

▶ **FILE #:** 7-D-10-UR **AGENDA ITEM #** 32

POSTPONEMENT(S): 7/8/2010-9/9/2010

AGENDA DATE: 10/14/2010

▶ **APPLICANT:** THE KROGER COMPANY

OWNER(S): The Kroger Co.

TAX ID NUMBER: 132 02801

JURISDICTION: City Council District 2

▶ **LOCATION:** North side of Kingston Pk., west side of N. Cedar Bluff Rd.

▶ **APPX. SIZE OF TRACT:** 21.44 acres

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

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.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Ten Mile Creek

▶ **ZONING:** PC-1 (Retail and Office Park) pending

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Retail development

HISTORY OF ZONING: The property was zoned SC-3 (Regional Shopping Center) at the time of annexation. An application for PC-1 (Retail and Office Park) District was approved by the Knoxville City council on 6/29/10

SURROUNDING LAND USE AND ZONING:
 North: Retail & motel / C-3 & SC-3 commercial
 South: Cedar Springs Shopping Center / SC commercial
 East: Vacant land / PC-1 commercial
 West: Market Place Commercial Center / SC-3 commercial

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.

STAFF RECOMMENDATION:

▶ **APPROVE** the request for a retail shopping center containing up to 138,925 square feet of floor space, a fuel center and the accompanying parking as shown on the development plan subject to 14 conditions

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance
2. Meeting all applicable requirements of the Knoxville Engineering Dept.
3. Meeting all applicable requirements of the Knoxville City Arborist

4. Connection to sanitary sewer and meeting all other applicable requirements of the Knox County Health Dept.
5. Installing all of the proposed landscaping shown on the plan prior to the issuance of an occupancy permit for the building
6. Obtaining a street connection permit from the Tenn. Dept. of Transportation
7. Meeting all other applicable requirements or recommendations of the Tenn. Dept. of Transportation regarding access to this site
8. Construction of a driveway from Market Place Bv to the Kroger site within the 50' wide easement across the Members First Credit Union site (7-H-10-UR, 132-02606) per the Kroger site plan Z-1.1 revised 9/2/10. The cost of design and construction of this driveway is to be born by the each of the parties per their agreement. This driveway construction is to be completed prior to the issuance of an occupancy permit for any business that will rely on the facility for access
9. 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
10. Supplying MPC staff with a set of protective covenants as called for in the PC-1 (Retail and Distribution Park) zoning district regulations
11. 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.
12. Provision of space for bicycle racks to be scattered along the store fronts. The bicycle racks may be obtained from the Knoxville TPO
13. Meeting all applicable requirements and obtaining all required permits from the Tenn. Dept. of Environment and Conservation
14. 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 96,369 square foot supermarket, 42,330 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. We are fortunate that the lot the proposed driveway will be crossing has a proposed credit union being planned for that site. Those plans are were on the July 8, 2010 MPC agenda as item number 41 (7-H-10-UR). Representatives from Kroger and Members First have agreed on the design of the proposed driveway access. Staff will recommend that the driveway be constructed as shown on the Kroger site plan dated 9/2/10. Additionally, we will recommend that this driveway be constructed before any business that will use this facility for access 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. With the final approval of the rezoning of this site, 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.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.