

**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
 PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 1-A-13-RZ
 1-A-13-PA

AGENDA ITEM #: 17
AGENDA DATE: 1/10/2013

▶ **APPLICANT:** THE KROGER COMPANY
 OWNER(S): Kroger Company

TAX ID NUMBER: 57 PORTION OF 007 MAP ON FILE AT MPC
 JURISDICTION: Council District 5

▶ **LOCATION:** Southeast side E. Emory Rd., southwest of I-75

▶ **TRACT INFORMATION:** 18.75 acres.

SECTOR PLAN: North County

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

ACCESSIBILITY: Access is via E. Emory Rd., a major arterial street with 4 lanes, a center turn lane and 55 feet of pavement width, within 75 feet of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Beaver Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** GC (General Commercial) (K) & F (Floodway) / PC-1 (Retail and Office Park), C-3 (General Commercial), A-1 (General Agricultural) & F-1 (Floodway)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) (K) & F (Floodway) (revised) / PC-1 (Retail and Office Park) & F-1 (Floodway) (revised)

▶ **EXISTING LAND USE:** Undeveloped / old airport

▶ **PROPOSED USE:** Shopping center with grocery store, shops, fuel center and outparcels

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of PC-1 from the northwest

HISTORY OF ZONING REQUESTS: The conditional GC one year plan designation and PC-1 zoning were approved on portions of the property in 2006. The condition limits zoning to PC-1 or SC-1. C-3 zoning had been requested by the applicant.

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: E. Emory Rd.- Businesses / COUNTY / CA (General Business)

South: Beaver Creek floodway / F / F-1 (Floodway)

East: Vacant land and businesses / GC(k), F / PC-1 (Retail and Office Park), A-1 (General Agricultural) & F-1 (Floodway)

West: Vacant land and residence / GC(k), F / PC-1 (Retail and Office Park), A-1 (General Agricultural) & F-1 (Floodway)

NEIGHBORHOOD CONTEXT: This site is the former location of the Powell airport, a private landing strip for airplanes. 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.

STAFF RECOMMENDATION:

► **RECOMMEND that City Council APPROVE GC (General Commercial) One Year Plan designation, subject to 1 condition:**

1. Zoning is limited to SC-1 and PC-1.

Approval of the conditioned GC plan designation and removal of the current F (Floodway) designation are appropriate for this site. The proposed development site is located outside of the current FEMA designated floodplain.

► **RECOMMEND that City Council APPROVE PC-1 zoning and removal of the F-1 (Floodway) zoning on the proposed development site.**

The recommended PC-1 zoning is an extension of zoning from the northwest and is consistent with the sector plan proposal for the property. The removal of the F-1 zoning from the proposed site is acceptable because the updated FEMA floodplain map from 2010 (attached) does not show floodplain within the proposed site.

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)

A. **AN ERROR IN THE PLAN** - The One Year Plan already designates portions of this site for general commercial and floodway uses, consistent with the current PC-1 zoning in place and with old FEMA floodplain maps. Current FEMA maps reflect that the entire development site is located outside of the floodplain, so the proposed One Year Plan changes are appropriate.

B. **A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA** - Some recent improvements have been made to E. Emory Rd. in the vicinity of this site. The FEMA floodplain maps have changed since the Floodway area was originally mapped. Over the years, commercial development has increased in the vicinity of the Emory Rd./I-75 interchange.

C. **A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN** - The changes to the floodplain, based on a 2010 study, are not reflected by the current Floodway designation of the plan.

D. **NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT** - The updated FEMA floodplain maps reflect that the current floodway designated area may be reduced at this location. The sector plan proposes mixed uses, including commercial, in the area outside of the floodplain.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. PC-1 is a logical extension of zoning from the northwest and is consistent with the sector plan proposal for the site.
2. The site is near other commercial businesses and zoning in the vicinity of the Emory Rd./I-75 interchange.
3. MPC has met with City of Knoxville Engineering officials, who have provided the updated FEMA floodplain information. They are in agreement that the F-1 zoning designation may be removed from a portion of this site, as long as it is not located within the FEMA approved floodplain. MPC and Engineering staff are in agreement that the proposed reduction of the F-1 zone is acceptable.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The recommended PC-1 zoning, as described in the zoning ordinance, is established to provide for the unified development of uses ranging from retail stores and services such as are found in neighborhood and community shopping centers to businesses and professional offices. In the interest of promoting orderly design and development, the district regulations emphasize rational placement of activities, traffic and pedestrian circulation, access and parking. loading. landscaping and the mitigation of adverse offsite impacts.
2. Based on the above general intent, this area is appropriate for the proposed PC-1 zoning.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. The proposal will have no impact on schools. The impact on the street system will depend on the type of development proposed. The proposed grocery store will require a traffic impact study to be reviewed and approved by MPC and City Engineering prior to development.
2. PC-1 zoning is compatible with surrounding development and should have a minimal impact on adjacent properties. It is an extension of zoning from the northwest.
3. Public water and sanitary sewer utilities are available to serve the site.
4. PC-1 zoning will require approval of a use on review development plan by MPC prior to construction. PC-1 zoning will require MPC use on review approval of a development plan prior to construction. This will give MPC and City of Knoxville Engineering staff the opportunity to review plans and address issues such as access, setbacks, landscape buffering, lighting, layout and traffic circulation, as well as other development concerns. Engineering staff recognizes that a portion of the proposed site is located in a no-fill zone, but states that this issue will be addressed as part of the various stages of plans review.
5. There is an opportunity to establish a public recreation/open space to the northeast, between this site and I-75. Staff would expect the applicant to work with the City and adjacent property owners if this opportunity presents itself in the future. The Parks and Greenways Plan shows the entire Powell Airport site as a "general vicinity for a district/regional recreation center". The area to the northeast of the site has a natural wetland area that should be preserved and possibly dedicated as public parkland.

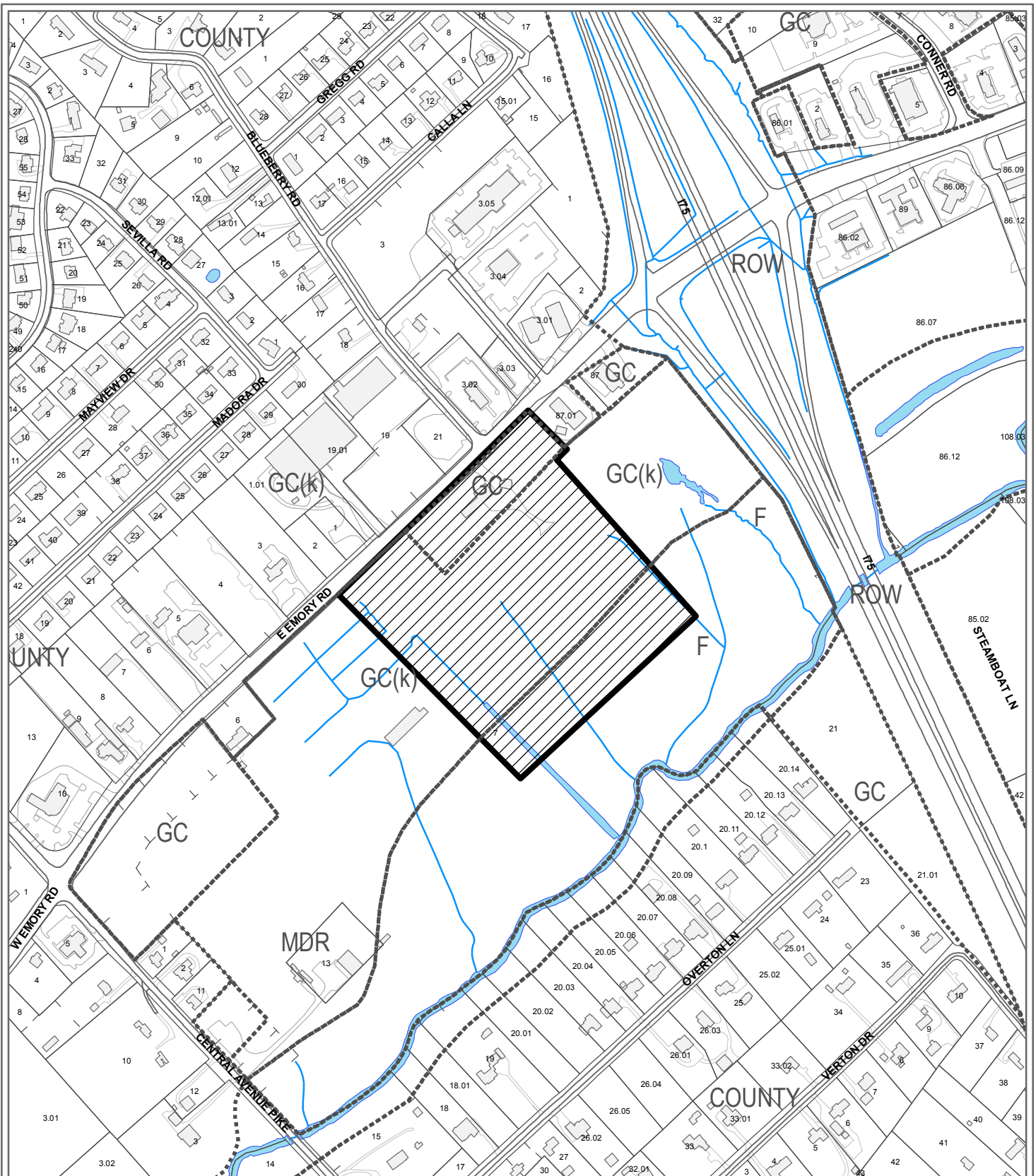
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. With the recommended One Year Plan amendment to conditioned GC, PC-1 zoning would be consistent with the plan. The F (Floodway) designation is recommended to be removed from the proposed development site, consistent with F-1 zoning recommendation.
2. The North County Sector Plan reflects this site as part of a mixed use special district (MU-NC04), which allows consideration of PC-1 zoning.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. The proposal does not present any apparent conflicts with any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 2/5/2013 and 2/19/2013. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**1-A-13-PA / 1-A-13-RZ
PLAN AMENDMENT**

From: GC (General Commercial) (K) & F (Floodway)
 To: GC (General Commercial) (K) & F (Floodway) (revised)



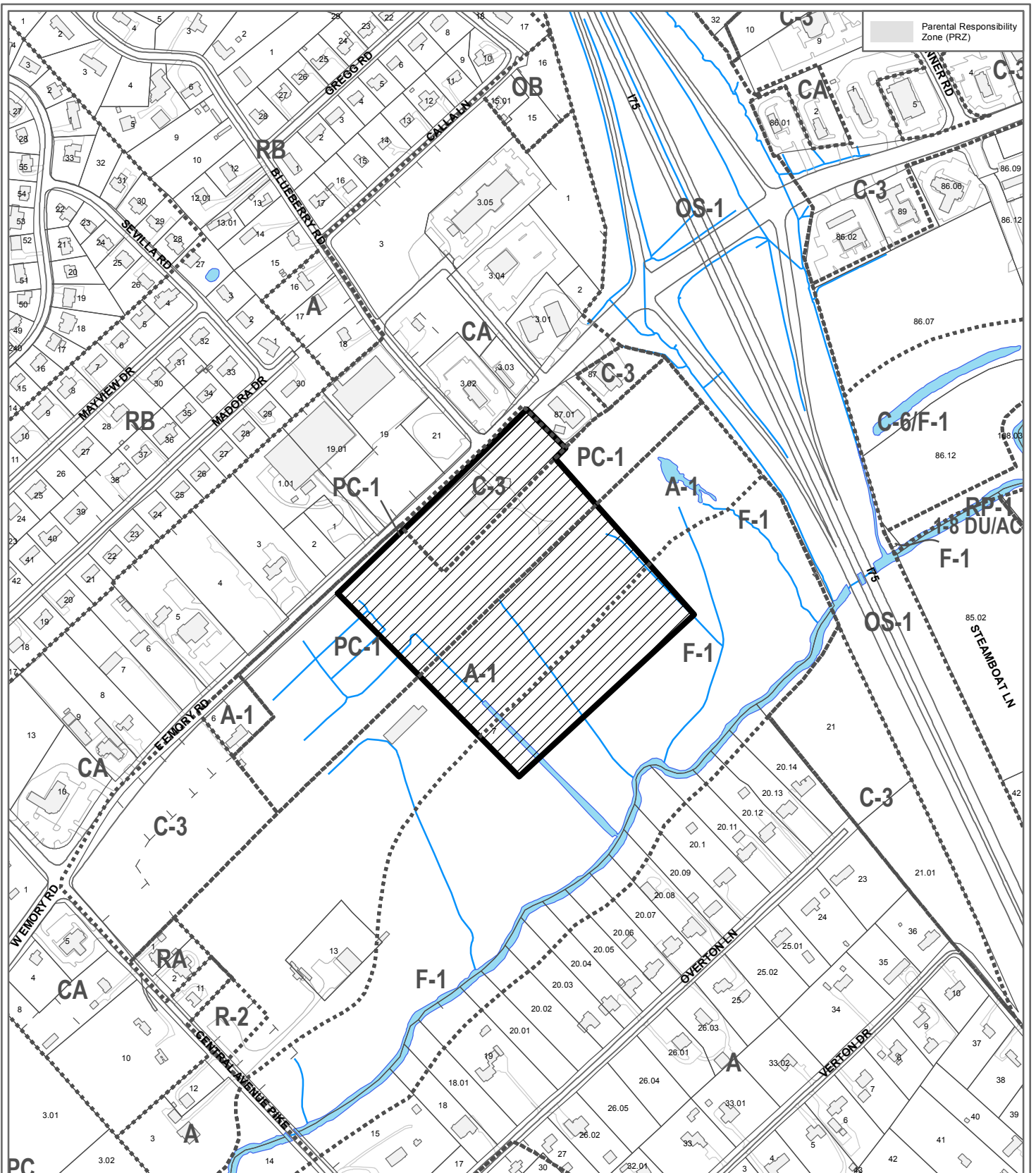
Petitioner: The Kroger Company

Map No: 57

Jurisdiction: City

Original Print Date: 12/27/2012 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





**1-A-13-RZ
REZONING**

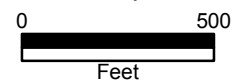
From: PC-1 (Retail and Office Park), C-3 (General Commercial), A-1 (General Agricultural) & F-1 (Floodway)
 To: PC-1 (Retail and Office Park) & F-1 (Floodway) (revised)



