

SPECIAL USE REPORT

► **FILE #:** 10-B-21-SU

AGENDA ITEM #: 37

AGENDA DATE: 10/14/2021

► **APPLICANT:** **JIM ODLE**
OWNER(S): Northgate Associates, LLC

TAX ID NUMBER: 69 L B 02303 (PART OF)

[View map on KGIS](#)

JURISDICTION: City Council District 4

STREET ADDRESS: 4328 N. Broadway

► **LOCATION:** **East side of Broadway, north of Marietta Avenue**

► **APPX. SIZE OF TRACT:** **3800 square feet**

SECTOR PLAN: East City

GROWTH POLICY PLAN: N/A

ACCESSIBILITY: Access is via N. Broadway, a major arterial street with 38-ft to 52-ft of pavement width within 78-ft to 105-ft of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

► **ZONING:** **C-G-3 (General Commercial) / F (Floodway)**

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

► **PROPOSED USE:** **Nightclub**

HISTORY OF ZONING: None noted

SURROUNDING LAND North: Commercial -- C-G-3 (General Commercial)

USE AND ZONING: South: Commercial -- C-G-3 (General Commercial)

East: First Creek, vacant land, office, houses -- F (Floodplain Overlay), O (Office), RN-1 (Single-Family Residential Neighborhood)

West: Parking lot and N. Broadway -- C-G-3 (General Commercial)

NEIGHBORHOOD CONTEXT: The proposed nightclub is located in the Northgate Plaza shopping center on N. Broadway, located south of I-640 and on the western border of the Whittle Springs neighborhood.

STAFF RECOMMENDATION:

► **Approve the request for the nightclub with approximately 19,100 sqft of floor area in the C-G-3 (General Commercial) zoning district, subject to 2 conditions.**

1. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance, including but not limited to the environmental performance standards in Article 10.5.
2. Meeting all applicable requirements of the City of Knoxville Department of Engineering, Fire Prevention Bureau, and Department of Plans Review and Inspections.

With the conditions noted, this plan meets the requirements for approval in the C-G-3 zoning district and the criteria for approval of a special use.

COMMENTS:

This proposal is for a nightclub that has approximately 19,100 sqft of floor space in a portion of a former grocery store in the Northgate Plaza on N. Broadway. The property is zoned C-G-3 (General Commercial) which requires Special Use approval for nightclubs. There will not be any significant alterations to the exterior of the building.

A nightclub is defined by the City of Knoxville Zoning Ordinance as follows: A commercial establishment, whether or not open to the public, which:

1. Primarily serves alcohol or tobacco, or allows on-site consumption of the same.
2. May operate with a permit from the City of Knoxville or with a state license either to serve alcohol or to allow alcohol to be consumed on the premises.
3. Stays open at night, until up to 6:00 a.m. Eastern Standard Time, or later in the daylight hours.
4. Is operated as a place of entertainment at night.
5. Typically provides live or recorded entertainment in which patrons may or may not participate, and which includes music, singing, performing, dancing, and the like.
6. Typically restricts entry to those 18 years of age or older.
7. May or may not serve tobacco or food, or allow on-site consumption of the same.
8. May or may not include an outdoor area, including a patio or rooftop bar, where alcohol or tobacco may be consumed or served.

If an establishment meets this definition and another in this Code, this definition controls.

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2.)

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.

- a. The One Year Plan and East City Sector Plan designation for this site are MU-SD (Mixed Use Special District), EC-3 (Broadway [Washington Pike to I-640]) which allows a mix of residential, office, and commercial uses.
- b. The proposed nightclub use is consistent with the sector plan and One Year Plan.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.

- a. Nightclubs require Special Use approval by the Planning Commission in the C-G-3 (General Commercial) zoning district.
- b. Nightclubs do not have principal use standards. They only need to meet the standards of the C-G-3 zone and the other general standards of the zoning ordinance.
- c. The design standards for the C-G-3 zone are not applicable to this request because the addition does not exceed 30 percent or more of the existing structure's square footage.

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 proposed nightclub is located in a commercial shopping center along the N. Broadway corridor, just south of I-640.
- b. There is a residential zone district located to the rear of the subject property, however, there is a creek and an office use located between the closest house and the nightclub. The closest residence is approximately 600-ft away.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.

