUMENTS FOR CONSTRUCTION MAINTENANCE.
9. THE PROPERTY IS DETERMINED BY FEMA AS BEING PARTIALLY FLOOD
ZONE "AE" - THEREFORE FLOODING IS RECORDED FOR THE
SURFACE ELEVATION OF THE 1% ANNUAL CHANCE OF FLOOD.
CONTRACTOR TO NOTIFY FLOOD INSURANCE PROGRAM (FIP) OF
EFFECTIVE DATE: 10/01/14.
10. CONTOUR INTERVAL = 1 FOOT
11. THE VERTICAL DATA SHOWN ON THIS MAP IS BELONG TO THE CITY OF
KNOXVILLE. CONTRACTOR MUST VERIFY THE VERTICAL DATA BEFORE
STARTING PROJECTS. PROVIDE A 15% FLOOD PROOFING.
12. STORM DRAIN SYSTEMS TO BE INSTALLED ON THE DRAINAGE FILTER PREVENTION
SYSTEMS. STORM DRAIN SYSTEMS SHALL BE INSTALLED FOR PARCELS 107 AND 108. SEE
THE CITY OF KNOXVILLE, GENERAL ORDINANCE 10-20-13 FOR STORM FILTER PREVENTION.
13. NO SLOPES SHALL EXCEED 3:1.
14. TEMPORARY SEEDING IS REQUIRED WHEN GRADING OPERATIONS ARE TEMPORARILY
HALTED FOR DAYS IN RAIN AND ON SOIL STOPPED. PERMANENT SEEDING IS
REQUIRED WHEN GRADING OPERATIONS ARE COMPLETED. SEEDING OPERATIONS
DISCUSSION WILL NOT AFFECT THE DETERMINED AREA. SEE AREA THAT SHOWS
BORDER OF EXISTING SEEDING.
15. ALL EXISTING SEEDING TO BE MAINTAINED WITH DRY CHECK HEADWALL.
16. SEE SHEET C-1 FOR EXISTING TOPOGRAPHY.
17. SEE SHEET C-2 FOR SITE LAYOUT PLAN.
18. SEE SHEET C-3 FOR FINAL GRADING, STORM DRAINAGE & STREET CONTROL PLAN.
19. SEE SHEET C-4 FOR UTILITY PLAN.
20. SEE SHEET C-5 FOR SITE DETAILS.

LEGEND

SYMBOL	DESCRIPTION
(Symbol)	IRON PIPE (POLY-PIPE, NON-PIPE)
(Symbol)	PRIORITY LINE
(Symbol)	EXIST. OVERHEAD ELECTRIC
(Symbol)	1' INTERVAL CONTOUR
(Symbol)	5' INTERVAL CONTOUR
(Symbol)	SEWER 12" DIA.
(Symbol)	STORM DRAINAGE PIPE
(Symbol)	PROPPOSED SILT FENCE
(Symbol)	TREE LINE
(Symbol)	WATER METER
(Symbol)	GAS VALVE
(Symbol)	POWER POLE W/OUT
(Symbol)	CONDUIT (SCHEDULE 40/40)

ADAMS ARCHITECTS
CRAFT ENGINEERS
HERZ PLANNERS
WALKER SURVEYORS

FOUNTAIN CITY DEVELOPMENT
5150 N BROADWAY
KNOXVILLE, TN 37919

**PROPOSED SITE GRADING AND
FINAL EROSION CONTROL PLAN**

Issue	Drawn by	Checked by	Date	Approved
01	DAVID GIBSON	DAVID GIBSON	02/27/14	DAVID GIBSON
02	DAVID GIBSON	DAVID GIBSON	02/27/14	DAVID GIBSON
03	DAVID GIBSON	DAVID GIBSON	02/27/14	DAVID GIBSON
04	DAVID GIBSON	DAVID GIBSON	02/27/14	DAVID GIBSON
05	DAVID GIBSON	DAVID GIBSON	02/27/14	DAVID GIBSON
06	DAVID GIBSON	DAVID GIBSON	02/27/14	DAVID GIBSON
07	DAVID GIBSON	DAVID GIBSON	02/27/14	DAVID GIBSON
08	DAVID GIBSON	DAVID GIBSON	02/27/14	DAVID GIBSON
09	DAVID GIBSON	DAVID GIBSON	02/27/14	DAVID GIBSON
10	DAVID GIBSON	DAVID GIBSON	02/27/14	DAVID GIBSON

