



USE ON REVIEW REPORT

▶ **FILE #:** 3-A-23-UR

AGENDA ITEM #: 38

AGENDA DATE: 3/9/2023

▶ **APPLICANT:** DAVID CHEBAN

OWNER(S): David Cheban

TAX ID NUMBER: 105 K D 007,006,005

[View map on KGIS](#)

JURISDICTION: County Commission District 3

STREET ADDRESS: 8900 MIDDLEBROOK PIKE (8904 & 8908 MIDDLEBROOK PIKE)

▶ **LOCATION:** South side of Middlebrook Pike, south of Park Church Drive

▶ **APPX. SIZE OF TRACT:** 1.51 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Middlebrook Pike, a four lane, median divided major arterial with an 80-ft pavement width within a 112-ft right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Ten Mile Creek

▶ **ZONING:** RA (Low Density Residential)

▶ **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

▶ **PROPOSED USE:** Duplexes on individual lots

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Public/quasi-public land- RB (General Residential), A (Agricultural)

South: Single family residential - RA (Low Density Residential)

East: Single family residential - RA (Low Density Residential)

West: Single family residential - RA (Low Density Residential)

NEIGHBORHOOD CONTEXT: This is a residential area comprised of individual lots as well as subdivisions. Across Middlebrook Pike is a large church campus.

STAFF RECOMMENDATION:

▶ **Approve the use permitted on review for four duplexes on individual lots, subject to 4 conditions.**

1) Meeting all Tennessee Department of Transportation (TDOT) standards with regards to safe access to the subject property from Middlebrook Pike.

2) Meeting all applicable requirements of the Knox County Zoning Ordinance, including but not limited to 12-ft side yard setbacks for buildings exceeding 1 story.

3) Meeting all applicable requirements of the Knox County Department of Engineering and Public Works, including but not limited to adequate stormwater management design.

With the conditions noted above, this plan meets the requirements for approval of duplex development in the RA (Low Density Residential) zone, and the criteria for approval of a Use on Review.

COMMENTS:

This proposal is for four duplexes on lots that will be subdivided into four lots in the RA zone with a shared driveway.

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 USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.

A. The Northwest County Sector Plan assigns an O (Office) land use classification to these properties. The O classification allows consideration of the OB (Office, Medical and Related Services) zone, which permits duplex development.

B. The property is located within the Planned Growth Area of the Growth Policy Plan, where the intention is to encourage a reasonably compact pattern of development with a wide range of housing choices. The applicant's proposal for duplexes is consistent with the purpose of this area designation.

C. The subject parcels are the only undeveloped parcels in the immediate area, and there are occupied residences on three sides. The proposed duplexes at this location are consistent with the General Plan's development policy to develop infill housing on vacant lots which are compatible with neighboring residences.

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

A. The parcels are zoned RA, which is intended for low density residential development.

B. The site plan for four duplexes will comply with the required area regulations and intensity of use standards for duplexes in the RA 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 proposed duplexes are 1.5 stories with sloped ceilings on the second floor, and garages in front. Each structure has a total floor area no greater than 1,836 square feet. These dimensions are compatible with the floor area and the 1 and 2-story range of surrounding residences.

B. The proposed development is consistent with the character of the surrounding residential area.

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

A. The development provides stormwater detention on site and connects to existing utilities. Plans will be reviewed by Knox County Stormwater Engineering for compliance with stormwater management standards at the time of permitting. This review process should protect downstream properties from undue stormwater runoff impacts.

B. In terms of housing form and density, the Crestwood Hills neighborhood behind the subject parcels contains several duplexes, and there are multifamily neighborhoods in close proximity to the east and west on Middlebrook Pike.

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

A. The subject parcels have direct access to Middlebrook Pike, a major arterial street. The proposed development will not draw additional traffic into local, residential streets.

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. Access to Middlebrook Pike must conform with TDOT safety standards with regards to sight distance, separation from median openings, and driveway location.

B. There are no other environmental factors that should pose a risk to the proposed use.

ESTIMATED TRAFFIC IMPACT: 99 (average daily vehicle trips)

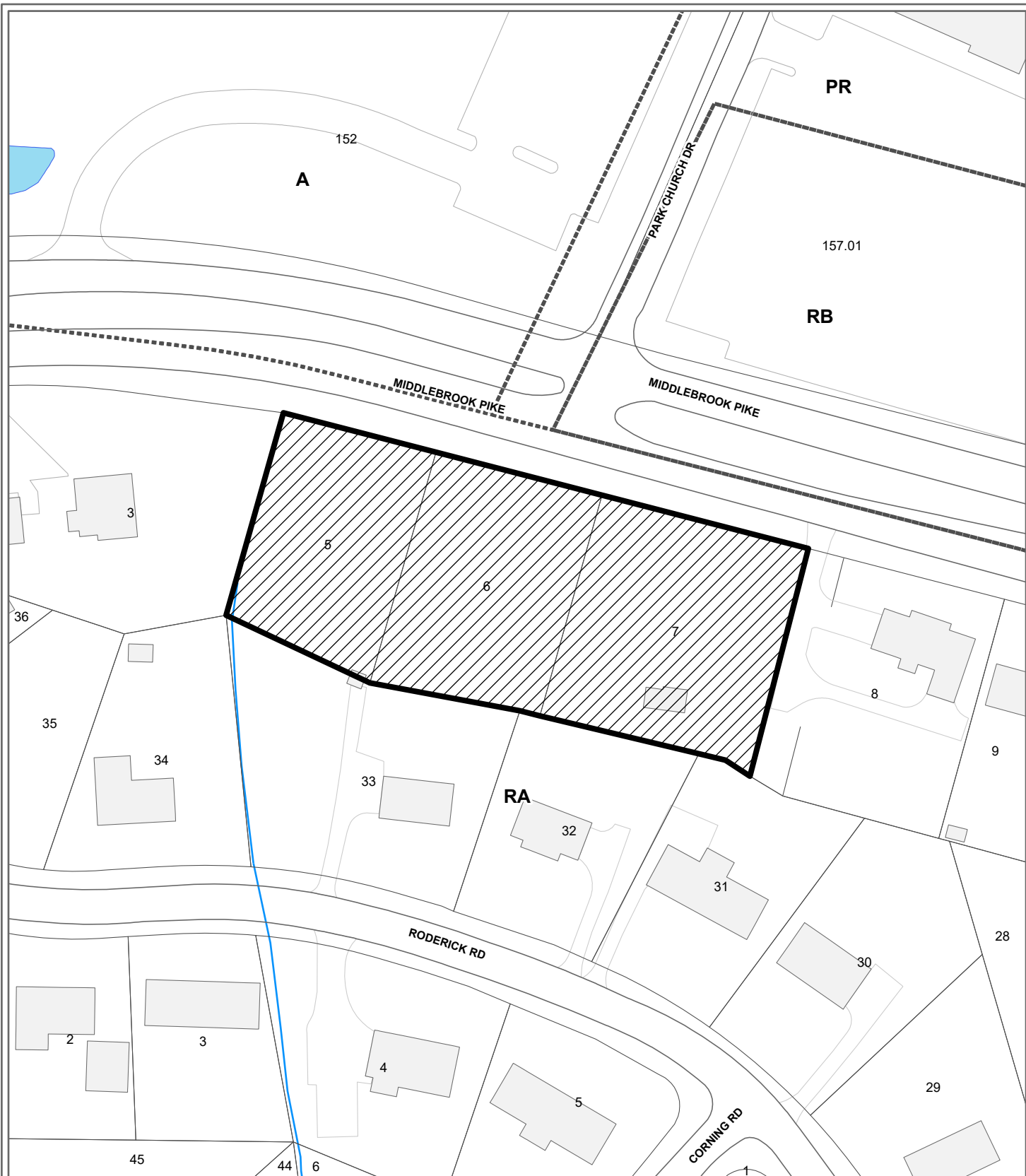
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 0 (public school children, grades K-12)

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

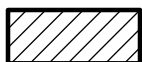
- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries 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.

The Planning Commission's approval or denial of this request is final, unless the action is appealed to the Knoxville Board of Zoning Appeals. The date of the Knoxville Board of Zoning Appeals hearing will depend on when the appeal application is filed.



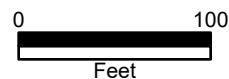
**3-A-23-UR
USE ON REVIEW**

Petitioner: David Cheban



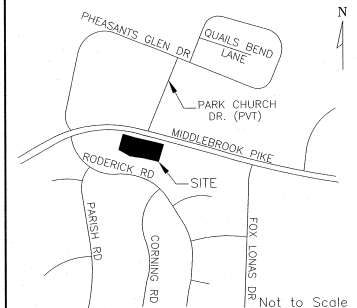
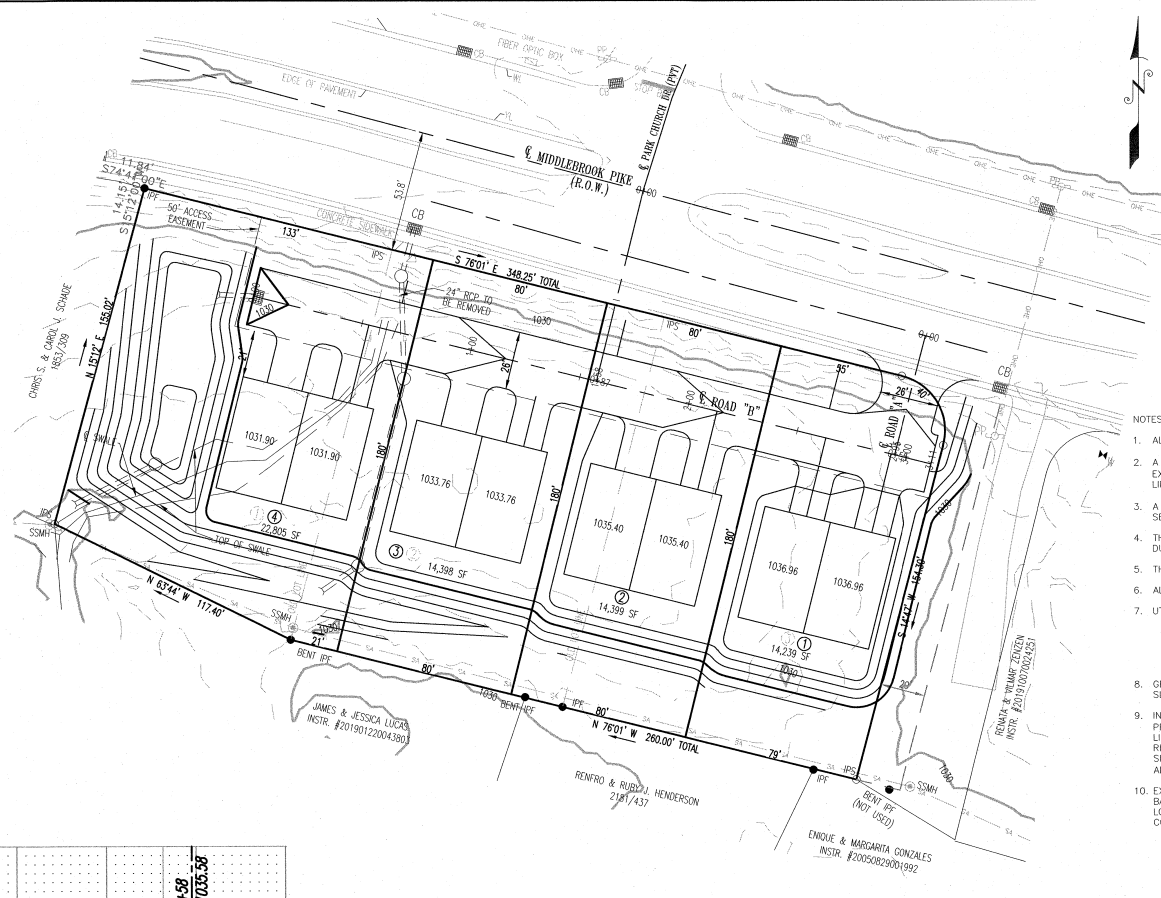
Duplexes on individual lots in RA (Low Density Residential)

Map No: 105
Jurisdiction: County



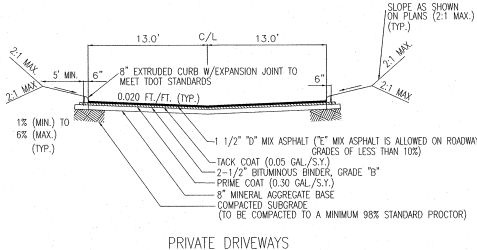
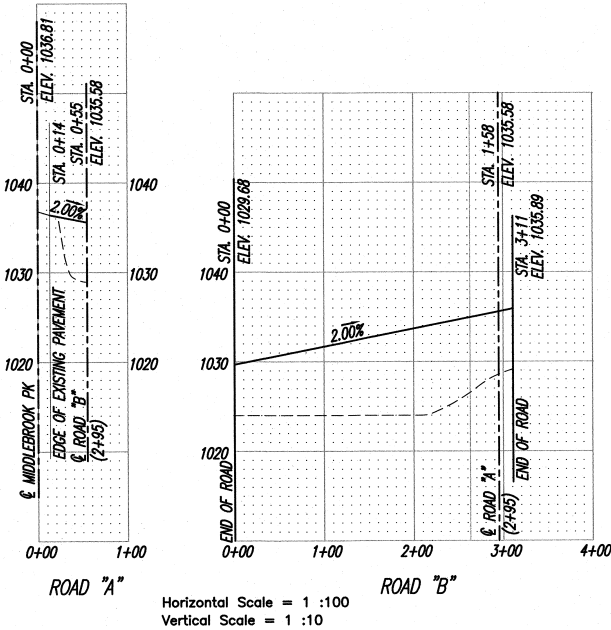
Original Print Date: 2/14/2023 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

LEGEND	
●	IRON PIN FOUND 1/2" DIA. REBAR
○	IRON PIN SET 1/2" DIA. REBAR W/ PLASTIC CAP
◊	PERMANENT REFERENCE MONUMENT
—	DRAINAGE EASEMENT
- - -	UTILITY EASEMENT
▭	COMMON AREA
■	CATCH BASIN
□	JUNCTION BOX
- - -	DRAINAGE EASEMENT
- - -	DRAINAGE PIPE (PROPOSED)
- - -	PERMANENT SETBACK
- - -	ROADWAY CENTERLINE
- - -	ZONING
⊙	POWER POLE
⊙	WATER METER
□	ELECTRICAL BOX
□	SANITARY SEWER MANHOLE
—	POWERLINE
- - -	GAS LINE
- - -	WATER LINE
- - -	SANITARY SEWER LINE



- NOTES:
- ALL DIMENSIONS ARE SCALED AND SUBJECT TO CHANGE ON THE FINAL PLAN.
 - A 10' DRAINAGE, UTILITY AND CONSTRUCTION EASEMENT EXISTS INSIDE ALL EXTERIOR LOT LINES AND ROAD LINES, 5' EACH SIDE OF INTERIOR ROAD LINES.
 - A 15' UTILITY EASEMENT EXISTS 7.5' EACH SIDE OF CENTERLINE OF SANITARY SEWER AS INSTALLED.
 - THIS PROPERTY CONTAINS APPROXIMATELY 1.512 ACRES SUBDIVIDED INTO 4 DUPLEX LOTS.
 - THIS PROPERTY IS ZONED RA
 - ALL ROAD PROFILES ARE BASED ON LIDAR CONTOURS.
 - UTILITIES:
WATER: WEST KNOX UTILITY DISTRICT
SEWER: WEST KNOX UTILITY DISTRICT
ELECTRIC: LENOR CITY UTILITIES BOARD
GAS: KNOXVILLE UTILITIES BOARD
TELEPHONE: AT&T SOUTHEAST
 - GEOTECHNICAL ENGINEER SHALL CERTIFY THE SLOPE STABILITY ON ALL FILL SLOPES
 - INTERSECTION SIGHT DISTANCE AT THE INTERSECTION OF THE PROPOSED PRIVATE DRIVEWAY AND MIDDLEBROOK PIKE (LOOKING WEST) IS CURRENTLY LIMITED DUE TO THE VEGETATION. ONCE THE VEGETATION WITHIN THE RIGHT-OF-WAY AND UPON THE CHEBAN PROPERTY IS REMOVED, ADEQUATE SIGHT DISTANCE CAN BE PROVIDED. SIGHT DISTANCE LOOKING EAST IS ADEQUATE (IN EXCESS OF 450 FEET).
 - EXISTING UTILITY LOCATIONS SHOWN HEREON ARE APPROXIMATE AND ARE BASED ON AVAILABLE INFORMATION. CONTRACTOR IS RESPONSIBLE TO FIELD LOCATE ALL UTILITIES, BOTH HORIZONTALLY AND VERTICALLY PRIOR TO CONSTRUCTION.

3-A-23-UR
Received 2/22/2023



CERTIFICATE OF CONCEPT PLAN
I HEREBY CERTIFY THAT I AM AN ENGINEER, LICENSED TO DO ENGINEERING UNDER THE LAWS OF THE STATE OF TENNESSEE. I FURTHER CERTIFY THAT THIS PLAN AND ACCOMPANYING DRAWINGS, DOCUMENTS, AND STATEMENTS CONFORM TO ALL APPLICABLE PROVISIONS OF THE KNOXVILLE/KNOX COUNTY SUBDIVISION REGULATIONS EXCEPT AS HAS BEEN REMOVED, DESCRIBED, AND JUSTIFIED IN A REPORT FILED WITH THE METROPOLITAN PLANNING COMMISSION.

ENGINEER: David B. Harbin
TENNESSEE CERTIFICATE NO. 101265

OWNER/DEVELOPER:
DAVID CHEBAN
5331 CAIN RD
KNOXVILLE, TENNESSEE 37921
PHONE: (865) _____

BATSON, HIMES, NORVELL & POE
REGISTERED ENGINEERS & LAND SURVEYORS
4334 PAPERMILL DRIVE
KNOXVILLE, TENNESSEE 37909
PHONE (865) 588-6472
FAX (865) 588-6473
email@bhn-p.com

REFERENCE DEED: INSTR #202207220004979
REFERENCE PLAT: DEED BOOK 35-S PAGE 46
25470-C

3-A-23-UR



PLAN #D-726

MAIN FLR. 948 SQ. FT.
UPPER FLR. 461 SQ. FT.
TOTAL 1409 SQ. FT.
GARAGE 427 SQ. FT.

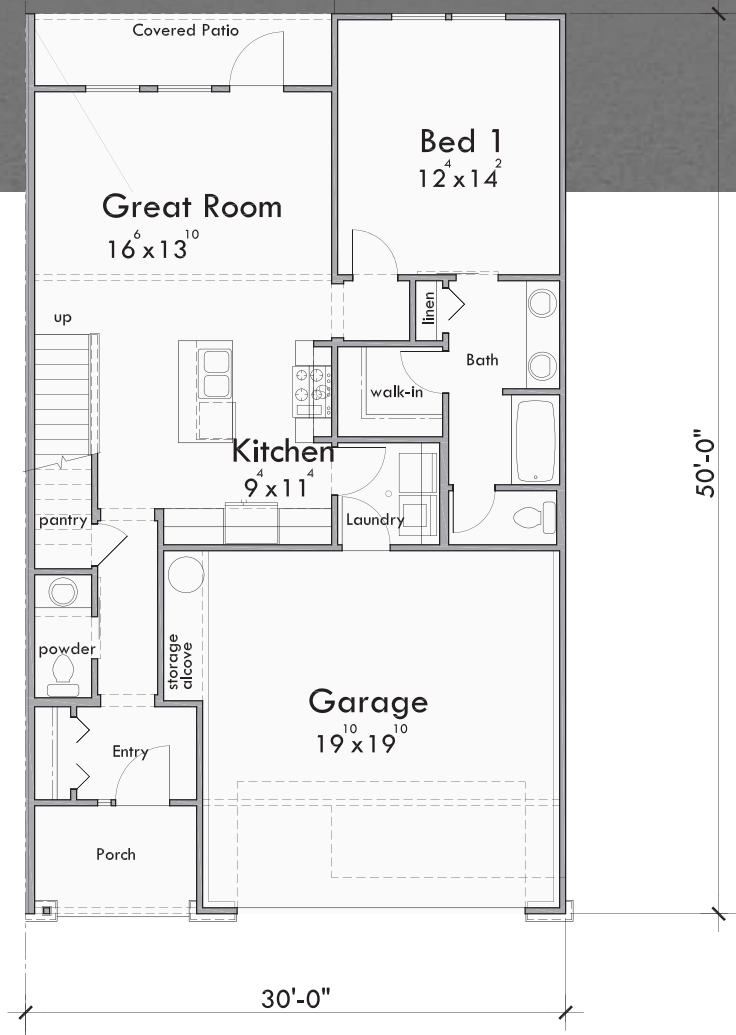
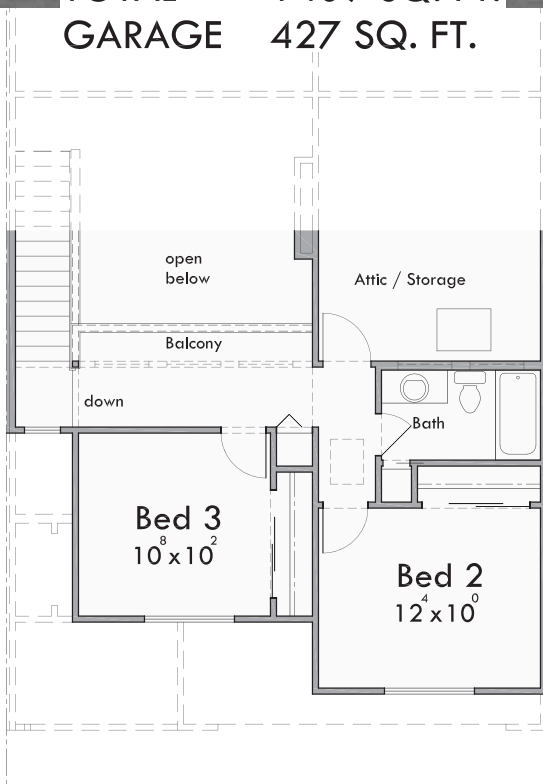


Exhibit A. 3-A-23-UR Context Images

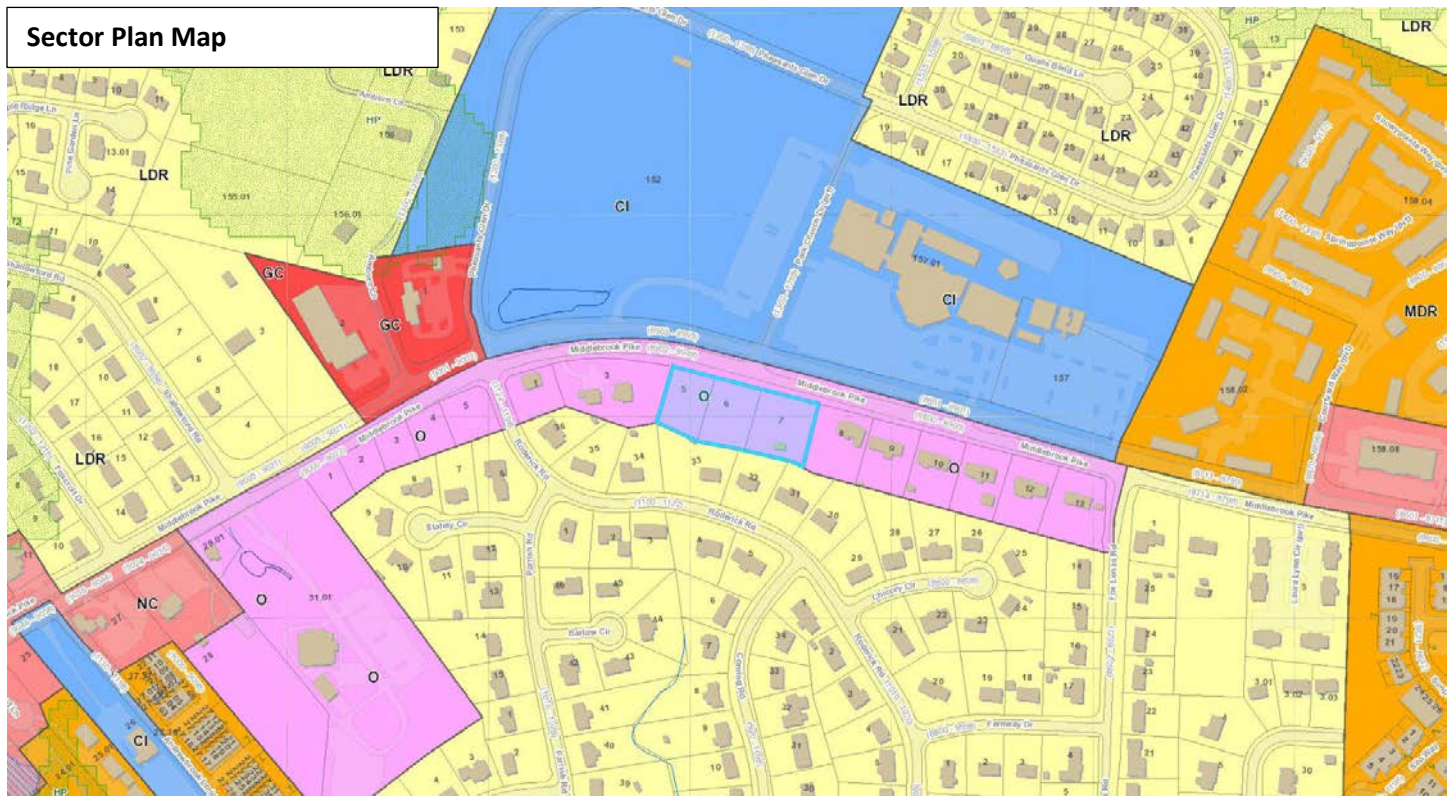
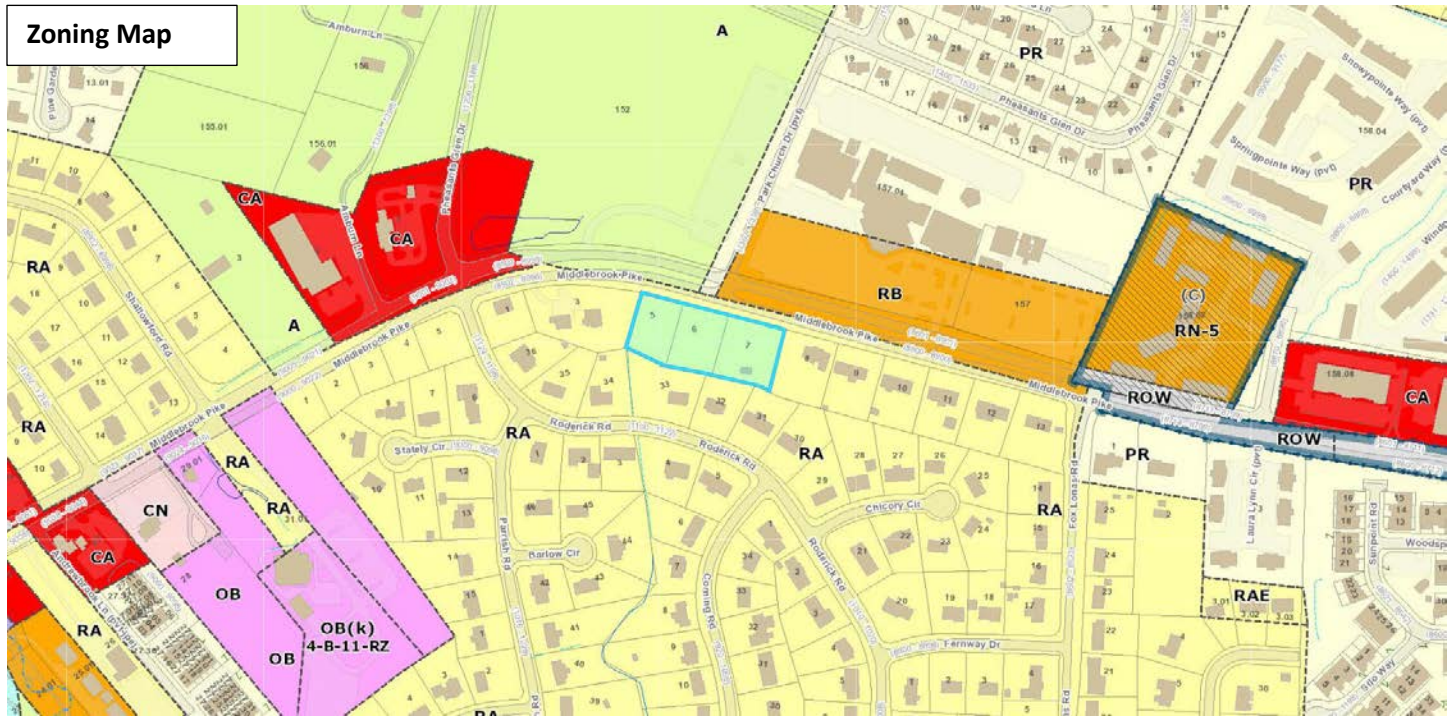
Location Map



Aerial Map



Exhibit A. 3-A-23-UR Context Images





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

David Cheban

Applicant Name

Affiliation

1/23/2023

Date Filed

3/9/2023

Meeting Date (if applicable)

3-A-23-UR

File Number(s)

CORRESPONDENCE

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

David Harbin Batson, Himes, Norvell and Poe

Name / Company

4334 Papermill Dr. Dr. Knoxville TN 37909

Address

865-588-6472 / harbin@bhn-p.com

Phone / Email

CURRENT PROPERTY INFO

David Cheban

Owner Name (if different)

5331 Cain Rd. Rd. Knoxville TN 37921

Owner Address

865-816-4099

Owner Phone / Email

8900 MIDDLEBROOK PIKE / 8904 & 8908 MIDDLEBROOK PIKE

Property Address

105 K D 007,006,005

Parcel ID

Part of Parcel (Y/N)?

1.512 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 Pike, south of Park Church Drive

General Location

City

Commission District 3

RA (Low Density Residential)

Agriculture/Forestry/Vacant Land

Count

District

Zoning District

Existing Land Use

Northwest County

Planning Sector

O (Office)

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 checked="" 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) Duplexes on individual lots	

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 type="checkbox"/> Zoning Change	Proposed Zoning	Pending Plat File Number
<input type="checkbox"/> Plan Amendment		
Proposed Plan Designation(s)		
Proposed Density (units/acre) Previous Zoning Requests		
Additional Information _____		

STAFF USE ONLY

PLAT TYPE <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	Fee 1 \$500.00	Total
ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request	Fee 2	
ADDITIONAL REQUIREMENTS <input type="checkbox"/> COA Checklist (Hillside Protection) <input type="checkbox"/> Design Plan Certification (Final Plat) <input checked="" type="checkbox"/> Site Plan (Development Request) <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> Use on Review / Special Use (Concept Plan)	Fee 3	

AUTHORIZATION

Applicant Signature	David Cheban Please Print	1/23/2023 Date
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Property Owner Signature	David Cheban Please Print	1/23/2023 Date
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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

DAVID CHEBAN
Applicant Name

Affiliation

File Number(s)

3-A-23-UR

1/20/2023
Date Filed

3/9/2023
Meeting Date (if applicable)

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

DAVID HARBIN
Name

BATSON Himes NORVELL + POE
Company

4334 PAPER MILL DR
Address

KNOXVILLE
City

TN
State

37909
ZIP

865-588-10472
Phone

harbin@bhn-p.com
Email

CURRENT PROPERTY INFO

Property Owner Name (if different)
8900, 8904, & 8908

5331 CAIN RD
KNOXVILLE, TN 37921
Property Owner Address

865-816-4099
Property Owner Phone

MIDDLEBROOK PIKE
Property Address

TAX MAP 10SKD
Parcel ID

PARCELS 5, 6, 7
005, 006, & 007

KUB
Sewer Provider

KUB
Water Provider

NO
Septic (Y/N)

STAFF USE ONLY

South side of Middlebrook Pike, south of Park Church Drive
General Location

1.512 acres
Tract Size

City County
District

3rd
District

RA
Zoning District

Agriculture/forestry/vacant
Existing Land Use

Northwest County
Planning Sector

O (Office)
Sector Plan Land Use Classification

Planned Growth
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) 4 DUPLEX LOTS

Related City Permit Number(s)

Other (specify) _____

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Related Rezoning File Number

Unit / Phase Number Combine Parcels Divide Parcel Total Number of Lots Created _____

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Zoning Change Proposed Zoning _____

Pending Plat File Number

Plan Amendment Change Proposed Plan Designation(s) _____

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
0402	UOR	\$500
Fee 2		
Fee 3		

MR

AUTHORIZATION

David Harbin
 Applicant Signature

DAVID HARBIN
 Please Print

1/20/23
 Date

365-588-6472
 Phone Number

harbin@bhm-p.com
 Email

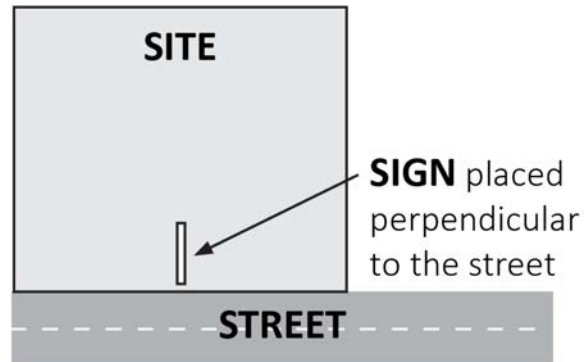
David Cheban
 Property Owner Signature

DAVID CHEBAN
 Please Print

1/20/23
 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:

_____ 2/24/2023 _____ and _____ 3/10/2023 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: David Cheban

Date: 1/23/23

File Number: 3-A-23-UR

- Sign posted by Staff
 Sign posted by Applicant