



# SPECIAL USE REPORT

► **FILE #:** 2-A-23-SU

**AGENDA ITEM #:** 11

**AGENDA DATE:** 2/9/2023

► **APPLICANT:** AMY SHERRILL

OWNER(S): Market Scott LLC

TAX ID NUMBER: 81 L Q 015.01

[View map on KGIS](#)

JURISDICTION: City Council District 4

STREET ADDRESS: 428 E SCOTT AVE

► **LOCATION:** Southeast side of E. Scott Ave, southwest of Harvey St

► **APPX. SIZE OF TRACT:** 18,633 square feet

SECTOR PLAN: Central City

GROWTH POLICY PLAN: N/A (Within City Limits)

ACCESSIBILITY: Access is via E. Scott Avenue, a local street with 30-ft pavement width within a 48-ft right-of-way. Access is also via Harvey Street, a local street with a 35-ft pavement width within a 50-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

► **ZONING:** RN-5 (General Residential Neighborhood), H (Historic Overlay)

► **EXISTING LAND USE:** Wholesale

► **PROPOSED USE:** Neighborhood nonresidential reuse for office and personal service uses

HISTORY OF ZONING: 11-F-18-RZ: R-1A/H-1 to RP-1/H-1

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

South: Multifamily - RN-2 (Single-Family Residential Neighborhood)

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

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

NEIGHBORHOOD CONTEXT: The subject property is part of the Old North Knoxville Historic District. The surrounding area is comprised of single family and multifamily detached homes on relatively small lots.

## STAFF RECOMMENDATION:

► **Approve the request for a neighborhood nonresidential reuse for office and personal service uses in the RN-5 (General Residential Neighborhood) zoning district, 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 Engineering Department.
- 3) Meeting all applicable requirements of the City of Knoxville Plans Review and Inspections Department.

With the conditions noted above, this plan meets the requirements for approval of a neighborhood nonresidential reuse for office and personal service uses in the RN-5 zoning district, and the criteria for approval of a special use.

#### **COMMENTS:**

The subject property has operated as an office building going back to at least 1962, when the City directory showed an electrician office at this address. The City of Knoxville Plans Review and Inspection Division recognizes that the last legal use is an office and does not require a neighborhood nonresidential reuse permit. However, personal service uses such as a skin care office also operate here, and that is not a precedented or explicitly approved use. Both uses are included in this application to provide clear documentation of what is permitted. No changes are proposed to the existing building, floor plan or parking lot. This special use request is an effort to bring current operations into compliance with the zoning code.  
STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2.)

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

A. The proposed neighborhood nonresidential reuse for office and personal service uses is consistent with how the building has functioned for many years. Considering the established nature of business operations here, the proposed nonresidential uses do not conflict with policies in the General Plan or the One Year Plan focused on protecting residential neighborhoods from commercial encroachment.

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

A. The RN-5 (General Residential Neighborhood) zoning district permits limited nonresidential uses that are compatible with the surrounding area.

B. The subject property's location next to a cluster of denser multifamily development among single family properties makes office-type uses here an appropriate consideration as part of a transition of development intensities.

**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. This inconspicuous, 2-story brick building was constructed in 1927 and is part of the historic makeup of the Old North Knoxville Historic District. It appears that the building was meant to accommodate uses such as an office and personal services. There is no outdoor storage or display that exists or is proposed. The requested uses at this location are in harmony with the surrounding neighborhood.

**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 office and personal service uses are not conducive to noxious environmental conditions that would harm the neighborhood.

B. Although E. Scott Ave. is a local street, its 30-ft pavement width can accommodate street parking on both sides and through traffic. The property also includes ample parking in the rear, so business operations here should not negatively impact traffic or parking conditions in the area.

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

A. The floor plan provided shows tenants such as real estate and finance offices. There are also skin care/beautician services in office spaces that appear to have room for one client at a time. These uses and space configurations are not anticipated to bring undue traffic into this residential area.

**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 future uses on this site.

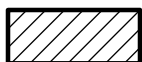
ESTIMATED TRAFFIC IMPACT: Not required.

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.



**2-A-23-SU  
SPECIAL USE**

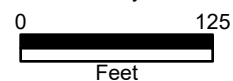


Neighborhood Nonresidential Reuse for office and personal services uses  
in RN-5 (General Residential Neighborhood), H (Historic Overlay)

Original Print Date: 1/18/2023  
Revised:  
Knoxville - Knoxville Planning Commission \* City / County Building \* Knoxville, TN 37902

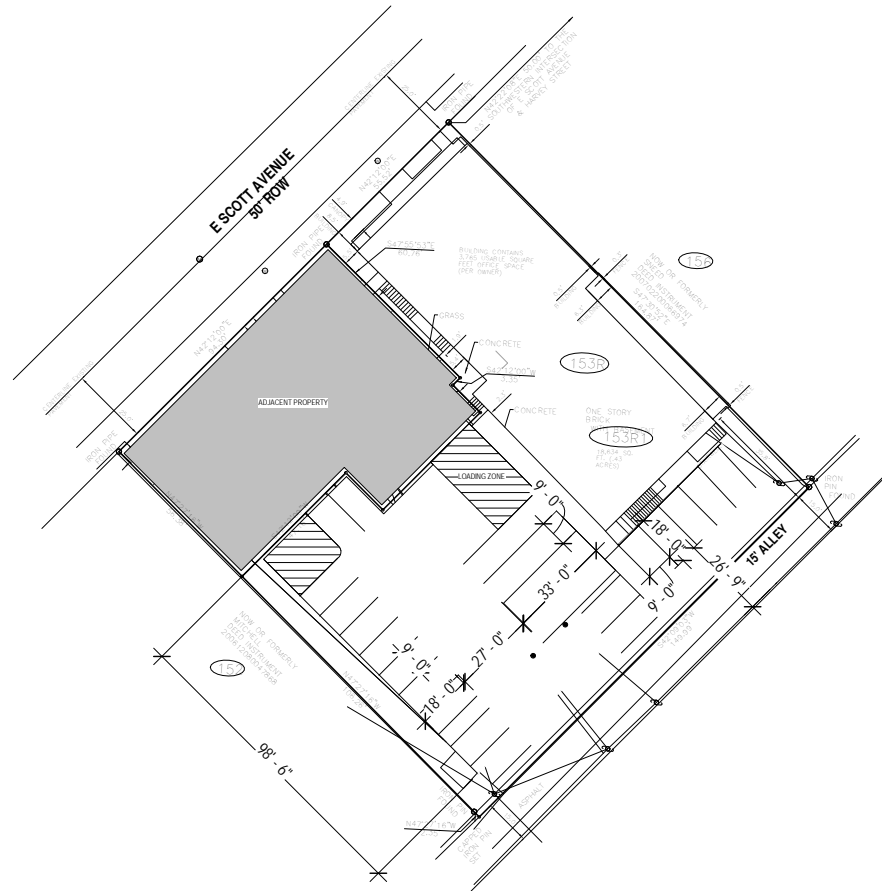
Petitioner: Amy Sherrill

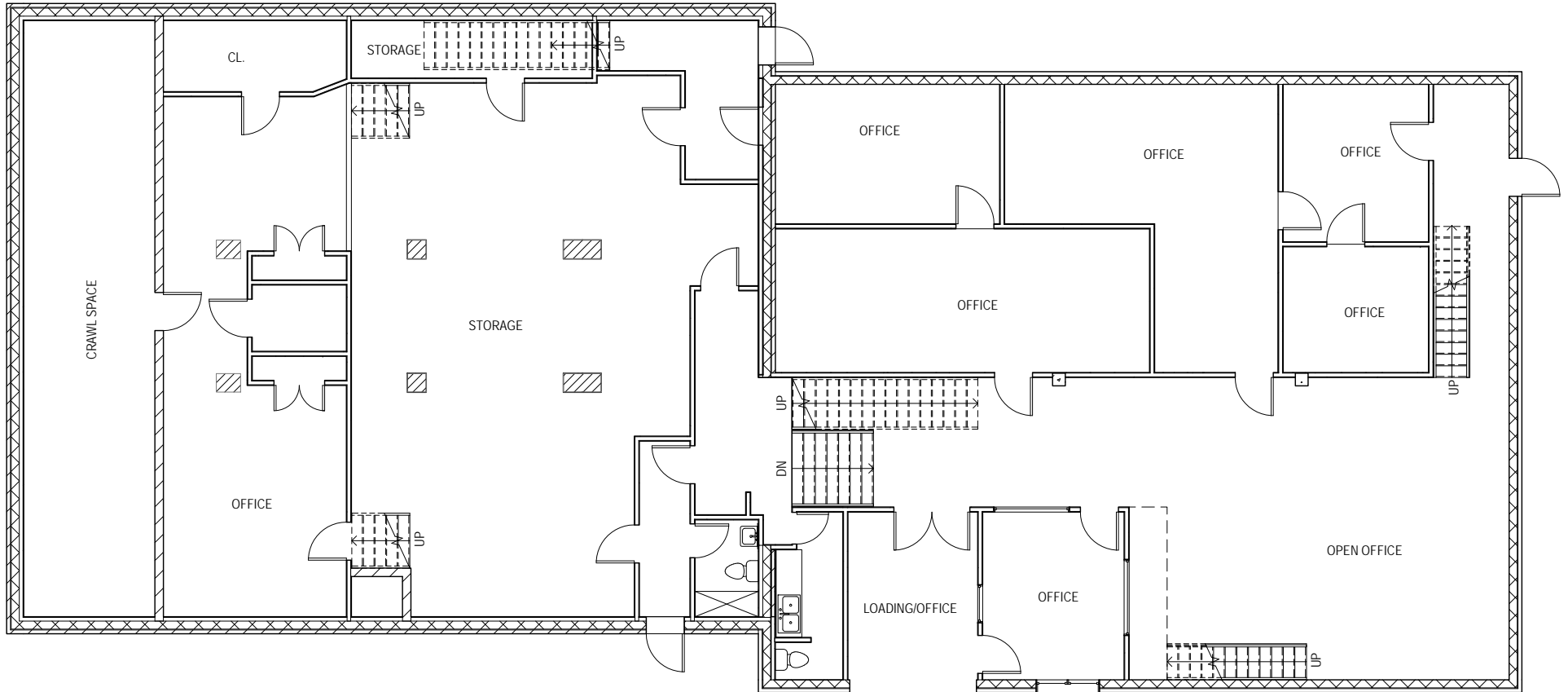
Map No: 81  
Jurisdiction: City



2-A-23-SU  
1/24/2023

SITE PLAN  
1" = 40'-0"

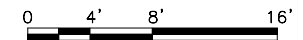




BASEMENT  
1/8" = 1'-0"

2-A-23-SU  
11/28/2022

WHOLE FLOOR IS ONE TENANT  
SPACE, APPROX. 6,000 SF.



**benefield • richters**

architecture + planning

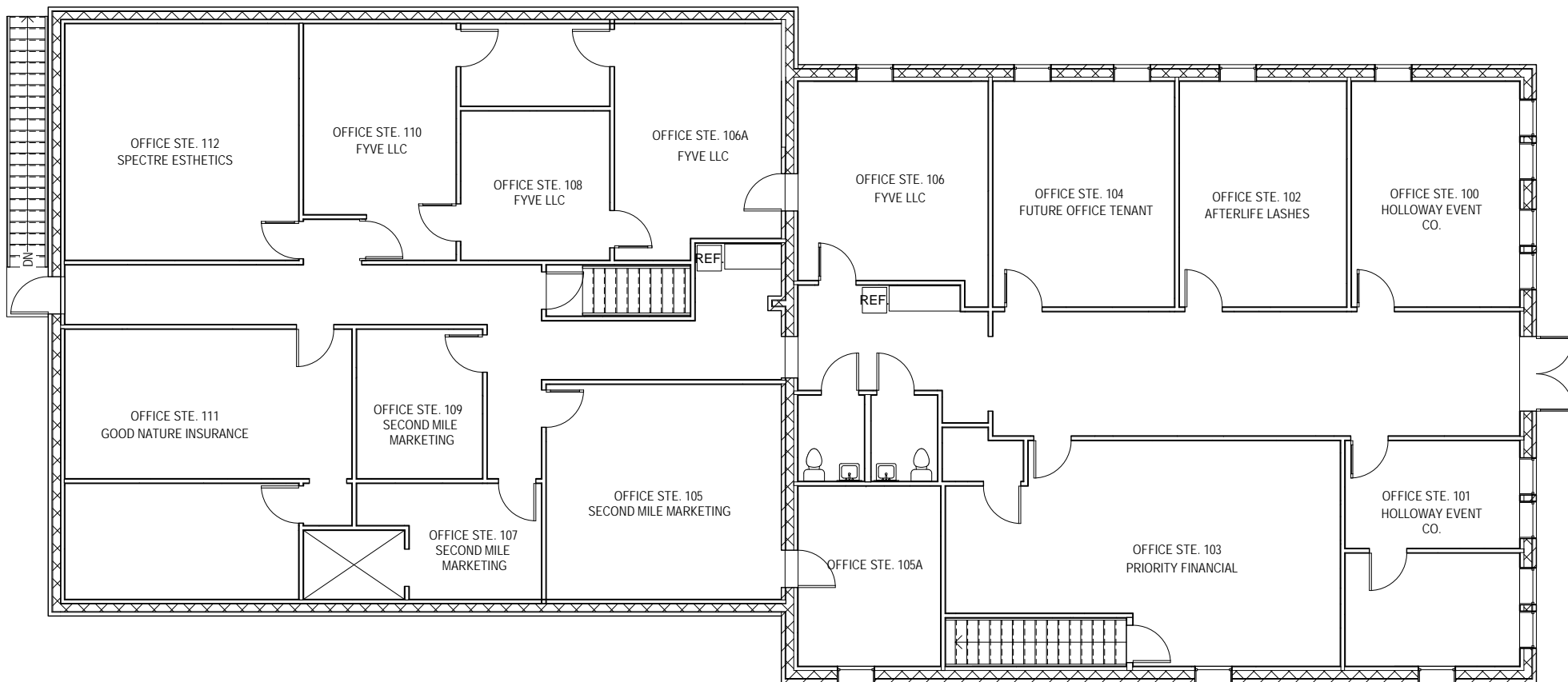
**428 E SCOTT AVE**  
**BASEMENT PLAN**

PROJECT NO.

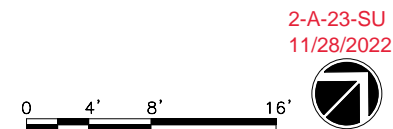
ISSUE DATE: 11/28/22

© the benefield richters company

A-1

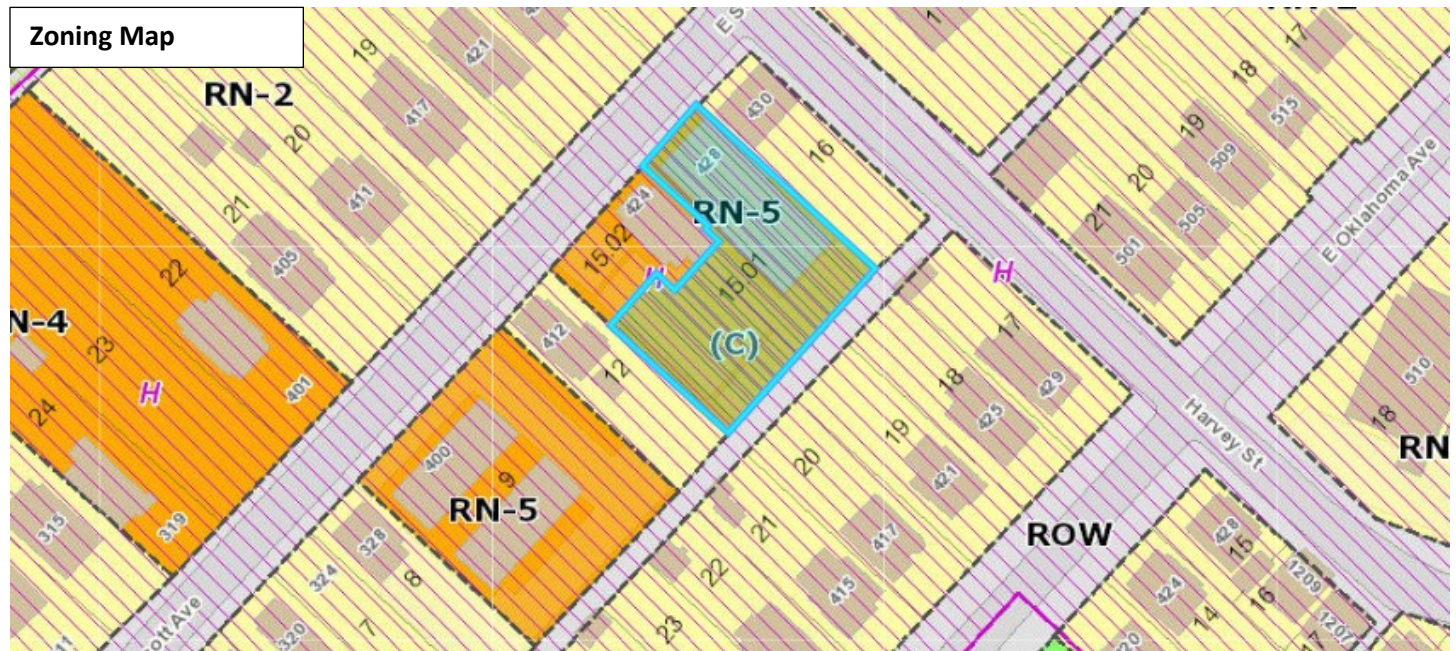


FIRST FLOOR PLAN  
1/8" = 1'-0"



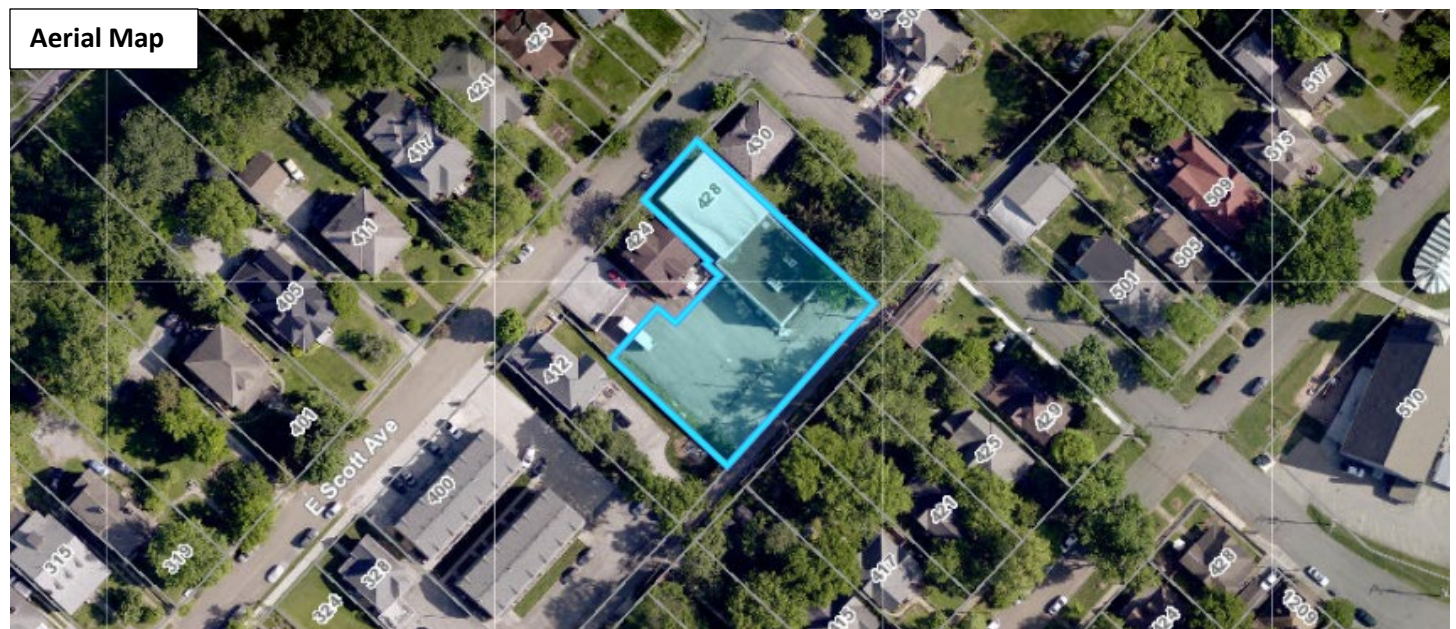
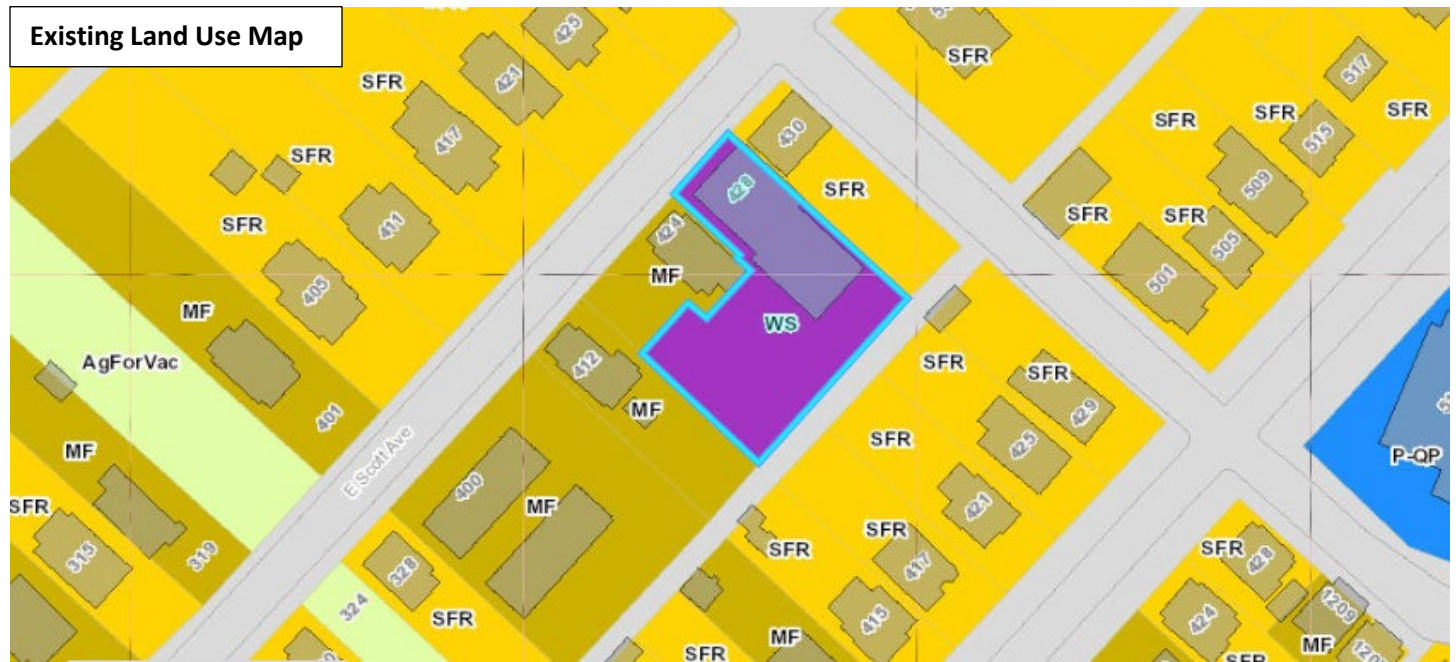