158088-0000000
158088-0000000
158088-0000000

DAVID W. HILLS
REGISTERED PROFESSIONAL SURVEYOR
NO. 158088
STATE OF TENNESSEE

C-4

drawing number

Use on Review **Development Plan**

Name of Applicant: Smith-Lindsey Development LLC

Date Filed: 9/29/2016 Meeting Date: 12/8/2016

Application Accepted by: M. Payne

Fee Amount: ~~7,500.00~~ File Number: Development Plan _____

Fee Amount: 1,500.00 File Number: Use on Review 12-A-16-UR

<p>PROPERTY INFORMATION</p> <p>Address: <u>5134 N. Broadway Ave</u></p> <p>General Location: <u>E/S N. Broadway Ave,</u> <u>515 Gibbs Drive</u></p> <p>Tract Size: <u>1.62</u> No. of Units: <u>5</u></p> <p>Zoning District: <u>C-1</u></p> <p>Existing Land Use: <u>vacant</u></p> <p>Planning Sector: <u>North West County</u></p> <p>Sector Plan Proposed Land Use Classification: <u>NC</u></p> <p>Growth Policy Plan Designation: <u>Urban</u></p> <p>Census Tract: <u>100.01</u></p> <p>Traffic Zone: <u>213</u></p> <p>Parcel ID Number(s): <u>058EHO2101</u></p> <p>Jurisdiction: <input checked="" type="checkbox"/> City Council <u>6</u> District <input type="checkbox"/> County Commission _____ District</p>	<p>PROPERTY OWNER/OPTION HOLDER</p> <p>PLEASE PRINT Name: <u>James D. Smith</u></p> <p>Company: <u>Smith-Lindsey Development LLC</u></p> <p>Address: <u>810 Henley St</u></p> <p>City: <u>Knoxville</u> State: <u>TN</u> Zip: <u>37902</u></p> <p>Telephone: <u>865-406-0938</u></p> <p>Fax: <u>865-971-6888</u></p> <p>E-mail: <u>daniel@smithlawtn.com</u></p>
<p>APPROVAL REQUESTED</p> <p><input type="checkbox"/> Development Plan: <u>Residential</u> <u>Non-Residential</u></p> <p><input type="checkbox"/> Home Occupation (Specify Occupation) _____ _____</p> <p><input type="checkbox"/> Other (Be Specific) <u>Use on Review - C-1</u> <u>sleep outfitters</u></p>	<p>APPLICATION CORRESPONDENCE</p> <p>All correspondence relating to this application should be sent to:</p> <p>PLEASE PRINT Name: <u>Same as above</u></p> <p>Company: _____</p> <p>Address: _____</p> <p>City: _____ State: _____ Zip: _____</p> <p>Telephone: _____</p> <p>Fax: _____</p> <p>E-mail: _____</p> <p>APPLICATION AUTHORIZATION</p> <p>I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.</p> <p>Signature: <u>J D Smith</u></p> <p>PLEASE PRINT Name: <u>James D Smith</u></p> <p>Company: <u>Smith-Lindsey Development LLC</u></p> <p>Address: <u>810 Henley St</u></p> <p>City: <u>Knoxville</u> State: <u>TN</u> Zip: <u>37902</u></p> <p>Telephone: <u>865-406-0938</u></p> <p>E-mail: <u>daniel@smithlawtn.com</u></p>