

CASE SUMMARY

APPLICATION TYPE: REZONING

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: 6-F-12-RZ **Related File Number:**
Application Filed: 5/8/2012 **Date of Revision:**
Applicant: BOJANGLES RESTAURANT, INC.

PROPERTY INFORMATION

General Location: Southeast side Middlebrook Pike, northeast side E. Weisgarber Rd.
Other Parcel Info.:
Tax ID Number: 107 H A 001 **Jurisdiction:** City
Size of Tract: 1.67 acres
Accessibility: Access is via Middlebrook Pike, a major arterial street with 4 lanes and a center median within 120' of right-of-way, or East Weisgarber Rd., a minor arterial street with 4 lanes within 140' of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Restaurant with drive-through service **Density:**
Sector Plan: Northwest City **Sector Plan Designation:** Commercial
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: This area is developed with a mix of non-residential uses, under I-3, O-2, I-2 and C-6 zoning.

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

Street: 5916 Middlebrook Pike
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: I-3 (General Industrial)
Former Zoning:
Requested Zoning: C-3 (General Commercial)
Previous Requests: None noted
Extension of Zone: No
History of Zoning: None noted

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:

Michael Brusseau

Staff Recomm. (Abbr.):

RECOMMEND that City Council APPROVE C-3 (General Commercial) zoning.

Staff Recomm. (Full):

C-3 zoning is consistent with both the One Year Plan and sector plan proposals for the property and is appropriate at the intersection of two arterial streets in an area developed primarily with large-scale, high employment businesses

Comments:

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. The proposed C-3 zoning is compatible with the scale and intensity of the surrounding development and zoning pattern.
2. The location of the property at the intersection of two arterial streets is appropriate for C-3 uses. The business could attract through traffic, as well as employees from the numerous surrounding businesses.
3. The sector plan proposes commercial uses for the property. The One Year Plan proposes mixed uses, limited to light industrial, general commercial and office uses. C-3 zoning is consistent with both of those proposals.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The C-3 zone, as described in the zoning ordinance, is for personal and business services and general retail businesses. This zoning category is intended to include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant land. Further, the regulations are designed to guide future change so as to discourage formation of future commercial slums, to preserve the carrying capacity of the streets, and to provide for off-street parking and loading. It is not the intent of this district to encourage the extension of existing strip commercial areas, but rather to provide concentrations of general commercial activities.
2. Based on the above general intent, this site is appropriate for C-3 development.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. The proposal would have no impact on schools. The impact on the street system would depend on the type of commercial development proposed. Water and sewer utilities are in place to serve the site.
2. The proposal is compatible with surrounding development and zoning, so the impact on adjacent properties should be minimal. Commercial zoning and uses are located to the northwest of the site, under C-6 zoning.
3. The area is developed primarily with warehouse/distribution businesses which will not be negatively impacted by commercial development of this site. No other area of the County will be impacted by this rezoning request.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Northwest City Sector Plan proposes commercial uses for this site, consistent with the proposed C-3 zoning.
2. The One Year Plan proposes mixed uses, including general commercial, consistent with the proposal.
3. This site is located within the Urban Growth Area (inside the City) on the Knoxville-Knox County-Farragut Growth Policy Plan.

4. This proposal does not present any apparent conflicts with any other adopted plans.

Action: Approved **Meeting Date:** 6/14/2012

Details of Action:

Summary of Action: C-3 (General Commercial)

Date of Approval: 6/14/2012 **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: 7/10/2012

Date of Legislative Action, Second Reading: 7/24/2012

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Approved

Disposition of Case, Second Reading: Approved

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: