



USE ON REVIEW REPORT

▶ **FILE #:** 2-C-21-UR

AGENDA ITEM #: 23

AGENDA DATE: 2/11/2021

▶ **APPLICANT:** **MARKETS AT CHOTO / HUBER PROPERTIES, LLC**

OWNER(S): Huber Properties, LLC

TAX ID NUMBER: 162 M B 00105

[View map on KGIS](#)

JURISDICTION: County Commission District 5

STREET ADDRESS: 12344 S. Northshore Dr.

▶ **LOCATION:** **Southeast side of S. Northshore Dr., north of Choto Rd.**

▶ **APPX. SIZE OF TRACT:** **0.54 acres**

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via S. Northshore Dr., a minor arterial street with a three lane street section with a 36' pavement width within an 88' right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Tennessee River

▶ **ZONING:** **CN (Neighborhood Commercial)**

▶ **EXISTING LAND USE:** **Commercial & Vacant**

▶ **PROPOSED USE:** **Up to 5,000 sqft of Restaurant uses in a mixed use building**

HISTORY OF ZONING: Property was rezoned to CN with conditions in March 2010 (1-E-10-RZ) and in February 2018, Knox County Commission approved a request to remove the use restriction condition on the property (1-E-18-RZ).

SURROUNDING LAND USE AND ZONING:
North: Residences - A (Agricultural), PR (Planned Residential)
South: Mixed commercial - CN (Neighborhood Commercial) (k)
East: Mixed commercial - CN (Neighborhood Commercial) (k)
West: Mixed commercial - CN (Neighborhood Commercial) (k)

NEIGHBORHOOD CONTEXT: This property is within the Markets at Choto mixed use commercial development area developed in the CN zone. The surrounding area is primarily developed with rural and low density residential uses under A and PR zoning.

STAFF RECOMMENDATION:

▶ **APPROVE the request for the Restaurant use for up to 5,000 sqft of floor area within the existing building on this site, subject to 4 conditions.**

1. Meeting all applicable requirements of the Knox County Zoning Ordinance, including but not limited to the sign regulations (Section 3.90. – Signs, billboards, and other advertising structures).

2. The restaurant floor area associated with this request is for the subject building only and cannot be used in other buildings in the Markets at Choto development. Any new or existing floor area within the Markets at Choto development that is not currently used as a restaurant must be approved by the Planning Commission before they can be permitted, with the exception of minor building modifications or additions that do not substantively increase the seating capacity of an existing space used as a restaurant.
3. Meeting all applicable requirements of Knox County Engineering and Public Works.
4. Meeting all applicable requirements of the Knox County Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the CN district, and the criteria for approval of a use on review.

COMMENTS:

This proposal is for up to 5,000 sqft of restaurant uses within the recently constructed building which has 5,000 sqft of useable floor space. The restaurant uses will not have drive-through facilities. There are not external changes proposed to the building or site.

This property is part of the Markets at Choto development but separated by the Weigel's in the middle of the site. This unified development is considered a shopping center for the purpose of calculating the required minimum parking standard. The applicant provided a diagram that illustrates the shared parking within the development, shown with the red crosshatch on an aerial photograph, and the sidewalk system, highlighted in green, that connects the subject building to the parking lot behind the Weigel's store and the western portion of the development and nearby residential neighborhoods.

In addition to the buildings that are already constructed on this site, there are four more buildings that could be constructed in the southwestern portion of this site based on previous approvals. Three of the buildings could potentially be two-stories with the main level being at-grade with the existing large parking lot that wraps around the Weigel's store and a basement level that is at-grade with existing drive aisle to the rear.

The CN zone has specific building setback and landscape standards when adjacent to a residential zone, which will be applicable along the west and south property lines. This building is not located along an external boundary of the Markets at Choto commercial development so these standards do not apply.

DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 – SECTION 2)

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

- 1) THE PROPOSED USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.
 - A. The Southwest County Sector Plan recommends NC (Neighborhood Commercial) uses for this site. The CN (Neighborhood Commercial) zone allows restaurants to be considered as a use permitted by review if approved by the Planning Commission.
- 2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE.
 - A. The CN (Neighborhood Commercial) zone is intended to provide for the recurring shopping and personal service needs of nearby residential areas. Development should be compatible with the character of the adjacent neighborhood. This zoning should generally be placed at street intersections that include either a collector or arterial street, as close to the edge of the neighborhood as possible. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses.
 - B. The subject building where the restaurant uses are proposed already exists and no additional site improvements are required to allow the restaurant uses.
 - C. The CN zone has a maximum floor area of 5,000 sqft for individual buildings or commercial establishments. This proposal is in compliance with this standard.
- 3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.
 - A. The subject building already exists and its compatibility with the character of the area was determined during its previous use on review approval (7-L-18-UR). The exterior of the building and the site design will be

modified as part of this request.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY.

A. The proposed restaurants are located internal to the Markets at Choto development and separated from the nearest residential uses to the east by a veterinary clinic. The clinic is also part of this unified development.

5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.

A. This development has direct access to S. Northshore Drive and Choto Road through the internal driveways of the development.

