

REZONING REPORT

▶ **FILE #:** 8-O-19-RZ

AGENDA ITEM #: 41

AGENDA DATE: 8/8/2019

▶ **APPLICANT:** CARTER MCCALL / FULGHUM MACINDOE & ASSOCIATES

OWNER(S): Hardin Valley Land Partners

TAX ID NUMBER: 117 027

[View map on KGIS](#)

JURISDICTION: City Commission District 6

STREET ADDRESS: 0 Hardin Valley Road

▶ **LOCATION:** South side of Hardin Valley Road at Steele Road

▶ **APPX. SIZE OF TRACT:** 30.5 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Access is via Hardin Valley Road, a minor arterial street with 3 lanes, including a center turn lane, with 57' of pavement width within 85' of right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Conner Creek

▶ **PRESENT ZONING:** PR (Planned Residential) < 3 du/ac and CA (General Business)

▶ **ZONING REQUESTED:** PR (Planned Residential) 4.8 du/ac

▶ **EXISTING LAND USE:** Vacant

▶ **PROPOSED USE:** Residential

DENSITY PROPOSED: 4.8

EXTENSION OF ZONE: No.

HISTORY OF ZONING: 10-X-05-RZ (A to PR); 6-G-17-RZ (PR 1-2du/ac to PR <3du/ac)

SURROUNDING LAND USE AND ZONING: North: Commercial and Hardin Valley Elementary School / CA and I

South: Vacant land / A

East: Vacant land / A

West: Single family residential and vacant land / A

NEIGHBORHOOD CONTEXT: This area is primarily developed with agricultural and rural to low density residential uses, under A and PR zoning. Hardin Valley Elementary School is to the north, zoned I. A commercial development is to the northwest, zoned CA.

STAFF RECOMMENDATION:

▶ **Approve PR (Planned Residential) up to 3 du/ac, subject to 3 conditions. (Applicant requested PR up to 4.8 du/ac).**

The residential portion of the site has been cleared and graded without prior approval from Knox County Engineering. In the previous 2017 rezoning, the slope analysis noted that 28.32 acres of the site were within the Hillside and Ridgetop Protection area, and over 70 percent of the site had slopes in excess of 15 percent.

The staff recommendation for rezoning at that time was PR up to 2.12 du/ac because of the steep topography (See Exhibit A). A use on review/concept plan was approved in May of 2019 demonstrating 2.98 du/acre, however, a subsequent design plan was submitted to Knox County Engineering, but has yet to be approved by the time of publication of this staff report.

Staff recommends approval of PR (Planned Residential) up to 3 du/ac, subject to the following conditions:

- 1) No additional land disturbing activities until a revised use-on-review and concept plan application is approved by the Knoxville-Knox County Planning Commission and proper permits are obtained from Knox County Engineering reflective of an updated plan with the increased density demonstrated on the development plan.
- 2) An updated traffic study must be submitted to reflect the increased density requested by the rezoning with the forthcoming use-on-review / concept plan application.
- 3) Sidewalks must be provided on both sides of the internal street network, as the property is directly across the street from Hardin Valley Schools.

COMMENTS:

REZONING REQUIREMENTS FROM ZONING ORDINANCES (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 Northwest County Sector is the most rapidly growing sector in Knox County.
2. The addition of new schools in the area is causing an increase in residential demand within close proximity to Hardin Valley Elementary, Hardin Valley Middle and Hardin Valley Academy.

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

1. The proposed amendment to PR zoning is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment.
2. Each planned unit development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the planning commission by review of the development plans.

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. Since the property has been denuded without prior approval from Knox County Engineering, no additional clearing and grading activities are recommended until proper permits have been obtained.
2. The required provision of sidewalks will lessen the impact of school related traffic by providing safe, pedestrian access for the residential neighborhood across adjacent to the schools.

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 property is located in the Rural Area of the Growth Policy Plan. However, a plan amendment for low-density residential has already been approved for the site.
2. The proximity to the Hardin Valley schools, commercial node at Steele Road, and access to utilities, as well as the overall increased demand for a variety of housing types makes the site suitable for this density of development.

ESTIMATED TRAFFIC IMPACT: 1341 (average daily vehicle trips)

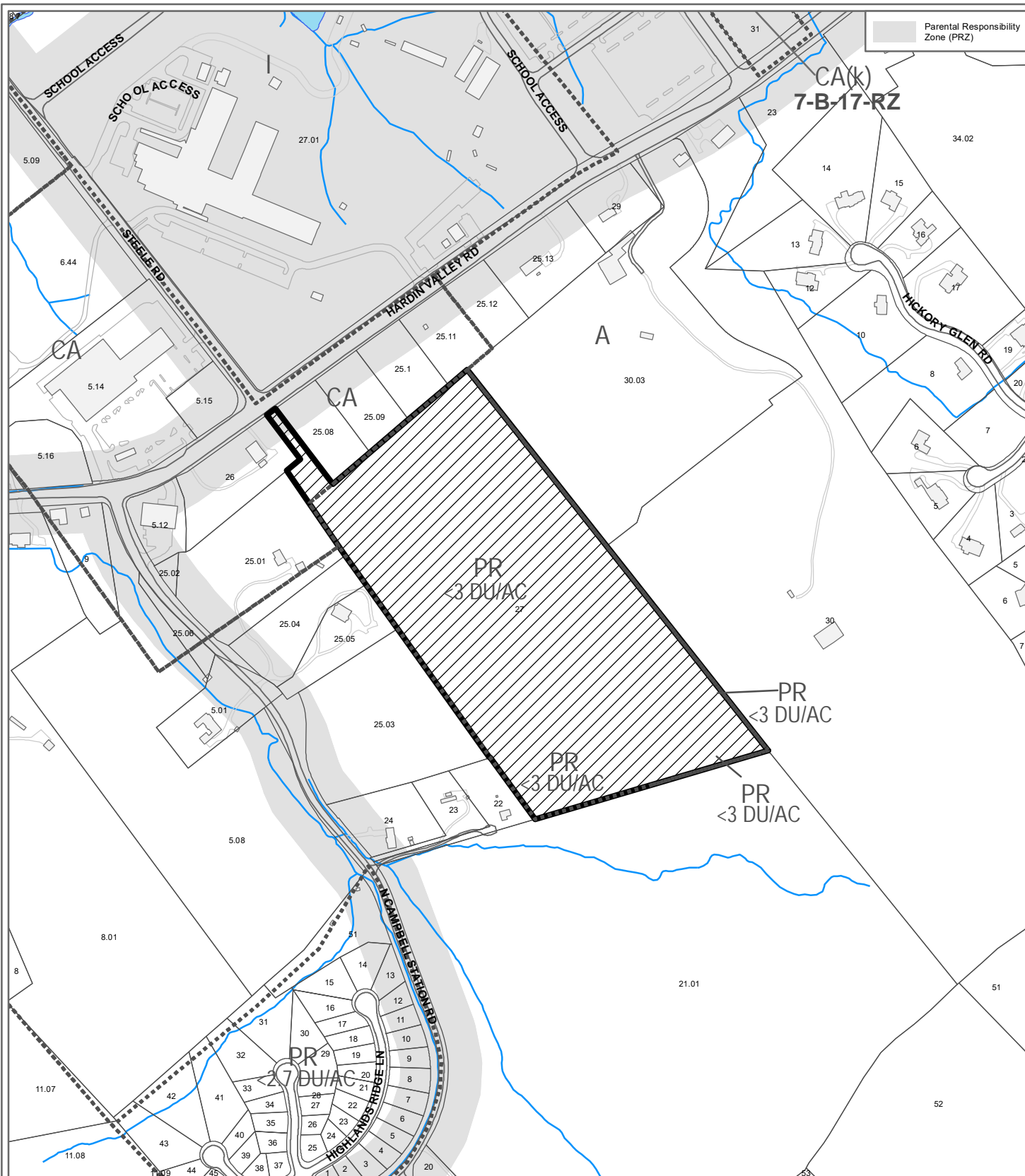
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: Hardin Valley Elementary, Hardin Valley 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.

