

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

► **FILE #:** 2-E-17-UR

**AGENDA ITEM #:** 49

**AGENDA DATE:** 2/9/2017

► **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: 5140 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:** Retail strip center (under development)

► **PROPOSED USE:** Restaurant (1,800 sq ft)

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. & detached residential / R-1 (Low Density Residential)

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

East: Detached residential / 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 for a restaurant that is approximately 1,800 square feet in an existing commercial building, subject to the \_\_ 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, 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 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 (9-G-16-UR) and mattress store (12-A-16-UR) were previously approved for this shopping center. Vehicular access is limited to Broadway. A pedestrian connection will be provided to both Broadway and Gibbs Drive.

The required amount of parking is available on-site for the requested Which Wich restaurant and other uses on the site. The site contains 85 parking spaces total and the uses in the development require 84 parking spaces.

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 and the proposed restaurant will need to abide by these operational requirements, which are privately enforceable.

#### **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 along a major arterial street (Kingston Pike) and does not have access to the adjacent neighborhood street (Gibbs Drive).
3. The proposed restaurant is consistent with a neighborhood scale of commercial use.
4. The shopping center where the restaurant will be located is installing screening along the adjacent residential district boundary, 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 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 major arterial street and does not have direct access to the adjacent local street.

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

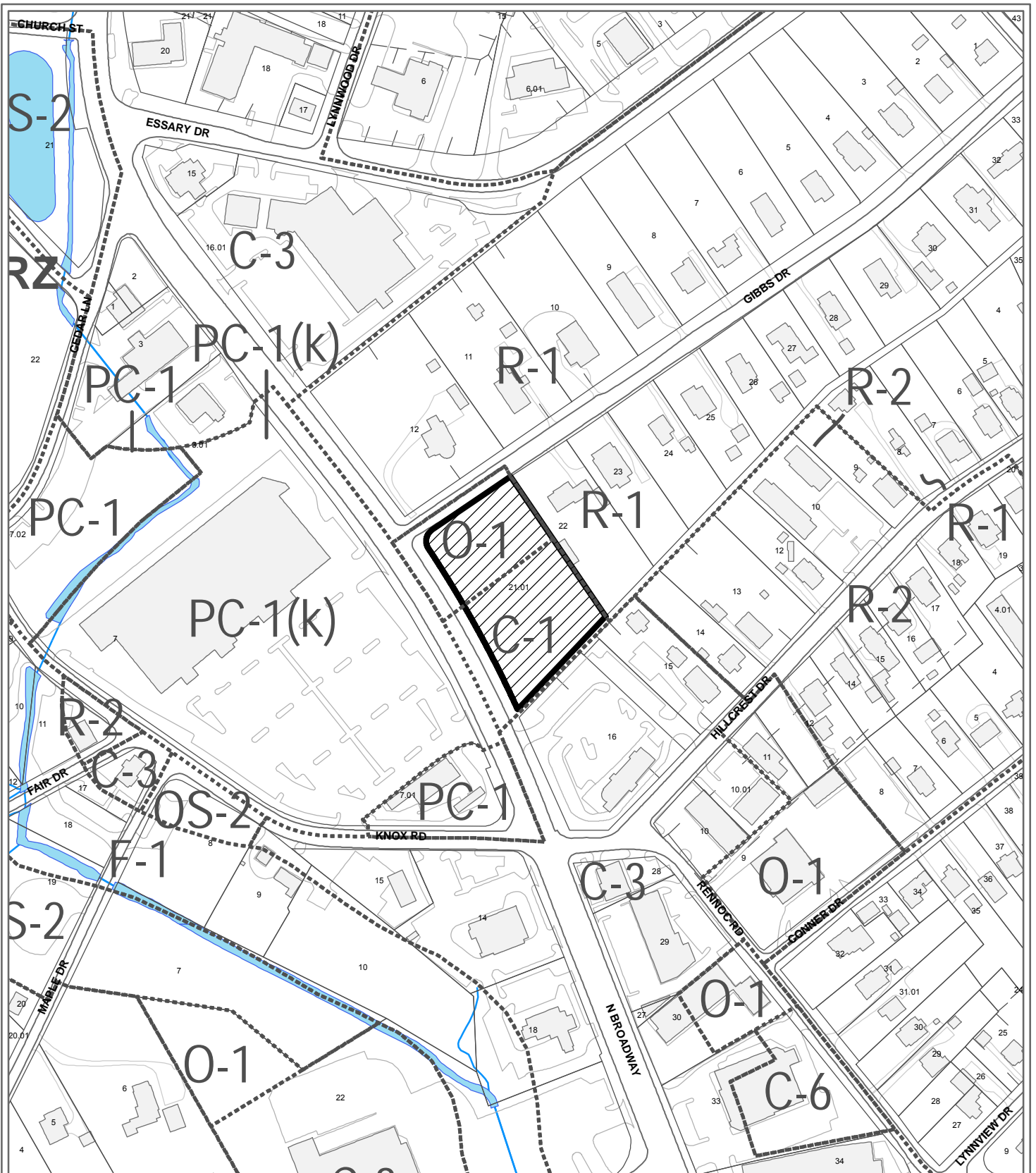
1. The Knoxville One Year Plan and the North City Sector Plan propose neighborhood commercial uses for this site. The proposed restaurant is consistent with the One Year Plan and Sector Plan.
2. The site is located within the Urban Growth Area (inside City limits) on the Knoxville-Knox County Farragut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