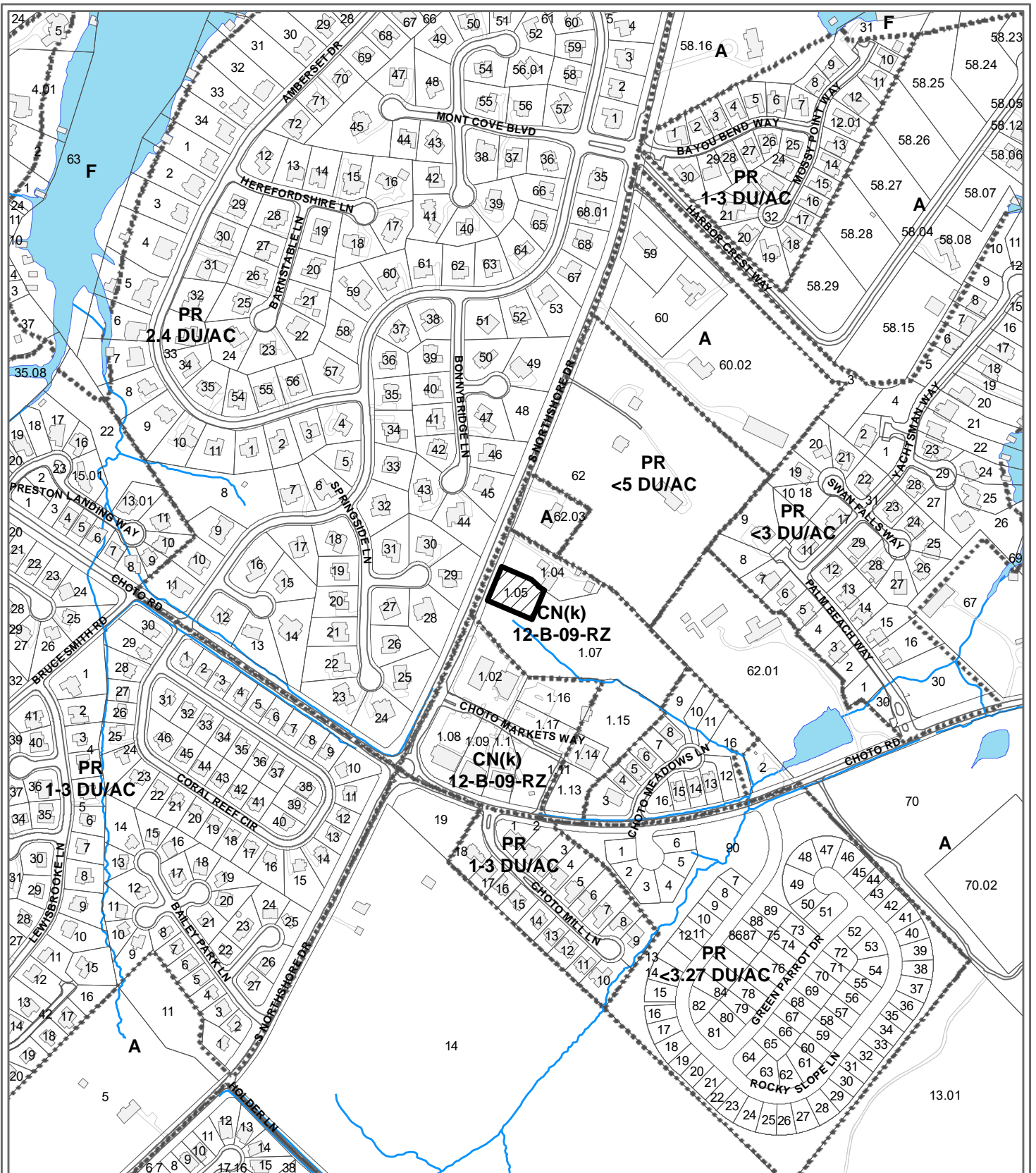
6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for to the proposed restaurant uses.

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 Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



**2-C-21-UR
USE ON REVIEW**

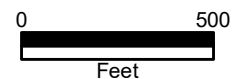


Up to 5,000 sqft of Restaurant uses in a mixed use building in CN (Neighborhood Commercial)

Petitioner: Markets at Choto / Huber Properties, LLC

Map No: 162

Jurisdiction: County



Original Print Date: 1/6/2021

Revised:

