

Bryce A. Stuart Municipal Building
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TO: Mayor Joines, Mayor Pro Tempore Burke, and Members of the City Council
FROM: Aaron King, Director of Planning and Development Services
DATE: February 21, 2020
SUBJECT: Action for Zoning Docket W-3344

In August 2017, Burger King Corporation #1283 filed a petition to rezone property at the intersection of E Fifth Street and N Martin Luther King, Jr. Drive to remove it from the MLK Overlay district. After receiving a recommendation for approval from the City-County Planning Board in September 2017, the City Council voted in October 2017 to continue the request to the November 6, 2017 meeting. The case was later continued again to the January 2, 2018, April 2, 2018, and August 6, 2018 meetings. At the August 6 meeting, the case was continued indefinitely.

Since then, building permits have been issued for a different occupant of the building at the aforementioned location, and a temporary certificate of occupancy has been obtained. Staff attempted to contact the original petitioners regarding their intent to move forward with or withdraw their petition to rezone the property. Having received no response, and in light of the current occupancy of the property under the existing standards of the MLK Overlay district, it is our recommendation that the City Council vote to deny this petition.