

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

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
F A X • 215 • 2068
www.knoxmpc.org

File Number: 5-F-10-UR **Related File Number:**
Application Filed: 3/29/2010 **Date of Revision:**
Applicant: SONIC RESTAURANTS, INC.

PROPERTY INFORMATION

General Location: West side of N. Broadway, north side of Knox Rd.
Other Parcel Info.:
Tax ID Number: 58 K C 00701 **Jurisdiction:** City
Size of Tract: 0.55 acres
Accessibility: Access is via N. Broadway, a five lane arterial street with a pavement width of 53' within a 90' wide right-of-way and by Knox Rd., a collector street with a pavement width of 30' within a 40' right-of-way

GENERAL LAND USE INFORMATION

Existing Land Use: Drive-in / drive-through restaurant
Surrounding Land Use:
Proposed Use: Drive-in / drive-through restaurant **Density:**
Sector Plan: North City **Sector Plan Designation:** MU-SD (Mixed Use)
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: The property in the vicinity of this site is zoned C-1 and C-3 commercial, O-1 office and R-1 and R-2 residential. The site is located in the heart of the Fountain City / N. Broadway commercial corridor. Detached dwellings are located to the east of the site along Gibbs Dr.

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

Street: 5101 N Broadway
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: Development plans have been approved for this site in 1980, 1993 & 1997

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: Dan Kelly

Staff Recomm. (Abbr.): APPROVE the plan for a drive-in/drive-through restaurant at this location as shown on the development plan subject to 10 conditions

Staff Recomm. (Full):

1. Obtaining the needed peripheral boundary setback variance and withdrawing the variance request to permit the proposed canopy to extend into the setback that is scheduled to be heard by the Knoxville Board of Zoning Appeals on May 20, 2010
2. Meeting all parking and signage requirements of the Knoxville Zoning Ordinance
3. Meeting all other applicable requirements of the Knoxville Zoning Ordinance
4. Meeting all applicable requirements of the City of Knoxville Engineering Dept.
5. Construction of the sidewalks as shown on the development plan. All sidewalk construction must be ADA compliant
6. Coordinate maintenance of the sidewalks that are being built on private property with the City of Knoxville either by granting the City an easement or dedicating the sidewalks to the City
7. Installing all of the proposed landscaping shown on the plan prior to the issuance of an occupancy permit for the building
8. Supplying MPC staff with a set of protective covenants as called for in the PC-1 (Retail and Distribution Park) zoning district regulations
9. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Dept.
10. A revised site plan reflecting the conditions of approval must be submitted to MPC for certification prior to obtaining any site development permits or building permits

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

Comments: The plan before the MPC at this time proposes a total renovation of the Sonic Restaurant. This site has been the subject of a number of use on review requests dating back to 1980. A development plan for a Checkers restaurant was approved in 1993. The existing Sonic Restaurant was approved by MPC in 1997.

The applicant is proposing to demolish the existing 1504 square foot build and replace it with a slightly smaller 1450 square foot building. Additionally, they are proposing four new canopy covered parking/service stalls. The existing covered spaces will remain but a new canopy will be installed replacing the existing canopy. The existing driveways and the free standing sign will remain in their present location. The new building will be brick veneered in order to be compatible with the new Kroger supermarket that was built on the adjoining site. In addition to redeveloping the site for the proposed restaurant, the applicant will extend the sidewalk along Broadway to the current crosswalk. The existing sidewalk along Knox Rd. will also be extended across this site. All sidewalk constructing will be required to be ADA compliant.

At the time the new Kroger store was developed this site was zoned PC-1 (Retail and Office Park) district. It was known at the time the rezoning was being considered, due to the small size if the site, that all requirements of the PC-1 zone could not be met. At that time it was deemed more important that a zoning district that requires plan review through the use on review process should be maintained for this location. As a result of the rezoning the staff has been able to get the applicant to include the sidewalks as part of the project. However, a variance in the required peripheral boundary setback will be required for this project to move forward. If MPC approves the redevelopment of this site, staff will support the needed variance at the Knoxville Board of Zoning Appeals. An additional variance that would permit the proposed new canopy to encroach into the setback was requested. Staff told the applicant that it would not support that request. The applicant has since changed their plans making

that variance no longer needed.

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

1. Public water and sewer utilities are available in the area to serve this site.
2. The proposed development is compatible with the scale and intensity of the surrounding development and zoning pattern.
3. The proposed building materials are compatible with the surrounding development

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. With the recommended conditions, the proposal meets all requirements of the PC-1 zoning district as well as the general criteria for approval of a use on review.
2. The proposed restaurant development 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. No surrounding land uses will pose a hazard or create and unsuitable environment for the proposed use.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The North City Sector Plan and Knoxville One Year Plan propose commercial uses for the site. The proposed use is consistent with the PC-1 zoning district and sector plan designation.

Action: Approved **Meeting Date:** 5/13/2010

Details of Action:

Summary of Action: APPROVE the plan for a drive-in/drive-through restaurant at this location as shown on the development plan subject to 10 conditions

Date of Approval: 5/13/2010 **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:**