

SPECIAL USE REPORT

► **FILE #:** 5-A-22-SU

AGENDA ITEM #: 31

AGENDA DATE: 5/12/2022

► **APPLICANT:** CLAYTON PROPERTIES GROUP INC.

OWNER(S): Clayton Properties

TAX ID NUMBER: 60 I D 001-016

[View map on KGIS](#)

JURISDICTION: City Council District 4

STREET ADDRESS: 2100 -2160 Glen Creek Rd.

► **LOCATION:** North side of Glen Creek Road, due east of McCampbell Wells Way

► **APPX. SIZE OF TRACT:** 3.26 acres

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access will be off of Glen Creek Road, a local road that is not currently built with a right-of-way of 50-ft.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source: Knoxville Utilities Board

WATERSHED: Loves Creek

► **ZONING:** RN-1 (Single-Family Residential Neighborhood) (C) / HP (Hillside Protection)

► **EXISTING LAND USE:** AgForVac (Agriculture/Forestry/Vacant Land)

► **PROPOSED USE:** Single family dwellings

HISTORY OF ZONING: County Rezoning 4/7/2022 5-G-04-RZ, City Annexation 1/18/2006 2-T-06-RZ

SURROUNDING LAND USE AND ZONING: North: Single family homes -- RN-2 (Single-Family Residential)

South: Vacant land -- RN-1 (Single-Family Residential)

East: Single family homes -- RN-1 (Single-Family Residential), PR (Planned Residential)

West: Single family homes -- RN-3 (General Residential)

NEIGHBORHOOD CONTEXT: This area consists of single family, and multi family residential development with some large undeveloped properties nearby. The subject property is northeast of I-640.

STAFF RECOMMENDATION:

► **Approve the request to reduce the front building setback for lots 1-16 located at Highlands at Clear Springs Unit 1 subject to 2 conditions.**

1) Meeting all other applicable requirements of the City of Knoxville Engineering Department.

2) Meeting all other applicable requirements of the City of Knoxville Zoning Ordinance.

With the conditions noted above, this request meets the former RP-1 (Planned Residential) zone requirements, the previously approved development plan, and the other criteria for approval of a special use for modifications to previously approved planned districts per Article 1.4.G.

COMMENTS:

The applicant is requesting that the Planning Commission approve a reduction to the front yard setback from 25-ft to 20-ft associated with the previously approved concept plan for Clear Springs Plantation Subdivision (9-G-18-UR) that was approved by the Planning Commission on 9/13/2018. In addition, the subdivision was originally approved while it was in Knox County and the City of Knoxville annexed the subdivision in 2006. This reduction will allow the proposed dwellings to fit on the already graded building pads and not encroach onto the 2:1 slope.

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

A. The One Year Plan and Sector Plan designations for this site are LDR (Low Density Residential), which recommends low density residential uses.

B. The proposal to reduce the front yard setback is consistent with the adopted plans and policies.

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

A. Former RP-1 zone had a default front setback of 25-ft but it allowed the Planning Commission to consider other variations. The applicant is requesting approval to reduce the front yard setback from 25-ft to 20-ft for lots 1-16 located at Highlands at Clear Springs Unit 1 because the proposed development will not fit on the existing graded building pads.

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 proposal to reduce the front yard setback from 25-ft to 20-ft is anticipated to be compatible with the character of surrounding developments.

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

A. The proposal to reduce the front yard setback is not anticipated to significantly injure the value of adjacent properties.

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

A. The proposal to reduce the front yard setback will not contribute to an increase in traffic through residential areas.

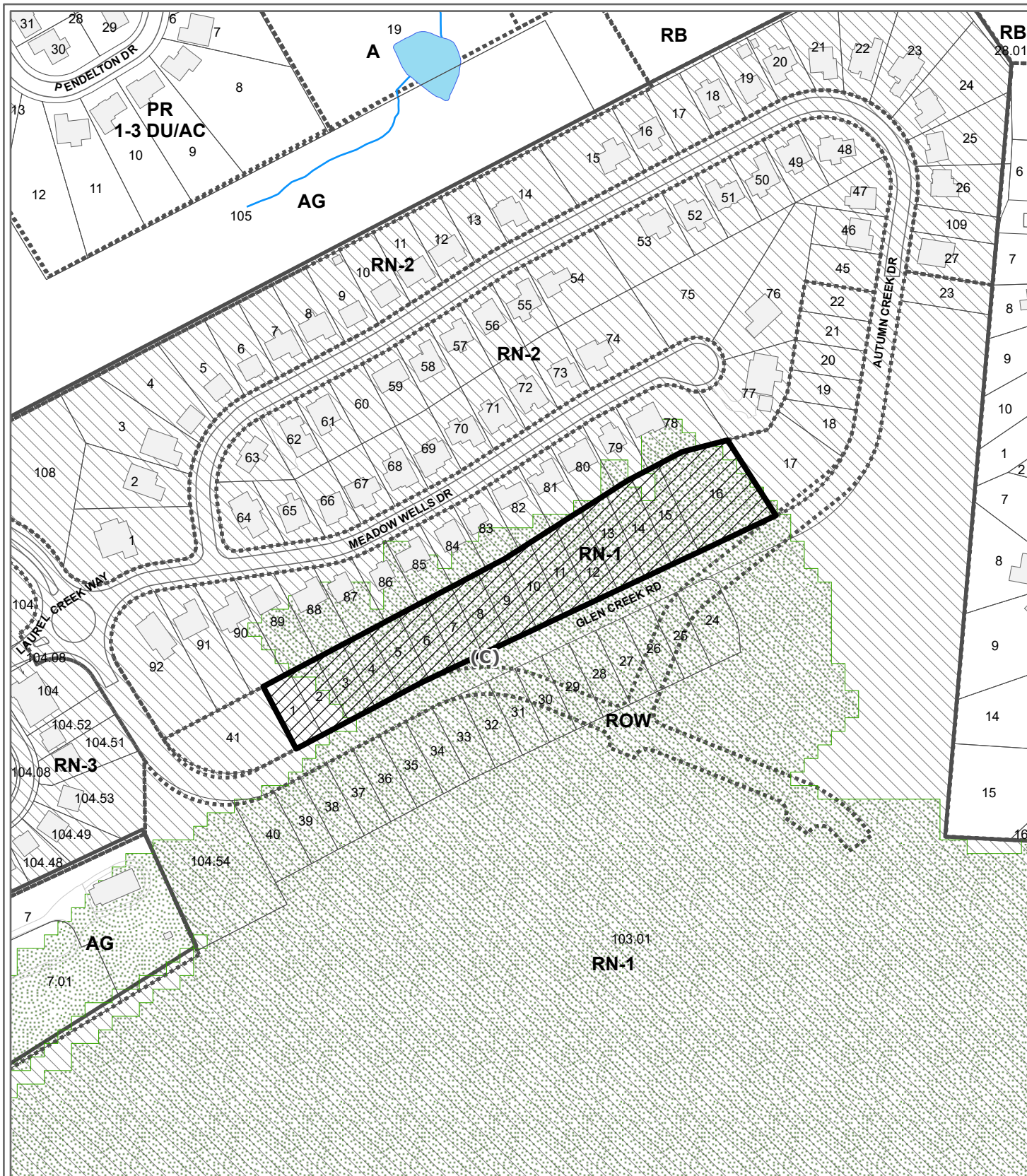
6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for the proposed development.

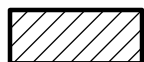
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



**5-A-22-SU
SPECIAL USE**



Front setback reduction in RN-1 (Single-Family Residential Neighborhood)(C) / HP (Hillside Protection)

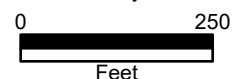
Original Print Date: 4/18/2022
 Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Clayton Properties Group Inc.

Map No: 60

Jurisdiction: City





25263-SP-SU

SHEET 1

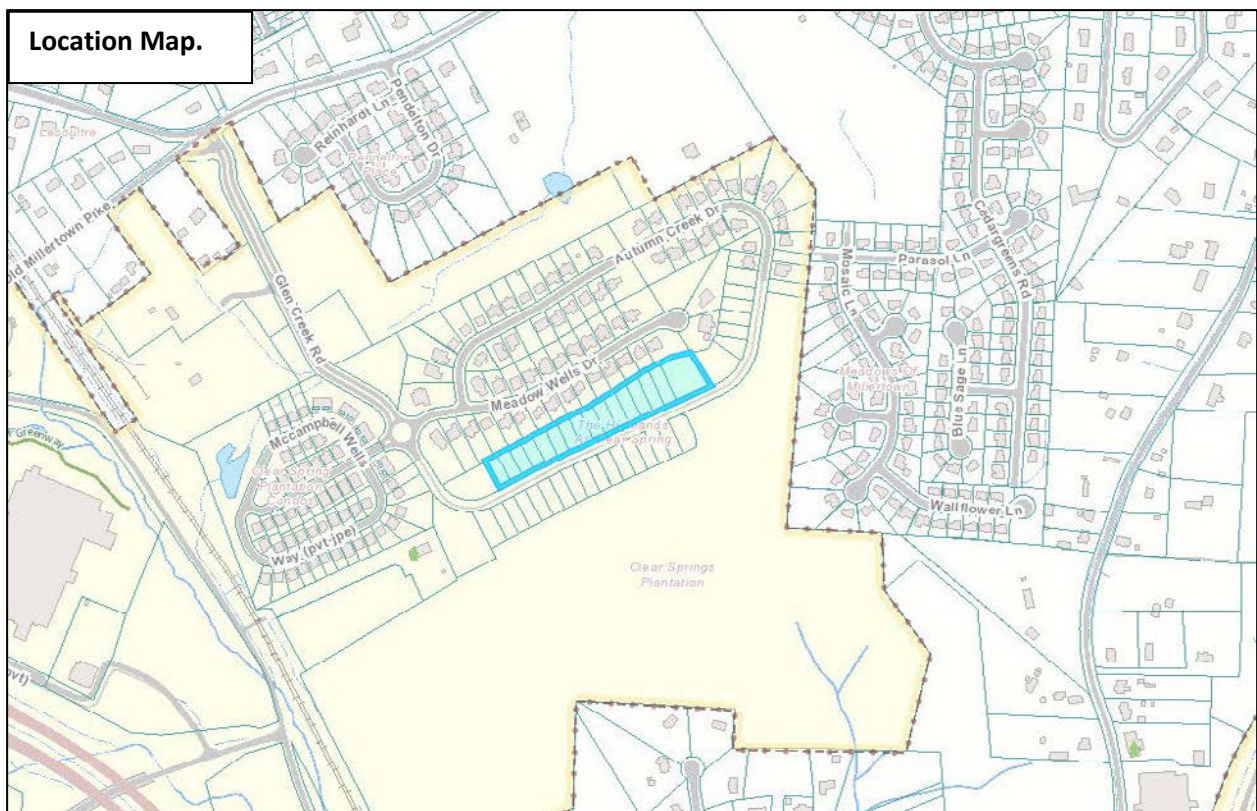
OF

1 SHEET

0\25263\25263-CS LOT 1-16 VARIANCE - N

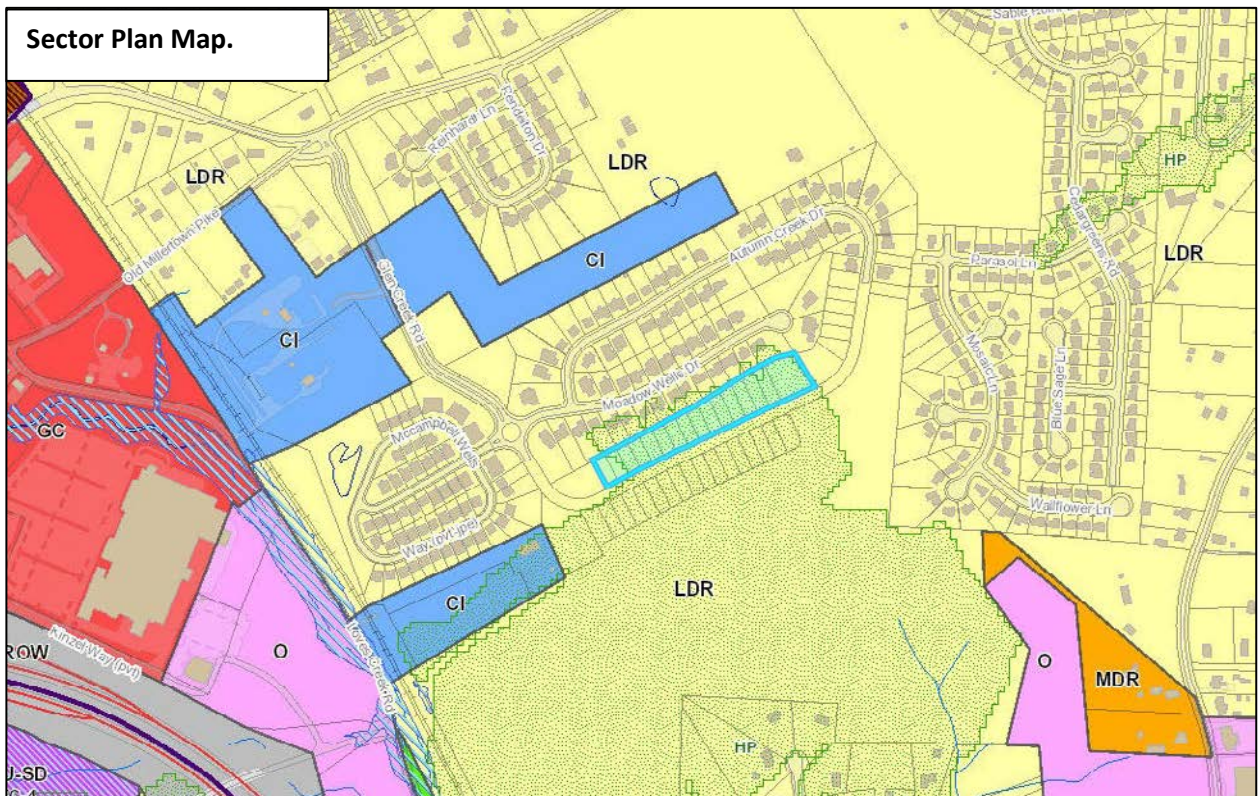
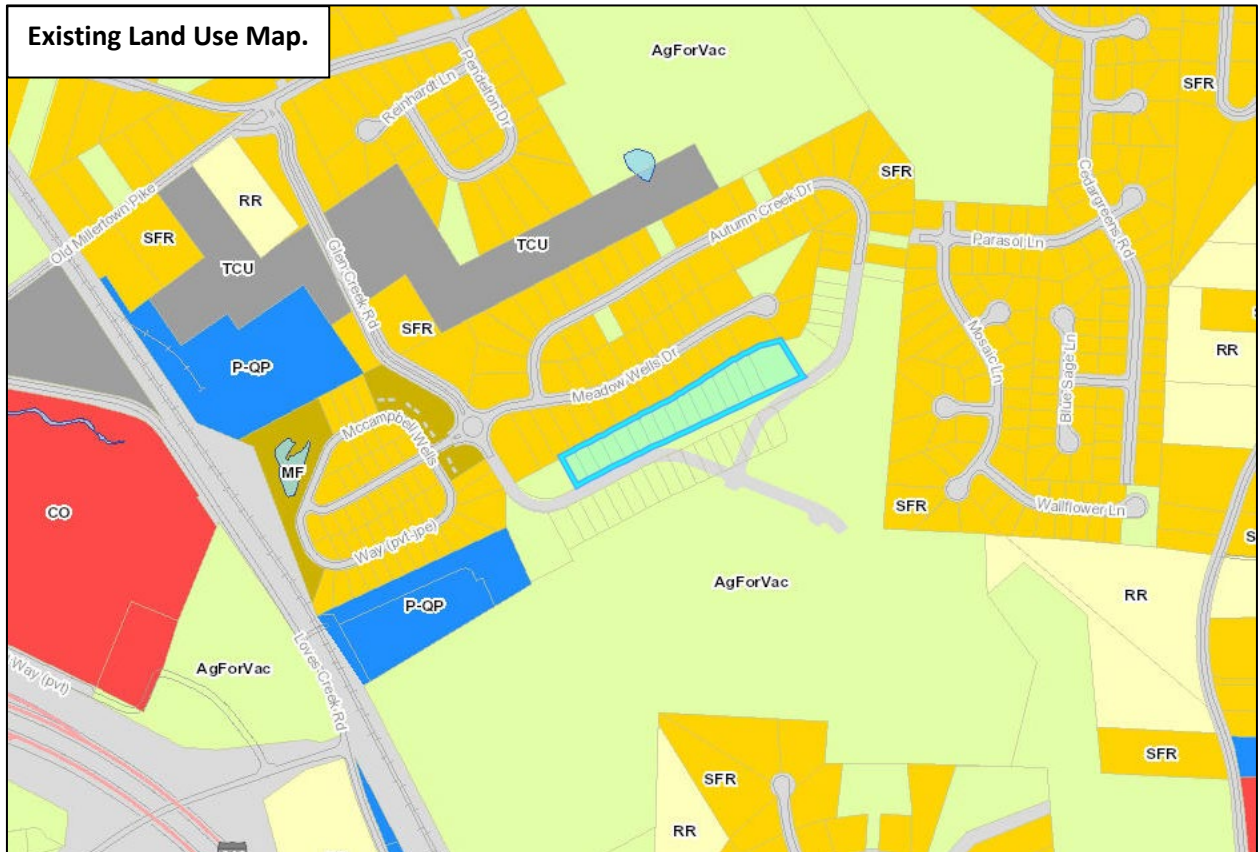
5-A-22-SU

