



USE ON REVIEW REPORT

► **FILE #:** 6-A-21-UR

AGENDA ITEM #: 26

AGENDA DATE: 6/10/2021

► **APPLICANT:** DENNA MIDDLETON

OWNER(S): Fangwei and Hsinhao Liao

TAX ID NUMBER: 105 O C 028

[View map on KGIS](#)

JURISDICTION: County Commission District 3

STREET ADDRESS: 9036 Middlebrook Pk.

► **LOCATION:** South side of Middlebrook Pike at Foxcroft Drive

► **APPX. SIZE OF TRACT:** 3.16 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is off of Middlebrook Pike, a major arterial road with 78 ft of pavement width including a center median inside a 100 ft right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Ten Mile Creek

► **ZONING:** CN (Neighborhood Commercial) / OB (Office, Medical and Related Services)

► **EXISTING LAND USE:** Restaurant

► **PROPOSED USE:** Restaurant / Food Trucks

HISTORY OF ZONING: The property was rezoned from CA and OB to CN and OB (7-J-18-RZ)

SURROUNDING LAND USE AND ZONING: North: Single family dwellings - RA (Low Density Residential)

South: Single family dwellings - RA (Low Density Residential) and OB (Office, Medical, and Related Services)

East: An office and a funeral home - OB (Office, Medical, and Related Services)

West: Offices and townhomes - CA (General Business) and PR (Planned Residential) with up to 12 du/ac

NEIGHBORHOOD CONTEXT: The subject property is located on the south side of Middlebrook Pike in an area with a mix of residential and commercial uses.

STAFF RECOMMENDATION:

► **APPROVE the request to allow up to three food trucks to be parked at 9036 Middlebrook Pike subject to 2 conditions.**

1. Meeting all appropriate requests of the Knox County Zoning Ordinance.

2. Food trucks will only be situated on the CN (Neighborhood Commercial) portion of the subject property.

With the conditions noted, this plan meets the requests for approval in the CN zone and the criteria for approval of a use on review.

COMMENTS:

The applicant is requesting to allow up to three food trucks to be parked at 9036 Middlebrook Pike. The subject property is split into two zones. The north portion is zoned CN (Neighborhood Commercial), and the south portion is zoned OB (Office, Medical, and Related Services). The food trucks will be parked on the north section of the property zoned CN (Neighborhood Commercial). They will be situated along the loop of the eastern driveway that was once constructed for access to a previous residence. The specific location of the food trucks is indicated on the attached site plan.

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 recommends NC (Neighborhood Commercial) uses for this site. This classification includes retail and service-oriented commercial uses intended to provide goods and services that serve the day-to-day needs of households within a walking or short driving distance. Neighborhood commercial uses may also be accommodated within neighborhood centers. The proposed food truck use is compatible with this description.

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

A. The CN (Neighborhood Commercial) zone is intended to provide the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. It is intended to provide for the recurring shopping and personal service needs of nearby residential areas. Development performance standards are provided to maximize compatibility between commercial uses and adjacent residential uses. Food truck parks are considered a restaurant use, which is a permitted use on review in the CN (Neighborhood Commercial) zone.

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 proposal for up to three food trucks to be parked on the subject property is compatible with the surrounding uses along Middlebrook Pike and will not disrupt the overall character of the area. Food trucks will be located on the eastern portion of the property away from the neighboring residential uses to the west.

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

There is no indication that the proposal for up to three food trucks 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. It is not anticipated that the use would generate additional traffic that would affect 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.

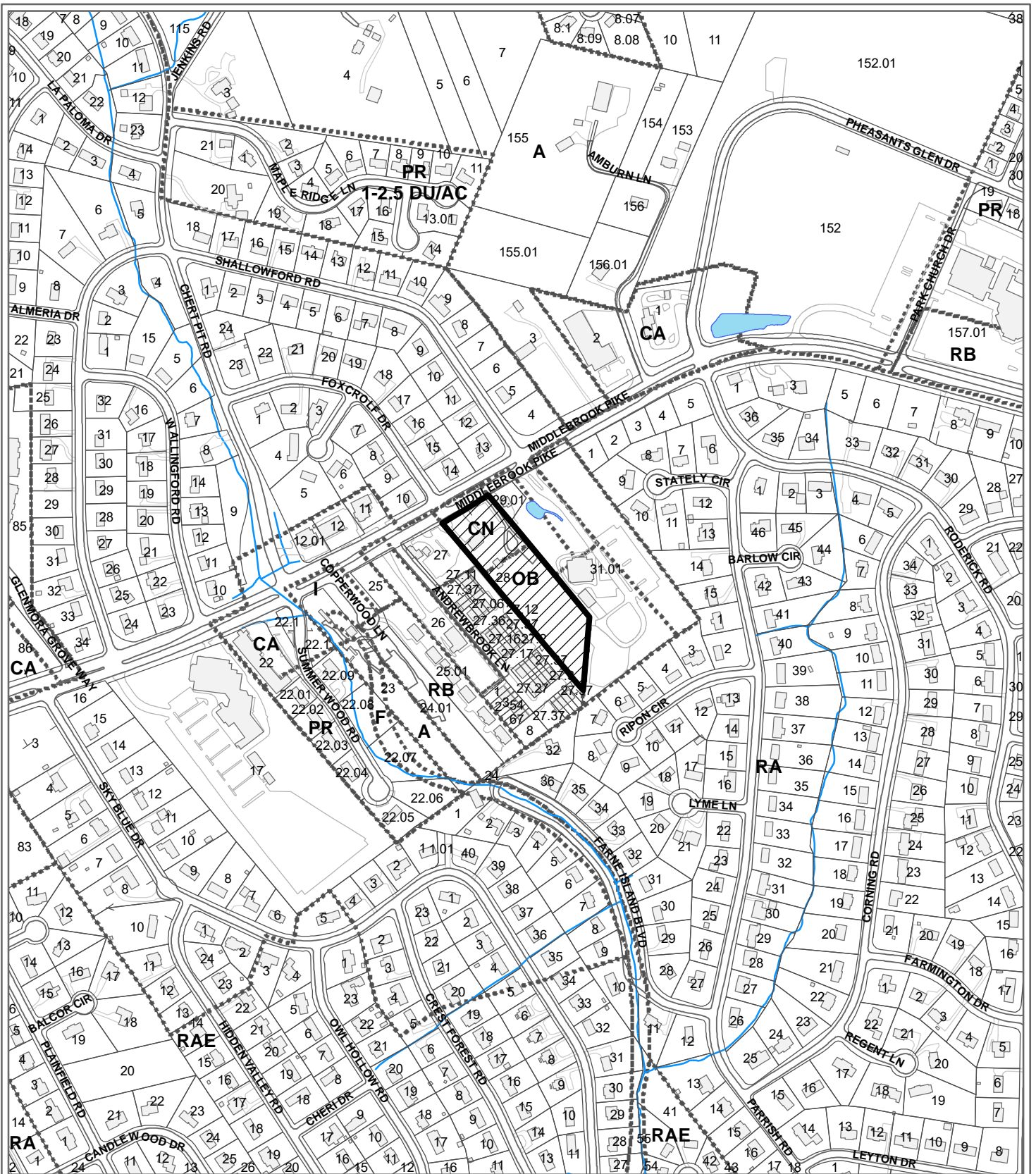
A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for the proposed food truck park.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission'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 a Planning Commission decision in

the County.



**6-A-21-UR
USE ON REVIEW**



Restaurant / Food Trucks in CN (Neighborhood Commercial) / OB (Office, Medical and Related Services)

Original Print Date: 5/6/2021

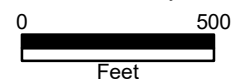
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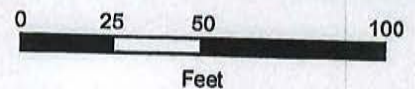
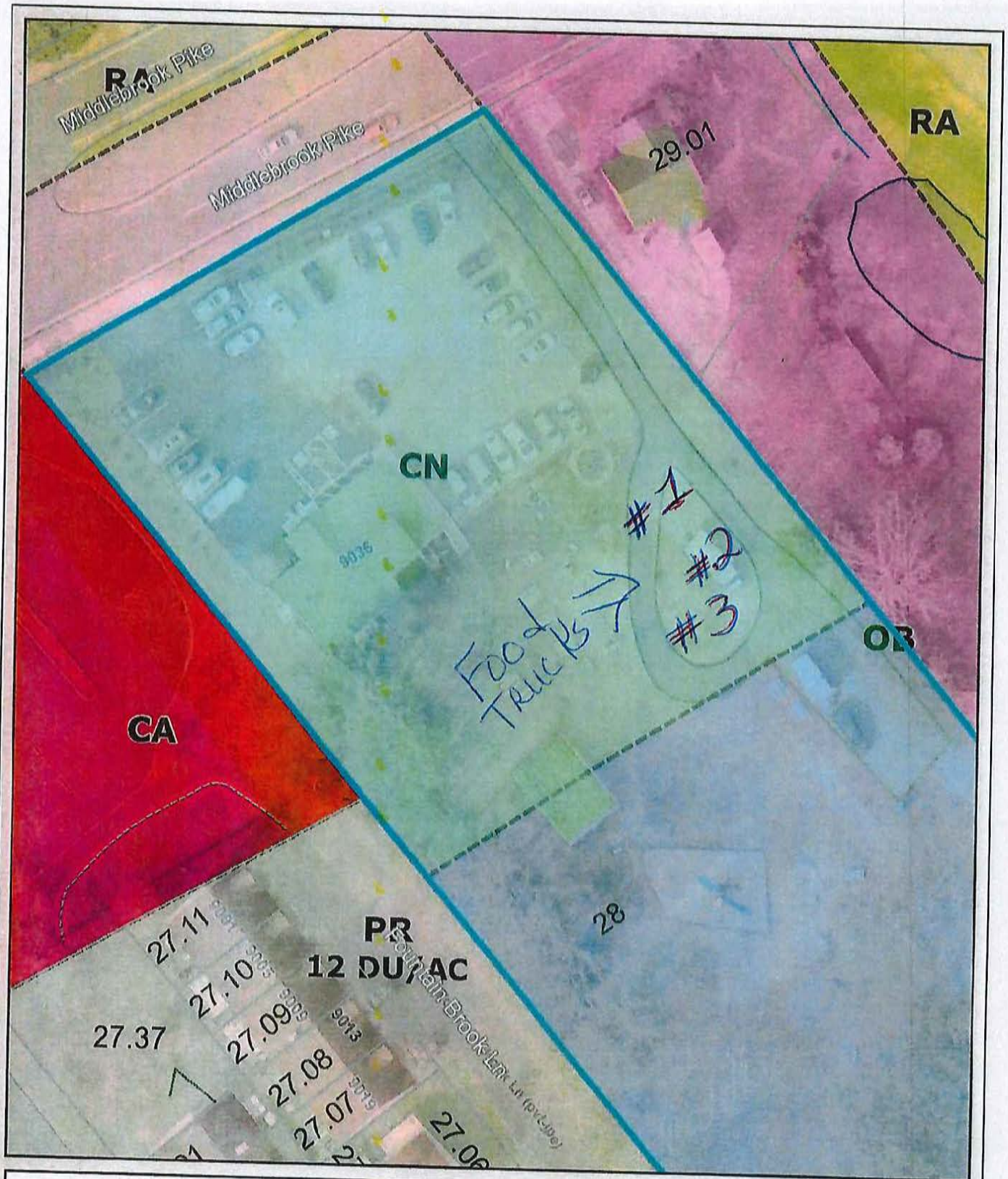
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Middleton, Denna

Map No: 105

Jurisdiction: County





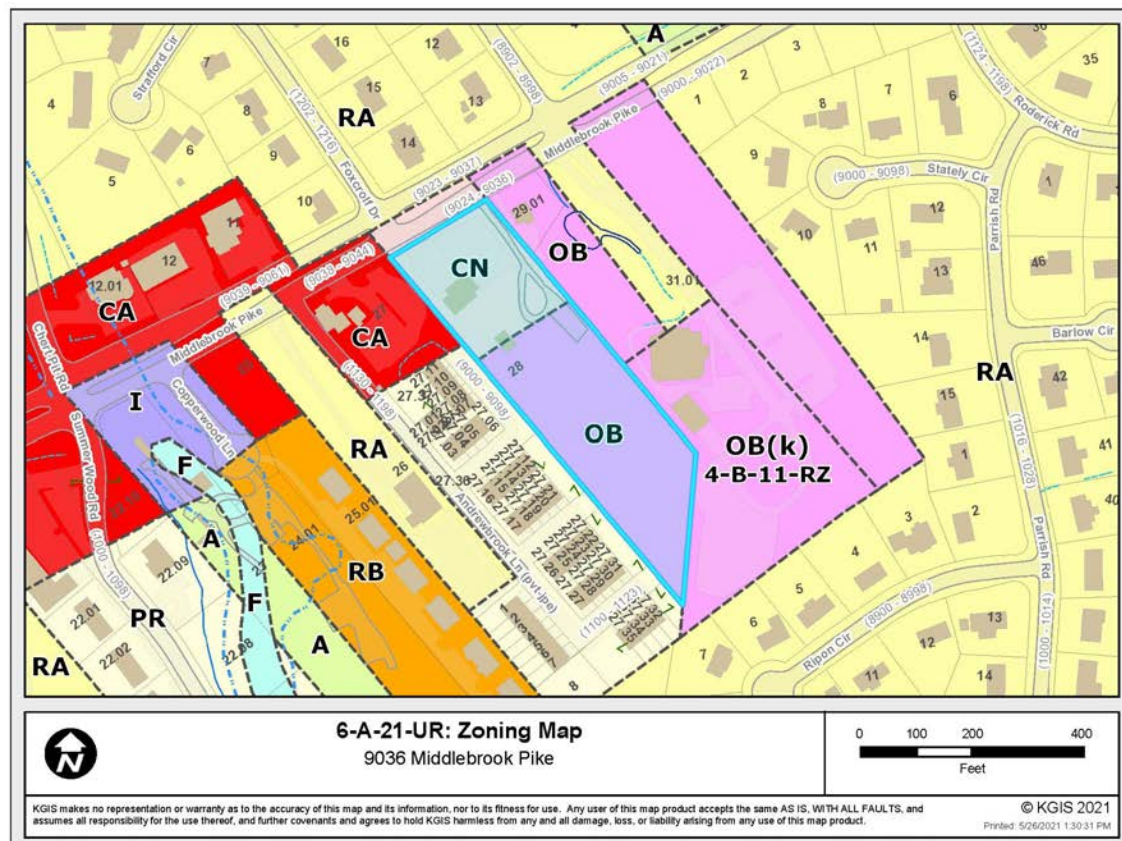
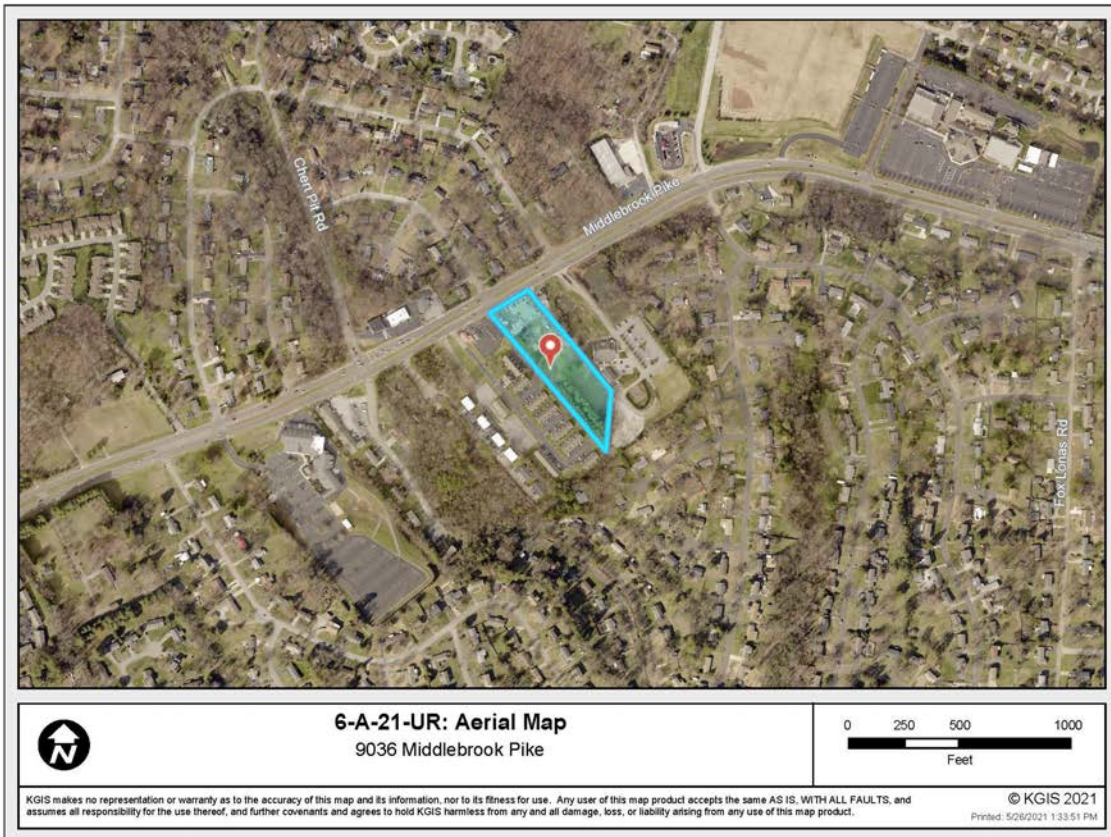
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EXHIBIT A. Contextual Images



9036 Middlebrook Pike



03/01/2020



Development Request

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☒ Use on Review / Special Use
☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☐ SP ☐ OYP
☐ Rezoning

Denna Middleton

Attorney4-4A

Applicant Name

Affiliation

April 23, 2021

June 10, 2021

File Number(s)

Date Filed

Meeting Date (if applicable)

6A-21-UR

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- ☒ Applicant ☐ Owner ☐ Option Holder ☐ Project Surveyor ☐ Engineer ☐ Architect/Landscape Architect

Denna Middleton

Law Offices Of Denna Middleton

Name

Company

9111 Cross Park Dr. D-200

Knoxville

TN

37923

Address

City

State

ZIP

865-470-4288

DennaUTLaw@aol.com

Phone

Email

CURRENT PROPERTY INFO

Fangwei and Hsinhao Liao

7037 Lawford Rd. Knoxville TN 37919

865-696-1706

Owner Name (if different)

Owner Address

Owner Phone

9036 Middlebrook Pike Knoxville TN 37923

Property Address

Parcel ID

1050C028 (CN portion only)

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

S/S Middlebrook PK at Foxcroft Rd. Tot. 3.16

General Location

Tract Size

1 acre ±
(part of)
CN portion
only

☐ City ☒ County

3rd
District

CN/OB
Zoning District

CO
Existing Land Use

Northwest County
Planning Sector

NC/O
Sector Plan Land Use Classification

Planned Growth
Growth Policy Plan Designation

DEVELOPMENT REQUEST
☐ Development Plan ☒ Use on Review / Special Use ☐ Hillside Protection COA

☐ Residential ☐ Non-Residential

Home Occupation (specify) _____

Restaurant/Food Trucks

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

☐ Combine Parcels☐ Divide Parcel

Unit / Phase Number _____

Total Number of Lots Created _____

☐ Other (specify) _____☐ Attachments / Additional Requirements _____

Related Rezoning File Number

ZONING REQUEST☐ Zoning Change

Proposed Zoning _____

☐ Plan Amendment Change

Proposed Plan Designation(s) _____

Pending Plat File Number

Proposed Density (units/acre) _____

Previous Rezoning Requests _____

☐ Other (specify) _____**STAFF USE ONLY****PLAT TYPE**☐ Staff Review☐ Planning Commission**ATTACHMENTS**☐ Property Owners / Option Holders☐ Variance Request**ADDITIONAL REQUIREMENTS**☐ Design Plan Certification (Final Plat)☐ Use on Review / Special Use (Concept Plan)☐ Traffic Impact Study☐ COA Checklist (Hillside Protection)

Fee 1

Total

0401 | 1500.00

Fee 2

Fee 3

#1500.00

By signing below, I certify I am the property owner, applicant or the owners authorized representative.

Denna Middleton

Denna Middleton

April 23, 2021

Applicant Signature

Please Print

Date

865-470-4288

Phone Number

DennaUTLaw@aol.com

Email

Sherry Muchienzi

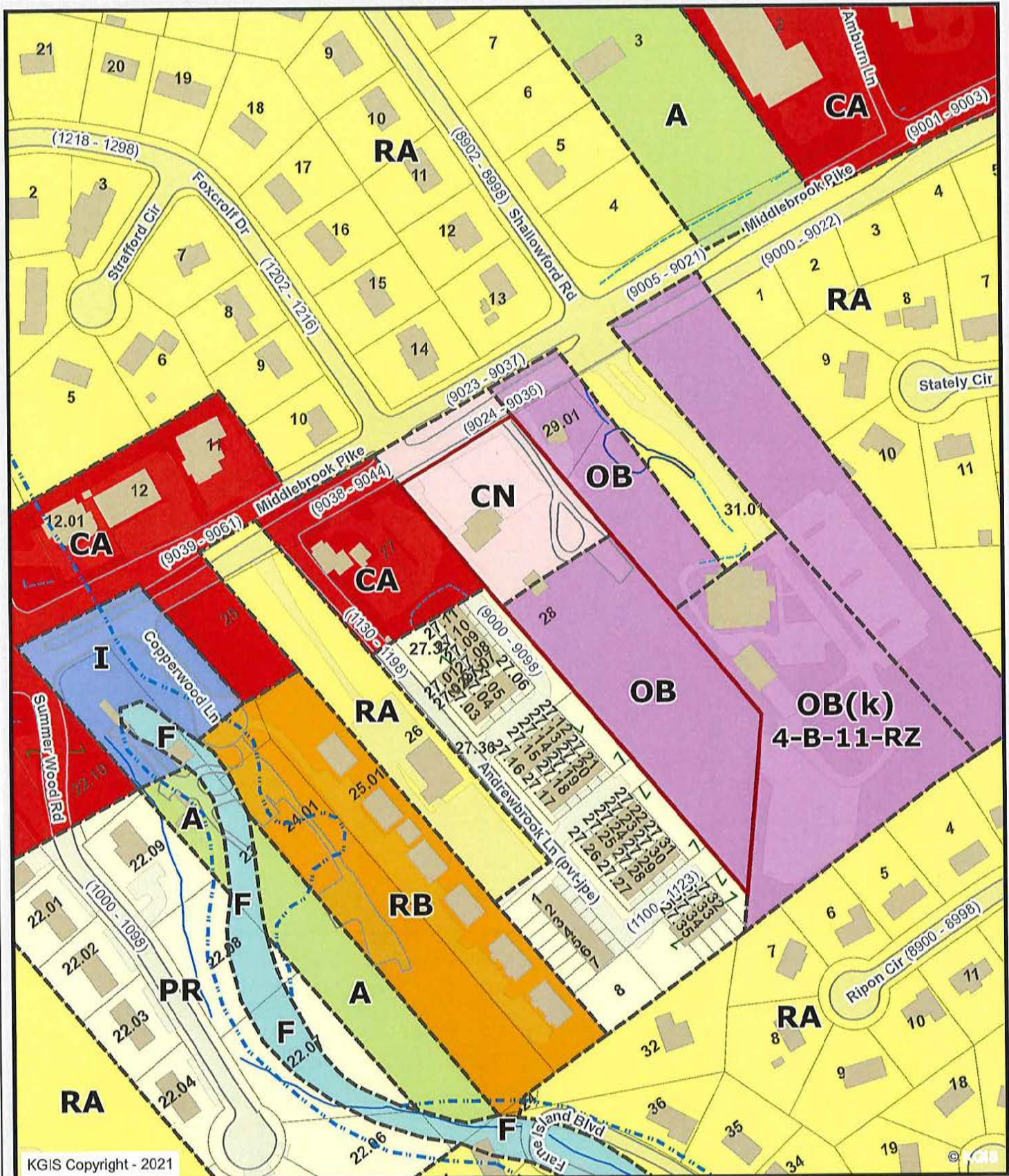
Staff Signature

SHERRY MUCHIENZI

Please Print

4/23/2021 (sum)

Date

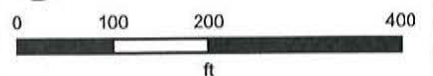


9036 MIDDLEBROOK PK

Knoxville - Knox County - KUB Geographic Information System



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