



## MEMORANDUM

**TO:** Knoxville-Knox County Planning Commission

**FROM:** Kelsey Bousquet, Planner

**DATE:** Monday, July 22, 2024

**SUBJECT:** Agenda Item # 6 / File # 8-B-24-OB  
Proposed administrative map error correction and modification to the Official Zoning Map to remove the previously approved planned district (C) designation for property located at 7700 and 7708 Middlebrook Pk and 0 Broome Rd.

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### STAFF RECOMMENDATION:

Staff recommends that the Planning Commission remove the (C) designation from parcels 106OA04002, 106OA041, and 106OA042 under Article 3.2.C of the City of Knoxville Zoning Ordinance to correct a map error as evidenced on the attached map (Exhibit A).

### BACKGROUND:

The (C) designation on the zoning map indicates the presence of a previously approved planned district per Article 1.4.G. This designation was applied upon the effective date of the current zoning ordinance on January 1, 2020. The purpose of this designation is to provide a visual cue that plans may have been approved for the parcel with this designation before adopting the current code.

Under Transition Rules, Article 1.4.G, all previously approved planned districts were to remain in effect, subject to all plans, regulations, and conditions of their approval after the current zoning code became effective. The code goes on to say that changes to a previously approved planned district, or request to remove a planned district, shall be made through the special use process.

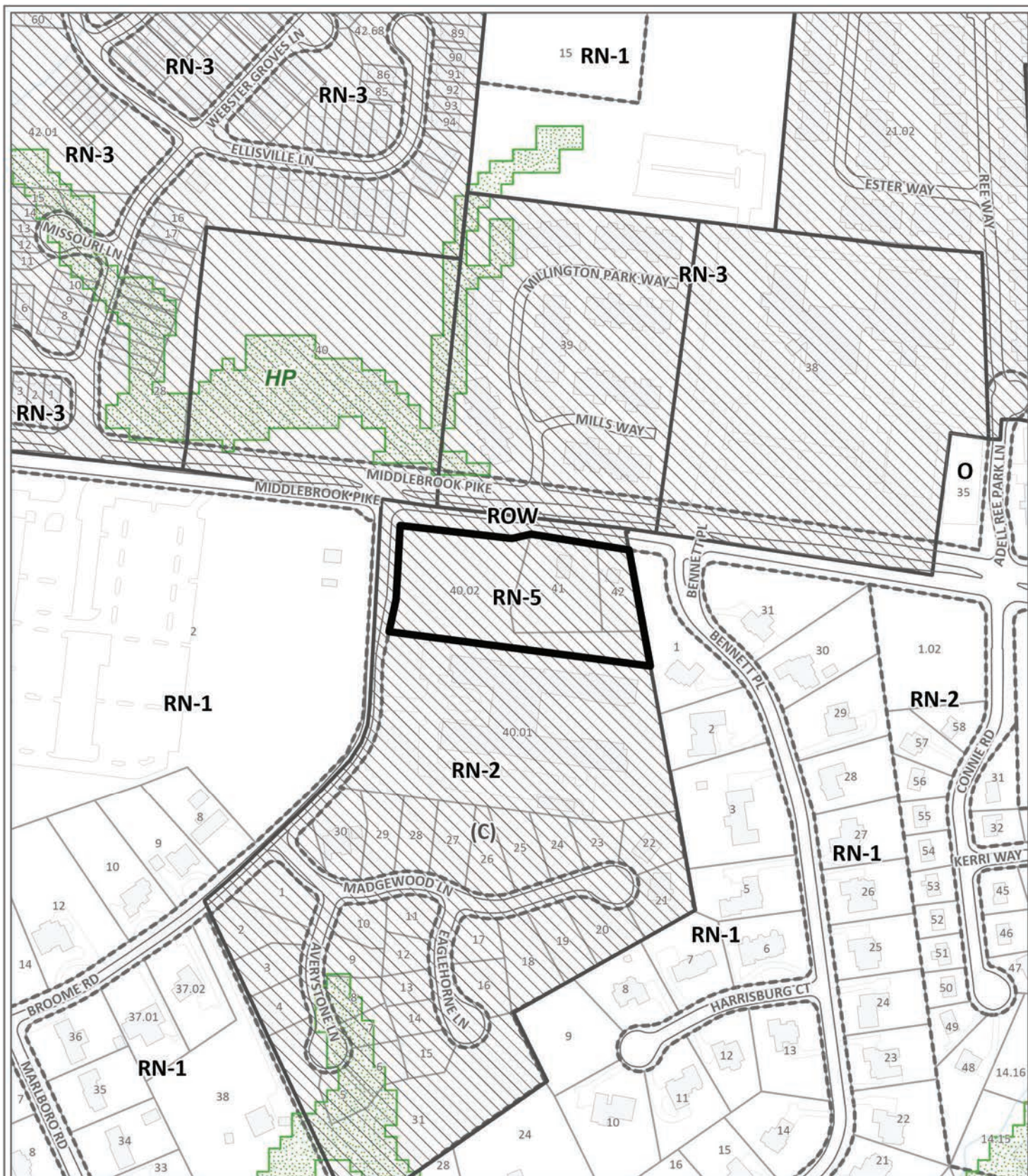
In some instances, the (C) designation has been applied, but no plans were ever submitted or approved for the property. Therefore, there are no previous plans or conditions placed on those properties. In these instances, the city has determined that the planned district designation can be

removed per Article 3.2.C, and the property can be developed according to the standards of the current zoning. This determination is reflected in the attached memo from the Zoning Code Administrator (Exhibit B).

**SUBJECT PROPERTY:**

This parcel is part of a larger area that was previously zoned RP-1 (Planned Residential) prior to the effective date of the new zoning ordinance. The majority of this area is now zoned RN-1 with a (C) designation. In 2017, a Use on Review (3-B-17-UR) was approved for the adjacent assisted living facility. It included a condition to subdivide the property, requiring final plat approval. That final plat moved the lot line between the property to the south and the subject property, carving the subject property out of that development. Because the subject property was not intended to be included in the approved plans, and was subsequently removed, the (C) designation is not needed.





**OTHER BUSINESS**

**8-B-24-OB**

**Petitioner:** Knoxville-Knox County Planning



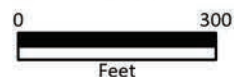
Proposed administrative map error correction and modification to the Official Zoning Map to properly address an administrative error and remove the previously approved planned district (C) designation for property located at 7700 and 7708 Middlebrook

**Map No:** 106

**Jurisdiction:** City

**Original Print Date:** 7/12/2024

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





## Code Interpretation

**DATE:** July 11, 2023  
**FROM:** Peter Ahrens, Zoning Code Administrator  
**TO:** Amy Brooks, Executive Director, Knoxville-Knox County Planning  
**RE:** Previously Approved Planned Districts

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Ms. Brooks,

You asked me to make a Zoning Code interpretation regarding the following question: when a property does not have a development plan approved by the Planning Commission on file, how can the property owner remove from the Zoning Map the "(C)" designation for previously approved planned districts?

Our current Zoning Code at Article 1.4.G, Transition Rules, states:

### **G. Previously Approved Planned Districts**

1. As of the effective date of this Code, all previously approved planned districts of RP-1, RP-2, RP-3, PC-1, PC-2, SC-1, SC-2, SC-3, I-1, BP-1, TND-1, and TC-1 remain in effect and are subject to all plans, regulations, and/or conditions of their approval.
2. For the purposes of the Zoning Map, previously approved planned districts will be designated with a "(C)."
3. Any changes to a previously approved planned district, or request to remove the planned district designation from a property shall be made through the special use process in Section 16.2.

The prior Zoning Code at Article IV.3.0, Planned Development Districts – General Provisions, stated as follows:

### **3.0. General Provisions**

Planned development districts allow development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the basic district provisions of this article. As part of the zoning approval process, public review and metropolitan planning commission approval of development plans are required prior to any development. The planned development district may permit a greater mixing of land uses not easily accomplished by the application of basic district boundaries, or a framework for coordinating

