



SPECIAL USE REPORT

▶ **FILE #:** 11-A-20-SU

AGENDA ITEM #: 43

AGENDA DATE: 11/12/2020

▶ **APPLICANT:** LISA A. VARNADO / MARBLE CITY SWEETS LLC

OWNER(S): Ford and Ford

TAX ID NUMBER: 109 F K 029

[View map on KGIS](#)

JURISDICTION: City Council District 1

STREET ADDRESS: 3336 Sevier Ave.

▶ **LOCATION:** East side of Sevier Avenue, north side of Trotter Avenue

▶ **APPX. SIZE OF TRACT:** 7280.6 square feet

SECTOR PLAN: South City

GROWTH POLICY PLAN: Within the City of Knoxville

ACCESSIBILITY: Access is via Sevier Avenue, a major collector, with a pavement width of 23 feet within a right-of-way width of 60 feet. Access is also via Trotter Avenue, a local street, with a pavement width of 19 feet within a right-of-way width of 44 feet.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Baker Creek

▶ **ZONING:** RN-2 (Single-Family Residential Neighborhood)

▶ **EXISTING LAND USE:** CO (Commercial)

▶ **PROPOSED USE:** Neighborhood non-residential reuse from current use as a commercial kitchen for catering to retail bakery store (eating and drink establishment).

HISTORY OF ZONING: 11-E-87-RZ: R-2 to C-1

SURROUNDING LAND USE AND ZONING: North: Single family residential - RN-2 (Single-Family Residential Neighborhood)

South: Public/quasi-public - RN-2 (Single-Family Residential Neighborhood)

East: Single family residential - RN-2 (Single-Family Residential Neighborhood)

West: Multifamily - RN-4 (General Residential Neighborhood)

NEIGHBORHOOD CONTEXT: This area is a mix of single family residential and multifamily within the South Haven neighborhood.

STAFF RECOMMENDATION:

▶ **APPROVE the special use of a neighborhood nonresidential reuse for an eating and drinking establishment, subject to 3 conditions.**

1. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the City of Knoxville Dept. of Engineering.
3. Meeting all applicable requirements of the Tennessee Department of Transportation.

With the conditions noted above, this request meets the criteria for a special use for neighborhood nonresidential reuse for an eating and drinking establishment.

COMMENTS:

This structure appears to have been constructed for non-residential uses on this site since the 1930s. Previous ownership records indicate the past non-residential reuses include a butcher shop, a laundry mat and most recently a commercial kitchen for a catering business. The existing structure has a building footprint of approximately 3,558 square feet. The applicant is proposing the use the existing structure for a "retail bakery store."

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

1. A neighborhood nonresidential reuse for an eating and drinking establishment at this location should have minimal impact on the property, surrounding properties, or community as a whole.
2. The applicant has noted the intent to open a "retail bakery store" at this location, which falls under the "eating and drinking establishment" use of the zoning ordinance.
3. This parcel is on a Knoxville Area Transit (KAT) bus route along Sevier Avenue.
4. As per 9.3.V.,
 - a. No off-street parking is required. However, any off-street parking currently provided must be maintained.
 - b. Drive-through facilities are prohibited.
 - c. Outside storage or display is prohibited. All business, servicing, processing, and storage uses must be located within the structure.
 - d. Signs must comply with the following:
 - i. One monument sign and one attached sign (wall or projecting) on each street facing façade are permitted.
 - ii. Monument signs are limited to a maximum sign area of 12 square feet and a maximum height of three feet. Monument signs must be setback a minimum of two feet from property lines and from rights-of-way.
 - iii. Wall signs are limited to a maximum sign area of 12 square feet.
 - iv. Projecting signs are limited to a maximum sign area of four square feet and must have a minimum vertical clearance of seven feet above the ground.
 - v. Window signs must not cover more than 20% of the window area.
 - vi. Pole signs are prohibited.

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

1. An eating and drinking establishment at this location would create a walkable retail food option for the surrounding neighborhood that is also accessible by transit.
2. The applicant is encouraged to contact the City of Knoxville Plans Review & Inspections Division if any forthcoming improvements will require permitting. A site plan showing all required conditions must be submitted prior to issuance of a building permit and/or required licenses.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The South City Sector Plan notes that the mixed use development and shared parking options should be considered in neighborhood commercial areas.
2. The site is located within the City limits on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission'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 a Planning Commission decision in the City.



**11-A-20-SU
SPECIAL USE**



Neighborhood non-residential reuse from current use as a commercial kitchen for catering to retail bakery store in RN-2 (Single-Family Residential)

Petitioner: Lisa A. Varnado / Marble City Sweets LLC

Map No: 109

Jurisdiction: City



Original Print Date: 10/20/2020

Revised:

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

Exhibit A. 11-A-20-SU Contextual Images



Exhibit A. 11-A-20-SU Contextual Images



Exhibit A. 11-A-20-SU Contextual Images



MEMORANDUM

DATE: October 23, 2020

TO: Planning Staff

FROM: Josh Jenkins (Reorganized and revised by CW)

SUBJECT: 11-A-20-SU – Non-residential Reuse

General Engineering Comments – (Can typically be handled on permit review)

1. **Most engineering elements will be reviewed in detail during the permit review.**
2. Please note that CGP coverage, bonds, covenants, plats, SPAP, Water Quality (FF), floodplain development permit, downstream study, etc... may be required as part of the permitting for this site.
3. A Special Pollution Abatement Permit (SPAP) will be required.
4. Additional items may be covered under plat review.
5. Most landscaping elements will be addressed in permitting.
6. Please provide a detailed signage and striping plan.
7. Access aisles for ADA spaces need to be labeled with "No Parking".
8. Property lines shown do not match the ward map. Parcel is not a lot of record and may need to be platted. Provide a survey based site plan.
9. Please provide min. and max. parking space requirements
10. Please show bike parking and provide count data.
11. Please make sure the driveway aprons accommodate an ADA cross slope for the sidewalk areas. Entrances need to meet the requirements of TDOT detail RP-D-15 or RP-D-16. Please include detail with plans.
12. Sidewalks will be required to be installed on both frontages if the project meets redevelopment. Please provide or clarify the project valuation.
13. Please provide Tree Ord. requirements and show breakdown of maturity height of trees.

Engineering Planning Review Comments

14. Encroachments in ROW will need to be removed.
15. Please remove or restrict use of back out parking area.
16. Parking and access will need to be brought into compliance with Article 11 of the zoning ordinance. Variances may be needed.
17. Please provide dimensions for all parking and access requirements.



Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - SP
 - OYP
- Rezoning

LISA A. VARNADO
Applicant Name

MARBLE CITY SWEETS LLC.
Affiliation

09/22/2020
Date Filed

11/12/20
Meeting Date (if applicable)

File Number(s)
11-A-20-SU

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- Applicant
- Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

LISA A. VARNADO
Name

MARBLE CITY SWEETS LLC.
Company

935 ASHBROOKE WAY
Address

KNOXVILLE
City

TN
State

37923
ZIP

(865) 924-9905
Phone

MARBLECITYSWEETS@gmail.com
Email

CURRENT PROPERTY INFO

~~SAME AS ABOVE~~ Ford and Ford
Owner Name (if different)

Owner Address

4815 Kingston Pk., PMB 170, Knoxville, TN
Owner Phone 37919

3096 SEVIER AVENUE
Property Address

109 F K 029
Parcel ID

STAFF USE ONLY

E/S Sevier Ave, N/S Trotter Ave
General Location

16,000 +/- approx
Tract Size

1st
Jurisdiction (specify district above) City County

RN-2
Zoning District

South City
Planning Sector

LDR
Sector Plan Land Use Classification

N/A
Growth Policy Plan Designation

CO
Existing Land Use

Septic (Y/N)

KUB
Sewer Provider

KUB
Water Provider

DEVELOPMENT REQUEST

- Development Plan Use on Review / Special Use Hillside Protection COA
 Residential Non-Residential
 Home Occupation (specify)

Related City Permit Number(s)

Other (specify) **Neighborhood Non-Residential Reuse change from current use as a commercial kitchen for catering to 9.3.V.2.(e/f) "Eating and drinking establishment/Retail goods establishment" for a retail bakery store.**

SUBDIVISION REQUEST

Related Rezoning File Number

- Proposed Subdivision Name
- Unit / Phase Number Combine Parcels Divide Parcel Total Number of Lots Created
- Other (specify)
- Attachments / Additional Requirements

ZONING REQUEST

- Zoning Change Proposed Zoning Pending Plat File Number
- Plan Amendment Change Proposed Plan Designation(s)
- Proposed Density (units/acre) Previous Rezoning Requests
- Other (specify)