- a. Nightclubs are typically open later than most other commercial uses so it should not negatively impact other businesses in the shopping center.
- b. The closest residential use is located on the east side of First Creek and approximately 600-ft away.

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

- a. The proposed nightclub will not draw additional traffic through residential streets because it is located on a major arterial street.

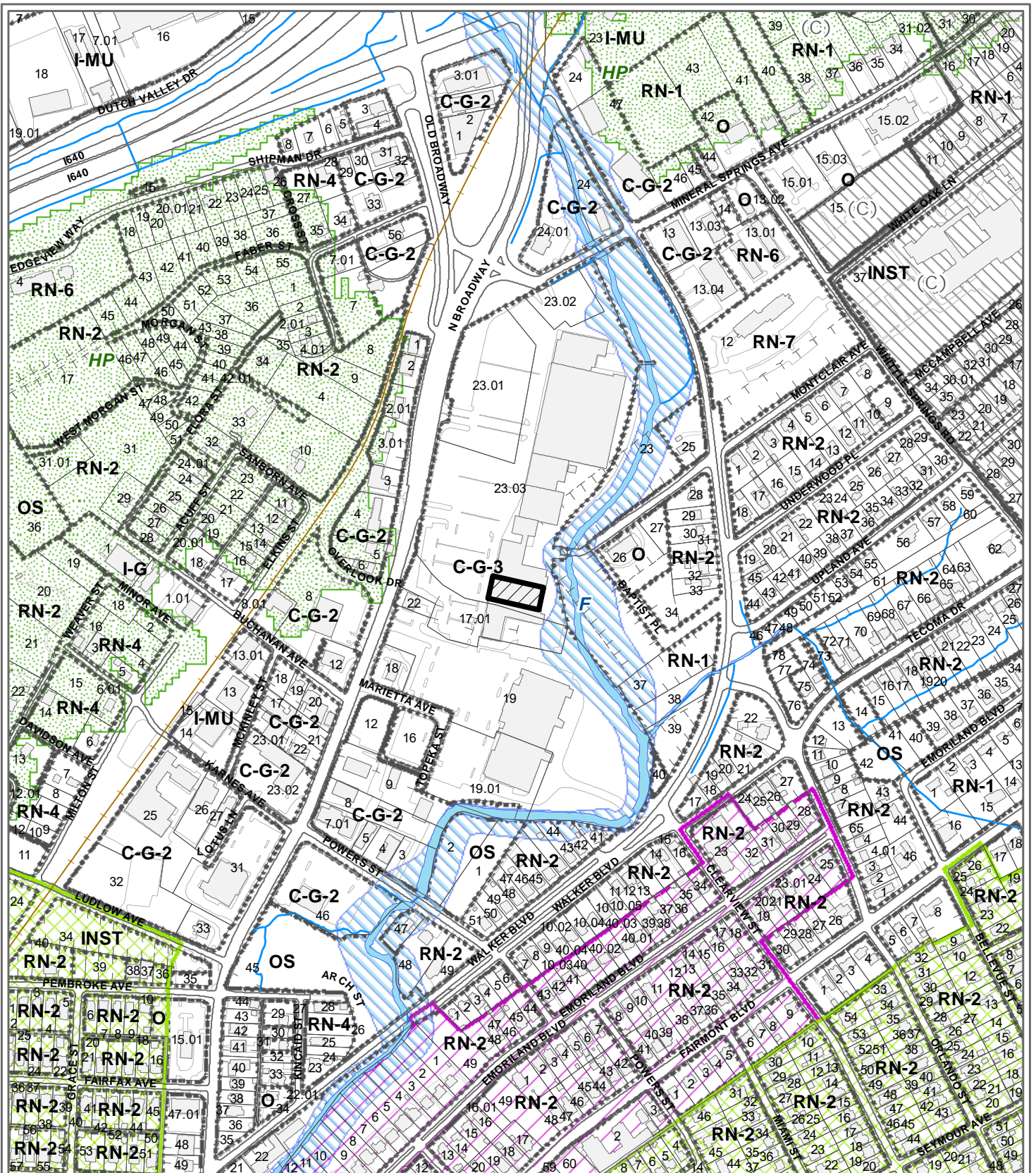
6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

a. There are no known uses immediately surrounding the subject site that will pose a potential hazard or undesirable environment for the proposed use.

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.