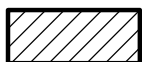
If approved, this item will be forwarded to Knox County Commission for action on 9/23/2019. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the City.



**8-O-19-RZ
REZONING**

From: PR (Planned Residential) < 3 du/ac

To: PR (Planned Residential) 4.8 du/ac



Petitioner: McCall / Fulghum MacIndoe & Associates, Carter

Map No: 117

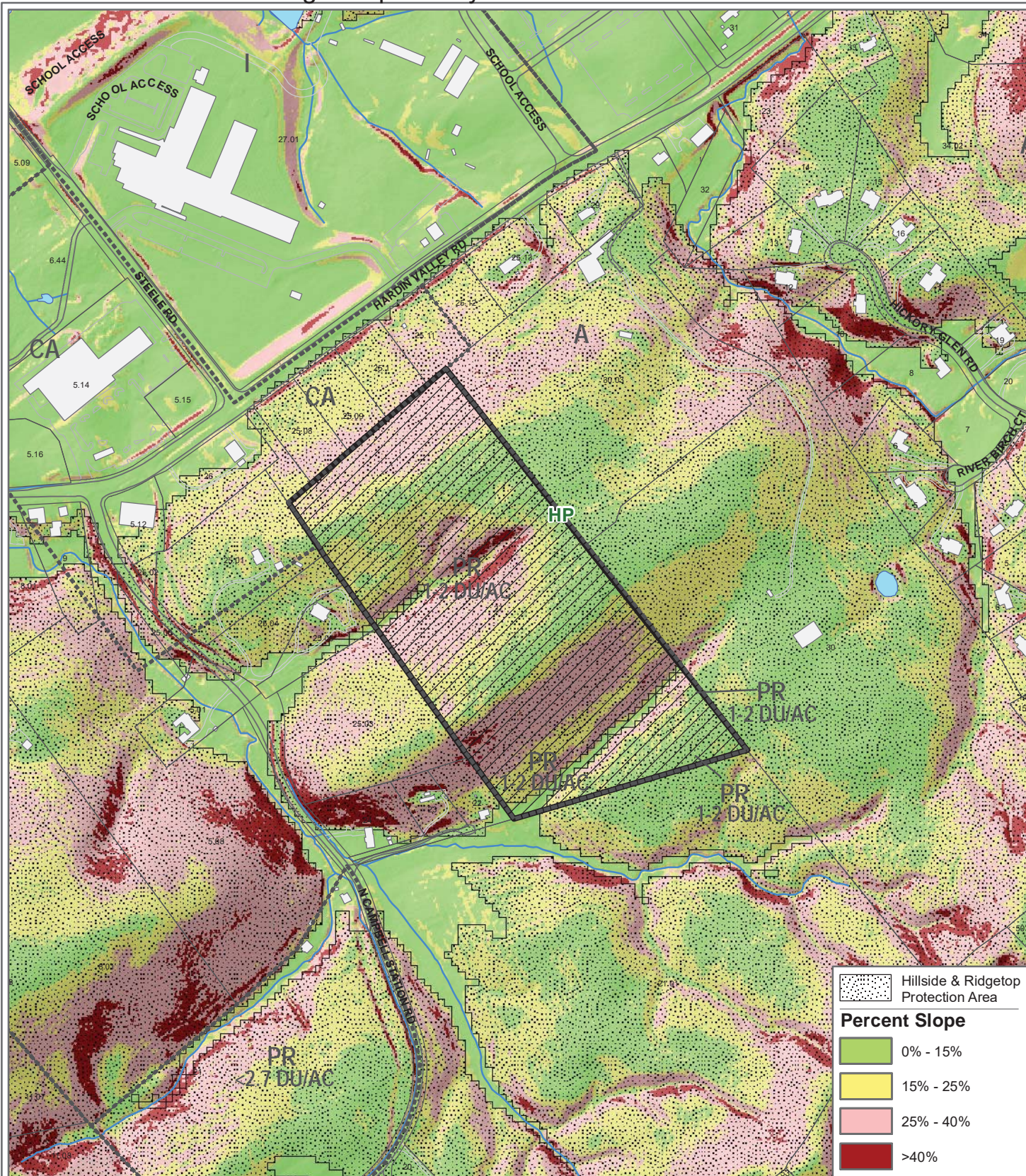
Jurisdiction: City



Original Print Date: 7/15/2019
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Exhibit A. 2017 Rezoning - Slope Analysis



