

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

▶ **FILE #:** 7-H-18-UR **AGENDA ITEM #:** 48
 POSTPONEMENT(S): 7/12/2018-10/11/2018 **AGENDA DATE:** 12/13/2018
 ▶ **APPLICANT:** **WOODS-SMITH MARKET & DELI**
 OWNER(S): Outlook Properties LLC

TAX ID NUMBER: 92 C D 005.01 [View map on KGIS](#)

JURISDICTION: City Council District 3

STREET ADDRESS: 2240 Woods-Smith Rd

▶ **LOCATION:** **North side of Woods-Smith Rd., east of Shrewsbury Dr.**

▶ **APPX. SIZE OF TRACT:** **0.9 acres**

SECTOR PLAN: Northwest County

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

ACCESSIBILITY: Access is via Woods-Smith Rd., a minor collector with 26' of pavement width within 44' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

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

▶ **EXISTING LAND USE:** **Commercial**

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

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Rural & single family residential / R-1 (Low Density Residential)

South: Single family residential / R-1 (Low Density Residential)

East: Single family residential / R-1 (Low Density Residential)

West: Single family residential / R-1 (Low Density Residential)

NEIGHBORHOOD CONTEXT: The area is developed with rural and low density residential uses within the R-1 zone. The subject property is the only business in the area and is in the C-1 zone.

STAFF RECOMMENDATION:

▶ **WITHDRAW the application as requested by the applicant.**

COMMENTS:

This proposal is to permit an eating and drinking establishment (bar) that is approximately 385 square feet in size. The area dedicated to the bar is within the existing 2,760 square-foot convenience store building. The area dedicated to the convenience store is now approximately 2,375 square feet.

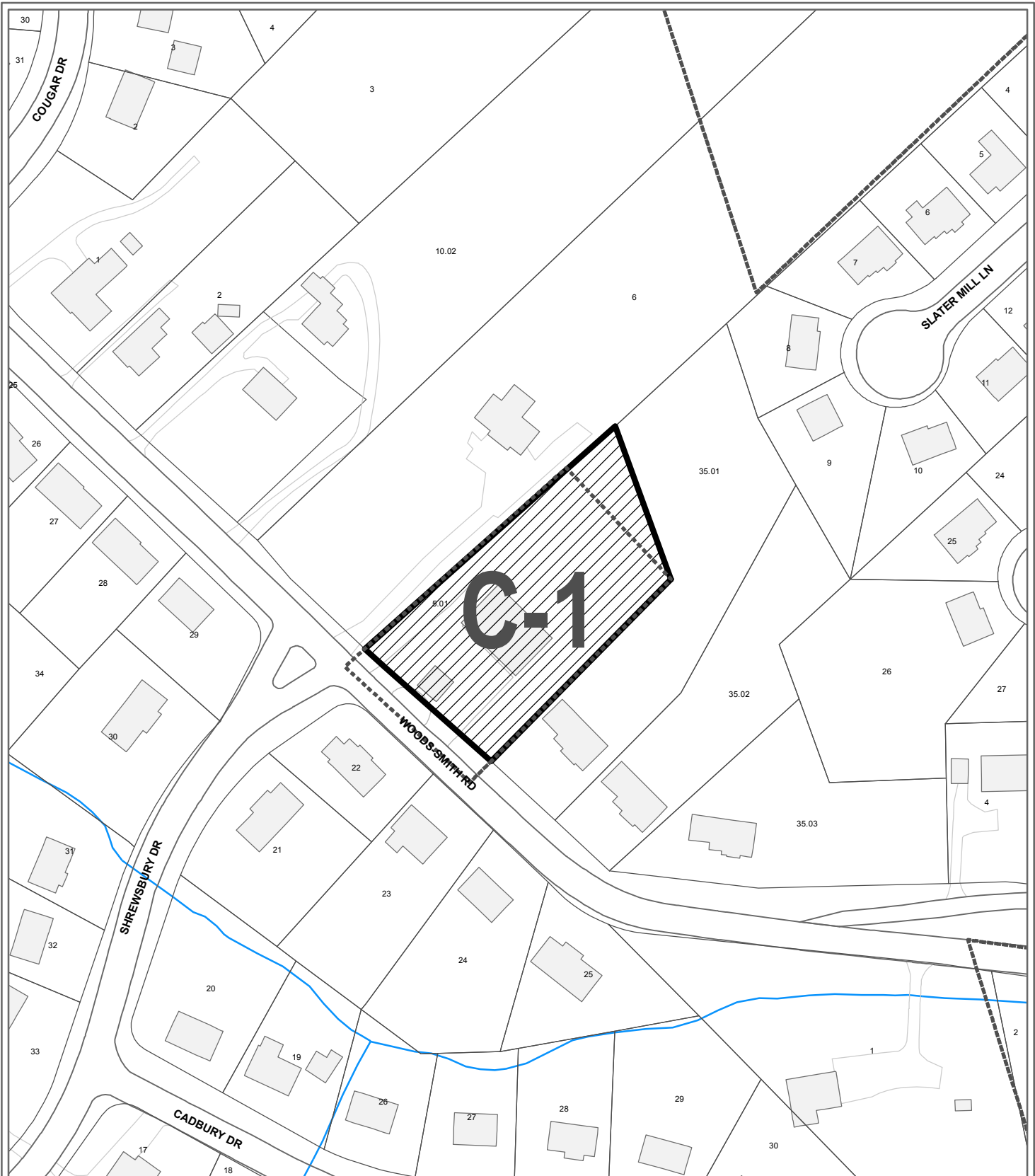
The bar has already been constructed and operating prior to submitting a Use on Review application. There is a separate exterior entrance to the bar on the front of the building. The existing parking does not meet the minimum parking required for the two uses combined. There are currently 8 parking spaces and 13 spaces are required. Either the parking will need to come into compliance with the minimum parking requirement or a variance must be approved by the Board of Zoning Appeals. Any expansion of the parking lot must meet the setback, screening and landscaping requirements of the parking regulations.

ESTIMATED TRAFFIC IMPACT: 376 (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.



**7-H-18-UR
USE ON REVIEW**



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

Petitioner: Woods-Smith Market & Deli

Map No: 92

Jurisdiction: City



Original Print Date: 6/20/2018

Revised:

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

7-H-18-UR-WD-12-13-18

MEMPHIS-KNOX COUNTY

M P C

METROPOLITAN
P L A N N I N G
C O M M I S S I O N

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
8 6 5 • 2 1 5 • 2 6 0 0
F A X • 2 1 5 • 2 0 0 8
www.knoxmpc.org

Request to Postpone • Table • Withdraw

Name of Applicant: Woods-Smith Market & Deli

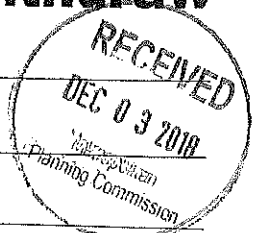
AS IT APPEARS ON THE CURRENT MPC AGENDA

Original File Number(s): 7-H-18-UR

Date Scheduled for MPC Review: 12/13/2018

Date Request Filed: 12/3/2018

Request Accepted by: Mike Reynolds



REQUEST

Postpone
Please postpone the above application(s) until:

DATE OF FUTURE MPC PUBLIC MEETING

Table
Please table the above application(s).

Withdraw
Please withdraw the above application(s).

State reason for request:
Don't have enough Decided
Decided to close that part of
business.

Eligible for Fee Refund? Yes No

Amount: _____
Approved by: _____
Date: _____

APPLICATION AUTHORIZATION

I hereby certify that I am the property owner, applicant, or applicant's authorized representative.

Signature: F. V. Parikh

PLEASE PRINT
Name: Fenil Parikh
Address: 2240 Woods-Smith Rd
City: Knoxville State: TN Zip: 37921
Telephone: 912 414 9922
Fax: _____
E-mail: fenil877@gmail.com

PLEASE NOTE

Consistent with the guidelines set forth in MPC's
Administrative Rules and Procedures:

POSTPONEMENTS

Any first time (new) MPC application is eligible for one automatic postponement. This request is for 30 days only and does not require MPC approval if received by MPC no later than 3:30 p.m. on the Monday prior to the MPC meeting. All other postponement requests must be acted upon by MPC before they can be officially postponed to a future MPC public meeting.

TABLINGS

Any item requested for tabling must be acted upon by MPC before it can be officially tabled.

