

# 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

Suite 403 • City County Building  
400 Main Street  
Knoxville, Tennessee 37902  
865 • 215 • 2500  
FAX • 215 • 2068  
www.knoxmpc.org

**File Number:** 5-F-12-UR

**Related File Number:**

**Application Filed:** 3/27/2012

**Date of Revision:**

**Applicant:** PARKER KNOXVILLE, INC.

## PROPERTY INFORMATION

**General Location:** North side of S. Northshore Dr., west side of Thunderhead Rd.

**Other Parcel Info.:**

**Tax ID Number:** 154 K E 001 OTHER: 154-09402

**Jurisdiction:** City

**Size of Tract:**

**Accessibility:** Access is via Thunderhead Rd., a local boulevard type street with a right-of-way width of 88'. Addition access is via S. Northshore Dr., an arterial street with a pavement width of 21' within a 75' wide right-of-way at this location.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Commercial Building & parking lot

**Surrounding Land Use:**

**Proposed Use:** Amend approved plan to permit outdoor seating on an existing sidewalk

**Density:**

**Sector Plan:** Southwest County **Sector Plan Designation:** MU (Mixed Use)

**Growth Policy Plan:** Urban Growth Area (Inside City Limits)

**Neighborhood Context:** The site is located in the Northshore Town Center development. At the present time two large retailers and a new elementary school are under construction in this development. Additional development within the immediate vicinity of this site is expected in the near future.

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

**Street:** 2099 Thunderhead Rd

**Location:**

**Proposed Street Name:**

**Department-Utility Report:**

**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** TC-1

**Former Zoning:**

**Requested Zoning:**

**Previous Requests:**

**Extension of Zone:**

**History of Zoning:**

## 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: Dan Kelly

Staff Recomm. (Abbr.): DENY the request to amend the approved development to permit outdoor seating on an existing sidewalk

Staff Recomm. (Full):

Comments: At the corner of Thunderhead Rd. and S Northshore Dr. there is a three story building that is primarily occupied with business and professional offices. A large portion of the first floor remains vacant. The applicant has the opportunity to lease a portion of the first floor for a restaurant. They have proposed to block the existing sidewalk along the frontage where the restaurant would be located in order to permit outdoor seating. Staff has recommended denial of their request to add the outdoor seating because it blocks the sidewalk. The applicant has proposed adding a sidewalk along the rear of the building to make up for the lost pedestrian access. Staff wants to maintain pedestrian access around the perimeter of the building. There is tenant space on either side of the proposed restaurant with access from the existing sidewalk, staff believes that pedestrian access should not be diminished. The first sentence in the TC-1 (Town Center) zoning regulations states that it is the purpose of the zone to "encourage the creation of pedestrian-oriented, mixed-use urban developments." Cutting off pedestrian access appears to be contrary to the stated intent of the zoning district.

Staff has told the applicant that we would support their request if they would agree to construct a five foot wide sidewalk outside of the proposed outdoor seating area which would maintain the pedestrian access around the building. A portion of the sidewalk would have to be located in the public right-of-way. The applicant and the City Engineering Dept. have been in discussions regarding this option. The City has no objection to the sidewalk being in the right-of-way. Other than the cost of constructing the new segment of sidewalk, there does not appear to be any real obstacle to it being done.

Action: Denied

Meeting Date: 5/10/2012

Details of Action:

Summary of Action: DENY the request to amend the approved development to permit outdoor seating on an existing sidewalk

Date of Approval:                                      Date of Denial: 5/10/2012

Postponements:

Date of Withdrawal:                                      Withdrawn prior to publication?:  Action Appealed?: 5/22/2012

**LEGISLATIVE ACTION AND DISPOSITION**

Legislative Body: Knoxville City Council

Date of Legislative Action: 6/26/2012

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Approved

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Appeal approved - Use on Review approved.

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**