6-G-17-RZ REZONING - SLOPE ANALYSIS

From: PR (Planned Residential) at 1-2 du/ac
To: PR (Planned Residential) at up to 5 du/ac



Original Print Date: 5/19/2017
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Bittle III, H.E.

Map No: 117
Jurisdiction: County



6-G-17-RZ Slope Analysis

			Acreage
Non-Hillside Portions			0.8
Hillside and Ridgetop Protection Area			
Value	Percent Slope	Count	Acres
1	0%-15%	11913	6.84
2	15%-25%	16407	9.42
3	25%-40%	19334	11.10
4	>40%	1056	0.61
			27.96
Ridgetop Area			0.85
Site Total			29.61

**MPC STAFF - SLOPE / DENSITY ANALYSIS
6-G-17-RZ / H.E. Bittle III / PR (2) to PR (5)**

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	0.8	5.00	4.0
0-15% Slope	6.84	5.00	34.2
15-25% Slope	9.42	2.00	18.8
25-40% Slope	11.1	0.50	5.6
Greater than 40% Slope	0.61	0.20	0.1
Ridgetops	0.85	0.00	0.0
Subtotal: Sloped Land	28.82		58.7
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	29.62	2.12	62.7
Proposed Density (Applicant)	29.62	5.00	144.0

From Hillside & Ridgetop Protection Plan, page 33

LOW DENSITY AND RURAL RESIDENTIAL USES

Density and Land Disturbance Guidelines

As proposals for changes to the zoning map and development plans/concept plans are considered, the following factors are recommended to determine the overall allowable density for residential rezonings and the overall land disturbance allowable in new development or subdivisions for those portions of parcels that are within the Hillside and Ridgetop Protection Area. These factors should be codified as regulations in the future. The areas of the Growth Policy Plan referenced below are presented on page 18.

Table 3: Residential Density and Land Disturbance Guidelines
for Recommendations on Changes to the Zoning Map and Development Plan/
Concept Plan Review within the Hillside and Ridgetop Protection Area
that is within the Urban Growth and the Planned Growth Area

<i>Percent of Slope</i>	<i>Recommended Maximum Density Factor*</i>	<i>Recommended Maximum Land Disturbance Factor**</i>
0 - 15	Knox County: 5 dua City of Knoxville: 6 dua	100%
15 - 25	2 dua	50%
25 - 40	0.5 dua	20%
40 or more	0.2 dua	10%
Ridgetops***	***	***

dua: dwelling units per acre

* These factors should be considered guidelines to determine an overall recommended residential density for requests for changes to the zoning map to planned residential (RP-1 in the city and PR in the county) zone districts that are considered by the Metropolitan Planning Commission prior to being considered by the appropriate legislative body. The resulting zone district development right would be considered a budget for dwelling units to be applied over the entire proposed development.

** Until such time as regulations are codified by the appropriate legislative body, these factors should be considered guidelines to determine an overall recommended land disturbance area for development plans and concept plans that are considered for approval by the Metropolitan Planning Commission. The overall land disturbance area would be considered a budget for land disturbance to be applied over the entire proposed development.

*** Ridgetops are generally the more level areas on the highest elevations of a ridge. Because the shapes of Knox County ridges are so varied (see pages 8 – 9), the ridgetop area should be determined on a case-by-case basis with each rezoning and related development proposal.



DEVELOPMENT REQUEST



DEVELOPMENT

- Development Plan
- Use on Review / Special Use

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
- Rezoning

Applicant Hardin Valley Land Partners

Date Filed 6/28/19 Meeting Date (if applicable) 8/8/19 File Number(s) 8-0-19-RZ

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

Name Carter McCall Company Fulghum MacIndoe & Associates

Address 10330 Hardin Valley Road, Ste 201 City Knoxville State TN Zip 37932

Phone 865-251-5075 Email mccall@fulghummacindoe.com

CURRENT PROPERTY INFO

Owner Name (if different) Rusty Bittle Owner Address 10780 Hardin Valley Road Owner Phone 865-670-7426

Property Address 0 Hardin Valley Road Parcel ID 117 027
5/8 Hardin Valley Rd @ Steele Rd

General Location Across from Hardin Valley Elementary Tract Size 30.5 acres

Jurisdiction (specify district above) 6th City County Zoning District PR

Planning Sector NW County Sector Plan Land Use Classification LDR Growth Policy Plan Designation Rural Area

Existing Land Use Ag For Val Septic (Y/N) N Sewer Provider WKVD Water Provider WKVD

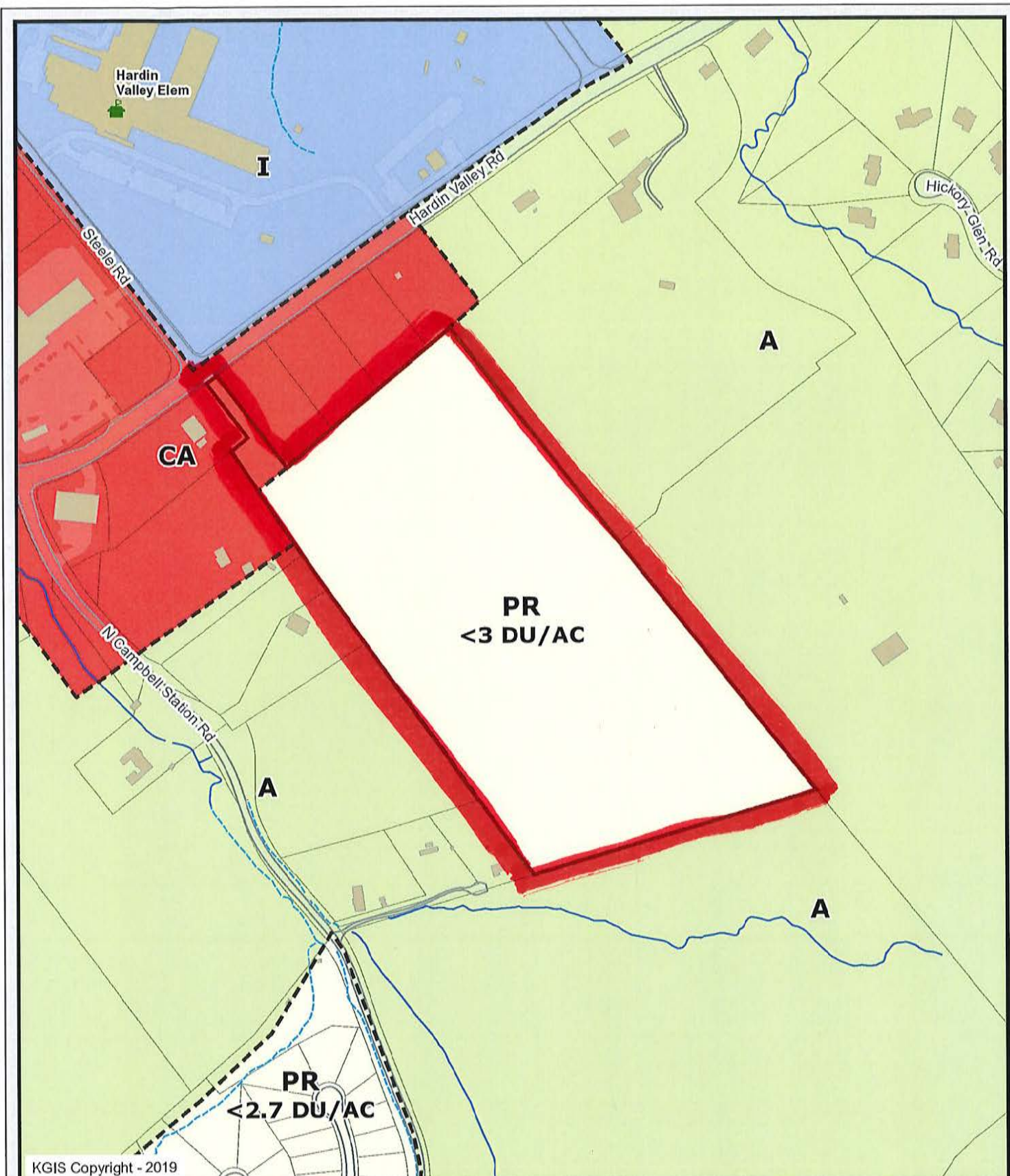
REQUEST

DEVELOPMENT	<input type="checkbox"/> Development Plan <input type="checkbox"/> Use on Review / Special Use <input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential		
	<input type="checkbox"/> Home Occupation (specify): _____		
	<input type="checkbox"/> Other (specify): _____		
SUBDIVISION	<input type="checkbox"/> Proposed Subdivision Name _____		Unit / Phase Number _____
	<input type="checkbox"/> Parcel Change <input type="checkbox"/> Combine Parcels <input type="checkbox"/> Divide Parcel Total Number of Lots Created: _____		
	<input type="checkbox"/> Other (specify): _____		
	<input type="checkbox"/> Attachments / Additional Requirements		
ZONING	<input checked="" type="checkbox"/> Zoning Change: <u>PR 4.3 du/ac to PR 4.8 du/ac</u> <small>Proposed Zoning</small>		
	<input type="checkbox"/> Plan Amendment Change: <u>N/A</u> <small>Proposed Plan Designation(s)</small>		
	<u>Residential</u>	<u>4.8</u>	<u>6-6-17-RZ</u> <u>10-X-05-RZ</u> <u>12-FF-83-RZ</u>
	<input checked="" type="checkbox"/> Proposed Property Use (specify)	Proposed Density (units/acre)	Previous Rezoning Requests
<input type="checkbox"/> Other (specify): _____			

STAFF USE ONLY	PLAT TYPE	FEE 1:	TOTAL:	
	<input type="checkbox"/> Administrative <input type="checkbox"/> Meeting ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request ADDITIONAL REQUIREMENTS <input type="checkbox"/> Design Plan Certification (Final Plat only) <input type="checkbox"/> Use on Review / Special Use (Concept Plan only) <input type="checkbox"/> Traffic Impact Study	<u>3,825.00</u>		
		FEE 2:		<u>7</u>
		FEE 3:		<u>7</u>
			<u>3,825.00</u>	

AUTHORIZATION

	<u>Marc Payne</u> Please Print	<u>6/28/19</u> Date
<u>H.E. Bittl</u> Applicant Signature	<u>H.E. Bittl</u> Please Print	<u>6/28/19</u> Date



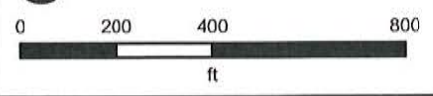
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Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



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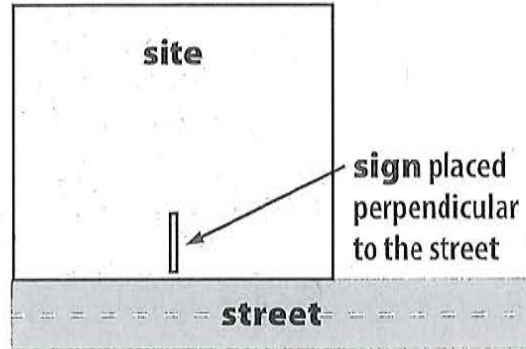
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted Administrative Rules and Procedures.

At the time of application, staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the Planning offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then 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 15 days before 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 15 days before the next Planning Commission meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

7/24/19 and 8/9/19
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: *Carter McCall*

Printed Name: Carter McCall

Phone: 865.251.5075 Email: mccall@fulghammacindoe.com

Date: ~~6/27~~ 6/28/19

File Number: 8-0-19-RZ