



# USE ON REVIEW REPORT

▶ **FILE #:** 3-I-20-UR

**AGENDA ITEM #:** 29

**AGENDA DATE:** 3/12/2020

▶ **APPLICANT:** VERTEX DEVELOPMENT TN, LLC

OWNER(S): Kirkland Financial, LLC

TAX ID NUMBER: 103 108.04

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 11103 Hardin Valley Rd.

▶ **LOCATION:** Northwest side of Hardin Valley Road, southwest of Bryant Lane.

▶ **APPX. SIZE OF TRACT:** 20.72 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Hardin Valley Rd., a minor arterial street with a 3 lane street section within an 88' required right-of-way.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Conner Creek

▶ **ZONING:** PR (Planned Residential)

▶ **EXISTING LAND USE:** Residential subdivision under construction

▶ **PROPOSED USE:** Reduction of peripheral setback

2.7 du/ac

HISTORY OF ZONING: This property was rezoned to PR (Planned Residential) at a density of up to 4 du/ac by Knox County Commission on January 23, 2017.

SURROUNDING LAND USE AND ZONING: North: Residences and vacant land - PR (Planned Residential)

South: Residences - PR (Planned Residential) and A (Agricultural)

East: Residences - PR (Planned Residential) / TO (Technology Overlay)

West: Residences - PR (Planned Residential)

NEIGHBORHOOD CONTEXT: The site is located in an area along Hardin Valley Road that has developed as low density residential use under RA and PR zoning.

## STAFF RECOMMENDATION:

▶ **APPROVE the requested reduction of the peripheral setback to 25' along the northeast subdivision boundary line that adjoins Conners Creek subdivision, subject to 2 conditions.**

1. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
2. Meeting all applicable requirements of the Knox County Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the PR zone and the other criteria for approval of a Use on Review.

## COMMENTS:

The applicant had obtained a concept plan and use on review approval (1-SE-17-C / 1-I-17-UR) from the Planning Commission for this subdivision on January 12, 2017 for a total of 56 detached residential lots on 20.72 acres at a density of 2.7 du/ac. A final plat (2-SL-18-F) approval was also granted for the subdivision by the Planning Commission on May 9, 2018. However, since the final plat was not recorded within one year of the Planning Commission approval, the final plat and the concept plan approvals expired. The applicant received a new concept plan approval (8-SD-19-C) from the Planning Commission on August.8, 2019.

The applicant is now requesting a reduction of the peripheral setback from 35' to 25' along the northeast subdivision boundary line that adjoins Conners Creek Subdivision. When the initial concept plan was approved for this subdivision, the applicant had requested a reduction of the peripheral setback from 35' to 25' along all subdivision boundaries except for the northeast boundary that adjoins Conners Creek Subdivision. Due to site constraints include a stream and sinkholes, the street layout created shallower lots along the Conners Creek Subdivision. Because the developers building design worked with the 35' setback, a peripheral setback reduction was not requested. The new developer that is proposing to move forward with this Subdivision has a unit design that will need the reduction of the peripheral setback to 25'. The Planning Commission can approve a peripheral setback reduction down to 15' when the subdivision adjoins specific residential zoning districts.

## EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE

1. The proposed detached residential subdivision will have minimal impact on local services since utilities are available to serve this site.
2. The proposed low density residential development at a density of 2.7 du/ac is compatible with the scale and intensity of development that has occurred in this area.

## CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. With the recommended conditions, the proposed subdivision is consistent with all relevant requirements of the PR zoning, as well as other criteria for approval of a use on review.
2. The development is consistent with the following general standards for uses permitted on review: The proposal is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas since the development has access to a minor arterial street.

## CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Northwest County Sector Plan proposes medium density residential uses for this site. The proposed subdivision at a density of 2.7 du/ac is consistent with the sector plan.
2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

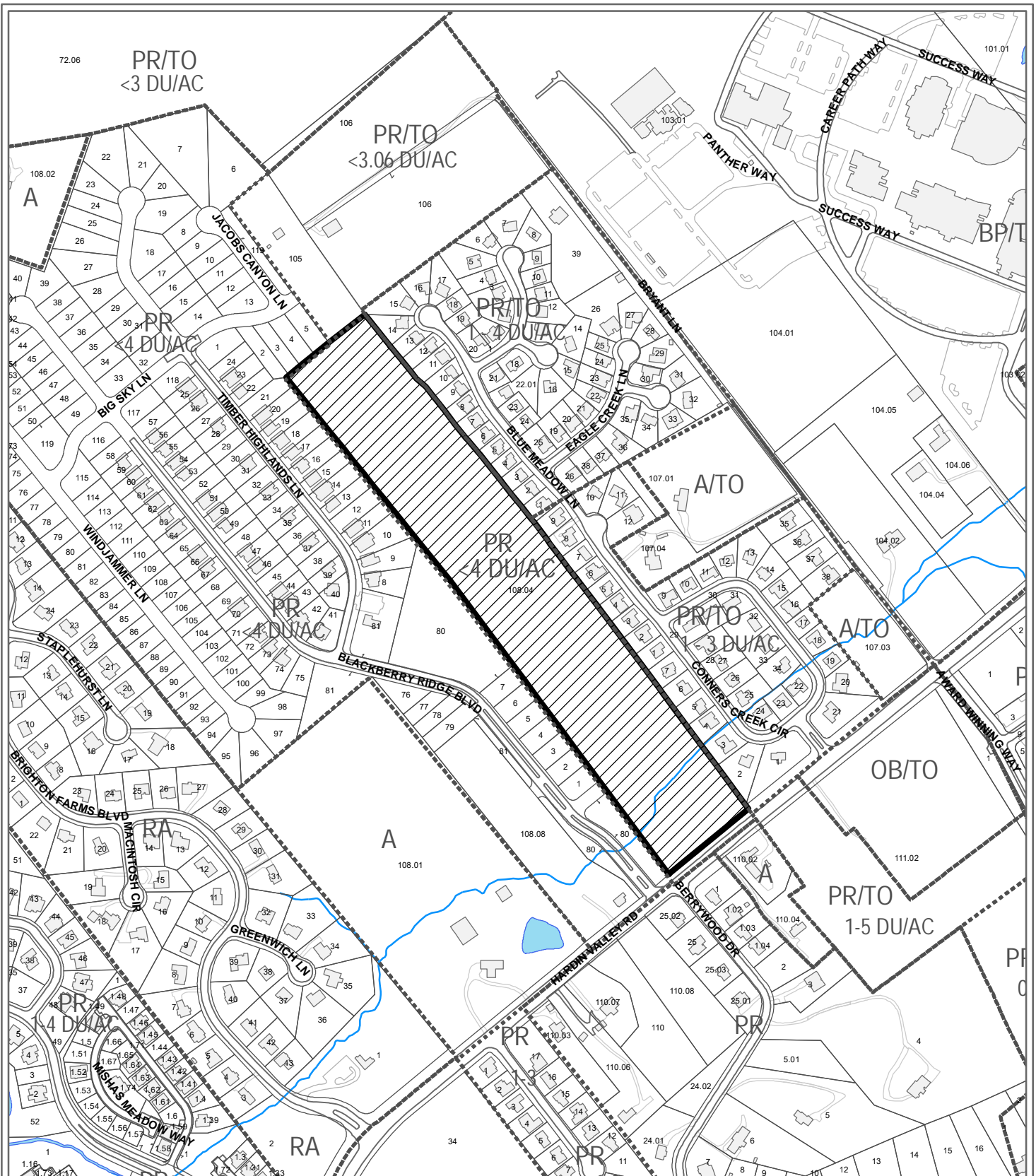
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: 23 (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.

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.



