



PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 12-N-22-RZ
12-C-22-SP

AGENDA ITEM #: 27
AGENDA DATE: 12/8/2022

► **APPLICANT:** DANIEL LEVY
OWNER(S): Terry & Sandra House

TAX ID NUMBER: 104 213.01 105 047 [View map on KGIS](#)

JURISDICTION: Commission District 3

STREET ADDRESS: 9502 MIDDLEBROOK PIKE (9432 Middelbrook Pike)

► **LOCATION:** South side of Middlebrook Pk, west of N Cedar Bluff Rd, east of Countryside Center Ln

► **TRACT INFORMATION:** 11.04 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Middlebrook Pike, a major arterial with a 95-ft pavement width within a 112-ft right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

► **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential), HP (Hillside Protection) / A (Agricultural), PR (Planned Residential) up to 4 du/ac

► **PROPOSED PLAN DESIGNATION/ZONING:** MDR (Medium Density Residential), HP (Hillside Protection) / PR (Planned Residential)

► **EXISTING LAND USE:** Rural Residential

► **DENSITY PROPOSED:** 12 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: Yes

HISTORY OF ZONING REQUESTS: 5-E-98-RZ: A to PR up to 5 du/ac (withdrawn); 1-M-01-RZ: A to PR up to 4 du/ac

SURROUNDING LAND USE, PLAN DESIGNATION, North: Rural residential, agricultural - LDR (Low Density Residential) - A (Agricultural), PR (Planned Residential) up to 3 du/ac

ZONING South: Single family residential - LDR (Low Density Residential) - PR (Planned Residential) up to 4 du/ac and 5 du/ac -

East: Agricultural, single family residential - LDR (Low Density Residential) -A (Agricultural)

West: Multifamily - MDR (Medium Density Residential) - PR (Planned Residential) up to 12 du/ac

NEIGHBORHOOD CONTEXT: This is a residential area among forested hillsides along a major arterial.

There are single family residential lots and subdivisions as well as apartments. There is a commercial node within a quarter mile to the west.

STAFF RECOMMENDATION:

- ▶ **Approve the sector plan amendment to MDR (Medium Density Residential) and HP (Hillside Protection) because it is consistent with development in the area and location criteria for the MDR designation.**

- ▶ **Approve the PR (Planned Residential) zone at a density up to 12 du/ac because it is consistent with surrounding development.**

COMMENTS:

SECTOR PLAN AMENDMENT REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. There have been significant developments around the subject property that warrant consideration of the MDR (Medium Density Residential) classification. In 2007, Middlebrook Pike was expanded from a two-lane street to a four-lane major arterial with medians, turn lanes and sidewalks on both sides. Around the same time, properties along Middlebrook Pike a quarter mile to the west were developed into service-oriented commercial establishments including a large grocery store and several restaurants. This new community commercial node is walking distance from the subject property.
2. In 2008, the Walden Legacy apartment community was built adjacent to the subject property after it was granted the MDR land use designation. The request for MDR on the subject property would be a minor extension of this classification and serve as a transition between commercial development to the west and low density residential neighborhoods to the north, south and east.

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

1. As stated, this section of Middlebrook Pike has been significantly upgraded to increase traffic capacity and promote pedestrian connectivity. The nearby commercial node is easily accessible on foot. This transportation infrastructure makes medium density residential development practicable at the subject property.
2. The subject property has access to water and sewer utilities that could support more intensive residential uses.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. The current LDR (Low Density Residential) designation is not the result of an error or omission. However, the Northwest County Sector Plan could have considered a minor extension of MDR at this location in light of recent transportation and commercial developments.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

1. In addition to the apartments adjoining the subject property, an attached residential neighborhood with a density of 10 du/ac was approved in 2020 behind the commercial node southwest of Middlebrook Pike. This points to a trend of denser residential uses along this section of the corridor near commercial services.

PURSUANT TO THE KNOX COUNTY ZONING ORDINANCE, ARTICLE 6:30.01, THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (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. The surrounding area has experienced significant growth over the past 20 years. These changes include roadway expansions and upgrades, new service-oriented commercial developments and construction of single family subdivisions, apartments and townhomes.
2. The proposed PR (Planned Residential) zone at a density of 12 du/ac in the middle of this development activity is consistent with changing conditions.

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

1. The PR zone is intended to encourage more imaginative solutions to environmental design problems by enabling concentrated development in less environmentally sensitive areas of a property.
2. The PR zone is well-suited for the sloped, wooded subject property. Although staff take into consideration all possible forms of land use within the proposed zone, it is noteworthy that the applicant has shared a multifamily concept plan. It reflects clustered development in the portion of the property that has already been graded and preservation of much of the existing vegetation.
3. The proposed PR density of 12 du/ac is a minor extension of the adjacent density to the west. Considering the assets of the area, which include sewer and water infrastructure, sidewalks along a major arterial and walkable access to a community commercial node, 12 du/ac is an appropriate density for the subject property.

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. There are no negative impacts anticipated from the proposed rezoning.
2. The adjacent low density residential subdivisions south of the subject property are on higher ground, mitigating potential stormwater runoff concerns.
3. The upgrades to Middlebrook Pike increased capacity for more residential density along this corridor.

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. The PR zone at 12 du/ac is consistent with the recommended MDR classification amendment to the Northwest County Sector Plan.
2. The proposed rezoning is compatible with the subject property's location in the Planned Growth Area of the Growth Policy Plan.
3. The rezoning is not in conflict with any other adopted plans or policies.

ESTIMATED TRAFFIC IMPACT: 1225 (average daily vehicle trips)

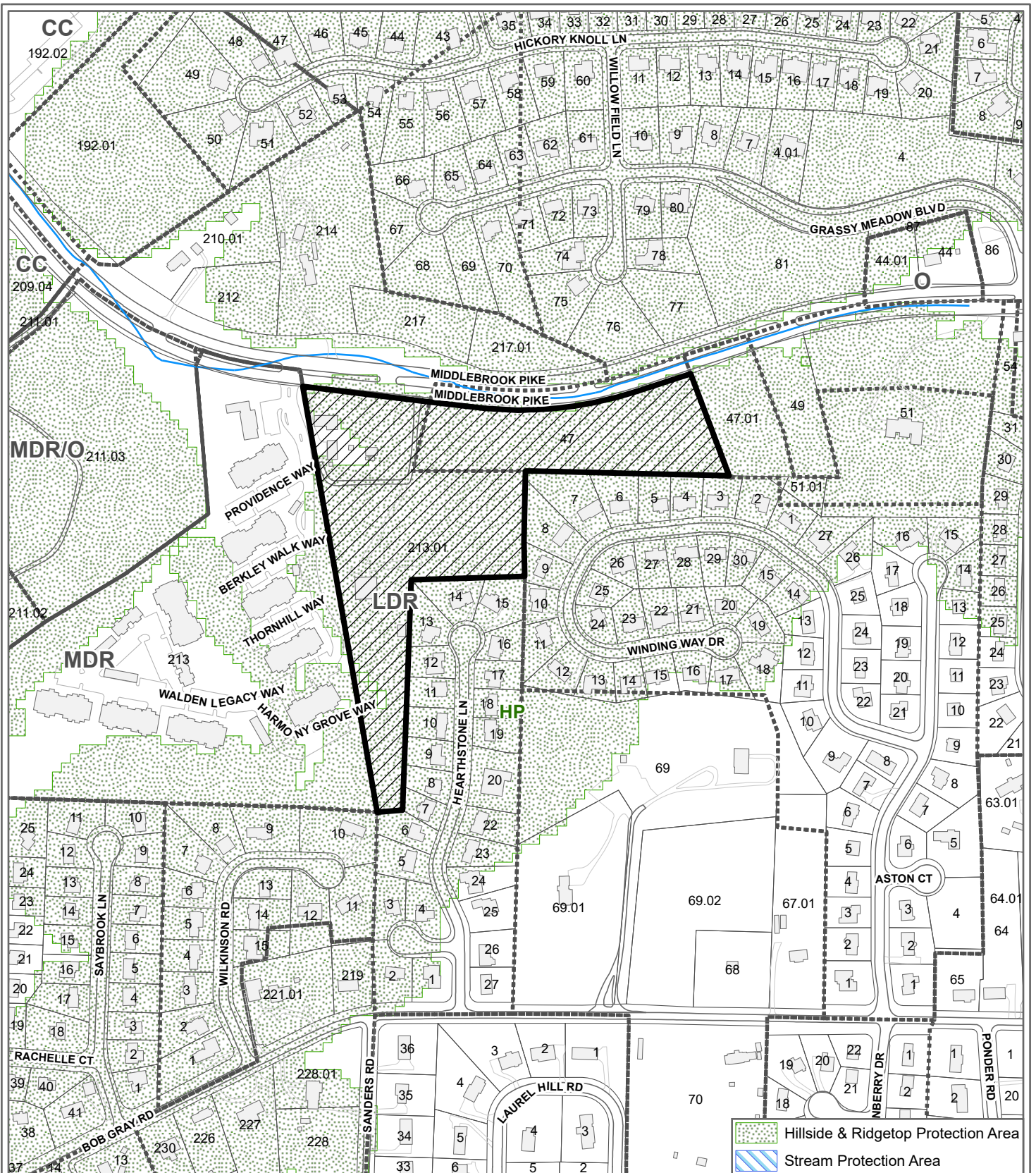
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 11 (public school children, grades K-12)