STAFF USE ONLY

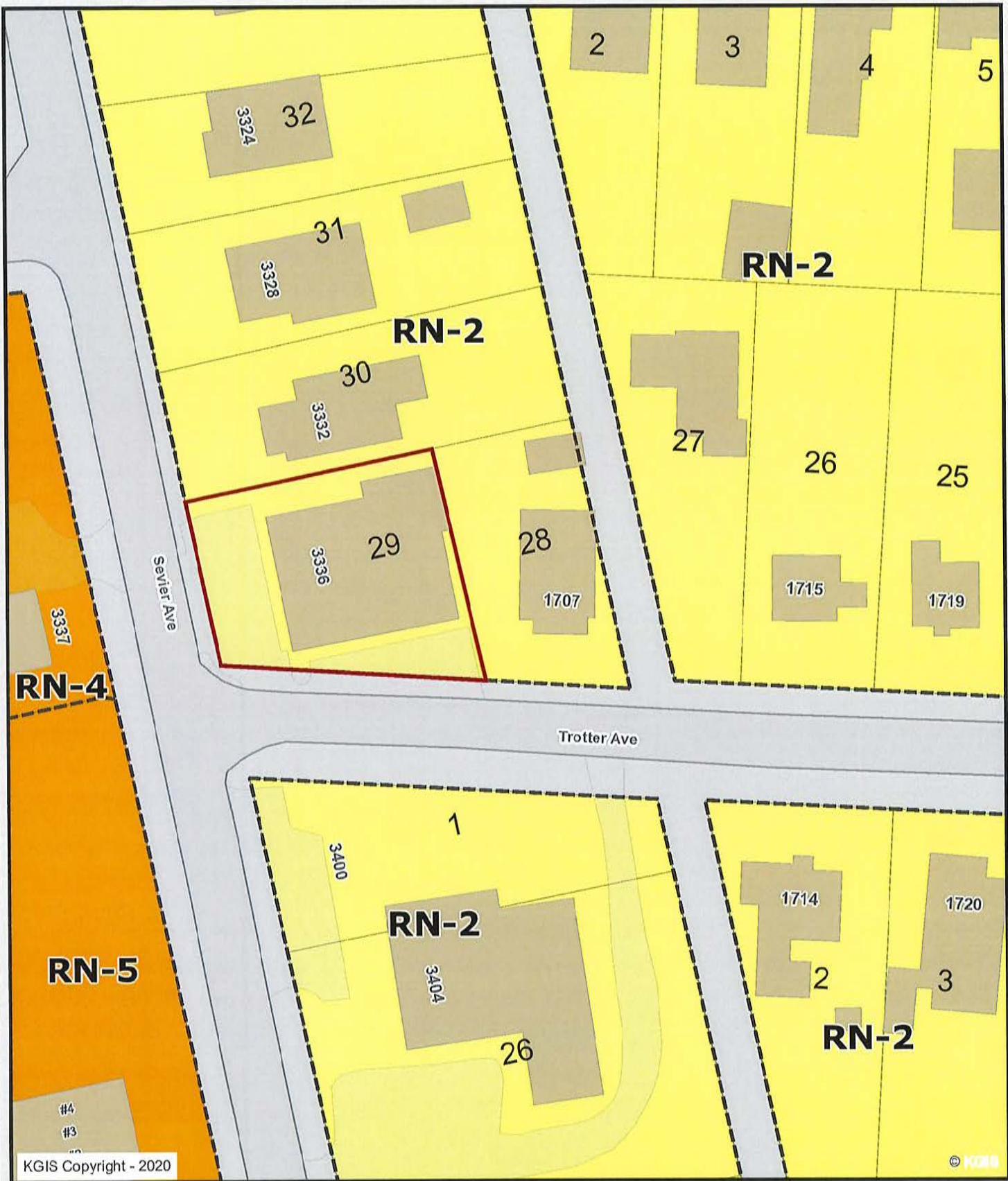
- PLAT TYPE**
 Staff Review Planning Commission
- ATTACHMENTS**
 Property Owners / Option Holders Variance Request
- ADDITIONAL REQUIREMENTS**
 Design Plan Certification (Final Plat)
 Use on Review / Special Use (Concept Plan)
 Traffic Impact Study
 COA Checklist (Hillside Protection)

Fee 1	Total
0402 450.00	
Fee 2	
Fee 3	
	#450.00

AUTHORIZATION

By signing below, I certify I am the property owner, applicant or the owners authorized representative.

Applicant Signature: *Lisa Varnado* Please Print: **LISA A. VARNADO** Date: **09/22/2020**
 Phone Number: **(865) 924-9905** Email: **MARBLECITYSWEETS@gmail.com**
 Staff Signature: *Sherry Muchienzi* Please Print: **SHERRY MUCHIENZI** Date: **9/24/20/20**



Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



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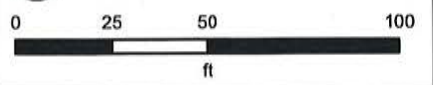
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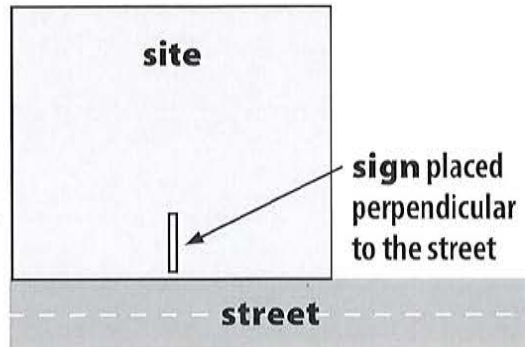
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted Administrative Rules and Procedures.

At the time of application, staff will provide a sign(s) to post on the property as part of the application process. 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 Planning offices. The applicant will be charged a fee of \$10 for each replacement sign.

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. Planning staff may recommend a preferred location for the sign to be posted at the time of application.



TIMING

The sign(s) must be posted 15 days before the scheduled Planning Commission public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next Planning Commission meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

Oct 28th (Wed) and Nov. 13th (Fri)
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: D. Kirby

Printed Name: Danny R. Kirby

Phone: _____ Email: _____

Date: 9/24/2020

File Number: 9-A-20-SU