

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: 7-B-09-UR

Related File Number:

Application Filed: 5/26/2009

Date of Revision:

Applicant: CEDAR BLUFF LAND PARTNERS, LLC

PROPERTY INFORMATION

General Location: West side of N Cedar Bluff Rd., west end of Fox Lonas Rd.

Other Parcel Info.:

Tax ID Number: 119 H F 014

Jurisdiction: County

Size of Tract: 0.821 acres

Accessibility: Access is via N. Cedar Bluff Rd., a major arterial street with 4 lanes and a center turning lane and 60' of pavement width within 80' of right of way. The site's driveway lines up with Fox Lonas Dr., a minor collector street to the east, which has a traffic signal at its intersection with N. Cedar Bluff Rd.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant commercial building

Surrounding Land Use:

Proposed Use: Restaurant with drive thru window

Density:

Sector Plan: Northwest County

Sector Plan Designation: Neighborhood Commercial

Growth Policy Plan: Planned Growth Area

Neighborhood Context: This area of N. Cedar Bluff Rd. north of Dutchtown Rd. has been developed with office and residential uses, as well as a large church campus, under A, RA, RAE, RP-1, OA and OB zoning. Most commercial development along N. Cedar Bluff Rd. has occurred to the south, south of Dutchtown Rd. and to the north, near the intersection with Middlebrook Pike, under various commercial zones.

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

Street: 513 N Cedar Bluff Rd

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

ZONING INFORMATION (where applicable)

Current Zoning: CN (Neighborhood Commercial)

Former Zoning:

Requested Zoning:

Previous Requests:

Extension of Zone:

History of Zoning: Property rezoned to CN (Neighborhood Commercial) on July 24, 2006.

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 development plan for a proposed Popeye's restaurant with a drive thru window, subject to the following 9 conditions:

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Meeting all applicable requirements of the Knox County Health Department.
3. Revising the development plan to change the designation of the 931.87' contour from "Maximum Ponding Elevation" to "Closed Contour for Sinkhole"
4. Submitting a geotechnical report prepared by a registered engineer to the Knox County Department of Engineering and Public Works to determine soil stability in the area of the proposed restaurant building. The report is subject to review and approval by the County prior to any building permit being issued. Engineered footings will be required for this area.
5. Obtaining approval of a variance from the Knox County Board of Zoning Appeals for locating the proposed building within the closed contour for the sinkhole.
6. Implementation of Traffic Impact Study recommendations subject to approval of the timing of the improvements by the Knox County Department of Engineering and Public Works.
7. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
8. Installation of landscaping as shown on the development plan within six months of the issuance of occupancy permit for this project, or posting a bond with the Knox County Department of Engineering and Public Works to cover the improvements.
9. Meeting all applicable requirements and obtaining all required permits from the Tennessee Department of Environment and Conservation for development activity within the sinkhole.

With the conditions noted above, this requests meets the requirements for approval of a restaurant with a drive thru window in the CN zone and other criteria for a use on review.

Comments:

The applicant is proposing to develop this 0.821 acre site with a 2200 square foot fast food restaurant with a drive thru window. Restaurants can be permitted in the CN (Neighborhood Commercial) zoning district through the use-on-review process. Access to the site is from the west side of N. Cedar Bluff Rd. at the intersection with Fox Lonas Rd.

A Traffic Impact Study was conducted for the proposed restaurant. The site is located on the west side of the signalized intersection of N Cedar Bluff Rd. and Fox Lonas Rd. The study concluded that the proposed development will not create an unacceptable impact at the signalized intersection. Minor changes are proposed at the intersection that would require new or revised signage and lane striping (see attachment).

To address concerns on flooding in the area, an initial analysis was prepared by a geotechnical engineer and submitted to the Knox County Department of Engineering and Public Works regarding the proposed stormwater management plan for the site (See attached letter from GEOServices). Based on recommendations from the Ogden flood study prepared for Knox County in 1998, the applicant is proposing to install an injection well at the sinkhole throat on the site. It is believed that improving infiltration into the aquifer will help decrease the potential for flooding at the site. Since the County's Stormwater Ordinance does not allow buildings within the closed contour area of the site, the applicant will have to obtain a variance from the Knox County Board of Zoning Appeals to be able to move forward with this proposed development.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTIES AND

THE COMMUNITY AS A WHOLE

1. As identified in the Traffic Impact Study for the proposed development, installation of the minor improvements at the signalized intersection of N Cedar Bluff Rd. and Fox Lonas Rd. should offset any impacts from the proposed development.
2. Public water and sewer utilities are available to serve the development.
3. It is believed that improving infiltration into the aquifer as proposed in the stormwater management plan will help decrease the potential for flooding at the site.
4. The proposal will have no impact on schools.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE AND KNOX COUNTY ZONING ORDINANCES

1. With the recommended conditions, the proposed restaurant with a drive thru window meets the requirements of the Knox County Zoning Ordinance.
2. The proposed restaurant with a drive thru window is consistent with the general standards for uses permitted on review: The proposed development 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. With the proposed landscaping, the additional parking will not significantly injure the value of adjacent property.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Northwest County Sector Plan proposes neighborhood commercial uses for this site. Under the Zoning Ordinance restaurants can be considered through the use-on-review process.
2. The site is located within the Planned Growth Area of the Knoxville-Knox County-Farragut Growth Policy Plan.

Action: Approved **Meeting Date:** 8/13/2009

Details of Action:

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Meeting all applicable requirements of the Knox County Health Department.
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Summary of Action: APPROVE the development plan for a proposed Popeye's restaurant with a drive thru window, subject to 9 conditions:

Date of Approval: 8/13/2009 **Date of Denial:** **Postponements:** 7/9/2009

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Board of Zoning Appeals

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":

Amendments:

Date of Legislative Appeal:

If "Other":

Amendments:

Effective Date of Ordinance: