

# CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



**File Number:** 9-C-21-UR                      **Related File Number:** 9-SB-21-C  
**Application Filed:** 7/26/2021              **Date of Revision:**  
**Applicant:** HOMESTEAD LAND HOLDINGS, LLC

## PROPERTY INFORMATION

**General Location:** Hardin Valley Road, north of intersection with Marietta Church Road  
**Other Parcel Info.:**  
**Tax ID Number:** 116 06701                      **Jurisdiction:** County  
**Size of Tract:** 36.77 acres  
**Accessibility:** Access is via Hardin Valley Road, a minor arterial with a pavement width of 20.5-ft within a right-of-way width of 60-ft.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** AgForVac (Agriculture/Forestry/Vacant Land)  
**Surrounding Land Use:**  
**Proposed Use:** Detached and attached residential subdivision                      **Density:**  
**Sector Plan:** Northwest County              **Sector Plan Designation:** LDR (Low Density Residential) (pending) & HP (Hill)  
**Growth Policy Plan:** Rural Area  
**Neighborhood Context:** This area is transitioning from large, agricultural lots to single family residential. Steep slopes and stream protection areas are also in the vicinity.

## ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

**Street:** 12119 Hardin Valley Rd.  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** PR (Planned Residential) (pending)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** This property was rezoned in 2021 from A (Agricultural) to PR (Planned Residential) see case number 5-F-21-RZ

## PLAN INFORMATION (where applicable)

**Current Plan Category:**

Requested Plan Category:

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge:

Liz Albertson

Staff Recomm. (Abbr.):

Approve the development plan for up to 47 detached and 33 attached residential dwellings on individual lots and the peripheral setback reduction from 35-ft to 25-ft, subject to 1 condition.

Staff Recomm. (Full):

Applicant is requesting a 15-ft peripheral setback for the eastern boundary lines of Lots 34-39.

1) Meeting all applicable requirements of the Knox County Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the PR district and the criteria for approval of a use on review.

Comments:

The applicant is requesting a reduction of the peripheral setback from 35-ft to 25-ft for the boundary of the entire development with the exception of lots 34-39 where the request is for a 15-ft peripheral setback. Staff is recommending approval of the 25-ft peripheral setback for the entire development, excluding the 15-ft request, for the following reasons:

- 1) Along the Hardin Valley Road frontage, a 25-ft common area is being provided which creates a rear lot property line for the lots that adjoin it. From the rear lot line, the houses will have an additional 15-ft setback for a total setback of 40-ft from the Hardin Valley Road right-of-way, which is greater than the standard 35-ft peripheral setback. By reducing the peripheral setback to match the common area width, the adjoining lots will not have two different setbacks in the rear yard; 10-ft of the 35-ft peripheral setback and the 15-ft rear setback.
- 2) The Planning Commission approved a peripheral setback reduction to 25-ft for the adjacent subdivisions to the west and north and this request will be consistent with the surrounding development.
- 3) The requested 15-ft peripheral setback for lots 34-39 is not consistent with the proposed 35-ft peripheral setback on the adjacent Mission Hills subdivision, which is also being considered for concept plan and use-on-review approval on this agenda (7-SA-21-C / 7-C-21-UR). A 25-ft peripheral setback is consistent with the rest of the subdivision and other surrounding subdivisions.

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 Northwest County Sector Plan recommends RR (Rural Residential) uses for this site with a maximum of 3 du/ac if a transportation impact letter is submitted along with the rezoning application to demonstrate the adequacy of the road system back to the Planned Growth area on the Growth Policy Plan map. The proposed subdivision has a density of 2.2 du/ac. A transportation impact study was submitted along with this application which outlines the impact of this development on the overall transportation system in this area in comparison to the existing and projected traffic.
- B. A greenway easement will be provided on the south side of Conner Creek to accommodate the proposed greenway in the Knox County Greenway Corridor Study (adopted January 2020).
- C. Approximately 11 acres of the 36.77-acre site is within the Hillside Protection (HP) area and the recommended maximum disturbance according to the slope analysis is 7.2 acres. The proposed disturbance within the HP area is 6.8 acres.

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

A. The PR (Planned Residential) zone 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. 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.

B. The proposed subdivision will have detached residential lot sizes that are comparable to those in existing and recently developed subdivisions in the area.

C. Attached residential lots are not common in the Harding Valley area but are not inappropriate. The location of the attached lots is between the Massey Creek subdivision and Connor Creek. The attached houses will be at a lower elevation than the detached houses in the adjacent subdivision and there is common area between the two, which will help buffer and reduce the visual impact.

C. The rezoning of the property to PR up to 3 du/ac is pending approval by Knox County Commission and the proposed subdivision has a density of 2.2 du/ac.

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 proposed detached and attached residential development is compatible with the surrounding residential uses and of similar character as the neighborhood where it is proposed.

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

A. The use of the property for detached and attached residential should not significantly injure the value of the adjacent properties.

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

A. The development will have direct access to Hardin Valley Road which is a minor arterial street.

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 residential use.

**Action:** Approved

**Meeting Date:** 9/9/2021

**Details of Action:**

**Summary of Action:** Approve the development plan for up to 47 detached and 33 attached residential dwellings on individual lots and the peripheral setback reduction from 35-ft to 25-ft, subject to 1 condition.

**Date of Approval:** 9/9/2021

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

## **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Board of Zoning Appeals

**Date of Legislative Action:**

**Date of Legislative Action, Second Reading:**

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:**

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**