

▶ **FILE #:** 12-B-12-RZ

**AGENDA ITEM #:** 23

**AGENDA DATE:** 12/13/2012

▶ **APPLICANT:** FRANCIS DE LA ROCHA

OWNER(S): Shoney's of Knoxville, Inc.

TAX ID NUMBER: 131 02901 PORTION ZONED I

JURISDICTION: County Commission District 5

▶ **LOCATION:** Southwest side Lovell Rd., southeast of I-40/75

▶ **APPX. SIZE OF TRACT:** 1.28 acres

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

ACCESSIBILITY: Access is via Lovell Rd., a minor arterial street with 60-80' of pavement width within 50-90' of right-of-way.

UTILITIES: Water Source: First Knox Utility District  
 Sewer Source: First Knox Utility District

WATERSHED: Turkey Creek

▶ **PRESENT ZONING:** I (Industrial)

▶ **ZONING REQUESTED:** CA (General Business)

▶ **EXISTING LAND USE:** Restaurant

▶ **PROPOSED USE:** Restaurant with liquor and beer

EXTENSION OF ZONE: Not an extension of CA, but there is City C-3 zoning to the northwest and County CH zoning to the northeast.

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Gas station, convenience store / C-3 (General Commercial)  
 South: Vacant land / OS-1 (Open Space Preservation)  
 East: Office building / CH (Highway Commercial)  
 West: Vacant land, floodway / OS-1 (Open Space Preservation)

NEIGHBORHOOD CONTEXT: The properties fronting along this section of Lovell Rd. between I-40/75 and Parkside Dr. are developed with a mix of commercial and office uses under various City and County zoning districts.

**STAFF RECOMMENDATION:**

▶ **RECOMMEND that County Commission APPROVE CA (General Business) zoning.**

CA is a logical extension of commercial zoning from the northwest and northeast of this site, which is located along a minor arterial street, just south of the Lovell Rd./I-40/75 interchange.

**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. CA is a logical extension of commercial zoning from the northwest and northeast.
2. CA zoning is compatible with the surrounding land uses and zoning pattern.

3. According to the applicant, CA zoning is required for a restaurant to serve liquor and beer, as proposed.

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

1. The requested CA zoning district is for general retail business and services, but not for manufacturing or for processing materials.
2. The subject property is clearly appropriate for CA zoning and uses.

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 will have no impact on schools, and the traffic impact will depend on the type of use that is proposed. The applicant is proposing a restaurant that serves liquor and beer. Traffic generation should be similar to the previous use, which was also a restaurant (Shoney's).
2. CA zoning is compatible with surrounding development and should have a minimal impact on adjacent properties.
3. Public water and sanitary sewer utilities are available to serve the site.

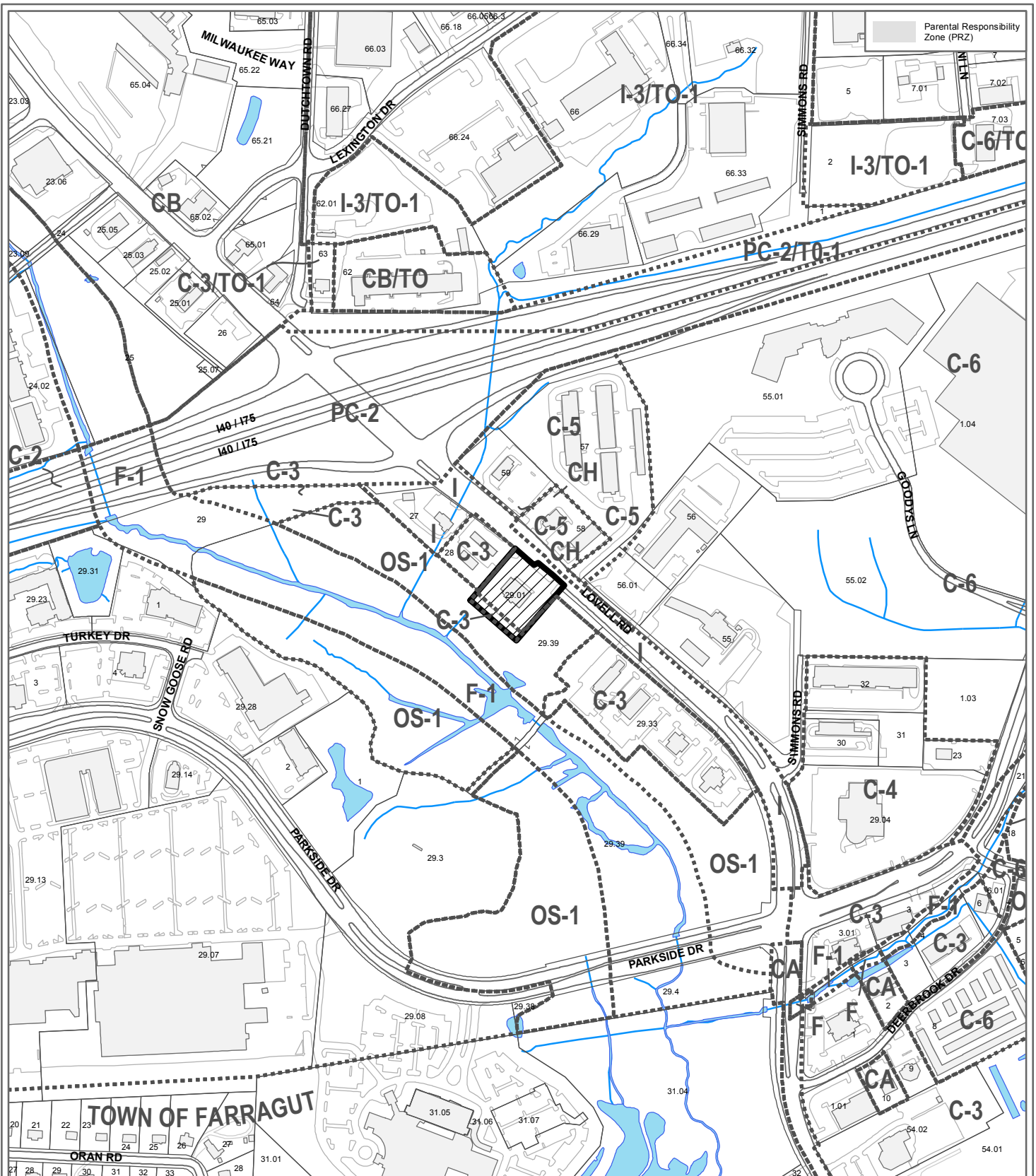
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Southwest County Sector Plan proposes commercial uses for this site, consistent with the proposed CA zoning.
2. The site is located within the Urban Growth Area of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. The proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 1/28/2013. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



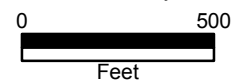
**12-B-12-RZ  
REZONING**

From: I (Industrial)  
To: CA (General Business)



Petitioner: De La Rocha, Francis

Map No: 131  
Jurisdiction: County



Original Print Date: 11/19/2012      Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902