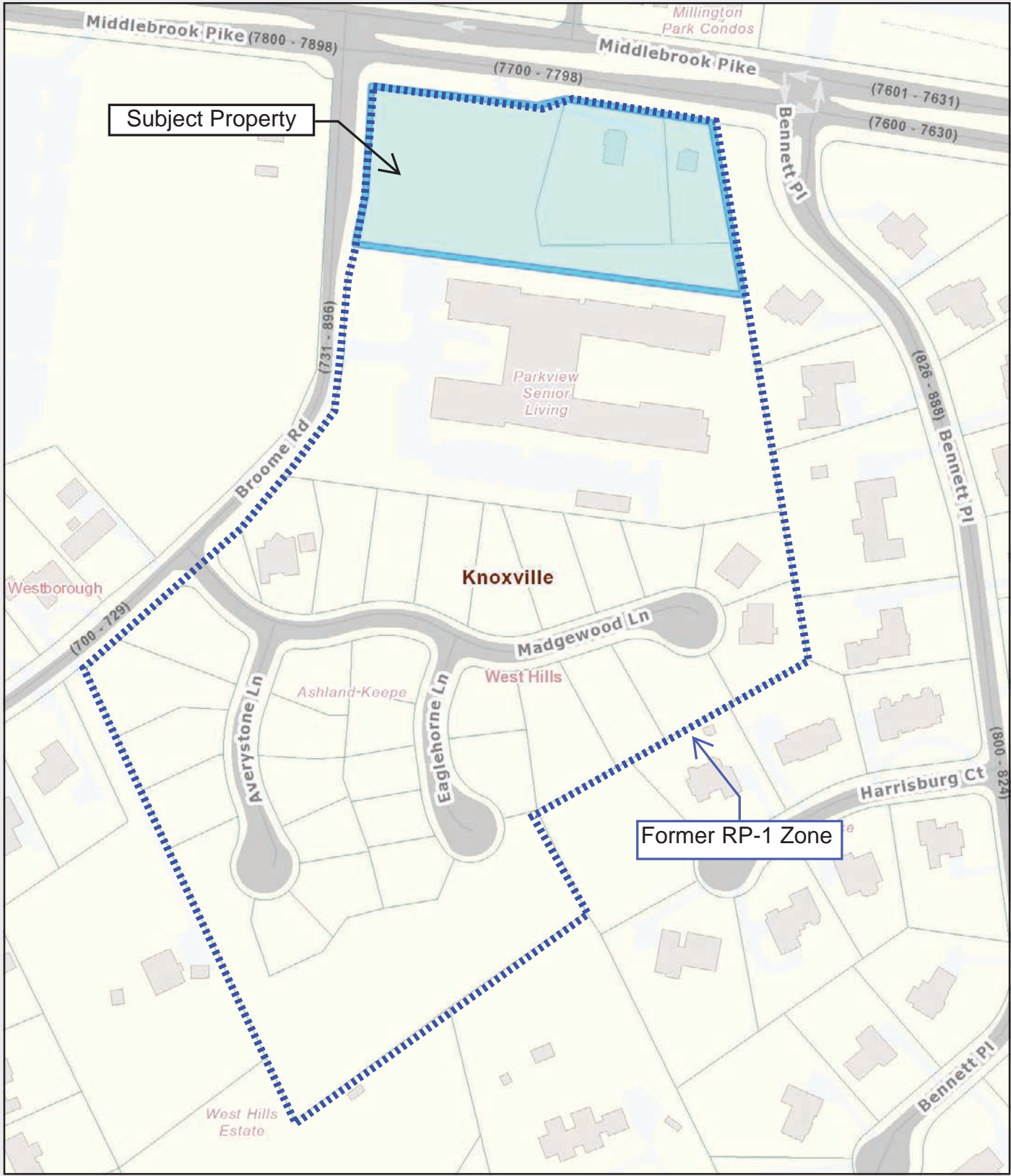
the development of land with the provision of an adequate roadway system or essential utilities and public services. In return, the planned development district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

Properties that had a previously approved planned district in place under the old Zoning Code were required to have a development plan approved in order for the owner to be able to take advantage of the flexibility a planned district offered. If a property owner did not get a development plan approved by the Planning Commission, the planned district designation on the official Zoning Map should not have been carried over to the new Zoning Map, which went into effect on January 1, 2020. In these cases, the appropriate way to remove the planned district designation on the official Zoning Map is through the administrative mapping error process under Article 3.2.C. of the current Zoning Code. Appeals of this Code interpretation may be initiated under Article 16.9.

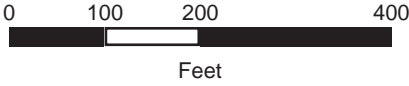
Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Ahrens".

