

# CASE SUMMARY

**APPLICATION TYPE: USE ON REVIEW**

KNOXVILLE-KNOX COUNTY

**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N

T E N N E S S E E

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**File Number:** 2-A-14-UR                      **Related File Number:**  
**Application Filed:** 12/27/2013              **Date of Revision:**  
**Applicant:** HARDEE'S RESTAURANTS, LLC

## PROPERTY INFORMATION

**General Location:** East side of N. Cedar Bluff Rd., north of Kingston Pike.  
**Other Parcel Info.:**  
**Tax ID Number:** 132 02810                      **Jurisdiction:** City  
**Size of Tract:** 0.95 acres  
**Accessibility:** The primary access to the site will be via the internal access driveway system serving the Kingston Corner Subdivision with access out to N. Cedar Bluff Rd. and Kingston Pike, both of which are 6 lane median divided arterial streets at this location.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Restaurant                      **Density:**  
**Sector Plan:** Southwest County              **Sector Plan Designation:** Commercial  
**Growth Policy Plan:** Urban Growth Area  
**Neighborhood Context:** This site is located in an area that is dominated by shopping centers and general commercial uses. The zoning in the area is O-1, C-3, C-6, SC, SC-3, PC-1 and PC-2 commercial zones.

## ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

**Street:**  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** PC-1 (Retail and Office Park)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** Property was rezoned to PC-1 (Retail and Office Park) on November 17, 2009.

## PLAN INFORMATION (where applicable)

**Current Plan Category:**

Requested Plan Category:

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:                      No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**MPC ACTION AND DISPOSITION**

Planner In Charge: Tom Brechko

Staff Recomm. (Abbr.): APPROVE the request for a restaurant containing approximately 3,037 square feet of floor area as shown on the development plan, subject to 9 conditions

Staff Recomm. (Full):

1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
2. Meeting all applicable requirements of the Knoxville Zoning Ordinance
3. An occupancy permit shall not be issued for this development until the internal access driveways serving the Kingston Corner Commercial Subdivision and any required off-site street improvements are installed by the developer and approved by the Knoxville Department of Engineering. If the driveway and street improvements are phased for the subdivision, the access driveways that adjoin this site must be completed prior to issuance of the occupancy permit.
4. An occupancy permit shall not be issued for this development until the stormwater facilities serving the Kingston Corner Commercial Subdivision and this proposed development are installed by the developer and approved by the Knoxville Department of Engineering.
5. Obtaining approval from the Knoxville Department of Engineering on the final design details for the right-in/right-out only access to the main access drive to N. Cedar Bluff Rd. for Kingston Corner Subdivision.
6. Meeting all applicable requirements of the Knoxville Department of Engineering.
7. Installation of landscaping as shown on the landscape plan within six months of the issuance of an occupancy permit for this project.
8. Meeting all applicable requirements of the Knoxville City Arborist.
9. Proposed signage subject to approval by the Planning Commission staff and Knoxville's Sign Enforcement Inspector.

With the conditions noted, this plan meets the requirements for approval of a use on review in the PC-1 District.

Comments: The applicant is proposing to develop a Hardee's restaurant with approximately 3,037 square feet of floor area on a 0.95 acre lot that is a part of the Kingston Corner Commercial Subdivision. The site is located on the east side of N. Cedar Bluff Rd., north of Kingston Pike. While the lot has frontage along N. Cedar Bluff Rd., there will be no direct access from the site to the arterial street. Access to the site will be through the driveway network for the commercial subdivision which provides access to N. Cedar Bluff Rd. and Kingston Pike. The lot is located on the north side of the main access drive to N. Cedar Bluff Rd. at the signalized intersection.

Stormwater management for this site will be tied into the overall stormwater system for the subdivision. The applicant has submitted plans for a 12' high monument sign for the restaurant along the N. Cedar Bluff Rd. frontage.

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

1. All public utilities are available to serve the site.
2. The traffic impact study that had been prepared for the Kingston Corner Commercial Subdivision recommended improvements that will address the traffic impacts of this development.
3. The proposed restaurant is compatible with the scale and intensity of the surrounding development and zoning pattern.

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

1. With the recommended conditions, the proposal meets all requirements of the PC-1 zoning as well as the general criteria for approval of a use on review.
2. The proposed commercial development with the recommended conditions is consistent with the following general standards for uses permitted on review: The proposal is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas since the development is located off of two arterial streets. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.

**CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS**

1. The Knoxville One Year Plan the Southwest County Sector Plan propose commercial use for this site.
2. The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

**Action:** Approved **Meeting Date:** 2/13/2014

**Details of Action:**

**Summary of Action:** APPROVE the request for a restaurant containing approximately 3,037 square feet of floor area as shown on the development plan, subject to 9 conditions

**Date of Approval:** 2/13/2014 **Date of Denial:** **Postponements:**

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

***LEGISLATIVE ACTION AND DISPOSITION***

**Legislative Body:** Knoxville City Council

**Date of Legislative Action:** **Date of Legislative Action, Second Reading:**

**Ordinance Number:** **Other Ordinance Number References:**

**Disposition of Case:** **Disposition of Case, Second Reading:**

**If "Other":** **If "Other":**

**Amendments:** **Amendments:**

**Date of Legislative Appeal:** **Effective Date of Ordinance:**