

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: 2-D-11-UR
Application Filed: 12/28/2010
Applicant: THE KROGER CO.

Related File Number:
Date of Revision:

PROPERTY INFORMATION

General Location: West side of N. Cedar Bluff Rd., north side of Kingston Pk.
Other Parcel Info.:
Tax ID Number: 132 028.01 **Jurisdiction:** City
Size of Tract: 21.44 acres
Accessibility: The primary access to the site will be via N. Cedar Bluff Rd. and Kingston Pk. both of which are 6 lane median divided arterial streets at this location. Another access point is to be via an easement that will tie this site to Market Place Bv.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Shopping center **Density:**
Sector Plan: Southwest County **Sector Plan Designation:** C (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:
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. A use on review for a 138,925 sq. ft. development was approved by MPC on 9/9/2010 (7-D-10-UR)

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.): APPROVE the request for a retail shopping center containing up to 141,323 square feet of floor space, a fuel center and the accompanying parking as shown on the development plan subject to 15 conditions

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance
2. Obtaining a variance for the second proposed sign on N. Cedar Bluff Rd. (gas price sign)
3. Meeting all applicable requirements of the Knoxville Engineering Dept.
4. Meeting all applicable requirements of the Knoxville City Arborist
5. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Dept.
6. Installing all of the proposed landscaping shown on the plan prior to the issuance of an occupancy permit for the building
7. Obtaining a street connection permit from the Tenn. Dept. of Transportation
8. Meeting all other applicable requirements or recommendations of the Tenn. Dept. of Transportation regarding access to this site
9. Construction of a driveway from Market Place Bv to the Kroger site within the 50' wide easement across the Members First Credit Union site (1-B-11-UR, 132-02606) per the Kroger site plan Z-1.1 revised 9/2/10 and 1/25/11. The cost of design and construction of this driveway may be born by each of the parties per agreement. This driveway construction is to be completed prior to the issuance of an occupancy permit for the proposed Kroger.
10. Installation of the traffic signal on N. Cedar Bluff Rd. and construction of all other road improvements as shown on the development plan prior to the issuance of an occupancy permit per the requirements of the Knoxville City Engineer
11. Supplying MPC staff with a set of protective covenants as called for in the PC-1 (Retail and Distribution Park) zoning district regulations
12. Construction of all sidewalks shown on the development plan. All sidewalks are to be a minimum of 5 feet wide. All sidewalk construction must be ADA compliant.
13. Provision of space for bicycle racks to be scattered along the store fronts. The bicycle racks may be obtained from the Knoxville TPO
14. Meeting all applicable requirements and obtaining all required permits from the Tenn. Dept. of Environment and Conservation
15. A revised site plan reflecting the conditions of approval must be submitted to MPC staff for review and certification prior to obtaining any grading or building permits

Comments: Kroger is proposing a 123,367 square foot supermarket, 17,780 square feet of small shop space and a fueling center on this 21.44 acre site. The site is located in the northwest quadrant of the intersection of N. Cedar Bluff Rd. and Kingston Pk. Staff has been dealing with representatives from Kroger for months regarding the traffic impact and the needed improvements that will lessen the impact this project will have on the surrounding road network. As a result Kroger is proposing three access points to N. Cedar Bluff Rd. Two of the access points will be right turn in and right turn out only. The other access point on N. Cedar Bluff will require the construction of a traffic signal with all costs associated with the signal installation being born by Kroger.

On the Kingston Pk. frontage Kroger has proposed two access points. The Tennessee Department of Transportation had initially recommended that the eastern access that is located between out parcels 3 and 4 not be approved. They are now considering some type of limited access at that location. Staff will recommend that the plan be approved subject to the applicant complying with the requirements and recommendations of TDOT. The second access point on Kingston Pk. will permit both left and right turns into and out of the project. Due to the proximity of other traffic signals in close proximity to this proposed driveway, a traffic signal will not be permitted at this location.

Finally, the site will be getting access to Market Place Bv. At a location north of Kingston Pk. At the time the Market Place Commercial development was approved an access easement was put in place that would permit the construction of a driveway from the Kroger site to Market Place Bv. The developer of the lot on which the proposed driveway will be crossing has incorporated the proposed driveway in their plans. Those plans are were on the July 8, 2010 MPC agenda (7-H-10-UR) and again on January 13, 2011 (1-B-11-UR) . Staff will recommend that the driveway be constructed as shown on the Kroger site plan dated 9/2/10 and 1/25/11. Additionally, we will recommend that this driveway be constructed before the Kroger be permitted to obtain an occupancy permit.

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 with the surrounding development and zoning pattern.

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

1. 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

1. The Knoxville One Year Plan the North City Sector Plan propose commercial use for this site.

Action: Approved **Meeting Date:** 2/10/2011

Details of Action:

Summary of Action: APPROVE the request for a retail shopping center containing up to 141,323 square feet of floor space, a fuel center and the accompanying parking as shown on the development plan subject to 15 conditions

Date of Approval: 2/10/2011 **Date of Denial:** **Postponements:**

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:** 2/24/2011

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 3/22/2011

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Approved as Modified

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Appeal approved. Another condition added regarding relocation of access

Date of Legislative Appeal:

Effective Date of Ordinance: