



USE ON REVIEW REPORT

▶ **FILE #:** 1-G-21-UR

AGENDA ITEM #: 33

AGENDA DATE: 1/14/2021

▶ **APPLICANT:** DANIEL D & KIMBERLY BITT OVERBEY

OWNER(S): Daniel D. & Kimberly Overbey

TAX ID NUMBER: 162 M C 019

[View map on KGIS](#)

JURISDICTION: County Commission District 5

STREET ADDRESS: 1615 Choto Rd.

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

▶ **APPX. SIZE OF TRACT:** 1 acres

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Choto Road, a minor collector with 20.9-ft of pavement width within 60-ft of right-of-way, and S. Northshore Drive, a minor arterial with 20.2-ft of pavement width within 88-ft of 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:** Vacant

▶ **PROPOSED USE:** Restaurant (Eating & Drinking Establishment)

HISTORY OF ZONING: The property was rezoned in December 2020 from A to CN (10-D-20-RZ)

SURROUNDING LAND USE AND ZONING: North: Mixed commercial -- CN(k) (Neighborhood Commercial) zone

South: Agricultural -- A (Agricultural) zone

East: Single family residential -- PR (Planned Residential) zone

West: Single family residential --PR (Planned Residential) zone

NEIGHBORHOOD CONTEXT: This is a suburban area consisting of predominantly single family detached houses developed in the PR zone. There is a commercial node across the street at the southeast quadrant of the Choto Road/S. Northshore Drive intersection developed in the CN zone.

STAFF RECOMMENDATION:

▶ **APPROVE the request for the Restaurant with approximately 4,990 sqft of floor area, as shown on the development plan, subject to 6 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) Meeting all applicable requirements of Knox County Engineering and Public Works.

- 3) Meeting all applicable requirements of the Knox County Zoning Ordinance.
- 4) Meeting all applicable requirements of First Utility District regarding the installation of the dumpster enclosure, landscaping, and recreational amenities within the platted utility easement.
- 5) Installation of the landscaping shown on the development plan within 6 months of the issuance of an occupancy permit for this project, or posting a bond with the Knox County Dept. of Engineering and Public Works to guarantee its installation.
- 6) If the outdoor recreation amenities are illuminated for nighttime use, the lights must be dimmed or turn off no later than 10:00 pm and a lighting plan must be reviewed and approved by Planning Commission staff before being permitted for installation. These outdoor recreation amenities may be illuminated at a low illumination level for safety purposes without restriction of operation but must meet the site lighting standards of the CN (Neighborhood Commercial) zone district.

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 a restaurant without drive-through facilities that is approximately 4,990 sqft, which includes the enclosed and partially covered courtyard. The property was recently rezoned from A (Agricultural) to CN (Neighborhood Commercial) which allows restaurants as a “use permitted on review” (10-D-20-RZ). The building will include 1,950 sqft of conditioned space, which includes a retail area, service counter, indoor seating, kitchen, restrooms, and storage and administrative areas. The outdoor courtyard area will be approximately 3,040 sqft and will have the appearance of a fully enclosed space from the exterior but is only partially roofed. The courtyard will have walls with aluminum storefront systems and a roof that is integrated with the roof over the conditioned space. The CN zone has a maximum individual building or commercial establishment of 5,000 sqft, which will apply to both the conditioned and unconditioned portion of this building but not the outdoor amenity area.

There are recreational amenities proposed on the west and south sides of the site, including a half basketball court, bocce ball court, playground structure, and volleyball/pickleball court. These are accessory uses to the restaurant and are not allowed as standalone uses.

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. The existing trees along the south property line will remain with their location documented and supplemented with new landscaping as needed, which includes a continuous row of evergreen trees with two different species and other low-lying plantings (see sheet L101). In addition, a decorative metal fence will be installed along the property line.

The proposed restaurant use is an establishment that primarily sells beer for on-site consumption or packaged for off-site consumption; however, it also has a kitchen for food sales. The restaurant use in the CN zone specifically states that it includes uses in the NAICS (North American Industry Classification System) 722 code (Food Services and Drinking Places), which includes full-service restaurants, limited-service eating places, special food services, and drinking places (alcoholic beverages).

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

- 1) The access to the site will be from Choto Road which is a minor collector street and will be located approximately in the same location as the existing curb cut access to the property.
- 2) An extension of the existing sidewalk along the Choto Road frontage will be installed along the S. Northshore Drive frontage and connect to the existing sidewalk at the traffic circle.
- 3) The restaurant use could have business hours that extend past the typical bedtime for nearby residential uses. While the enclosed courtyard is located away from the residential to the south, some of the recreational amenity areas are near the south lot line and could be a disturbance if used late at night.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

- 1) With the stated conditions, the proposal meets the standards for development within a CN (Neighborhood Commercial) zoning district, and all other requirements of the Zoning Ordinance.
- 2) The proposed restaurant is consistent with the general standards for uses permitted on review, as outlined below:

a) The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan.

- The Southwest County Sector Plan was recently amended to NC (Neighborhood Commercial) which is intended for retail and service-oriented commercial uses intended to provide goods and services that serve the day-to-day needs of households, within a walking or short driving distance.
- The NC sector plan designation recommends that automobile-oriented uses (e.g. gas stations or convenience stores) should be located on an arterial street at the edge of neighborhoods.
- The proposed use is a combination of a retail store that sells beer and a restaurant. While the retail store isn't the same as a convenience store, the property is located on an arterial street (S. Northshore Dr), as recommended by the NC land use classification, and has access from a minor collector street (Choto Rd).

b) The use is in harmony with the general purpose and intent of the Zoning Ordinance.

- The CN (Neighborhood Commercial) zone permits individual buildings or commercial establishments that are no more than 5,000 sqft. The proposed building is 4,990 sqft.
- The CN zone has landscaping standards for parking areas and side and rear yards. The proposed landscape plan meets the CN zone standards.
- The CN zone requires that site lighting be directed away from residential and agricultural zones and any public right-of-way. The attached plans do not show the site lighting but must document that this standard is being met during permit review.

c) The use is compatible with the character of the neighborhood where it is proposed.

- The one-story building height and setback from the south and west property lines is compatible with the area.
- The building has a modern, commercial design with a butterfly roof, large roof overhangs, vertical wood siding, and large aluminum storefront windows around the courtyard. While the design of the structure is unique compared to other commercial and residential structures in this area, the use of wood siding and large glass walls helps to soften appearance of the structure.

d) The use will not significantly injure the value of adjacent property.

- The use does not produce harmful noise, lights, fumes, odors, vibration, traffic, congestion, or other impacts that will significantly injure the value of adjacent property.
- Staff is recommending a condition that any lighting for the recreational activity areas be dimmed or turn off no later than 10:00 pm. These areas may be illuminated at a low illumination level at any time for safety purposes.

e) The use will not draw additional traffic through residential areas.

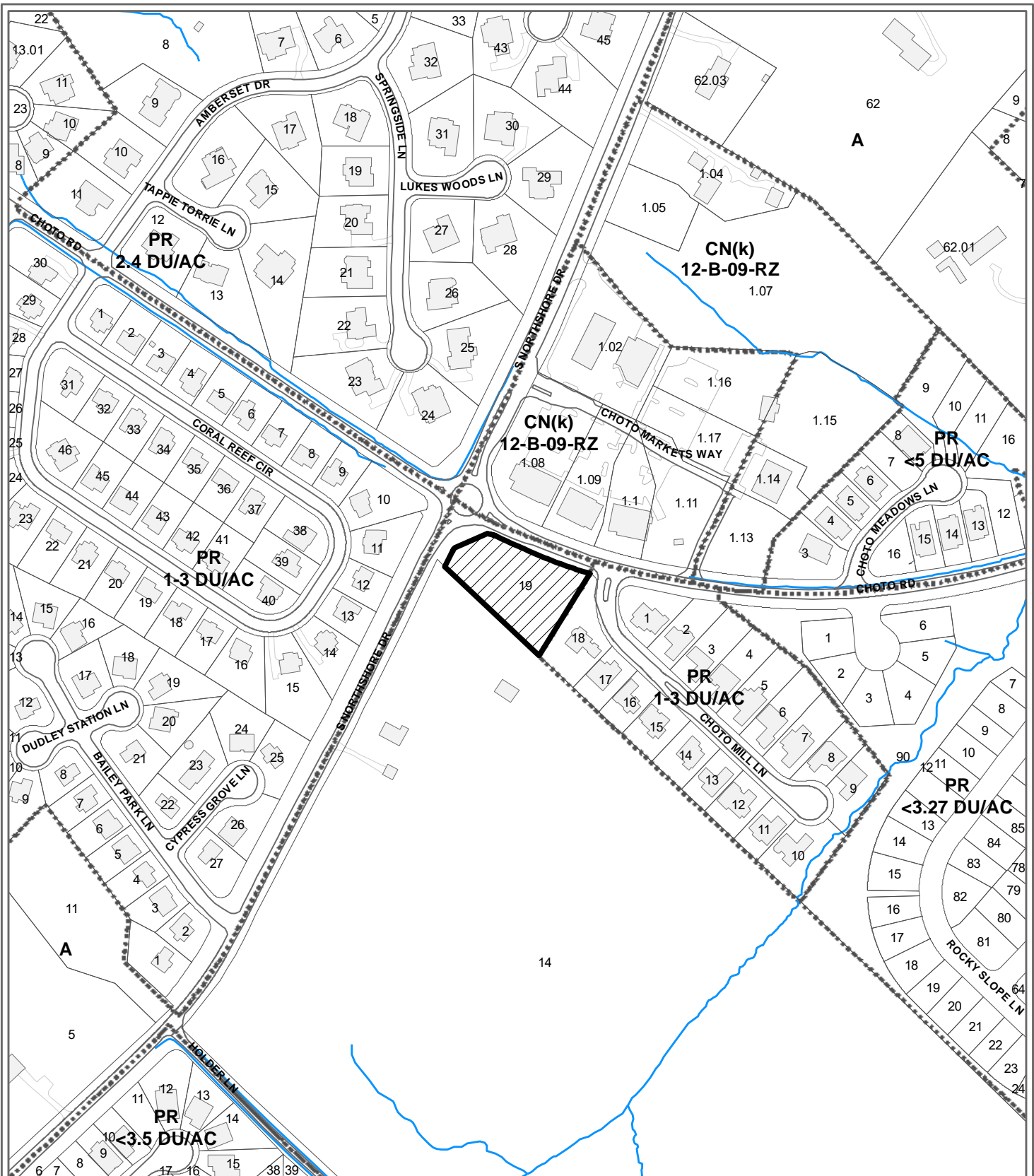
- The access to the site will be from Choto Road which is a minor collector street, so it will not draw additional traffic through residential areas.

ESTIMATED TRAFFIC IMPACT: 561 (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.

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.



**1-G-21-UR
USE ON REVIEW**

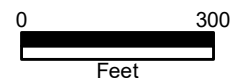


Restaurant (Eating & Drinking Establishment) in CN
(Neighborhood Commercial) pending

Petitioner: Overbey, Daniel D & Kimberly Bitt

Map No: 162

Jurisdiction: County



Original Print Date: 12/7/2020

Revised:

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



ARCHITECTURE, INC.
 111 E Jackson Avenue • Suite 101
 Knoxville, Tennessee • 37915
 phone: 865-546-8374 • fax: 865-673-9028
 e-mail: design@dollar-ewers.com



NO.	REVISIONS

New Construction for:
CHOTO MARKET
 1615 CHOTO ROAD, KNOXVILLE, TENNESSEE 37922
PROPOSED LANDSCAPE PLAN

KNOX COUNTY PLANNING NUMBER 1-G-21-JR

COPYRIGHT
 ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE ARCHITECT.
COPYRIGHT

