

▶ **FILE #:** 1-A-17-SC

**AGENDA ITEM #:** 11

**AGENDA DATE:** 1/12/2017

▶ **APPLICANT:** BRETT HONEYCUTT

TAX ID NUMBER: 94 D C 006&01001 [View map on KGIS](#)  
 JURISDICTION: Council District 4  
 SECTOR PLAN: Central City  
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)  
 ZONING: C-2 (Central Business District) and C-3 (General Commercial)  
 WATERSHED: Second Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** Fulton Place

▶ **LOCATION:** Between Bearden Place and the northwest corner of parcel 094DC01401

IS STREET:

(1) IN USE?: Yes

(2) IMPROVED (paved)?: Yes

▶ **APPLICANT'S REASON FOR CLOSURE:** Create green space and courtyard behind new restaurant. Provide legal egress doors from restaurant.

DEPARTMENT-UTILITY REPORTS: No objections from any departments or utilities have been received by staff as of the date of this report.

**STAFF RECOMMENDATION:**

▶ **RECOMMEND** that City Council **APPROVE** the closure of the portion of Fulton Place, as requested, subject to any required easements and subject to the following condition:

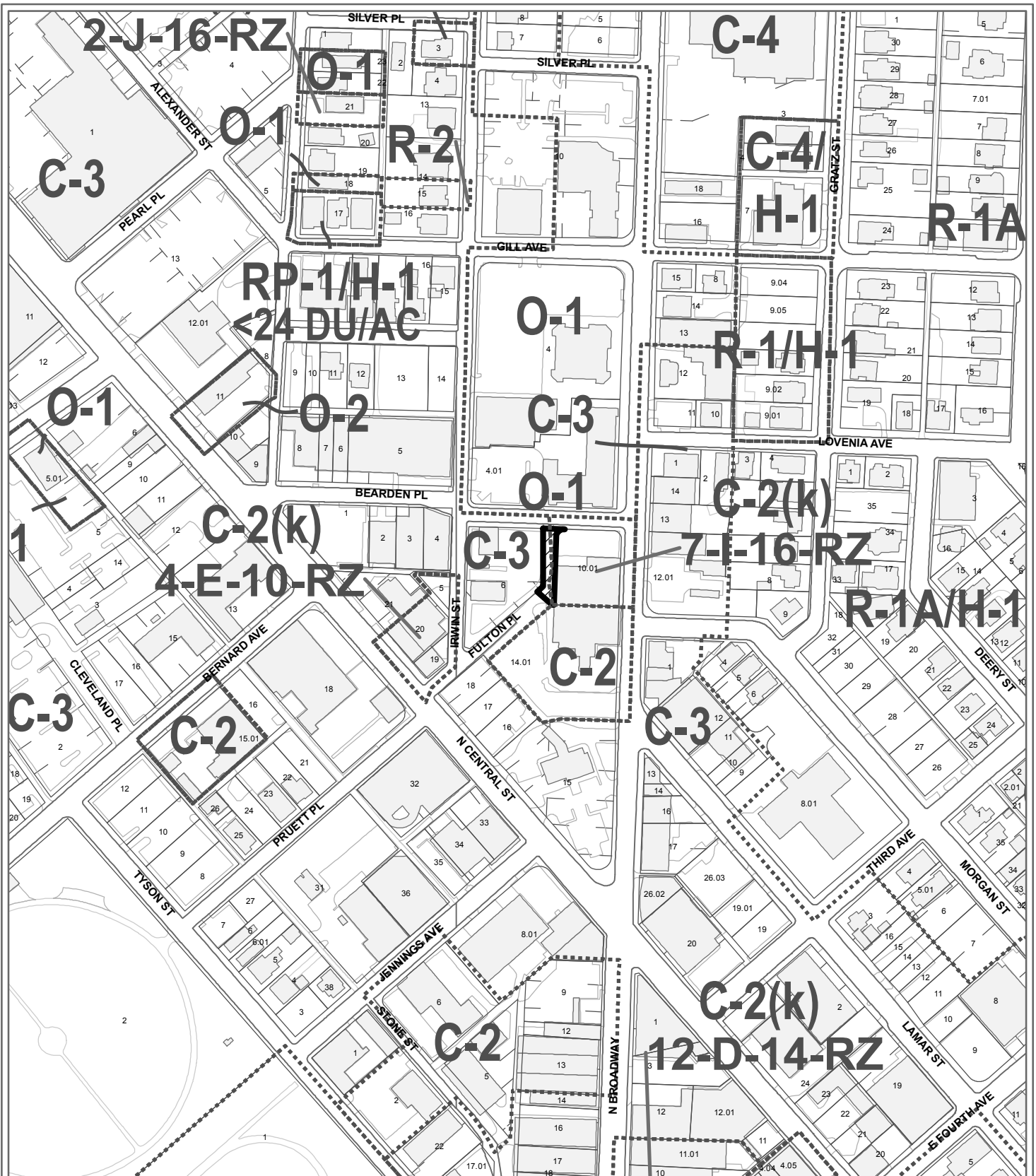
1. The 4 conditions included in the attached letter from City of Knoxville Engineering (dated January 3, 2017) must be addressed to the satisfaction of that department.

With the above condition included, staff has received no objections from reviewing departments or utilities to this closure.

**COMMENTS:**

If approved for closure, the applicant states that the right-of-way will be converted to private property associated with a proposed new restaurant. The owners of the surrounding parcels adjacent to the subject right-of-way have signed the canvassing form, indicating agreement with the proposed closure. Staff has not received any objections to the proposed closure. If the applicant is in agreement with the recommendation and conditions, then staff recommends approval.

If approved, this item will be forwarded to Knoxville City Council for action on 2/14/2017 and 2/28/2017. 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.



**1-A-17-SC  
CLOSURE OF PUBLIC RIGHT OF WAY**

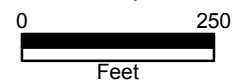
Name of Street or Alley: Fulton Place  
 To be closed from: Bearden Place  
 To be closed to: the northwest corner of parcel 094DC01401

Original Print Date: 12/21/2016      Revised: 1/4/2017  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Honeycutt, Brett

Map No: 94

Jurisdiction: City



1-A-17-SC-cor-CityEng

CITY OF KNOXVILLE



**Engineering**  
James R. Hagerman, P.E.  
Director of Engineering

January 3, 2017

Mr. Mike Brusseau, AICP, Senior Planner  
Knoxville-Knox County Metropolitan Planning Commission  
City-County Building, Suite 403  
Knoxville, Tennessee 37902

**SUBJECT:** Closure of Fulton Place between Bearden Place and the northwest corner of parcel 094DC01401, City Block 11764; MPC File # 1-A-17-SC

Mr. Brusseau:

The City Engineering Department has no objections to close the above described right-of-way areas provided the following conditions, subject to City Engineering approval, are met:

1. The applicant/owner shall be responsible for placing signage and/or constructing structures, approvable by the City Engineering Department, that clearly block and mark the proposed closure area of Fulton Place as no longer being a public right-of-way or thoroughfare.
2. Should this right-of-way be closed, the City will reserve easements for all drainage facilities and utilities, if any, located in or within five (5) feet of the property described herein.
3. The applicant shall have one (1) year to complete conditions listed above, unless otherwise stated in a particular item, or the closure shall be considered null and void and of no effect.
4. The closing ordinance shall state that this closure shall become effective only after the Engineering Department has provided written verification, to the City Recorder, that conditions have been satisfactorily met.