**10-B-21-SU
SPECIAL USE**



Nightclub in C-G-3 (General Commercial) / F (Floodway)

Original Print Date: 9/20/2021
 Revised:
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Odle, Jim

Map No: 69
 Jurisdiction: City

0 500
 Feet



The Concourse
5024 Fowler Lane NE
Knoxville, TN 37918
CONTACT: Jay Harris
PHONE: (865) 454-0238
E-MAIL: jay@concourseknox.com

oysk3 Architects
1545 Western Avenue, Suite 100
Knoxville, Tennessee 37921
CONTACT: Jim Odle
PHONE: (865) 523-8200
FAX: (865) 523-8266
E-MAIL: office@oysk3architects.com

GENERAL NOTES

G1 READ (OR CALCULATE) DIMENSIONS FROM PUBLISHED PRINTS OF CONSTRUCTION DRAWINGS; DO NOT "SCALE" FROM DRAWINGS, IN EITHER THEIR PUBLISHED OR ELECTRONIC FORMS.

G2 CONTRACTOR SHALL VERIFY EXISTING CONDITIONS & DIMENSIONS BEFORE BEGINNING CONSTRUCTION; ANY DISCREPANCIES MUST BE REPORTED TO *cysk3 architects* FOR JUSTIFICATION AND/OR CORRECTION- CONTRACTOR ASSUMES RESPONSIBILITY FOR CONDITIONS THAT ARE NOT REPORTED.

G3 IF FUTURE STAGE IS TO BE CONSTRUCTED - STAGE TO REMAIN UNDER 1,000 SQUARE FEET, PER 2011B IRC SECTION 905.3.4

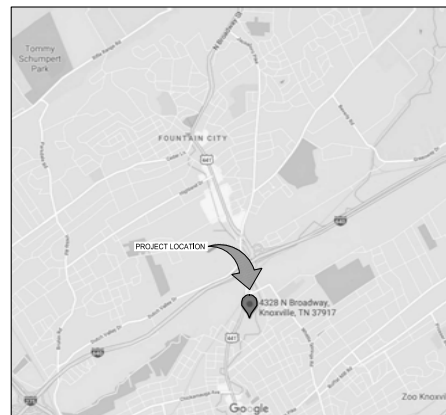
G4. VERIFY SHUTDOWN DETECTORS FOR EXISTING HVAC SYSTEM

SP1 BOUNDARY INFORMATION, TOPOGRAPHIC INFORMATION, & OTHER SITE INFORMATION IS
TAKEN FROM G.I.S. MAPS, & OTHER DOCUMENTS PROVIDED BY THE OWNER

SP2 NO SITE WORK IS IN THE SCOPE OF WORK. ALL PARKING, SIDEWALKS, PUBLIC WALKWAYS, ETC. ARE EXISTING TO REMAIN.

ParcelID: 069LB02303

PROPERTY SIZE	12.92 acres
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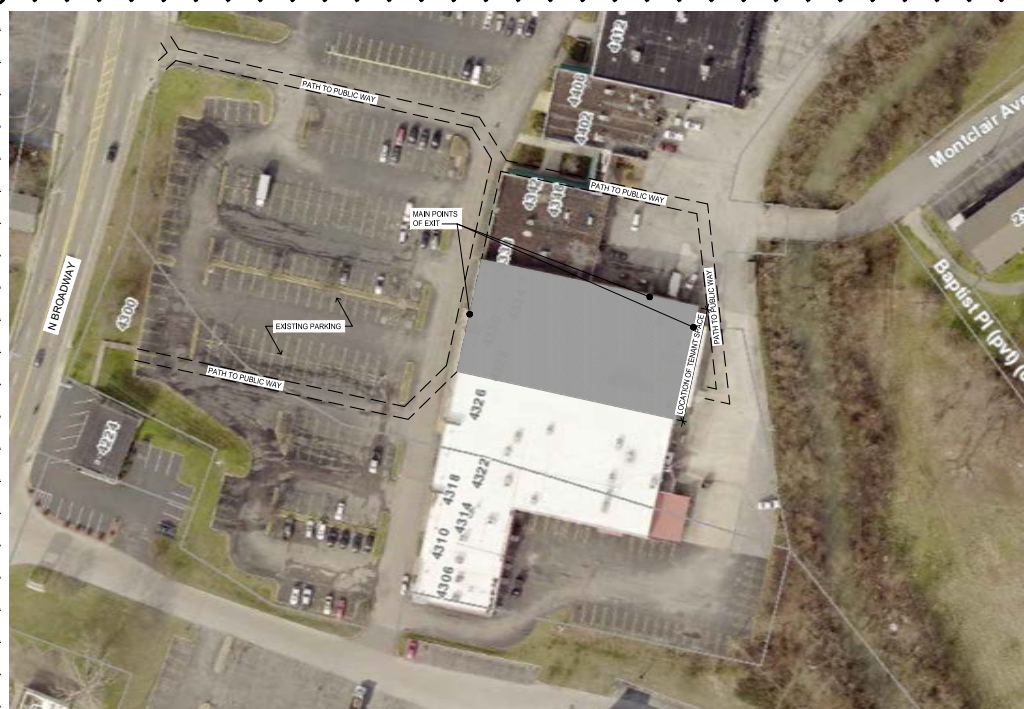


G001 SCALE: N.T.S.

[illegible]

DRAWING INDEX

G001	Project Information
A100	Existing Conditions & Demo (FOR REFERENCE ONLY)
A101	Floor Plans & Notes
A102	Details
LS101	Life Safety Plan



G001 SCALE: N.T.S.

CODE REVIEW SUMMARY			
Project:	The Commerce 82		
Project Location:	4328 N. Broadway • Nashville, Tennessee 37117 (TN)		
Building Description:	Zoning: C-5A • General Commercial zoning district		
Building Description:	Change of occupancy from Mercantile back to previous occupancy AD • Assembly • meeting room size of approximately 15,000 sq. ft.		
APPLICABLE CODES:			
2018 ICC / ANSIA 117			
2018 International Energy Conservation Code			IECC
2018 International Building Code			IBC
2018 edition of the National Electrical Code			
2018 edition of the International Fuel Gas Code			
2018 edition of the International Fire Code			
2018 edition of the International Plumbing Code			
2018 edition of the International Building Code			
2018 edition of the International Building Code			
2018 International Fire Code with Local Amendments			
SCOPE:			
The intent is to convert to previous assembly occupancy.			
CONSTRUCTION TYPE:			
Existing - Type II-B , Sprinkled			
AUTOMATIC SPRINKLER SYSTEM			
Existing - No change			
FIRE ALARM			
Existing - No change			
PORTABLE FIRE EXTINGUISHERS:			
2-2A-108			
Two (2) stations for fire extinguisher + 77			
OCCUPANCY:			
Occupancy Group:	Group AD	assembly (used for food and/or drink consumption)	IBC 300.3
Incidental uses:	None	none (secondary occupancies exceed the 10% limit prohibition)	
Accessory occupancy:	None	None	
Non-separated Occupancy (Occup. support spaces Group E)			IBC 300.3
Separated Occupancy:	None		
OCCUPANCY SEPARATION:			
Existing (AD) separated = 1 hour			
ALLUWIAR AREA:			
Minimum Area (Box) = 30,000 sq. ft. Type AD			IBC Table 505.2
Area (Box) = 30,000 sq. ft.			
Minimum height = 7' Type AD			
Minimum height = 7' Type AD			
Actual = 19,023 sq. ft. 1 story + mezzanine + 27			IBC Table 505.4
IECC CLIMATE ZONE:			
Zone 4A			IECC Table C6.1
FIRE RESISTANT RATING:			
Primary Structural Frame	0 hours		IBC Chapter 6
Beaming (Roof)	None		
Interior	0 hours (0 hour fire separation distances)		
Nonbearing			
Exterior	0 hours (0 hour fire separation distances)		IBC Table 602
Interior	0 hours		
Floor and Secondary Members	0 hours		IBC Table 601
Floor and Secondary Members	0 hours		

INTERIOR PARTITIONS		BIO-TECH. 1992-1	
	1992 (est.)	1992 (est.)	1992 (est.)
Handing space	245 sq ft	1	35 counts
Office	1,026 sq ft (40 personnel) *	1	10
Office	115 sq ft (business) *	1	1
Storage	100 sq ft	1	1
Sound Control	96 sq ft (100)	1	1
Storage	200 sq ft	1	1
Prog. area	331 sq ft (200)	1	2
Controlled	344 sq ft	1	1
Storage	64 sq ft (100)	1	1
Storage	650 sq ft	1	1
Bar	19 sq ft	1	1
Storage area	237 sq ft (40 personnel, unaccounted) *	1	274
Storage area	1,983 sq ft (50 personnel, unaccounted) *	1	132
Storage area	214 sq ft (personnel saving) *	1	68
Pattern	960 sq ft (100)	1	1
Storage	362 sq ft (100)	1	1
Office	71 sq ft (300)	1	1
Office	78 sq ft (100)	1	1
Office	860 sq ft (300)	1	1
Utility	246 sq ft (300)	1	1
Exits/Exit Paths	300 (personnel, unaccounted) *	1	1
Mechanical	300 (personnel) *	1	1
		Total	1,660

INTERIOR FINISHES:
Sprinklers
Exits: Class B; Corridors: Class B; Roofs: Class C

IBC Table 903.13

EMERGENCY SYSTEMS:	
Emergency Lighting required/existing	IBC 1006.1
NUMBER OF EXITS:	
For 501 - 1,000 occupants = 3 exits minimum required/provided (Existing - No change)	IBC Table 1006.3.2

CORRIDOR WIDTH:
Minimum corridor width - 44" clear

TRAVEL DISTANCE:

IBC Table 1020.2

Dead End Corridor	20 feet	IBC 9020.4
Common Path of Travel	30 feet	IBC Table 9020.6
Travel Distance	250 feet (sprinkled)	IBC Table 9017.2
PLUMBING FIXTURE COUNT:		IPC T403.1

A (nightclubs, bars, taverns, dance halls and buildings of similar purposes)		
Water closet - Male: 1 per 40	13 required - 15 Existing provided	
Female: 1 per 40	13 required - 15 Existing provided	
Lavatory - 1 per 75	13 required - 17 Existing provided	
Shower - 0		
Drinking Fountain - 1 per 500	Not required	IPC 410
Service Sink - 1	drinking water provided in a container free of charge (Existing provided)	

cysk
architects



THE CONCOURSE
CHANGE OF OCCUPANCY
4328 NORTH BROADWAY - KNOXVILLE, TN 37917

MARK	DATE	ISSUE FOR:
.	07/01/21	CLIENT REVIEW
.	07/12/21	ADDRESSING
.	07/19/21	PERMIT
.	06/27/21	REVISIONS

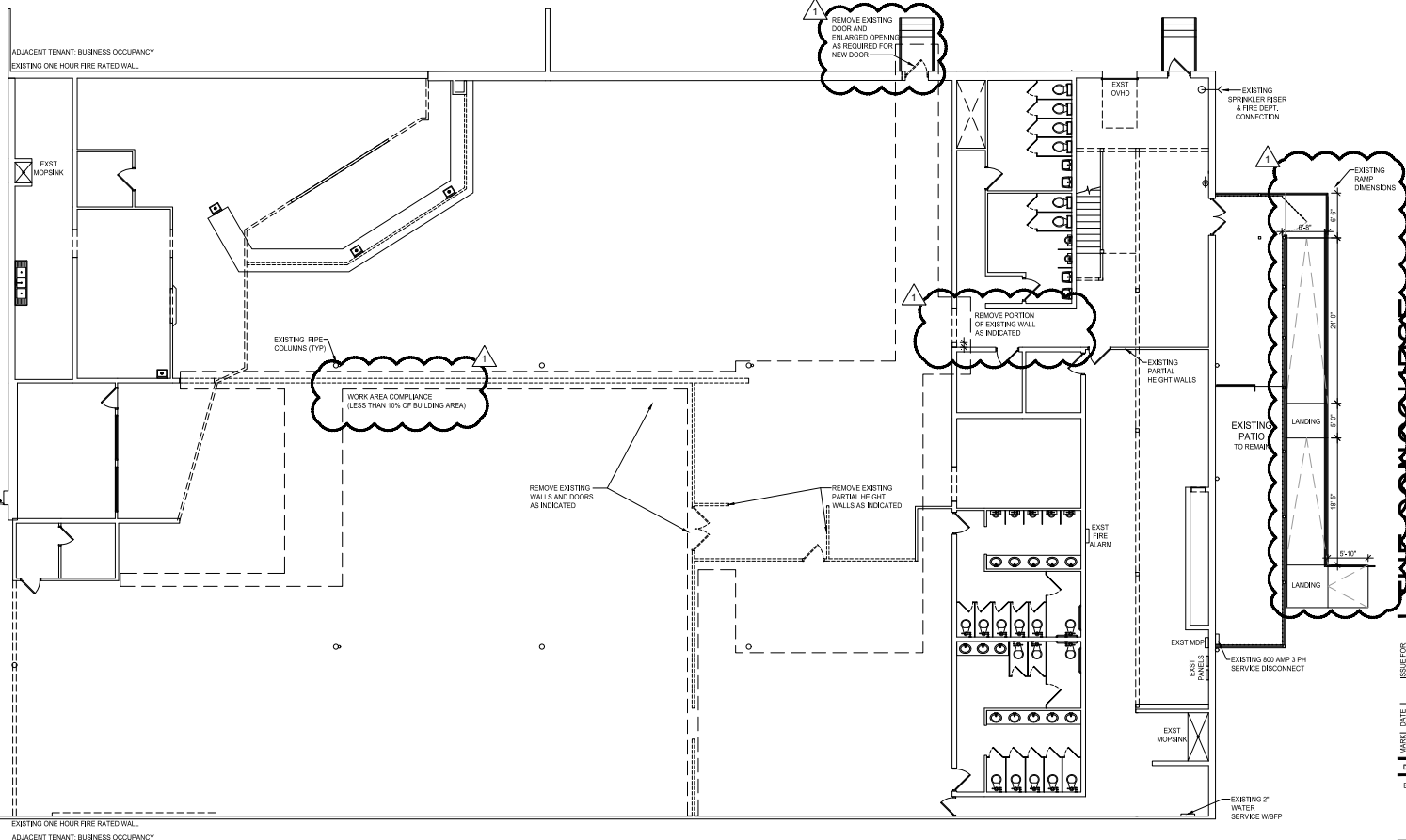
PROJECT INFORMATION

G001
PROJECT: 21213

Floor plan of the second floor. The plan shows a large central area with a dashed 'X' pattern, a staircase, and several smaller rooms. Annotations include 'OPEN TO BELOW' with arrows pointing to specific locations, 'EXIST ROOF ACCESS', 'EXIST ELEC. PANELS', and two circular markers labeled 'EXIST VAN'.

2 MEZZANINE - EXISTING CONDITIONS
A100 SCALE: 1/8" = 1'-0"

ADJACENT TENANT: BUSINESS OCCUPANCY
EXISTING ONE HOUR FIRE RATED WALL



1 FLOOR PLAN - EXST CONDITIONS & DEMO
A100 SCALE: 1/8" = 1'-0"

(FOR REFERENCE ONLY)

Demolition Notes

D1 CONDUCT DEMOLITION OPERATIONS AND REMOVAL OF DEBRIS TO ENSURE MINIMUM INTERFERENCE WITH BUILDING OPERATIONS.

D2 CONDUCT OPERATIONS TO PREVENT DAMAGE TO EXISTING STRUCTURE AND IN ACCORDANCE WITH O.S.H.A. STANDARDS, CODES, AND LOCAL ORDINANCES.

D3 REMOVE DEBRIS, RUBBISH AND OTHER MATERIAL RESULTING FROM DEMOLITION FROM THE SITE. DISPOSE OF MATERIAL IN A LEGAL MANNER, RECYCLE MATERIAL WHENEVER POSSIBLE.

D4 REMOVE EXISTING CONSTRUCTION WHERE INDICATED OR AS REQUIRED FOR MODIFICATION OR INSTALLATION OF NEW CONSTRUCTION.

D5 PROTECT EXISTING CONSTRUCTION AND FINISHES FROM DAMAGE DURING DEMOLITION. WHERE INDICATED OR REQUIRED, PROVIDE DUST BARRIERS OF 6 MIL POLYETHYLENE OR EQUAL ON





D6 TURN OFF ALL HVAC OR EXHAUST FANS DURING DEMOLITION AND UNTIL THE NEXT DAY AFTER DEMOLITION ACTIVITY

D7 REMOVE WITH CARE THOSE ITEMS INDICATED TO BE REUSED OR SALVAGED. SAVE ALL PARTS, HARDWARE, MOUNTING ACCESSORIES, AND OTHER ITEMS NEEDED FOR RE-INSTALLATION.

D8 DO NOT REMOVE STRUCTURAL SUPPORTS OR MEMBERS
WITHOUT PRIOR APPROVAL OF ARCHITECT.

