

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: Mike Reynolds

Staff Recomm. (Abbr.): Approve the development plan for a multi-family development with up to 120 dwelling units and a maximum height of approximately 52 feet, subject to 8 conditions.

Staff Recomm. (Full): 1) Connecting the development to sanitary sewer, as well as meeting other applicable requirements of the Knox County Health Department.
2) Implementation of the street and intersection improvements and driveway recommendations outlined in the Middlebrook Commons Transportation Impact Study prepared by AJAX Engineering, as last revised on June 15, 2021, and approved by the Tennessee Department of Transportation, Knox County Department of Engineering and Public Works, and Planning Commission staff.
3) Obtaining all necessary approvals from the Tennessee Department of Transportation (TDOT) for the location of the driveway and the required improvements to Middlebrook Pike.
4) Installation of all sidewalks as shown on the revised development plan and providing a pedestrian connection from the apartment complex to Middlebrook Pike as reviewed and approved by Knox County Engineering and Public Works staff. Sidewalks shall meet all applicable requirements of the Americans with Disabilities Act (ADA) and the Knox County Department of Engineering and Public Works. A bond shall be provided to the Knox County Department of Engineering and Public Works by the developer in an amount sufficient to guarantee the installation of the sidewalks.
5) Installation of all landscaping and privacy fencing as shown on the landscape plan within six months of issuance of the first occupancy permit for the project, or posting a bond with the Knox County Department of Engineering and Public Works, to guarantee such installation.
6) Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
7) If security gates are proposed, obtaining approval from the Knox County Fire Marshal and Knox County Engineering and Public Works.
8) Meeting all applicable requirements of the Knox County Zoning Ordinance, including but not limited to Section 3.90 (Signs, billboards, and other advertising structures).

With the conditions noted above, this request meets all requirements for approval in the OB (Office, Medical, and Related Services) zoning district, as well as the criteria for approval of a use on review.

Comments: This proposal is for a 120-unit multi-family apartment complex on 5.29 acres and a density of 23.86 du/ac. The development will include three 4-story buildings and a 1-story amenity building with a pool. The property was recently rezoned from A (Agricultural) to OB (Office, Medical and Related), and the Northwest County Sector Plan was amended from LDR (Low Density Residential) to O (Office). The O land use designation does not have a maximum residential density and the OB zone allows consideration of up to 24 du/ac.

Access to the site is from Middlebrook Pike and is a shared driveway with the Dollar General Market store. The applicant proposes three different options (scenarios) for improvements to Middlebrook Pike to improve access to the site (see sheet C3.3). Options 1 and 2 propose a new median opening, with option 1 providing full access and option 2 providing left-in only access. Option 3 does not include a new median opening but does include an eastbound right turn lane. Middlebrook Pike is a TDOT facility so any improvements to the road must meet their standards and obtain their approval for permitting. To date, TDOT has only agreed to allow Option #3 because the new median opening does not meet the minimum separation standard between median openings.

DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 – SECTION 2)
The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

1) THE PROPOSED USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES,

INCLUDING THE GENERAL PLAN AND SECTOR PLAN.

- A. The Northwest County Sector Plan designates this property as O (Office), which does not specifically address residential densities. The proposed apartment development at a density of 23.86 du/ac is consistent with the O land use classification.
- B. The site is located within the Planned Growth Area of the Knoxville-Knox County-Farragut Growth Policy Plan map.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE.

- A. The OB (Office, Medical and Related Services) zone is intended to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The intent herein is to provide centralized, compact locations for business offices, clinics, medical, and dental offices near residential neighborhoods.
- B. The OB zone allows consideration of the residential uses per the requirements of the RB (General Residential) zone. The RB zone allows consideration of densities up to 24 du/ac, however, developments over 12 du/ac must obtain Use on Review approval.
- C. The RB zone only provides a maximum height for houses and duplexes, not for other uses such as apartment buildings. The height of multi-dwelling structures approved as a Use on Review shall be determined by the planning commission. The proposed 4-story structures with a height of 52-FT to the midpoint of the roof are appropriate for this location.
- D. For buildings more than 3-stories in height, 1-FT of additional side yard must be provided on each side of the main building for each additional 2-FT in excess of 36-FT in height. For this proposal, the side setback has been increased from 12-FT to 20-FT for the 4-story structures.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

- A. The surrounding uses include a church to the north, Dollar General Market to the east, a residential house and telecommunication tower on a large lot to the south, and a vacant lot between the subject site and a residential neighborhood to the west.
- B. There is no specific character to the area where this development is located. The subject site is located at a higher elevation than the adjacent church and Dollar General Market that are located between it and Middlebrook Pike. The structures will only be partially visible from the public road.
- C. The 4-story building height is only a concern for the residential structure to the south. The existing house will be approximately 105-FT away from the nearest structure. The ground floor of the building is approximately 10-FT lower than the residential lot and the applicant has proposed an 8-FT tall privacy fence on top of the retaining wall to provide additional screening (see that landscape plan, sheet C8.1). as shown on the landscape plan adjacent to the residential lot for additional screening. The residential lot also has some trees between the house and the proposed development. The other apartment building that is also adjacent to the residential lot will have evergreen trees along the property line. This structure is closer to the 170-FT monopole telecommunication tower.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY.

- A. With the inclusion of landscape screening and privacy fencing, there is no indication that a multi-family apartment complex will significantly injure the value of adjacent properties.

5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.

- A. The property has direct access to Middlebrook Pike and will not draw additional traffic through residential areas.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

- A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for the proposed apartment complex.

Action: Approved **Meeting Date:** 7/8/2021

Details of Action:

Summary of Action: Approve the development plan for a multi-family development with up to 120 dwelling units and a maximum height of approximately 52 feet, subject to 8 conditions.

Date of Approval: 7/8/2021 **Date of Denial:** **Postponements:**

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Board of Zoning Appeals

Date of Legislative Action: **Date of Legislative Action, Second Reading:**

Ordinance Number:

Disposition of Case:

If "Other":

Amendments:

Date of Legislative Appeal:

Other Ordinance Number References:

Disposition of Case, Second Reading:

If "Other":

Amendments:

Effective Date of Ordinance: