

# 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:** 11-E-11-UR                      **Related File Number:**  
**Application Filed:** 9/28/2011              **Date of Revision:**  
**Applicant:** CHUY'S RESTAURANTS

## PROPERTY INFORMATION

**General Location:** North side of Kingston Pike, west of N. Cedar Bluff Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 132 PART OF 02801                      **Jurisdiction:** City  
**Size of Tract:** 1.79 acres  
**Accessibility:** Access to the site will be via Kingston Pike and N. Cedar Bluff Road, both of which are 6 lane median divided arterial streets at this location.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant land  
**Surrounding Land Use:**  
**Proposed Use:** Restaurant                      **Density:**  
**Sector Plan:** Southwest County              **Sector Plan Designation:** Commercial  
**Growth Policy Plan:** Urban Growth Area (Inside City Limits)  
**Neighborhood Context:** This site is located in an area that is dominated by shopping centers and general commercial uses. The zoning in the area is C-3, C-6, SC, SC-3, PC-1 and PC-2 commercial zones.

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

**Street:** Kingston Pike  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** PC-1 (Retail and Office Park)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** PC-1 zoning was approved for this site on 6/29/2010.

## 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 request for a restaurant containing approximately 7,756 square feet of floor space as shown on the development plan, subject to 7 conditions

Staff Recomm. (Full):

1. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Department.
2. Meeting all applicable requirements of the Knoxville Zoning Ordinance
3. Installation of landscaping as shown on the landscape plan within six months of the issuance of occupancy permit for this project.
4. Meeting all applicable requirements of the Knoxville City Arborist.
5. Installation of all required road improvements as shown on the development plan for the Kroger's Shopping Center (2-D-11-UR) per the requirements of the Knoxville City Engineer, prior to the issuance of an occupancy permit for the restaurant.
6. Meeting all applicable requirements of the Knoxville Engineering Dept.
7. Meeting all applicable requirements of Knoxville's Sign Inspector.

With the conditions noted, this plan meets the requirements for approval of a use on review in the PC-1 District.

Comments:

The applicant is proposing to develop a 7,756 square foot Mexican restaurant on a 1.78 acre out-parcel at the new Kroger's shopping center located in the northwest quadrant of the intersection of N. Cedar Bluff Rd. and Kingston Pike. While the restaurant lot has frontage along Kingston Pike, there will be no direct access from the site onto Kingston Pike. Access to the site will be through the driveway network for the shopping center which provides access to Kingston Pike, North Cedar Bluff Rd., and Market Place Blvd.

The traffic impact study submitted for the shopping center addresses the traffic impact from the restaurant. All required road improvements as shown on the development plan for the Kroger's Shopping Center (2-D-11-UR) must be installed prior to the issuance of an occupancy permit for the restaurant.

The shopping center includes a 123,367 square foot Kroger supermarket, 17,780 square feet of small shop space, a fueling center and three out-parcels.

### **EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTIES AND THE COMMUNITY AS A WHOLE**

1. Public water and sewer utilities are in place to serve this development.
2. With the construction of the road improvements required for the Kroger's Shopping Center approval, the traffic impact of this development will be minimized.
3. The proposed restaurant is compatible with the scale and intensity with the surrounding development and zoning pattern.

### **CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE**

1. With the recommended conditions, the proposed development is consistent with all requirements of the PC-1 zoning district, as well as other criteria for approval of a use on review.
2. The proposed use 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. The use will not draw substantial additional traffic through residential areas.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Knoxville One Year Plan the North City Sector Plan propose commercial use for this site.
2. The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

**Action:** Approved **Meeting Date:** 11/10/2011

**Details of Action:**

**Summary of Action:** APPROVE the request for a restaurant containing approximately 7,756 square feet of floor space as shown on the development plan, subject to 7 conditions

**Date of Approval:** 11/10/2010 **Date of Denial:** **Postponements:**

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

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knoxville City Council

**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":** **If "Other":**

**Amendments:** **Amendments:**

**Date of Legislative Appeal:** **Effective Date of Ordinance:**