

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

▶ **FILE #:** 3-E-16-UR

AGENDA ITEM #: 36

AGENDA DATE: 3/10/2016

▶ **APPLICANT:** GRANT R. ASFOUR

OWNER(S): Iqbal & Barat Bhimani

TAX ID NUMBER: 122 D E 01701

[View map on KGIS](#)

JURISDICTION: City Council District 1

STREET ADDRESS: 1045 Maryville Pike

▶ **LOCATION:** Northwest side of Maryville Pk., northeast of Edington Rd.

▶ **APPX. SIZE OF TRACT:** 21000 square feet

SECTOR PLAN: South City

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

ACCESSIBILITY: Access is via Maryville Pk., an arterial street with a pavement width of 22' within a right-of-way that varies in width from 40' to 60' wide.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Goose Creek

▶ **ZONING:** C-1 (Neighborhood Commercial) & I-4 (Heavy Industrial)

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

▶ **PROPOSED USE:** Revision to approved plan for a restaurant in the C-1 (Neighborhood Commercial) District

HISTORY OF ZONING: Use on review approved for a restaurant on 9/10/15 (9-K-15-UR)

SURROUNDING LAND USE AND ZONING: North: Manufacturing facility / I-4 industrial

South: Construction company / I-3 industrial

East: Restaurant/billiards / C-3 commercial

West: Retail / C-1 commercial

NEIGHBORHOOD CONTEXT: This site is located in a small commercial node that is centered on the intersection of Edington Dr. and Maryville Pk. The majority of the property in this general area is zoned either I-3 or I-4 industrial. Development in the area consists of both commercial and industrial uses.

STAFF RECOMMENDATION:

▶ **APPROVE the request for a restaurant at this location subject to 12 conditions**

1. Meeting all applicable requirements of the Knox County Health Department.
2. Provision of the minimum number of required parking spaces within a parking lot that meets the dimensional requirements contained in the Knoxville Zoning Ordinance or obtaining any required variances
3. All parking is to be located to the rear or side of the existing building
4. Adjusting the proposed driveway width to meet the requirements of the Zoning Ordinance or obtaining any required variance

5. Removing any commercial signs located in the public right-of-way
6. Remove/install curbs as required by the Knoxville Engineering Dept.
7. Obtaining all required permits from the Tenn. Dept. of Transportation (TDOT)
8. Provide trees in the parking area as required by the Knoxville City Code.
9. Maintaining the required 60' wide stream buffer and stabilize the creek bank along the rear of the site as required by the Knoxville Engineering Dept.
10. Meeting all other applicable requirements of the Knoxville Stormwater Control Ordinance
11. Meeting all other applicable requirements of the Knoxville Department of Engineering.
12. A revised site plan reflecting the conditions of approval must be submitted to MPC staff for certification prior to obtaining a site development permit/building permit

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 for a restaurant. Restaurants require use-on-review consideration in the C-1 zone. The applicant has stated that this building has previously been a deli. There is no record of a previous use-on-review being approved for this site,. The building is located in the Edington Rd. area of Maryville Pk. A number of other commercial uses, including a grocery store, are located in the immediate vicinity. MPC acted on this request at the September 2015 meeting. It has come back for reconsideration due to issues with the wording of a condition regarding the number of required parking spaces. As designed, the applicant will need to get a variance to the number of required parking spaces. A variance at this location can be supported by staff at this location due to the topography of the site and the presence of a stream which requires a large buffer area. The use of this building for a restaurant will not have a negative impact on the surrounding uses.

Due to the close proximity of the building to the right-of-way of Maryville Pk., it will be impossible to locate any of the required parking in the front of the building. The applicant's engineer has revised the site plan to reflect that all parking will be located to the side or rear of the building. Staff has concerns regarding the proposed driveway to the rear of the building. We will require that the grade of the driveway not exceed a slope of 15%.. This is a small site which will make getting the driveway, parking, dumpster in while maintaining the required stream buffer difficult.

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 and industrial 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 have an impact on drawing traffic through residential areas since it is located on a collector street.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

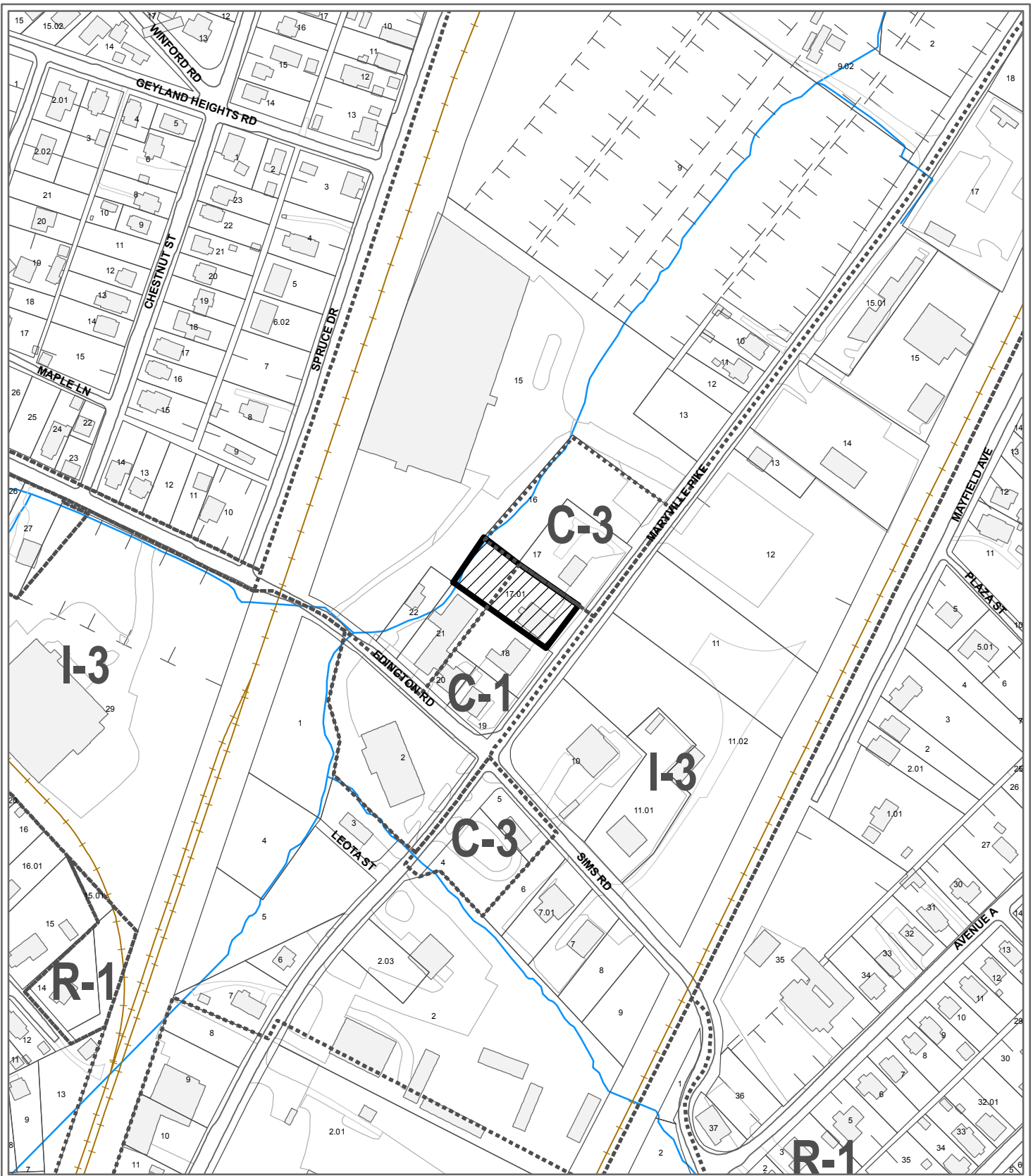
1. The South City Sector Plan and the Knoxville One Year Plan identify the property for neighborhood commercial use. The proposed use is consistent with those plans..
2. The site is located within the City on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: 282 (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.



**3-E-16-UR
USE ON REVIEW**



Revision to approved plan for a restaurant in the the C-1 (Neighborhood Commercial) Dsitrict in C-1 (Neighborhood Commercial) & I-4 (Heavy

Original Print Date: 2/23/2016
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Asfour, Grant R.

Map No: 122
Jurisdiction: City