Schools affected by this proposal: Cedar Bluff Elementary, Cedar Bluff Middle, and Hardin Valley Academy.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

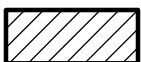
If approved, this item will be forwarded to Knox County Commission for action on 1/23/2023. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



12-C-22-SP / 12-N-22-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT

From: LDR (Low Density Residential), HP (Hillside Protection)

To: MDR (Medium Density Residential), HP (Hillside Protection)

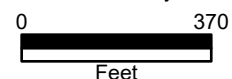


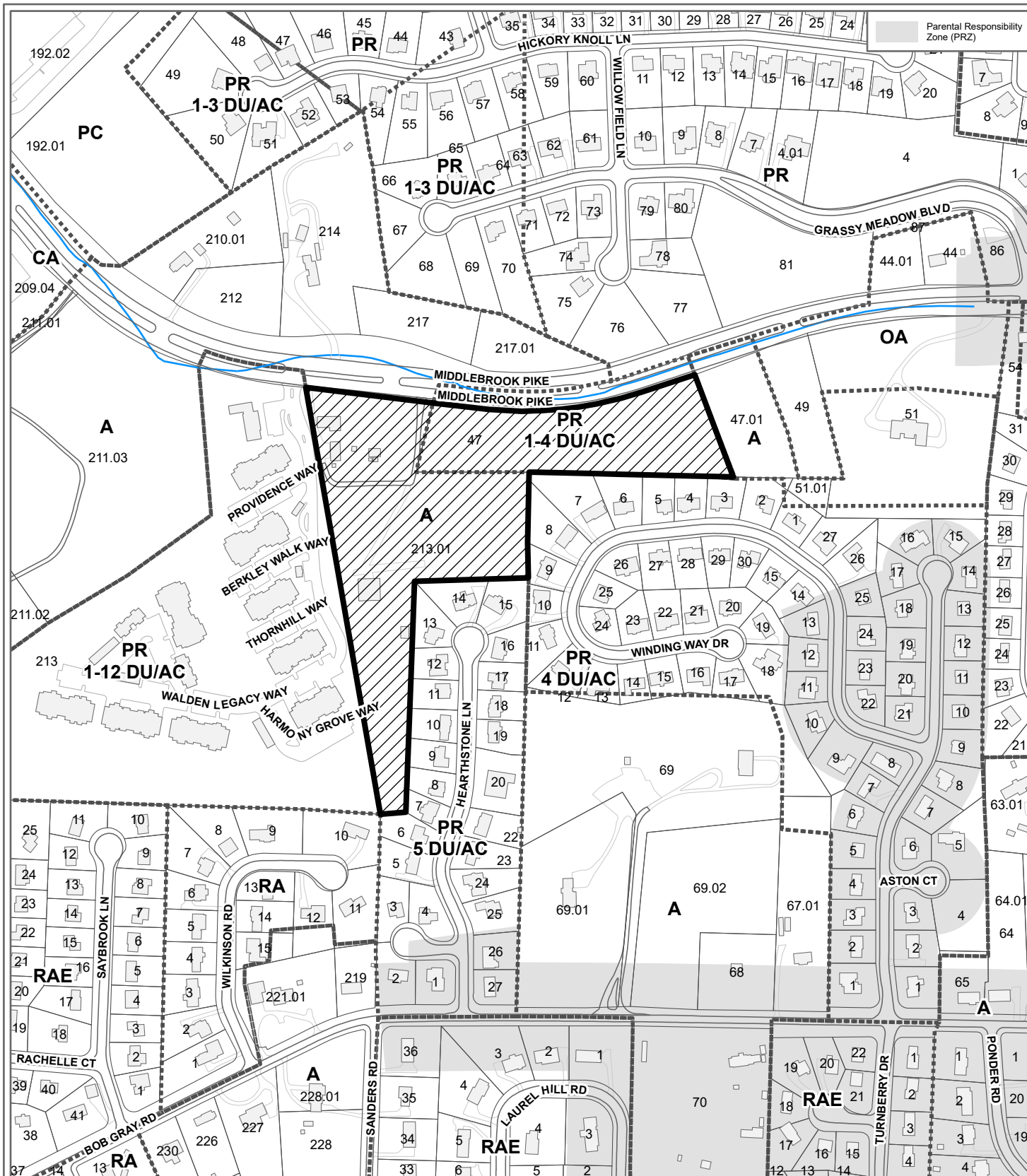
Original Print Date: 11/15/2022 Revised:
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Daniel Levy