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





Legend



Common Parking

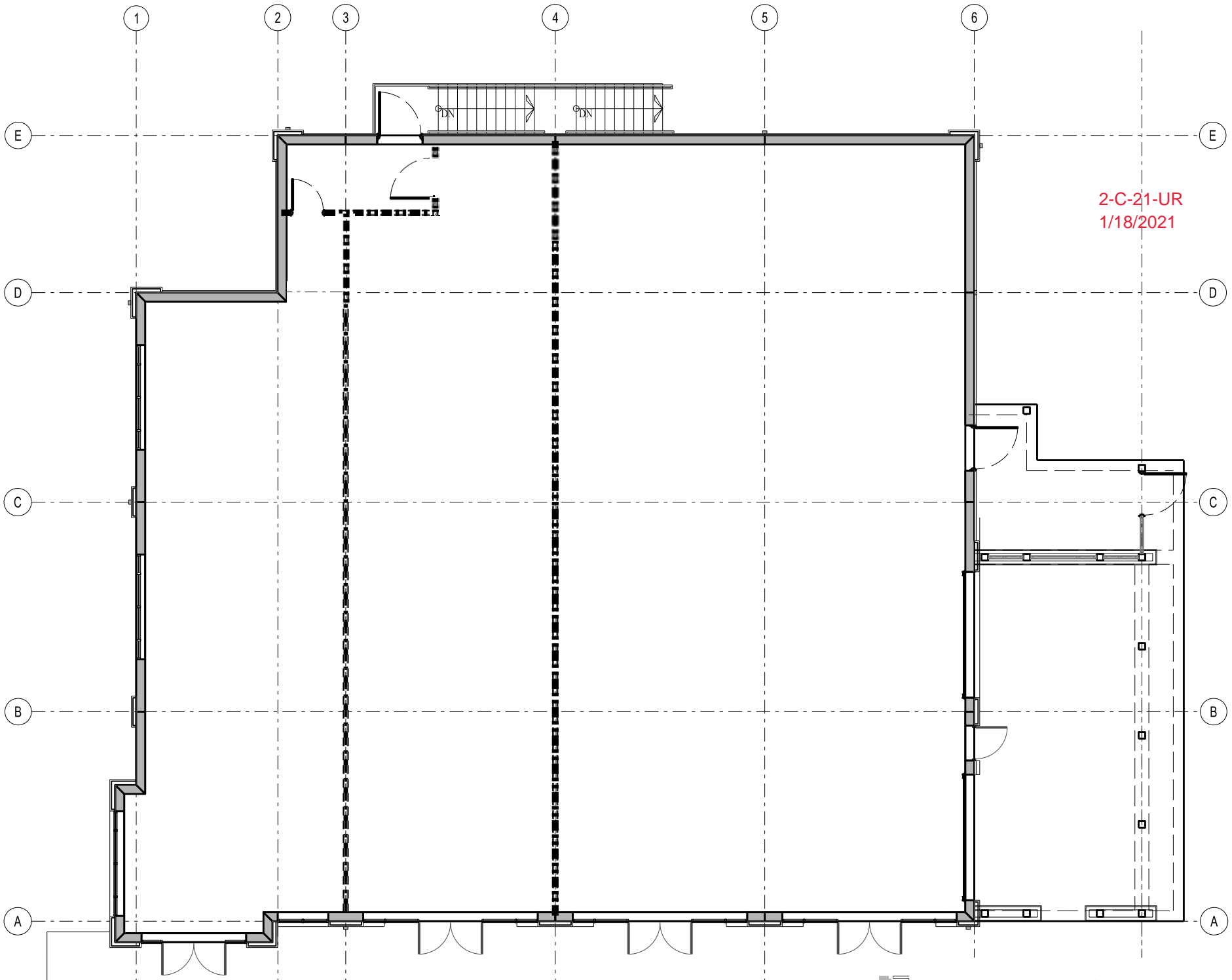


Walking Trails



Subject Location

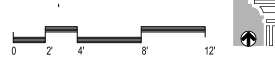
2-C-21-UR
1/18/2021



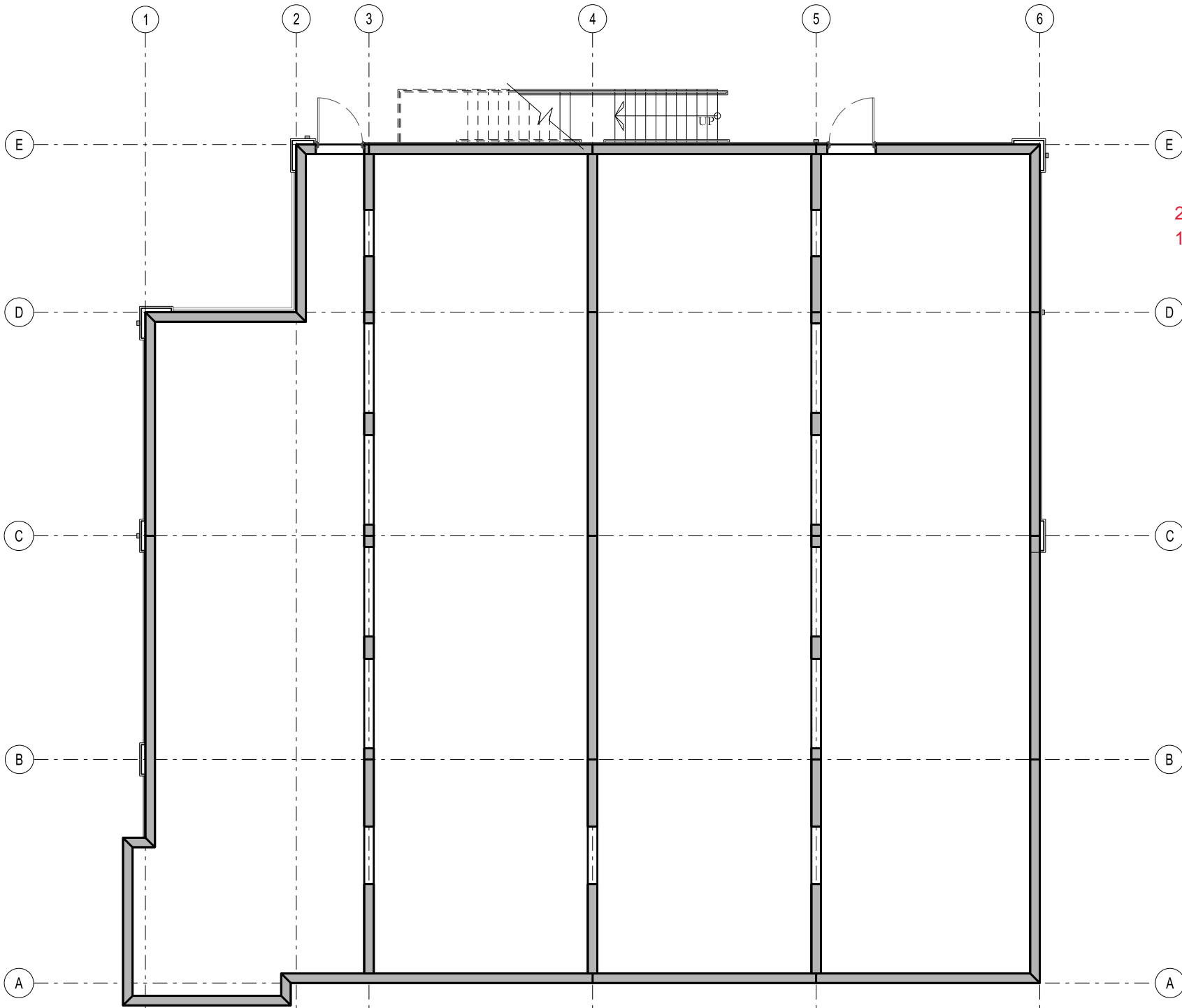
2-C-21-UR
1/18/2021

UPPER LEVEL FLOOR PLAN

SCALE: N.T.S.



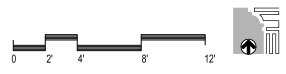
MARKETS AT CHOTO BLDG. 9
12344 South Northshore Drive KNOXVILLE, TENNESSEE
Map 162, Parcel Insert M, Parcel Group B Parcel 1.05



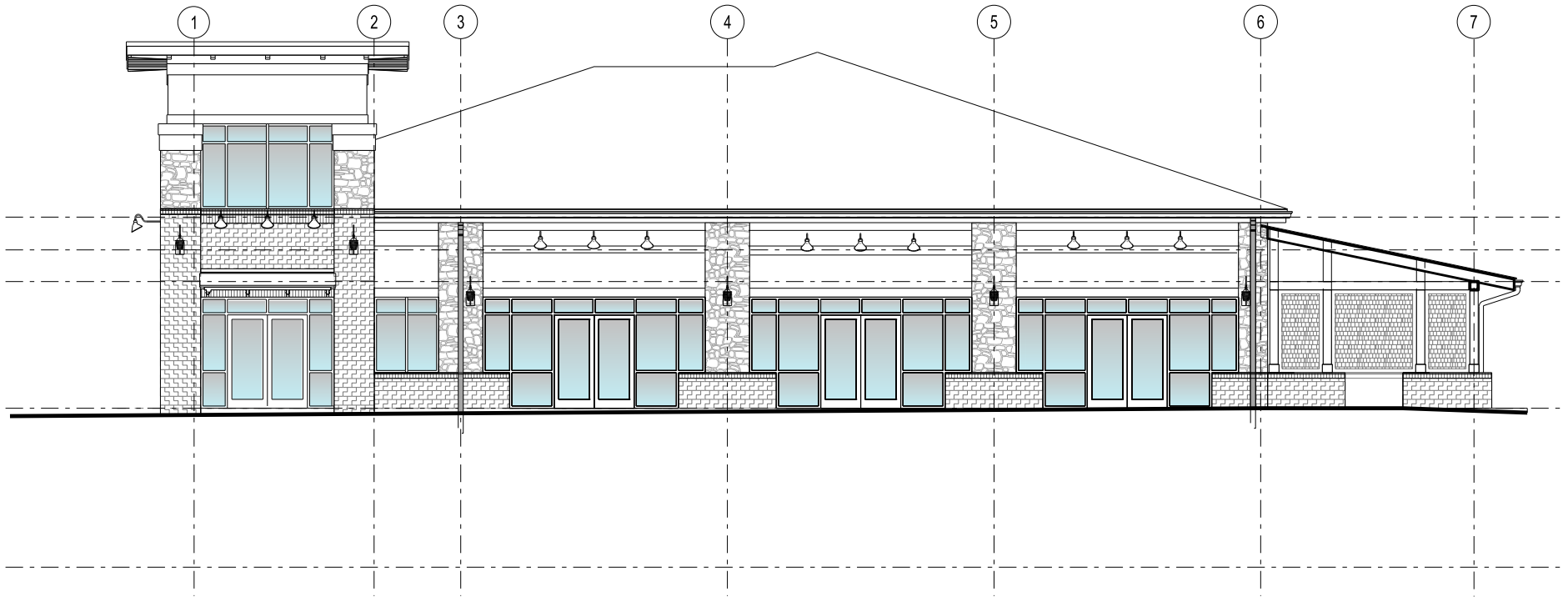
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1/18/2021

LOWER LEVEL FLOOR PLAN

SCALE: N.T.S.



