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November 11, 2009

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**Via email only**

To Members of the Metropolitan Planning Commission

Re: Applicant: 441 Partnership  
Item #: 50

Dear Commissioners:

At yesterday's Agenda Review Committee Meeting there was a discussion of the above item including the necessity for further shopping center development on Norris Freeway at Emory Road.

In April of this year at your meeting you approved a shopping center development at Emory Road and Norris Freeway almost across the street from the property owned by Nathan Silvus. The development was a food store with 16,000 square feet, a little over half the square footage the above applicant is requesting.

It would appear from the application in April as well as your action on that application, which was to approve, there is a demand for further commercial development in the Shopping Center Zone in this area.

It is interesting to note that the center approved in April backs up to Beaver Creek just like the one involved in the above application.

The April application also indentified an additional out lot of 1.47 acres although the tenant for that has not been identified.

We would urge approval of the above application in accordance with Staff Recommendation.

If you have any questions, please let me know.

Very truly yours,

  
Arthur G. Seymour, Jr.  
FRANTZ, McCONNELL & SEYMOUR, LLP

AGSJ:alh

Enc.

cc: Mr. Nathan Silvus (via email only)

Mr. Mark Donaldson (via email only)

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# PREVIOUSLY APPROVED



## KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION USE ON REVIEW REPORT

▶ **FILE #:** 4-F-09-UR

**AGENDA ITEM #:** 54

**AGENDA DATE:** 4/9/2009

▶ **APPLICANT:** SITE INCORPORATED

**OWNER(S):** MILES E. CULLOM, JR., ET.AL.

**TAX ID NUMBER:** 38 83, 84 & 85

**JURISDICTION:** County Commission District 7

▶ **LOCATION:** Northwest side of E. Emory Rd., northeast side of Norris Freeway.

▶ **APPX. SIZE OF TRACT:** 8.22 acres

**SECTOR PLAN:** North County

**GROWTH POLICY PLAN:** Planned Growth Area

**ACCESSIBILITY:** Access is via E. Emory Rd., a major arterial street with a two lane cross section and Norris Freeway, a minor arterial street that presently has a two lane section at the proposed access point.

**UTILITIES:** Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

**WATERSHED:** Beaver Creek

▶ **ZONING:** SC (Shopping Center), A (Agricultural) & F (Floodway)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Food store

**HISTORY OF ZONING:** None noted

**SURROUNDING LAND USE AND ZONING:** North: Future site for Wal-Mart and Home Depot / SC (Shopping Center)

South: Existing site for Wal-Mart and Ingles / SC (Shopping Center)

East: Mixed business / PC (Planned Commercial)

West: Residences / OB (Office medical and related services) & RA (Low Density Residential)

**NEIGHBORHOOD CONTEXT:** This site is located at the intersection of E. Emory Rd. and Norris Freeway in an area with a mix of retail commercial, office and residential development.

### STAFF RECOMMENDATION:

▶ **APPROVE** the development plan for a food market with approximately 16,350 sq. ft. within the SC zoning district, subject to 12 conditions.

1. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health Department.

2. Receiving approvals for the proposed driveway access to Norris Freeway from the Tennessee Valley Authority (TVA) and the Tennessee Department of Transportation (TDOT).

3. Installation of the street improvements for E. Emory Rd. and Norris Freeway as outlined in the Traffic Impact Study conducted by Site Incorporated. A southbound left turn lane on Norris Freeway into the site is required if the access to Norris Freeway is approved.

