

# 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:** 6-C-10-UR

**Related File Number:**

**Application Filed:** 4/26/2010

**Date of Revision:**

**Applicant:** THE KROGER COMPANY

## PROPERTY INFORMATION

**General Location:** Southeast side of E. Woodland Ave., west side of N. Broadway.

**Other Parcel Info.:**

**Tax ID Number:** 81 E F 007

**Jurisdiction:** City

**Size of Tract:** 3.69 acres

**Accessibility:** Access is via E. Woodland Ave., a minor arterial street with a five lane section with curbed median within a 75' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Shopping center and Kroger Food Store

**Surrounding Land Use:**

**Proposed Use:** Kroger Fuel Center

**Density:**

**Sector Plan:** Central City

**Sector Plan Designation:**

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

**Neighborhood Context:** The site is located within an older shopping center in an area that includes a mix of commercial, institutional and residential uses.

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

**Street:** 2217 N Broadway

**Location:**

**Proposed Street Name:**

**Department-Utility Report:**

**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** C-1 (Neighborhood Commercial)

**Former Zoning:**

**Requested Zoning:**

**Previous Requests:**

**Extension of Zone:**

**History of Zoning:** None noted

## 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 development plan for a 10 pump gas fueling station, subject to 7 conditions:

Staff Recomm. (Full):

1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.
2. Meeting all applicable requirements of the Knoxville Department of Engineering.
3. Meeting all applicable requirements and obtaining all required permits from the Tennessee Department of Environment and Conservation.
4. Obtaining a variance from the Knoxville Board of Zoning Appeals for the reduction in the number of required parking spaces as identified on the development plan.
5. Installing all landscaping, as shown on the development plan, within six months of the issuance of occupancy permits for this project.
6. Meeting all applicable requirements and obtaining any required permits for the proposed signage from the Knoxville Sign Administrator.
7. Meeting all applicable requirements of the Knoxville Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the SC-2 zoning district and all criteria for approval of a use on review.

Comments:

The applicant is proposing to construct a gas fueling station with 10 pumps in front of the existing Kroger food store located at the Broadway Shopping Center at the intersection of N. Broadway and E. Woodland Ave. The station will also have a kiosk in the middle to house the station attendant and will include a restroom for the attendant. The fueling center will be located on the northeast side of the shopping center's access drive off of E. Woodland Ave.

A total of 39 parking spaces will be removed in order to accommodate this project. The revised parking layout provides for 118 parking spaces on the Kroger property which is below the required parking. A variance will be needed from the Knoxville Board of Zoning Appeals for the reduction in the number of required parking spaces. Kroger's has a cross access and parking agreement with the shopping center. The fuel center will be located on a portion of the site that is presently used for a recycling center and the existing parking in that area is seldom utilized.

Trees and shrubs will be added along the southern perimeter of the fueling center which will enhance the aesthetics of this almost fully paved area.

Approvals are required from Knoxville Department of Engineering and the Tennessee Department of Environment and Conservation for the fuel centers location along First Creek.

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

1. The proposed fueling center will have minimal impact on local services since all utilities are available to serve this site.
2. The Traffic Impact Study prepared for the proposed fueling center indicated that all intersections should have excess capacity to absorb the new traffic generated by the fueling center and all driveways should operate with acceptable service levels.

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

1. With the recommended conditions, the proposed fueling center meets the standards for development within the SC-2 zoning district and all other requirements of the Zoning Ordinance..
2. The proposed fueling center 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 area where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Central City Sector Plan and the One Year Plan propose commercial uses for this site. The gas fueling center is consistent with both the Sector and One Year plans.
2. The site is located within the Urban Growth Area of the Knoxville-Knox County-Farragut Growth Policy Plan.

**Action:** Approved **Meeting Date:** 6/10/2010

**Details of Action:**

**Summary of Action:** APPROVE the development plan for a 10 pump gas fueling station, subject to 7 conditions:

**Date of Approval:** 6/10/2010 **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:**