

# CASE SUMMARY

APPLICATION TYPE: DEVELOPMENT PLAN

PLANNING COMMISSION



**File Number:** 5-B-23-DP                      **Related File Number:**  
**Application Filed:** 3/28/2023                      **Date of Revision:**  
**Applicant:** DKLEVY ARCHITECTURE AND DESIGN

## PROPERTY INFORMATION

**General Location:** South side of Middlebrook Pike, east of Countryside Center Ln, west of Durham Rd  
**Other Parcel Info.:**  
**Tax ID Number:** 104 213.01 OTHER: 105 047                      **Jurisdiction:** County  
**Size of Tract:** 11.04 acres  
**Accessibility:** Access is via Middlebrook Pike, a four lane, median divided major arterial within a right-of-way width of 108-ft.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Rural Residential, Agriculture/Forestry/Vacant Land  
**Surrounding Land Use:**  
**Proposed Use:** 128-unit multifamily development                      **Density:**  
**Sector Plan:** Northwest County                      **Sector Plan Designation:** MDR (Medium Density Residential), HP (Hillside Pr  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** There are single family residential lots and subdivisions as well as apartments in the immediate vicinity. There is a commercial node within a quarter mile to the west.

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

**Street:** 9432 MIDDLEBROOK PIKE  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** PR (Planned Residential) up to 12 du/ac  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** In 2022, this property was rezoned to PR (Planned Residential) up to 12 du/ac (12-N-22-RZ).

## PLAN INFORMATION (where applicable)

**Current Plan Category:** MDR (Medium Density Residential), HP (Hillside Protection)  
**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.:

## **PLANNING COMMISSION ACTION AND DISPOSITION**

**Planner In Charge:** Whitney Warner

**Staff Recomm. (Abbr.):** Approve the development plan for a 128-unit multi-family development, subject to 8 conditions.

**Staff Recomm. (Full):**

- 1) The maximum height of the buildings including retaining walls shall be 35 feet per the Tennessee Scenic Highway System Act of 1971 (TCA §54-17).
- 2) Provide a vegetated buffer consisting of a "Type B" landscape screen within the parking lot setback in the southwest portion of the site adjacent to single family residential uses (see Exhibit A).
- 3) Provide a sidewalk or pedestrian path to Middlebrook Pike from the parking lot of the development per the requirements of Knox County Engineering and Public Works during the permitting.
- 4) Implementation of the street and intersection improvements and driveway recommendations outlined in the Middlebrook Village Transportation Impact Study prepared by AJAX Engineering, as last revised on March 27, 2023, and approved by the Tennessee Department of Transportation, Knox County Department of Engineering and Public Works, and Planning Commission staff (see Exhibit B).
- 5) Installing all landscaping as shown on the landscape plan.
- 6) Meeting all applicable requirements of Tennessee Department of Transportation.
- 7) Meeting all other applicable requirements of the Knox County Zoning Ordinance.
- 8) Meeting all requirements of the Knox County Department of Engineering and Public Works.

With the conditions noted, this plan meets the requirements for approval in the PR district and the criteria for approval of a development plan.

**Comments:**

The applicant is seeking approval to construct a 128-unit apartment development on the subject property. The proposed development will consist of 5 apartment buildings three or four levels tall, a clubhouse with a pool, garages with 15 spaces, and carwash. A total of 219 parking spaces are proposed, which exceeds the 190 parking space minimum.

This section of Middlebrook Pike is designated a Scenic Highway and new buildings within 1,000-ft of State Scenic Highways have a building height limitation of 35-ft above the level of the highway (TCA § 54- 17-115). In the staff's opinion, this applies to any structure, including retaining walls.

Staff is recommending that a Type 'B' landscape screen be installed in the southwest portion of the property along the property line adjacent to single family residential uses, and a sidewalk or pedestrian path will be required from the parking lot to Middlebrook Pike per the Knox County Sidewalk Ordinance because a commercial node is less than 0.25 miles west.

**DEVELOPMENT PLAN ANALYSIS PER ARTICLE 6, SECTION 6.50.06 (APPROVAL OR DENIAL)**

In the exercise of its administrative judgment, the Planning Commission shall determine if the proposed plan is in harmony with the general purpose and intent of the zoning ordinance and adopted plans.

**1) ZONING ORDINANCE**

PR (Planned Residential) up to 12 du/ac:

A. The PR zone allows multi-family housing as a permitted use. The administrative procedures for the PR zone require the Planning Commission to approve the development plan before permits can be issued (Article 5, Section 5.13.15).

B. This PR zone district is approved for a maximum of 12 du/ac. The proposed density is 11.7 du/ac.

**2) GENERAL PLAN - DEVELOPMENT POLICIES**

A. Strengthen the Scenic Highways Program regulations and enforcement. (Policy 6.11) - Per the State Scenic Highways building restriction height limit, staff is recommending a maximum height of 35-ft for all buildings and retaining walls.

**3) NORTHWEST COUNTY SECTOR PLAN**

A. The property is classified Medium Density Residential, which allows densities up to 12 du/ac. The proposed development has a density of 11.7 du/ac.  
B. Middlebrook Pike Corridor Study recommends medium intensity land uses between residential and commercial areas. This multifamily development along Middlebrook Pike sits between single family residential to the east and a commercial node to the west.

4) KNOXVILLE - FARRAGUT - KNOX COUNTY GROWTH POLICY PLAN

A. The property is within the Planned Growth Boundary. The purposes of the Planned Growth Boundary designation are to encourage a reasonably compact pattern of development, promote the expansion of the Knox County economy, offer a wide range of housing choices, and coordinate the actions of the public and private sectors, particularly with regard to the provision of adequate roads, utilities, schools, drainage and other public facilities and services. The proposed development meets the relevant standards of the Growth Policy Plan.

**Action:** Approved as Modified **Meeting Date:** 6/8/2023

**Details of Action:** Approve the development plan for a 128-unit multi-family development, subject to 8 conditions, adding a 9th condition that a landscape screening wall be installed in addition to, and in the same location as, the vegetative buffer in condition #2.

**Summary of Action:** Approve the development plan for a 128-unit multi-family development, subject to 8 conditions, adding a 9th condition that a landscape screening wall be installed in addition to, and in the same location as, the vegetative buffer in condition #2.

**Date of Approval:** 6/8/2023 **Date of Denial:** **Postponements:** 5/11/2023

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Commission

**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:**