ISSUE DATE: NOVEMBER 30, 2020
 PROJECT NO.: 220245
 SHEET NUMBER:

L101

SYMBOL	COMMON/BOT NAME	MATURITY HEIGHT	QUANTITY
	BALD CYPRESS OR GOLDSPIRE GINKGO	50'-10'	14
	SWAMP WHITE OAK	60'	4
	SWEETBAY MAGNOLIA	10'-20'	11
	NELLIE R. STEVENS HOLLY	30'	34
	NORTHERN BAYBERRY	10'-20'	42
	EDWARD GOUCHER ABELIA	2-5'	35
	ORNAMENTAL GRASS (T.B.D.)		14
	(T.B.D.)		1
	(T.B.D.)		15
	MIXED PERENNIALS		-----
	CREEPING HYPERICUM		-----
	IRIS & SWAMP MILKWEED MIX		-----

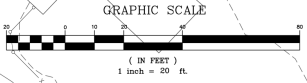
ZONING LANDSCAPING REQUIREMENTS	
LANDSCAPING REQUIRED @ FRONTAGE	50'-0" TALL SHADE TREE @ 60'-0" PER LINEAR STREET FRONTAGE. (1) ORNAMENTAL @ 25'-0"
STREET FRONTAGE	373'-0"
REQUIRED TREES	
SHADE TREES	373' / 60' = 6.2 => 7 SHADE TREES REQUIRED.
ORNAMENTAL TREES	373' / 25' = 14.9 => 15 ORNAMENTAL TREES REQ'D.
PROPOSED TREES	
SHADE TREES	7 SHADE TREES PROPOSED (BALD CYPRESS)
ORNAMENTAL TREES	15 ORNAMENTAL TREES PROPOSED.



1-G-21-UR
 12/21/2020



PROPOSED LANDSCAPE PLAN
 SCALE: 1" = 20'-0"



1-G-21-UR
12/21/2020



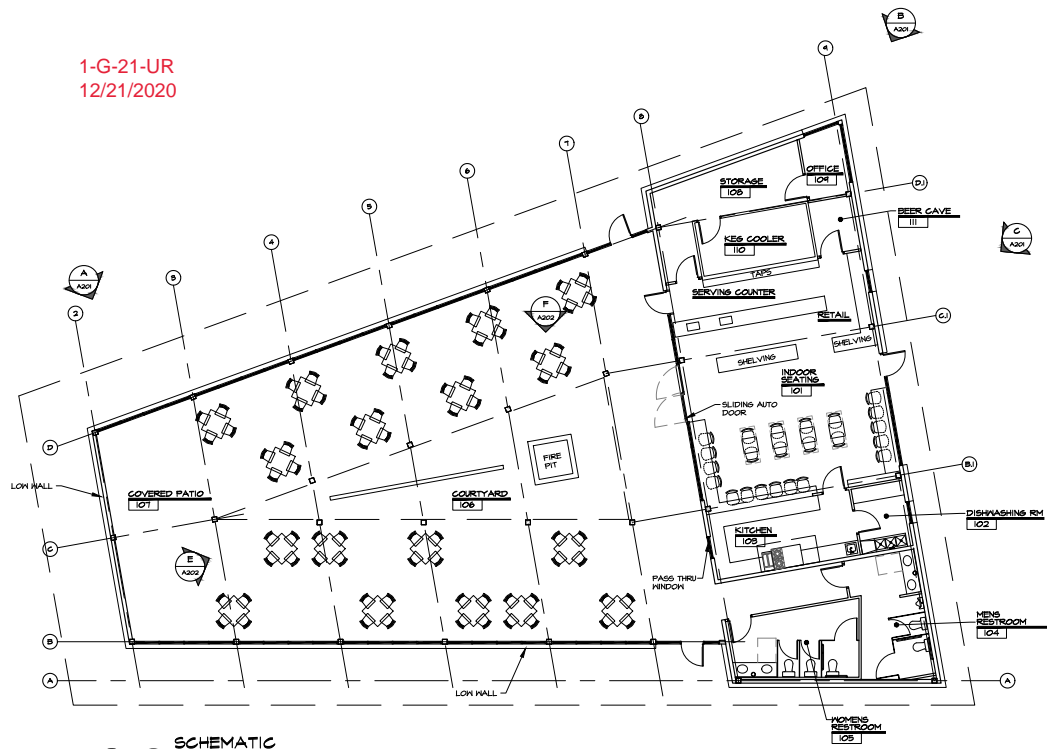
A SCHEMATIC FRONT VIEW A
A301 SCALE: N.T.S.