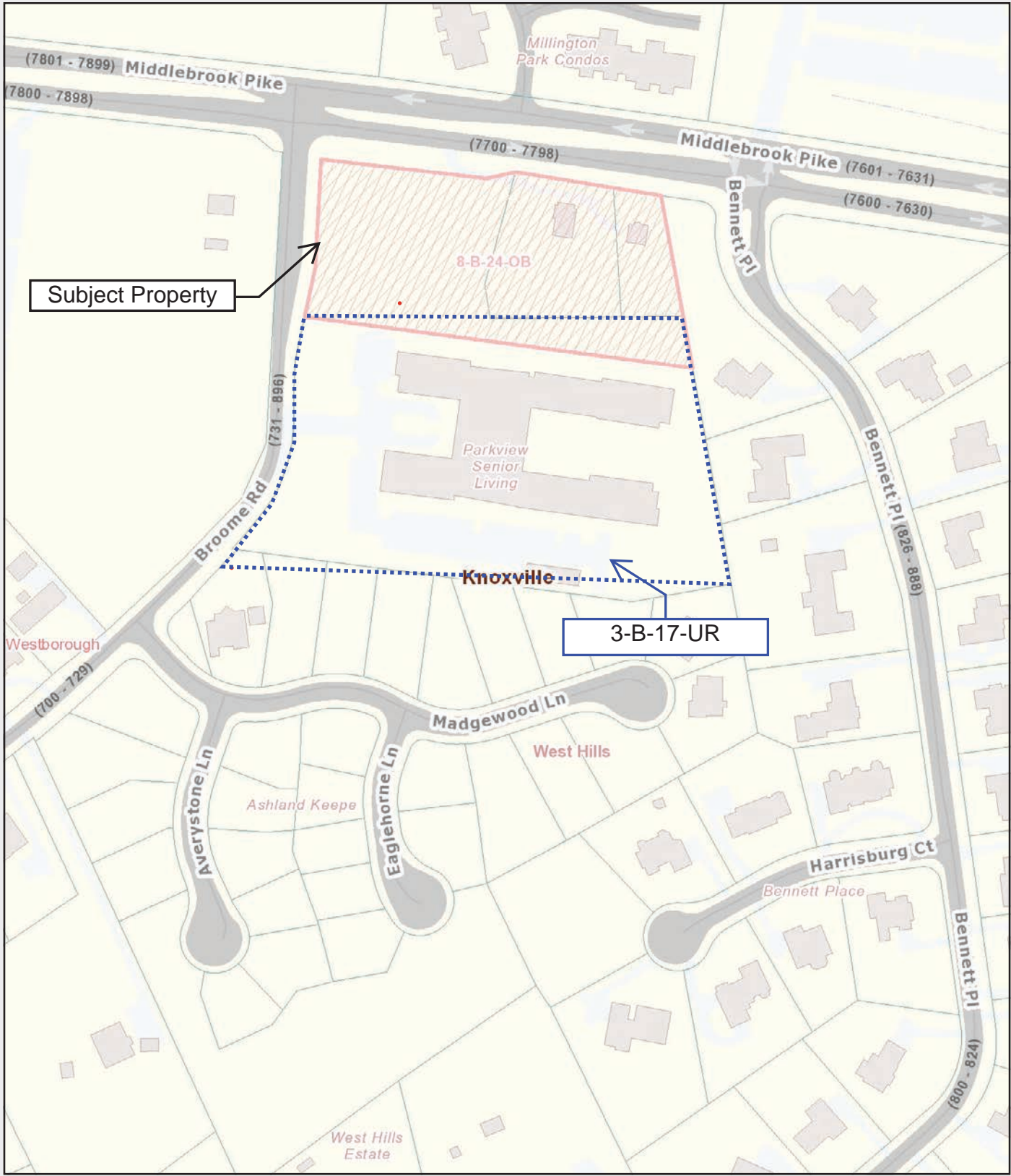
Peter M. Ahrens  
Zoning Administrator



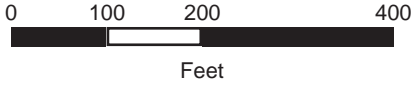
8-B-24-OB, Exhibit C.  
Boundary of Previous RP-1 zone



KGIS makes no representation or warranty as to the accuracy of this map and its information, nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.



8-A-4-OB, Exhibit D. Case Boundary of Previous Use on Review Case 3-B-17-UR



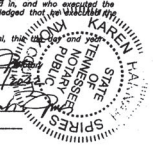
KGIS makes no representation or warranty as to the accuracy of this map and its information, nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.



Certificate of Ownership and General Dedication  
 (I, We) Wanda L. Moody, Trustee and John McBride, the undersigned owner(s) of the property shown herein, hereby adopt this as (my, our) plan of subdivision and dedicate the streets as shown to the public use forever and hereby certify that (I am, we are) the owner(s) in fee simple of the property, and as property owner(s) have an unrestricted right to dedicate right-of-way and/or grant easement as shown on the plat.

*Wanda L. Moody* Date: 10/14/19  
 Owner  
 Date

State of TN County of Knox  
 On this 14 day of October, 2019  
 Before me personally appeared Wanda L. Moody known to be the person described in, and who executed the foregoing instrument, and acknowledged that she is the owner of the same as his free and clear.



Certificate of Approval for Recording - Administrative Plat  
 This is to certify that the subdivision plat shown has been found to comply with the Subdivision Regulations of Knoxville and Knox County with all adding official plans, and the record plat is hereby approved for recording in the office of the Register of Deeds.

In the City of Knoxville and Sevier Areas of Knox County.  
 This is to certify that the sanitary sewer system installed, or proposed for installation, is in accordance with State and local regulations.

Utility Provider - Knoxville Utilities Board  
 Signature: *[Signature]* Date: 10/14/19  
 Authorized Signature for Utility

Certificate of Approval of Water Systems  
 This is to certify that the water system installed, or proposed for installation, is in accordance with State and local regulations.

Utility Provider - Knoxville Utilities Board  
 Signature: *[Signature]* Date: 10/14/19  
 Authorized Signature for Utility

Addressing Department Certification  
 I, the undersigned, hereby certify that the subdivision name and all street names conform to the Knoxville/Knox County Street Naming and Addressing Ordinance, the Administrative Rules of the Planning Commission, and these regulations.

Zoning district(s) in which the land being subdivided is located shall be indicated as shown on the zoning map by the Planning Commission as follows:  
 Zoning Shown on Official Map: RP-1  
 Date: 10/14/19 by: *[Signature]*

Taxes and Assessments  
 This is to certify that all property taxes and assessments due on this property have been paid.

City Tax Clerk: *[Signature]* Date: 10/14/19  
 Knox County Trustee: *[Signature]* Date: 10/14/19

City of Knoxville Engineering Division  
 The Knoxville Engineering Division hereby approves this plat on this the 14 day of October, 2019.

Certification of Final Plat - All Indicated Markers, Monuments and Benchmarks Set  
 I hereby certify that I am a registered land surveyor licensed to practice surveying 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 itemized, described and justified in a report filed with the Planning Commission, or for variances which have been approved as identified on the final plat. The indicated monuments were in place on the 1st day of August, 2019.

James L. Hill, Jr.  
 Registered Land Surveyor Tennessee Certificate No. 2440  
 Certification of Category and Accuracy of Survey  
 I hereby certify that this is a Category 1 survey and the ratio of precision of the unadjusted survey is not less than 1:10,000 as shown hereon and that said survey was prepared in compliance with the current edition of the Rules of Tennessee State Board of Examiners for Land Surveyors - Standards of Practice.

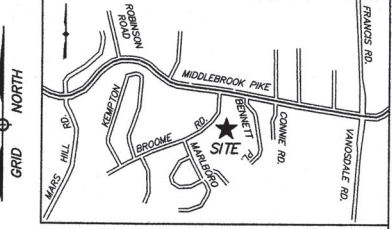
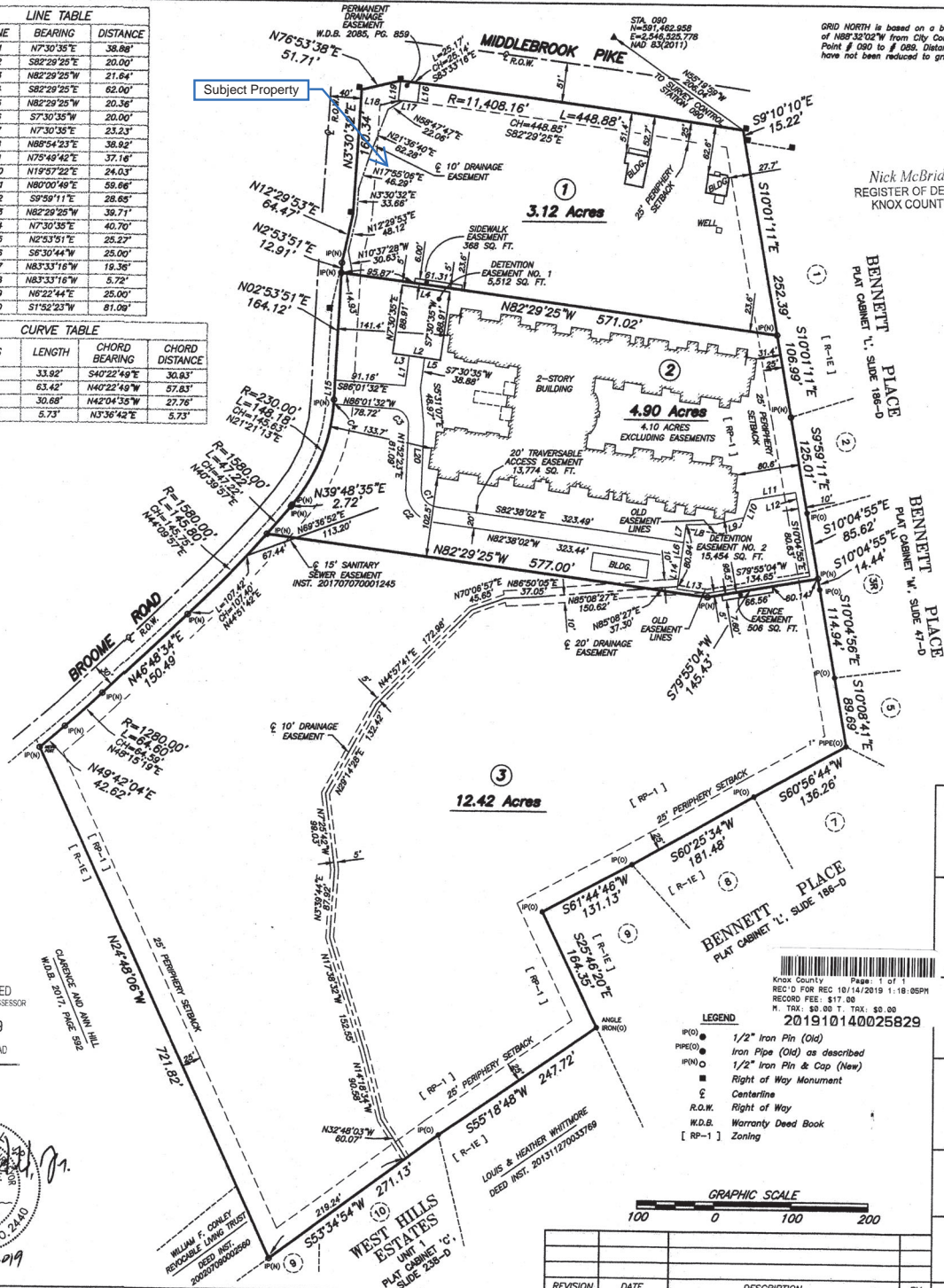
COUNTERSIGNED  
 KNOX COUNTY PROPERTY ASSESSOR  
 OCT 14 2019  
 BY: *[Signature]*



LINE	BEARING	DISTANCE
L1	N73°30'35"E	38.86'
L2	S82°29'25"E	20.00'
L3	N82°29'25"W	21.64'
L4	S82°29'25"E	62.00'
L5	N82°29'25"W	20.36'
L6	S73°30'35"W	20.00'
L7	N73°30'35"E	23.23'
L8	N88°54'23"E	38.82'
L9	N75°49'42"E	37.16'
L10	N19°57'22"E	24.03'
L11	N80°00'49"E	58.66'
L12	S9°59'11"E	28.65'
L13	N82°29'25"W	36.71'
L14	N7°30'35"E	40.70'
L15	N2°53'51"E	25.27'
L16	S6°30'44"W	25.00'
L17	N83°33'16"W	19.36'
L18	N83°33'16"W	5.72'
L19	N6°22'44"E	25.00'
L20	S1°52'23"W	81.09'

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	23.00'	33.82'	S40°22'49"E	30.83'
C2	43.00'	63.42'	N40°22'49"W	57.83'
C3	20.00'	30.68'	N42°04'33"W	27.76'
C4	230.00'	5.73'	N3°36'42"E	5.73'

465059-H



- NOTES:**
- PROPERTY CORNERS MARKED AS NOTED.
  - THERE IS A TEN (10) FOOT UTILITY AND DRAINAGE EASEMENT RESERVED INSIDE ALL EXTERIOR LOT LINES ADJOINING STREETS AND PRIVATE RIGHTS-OF-WAYS AND A FIVE (5) FOOT UTILITY AND DRAINAGE EASEMENT RESERVED ALONG BOTH SIDES OF ALL INTERIOR LOT LINES AND ON THE INSIDE OF ALL OTHER EXTERIOR LOT LINES. OTHER EASEMENTS AS NOTED.
  - THIS PROPERTY IS ZONED RP-1(A), PLANNED RESIDENTIAL DISTRICT. BUILDING SETBACKS ARE AS FOLLOWS: FRONT-AS DETERMINED BY THE PLANNING COMMISSION, BUT NOT LESS THAN 25 FEET; SIDE-5 FEET; REAR-15 FEET; PERIPHERY BOUNDARY-25 FEET FOR TWO FLOORS WITH AN ADDITIONAL 2 FEET PER FLOOR ABOVE 2 FLOORS.
  - THIS SUBDIVISION IS THREE LOTS AND CONTAINS 20.44 ACRES.
  - PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTENANCE OF STORMWATER FACILITIES. THE COVENANT FOR MAINTENANCE OF STORMWATER FACILITIES IS RECORDED AS INSTRUMENT 20170829013752.
  - PREVIOUS PLAT OF RECORD IS PLAT INSTRUMENT 201710170024303.
  - THE PURPOSE OF THIS PLAT IS TO ADJUST DETENTION, DRAINAGE, AND TRAVERSABLE ACCESS EASEMENTS AS SHOWN.
  - AT THE APRIL 13, 2017 MEETING OF THE KNOXVILLE/KNOX COUNTY MPC A VARIANCE WAS APPROVED FOR THE REDUCTION OF RIGHT OF WAY ALONG MIDDLEBROOK PIKE FROM THE REQUIRED 56 FEET TO 51 FEET AS SHOWN AND TO REDUCE THE REQUIRED INTERSECTION RADIUS AT BROOME ROAD AND MIDDLEBROOK PIKE FROM 25 FEET TO AS SHOWN.
  - CURRENT WARRANTY DEED FOR LOTS 1 AND 3 IS INSTRUMENT 201707240004941, LOT 2 IS INSTRUMENT 201707240004943.
  - SUBJECT TO GRANT OF EASEMENT IN FAVOR OF KNOXVILLE UTILITIES BOARD, INSTRUMENT NO. 201808310014496, AS RECORDED IN THE KNOX COUNTY REGISTER OF DEEDS OFFICE.

**MPC FILE NO. 8-L-19**  
 ~ REPLAT OF ~  
**BROOME ROAD COMMUNITY**  
**LOTS 1, 2 & 3**

DIST. NO. 6 KNOX COUNTY, TN  
 WARD 46 BLOCK 46500 CITY OF KNOXVILLE  
 CLT MAP 1060 GROUP 'A'  
 PARCELS 039, 040.01, 040.02, 041 & 042  
 SCALE: 1"=100' AUGUST 9, 2019

OWNER: LOT 2  
**BROOME ROAD, LLC**  
 312 NANCY LYNN LANE, SUITE 1  
 KNOXVILLE, TN 37919  
 (865) 330-0013

OWNER: LOTS 1 & 3  
**WANDA L. MOODY, TRUSTEE**  
 THE WANDA L. MOODY REVOCABLE LIVING TRUST  
 P.O. BOX 50863  
 KNOXVILLE, TN 37950  
 (865) 690-0766

**URBAN ENGINEERING, INC.**  
 11852 KINGSTON PIKE  
 FARRAGUT, TENNESSEE 37922  
 (865) 966-1924

**ROANE LAND SURVEYING**  
 P.O. BOX 663  
 ROCKWOOD, TENNESSEE 37854  
 (865) 466-0764

LEGEND:  
 (P) 1/2" Iron Pin (Old)  
 (P) Iron Pipe (Old) as described  
 (P) 1/2" Iron Pin & Cap (New)  
 Right of Way Monument  
 Centerline  
 R.O.W. Right of Way  
 W.D.B. Warranty Deed Book  
 [RP-1] Zoning

GRAPHIC SCALE  
 100 0 100 200

REVISION	DATE	DESCRIPTION	BY

DWN: JLH CHK: CAS DWG. NO. 1612035