**3-I-20-UR  
USE ON REVIEW**



Reduction of peripheral setback in PR (Planned Residential)

Petitioner: Vertex Development TN, LLC

Map No: 103

Jurisdiction: County



Original Print Date: 2/19/2020

Revised:

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



Tom



# DEVELOPMENT REQUEST



### DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use

### SUBDIVISION

- Concept Plan
- Final Plat

### ZONING

- Plan Amendment
- Rezoning

Vertex Development TN, LLC		
Applicant Name	Affiliation	
1/27/2020	3/12/2020	3-I-20-UR
Date Filed	Meeting Date (if applicable)	File Numbers(s)

## 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

David Harbin		Batson, Himes, Norvell, & Poe	
Name	Company		
4334 Papermill Drive	Knoxville	TN	37909
Address	City	State	Zip
805-588-6472	harbin@bhn-p.com		
Phone	Email		

## CURRENT PROPERTY INFO

Kirkland Financial LLC	121 Anchor Drive	805-384-8124
Owner Name (if different)	Owner Address Andersonville, TN 37705	Owner Phone
1103 Hardin Valley Rd	map 103 parcel 108.04	
Property Address	Parcel ID	
N side of Hardin Valley Rd, SW of Bryant Lane	20.72	
General Location	Tract Size	
6	PR	
Jurisdiction (specify district above)	<input type="checkbox"/> City <input checked="" type="checkbox"/> County	Zoning District
Northwest County	MDR	planned growth
Planning Sector	Sector Plan Land Use Classification	Growth Policy Plan Designation
vacant	N	West Knox FUD
Existing Land Use	Septic (Y/N)	Water Provider
		West Knox FUD



# REQUEST

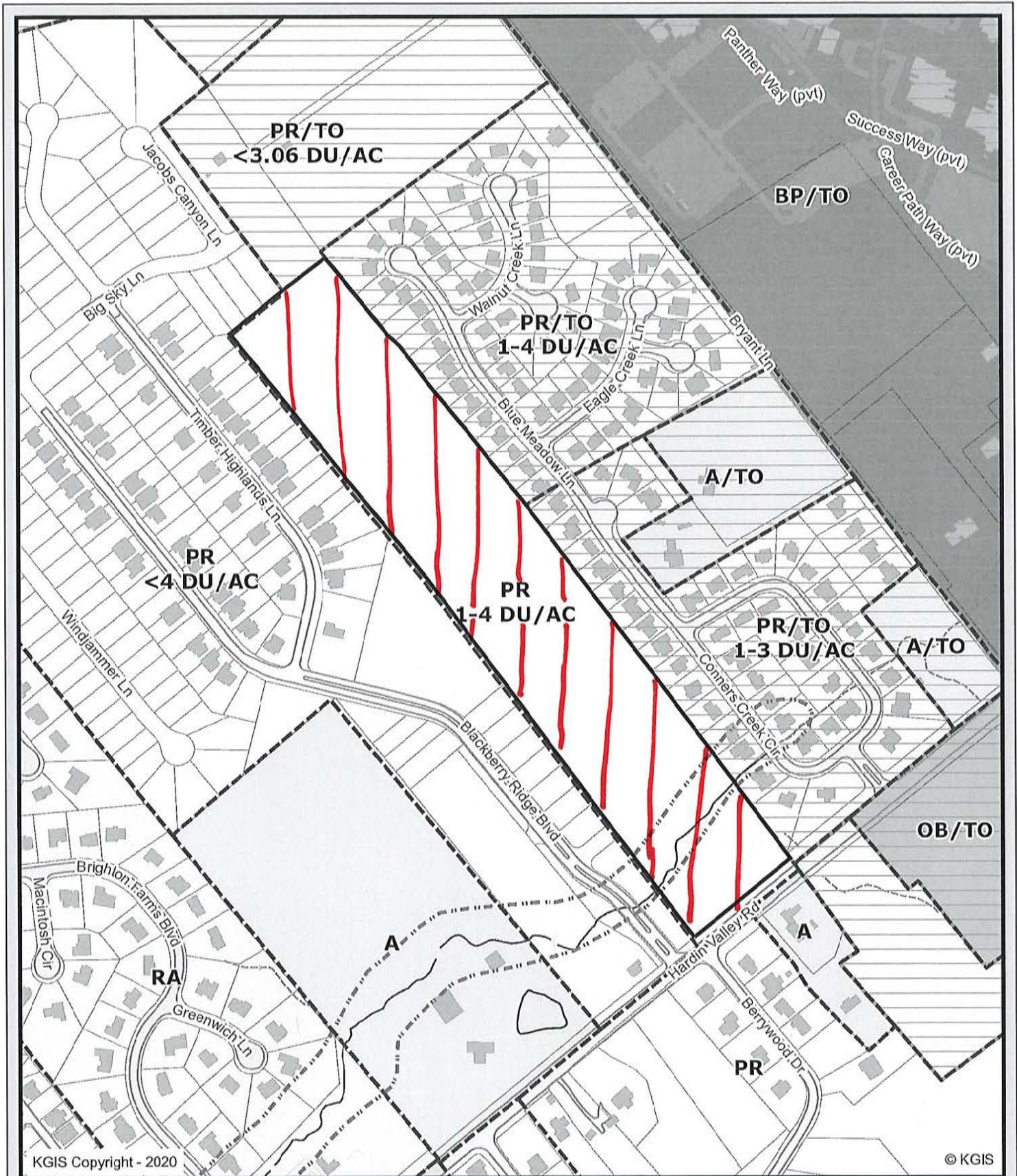
DEVELOPMENT	<input type="checkbox"/> Development Plan	<input checked="" type="checkbox"/> Use on Review / Special Use	
	<input type="checkbox"/> Residential	<input type="checkbox"/> Non-Residential	
SUBDIVISION	<input type="checkbox"/> Home Occupation (specify): _____		
	<input checked="" type="checkbox"/> Other (specify): <u>Reduction of the Peripheral Setback</u>		
	<input type="checkbox"/> Proposed Subdivision Name _____	Unit / Phase Number _____	
	<input type="checkbox"/> Parcel Change		
ZONING	<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		
	<input type="checkbox"/> Zoning Change: _____	Proposed Zoning _____	
	<input type="checkbox"/> Plan Amendment Change: _____	Proposed Plan Designation(s) _____	
	<input type="checkbox"/> Proposed Property Use (specify) _____	Proposed Density (units/acre) _____	Previous Rezoning Requests _____
	<input type="checkbox"/> Other (specify): _____		