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4. Obtaining a street connection permit from the Tennessee Department of Transportation for access to E. Emory Rd.
5. Providing traffic control plans to the Knox County Department of Engineering and Public Works for the during and after construction improvements required in E. Emory Rd. and Norris Freeway prior to any grading or building permits being issued for this development.
6. Certification of required sight distance at the development entrance to the east on E. Emory Rd.
7. Installing landscaping as shown on the landscape plan within six months of the issuance of occupancy permits for this project, or posting a bond in an amount acceptable to the Knox County Department of Engineering and Public Works to guarantee such installation.
8. Working with the Knox County Greenways Coordinator on establishing a greenway easement along Beaver Creek on this property.
9. Proposed signage will be required to meet all applicable requirements of the Knox County Zoning Ordinance.
10. Use-on-Review approval is required for any development on the 1.47 acre outlot identified on the development plan.
11. Approval of a final plat consolidating the three existing tax parcels into two lots including shared access easements for use of the shared driveways.
12. Meeting all applicable requirements of the Knox County Zoning Ordinance.

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

## COMMENTS:

The applicant is proposing to develop a 6.79 acre tract for an Aldi food store with approximately 16,350 square feet. Access to the site is proposed from both E. Emory Rd. and Norris Freeway. The proposed access to Norris Freeway requires approval from both TVA and TDOT. A traffic impact analysis was prepared for the proposed development with recommended turn lane improvements to both streets.

The site plan identifies a 1.47 acre outlot that will share the proposed access drives to this site. The final plat that resubdivides this property must include a cross access easement for the shared driveways. A use-on-review approval will be required for development of the outlot.

Knox County's proposed Beaver Creek greenway system crosses the development site on the north side.

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

1. Public water and sewer utilities are available in the area to serve this site.
2. With the proposed turn lane improvements identified in the traffic impact analysis there will be sufficient capacity on E. Emory Rd. and Norris Freeway to handle the additional traffic which will be generated by this development.
3. The proposal will have no impact on schools.
4. The proposed development is compatible with the scale and intensity of the surrounding development and zoning pattern.

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

1. The proposal meets all requirements of the SC zoning district as well as the general criteria for approval of a use-on-review.
2. The proposed food market is consistent with the following general standards for uses permitted on review: The proposal 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 significantly injure the value of adjacent property. The use will not draw substantial additional traffic through residential areas.

## CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The North County Sector Plan proposes commercial use and stream protection for this site. SC (Shopping Center) is listed as a permitted zone under the commercial designation.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy

# PREVIOUSLY APPROVED

Plan map.