## Exhibit A. 2-A-23-SU Context Images





## Exhibit A. 2-A-23-SU Context Images



## Exhibit B. 2-A-23-SU, Zoning Letter



### Plans Review & Inspections Division

November, 23rd, 2022

Chris Cockerille  
428 E Scott Ave  
Knoxville, TN 37917

**RE: ZONING LETTER – 428 E Scott Ave - Parcel ID # 081LQ01501**

To whom it may concern:

The KGIS zoning map shows this property is currently zoned RN-5 (General Residential Neighborhood Zoning District) & (C) Previously Planned Development & (H) Historic Zoning Overlay District. I have enclosed a copy of the current zoning map.

The 1962 city directory shows an electrician office at this address. The Plans Review and Inspections Division will recognize the last legal use being office. Therefore a proposed office use will not have to go through the special use process, but will need to submit for plans review. Any other use shown in the neighborhood nonresidential reuse will need to go before Planning Commission as a special use.

Please attach this zoning letter when submitting for plans review so the zoning examiner will know of the determination made.

To the best of my knowledge, the information provided in this letter is correct, however if a more in-depth research is necessary, our records are available for public viewing.

Please contact me at (865) 215-3094 if you have additional questions.

Sincerely,

*Mike Robinson*

Mike Robinson  
Zoning Examiner – City of Knoxville  
Enclosures

City County Building • 400 Main Street • Suite 475 • Knoxville, TN 37902

Office: 865-215-3669 • [www.KnoxvilleTN.gov](http://www.KnoxvilleTN.gov)



# Development Request

## DEVELOPMENT

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

## SUBDIVISION

- ☐ Concept Plan  
☐ Final Plat

## ZONING

- ☐ Plan Amendment  
☐ Sector Plan  
☐ One Year Plan  
☐ Rezoning

**Amy Sherrill**

Applicant Name

Affiliation

**11/28/2022**

Date Filed

**2/9/2023**

Meeting Date (if applicable)

**2-A-23-SU**

File Number(s)

## CORRESPONDENCE

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

**Amy Sherrill Benefield Richters**

Name / Company

**902 N Central Street Knoxville TN 37917**

Address

**865-637-7009 / asherrill@benefieldrichters.com**

Phone / Email

## CURRENT PROPERTY INFO

**Market Scott LLC**

Owner Name (if different)

**105 Center Park Dr Ste 104 Knoxville TN 37922**

Owner Address

**865-719-9989**

Owner Phone / Email

**428 E SCOTT AVE**

Property Address

**81 L Q 015.01**

Parcel ID

Part of Parcel (Y/N)?

**18633 square feet**

Tract Size

**Knoxville Utilities Board**

Sewer Provider

**Knoxville Utilities Board**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**Southeast side of E. Scott Ave, southwest of Harvey St**

General Location

☒ City

**Council District 4**

**RN-5 (General Residential Neighborhood), H (Historic Overlay)**

**Wholesale**

☐ Count

District

Zoning District

Existing Land Use

**Central City**

Planning Sector

**TDR (Traditional Neighborhood Residential)**

Sector Plan Land Use Classification

**N/A (Within City Limits)**

Growth Policy Plan Designation

**DEVELOPMENT REQUEST**

- ☐ Development Plan   ☐ Planned Development   ☒ Use on Review / Special Use  
☐ Hillside Protection COA   ☐ Residential   ☒ Non-residential

Home Occupation (specify) \_\_\_\_\_

Other (specify) **Neighborhood Nonresidential Reuse for office and personal services uses**

Related City Permit Number(s)