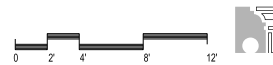
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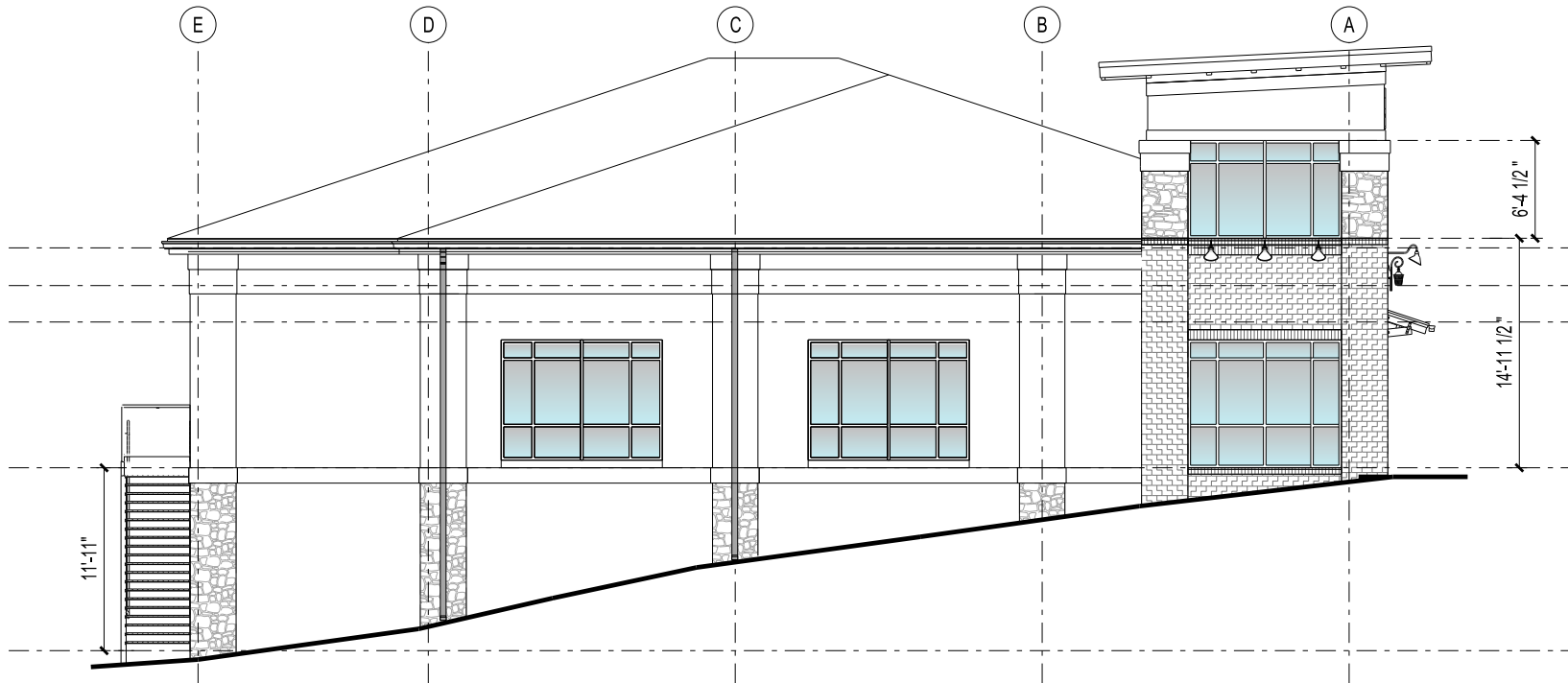
SOUTH - FRONT ELEVATION

SCALE: N.T.S.



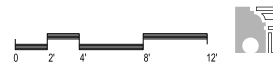
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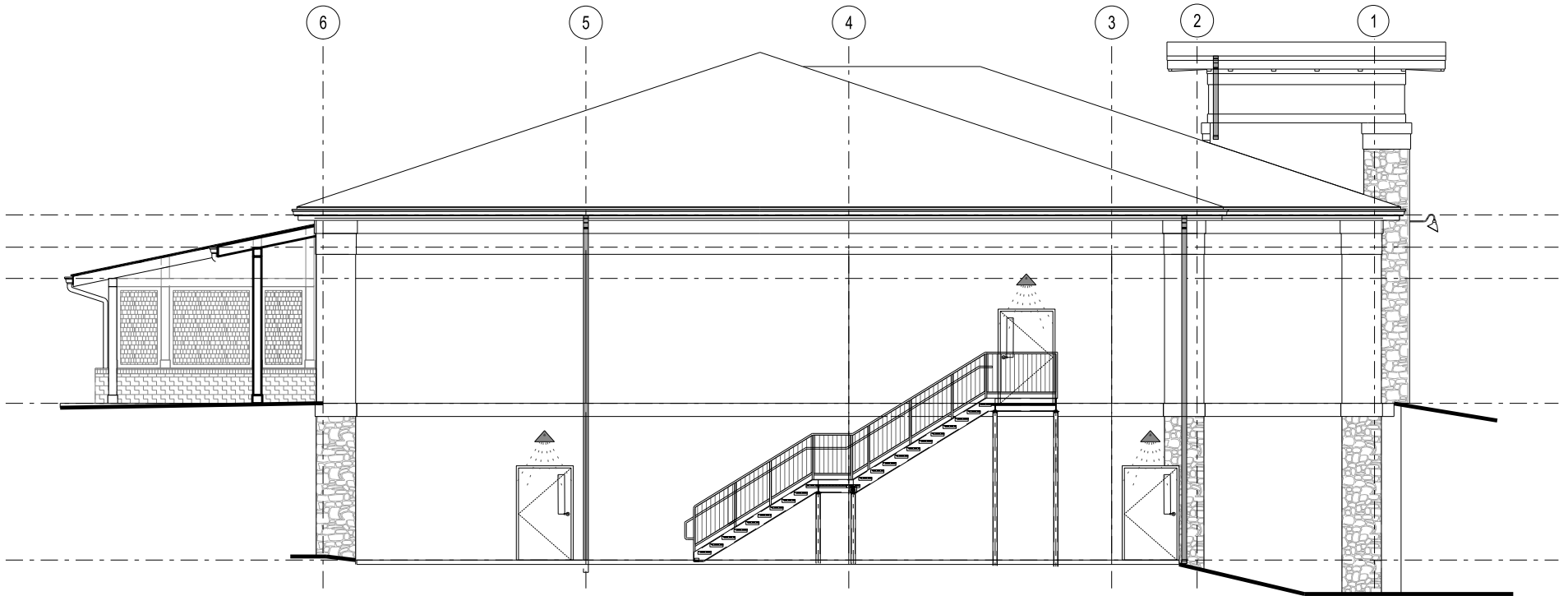