STAFF USE ONLY	<b>PLAT TYPE</b>	<input type="checkbox"/> Staff Review	<input type="checkbox"/> Planning Commission	FEE 1:		<b>TOTAL:</b>
	<b>ATTACHMENTS</b>	<input type="checkbox"/> Property Owners / Option Holders	<input type="checkbox"/> Variance Request	0403	\$ 1200.00	
	<b>ADDITIONAL REQUIREMENTS</b>	<input type="checkbox"/> Design Plan Certification (Final Plat only)	<input type="checkbox"/> Use on Review / Special Use (Concept Plan only)	FEE 2:		
	<input type="checkbox"/> Traffic Impact Study			FEE 3:		\$ 1200.00

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

		<u>1/27/2020</u>
Applicant Signature	Please Print	Date
<u>865-588-6472</u>	<u>harbin@jhn-p.com</u>	
Phone Number	Email	
	<u>Thomas Brechko</u>	<u>1/27/2020</u>
Staff Signature	Please Print	Date





## Letter Portrait

### Knoxville - Knox County - KUB Geographic Information System



Printed: 1/27/2020 at 2:40:30 PM



KGIS makes no representation or warranty as to the accuracy of his 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.



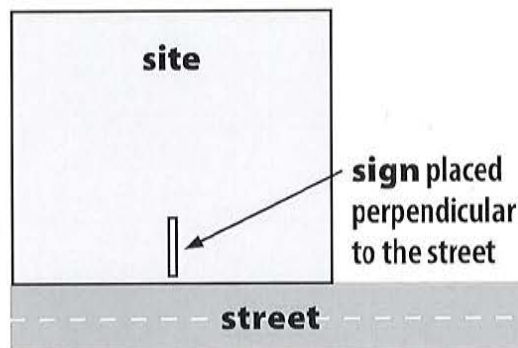
## REQUIRED SIGN POSTING AGREEMENT

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:

Feb 26, 2020 and March 13, 2020  
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: Kaitly Patterson

Printed Name: Kaitly Patterson

Phone: 865-588-6472 Email: kpatterson@bhn-p.com

Date: 1/27/20

File Number: 3-I-20-UR