B SCHEMATIC FRONT VIEW B
A301 SCALE: N.T.S.



C SCHEMATIC FRONT VIEW C
A301 SCALE: N.T.S.



SCHEMATIC FLOOR PLAN
A301 SCALE: N.T.S.
PLAN NORTH



D SCHEMATIC BACK VIEW A
A301 SCALE: N.T.S.



111 E Jackson Avenue • Suite 101
Knoxville, Tennessee • 37915
phone: 865-546-8374 • fax: 865-673-8028
e-mail: design@collar-everts.com



NO.	REVISIONS

KNOX COUNTY PLANNING NUMBER 1-G-21-UR

New Construction for:
CHOTO MARKET
1615 CHOTO ROAD, KNOXVILLE, TENNESSEE 37922
SCHEMATIC FLOOR PLAN & VIEWS

COPYRIGHT
All drawings, specifications and contract documents are the property of D&E BOLLAR & STAVRS ARCHITECTURE, INC. No part of these documents may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written consent of D&E BOLLAR & STAVRS ARCHITECTURE, INC. This document is the property of D&E BOLLAR & STAVRS ARCHITECTURE, INC. and is loaned to the client for their use only. It is not to be distributed to other parties without the prior written consent of D&E BOLLAR & STAVRS ARCHITECTURE, INC. All rights reserved.
COPYRIGHT

ISSUE DATE: NOVEMBER 30, 2020
PROJECT NO: 220245
SHEET NUMBER: **A201**



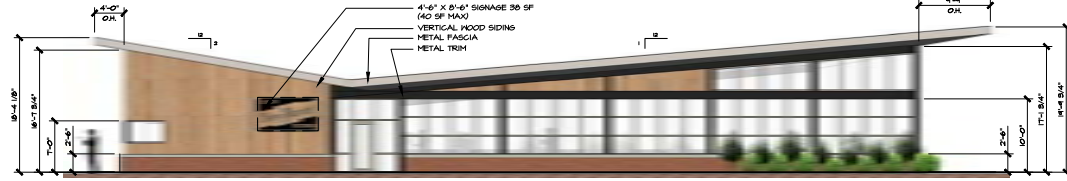
E SCHEMATIC COVERED PATIO

A202 SCALE: N.T.S.



F SCHEMATIC COVERED PATIO

A202 SCALE: N.T.S.



1 SCHEMATIC NORTHEAST ELEVATION

A202 SCALE: 1/8" = 1'-0"



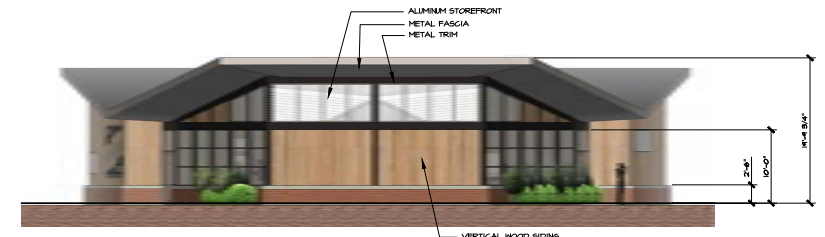
2 SCHEMATIC SOUTHEAST ELEVATION

A202 SCALE: 1/8" = 1'-0"



3 SCHEMATIC SOUTHWEST ELEVATION

A202 SCALE: 1/8" = 1'-0"



4 SCHEMATIC NORTHWEST ELEVATION

A202 SCALE: 1/8" = 1'-0"



111 E. Jackson Avenue • Suite 101
Knoxville, Tennessee • 37915
phone: 865-548-8374 • fax: 865-873-8028
e-mail: design@dollar-stores.com



NO.	REVISIONS

KNOX COUNTY PLANNING NUMBER 1-G-21-JR

New Construction for:
CHOTO MARKET
1615 CHOTO ROAD, KNOXVILLE, TENNESSEE 37922
SCHEMATIC ELEVATIONS

1-G-21-UR
12/21/2020

COPYRIGHT
All drawings, specifications and contract documents prepared by D&E Architecture, Inc. are the property of D&E Architecture, Inc. and shall remain the confidential property of D&E Architecture, Inc. No part of these drawings may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of D&E Architecture, Inc. © 2020 D&E Architecture, Inc.
COPYRIGHT

ISSUE DATE:	NOVEMBER 30, 2020
PROJECT NO.:	220245
SHEET NUMBER:	A202



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

Daniel D. Overbey & Kimberly Bittle Overbey

Owners of Subject Property

Applicant Name

Affiliation

11-30-2020

1-14-20

Date Filed

Meeting Date (if applicable)

File Number(s)

1-G-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

Brian Ewers

Dollar & Ewers Architecture, Inc.

Name

Company

111 East Jackson Avenue - Suite 101

Knoxville

TN

37915

Address

City

State

ZIP

865.546.9374

bewers@dollar-ewers.com

Phone

Email

CURRENT PROPERTY INFO

Daniel D. Overbey & Kimberly Bittle Overbe 117 S. Sevenoaks Drive, Knoxville, TN 37921 865.696.2506 Daniel /

Owner Name (if different)

Owner Address

Owner Phone

1615 Choto Road, Knoxville, TN 37922

162MC019

Property Address

Parcel ID

STAFF USE ONLY

NE/S S. Northshore Dr., S/S Choto Rd.

General Location

Tract Size

5th

CN (pending)

Jurisdiction (specify district above) City County

Zoning District

Southwest County

LDR

Planned Growth

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

Vacant

Existing Land Use

Septic (Y/N)

Sewer Provider

Water Provider

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) Restaurant / Eating & Drinking Establishment

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

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 1500.00	
Fee 2	
Fee 3	
	\$1500.00

AUTHORIZATION

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

dotloop verified
 11/23/20 2:47 PM EST
 CWR-CWE-PTA-1101
 dotloop verified
 11/24/20 2:59 PM EST
 OPMY-VYTN-3YBH-15PR