EXHIBIT A. Contextual Images



5-A-22-SU

EXHIBIT A. Contextual Images





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

CLAYTON Properties Group inc

Applicant Name

Affiliation

3-28-22

Date Filed

May 12, 2022

Meeting Date (if applicable)

File Number(s)

5-A-22-SU

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, noevell + Poe

Company

4334 Papermill Dr

Address

Knoxville

City

TN

State

31909

ZIP

865-588-6472

Phone

harbin@bhn-p.com

Email

CURRENT PROPERTY INFO

393 MAPLE DR. SUITE 100

Nashville, TN 37201

615-645-3903

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

Glen Fork Rd

Property Address

TAX MAP 60-10, Parcels 1-16

Parcel ID

KUB

Sewer Provider

KUB

Water Provider

Septic (Y/N)

STAFF USE ONLY

North side of Glen Creek Road, due East of McCampbell Wells Way (pvt-jpe)

General Location

3.26 ac. +/-

Tract Size

☒ City ☐ County

4th
District

RN-1 (hp)

Zoning District

AgForVac

Existing Land Use

Northeast County

Planning Sector

LDR (hp)

Sector Plan Land Use Classification

Urban

Growth Policy Plan Designation

November 22, 2021

DEVELOPMENT REQUEST

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

Home Occupation (specify) _____

Other (specify) ATTACHED

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

Proposed Zoning _____

☐ Plan Amendment Change

Proposed Plan Designation(s) _____

Pending Plat File Number

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
0403	\$900.00	
Fee 2		
		\$900.00
Fee 3		

AUTHORIZATION


Applicant Signature

David Harbin
Please Print

3.28.22
Date

865-588-16472
Phone Number

harbin@bhn-p.com
Email


Property Owner Signature

Jim Carden
Please Print

3.28.22
Date

MP / 3-28-22

3/28/2022 swm

VARIANCES/ALTERNATIVE DESIGN STANDARDS REQUESTED



1. REDUCE FRONT Building Setback from 25' to 20'

Justify request by indicating hardship:

Topography- Buildings do not fit on Graded pad -
buildings will encroach onto the 2:1 slope w/ current setbacks.

2.

Justify request by indicating hardship:

3.

Justify request by indicating hardship:

4.

Justify request by indicating hardship:

5.

Justify request by indicating hardship:

6.

Justify request by indicating hardship:

7.

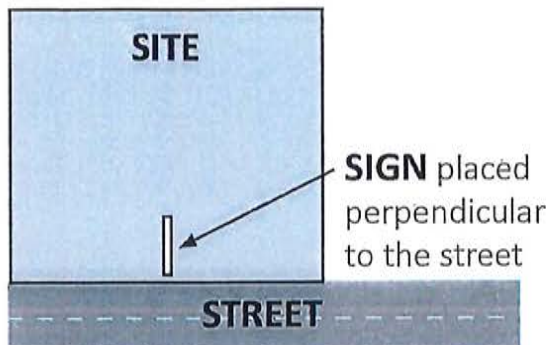
Justify request by indicating hardship:

I certify that any and all requests needed to meet regulations are requested above, or are attached. I understand and agree that no additional variances can be acted upon by the legislative body upon appeal and none will be requested.

Signature

Date

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:

April 27, 2022 and May 13, 2022
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Clayton Properties Group Inc.

Date: 3/28/2022

File Number: 5A-22-SU



Sign posted by Staff



Sign posted by Applicant