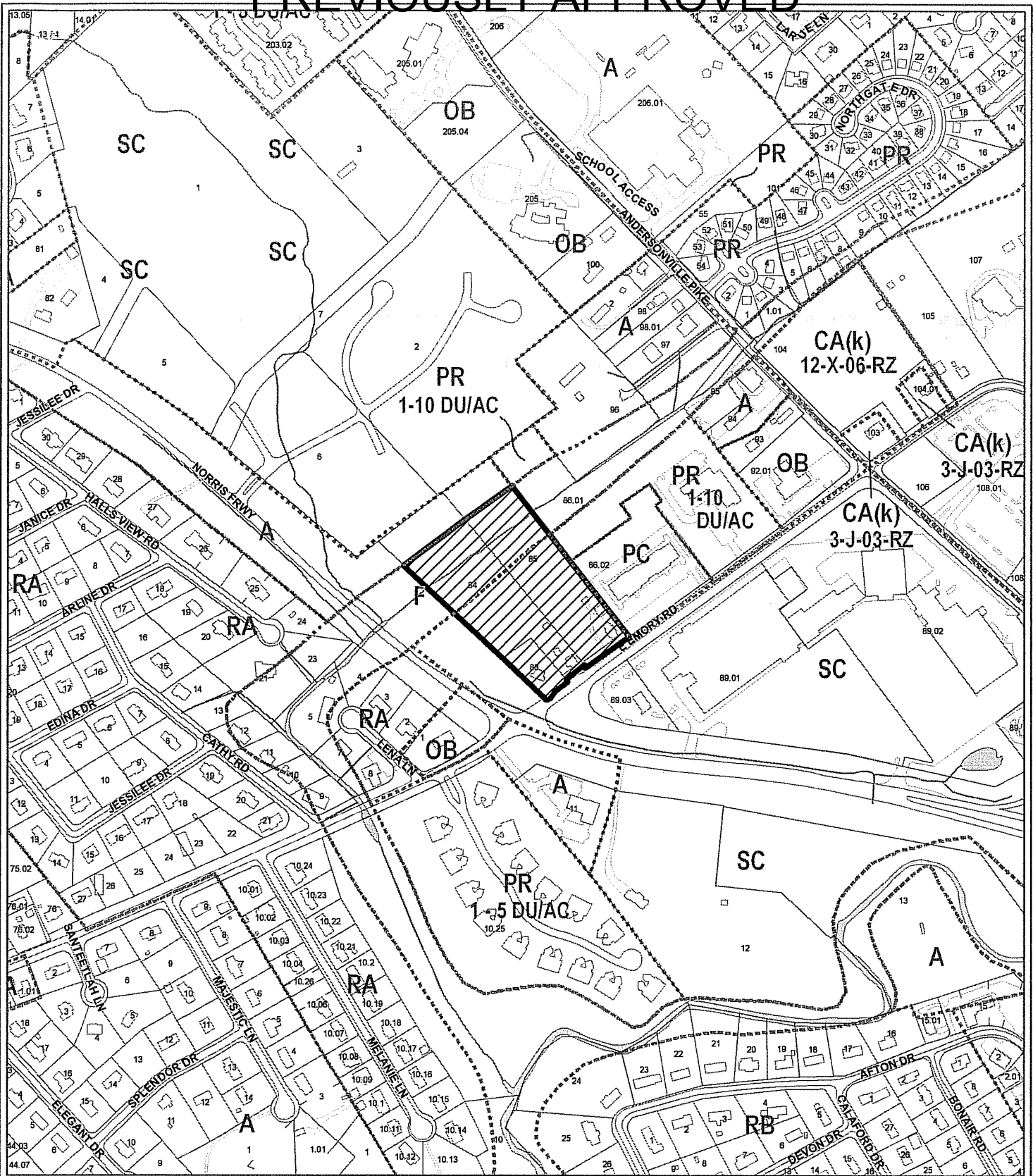
ESTIMATED TRAFFIC IMPACT 1823 (average daily vehicle trips)

Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.

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**4-F-09-UR**  
**USE ON REVIEW**



Food store in SC (Shopping Center), A (Agricultural) & F (Floodway)

Original Print Date: 3/30/2009  
Revised:  
Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Site Incorporated

Map No: 38  
Jurisdiction: County





North Freeway and Emory Road  
Knox County, Tennessee

Aldi!  
Site Landscape Plan

C6.0

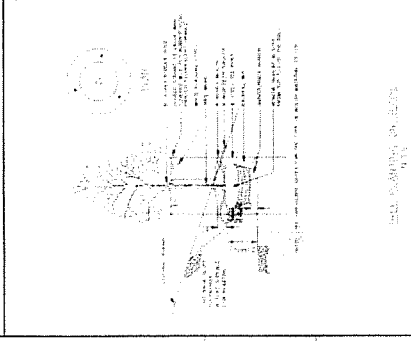
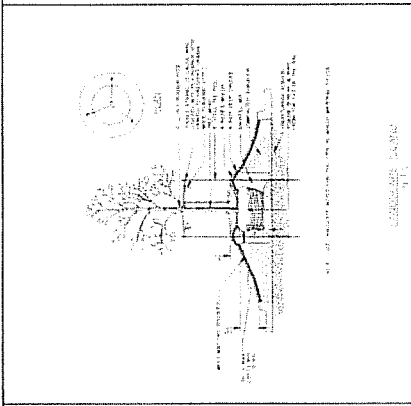
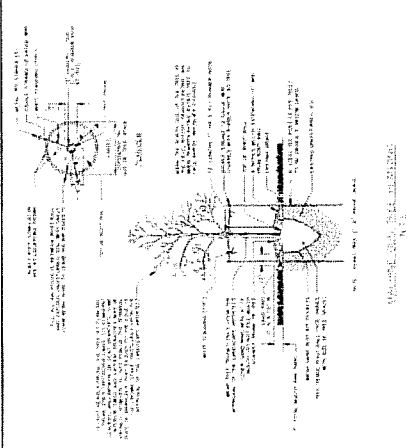
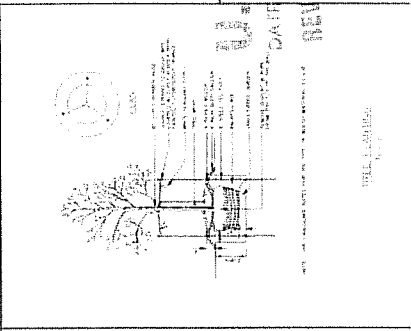
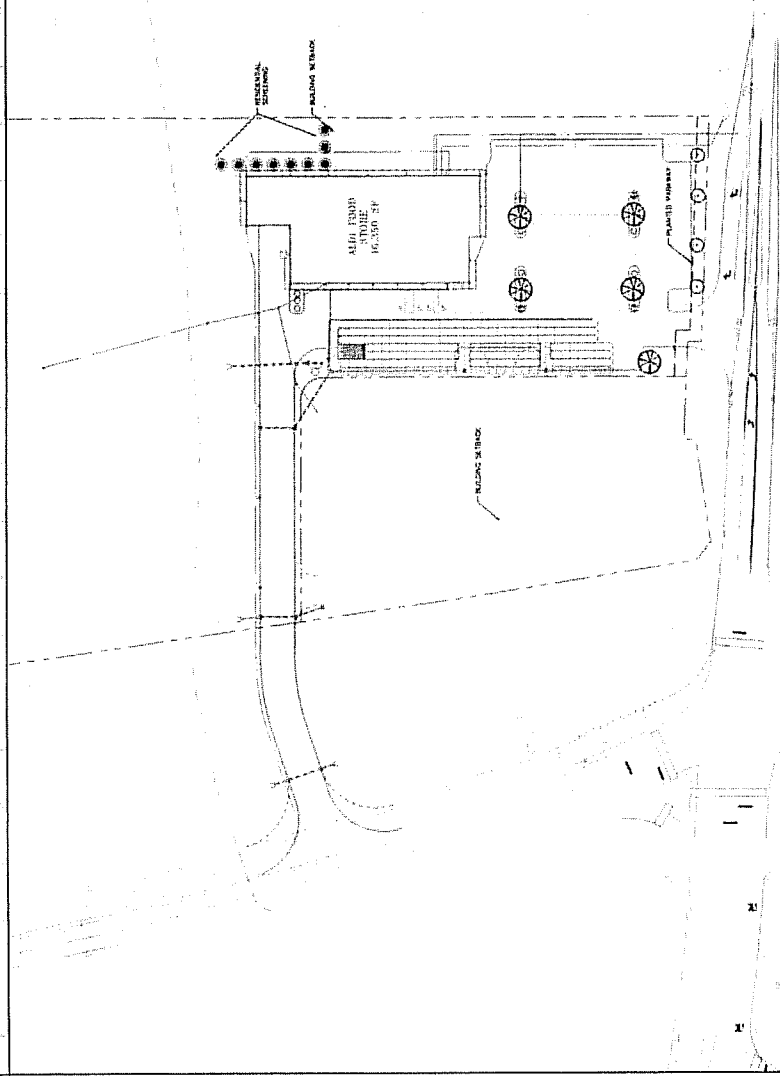
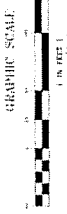
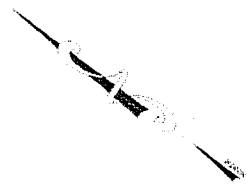
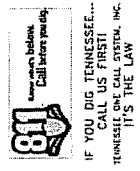
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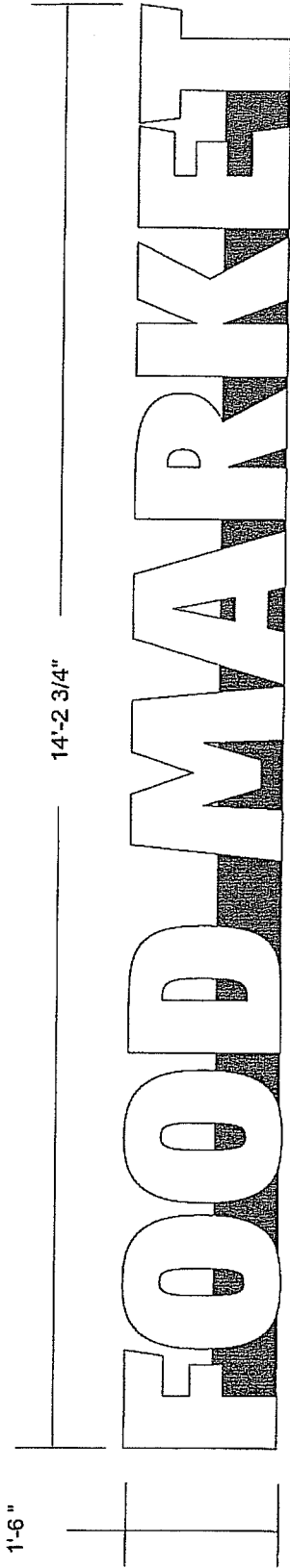


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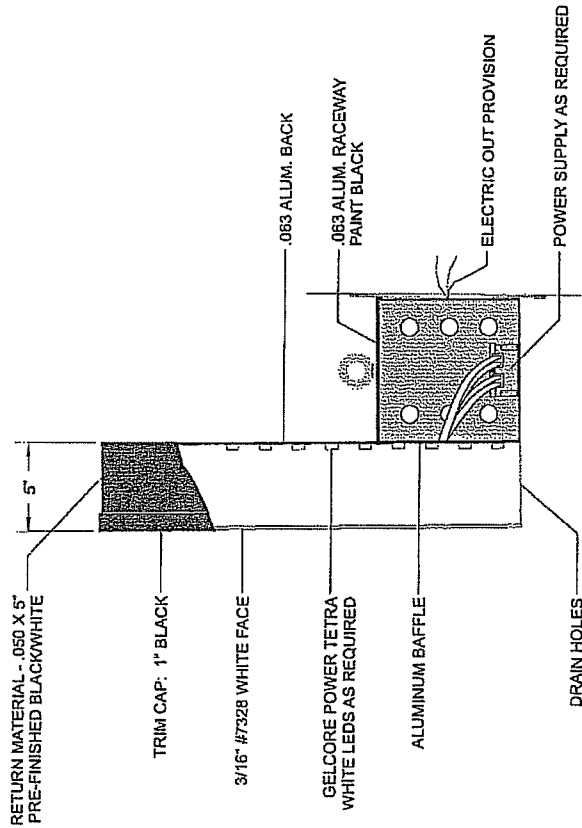

CAUTION - NOTICE TO CONTRACTOR

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES.

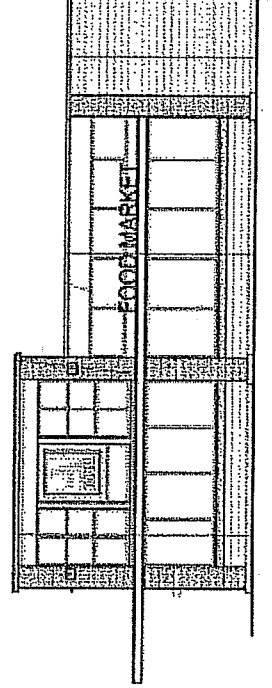
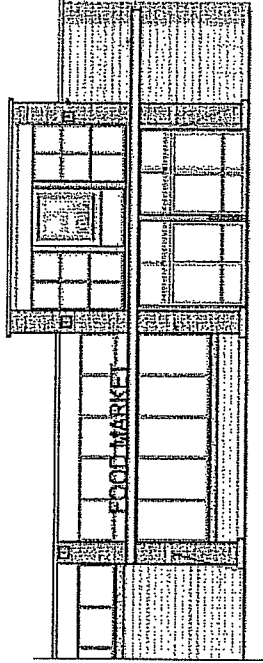