Kimberly B Overbey

Kimberly B Overbey

Daniel D Overbey

Daniel D Overbey

11/30/20

Applicant Signature

Please Print

Date

865.546.9374

bewers@dollar-ewers.com

Phone Number

Email

Sherry Michienzi

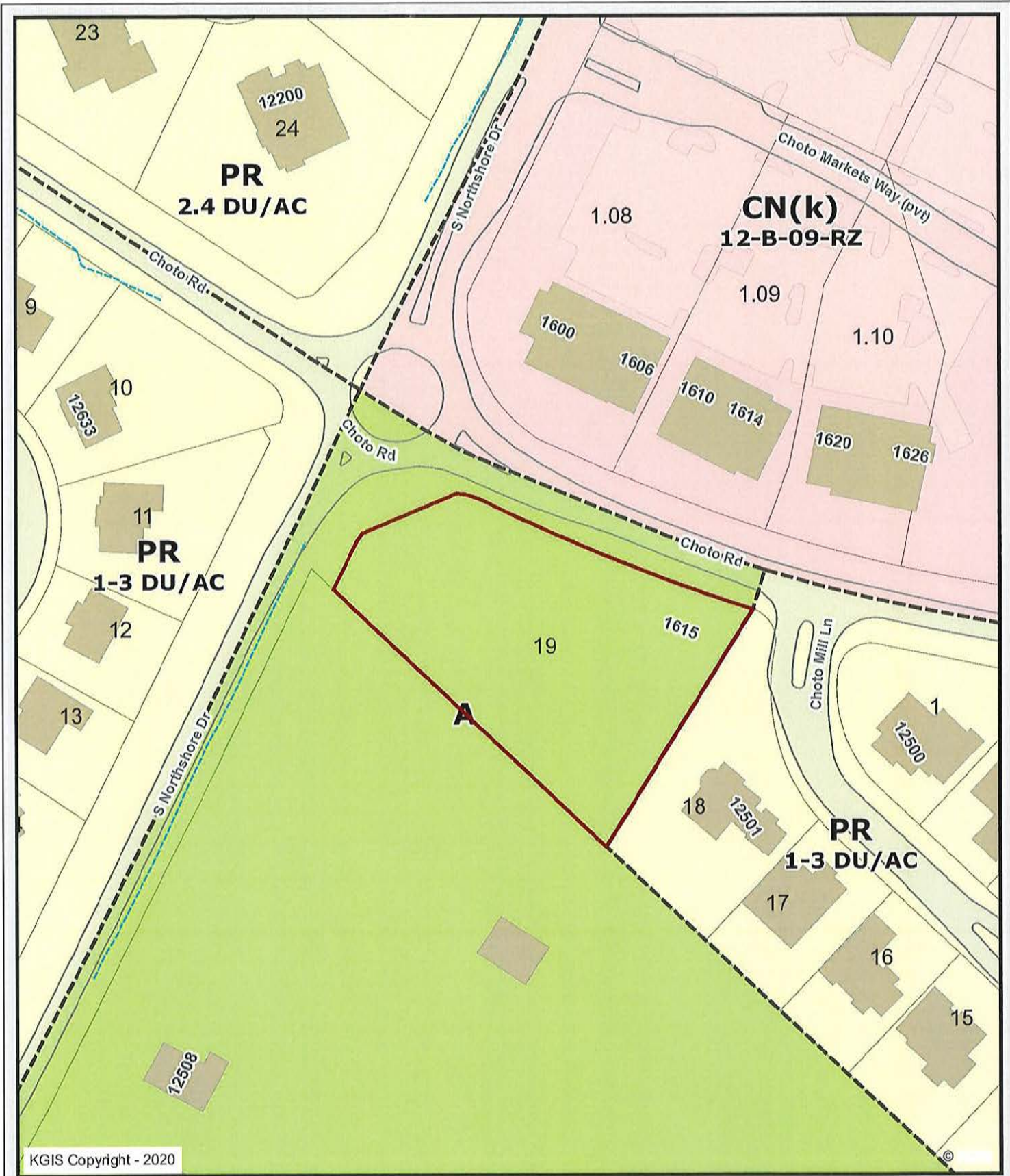
SHERRY MICHIEZI

11-30-2020

Staff Signature

Please Print

Date



KGIS Copyright - 2020

1615 Choto Rd.



Printed: 11/30/2020 at 3:17:25 PM



Knoxville - Knox County - KUB Geographic Information System

KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS ,WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

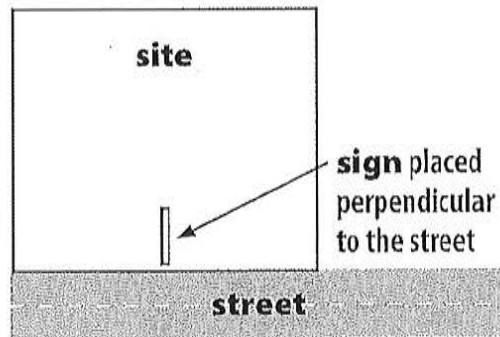
REQUIRED SIGN POSTING AGREEMENT

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:

Dec 30th (Wed) and Jan 15th (Fri)
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: Forrest Bennett

Printed Name: Brian Ewers • Forrest Bennett

Phone: 865 546 9374 Email: bewers@dollar-ewers.com

Date: 11-30-2020

File Number: 1-6-21-UR