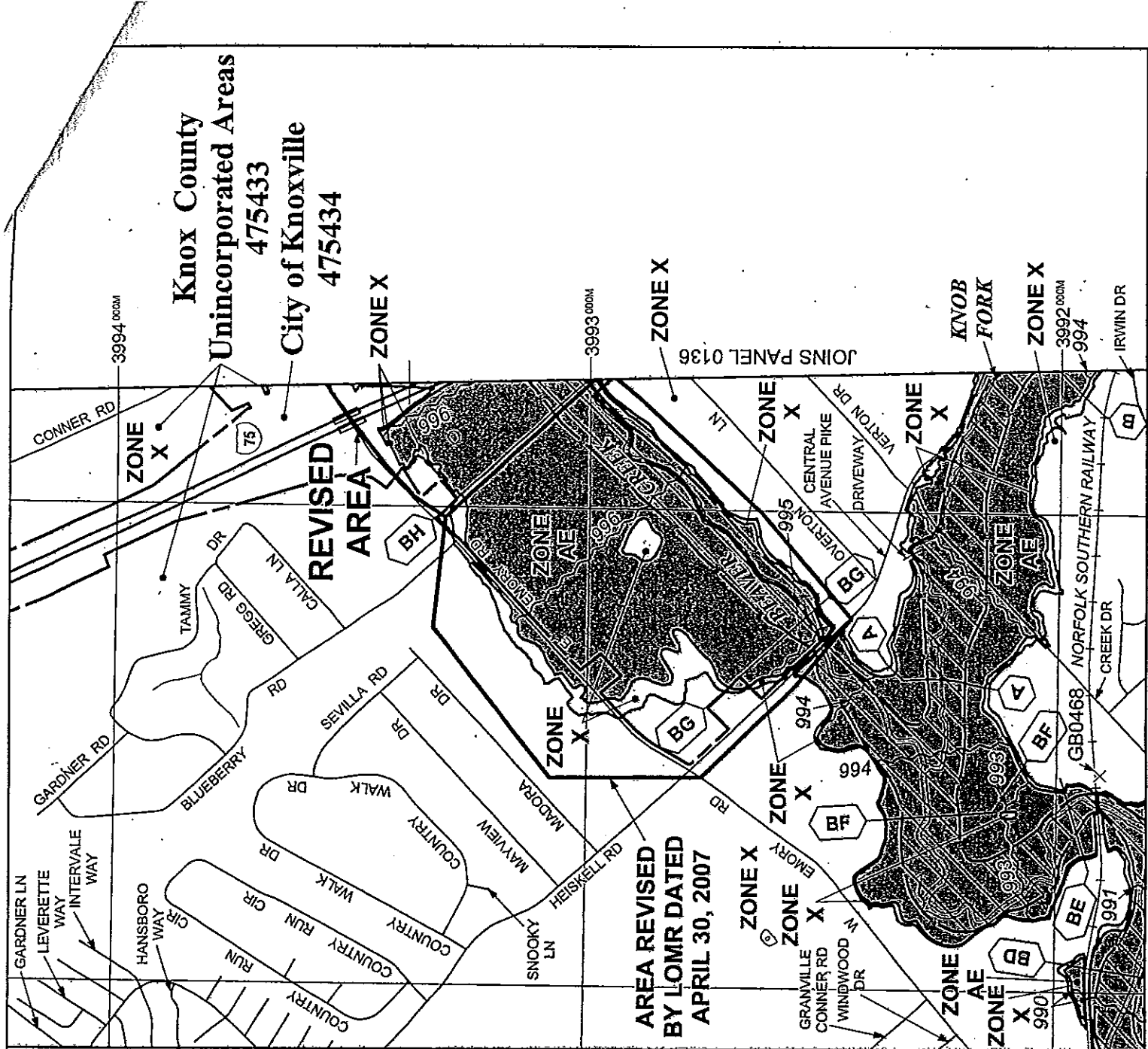
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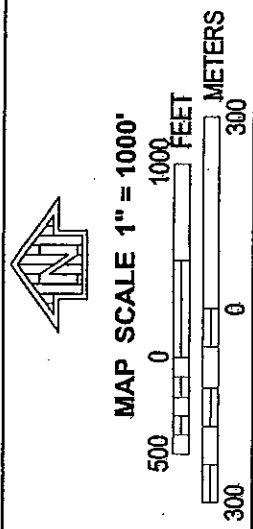
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- Legend**
- 1% annual chance (100-Year) Floodplain
 - 1% annual chance (100-Year) Floodway
 - 0.2% annual chance (500-Year) Floodplain



PANEL 0120F

FIRM
FLOOD INSURANCE RATE MAP

**KNOX COUNTY,
TENNESSEE
AND INCORPORATED AREAS**

PANEL 120 OF 430
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
KNOX COUNTY	0120	0120	F
KNOXVILLE CITY OF	47543	47543	0120

REVISED TO REFLECT LOMR
EFFECTIVE: January 11, 2010

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
47093C0120F
EFFECTIVE DATE
MAY 2, 2007

Federal Emergency Management Agency