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December 6, 2021

Knoxville-Knox County Planning
City-County Building
400 Main Street
Suite 403
Knoxville, TN 37902

Re: Agenda Item No. 16
11636 Hardin Valley Rd
File # 12-I-21-RZ
APPLICANT CORRESPONDENCE

Dear Commissioners,

I represent Safe Harbor Residential, who has an option to purchase 11636 Hardin Valley Rd. (the "Property"). Your upcoming December 9, 2021 meeting will include consideration for rezoning the Property from A (Agricultural) to PR (Planned Residential) at a density of up to 3 dwelling units an acre (du/ac).

Staff is recommending approval of the PR zoning, but only up to 2 du/ac because it is consistent with the Northwest County Sector Plan and the Growth Policy Plan. As set forth more fully below, the applicant's request for 3 du/ac is equally as consistent with the Northwest County Sector Plan, the Growth Policy Plan;¹ therefore, the applicant respectfully requests the rezoning recommendation approve the requested PR zoning of up to 3 du/ac.

¹ It is the opinion of the Knox County Law Department that the 2001 Growth Policy Plan is no longer in full force and effect because, among other reasons, the County resolution adopting the Growth Policy Plan indicated that the Plan it would expire at the end of 2007 unless reaffirmed and because the Plan should have been reviewed and amended every 3 years (and this never occurred). Nevertheless, this application meets the language and spirit of the Growth Policy Plan regardless of if the Plan is expired or outdated so the argument that the Plan no longer applies is not necessary for consideration and approval of the application as presented.

Sector Plan and the Growth Policy Plan Compliance:

The Property is within the Rural Residential (RR) designation of the 2016 Northwest County Sector Plan and in the Rural Area of the Growth Policy Plan. Per the Sector Plan, the Rural Residential calls for “very low density²” and “cluster housing.” *Id.* at page 33. The Plan goes on to note that “[m]ost of the re-designation from Low Density Residential (LDR) to Rural Residential (RR) occurred to be in compliance with the Growth Policy Plan.” *Id.* Thus, low density Rural Residential development must be consistent with what density is allowed under the Rural designations of the Growth Policy Plan.

The Growth Policy plan provides that densities in the Rural Area are limited to 2 du/ac **unless** the provisions of Section 3.5 of the Growth Policy Plan are met, then extensions of densities of up to 3 du/ac are allowed.

Specifically, the Section 3.2 provides:

Rezoning within the Rural Area shall be limited to the following districts: Agricultural (A), Estate (E), Open Space (OS), Floodway (F), **Planned Residential (PR at densities up to two (2) dwelling units per acre** based on the site’s environmental characteristics and Health Department determination of septic system capability **(with the exceptions noted in #3.3 & #3.5 below)**....

(*Id.* **emphasis added**). The exceptions of 3.5 provide:

Extension of low density residential development (densities of 1 to 3 dwelling units per acre) into the rural area shall be limited to the following conditions: (a) the property must be zoned³ Planned Residential (PR); (b) provision of sanitary sewer and public water services; (c) connection collector and arterial roads from the proposed development to the Urban Growth Boundary or Planned Growth Area which meet the standards of the Knox County Engineering and Public Works Department or its successor; and (d) a traffic impact analysis demonstrating to the satisfaction of the planning commission that the effect of the proposed and similar developments in the traffic analysis zone will not unreasonable impair traffic flow along the arterial roads through the adjacent Planned Growth Area. **The intent of this section is to allow extensions of low density residential development into**

² By comparison Low Density Residential (LDR) is noted as densities less than 5 du/ac.

³ As the past tense “zoned” is used, it is consistent to rezone property to PR with a density of “up to 3 du/ac” without all the requirements of 3.5 being satisfied at the time of the rezoning. As the PR zone requires both a development plan and a concept plan to be approved prior to obtaining any building permits the actual density is not determined until Use on Review approval. Nevertheless, as discussed herein, the applicant has provided information related to the traffic impact from the proposed development to the Planned Growth Area.

rural areas when urban services (sanitary sewer, water, and adequate roads) become available.”

(Id. **emphasis** added).

Staff’s report the availability for urban services to this site as contemplated by Section 3.5 of the GPP. Specifically, Staff notes that the proposed rezoning amendment is necessary because the West Knox Utility District (WKUD) has recently added a new wastewater treatment facility to expand capacity in the Northwest County Sector and because new electrical transmission lines are being planned for the area by TVA to accommodate the growth and development in the Hardin Valley Community. Water and sewer would need to be accessed though from Hardin Valley Road; however, Wayne Hastings with WKUD has stated that it has the capacity to serve this development regarding water and sanitary sewer and that it will work with the project’s engineer and developer localized upgrades and modifications.⁴ By providing water and sewer to this development, expanded water and sewer options would also be available north of Couch Mill Rd.

Although not specifically noted in this Staff report, prior staff reports for rezoning in the Hardin Valley area have consistently noting that zoning in this area has been trending toward PR since the early 2000s because of increasing demand for housing in the Northwest County Sector because it has the fastest population growth rate in Knox County, due in part to the establishment of new schools and utilities in the community.⁵

The Property is accessed by Couch Mill Rd, a major collector with a pavement width of 18-ft feet within a right-of-way width of 60 feet. There is approximately 1,700 feet from the proposed entrance to the Property and to the current Planned Growth area (at the intersection of Sam Lee Rd. and Steele Rd.). A traffic impact analysis contemplating 279 single family residences and 114 townhomes was provided as part of the application for rezoning.⁶ This TIA ultimately concluded that the additional trips generated by the proposed project would not unreasonably impair traffic flow along Couch Mill Road through the adjacent Planned Growth area. *Id.* at 31. As such, the factors in 3.5, which allow the density of 2 du/ac in the Rural Area to be extended to 1 to 3 du/ac, are satisfied by this application.⁷

⁴ See November 29, 2021 email from Wayne Hastings to Executive Director Amy Brooks attached hereto as Exhibit 1.