D9 DO NOT CUT OR RELOCATE ANY ELECTRICAL, MECHANICAL, OR PLUMBING SERVICES, PIPING, DEVICES, OR EQUIPMENT WITHOUT FIRST DEACTIVATING THE SYSTEMS.

LEGEND

EXISTING WALL	
DEMOLISHED ITEM	
EXISTING DOOR	
FIRE EXTINGUISHER	



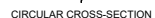
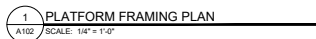
THE CONCOURSE
CHANGE OF OCCUPANCY
4328 NORTH BROADWAY - KNOXVILLE, TN 37917

MARK	DATE	ISSUE FOR:
.	07/01/21	CLIENT REVIEW
.	07/11/21	ADDRESSING
.	07/19/21	PERMIT
.	09/27/21	REVISIONS

DRAWN:

EXISTING CONDITIONS & DEMO

A100
PROJECT: 21213
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EXISTING METAL RAILS
EXISTING FLOOR SLOPE 1:12
EXISTING GRASPABLE HANDRAIL ON BOTH SIDES OF RAMP
EXISTING CONCRETE RAMP
EXISTING CLEAR SPACE $\leq 4'$
18" MIN.
42"

EXISTING COVERED PATIO WITH EXISTING GATE (SEE SHEET U3101)

EXISTING RAMP (SEE DETAIL 2A/102)

4 EXISTING CONDITIONS
A102 SCALE: 1/4" = 1'-0"

THE CONCOURSE
CHANGE OF OCCUPANCY
4328 NORTH BROADWAY - KNOXVILLE, TN 37917

MARK	DATE	ISSUE FOR:
-	07/01/21	CLIENT REVIEW
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-	09/27/21	REVISIONS

DRAWN:

DETAILS

A102

PROJECT: 21213



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

Jim Odle

Architect

Applicant Name

Affiliation

08/27/2021

10/14/2021

File Number(s)

Date Filed

Meeting Date (if applicable)

10-B-21-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

Jim Odle

oysk3 architects

Name

Company

1545 Western Ave, Suite 100

Knoxville

TN

37923

Address

City

State

ZIP

(865) 523-8200

office@oysk3architects.com

Phone

Email

CURRENT PROPERTY INFO

NORTHGATE ASSOCIATES, LLC

737 W Chester Pk #5 - Havertown PA 19083 610-668-9820

Owner Name (if different)

Owner Address

Owner Phone

4328 N BROADWAY

069LB02303 (part of)

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

N.

East side of ~~NORTH~~ Broadway, due North of Marietta Ave

~~12.92~~ approx 3800 sq ft

General Location

Tract Size

☒ City ☐ County

4th
District

C-G-3 & F
Zoning District

CO
Existing Land Use

East City

MU-SD ec-3 & SP

City

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST☐ Development Plan ☒ Use on Review / Special Use ☐ Hillside Protection COA☐ Residential ☐ Non-Residential

Home Occupation (specify) _____

Other (specify) NIGHTCLUB

Related City Permit Number(s)

R21-1014

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Unit / Phase Number ☐ Combine Parcels ☐ Divide Parcel

Total Number of Lots Created _____

☐ Other (specify) _____☐ Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST☐ Zoning Change