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WEST - LEFT SIDE ELEVATION
SCALE: N.T.S.

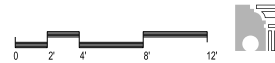


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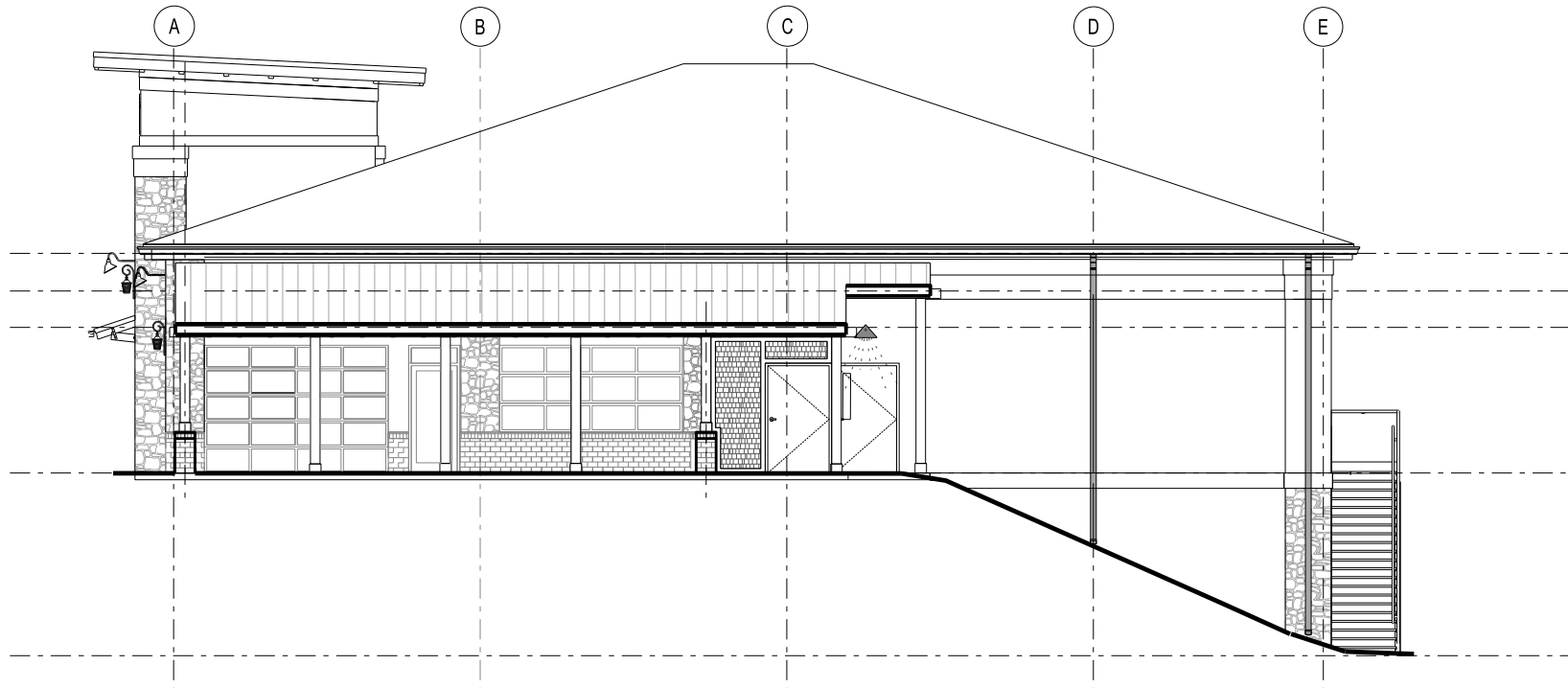


2-C-21-UR
1/18/2021

SOUTH - REAR ELEVATION
SCALE: N.T.S.



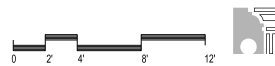
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Map 162, Parcel Insert M, Parcel Group B Parcel 1.05



2-C-21-UR
1/18/2021

EAST - RIGHT SIDE ELEVATION

SCALE: N.T.S.



MARKETS AT CHOTO BLDG. 9

12344 South Northshore Drive KNOXVILLE, TENNESSEE
Map 162, Parcel Insert M, Parcel Group B Parcel 1.05



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

Markets at Choto, LLC / Huber Properties, LLC

Owner

Applicant Name

Affiliation

12-28-20

2-14-21

File Number(s)

Date Filed

Meeting Date (if applicable)

2-C-21-UR

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

John Huber

Markets at Choto

Name

Company

P.O. Box 23038

Knoxville

TN

37933

Address

City

State

ZIP

865-699-1600

john@southernsignature.net

Phone

Email

CURRENT PROPERTY INFO

Same

Owner Name (if different)

Owner Address

Owner Phone

12344 S. Northshore Dr.

162WB00105

Property Address

Parcel ID

FUD

FUD

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

Southeast side of S. Northshore Dr., north of Choto Rd.

.54 acres

General Location

Tract Size

City County

District

CN(K)

Zoning District

Commercial / Vacant

Existing Land Use

SW County

NC

Sector Plan Land Use Classification

Planned Growth

Growth Policy Plan Designation

Planning Sector

DEVELOPMENT REQUEST

- Development Plan
 Use on Review / Special Use
 Hillside Protection COA
 Residential
 Non-Residential

Related City Permit Number(s)

Home Occupation (specify) _____

Other (specify) Please use information submitted with 7-L-18-UR for application

** add up to 5,000 SF of Restaurant uses in Mixed Use Building*

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name _____

Combine Parcels
 Divide Parcel
 Total Number of Lots Created _____
 Unit / Phase Number _____

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Pending Plat File Number

Zoning Change
 Proposed Zoning _____

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
0401 VOR	\$1,500.00
Fee 2	
Fee 3	

AUTHORIZATION

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

[Handwritten Signature]

Applicant Signature

Markets at Choto, LLC / Huber Properties, I 12-28-20

Please Print

Date

865-966-1600

john@southernsignature.net

Phone Number

Email

[Handwritten Signature]

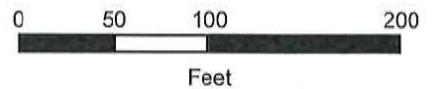
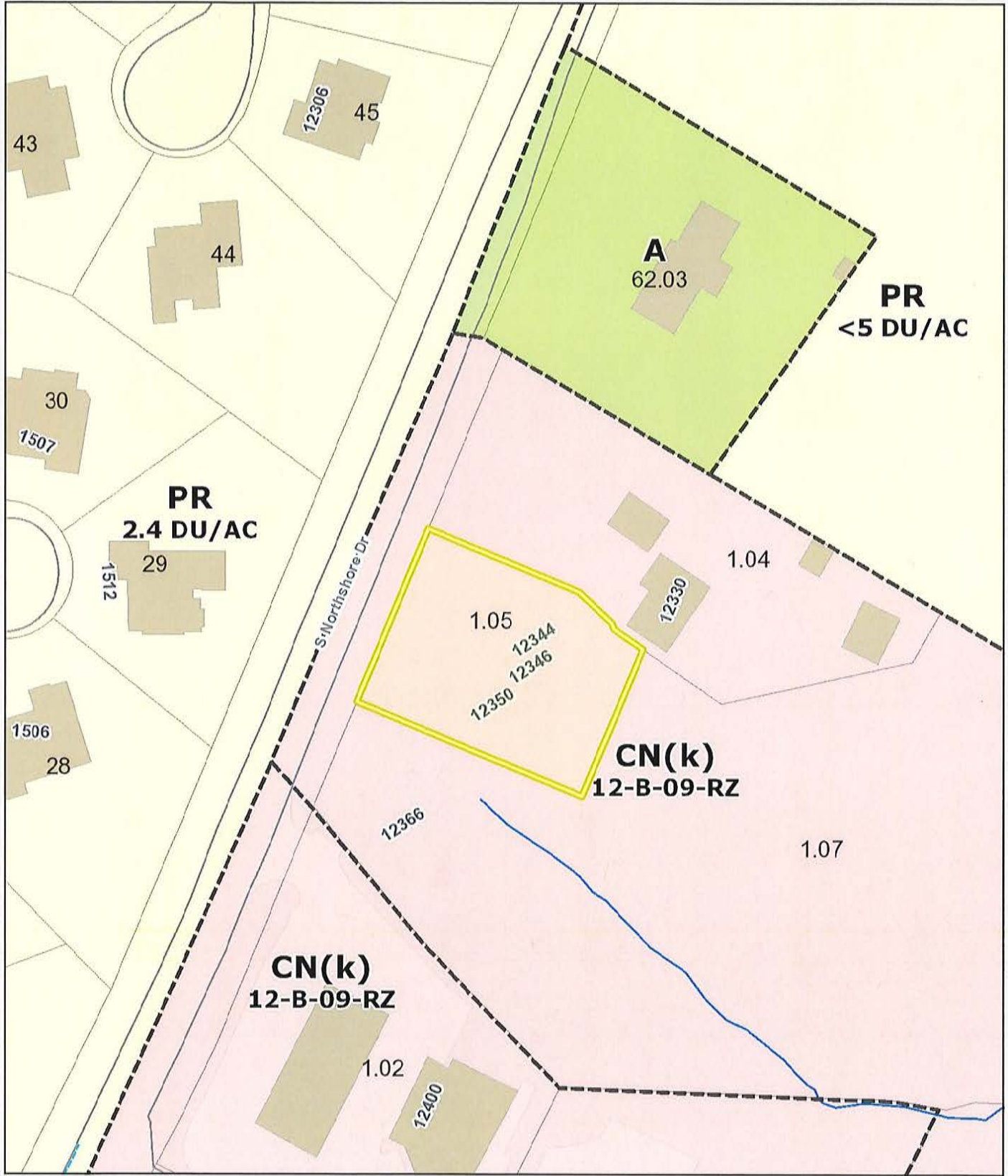
Michael Reynolds

