

▶ **FILE #:** 4-H-14-RZ

AGENDA ITEM #: 37

AGENDA DATE: 4/10/2014

▶ **APPLICANT:** MCDONALD'S USA, LLC

OWNER(S): C. Nadine Perry

TAX ID NUMBER: 119 02103

JURISDICTION: City Council District 2

STREET ADDRESS: 322 N Cedar Bluff Rd

▶ **LOCATION:** East side N. Cedar Bluff Rd., north side Cross Park Dr.

▶ **APPX. SIZE OF TRACT:** 1 acres

SECTOR PLAN: Northwest County

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

ACCESSIBILITY: Access is via N. Cedar Bluff Rd., a major arterial street with 4 lanes and a center turn lane and 60' of pavement width within 90' of right-of-way, or Cross Park Dr., a major collector street with 24' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Ten Mile Creek

▶ **PRESENT ZONING:** PC-1 (Retail and Office Park)

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

▶ **EXISTING LAND USE:** McDonald's restaurant

▶ **PROPOSED USE:** Renovated McDonald's restaurant

EXTENSION OF ZONE: Yes, extension of C-3 from three sides

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Bank / C-3 (General Commercial)

South: Cross Park Dr. - Office building / PC (Planned Commercial)

East: Law offices / C-3 (General Commercial)

West: N. Cedar Bluff Rd. - Hotel / C-3 (General Commercial)

NEIGHBORHOOD CONTEXT: This area is developed with office and commercial uses under C-3, PC-1, C-6, CA, CH and PC 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 an extension of C-3 zoning from three sides.

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 a major arterial and a major collector street makes it appropriate for C-3 uses.
3. The proposal is consistent with the One Year and sector plan proposals for the site, and C-3 is a logical extension of zoning from three sides.

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 or office zoning and uses are located on all sides of the subject property.
3. The surrounding area is developed primarily with commercial and office uses 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.
4. The applicant is proposing to tear down and rebuild the existing McDonald's on site. The current PC-1 zoning has a required 50 foot peripheral setback, which would apply along all parcel lines, limiting the developable area when new permits are applied for. The C-3 zoning will allow redevelopment of the site similar to the existing conditions. It is staff's understanding that the current McDonald's is deemed as legal, non-conforming in regards to setbacks. That legal status would no longer apply when the existing building is torn down, so the applicant is seeking to rezone the property C-3 prior to seeking permits for the new structure.

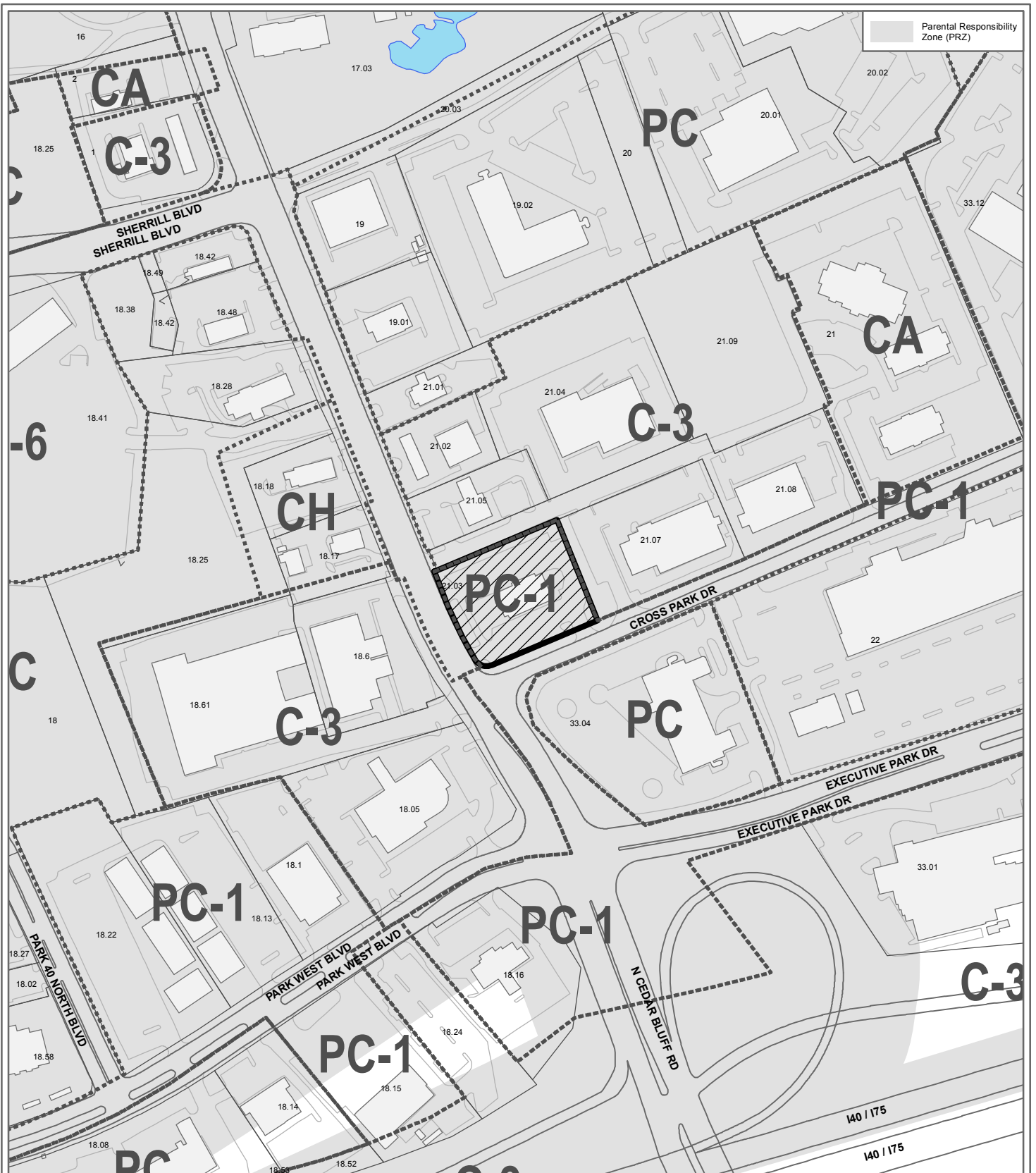
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Northwest County Sector Plan proposes commercial uses for this site, consistent with the proposed C-3 zoning.
2. The City of Knoxville One Year Plan proposes Mixed Uses, limited to general commercial, office and medium density residential uses, consistent with C-3 zoning.
3. The site is located within the City of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. The proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

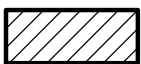
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/13/2014 and 5/27/2014. 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.



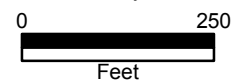
**4-H-14-RZ
REZONING**

From: PC-1 (Retail and Office Park)
To: C-3 (General Commercial)



Petitioner: McDonald's USA, LLC

Map No: 119
Jurisdiction: City



Original Print Date: 3/25/2014
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902