ESTIMATED TRAFFIC IMPACT: 235 (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.



**2-E-17-UR  
USE ON REVIEW**

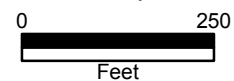


Restaurant (1,800 sq ft) in C-1 (Neighborhood Commercial) & O-1 (Office, Medical, and Related Services)

Petitioner: Smith-Lindsey Development, LLC

Map No: 58

Jurisdiction: City



Original Print Date: 1/18/2017

Revised:

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

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

2-E-17-UR  
12/27/2016

Use on Review Development Plan

1. Proposed use: Which Wich? is a national fast casual restaurant chain that serves sandwiches; dessert items including but not limited to ice cream and ice cream products; beverages including but not limited to coffee beverages; and side dishes such as chips, salads, soups, and other related items.
2. 1,800 SF building footprint (including floor plan) is provided on page 2.
3. Architectural elevations are provided on page 3.
4. Proposed signage: Which Wich will request and utilize the highest amount of attached signage, as permitted under the sign ordinance. Which Wich will have a 22.5' wide by 20' tall store front elevation.
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.



**STUDIO  
FOUR  
DESIGN:**

Architecture & Interiors  
Planning - Graphics - Consulting  
4047 4th Ave. Knoxville, TN 37902  
1-865-523-5001 | 1-865-523-5003  
studiofourca@gmail.com



Project Name:  
MECH #072  
6150 N. Broadway Ave.  
Knoxville, TN 37913

Project Number: 10002271  
Date: 02.03.2016  
Drawn By: M. Jordan / A.S. Santos  
Checked By: J. White

Drawing Issues For:  
 Schematic Design  
 Design Development  
 Construction

Revisions:  
No. Date Description

Sheet Title:  
Life Safety Plan & Code Review

Sheet No:  
**G0.3**

**PROJECT LOCATION**  
6150 N. Broadway Ave.  
Knoxville, TN 37913

**SCOPE OF WORK:**  
This project is a 1752 sq ft tenant build-out in an existing shell building.

The scope of work outlined in these documents includes mechanical, electrical, plumbing, interior partitions, and interior finishes.

**3 Project Description**  
1752

**Overview**

**APPLICABLE CODES:**  
International Building Code, 2012 edition of amendments  
International Energy Code, 2012 edition of amendments  
NFPA 70 National Electrical Code, 2011 edition of amendments  
International Plumbing Code, 2012 edition of amendments  
International Mechanical Code, 2012 edition of amendments  
International Fuel Gas Code, 2012 edition of amendments  
International Fire Code, 2012 edition of amendments

**ACCESSIBILITY CODE:**  
ICC/ANSI A117.1, 2009 edition

**OCCUPANCY TYPE:**  
Assembly Group A-2, Concert Synod

**CONSTRUCTION TYPE:**  
Type III, Systemed

**Requirements**

**TRAVEL DISTANCE:**  
250'-0" maximum with Operable System  
Corridor Type of Travel - 75'-0"  
Dead End - 20'-0"

**EGRESS WIDTH:**  
2" per occupant NFPA model restricted  
Corridor Width - 4'-0"  
Clear Door Opening - 3'-0"

FINISHING	REQUIRED	PROVIDED
Water Closet	(1) 34'-4 1/2"	(1) 34" x (1) 34" (1) 34" x (1) 34"
Restroom	(1) 34'-4 1/2"	(1) 34" x (1) 34" (1) 34" x (1) 34"
Drinking Fountain	(1)	(1) WATER DISTRIBUTION STATION
Service Desk	(1)	(1)