Proposed Zoning _____

☐ Plan Amendment Change

Proposed Plan Designation(s) _____

Pending Plat File Number

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

0401

1500.00

Total

1500.00

Fee 2

Fee 3

AUTHORIZATION

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

Applicant Signature

Jim Odle

Please Print

08/27/2021

Date

(865) 523-8200

office@oysk3architects.com

Phone Number

Email

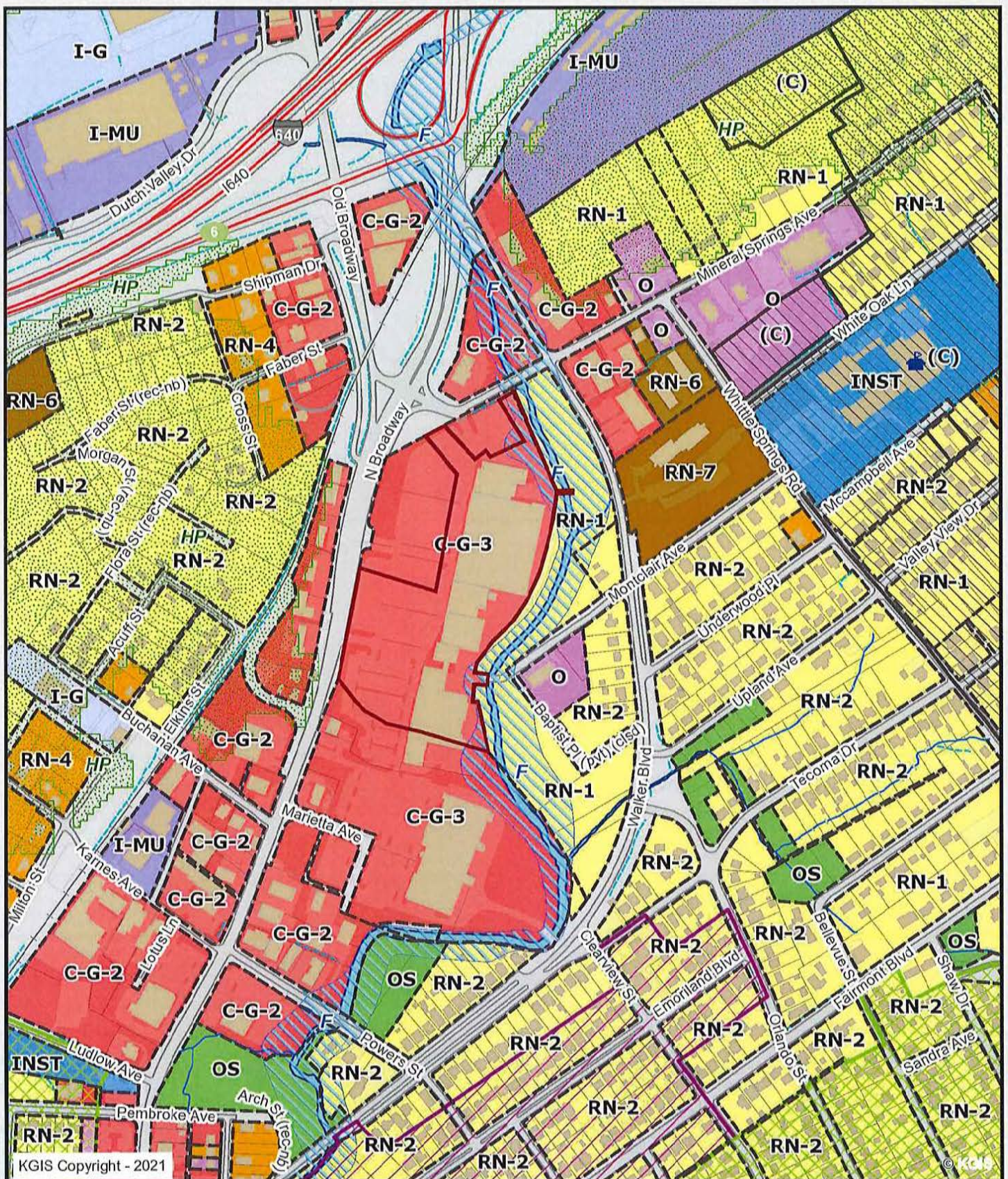
Staff Signature

Marc Payne

Please Print

swm / 8-30-21

Date

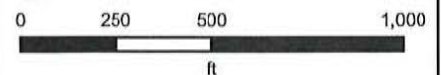


Letter Portrait

Knoxville - Knox County - KUB Geographic Information System

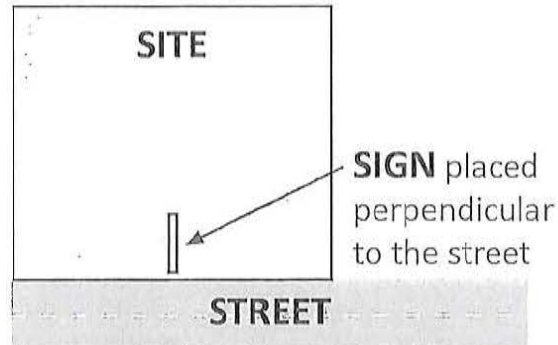


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The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, 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 **not less than 12 days prior to 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 not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

Sept 29 and Oct 15
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Jim Odle

Date: 8-30-21

File Number: 10-B-21-SU

☒ Sign posted by Staff
☐ Sign posted by Applicant