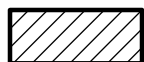
Map No: 104

Jurisdiction: County





12-N-22-RZ REZONING



From: A (Agricultural) & PR (Planned Residential) up to 4 du/ac

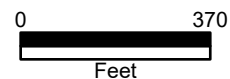
To: PR (Planned Residential) up to 12 du/ac

Original Print Date: 11/15/2022 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Daniel Levy

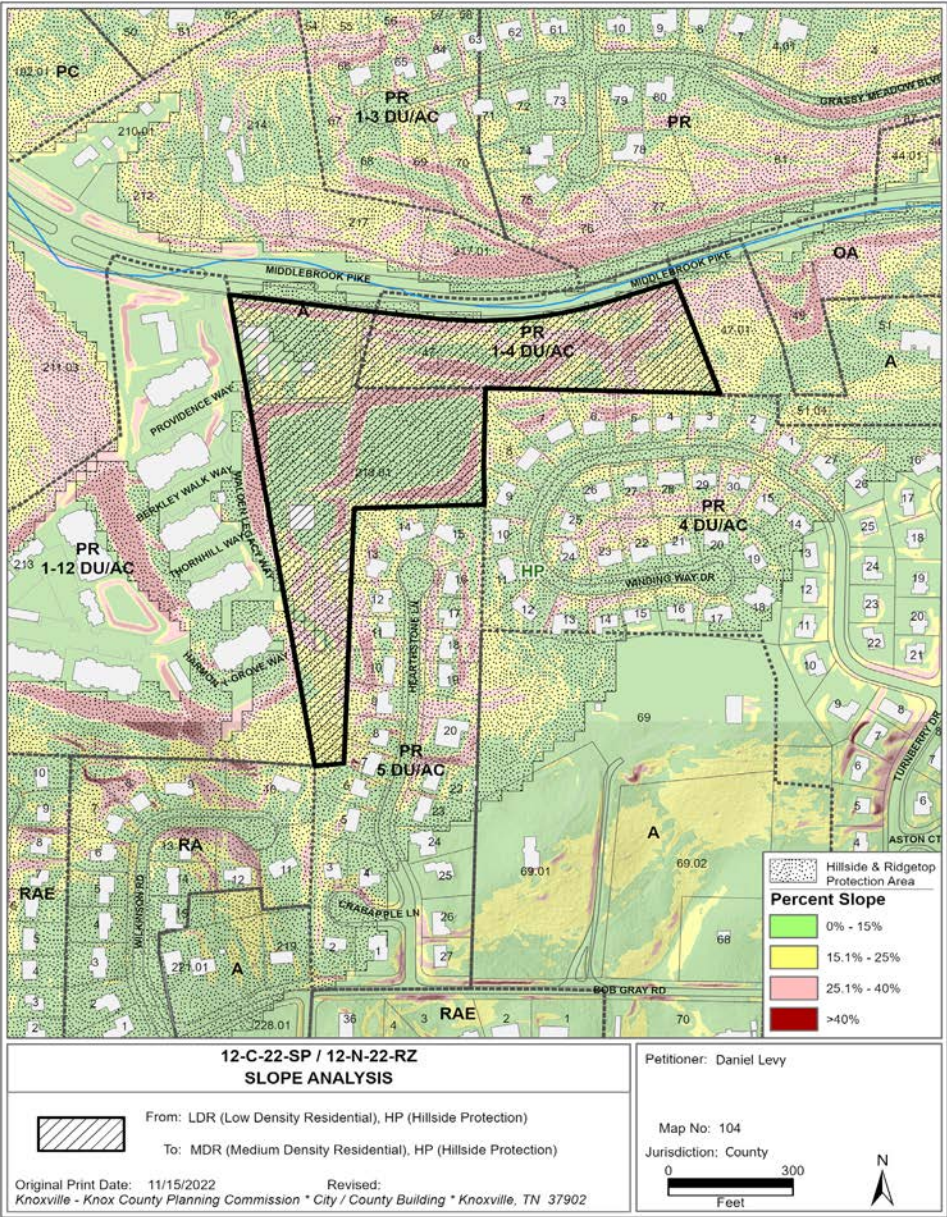
Map No: 104

Jurisdiction: County



CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	10.96	100%	
Non-Hillside	0.45	N/A	
0-15% Slope	3.88	100%	3.9
15-25% Slope	3.52	50%	1.8
25-40% Slope	1.70	20%	0.3
Greater than 40% Slope	1.41	10%	0.1
Ridgetops			
Hillside Protection (HP) Area	10.51	Recommended disturbance budget within HP Area (acres)	6.1
		Percent of HP Area	0.6

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	0.45	12.00	5.4
0-15% Slope	3.88	5.00	19.4
15-25% Slope	3.52	2.00	7.0
25-40% Slope	1.70	0.50	0.8
Greater than 40% Slope	1.41	0.20	0.3
Ridgetops	0.00		0.0
Subtotal: Sloped Land	10.51		27.6
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	10.96	3.01	33.0
Proposed Density (Applicant)	10.96	12.00	131.6



***KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHWEST COUNTY SECTOR PLAN***

WHEREAS, the Knoxville-Knox County Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Northwest County Sector Plan consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, Daniel Levy has submitted an application for an amendment to the Northwest County Sector Plan for property described in the application; and

WHEREAS, the Planning Commission recommends approval of an amendment to the Sector Plan from Low Density Residential to Medium Density Residential is consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Planning Commission, at its regularly scheduled public hearing December 8, 2022 after consideration of the staff recommendation and testimony from those persons in support and opposed to the plan amendment, approved the amendment for the subject property, as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Northwest County Sector Plan with its accompanying staff report and map, file #12-C-22-SP

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that Knox County Commission likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary

Zoning Map

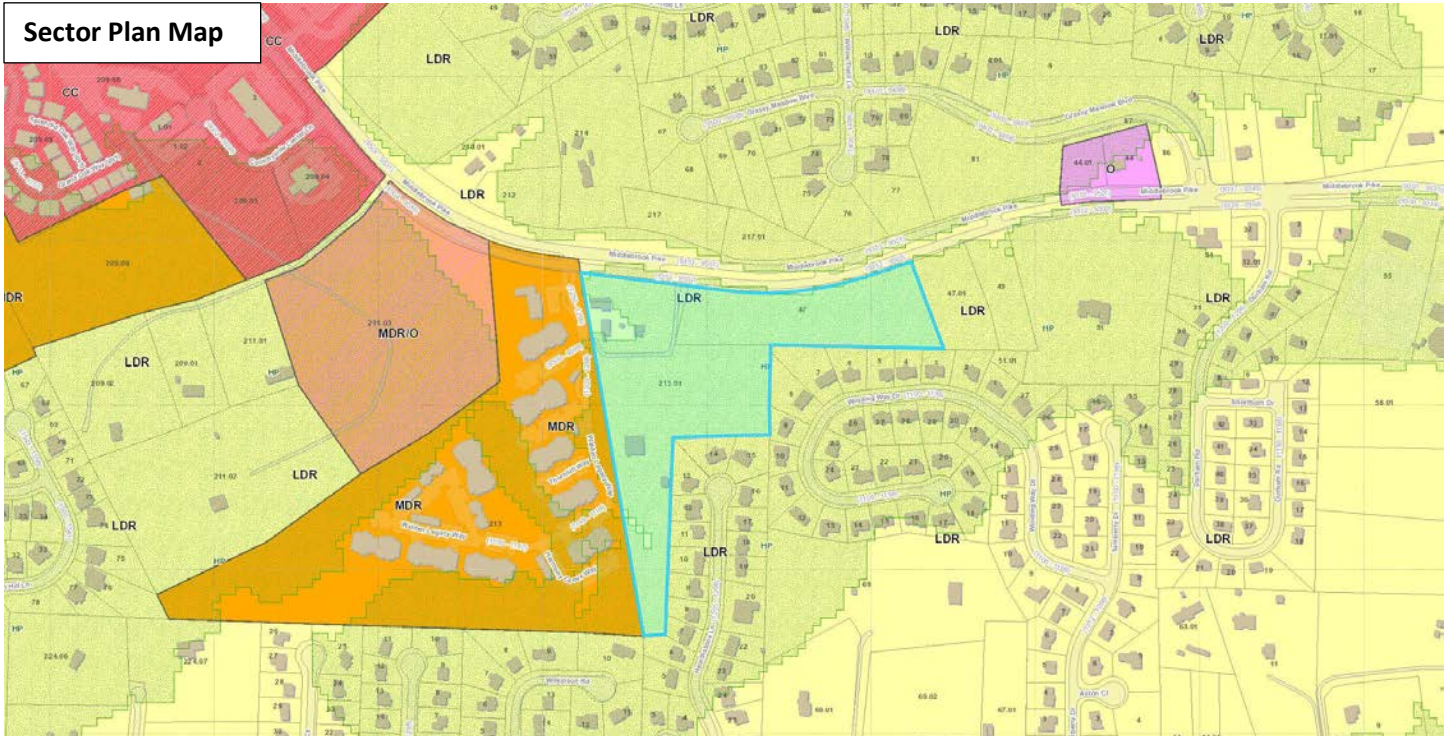


Exhibit B. 12-N-22-RZ/ 12-C-22-SP Context Images

Existing Land Use Map



Aerial Map





Development Request

DEVELOPMENT

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

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☒ Plan Amendment
☒ Sector Plan
☐ One Year Plan
☒ Rezoning

Daniel Levy

Applicant Name

Affiliation

10/25/2022

Date Filed

12/8/2022

Meeting Date (if applicable)

12-C-22-SP / 12-N-22-RZ

File Number(s)

CORRESPONDENCE

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

Daniel Levy DKLevy Architecture and Design

Name / Company

3523 Maloney Rd. Rd. Knoxville TN 37920

Address

865-323-8495

Phone / Email

CURRENT PROPERTY INFO

Terry & Sandra House

Owner Name (if different)

9502 Middlebrook Park Knoxville TN

Owner Address

Owner Phone / Email

9502 MIDDLEBROOK PIKE / 9432 Middelbrook Pike

Property Address

104 213.01 105 047

Parcel ID

Part of Parcel (Y/N)?

11.04 acres

Tract Size

West Knox Utility District

Sewer Provider

West Knox Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

South side of Middlebrook Pk, west of N Cedar Bluff Rd, east of Countryside Center Ln

General Location

☐ City

Commission District 3

District

A (Agricultural), PR (Planned Residential) up to 4 du/ac

Zoning District

Rural Residential

Existing Land Use

Northwest County

Planning Sector

LDR (Low Density Residential), HP (Hillside Protection)

Sector Plan Land Use Classification

Planned Growth Area

Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan	<input type="checkbox"/> Planned Development	<input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA	<input type="checkbox"/> Residential	<input type="checkbox"/> Non-residential	
Home Occupation (specify) _____			
Other (specify) _____			

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Total Number of Lots Created	
Additional Information	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change	PR (Planned Residential)	Pending Plat File Number
	Proposed Zoning	
<input checked="" type="checkbox"/> Plan Amendment	MDR (Medium Density Residential), HP (Hillside Protection)	
	Proposed Plan Designation(s)	

12 du/ac

Proposed Density (units/acre) Previous Zoning Requests

Additional Information

STAFF USE ONLY

PLAT TYPE

☐ Staff Review ☐ Planning Commission

ATTACHMENTS

☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

- ☐ COA Checklist (Hillside Protection)
☐ Design Plan Certification (Final Plat)
☐ Site Plan (Development Request)
☐ Traffic Impact Study
☐ Use on Review / Special Use (Concept Plan)

Fee 1	Total
\$1,865.00	
Fee 2	
Fee 3	

AUTHORIZATION

Daniel Levy	10/25/2022
Applicant Signature	Date

Phone / Email

Terry & Sandra House	10/25/2022
Property Owner Signature	Date

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.



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

Daniel Levy

Architect

Applicant Name

Affiliation

10.24.2022

Dec. 8th 2022

Date Filed

Meeting Date (if applicable)

File Number(s)

12-N-22-RZ / 12-C-22-SP

CORRESPONDENCE

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

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

Daniel Levy

DKLEVY architecture

Name

Company

3523 Maloney Road

Knoxville

TN

37920

Address

City

State

ZIP

865-474-9264

Daniel@dklevy.com

Phone

Email

CURRENT PROPERTY INFO

HOUSE TERRY L & SANDRA J

9502 MIDDLEBROOK PIKE

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

9502 MIDDLEBROOK PIKE

& 9432 Middlebrook Pk 10421301 / 105 047

Property Address

Parcel ID

West Knox Utility District

West Knox Utility District

Y

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

☐ City ☐ County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

August 29, 2022

DEVELOPMENT REQUEST☐ Development Plan ☐ Use on Review / Special Use ☐ Hillside Protection COA☐ Residential ☐ Non-Residential

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Unit / Phase Number _____

☐ Combine Parcels☐ Divide Parcel

Total Number of Lots Created _____

☐ Other (specify) _____☐ Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST☒ Zoning Change

PR - 12 DU/AC

Proposed Zoning

☒ Plan Amendment Change

MDR SLPA PR

Proposed Plan Designation(s)

12 DU/ACRE

Proposed Density (units/acre)

Previous Rezoning Requests

☐ Other (specify) _____

Pending Plat File Number

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

Fee 2

Fee 3

AUTHORIZATION

Applicant Signature

Daniel Levy

Please Print

10.23.2022

Date

865-474-9264

Phone Number

Daniel@dklevy.com

Email



Property Owner Signature

Terry & Sandra House

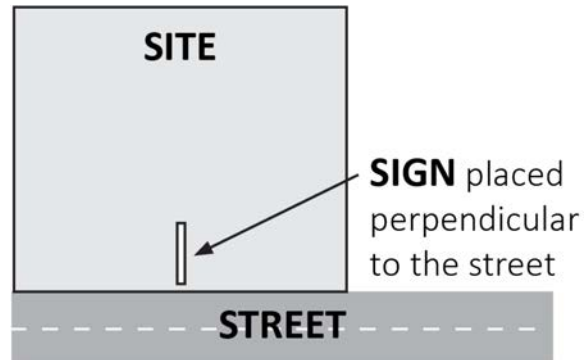
Please Print

Oct 18, 2022

Date

I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

_____ 11/25/2022 _____ and _____ 12/9/2022 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Daniel Levy

Date: 10/25/22

File Number: 12-N-22-RZ_12-C-22-SP

☒ Sign posted by Staff
☐ Sign posted by Applicant