12/28/2020

Staff Signature

Please Print

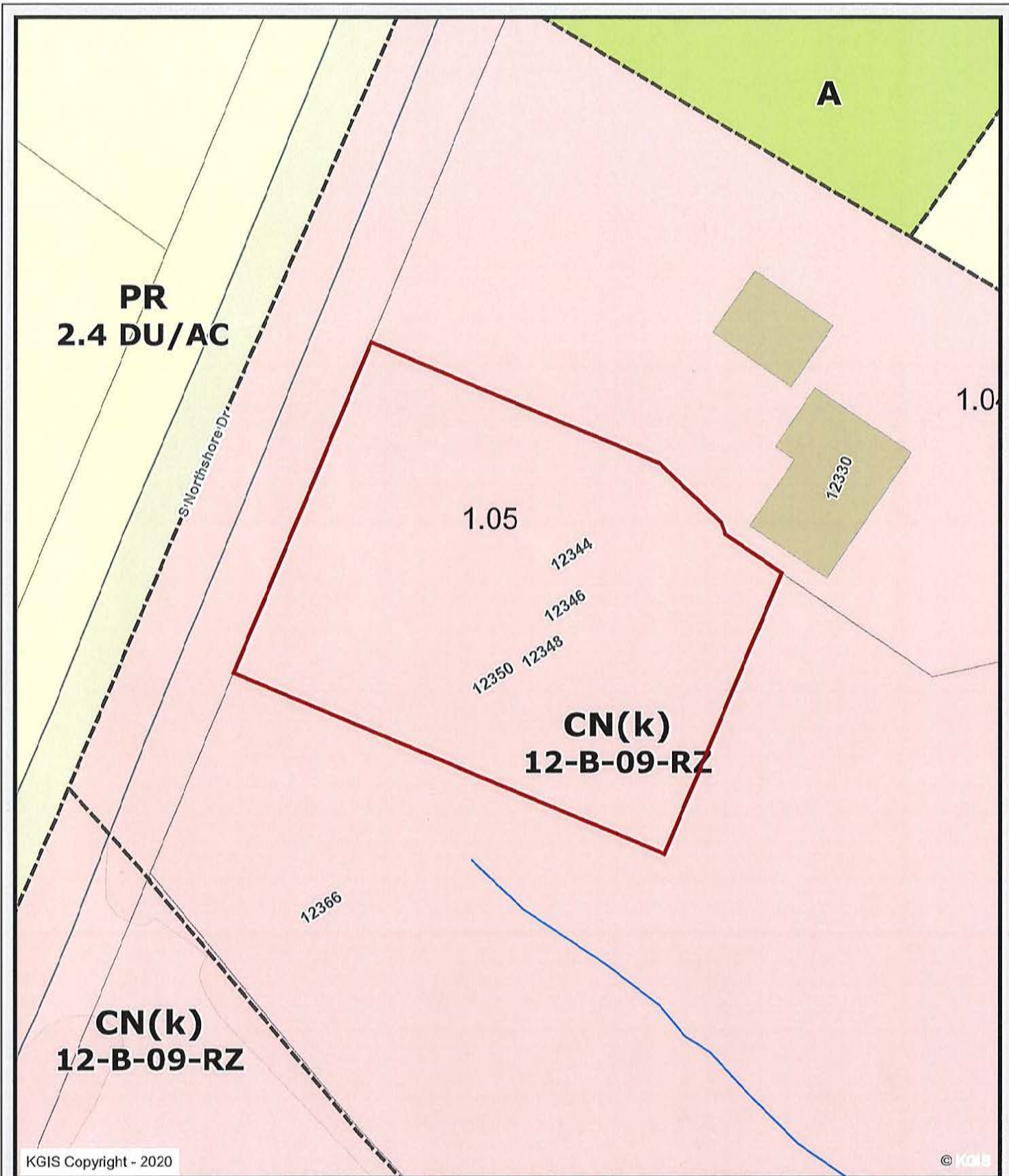
Date



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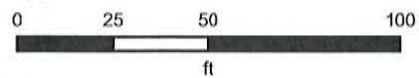
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Letter Portrait



Printed: 12/29/2020 at 11:56:36 AM



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