Sincerely,

*Benjamin D. Davidson*

Benjamin D. Davidson, PLS, Technical Services Administrator,  
Department of Engineering  
Ph: 865-215-2148



Knoxville Utilities Board

1-A-17-SC\_cor\_KUB



December 29, 2016

Mr. Mike Brusseau  
Knoxville-Knox County  
Metropolitan Planning Commission  
Suite 403, City-County Building  
Knoxville, Tennessee 37902

Dear Mr. Brusseau:

**Re: Right-of-Way Closure Request 1-A-17-SC  
Block No. 11764  
CLT No. 94  
Parcel No. 1401**

We have reviewed our records and find that we have existing utility facilities located within the subject right-of-way. The approximate locations of these facilities are indicated on the enclosed prints. However, KUB does not release and hereby retains all easements and rights for existing utility facilities, whether or not shown on these prints.

Should this right-of-way be closed, KUB will require the following permanent easements for its utility facilities.

- Electric – 10 feet on each side of the centerline of the electric line, 20 feet total width
- Gas – 7.5 feet on each side of the centerline of the gas line, 15 feet total width
- Sewer - 7.5 feet on each side of the centerline of the wastewater line, 15 feet total width
- Water - 7.5 feet on each side of the centerline of the water line, 15 feet total width

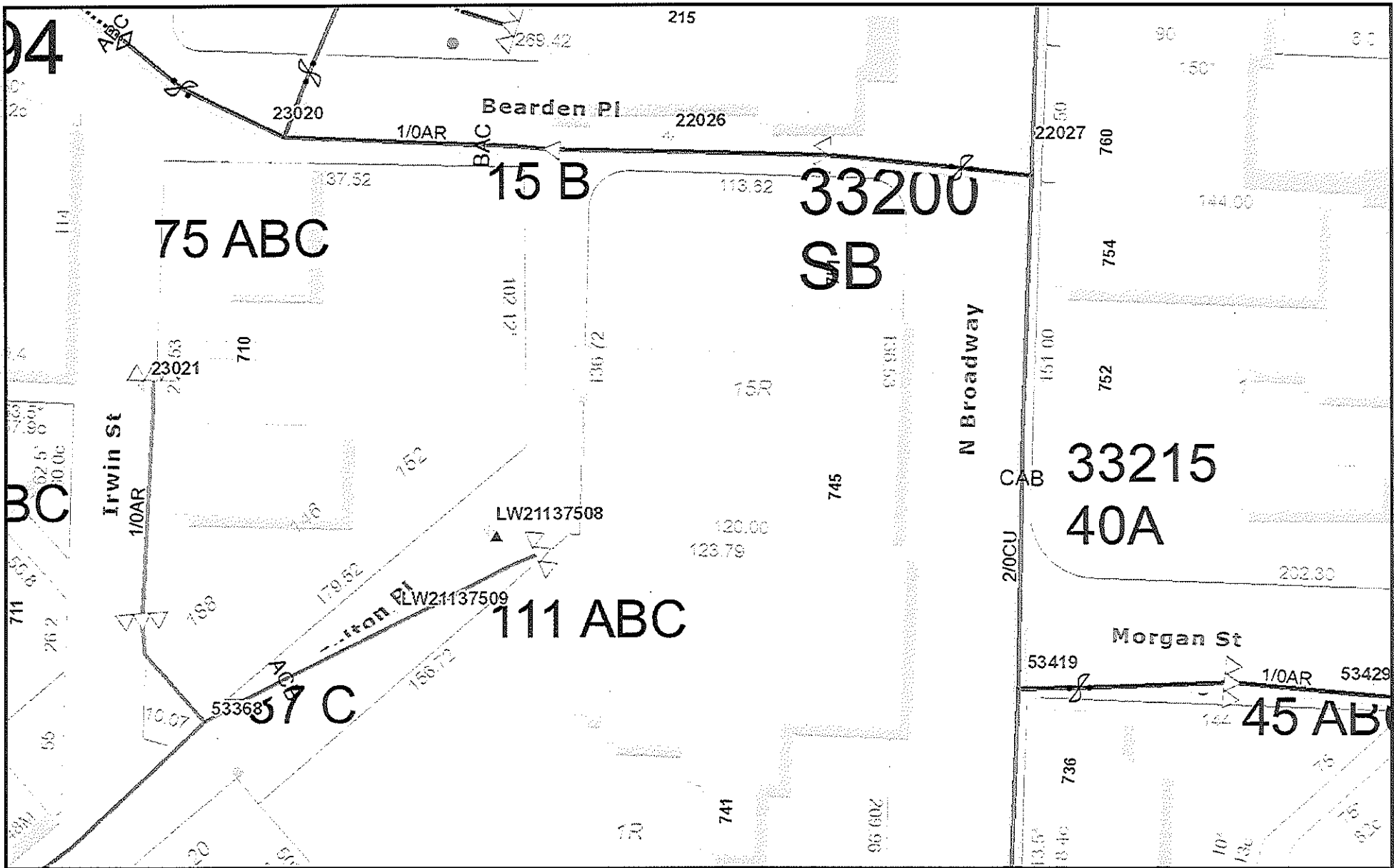
So long as these conditions are met, KUB has no objection to the closure of this right-of-way. If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,

Christian Wiberley  
Engineering

CGW/tsj

Enclosure



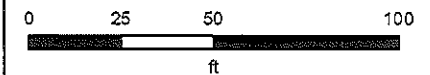
**1-A-17-SC Fulton Place at Bearden Place (Electric)**

City Block #11764 CLT Map #94 Parcel #094DC01401

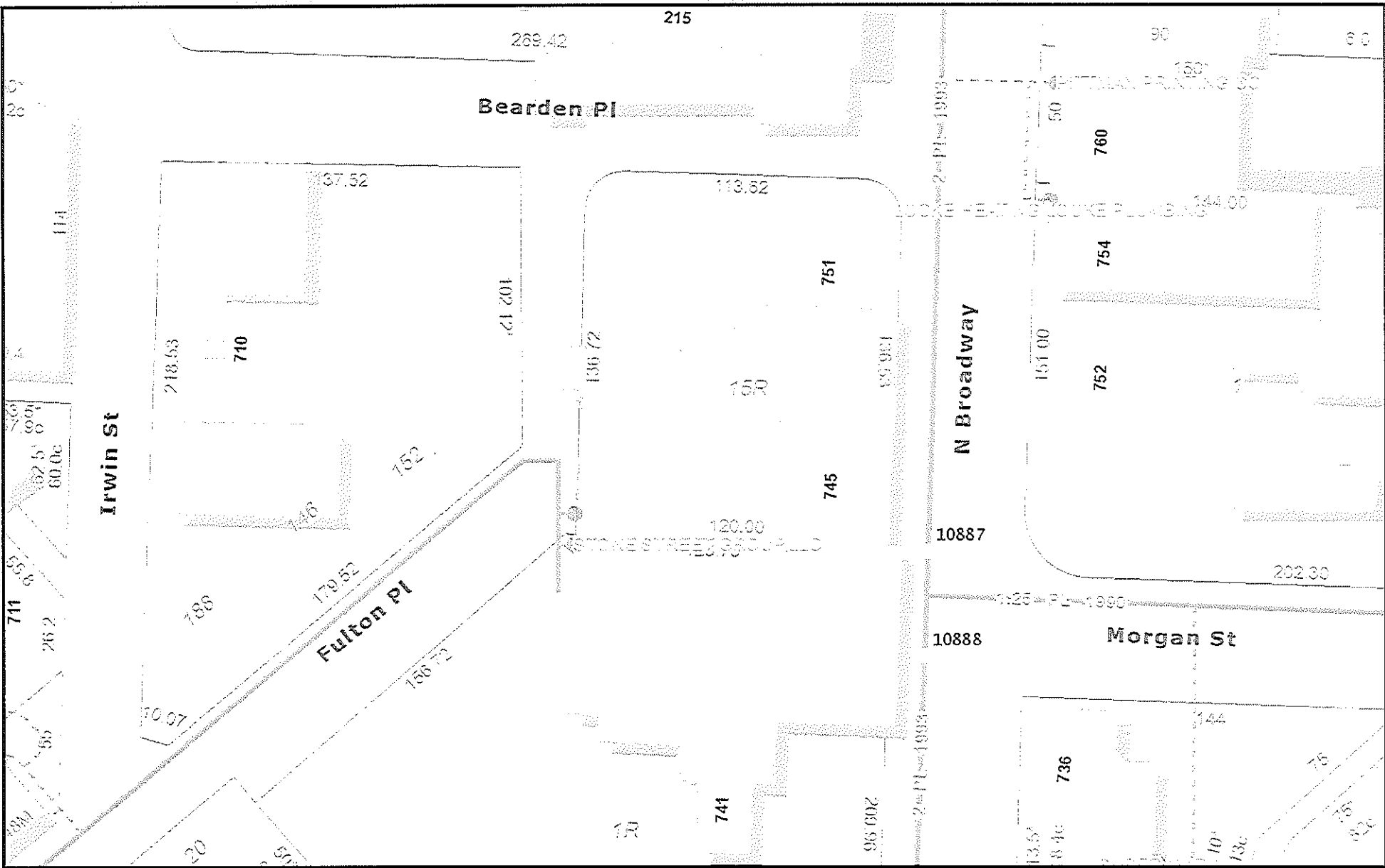
**Knoxville Utilities Board**



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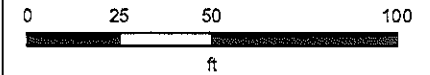
**1-A-17-SC Fulton Place at Bearden Place (Gas)**

City Block #11764 CLT Map #94 Parcel #094DC01401

**Knoxville Utilities Board**

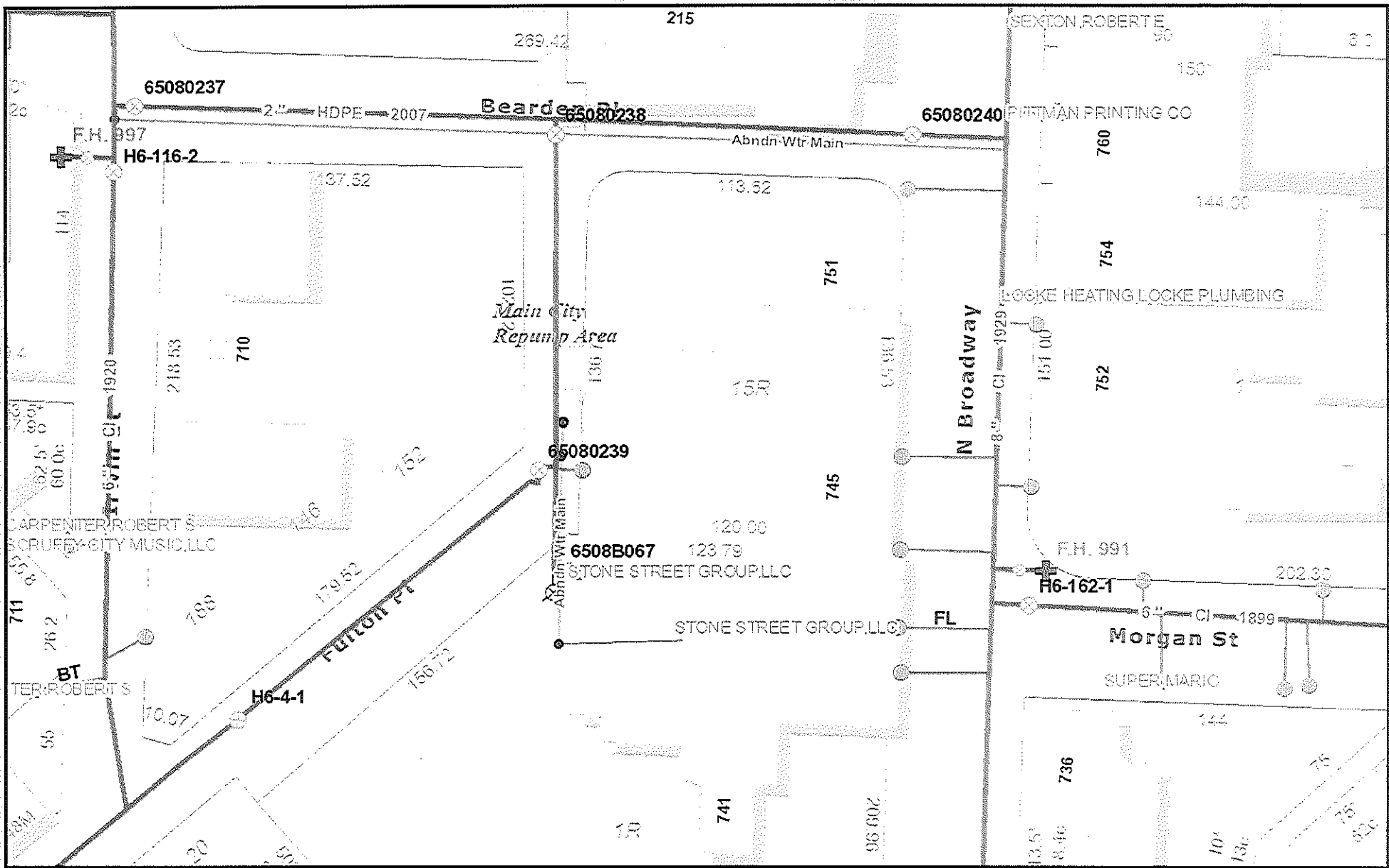


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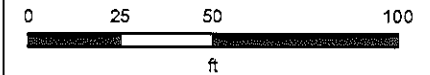
### 1-A-17-SC Fulton Place at Bearden Place (Water)

City Block #11764 CLT Map #94 Parcel #094DC01401

### Knoxville Utilities Board



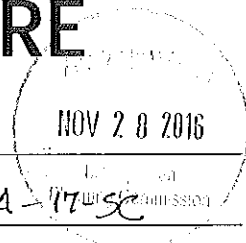
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# RIGHT-OF-WAY CLOSURE



Name of Applicant: BRETT HONEYCUTT

Date Filed: 11/28/16 Fee Paid: \$750.00 File Number: 1-A-1752

Map Number: 094 Zoning District: C-3  City  County Sector: Central City

Jurisdiction:  City 4th Councilmanic District

**INFORMATION:**

Name of Right-of-Way: FULTON PL

Type of Right-of-Way:  Street  Alley

Location of Right-of-Way:  
BETWEEN (City Block or Lot where appropriate) IRWIN ST & BEARDEN PLACE  
AND (City Block or Lot where appropriate) \_\_\_\_\_

Right-of-Way is: In Use  Yes  No Improved (example: paved)  Yes  No

Reason for Closure: CREATE GREEN SPACE & COURTYARD BEHIND NEW RESTAURANT. PROVIDE LEGAL EGRESS DOORS FROM RESTAURANT

**TO BE CLOSED:**

From: (Street, Alley, Other)  
Bearden Place

To: (Street, Alley, Other)  
Irwin Street

**ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:**

BRETT HONEYCUTT 1116 SEVIER AVE  
KNOXVILLE TN 37920 865-223-9359  
Name: (Print) Address • City • State • Zip • Phone • Fax

**AUTHORIZATION OF APPLICATION:**

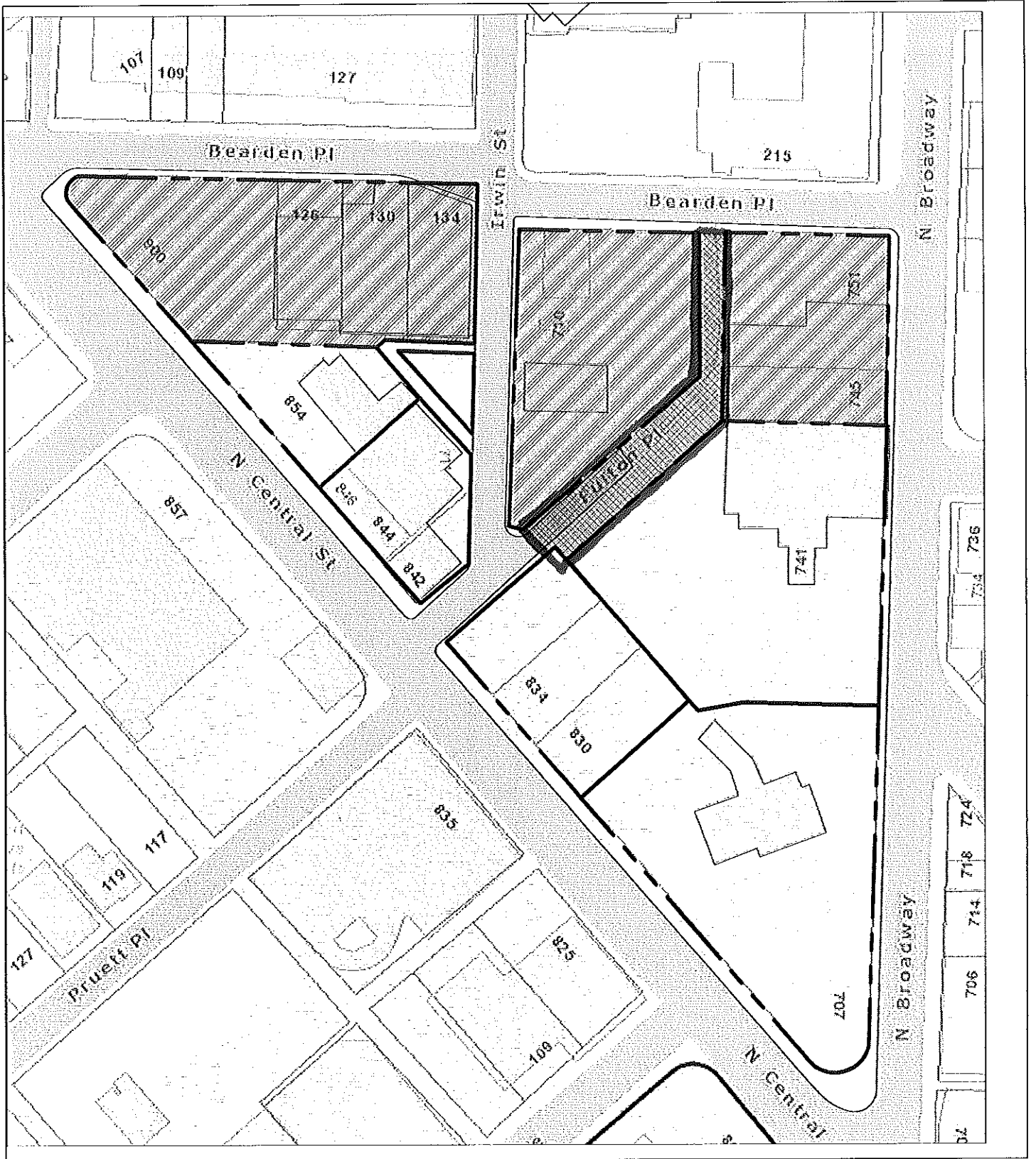
I hereby certify that I am the authorized applicant, or representing the applicant and ALL properly owners involved in this request or holders of option on same.

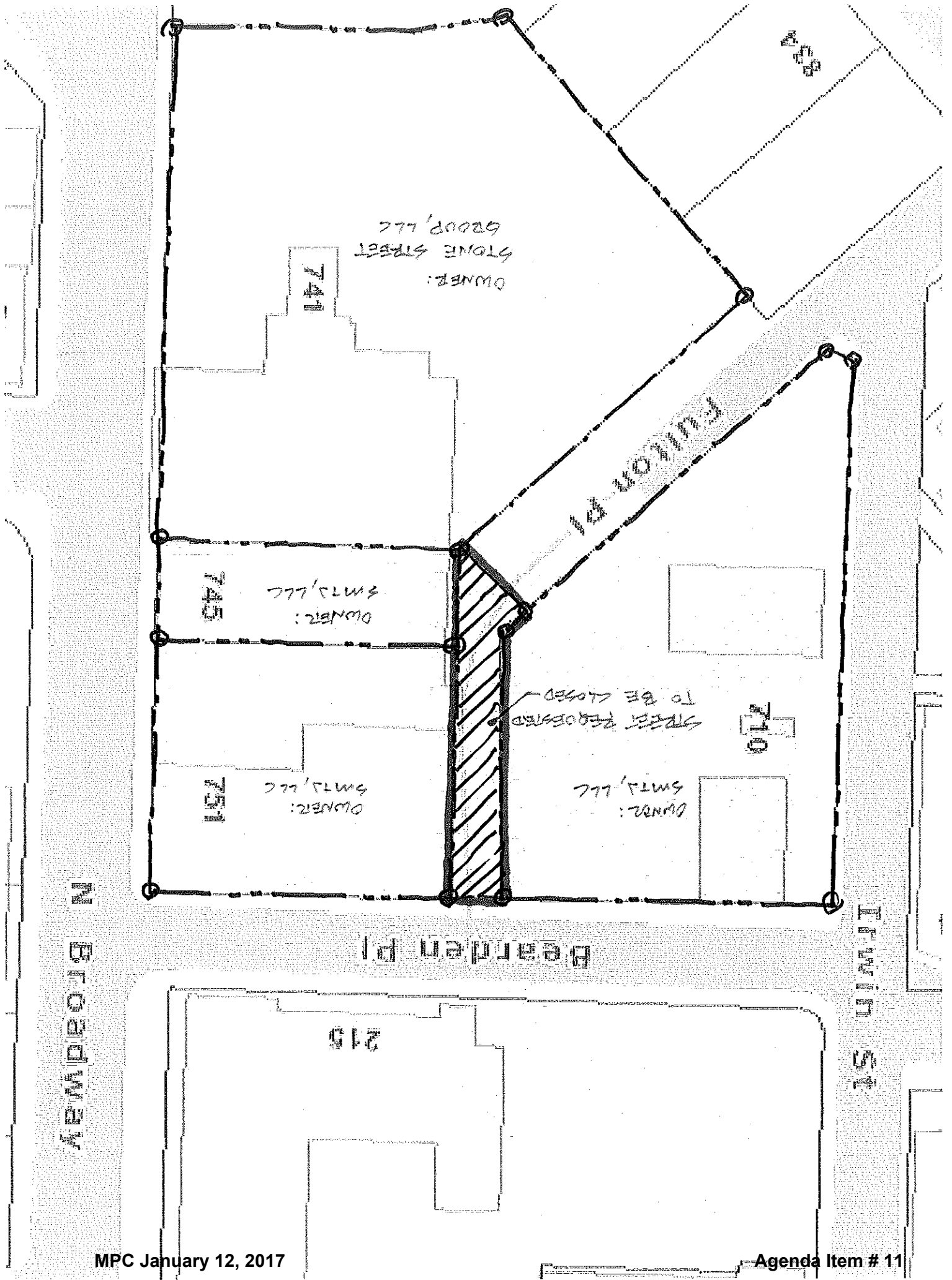
Signature:

SAME AS ABOVE  
Name: (Print) Address • City • State • Zip • Phone • Fax

APPLICATION ACCEPTED BY:







OWNER:  
STONE STREET  
GOODR, LLC

741

OWNER:  
SM73, LLC

745

OWNER:  
SM73, LLC

751

Fulton Pl

STREET REQUESTED  
TO BE CLOSED

710

OWNER:  
SM73, LLC

Bearden Pl

Twin St

210

M Broadway