**Calculations**

Which Space:  
APPROXIMATE GROSS AREA: 1752 sf

**OCCUPANT LOAD BREAKDOWN:**

Assembly with fixed seats	670 # / 154 = 4.35
Assembly Corridor fixed seats	= 54 Seats
Faculty Commercial	40 # / 100 sf = 5
Service Desk	227 sf / 100 sf = 2.27
Total Occupancy Multiplier	= 6.4

**2 Code Review**  
1752

SELECT MEANS BY EXCESSIVE DEFICIENCY AS NOTED

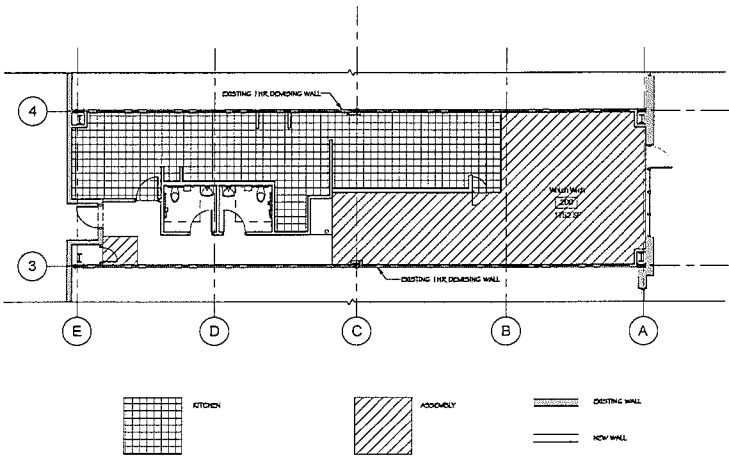
MAXIMUM TRAVEL DISTANCE TO EXIT LENGTH AS NOTED

INDICATED FINISHES LOCATION IN FLOOR

ACTUAL OCCUPANT LOAD:  
EXIT WIDTH CAPACITY  
EXIT SERVICE CAPACITY

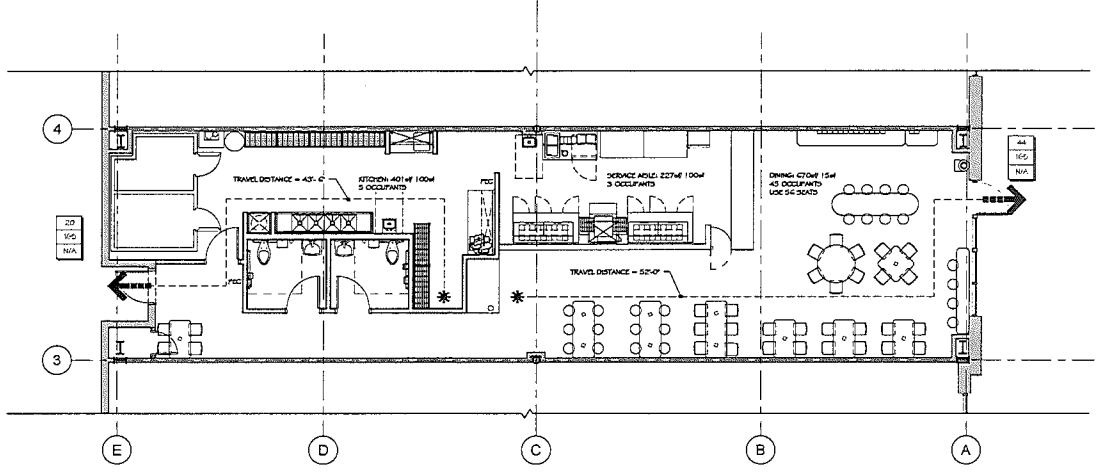
FSC FIRE EXTINGUISHING CABINET

**1 Graphic Legend**  
1752



**6 Life Safety Occupancy Plan**  
1752 - 1752

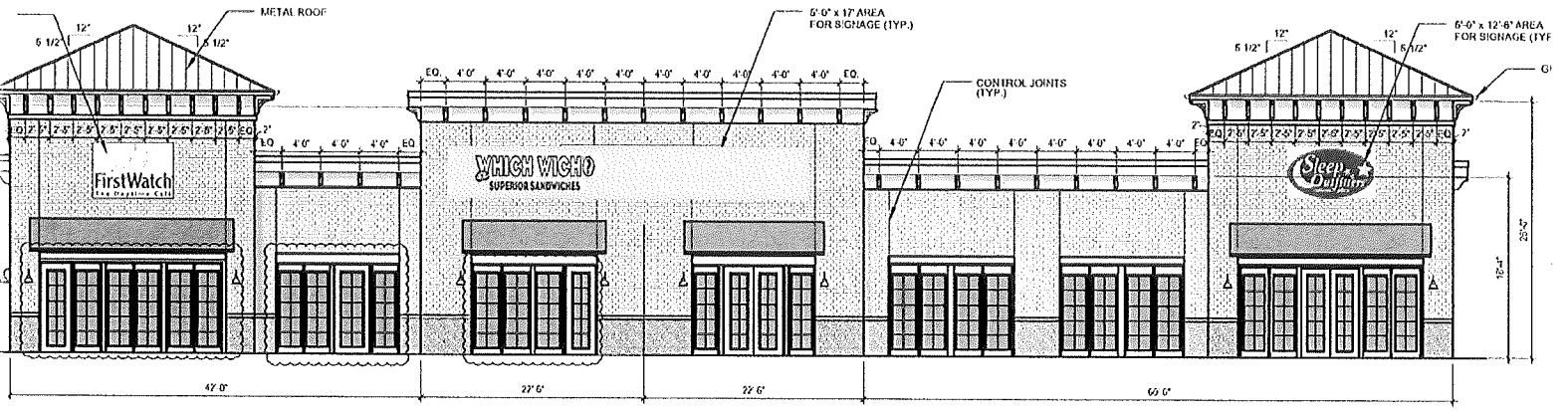
**5 Location Maps**  
1752 - 1752

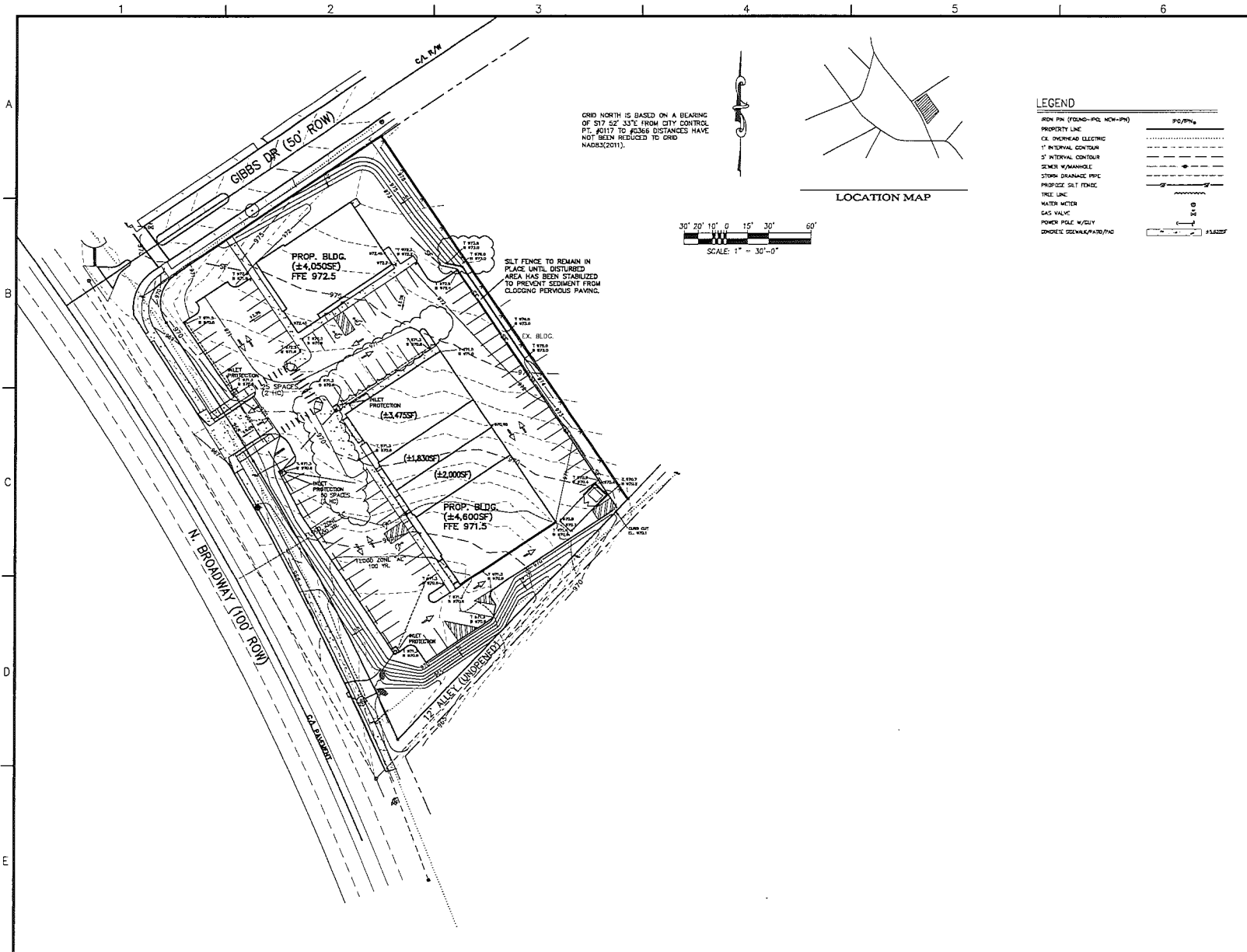


**4 Life Safety Egress Plan**  
1752 - 1752

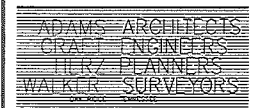
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USER: MJordan/A.Santos  
FILE: C:\projects\6150 Broadway\6150 Broadway.dwg  
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Front Elevation





- NOTES**
1. CHECKER: STEPHEN W. MILLS, P.E., NO. 10203C  
ADAMS ARCHITECTS GRADE ENGINEERS PLANNERS WALKER SURVEYORS  
800 LAW REESE TURNING, SUITE 400  
DIXIE RIDGE, TN 37021  
PH: (615) 482-4401  
FAX: (615) 482-4404  
WEBSITE: www.adamsarch.com
  2. CLIENT: SMITH (ASSET) DEVELOPMENT, LLC  
670 BRADY BLVD.  
800 HUNLEY STREET  
KNOXVILLE, TN 37912  
PH: (615) 438-0235
  3. TOTAL PARCEL AREA = 312 ACRES  
LAND ACQUISITION = 11.02 ACRES  
PROPOSED IMPROVEMENTS = 47,677 (INCLUDING PERMISSIBLE PAYING)
  4. SILT FENCE SHALL BE IN PLACE BEFORE CONSTRUCTION AND REMOVAL OF FIELDS WITHIN THE AREA TO BE DISTURBED.
  5. CONTRACTOR SHALL PAY FOR ALL CONNECTIONS, PERMITS, & INSPECTIONS.
  6. CONTRACTOR TO FOLLOW ALL REQUIREMENTS IN CITY OF KNOXVILLE SUPPLEMENTAL SPECIFICATIONS.
  7. CONTRACTOR TO LOCATE AND VERIFY EXISTING UNDERGROUND UTILITIES PRIOR TO STARTING NEW WORK. CONTRACTOR TO CALL KNOXVILLE ONE CALL AT 1-800-341-1111 THREE DAYS BEFORE EXCAVATION BEGINS.
  8. CONTRACTOR ADVISED TO REVIEW AND FOLLOW THE REQUIREMENTS OF THE STORMWATER POLLUTION PREVENTION PLAN INCLUDED IN THE PROJECT DOCUMENTS FOR CONSTRUCTION MANAGEMENT.
  9. THIS PROPERTY IS OCCUPIED BY FEMA AS BEING PARTIALLY WITHIN FLOOD ZONE "AE" - BASE FLOOD ELEVATIONS DETERMINED FOR THE WATER-SURFACE ELEVATIONS OF THE 1% ANNUAL CHANCE OF FLOOD - FLOODPLAIN. REFERENCE FIRM COMMUNITY PANEL #7006-0141 IS DETERMINED DATE: AUGUST 1, 2015.
  10. CENTER INTERVALS = 1 FOOT
  11. THE VERTICAL DATA SHOWN ON THIS MAP IS RELATIVE TO THE CITY OF KNOXVILLE ADJUDICATED ZONE, AND THE CENTERLINE DATA SHOWN HAS OBTAINED PERMITS UNDER A 1% FLOOD ZONE.
  12. STORM DRAIN INLETS TO HAVE FILTER SOCK OR GRASS FILTER PROTECTION UNLESS OTHER MEASURES INCLUDED FOR RAINFALL USE AND ACCESS ONLY. SEE CITY OF KNOXVILLE SUPPLEMENTAL SPECIFICATIONS FOR DRAINAGE FILTER PROTECTION.
  13. NO SLOPES SHALL EXCEED 2:1.
  14. TEMPORARY SEEDING IS REQUIRED WHEN GRADING OPERATIONS ARE TEMPORARILY HALTED FOR PERIODS IN DAYS AND ON SOILS SUSCEPTIBLE TO EROSION. SEEDING IS REQUIRED WHEN GRADING OPERATIONS ARE COMPLETED AND/OR CONSTRUCTION OPERATIONS WILL NOT IMPACT THE EROSION AREA. SEE AREA'S THAT SHOW SLOPES OF GRASS COVER.
  15. ALL DRAINAGE STORM PIPING TO BE WATER TIGHT EXCEPT HEADWALLS.
  16. SEE SHEET C-14 FOR EXISTING TEMPORARY.
  17. SEE SHEET C-2 FOR SITE LAYOUT PLAN.
  18. SEE SHEET C-15-14 FOR FINAL DRAINAGE STORM DRAINAGE & EROSION CONTROL PLAN.
  19. SEE SHEET C-15 FOR UTILITY PLAN.
  20. SEE SHEET C-16-17 FOR SITE DETAILS.



FOUNTAIN CITY DEVELOPMENT  
5150 N BROADWAY  
KNOXVILLE, TN 37919

PROPOSED SITE GRADING AND FINAL EROSION CONTROL PLAN

Issue	Drawn by	Checked by	Date	Approved
R-1	EWB	EWB	01/22/16	EWB
R-2	EWB	EWB	01/24/16	EWB
R-3	EWB	EWB	04/15/16	EWB
R-4	EWB	EWB	02/26/16	EWB
R-5	EWB	EWB	04/01/16	EWB
R-6	EWB	EWB	10/27/15	EWB

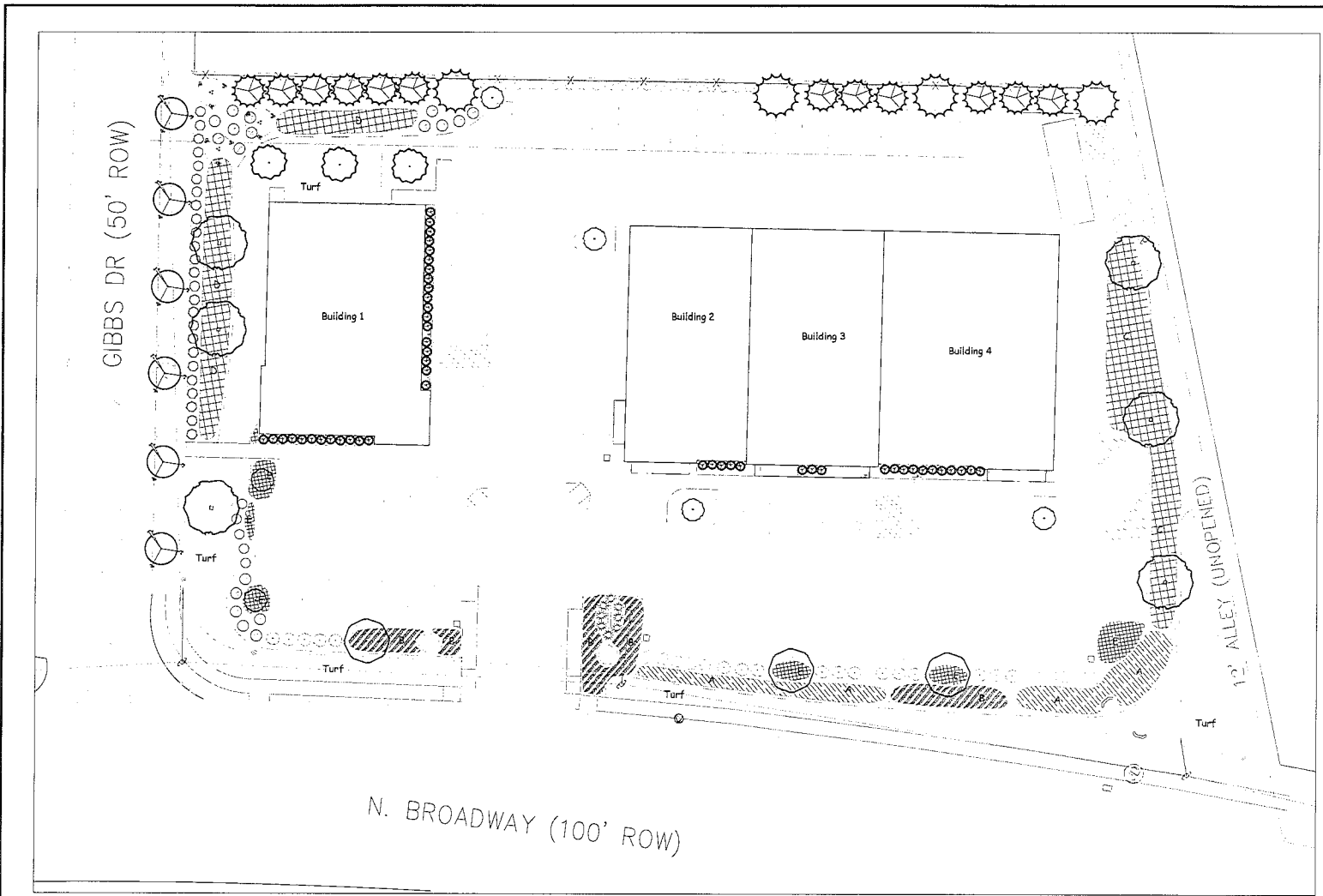
15510BASES 15510.0  
The Comp. No. Field Book No. Job No.











C-4

drawing number



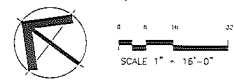


**Tree Planting Legend**















-  (6) Willow Oak  
1.5" caliper
-  (3) London Plane Tree, Sycamore  
1.5" caliper  
*Note: London Plane Tree to be used ensuring that overhead utility lines will be moved underground. If overhead utility lines are to remain, use Amer Maple instead. Amer Maple will not grow large enough to conflict with overhead utility lines.*
-  (6) Flowering Dogwood  
1" caliper
-  (3) Serviceberry  
multi-trunk, clump
-  (4) Brecken's Brown Magnolia  
6' height minimum
-  (12) Mary Nell Holly  
6' height minimum
-  (6) Crape Myrtle  
multi-trunk, 6' height minimum
-  (3) Tulip Poplar  
1.5" caliper



**Broadway/ Gibbs  
Tree Planting Plan**  
Knoxville, TN



**Shrub Planting Legend**

- |  |   |   |  |  |
|--|---|---|--|--|
|  (21) Azalea            |  (22) Inkberry Holly   |  (5) Little Henry Irono  |  (250) Variegated Liriope |  (45) Dwarf Forsythia or Winter Jasmine   |
|  (18) Knockout Rose     |  (2) Gold Mops Cypress |  (25) Abella             |  (70) Flirt Nandina       |  Perennials:<br>- Shasta Daisy<br>- Nepeta<br>- Drift Rose<br>- Ajuga<br>- Carex Grasses<br>- Daylily |
|  (41) Japanese Plum Yew |  (18) Hydrangea        |  (8) Keleidoscape Abella |  (21) Gro Low Sumac       |  |

**Tree and Shrub Totals:**  
 - (12) Large Canopy/Shade Trees  
 - (4) Large Evergreen Trees  
 - (15) Medium Flowering Trees  
 - (12) Medium Evergreen Trees  
 - (226) Shrubs  
 - (320) Groundcover  
 - Perennial count unspecified  
*\*Note: Shrub/Groundcover quantities on items A-E may vary with final site layout and budgetary concerns.*

All shrubs to be 3 gallon minimum size. Groundcovers to be sized and sourced as needed.

Irrigation recommended.

Concept 'A'

**Use on Review**     **Development Plan**

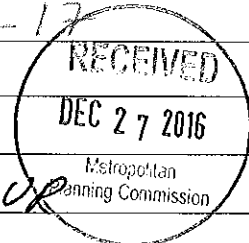
Name of Applicant: Smith-Lindsey Development LLC

Date Filed: 12-27-16    Meeting Date: 2-09-17

Application Accepted by: Mike Reynolds

Fee Amount: \_\_\_\_\_ File Number: Development Plan

Fee Amount: \$1500 File Number: Use on Review 2-6-17-08



**PROPERTY INFORMATION**

Address: 5140 N. Broadway Avenue

General Location: Fountain city, across from Kroger, adjacent check-out-a

Tract Size: 1.62 acres    No. of Units: 5

Zoning District: C-1

Existing Land Use: Shares lot with First watch restaurant, sleep outfitters, and American family cafe

Planning Sector: North City

Sector Plan Proposed Land Use Classification: NC

Growth Policy Plan Designation: UBB (inside city)

Census Tract: 42

Traffic Zone: 215

Parcel ID Number(s): 058EH02101

Jurisdiction:  City Council 4 District  
 County Commission \_\_\_\_\_ District

**PROPERTY OWNER/OPTION HOLDER**

PLEASE PRINT

Name: Smith-Lindsey Development LLC

Company: \_\_\_\_\_

Address: 810 Henley St

City: Knoxville    State: TN    Zip: 37902

Telephone: 865-406-0938

Fax: \_\_\_\_\_

E-mail: daniel@smithlawtn.com

**APPLICATION CORRESPONDENCE**

All correspondence relating to this application should be sent to:

PLEASE PRINT

Name: James Daniel Smith

Company: Smith-Lindsey Development LLC

Address: 810 Henley St

City: Knoxville    State: TN    Zip: 37902

Telephone: 865-406-0938

Fax: \_\_\_\_\_

E-mail: daniel@smithlawtn.com

**APPROVAL REQUESTED**

Development Plan: \_\_\_ Residential \_\_\_ Non-Residential

Home Occupation (Specify Occupation)

\_\_\_\_\_

Other (Be Specific)

Use on Review C-1

restaurant

**APPLICATION AUTHORIZATION**

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.

Signature: JD Smith

PLEASE PRINT

Name: James Daniel Smith

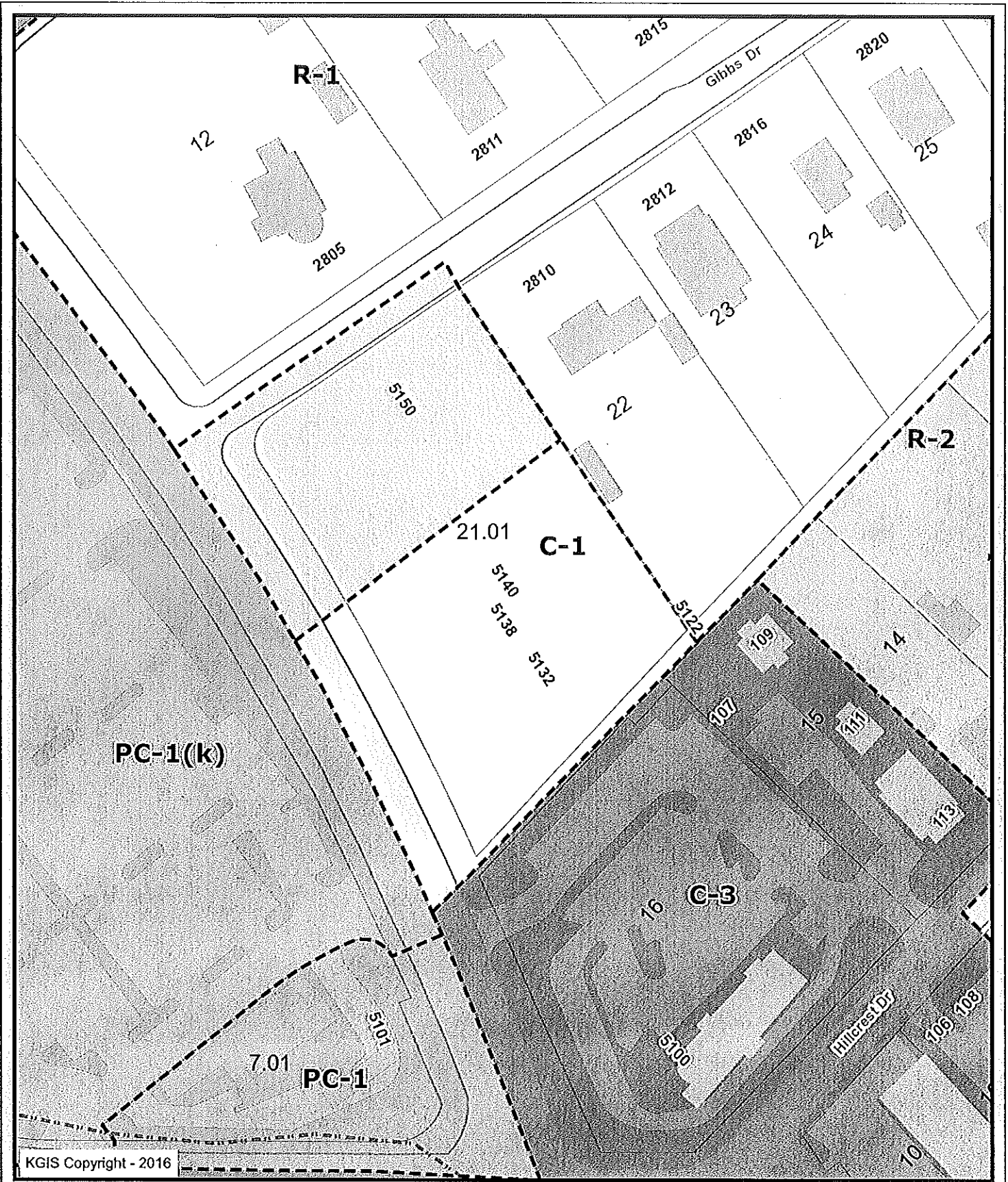
Company: Smith-Lindsey Development

Address: 810 Henley St

City: Knoxville    State: TN    Zip: 37902

Telephone: 865-406-0938

E-mail: daniel@smithlawtn.com

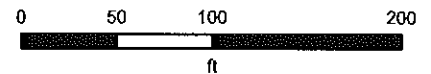


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