⁵ For example, see staff’s report for 10-E-19-SP and 10-H-19-RZ.

⁶ Over 35 acres would be preserved as open space.

⁷ The TIA identifies several opportunities to improve Couch Mill and Sam Lee Rd along the frontage of the Property and to the intersection with Steele Rd. which would not only address the impact of the development, but help Knox County address existing traffic issues in the area.

Based upon this information, the factors in the Sector Plan and Growth Policy Plan to extend densities up to 3 du/ac are satisfied by this application.

Community Outreach:

As part of this process, the applicant reached out to Ms. Frazier, Mr. Murphy, and the Knox County Planning Alliance to hear their concerns about the proposed development. Ultimately, it was communicated that there would be opposing at any zoning that proposed more than 1 du/ac.⁸

One of the concerns surrounds the current student population at Hardin Valley Elementary School, Middle School, and the Academy. While the facilities for these schools may already need to be expanded, staff estimated that the total impact on the schools (at a 2028 build out) would be 163 students over all three local schools. Also as noted by staff, student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period, and new students may replace current population that ages through the system of moves from the attendance zone.

The community representatives have also noted part of their opposition is because the development does not include the development of a park or community center along Hardin Valley Road. While the applicant can understand the communities desire to re-envision a private development for an additional public benefit, such amenities are not required for rezoning private property. Additionally, the vision the community representatives expressed would require the acquisition of a substantial amount of additional property which is not currently available. The applicant would have liked to have obtained all the Brown family property north of Hardin Valley Rd., and had the applicant been able to do so then there may be room for additional considerations.⁹ However, the transactional sequence under which the applicant is operating is based on the Brown family's current wishes. Additionally, a rezoning to PR does not preclude the possibility of having these conversations in the future.

Neighborhood Context:

The area is a mixture of agricultural property and single-family homes. The trend for rezoning in the area has been from Agricultural zoning to PR zoning at densities between 2 and 3 du/ac. Looking at the zoning map, there are multiple developments in the RR Sector (and Rural Area of the Growth Policy Plan) that have a PR zoned density of up to 3 du/ac within a one-mile radius including.¹⁰

⁸ The current Agriculture zone allows 1 du/ac. Is short, there are members of the community that will object to any zoning change regardless of its compliance with the current plans and standards.

⁹ The proposed concept and site plan included with the TIA includes stub-outs to the south of the development for speculative purposes.

¹⁰ Zonings seeking up to 3 du/ac, in the Rural Residential plan designation have generally been favored. See, for example, 5-J-20-RZ, 1-G-21-RZ, and 5-F-21-RZ. Zoning in the Rural Area seeking Sector Plan Amendments or densities between above 3 but below 5 du/ac have generally been disallowed. See, for example, 5-D-18-SP and 5-D-18-RZ.

Re: Agenda Item No. 16/ File # 12-I-21-RZ

December 6, 2021

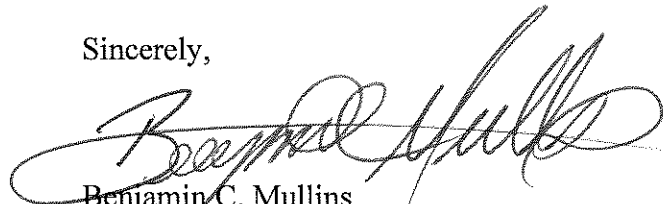
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Conclusion:

Based upon the application's compliance with the PR zoning, the 2016 Northwest County Sector Plan, and Sections 3.2 and 3.5 of the Growth Policy Plan, the applicant would request this Commission approve the PR zoning for 1 to 3 du/ac.

If you have any questions in advance of Thursday's meeting, then please do not hesitate to call.

Sincerely,



Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:erl

Enc.

Benjamin C. Mullins

From: Wayne Hastings <whastings@wkud.com>

Sent: Monday, November 29, 2021 2:58 PM

To: amy.brooks@knoxplanning.org

Cc: Chris Ooten <Chris@safeharbordev.com>; David Harbin <harbin@bhn-p.com>; Jim Reese <jreese@wkud.com>

Subject: Service to Brown Farm, MPC File # 12-I-21-RZ

Dear Ms. Brooks,

Good afternoon and I hope you are doing well. I wanted to reach out to you concerning MPC File # 12-I-21-RZ, the proposed rezoning of the Brown Family farm (Hardin Valley Farm LLC) that is situated along S. Couch Mill Road and Hardin Valley Road just west of Steele Road.

West Knox Utility District (WKUD) has been in preliminary discussions with and had a meeting with Chris Ooten of Safe Harbor Development and with his design engineer David Harbin, P.E. We discussed conceptual design matters and whether or not WKUD has the water and sanitary sewer capacity for the development, as well as conceptually how it might be served with water and sanitary sewer. If rezoned, we will be working with them further as they get into detailed design.

WKUD does have the capacity to serve this development with regard to water and sanitary sewer service. There will be some localized upgrades and modifications required to the sanitary sewer system by the developer, but WKUD does have the capacity to serve this development once these modifications are made. As with any development, we will work out those details with the developer and the design engineer during the detailed design phase, but with regard to WKUD's facilities there is nothing from a water or sanitary sewer perspective that would prohibit WKUD from providing water and sanitary sewer service to this development.

Should you have any questions or require further information, please don't hesitate to contact me.

Thank you,

Wayne Hastings, P.E.

Assistant General Manager

West Knox Utility District

P.O. Box 51370

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