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RACEWAY CHANNEL LETTER PROFILE



4-F-09-UR

Customer:	ALDI	Date:	10-31-07	3-28-08	Prepared By:	MWR	Notes: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.
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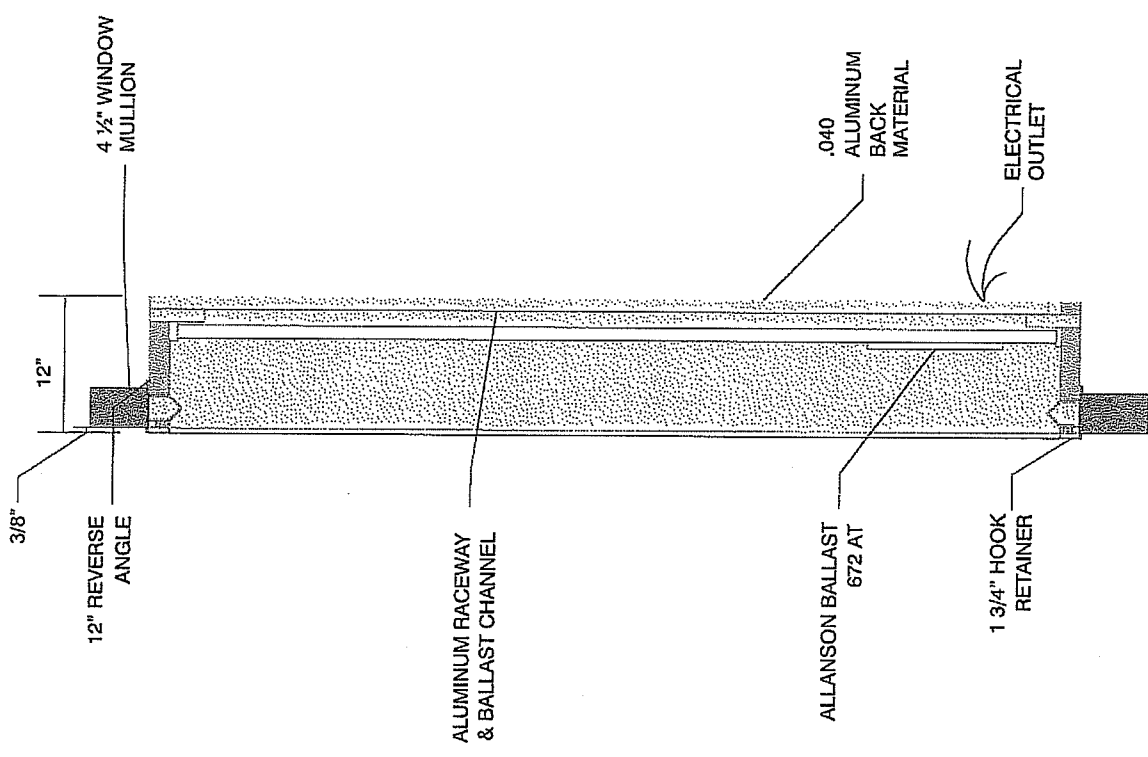


