

▶ **FILE #:** 6-F-12-RZ

AGENDA ITEM #: 27

AGENDA DATE: 6/14/2012

▶ **APPLICANT:** **BOJANGLES RESTAURANT, INC.**

OWNER(S): Claude Clark

TAX ID NUMBER: 107 H A 001

JURISDICTION: City Council District 2

▶ **LOCATION:** **Southeast side Middlebrook Pike, northeast side E. Weisgarber Rd.**

▶ **APPX. SIZE OF TRACT:** **1.67 acres**

SECTOR PLAN: Northwest City

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

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.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Fourth Creek

▶ **PRESENT ZONING:** **I-3 (General Industrial)**

▶ **ZONING REQUESTED:** **C-3 (General Commercial)**

▶ **EXISTING LAND USE:** **Vacant land**

▶ **PROPOSED USE:** **Restaurant with drive-through service**

EXTENSION OF ZONE: No

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Middlebrook Pike - Warehouse/distribution businesses / I-3 (General Industrial)

South: Warehouse/distribution businesses / I-3 (General Industrial)

East: Warehouse/distribution businesses / I-3 (General Industrial)

West: East Weisgarber Rd. - U.S. Post Office / O-2 (Civic & Institutional)

NEIGHBORHOOD CONTEXT: This area is developed with a mix of non-residential uses, under I-3, O-2, I-2 and C-6 zoning.

STAFF RECOMMENDATION:

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

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.

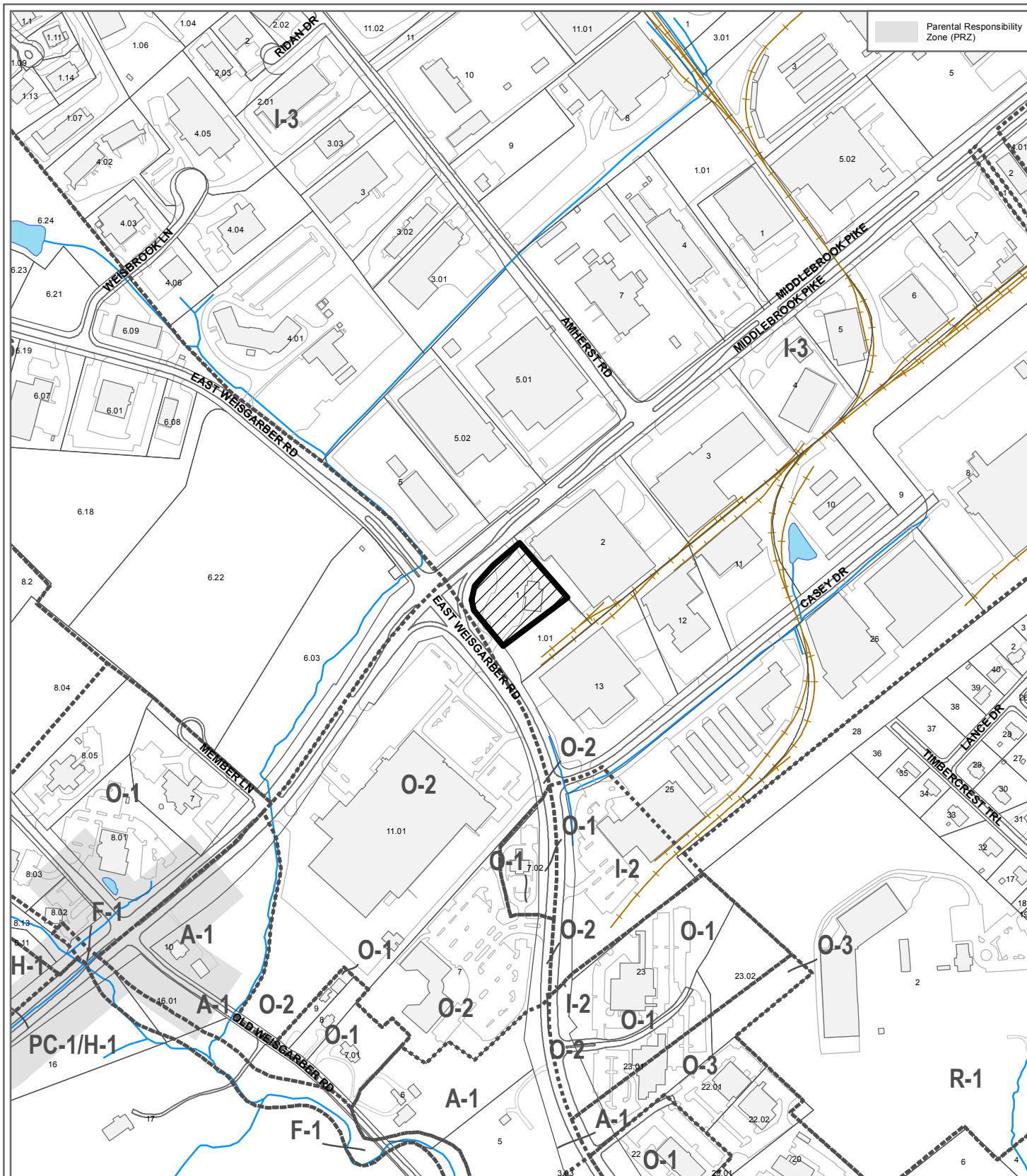
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

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.

ESTIMATED TRAFFIC IMPACT: Not calculated.

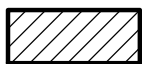
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 7/10/2012 and 7/24/2012. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**6-F-12-RZ
REZONING**

From: I-3 (General Industrial)
To: C-3 (General Commercial)



Original Print Date: 5/22/2012
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Bojangles Restaurant, Inc.

Map No: 107
Jurisdiction: City

