



SPECIAL USE REPORT

▶ **FILE #:** 4-C-22-SU

AGENDA ITEM #: 52

AGENDA DATE: 4/14/2022

▶ **APPLICANT:** DAN DAVISON
OWNER(S): Dan Davison / Heidi's Home Cooking, LLC

TAX ID NUMBER: 59 J A 006 [View map on KGIS](#)

JURISDICTION: City Council District 4

STREET ADDRESS: 4505 Greenway Dr.

▶ **LOCATION:** **North side of Greenway Drive, west side of New Beverly Baptist Church Road**

▶ **APPX. SIZE OF TRACT:** **16580 square feet**

SECTOR PLAN: North City

GROWTH POLICY PLAN: N/A

ACCESSIBILITY: Access is via Greenway Drive, a major collector street with 24 ft of pavement width within approximately 170 ft of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Whites Creek

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

▶ **EXISTING LAND USE:** **OF (Office)**

▶ **PROPOSED USE:** **Eating and Drinking Establishment (Bakery)**

HISTORY OF ZONING: The property was annexed into the City in 1999 (10-SS-99-RZ).

SURROUNDING LAND USE AND ZONING: North: Single family residential -- RA (Low Density Residential), I (Industrial)

South: Bank -- I (Industrial)

East: Church -- RN-1 (Single-Family Residential Neighborhood)

West: Contractors office and storage yard -- I (Industrial)

NEIGHBORHOOD CONTEXT: This portion of Greenway Drive is a transition area from the higher intensity commercial uses at the New Harvest Center shopping center and the industrial uses to the west. The residential uses that remain are primarily located on the north side of Greenway Drive.

STAFF RECOMMENDATION:

▶ **Approve the request for an eating and drinking establishment (bakery) with approximately 2,800 sqft of floor area, subject to 3 conditions.**

1. Obtaining all necessary variances from the City of Knoxville Board of Zoning Appeals (see Exhibit A).
2. Meeting applicable requirements of the City of Knoxville Zoning Ordinance, including but not limited to

Article 12 (Landscaping) and Article 13 (Signs) of the City of Knoxville Zoning Ordinance.
3. Meeting all applicable requirements of the City of Knoxville Department of Engineering.

With the conditions noted above, this request meets the requirements of C-N zone and the other criteria for approval of a Special Use.

COMMENTS:

This proposal is for an Eating and Drinking Establishment (bakery) in the C-N (Neighborhood Commercial) zone, which requires Special Use approval by the Planning Commission. Bakeries can also be considered an Industrial – Craft use, which is not permitted in the C-N zone. The Zoning Administrator determined that this proposal fits within the Eating and Drinking Establishment use classification.

The subject property is an irregular lot and the existing structures are non-conforming to the zoning standards. This is mainly due to the front (Greenway Drive) portion of the property being purchased for road right-of-way to expand Greenway Drive many years ago. The expansion of Greenway Drive never came to fruition so the property visually appears much bigger than it is. The City of Knoxville Board of Zoning Appeals approved three variances at the March 15, 2022, meeting. This includes two different parking lot setback reductions and a minimum parking space reduction from 13 to 9 (see Exhibit A).

A portion of the property where the parking lot is located is in the County and zoned I (Industrial). The parking lot design will meet the City of Knoxville zoning standards to be consistent with the remainder of the property.

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 Sector Plan designations for this site are MU-SD, NC-8 (Mixed Use Special District), which recommends a mix of low and medium density residential, office, and civic/institutional uses.
- b. The proposed bakery is a restaurant-type use that is generally more compatible with nearby residential uses because typically they do not have late operating hours and generate less traffic.

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

- a. The C-N (Neighborhood Commercial) use allows eating and drinking establishments with Special Use approval by the Planning Commission.
- b. The applicant already obtained three zoning variances from the City of Knoxville Board of Zoning Appeals. No additional variances are anticipated at this time.

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 existing structure has the appearance of a one-story residential house and may have been originally used as a residence. The previous tenant was a professional office use.
- b. The applicant does not propose any significant modifications to the building but will modify the site by removing the existing parking located in the right-of-way and reconfiguring the parking area to the west of the building. The driveway that extends to the side street, New Beverly Baptist Church Road, will be removed to come into conformance with the zoning standards.

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. The proposed bakery will not significantly injure the value of adjacent property or detract from the immediate environment.

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

- a. The proposal will not draw additional traffic through residential streets since it accesses a major collector 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.

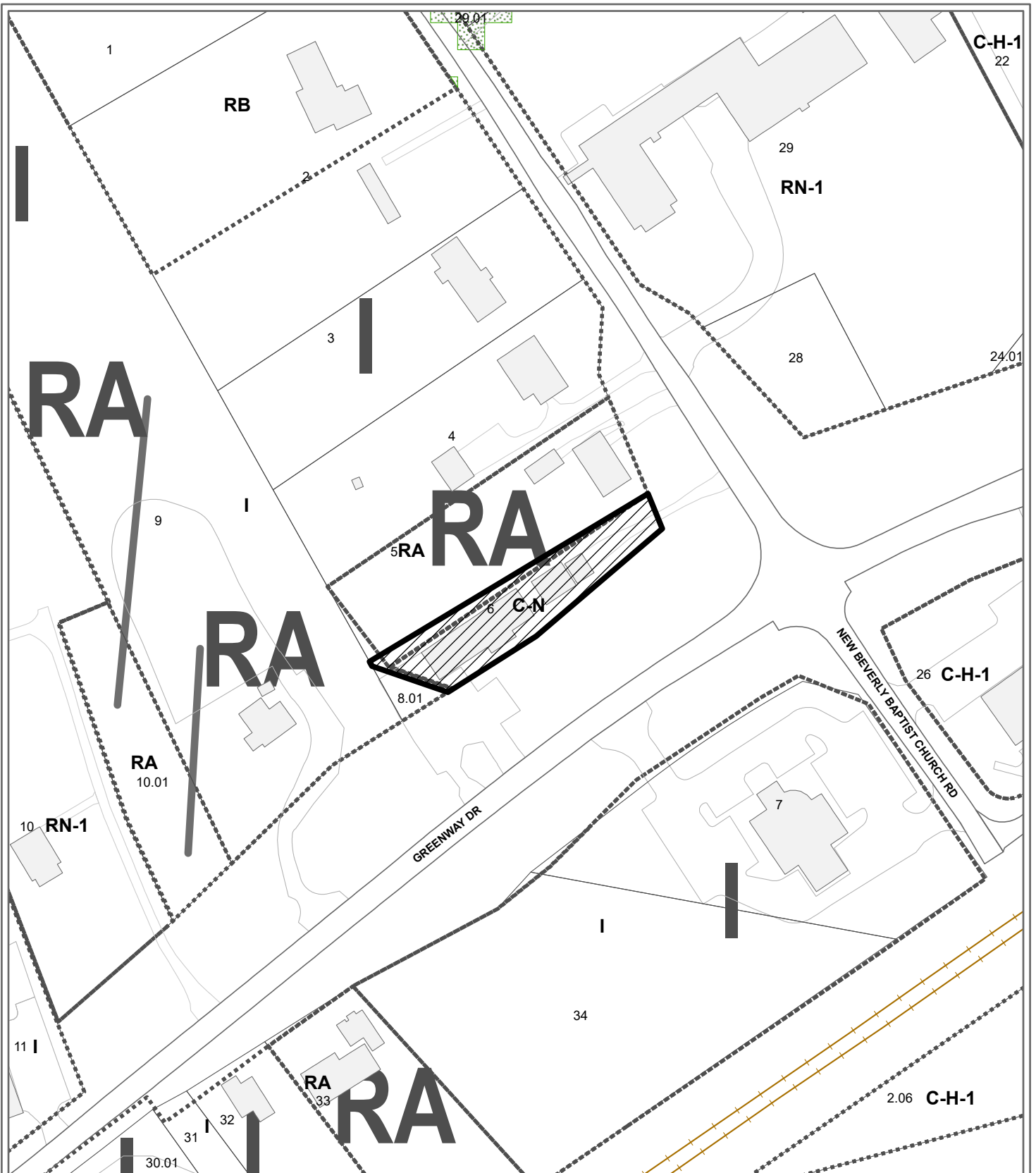
- a. There are no known uses immediately surrounding the subject site that poses a potential hazard or

undesirable environment for the proposed use.

ESTIMATED TRAFFIC IMPACT: Not required.

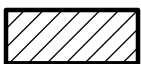
ESTIMATED STUDENT YIELD: Not applicable.

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.



**4-C-22-SU
SPECIAL USE**

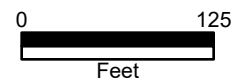
Petitioner: Davison, Dan



Application for an Eating and Drinking Establishment in a C-N zone in C-N (Neighborhood Commercial)

Map No: 59

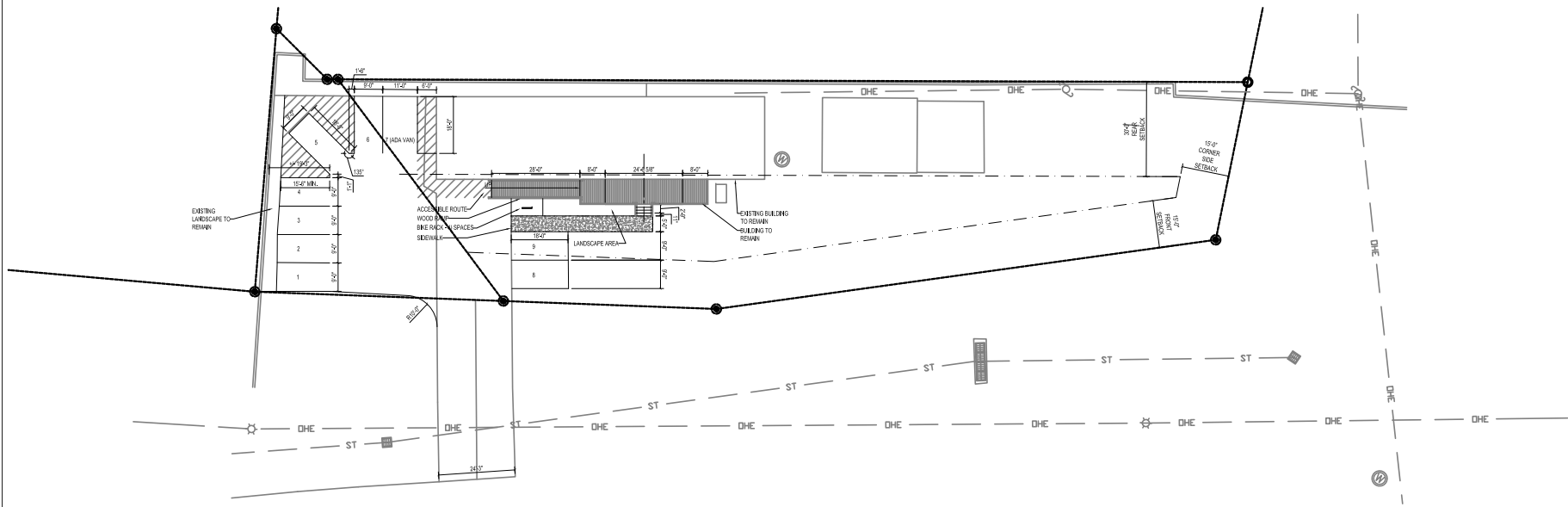
Jurisdiction: City



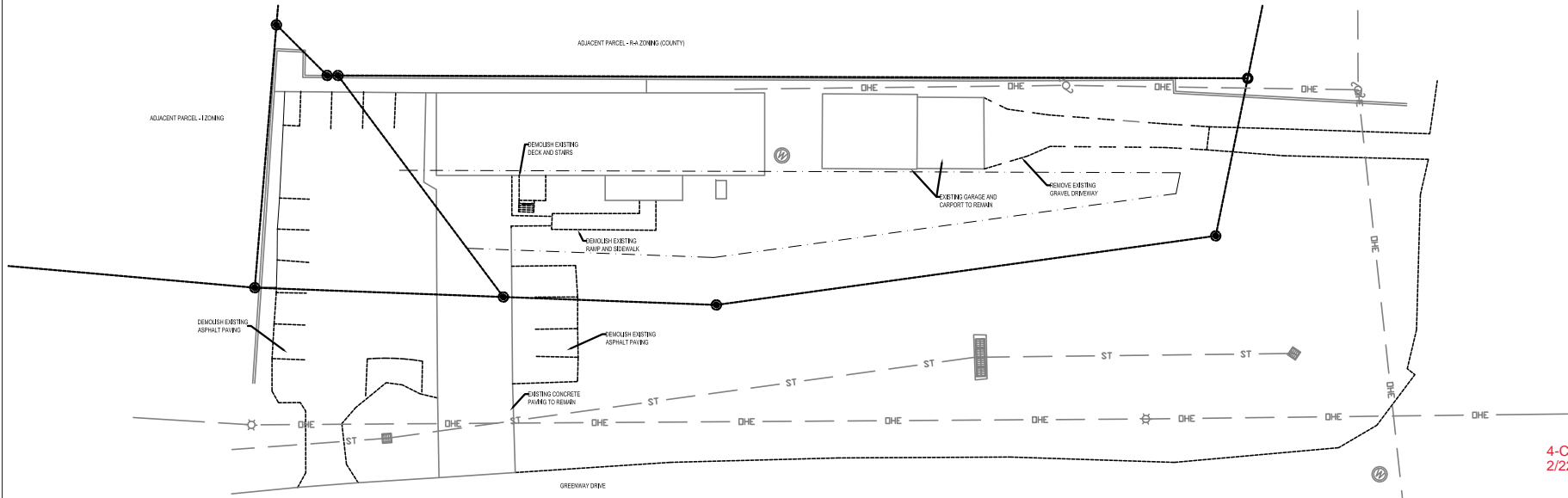
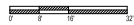
Original Print Date: 3/8/2022

Revised:

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



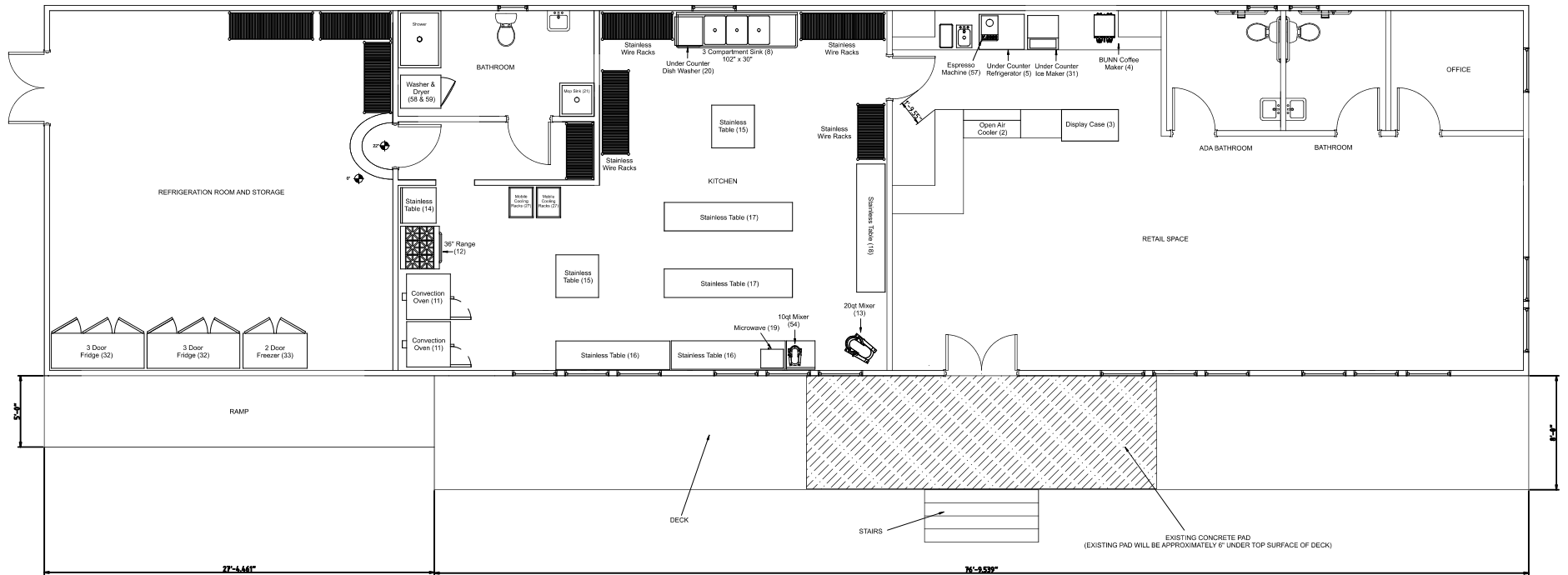
PROPOSED SITE PLAN



EXISTING / DEMOLITION SITE PLAN



4-C-22-SU
2/22/2022



4-C-22-SU
 2/22/2022



Design Innovation

ARCHITECTS + INTERIORS + PLANNING

Project Name: **Davison Bakery**
Project No: **21096**

File No.: I01

Date: 2022-02-22
Re: Knoxville Knox County Development Application
Memo By: Patrick Core – DIA

Project Information

Square Footage – existing 2784 s.f. No additions proposed.
Previous use – Professional Services (taxes and CPA services)
Proposed use – Eating and Drinking Establishment

1. The proposed project is to convert an existing building into a bakery. The current zoning (C-N) does not allow for this use (City of Knoxville Zoning, Article 9.2 Use Matrix). The use will be considered an Eating and Drinking Establishment.
2. Zoning variances will be requested from Knoxville BZA.

End of Memo

Attachments:

- Proposed site plan
- Proposed floor plan
- Meeting Minutes from preliminary meeting with City of Knoxville Building, Zoning, and Engineering

ec: Dan Davison

File # 3-C-22-VA



BOARD OF ZONING APPEALS APPLICATION

Click on [Meeting Schedule, Deadlines and Fees](#) for information on submitting an application to be heard at a monthly Board meeting.

APPLICANT INFORMATION	APPLICANT IS:	THIS PROPOSAL PERTAINS TO:
Name Patrick Core	Owner <input type="checkbox"/>	New Structure <input type="checkbox"/>
Street Address 402 S. Gay St.	Contractor <input type="checkbox"/>	Modification of Existing Structure <input checked="" type="checkbox"/>
City, State, Zip Knoxville, TN	Tenant <input type="checkbox"/>	Off Street Parking <input type="checkbox"/>
Phone Number (865) 243-8447	Other <input checked="" type="checkbox"/>	Signage <input type="checkbox"/>
Email pcore@dia-arch.com		Other <input type="checkbox"/>

THIS IS A REQUEST FOR:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Zoning Variance (Building Permit Denied) | <input type="checkbox"/> Extension of Non-Conforming Use/or Structure |
| <input type="checkbox"/> Appeal of Administrative Official's Decision | <input type="checkbox"/> Map Interpretation |

PROPERTY INFORMATION

Street Address 4505 Greenway Drive	City, State, Zip Knoxville, TN 37918
See KGIS.org for Parcel # 059JA006	and Zoning District C-N

VARIANCE REQUIREMENTS

City of Knoxville Zoning Ordinance Article 7, Section 2
 The City of Knoxville Board of Zoning Appeals shall have the power and authority to grant variances from terms of this ordinance according to the procedure and under the restrictions set out in this section.
 The purpose of the variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property as the zoning ordinance intended.

DESCRIPTION OF APPEAL

Describe your project and why you need variances.

Please see attached memo

Describe hardship conditions that apply to this variance.

Please see attached memo

APPLICANT AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request and that all owners have been notified of this request in writing.

APPLICANT'S SIGNATURE _____ DATE 02/10/22

File # 3-C-22-VA



BOARD OF ZONING APPEALS APPLICATION

*******OFFICE USE ONLY*******

Is a plat required? Yes No

Small Lot of record?

VARIANCE REQUEST(S) WITH ORDINANCE CITATION(S):

- 1. Reduce the minimum required parking lot setback distance for lot abutting residential districts from 20 feet to 5 feet. Per Article 11.3.C.2.
- 2. Reduce the minimum required parking lot setback distance for a lot located on the same block with residentially zoned property from 25 feet to 0 feet. Per Article 11, Section 11.3.B.
- 3. Reduce the minimum number of required parking spaces from 13 spaces (after 40% reduction due to exemption for C-N district) to 9 spaces. Per Article 11.4.A.Table 11-2.

PROJECT INFORMATION

Date Filed 2-10-22	Fee Amount \$250
Council District 4	BZA Meeting Date 3-15-22
PLANS REVIEWER Rebecca Johnson / Scott Elder	DATE 2-16-22

Project Name: **Davison Bakery**
Project No: **21096**

File No.: I01

Date: 2022-02-09
Re: Knoxville Board of Zoning Appeals
Memo By: Patrick Core – DIA

Project Information

Square Footage – existing 2784 s.f. No additions proposed.
Previous use – Professional Services (taxes and CPA services)
Proposed use – Eating and Drinking Establishment

1. The proposed project is to convert an existing building into a bakery. The current zoning (C-N) does not allow for this use (City of Knoxville Zoning, Article 9.2 Use Matrix). The use will be considered an Eating and Drinking Establishment. There will be an application for Special Use to Knoxville Knox County Planning for the March meeting.
2. It is anticipated that the renovation will exceed 50% of the assessed or appraised value.
3. The owner and architect have met with the COK at a Presubmittal Conference. Minutes attached. There has also been follow up correspondence with COK Engineering.
4. Three variances are requested from Knoxville BZA:
 - a. **Reduce the required rear parking setback from 20' to 5'.** This is the existing condition, but the parking lot will be repaved and restriped. Existing parking lot at northwest side of property abuts a residential zone, RA – Low Density Residential Zone (County Zoning). Lot to the west is Industrial (County).

11.3 - LOCATION AND SETBACKS

.C. An interior side or rear setback is required in parking lots, as measured from the edge of parking lot to the lot line, as follows. Required site landscape per Article 12 may be located in this setback
Office or commercial districts abutting agricultural or residential districts: 20 feet

- b. **Reduce the required number of parking spaces from 13 to 9.**

Knoxville Zoning Ordinance, Appendix B – Zoning Code, Article 11 – Off Street Parking
Table 11-2 Required Off Street Parking
Use : Eating and Drinking Establishment
Minimum: No drive-through: 8 per 1,000 sf GFA
2,784 gross square feet
 $(2,784 / 1000) \times 8 = 22.272$
Rounded down per 11.4-A.2 = 22 spaces required, minimum
40% reduction per 11.4-B.2 for C-N zone = 8.8 spaces
Rounded up per 11.4-A.2 = 9 spaces (reduction)
Total = 22 minus 9 = 13 spaces minimum

- c. **Reduce the required length of curb cut from 25' to 24'-3"**. This is the existing condition, and the goal is to reduce the amount of work within the ROW. Large truck traffic (UPS box truck) is anticipated to be once a day, maximum.

- d. **Reduce the required rear setback from 30 to 5'.** This is the existing condition, and no new additions are planned at the rear of the building. With average lot width of 60', this obviously puts an unnecessary burden upon the owner.
5. These proposed improvements made to the property will add value to the City and increase code conformance.
- Removing approximately 2759 s.f. of existing impervious area, reducing stormwater runoff.
 - This parking area is currently in the ROW. Removing it is also in accordance with COK Engineering's direction.
 - The west driveway on Greenway will be removed. This will bring the Greenway frontage into compliance with Table 11-4: Maximum Number of Driveways for Lot Frontages. Existing Frontage on Greenway is 306'.

From Knoxville, Tennessee Code of Ordinances, Article 16.3:

E. Standards

The Board of Zoning Appeals may authorize a variance from the strict application of this Code so as to relieve such difficulties or hardship only in accordance with all of the following criteria:

- Variations will be granted only where special circumstances or conditions (such as exceptional narrowness, topography or siting) fully described in the findings of the Board, do not apply generally in the district.*
The existing ROW is very large, limiting the usable site to between 68' to 50' wide. The existing building occupies 26' of this usable area.
- Variations will not be granted to allow a use otherwise excluded from the particular district in which requested.*
A special use application will be filed with Knoxville Knox County Planning for a eating and drinking establishment in a C-N zone.
- For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this Code would deprive the applicant of any reasonable use of his/her land. Mere loss in value does not justify a variance; there must be a deprivation of beneficial use of land.*
The existing condition of the ROW width is an encumbrance to meeting the letter of the Zoning Code. The beneficial use of land has been diminished by the large ROW.
- Any variance granted under the provisions of this section must be the minimum adjustment necessary for the reasonable use of the land.*
Effort has been taken in the planning stages to meet zoning code.
- The granting of any variance is in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the General Plan for development.*
See item #5 above for the proposed improvements for the general benefit of the public.

F. Requirements for the Granting of a Variance

Before the board shall have the authority to grant a variance, the person claiming the variance has the burden of showing:

- That the granting of the permit will not be contrary to the public interest.*
These variances would not pose any problem to the general public.
- That the literal enforcement of the ordinance will result in unnecessary hardship.*
See comment on item E.1 above
- That by granting the permit contrary to the provisions of the Ordinance, the spirit of the Ordinance will be observed.*
Article 1, Section 1.2 Purpose lists the purpose of the Code is to promote health, safety and welfare, promote orderly development, promote economic development, and eliminate non-conformities. These requests are in line with this statement.
- That by granting the permit, substantial justice will be done.*
Agreed

End of Memo
Attachments:

- Proposed site plan
- Meeting Minutes from preliminary meeting with City of Knoxville Building, Zoning, and Engineering

ec: Dan Davison



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

Dan Davison

Applicant Name **4/14/2022** Affiliation

02/22/22 ~~04/15/22~~ File Number(s)

Date Filed Meeting Date (if applicable)

4-C-22-SU

CORRESPONDENCE

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

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

Dan Davison

Heidi's Home Cooking, LLC

Name Company

204 Hale Road Knoxville TN 37917

Address City State ZIP

(626) 404-4373 danieldavison77@gmail.com

Phone Email

CURRENT PROPERTY INFO

same as above

Property Owner Name (if different) Property Owner Address Property Owner Phone

4505 Greenway Drive 059JA006

Property Address Parcel ID

KUB KUB N

Sewer Provider Water Provider Septic (Y/N)

STAFF USE ONLY

North side of Greenway Dr, west side of New Beverly Baptist Church Rd 16,580 sqft
 General Location Tract Size

City County 4th District C-N Zoning District Office Existing Land Use

North City Planning Sector MU-SD, MU-NC-8 Sector Plan Land Use Classification N/A Growth Policy Plan Designation

DEVELOPMENT REQUEST

Development Plan Use on Review / Special Use Hillside Protection COA

Residential Non-Residential

Home Occupation (specify) n/a

Related City Permit Number(s)

Other (specify) **Application for an Eating and Drinking Establishment in a C-N zone**

SUBDIVISION REQUEST

Proposed Subdivision Name

Related Rezoning File Number

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
401	\$1,500
Fee 2	
Fee 3	

AUTHORIZATION


Applicant Signature

Dan Davison

02/22/22

Please Print

Date

(626) 404-4373

danieldavison77@gmail.com

Phone Number

Email

Dan Davison

02/22/22

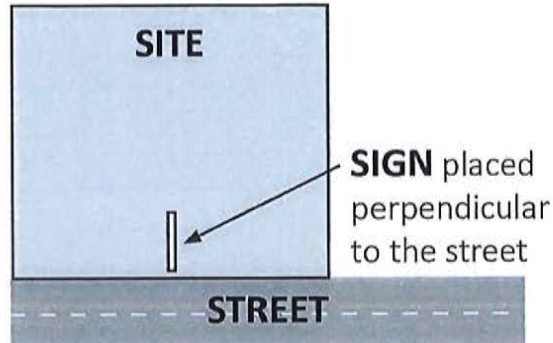

Property Owner Signature

Please Print

Date

2/28/22 swm

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:

March 30, 2022 and April 15, 2022
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Dan Davison

Date: 2/28/22

File Number: 4-C-22-SU

- Sign posted by Staff
- Sign posted by Applicant