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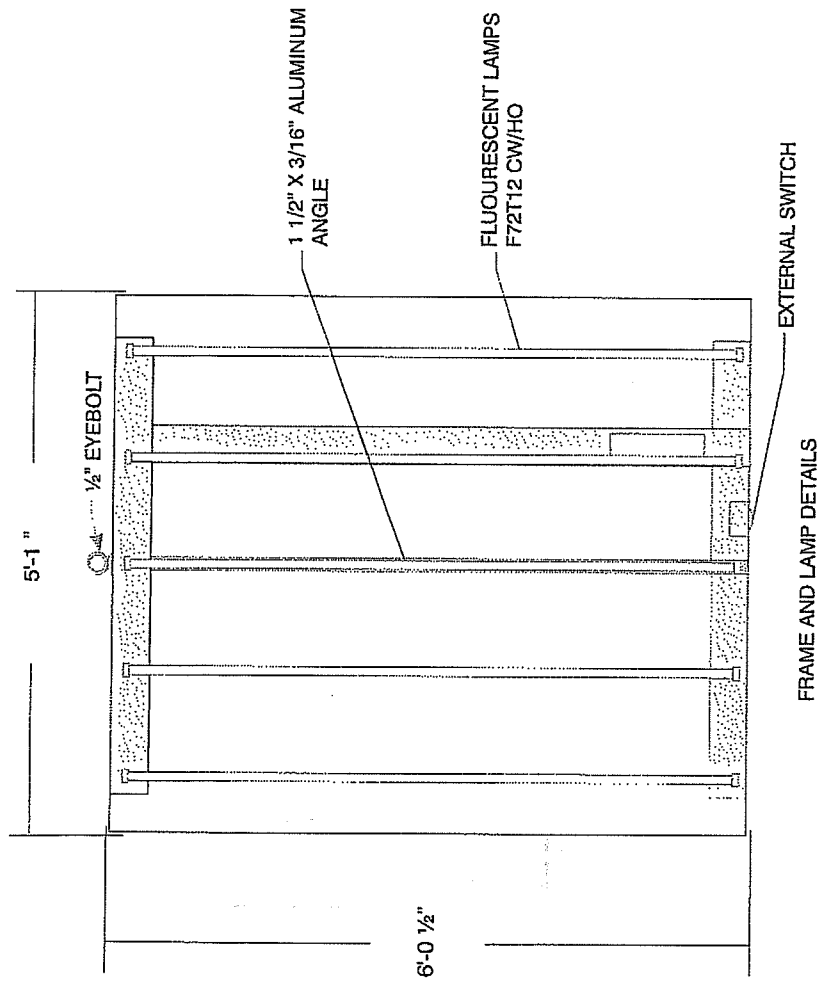


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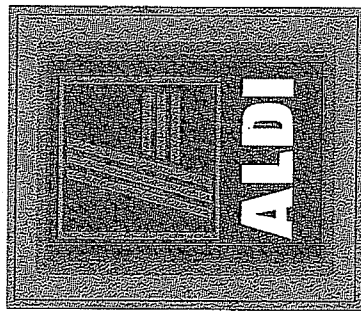