WITHDRAWALS

Any MPC item is eligible for automatic withdrawal. A request for withdrawal must be received by MPC no later than 3:30 p.m. on the Monday prior to the MPC meeting. Withdrawal requests that do not meet these guidelines must be acted upon by MPC before they can be officially withdrawn.

Any new item withdrawn may be eligible for a fee refund according to the following:

Application withdrawal with fee refund will be permitted only if a written request is received by MPC prior to public notice. This request must be approved by either the Executive Director, or the Development Services Manager. Applications may be withdrawn after this time, but without fee refund.

7-H-18-UR-PP-10-11-18

Knox MPC via - Fwd: Woods-Smith Market & Deli (7-H-18-UR)



Sherry Michienzi <sherry.michienzi@knoxmpc.org>



Fwd: Woods-Smith Market & Deli (7-H-18-UR)

1 message

Mike Reynolds <mike.reynolds@knoxmpc.org>

Wed, Oct 3, 2018 at 8:18 AM

To: Sherry Michienzi <sherry.michienzi@knoxmpc.org>, Dori Caron <dori.caron@knoxmpc.org>

Postponement request for 7-H-18-UR until the December 13, 2018 MPC meeting.

----- Forwarded message -----

From: Fenil Patel <fenil271@gmail.com>
Date: Tue, Oct 2, 2018 at 4:46 PM
Subject: Re: Woods-Smith Market & Deli (7-H-18-UR)
To: Mike Reynolds <mike.reynolds@knoxmpc.org>
Cc: <dharit2630@gmail.com>

request - 60 days -

Hello Mike,

Thank you for sharing this information with us.

Please postpone our meeting for next 3 months.

Thank you,

Fenil

On Thu, Sep 20, 2018 at 9:55 AM Mike Reynolds <mike.reynolds@knoxmpc.org> wrote:

Rick,

As we discussed, I am sending you information about applying for a parking variance. Below is a link to for application deadlines and fees for the Board of Zoning Appeals (BZA). You just missed the deadline for the October BZA meeting, so your next application deadline is October 15th for the November 15th BZA meeting. The information for the department you need to contact is on the document in the link below.

http://www.knoxvilletn.gov/UserFiles/Servers/Server_109478/File/Boards/zoningappeals/sked_bza.pdf

Since it won't be until mid-November until you can be on the BZA agenda, you will need to postpone your UOR application until the December 13th MPC meeting. Please

7-H-18-UR-PP-9-13-18



Sherry Michienzi <sherry.michienzi@knoxmpc.org>



Fwd: Woods-Smith Market & Deli (7-H-18-UR)

1 message

Mike Reynolds <mike.reynolds@knoxmpc.org> Mon, Sep 10, 2018 at 8:18 AM
To: Sherry Michienzi <sherry.michienzi@knoxmpc.org>, Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Dori Caron <dori.caron@knoxmpc.org>

Postponement request for 7-H-18-UR until the October 11, 2018 MPC meeting.

----- Forwarded message -----

From: **Fenil Patel** <fenil271@gmail.com>
Date: Sat, Sep 8, 2018 at 10:12 PM
Subject: Re: Woods-Smith Market & Deli (7-H-18-UR)
To: Mike Reynolds <mike.reynolds@knoxmpc.org>

Hi Mike,

As suggested,

We would like to postpone the meeting. Either me or my husband will get back to you to schedule meeting.

Thank you.

Fenil

On Thu, Sep 6, 2018 at 6:45 AM Mike Reynolds <mike.reynolds@knoxmpc.org> wrote:

Fenil,

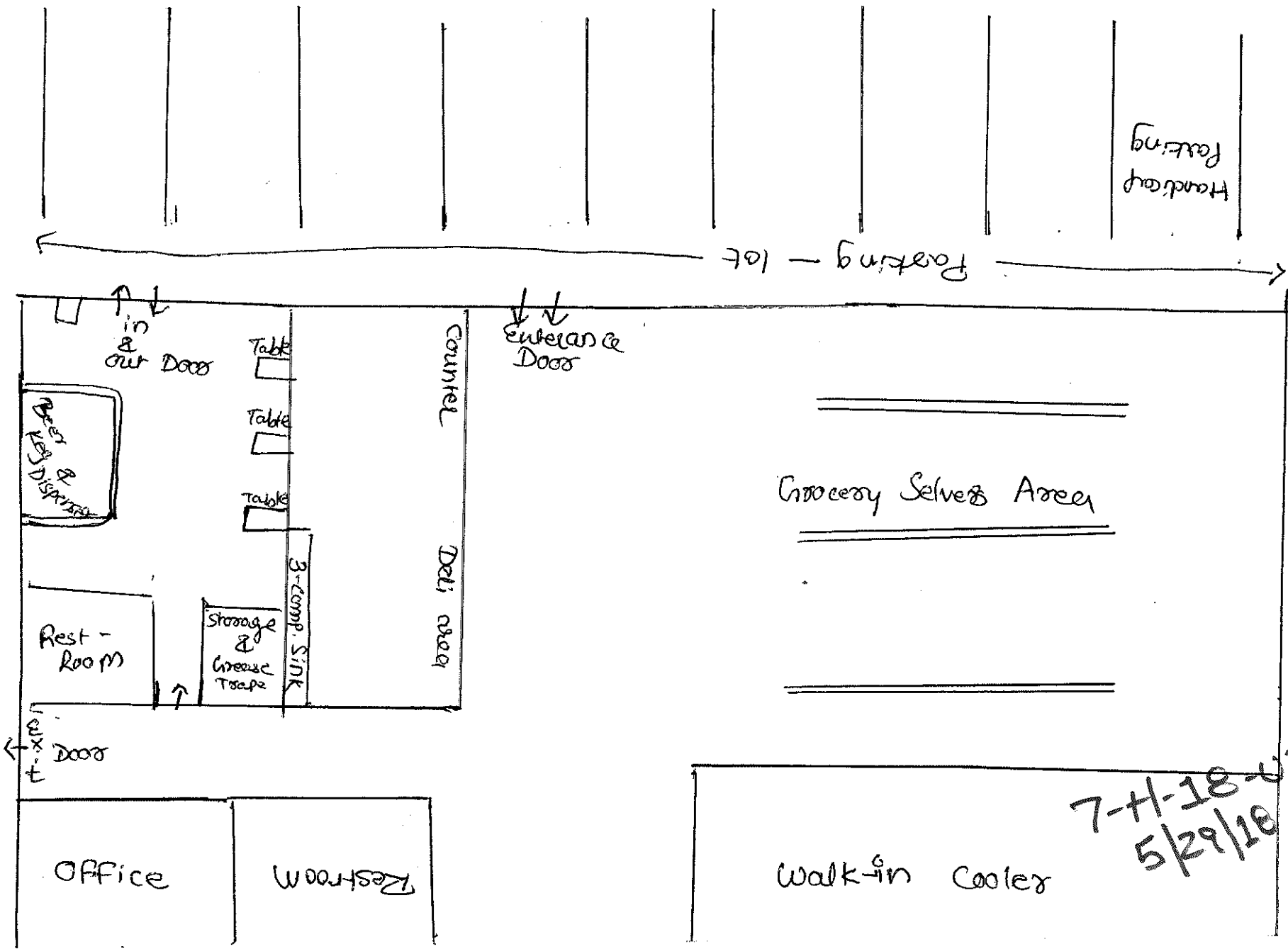
I spoke with your husband yesterday and we discussed postponing for one more month and possibly meeting sometime soon to go over options in person. I can meet you at your business if that is helpful. Please call me the week of September 17th to set up a meeting.

At your earliest convenience, please email me requesting postponement of your application until the October 11, 2018 MPC meeting.

Thank you!
Mike

Michael Reynolds, AICP

Cross Pump



Use on Review **Development Plan**

Name of Applicant: Woods-Smith Market & Deli

Date Filed: 05/29/2018 Meeting Date: 06/14/2018

Application Accepted by: Marc Payne

Fee Amount: File Number: Development Plan

Fee Amount: 1500.00 File Number: Use on Review 7-H-18-UR

PROPERTY INFORMATION

Address: 2240 Woods-Smith Road
KNOXVILLE, TN 37921

General Location: N/3 Wood Smith Rd.
NW of Shrewsbury Drive

Tract Size: .9ac +/- No. of Units:

Zoning District: C-1

Existing Land Use: Market & Deli

Planning Sector: Northwest County

Sector Plan Proposed Land Use Classification:
LDR

Growth Policy Plan Designation: City

Census Tract: 46.08

Traffic Zone: 212

Parcel ID Number(s): 092C004501

Jurisdiction: City Council 3rd District
 County Commission _____ District

PROPERTY OWNER/OPTION HOLDER

PLEASE PRINT
Name: Fenil Parikh

Company: Woods-Smith Market & Deli

Address: 2240 Woods-Smith Road

City: KNOXVILLE State: TN Zip: 37921

Telephone: 865-444-1971

Fax:

E-mail: Dhamit2630@gmail.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:

PLEASE PRINT
Name: Woods-Smith Market & Deli

Company: Woods-Smith Market & Deli

Address: ~~2240~~ 2240 Woods-Smith Road

City: Knoxville State: TN Zip: 37921

Telephone: 865-444-1971

Fax:

E-mail: Dhamit2630@gmail.com

APPROVAL REQUESTED

Development Plan: Residential Non-Residential

Home Occupation (Specify Occupation)

Other (Be Specific)
Eating-drinking establishment in a C-1 zone

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: Fenil Parikh

PLEASE PRINT
Name: Fenil Parikh

Company: Woods-Smith Market & Deli

Address: 2240 Woods-Smith Road

City: KNOXVILLE State: TN Zip: 37921

Telephone:

E-mail: Dhamit2630@gmail.com



Letter Portrait

Printed: 5/29/2018 at 1:27:59 PM

Knoxville - Knox County - KUB Geographic Information System



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ZONING NOTICE OF VIOLATION

Date of Inspection 5/10/18 Inspector BA

Violations To Be Corrected (Compliance Date) By: 5/31/18

Property Address: 2240 WOODS-SMITH RD

Property Zoning: C-1 CLT #: 092CD00501

Property Owner: OUTLOOK PROPERTIES

Tenant (if applicable): WOODS-SMITH MARKET & DELI / SUNOCO

By order of the Chief Building Official of the City of Knoxville you are hereby notified you are in violation of the Knoxville City Code, Appendix B, Zoning Regulations as listed below. Compliance with these regulations must be met prior to continuing with any work, use or occupancy.

VIOLATION - MARKET/DELI HAS BEEN TURNED INTO EATING &
DRINKING ESTABLISHMENT IN A C1 ZONE WITHOUT
A USE ON REVIEW APPROVAL FROM THE METROPOLITAN
PLANNING COMMISSION (MPC). CONTACT MPC AT
215-2500 FOR USE ON REVIEW REQUIREMENTS

Failure to comply may result in citation to City Court and a fine for each day of violation, plus administrative court cost.

2992 BRANDON

Please contact the Zoning Office at 865-215-4473 to speak with someone regarding this Notice of Violation.

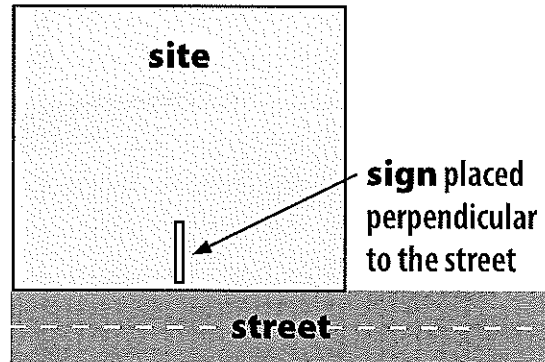
This Notice Received By: _____

REQUIRED SIGN POSTING AGREEMENT FORM

For all rezoning, plan amendment, concept plan, use on review, BZA variance, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC/BZA Administrative Rules and Procedures. MPC staff will provide a sign to post on the property at the time of application.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. MPC staff may recommend a preferred location for the sign to be posted at the time of application.



TIMING

The sign must be posted no later than **two weeks prior** to the scheduled MPC or BZA hearing and must remain in place until after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted no later than two weeks prior to the next MPC or BZA meeting.

MPC staff will provide the first sign(s) for no additional charge as part of the application fees. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the MPC offices. The applicant will be charged a fee of \$10 for each replacement sign.

I hereby agree to post the sign provided on the subject property on or before

6/27/18

consistent with the guidelines provided above; and to **remove the sign within one week after** the MPC or BZA decision.

Signature: F.V. Parikh

Printed Name: Fenil Parikh

Date: 5/29/18

MPC or BZA File Number: 7-H-18-UR