**SUBDIVISION REQUEST**

Proposed Subdivision Name \_\_\_\_\_

Related Rezoning File Number

Unit / Phase Number \_\_\_\_\_

Total Number of Lots Created \_\_\_\_\_

Additional Information \_\_\_\_\_

- ☐
- Attachments / Additional Requirements

**ZONING REQUEST**

- ☐
- Zoning Change \_\_\_\_\_

Proposed Zoning \_\_\_\_\_

Pending Plat File Number

- ☐
- Plan
- 
- Amendment \_\_\_\_\_

Proposed Plan Designation(s) \_\_\_\_\_

Proposed Density (units/acre)   Previous Zoning Requests

Additional Information \_\_\_\_\_

**STAFF USE ONLY****PLAT TYPE**

- ☐
- Staff Review
- ☐
- Planning Commission

**ATTACHMENTS**

- ☐
- Property Owners / Option Holders
- ☐
- Variance Request

**ADDITIONAL REQUIREMENTS**

- ☐ COA Checklist (Hillside Protection)  
☐ Design Plan Certification (Final Plat)  
☒ Site Plan (Development Request)  
☐ Traffic Impact Study  
☐ Use on Review / Special Use (Concept Plan)

Fee 1

**\$1,600.00**

Total

Fee 2

Fee 3

**AUTHORIZATION****Amy Sherrill****11/28/2022**

Applicant Signature

Please Print

Date

Phone / Email

**Market Scott LLC****11/28/2022**

Property Owner Signature

Please Print

Date

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.





# 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

Amy Sherrill

Architect

Applicant Name

Affiliation

11/21/2022

2/9/2023

~~1/12/2023~~

File Number(s)

Date Filed

Meeting Date (if applicable)

2-A-23-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

Amy Sherrill

the Benefield Richters Company

Name

Company

902 N Central St

Knoxville

TN

37917

Address

City

State

ZIP

865-637-7009

asherrill@benefieldrichters.com

Phone

Email

## CURRENT PROPERTY INFO

MARKET SCOTT LLC

105 CENTER PARK DRIVE 104 37922

816-719-9989

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

428 E Scott Ave

081LQ01501

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

Southeast side of E. Scott Ave, southwest of Harvey St

18,634 sqft

General Location

Tract Size

☒ City ☐ County

4th

RN-5 pending / H

Office / Warehouse

District

Zoning District

Existing Land Use

Central City

TDR

N/A

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

August 29, 2022



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

Home Occupation (specify) \_\_\_\_\_

(Neighborhood Nonresidential Reuse)

NNR Existing Comm Bldg, Tenants: Office and Personal Services

Other (specify) \_\_\_\_\_

Related City Permit Number(s)

**SUBDIVISION REQUEST**

Proposed Subdivision Name \_\_\_\_\_

☐ Combine Parcels ☐ Divide Parcel

Unit / Phase Number \_\_\_\_\_

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

0405

Special Use -  
Nonresidential Use

Total

Fee 2

Fee 3

\$1,600

MR

**AUTHORIZATION**

Applicant Signature

Amy Sherrill

Please Print

11/22/2023

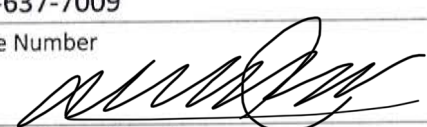
Date

865-637-7009

Phone Number

asherrill@benefieldrichters.com

Email

  
Property Owner Signature

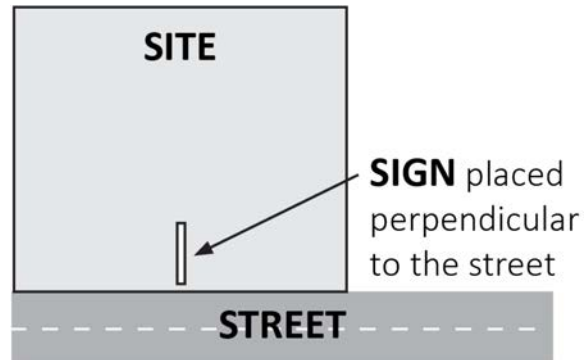
Oded shainin. 11-28-22

Please Print

Date

I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.

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:***

\_\_\_\_\_ 1/27/23 \_\_\_\_\_ and \_\_\_\_\_ 2/10/23 \_\_\_\_\_  
 (applicant or staff to post sign) (applicant to remove sign)

**Applicant Name:** Amy Sherrill

**Date:** 11/28/22

**File Number:** 2-A-23-SU

☒

Sign posted by Staff

☐

Sign posted by Applicant