CROSS SECTION



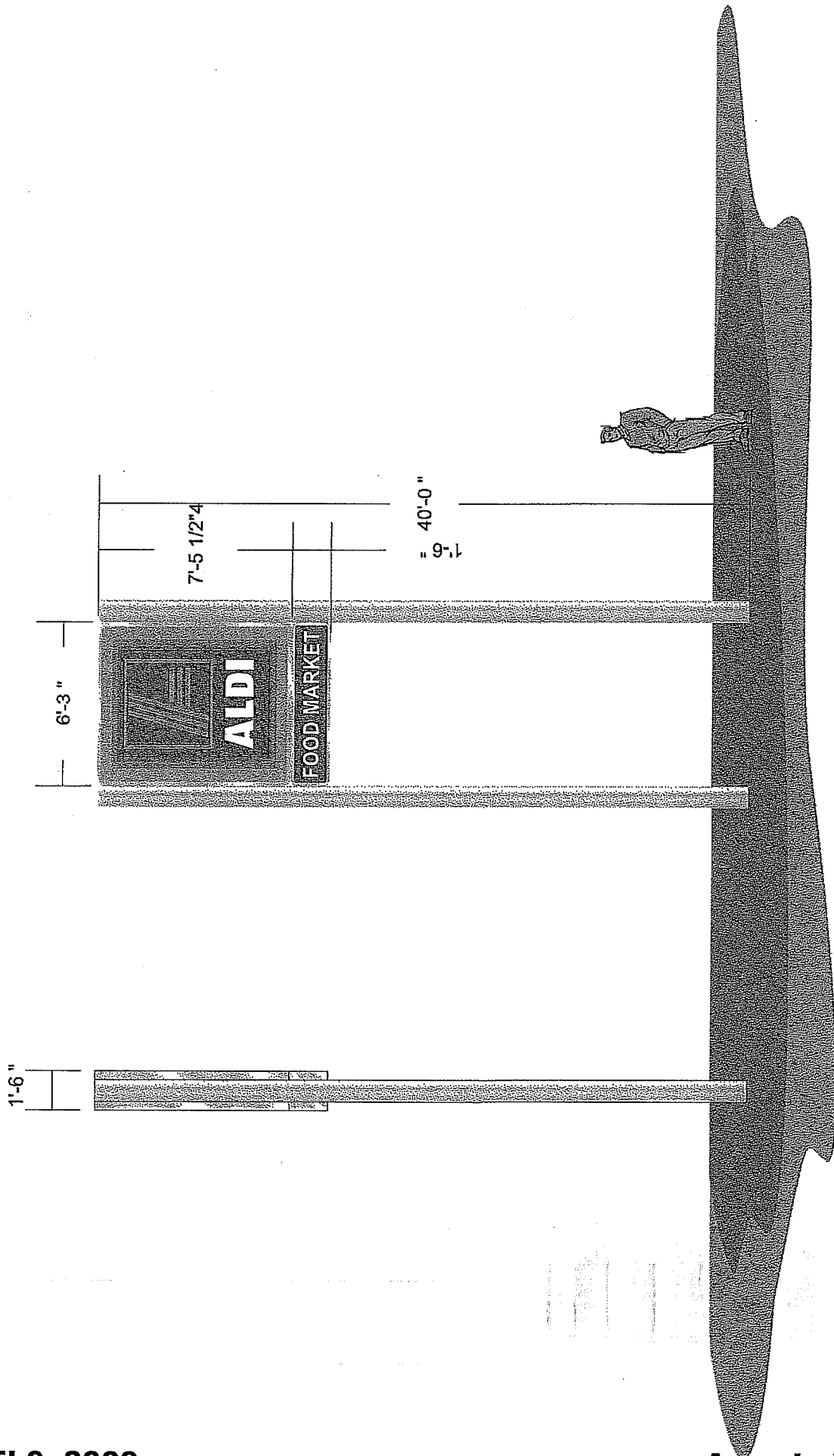
FRAME AND LAMP DETAILS

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TO MATCH SLATE GRAY  
FINISH INTERIOR: PRIME WHITE  
U.L. APPROVED  
ELECTRICAL: - 4.2 AMPS - 120 VOLTS  
REAR DOOR FOR SERVICE



GRAPHICS DETAILS

Customer:	ALDI	Prepared By:	LVA/AJ/GR/CM	Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a reference to this drawing will be made.
Location:	VARIOUS	Date:	1-18-08	ENG: X
		File Name:	1000-R15-PROTOTYPE DRAWINGS	



4-F-09-UR

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Prepared By:  
LA/MWR

Date: 4/10/07

File Name: 1000 -R17-7X6 @ 25' OAH

Customer: ALDI

Location: VARIOUS

ENG: X



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**From:** Dan Kelly  
**To:** Betty Jo Mahan  
**Date:** 11/3/2009 7:33:52 AM  
**Subject:** re; 11-C-09-UR Fwd: Halls Park Center - TDOT / Wilbursmith

>>> Nathan Silvus <nathan@silvus.us> 11/01 6:27 PM >>>  
Dan,

I discussed our conversation Re: access to Norris Freeway with Amanda Snowden on Friday at about 4 pm. She reiterated that TDOT is honoring our access rights and is granting a new access for the park. I made sure that Wilbur Smith and Associates was aware of the new park entrance and assured me that there wouldnt be a conflict (400 or 650 feet away). The letter form Wilbur Smith is attached. I do not have an e-mail for Nathan Benditz, can you please forward this message to him.

Thanks, Nathan