# CASE SUMMARY

**APPLICATION TYPE: USE ON REVIEW** 



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File Number:	2-B-13-UR	F
Application Filed:	12/28/2012	D
Applicant:	THE KROGER COMPANY	

Related File Number: Date of Revision:

PROPERTY INFORMATION

General Location: Southeast side of E. Emory Rd., southwest of I-75, northeast of Central Avenue Pike.

**Other Parcel Info.:** 

Tax ID Number:57 PART OF 007Jurisdiction: CitySize of Tract:14.23 acresAccessibility:Access is via E. Emory Rd., a major arterial street with a 5 lane section, and a 60 foot pavement width<br/>within a required right-of-way of 112 feet; and Central Avenue Pike, a minor arterial street with a 21

foot pavement width within a required right-of-way of 88 feet.

#### **GENERAL LAND USE INFORMATION**

Existing Land Use:	Vacant land		
Surrounding Land Use:			
Proposed Use:	Kroger store and fuel center		Density:
Sector Plan:	North County	Sector Plan Designation:	Mixed Use
Growth Policy Plan:	Urban Growth Area (Inside City Limits)		
Neighborhood Context:	This site is the former location of the Powell airport, a private landing strip. I-75 runs along the east side of the site and E. Emory Rd is along the north side. The interstate interchange is developed with a variety of commercial uses, under various zones.		

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

Street:

212 E Emory Rd

Location:

**Proposed Street Name:** 

Department-Utility Report:

Reason:

# ZONING INFORMATION (where applicable)

Current Zoning:

PC-1 (Retail and Office Park) pending

Former Zoning:

Requested Zoning:

Previous Requests:

Extension of Zone:

History of Zoning:

The Planning Commission recommended approval of a rezoning of the property to PC-1 (Retail and Office Park) on January 10, 2013. Knoxville City Council approved the request on March 5, 2013 on second reading.

#### PLAN INFORMATION (where applicable)

**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 retail shopping center containing approximately 122,000 square feet of floor space, and a fuel center as shown on the development plan, subject to 13 conditions		
Staff Recomm. (Full):	<ol> <li>Meeting all applicable requirements of the Knoxville Zoning Ordinance</li> <li>Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Department.</li> <li>Installation of the street improvements recommended in the Traffic Impact Study prepared by CDM Smith and revised January 28, 2013 for the Phase I Development. The recommended improvements shall be installed by the developer prior to a Certificate of Occupancy being issued for the Kroger store or fuel center.</li> <li>Any sidewalks along Emory Rd. that are removed as a result of the street improvements referenced in #3 above, shall be reinstalled to Knox County standards.</li> <li>Installation of sidewalks in compliance with the requirements of the City of Knoxville, at the two entrances off of Emory Rd., providing a connection between the sidewalk along Emory Rd. and the main drive aisle on the south side of the two outparcels.</li> <li>Meeting all applicable requirements and obtaining required permits from the Tennessee Department of Transportation.</li> <li>Obtaining approval from the Knoxville Department of Engineering for any site alterations in the No Fill Zone of the Floodplain for Beaver Creek prior to any fill material being placed within the No Fill Zone or the Floodplain for Beaver Creek prior to any fill material being placed within the No Fill Zone or the site.</li> <li>Meeting all applicable requirements of the Knoxville Engineering Department.</li> <li>Meeting all applicable requirements of the Knoxville City Arborist</li> <li>Proposed signage for the development is subject to the approval of Planning Commission staff and Knoxville's Sign Inspector.</li> <li>Buplying MPC staff with a copy of the protective covenants for the development as called for in the PC-1 (Retail and Distribution Park) zoning district regulations.</li> </ol>		
	With the conditions noted above, the development plan meets all requirements for the approval of a use on review in the PC-1 Zoning District.		
Comments:	Kroger is proposing to develop a 101,423 square foot supermarket, 19,800 square feet of small shop space and a fueling center with 18 fueling stations on this 14.23 acre site. The site which is located on the southeast side of E. Emory Rd., just southwest of the I-75/ Emory Rd. interchange, is a portion of an 84 acre tract that was the former location of the Powell airport.		
	The Planning Commission recommended approval of a One Year Plan amendment to General Commercial and rezoning of the property to PC-1 (Retail and Office Park) on January 10, 2013. The Knoxville City Council approved the rezoning to PC-1 (Retail and Office Park) on March 5, 2013 on second reading.		
	Access to the site will include two connections to E. Emory Rd., and a connection through the adjoining property out to Central Avenue Pike. A Traffic Impact Study was prepared by CDM Smith and reviewed by State, City, County and Planning Commission Staff. The Traffic Impact Study evaluated the impact of the proposed Kroger development as a Phase I development to be completed by 2015 and the development of the remaining 70 acres of the 84 acre tract as a Phase II development to be		

completed by 2020. The Study recommends a traffic signal at the main entrance to the Kroger site on E. Emory Rd. at a location that is approximately halfway between the Central Avenue Pike signal and the I-75 southbound on-ramp signal. The driveway entrance that is proposed on the east side of the fuel center will be a right-in/right-out only driveway. With the driveway connection out to Central Avenue Pike, turn lane improvements are also recommended on Central Avenue Pike. Staff is recommending the installation of the street improvements for the Phase I development by the developer prior to a Certificate of Occupancy being issued for the Kroger store or fuel center.

The proposed development is located within the floodplain of Beaver Creek, and as proposed, a considerable amount of fill will be added to the site. Approximately half of the site is located within the No Fill Zone of the floodplain. The applicant will be required to submit a City of Knoxville No Rise Study for the proposed fill in the No Fill Zone. Approval is required from the Knoxville Engineering Department of the No Rise Study and proposed mitigation plan before any fill material can be placed within the No Fill Zone.

The applicant has been made aware that the proposed ground sign locations do not comply with the zoning regulations and are not a part of this approval. With the recommended condition, proposed signage for the development is subject to the approval by Planning Commission staff and Knoxville's Sign Inspector.

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 shown on the development plan, the traffic impact of this development will be minimized.

3. The proposed shopping center is compatible with the scale and intensity of development and zoning patterns in the area.

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

1. With the recommended conditions, the proposal 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

 With the recommended One Year Plan amendment to conditioned GC, the proposed commercial development would be consistent with the plan. The North County Sector Plan identifies this site as part of a mixed use special district (MU-NC04), which allows consideration of PC-1 development.
 The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

Action:	Approved		Meeting Date:	3/14/2013
Details of Action:				
Summary of Action:	APPROVE the request for a retail shopping center containing approximately 122,000 square feet or floor space, and a fuel center as shown on the development plan, subject to 13 conditions			
Date of Approval:	3/14/2013	Date of Denial:	Postponements:	2/14/2013
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":

Date of Legislative Appeal:

Amendments:

Effective Date of Ordinance: