



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 4-C-23-RZ
4-C-23-SP

AGENDA ITEM #: 25
AGENDA DATE: 4/13/2023

▶ **APPLICANT:** HUBER PROPERTIES, LLC
OWNER(S): Robin Smith

TAX ID NUMBER: 130 067, 066 [View map on KGIS](#)
JURISDICTION: Commission District 6
STREET ADDRESS: 1103 & 1109 FRETZ RD
▶ **LOCATION:** West side of Fretz Rd, south of N Campbell Station Rd
▶ **TRACT INFORMATION:** 12.89 acres
SECTOR PLAN: Northwest County
GROWTH POLICY PLAN: Farragut Urban Growth Boundary
ACCESSIBILITY: Access is via Fretz Road, a local street with a 24-ft pavement width within a 40-ft right-of-way.
UTILITIES: Water Source: First Knox Utility District
Sewer Source: First Knox Utility District
WATERSHED: Turkey Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** AG (Agricultural), HP (Hillside Protection) / A (Agricultural)
▶ **PROPOSED PLAN DESIGNATION/ZONING:** LDR (Low Density Residential), HP (Hillside Protection) / PR (Planned Residential)
▶ **EXISTING LAND USE:** Rural Residential

▶ **DENSITY PROPOSED:** up to 5 du/ac
EXTENSION OF PLAN DESIGNATION/ZONING: Yes
HISTORY OF ZONING REQUESTS: None noted
SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Single family residential, agriculture/forestry/vacant - FAR (Farragut Jurisdiction) - FAR: R-2 (General Single-Family Residential in Farragut)
South: Single family residential - LDR (Low Density Residential), HP (Hillside Protection) - PR (Planned Residential) up to 5 du/ac
East: Agriculture/forestry/vacant, single family residential - AG (Agricultural), HP (Hillside Protection) - A (Agricultural)
West: Single family residential - FAR (Farragut Jurisdiction) - FAR: R-2 (General Single-Family Residential in Farragut)

NEIGHBORHOOD CONTEXT: This area is comprised of forest and residential developments. There are newer subdivisions with lot sizes ranging from approximately 5,000 to 9,000 square feet, and older subdivisions and residential properties with lots in the 1/2-acre to multi-acre range.

STAFF RECOMMENDATION:

- ▶ **Approve the sector plan amendment to LDR (Low Density Residential) and HP (Hillside Protection) because it is consistent with changing conditions and development in the area.**

- ▶ **Approve the PR (Planned Residential) zone up to 5 du/ac because it is consistent with changing conditions and surrounding development.**

COMMENTS:

SECTOR PLAN AMENDMENT REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. This area along Fretz Rd has seen significant residential development since the Northwest County Sector Plan was adopted in 2016. Approximately 280 new single family residential lots have been completed or are under construction to the south of the subject property. The requested LDR (Low Density Residential) land use classification is consistent with these changing conditions in the immediate vicinity.

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

1. In response to the rapid population growth in this particular area, Knox County Engineering and Public Works has plans to improve the Fretz Road and N Campbell Station Road intersection with turn lanes. Construction is estimated to begin by the end of 2023, and these roadway improvements would better support low density residential development on the subject property.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. While the current AG (Agricultural) land use classification is not the result of an error, the LDR designation is an appropriate consideration at this location. The subject property and surrounding area is in the Urban Growth Boundary of Farragut and is adjacent to low density residential subdivisions within Farragut's jurisdictional boundary.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

1. The recent and ongoing construction of residential subdivisions to the south are indicative of how this area is trending away from agricultural land uses towards low density residential development.

State law regarding amendments of the general plan (which includes Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

- The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
- The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

PURSUANT TO THE KNOX COUNTY ZONING ORDINANCE, ARTICLE 6:30.01, THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (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. There has been significant residential development along Fretz Rd just south of the subject property, with the relatively recent and ongoing construction of the Brandywine at Turkey Creek, Windsor Forest, and Towering Oaks residential subdivisions.
2. Roadway enhancements are planned to occur at Fretz Road and N Campbell Station Road to improve conditions for turning vehicles at this intersection. There are also plans for significant upgrades to N Campbell Station Road as it reaches I-40/75 within the Farragut boundaries. The purposes of the interchange improvements include accommodating future traffic demands and relieving capacity deficiencies, according to a report by the Knoxville Regional Transportation Planning Organization and Tennessee Department of Transportation.
3. The proposed rezoning from A (Agricultural) to PR (Planned Residential) at a density of 5 du/ac is a minor extension of this zone from the south, and it is consistent with changing conditions and increasing capacity in the area.

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

1. The PR zone is intended to provide for creative responses to environmental constraints on a property. It permits clustering of residential density in order to preserve environmentally sensitive areas and maximize development potential on optimal portions of a property.
2. There are multiple closed contours on the site, which could indicate the presence of sinkholes. If they are sinkholes, they would require a 50-ft no-build buffer around the largest contour line. A determination of sinkholes by GeoTech Services may be required.
3. The subject parcel is also within the HP (Hillside Protection) area, and has additional, isolated steep-sloped areas not accounted for in the HP overlay.
4. The PR zone provides the development flexibility to avoid these slopes and depressions, as intended by the Zoning Ordinance.

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. The PR zone emphasizes compatibility with surrounding and adjacent zones, as determined through Planning Commission review of development plans. Knox County staff and the Planning Commission will evaluate plans to address issues such as roadway access, provision of sidewalks, topography and stormwater management in a forum that enables public input.
2. The planned roadway improvements should improve capacity for future traffic along Fretz Road and N Campbell Station Road.

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 PR zone up to 5 du/ac is consistent with the staff recommendation to amend the Northwest County Sector Plan from AG to LDR.
2. The proposed rezoning is consistent with the Growth Policy Plan's Urban Growth Boundary, which is designed to encourage a reasonably compact pattern of development and offer a wide range of housing choices.

ESTIMATED TRAFFIC IMPACT: 669 (average daily vehicle trips)

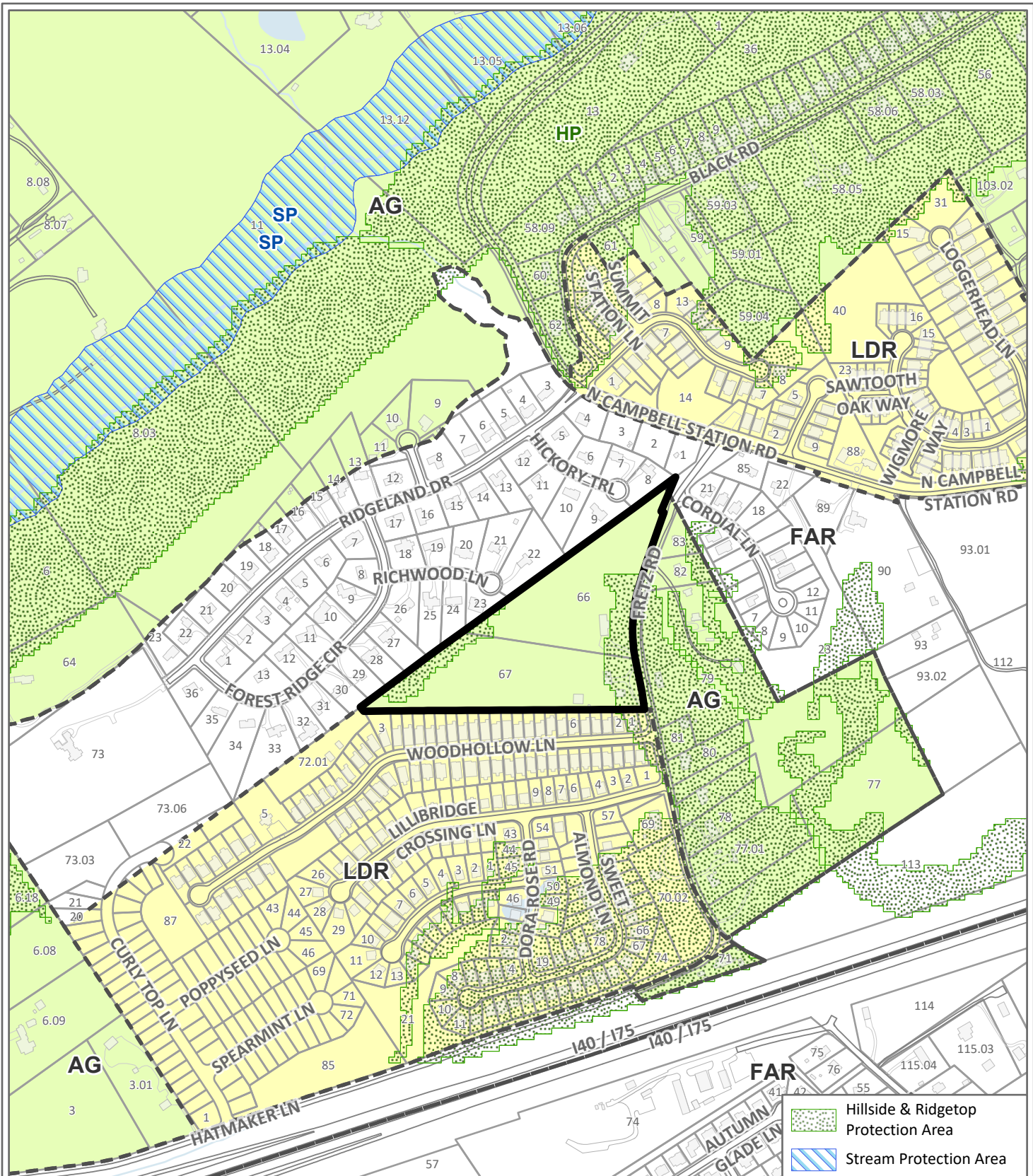
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 26 (public school children, grades K-12)

Schools affected by this proposal: Farragut Primary/Intermediate, 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 5/22/2023. 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 County.



**4-C-23-SP
NORTHWEST COUNTY SECTOR PLAN MAP**

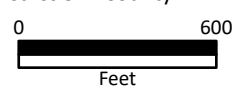


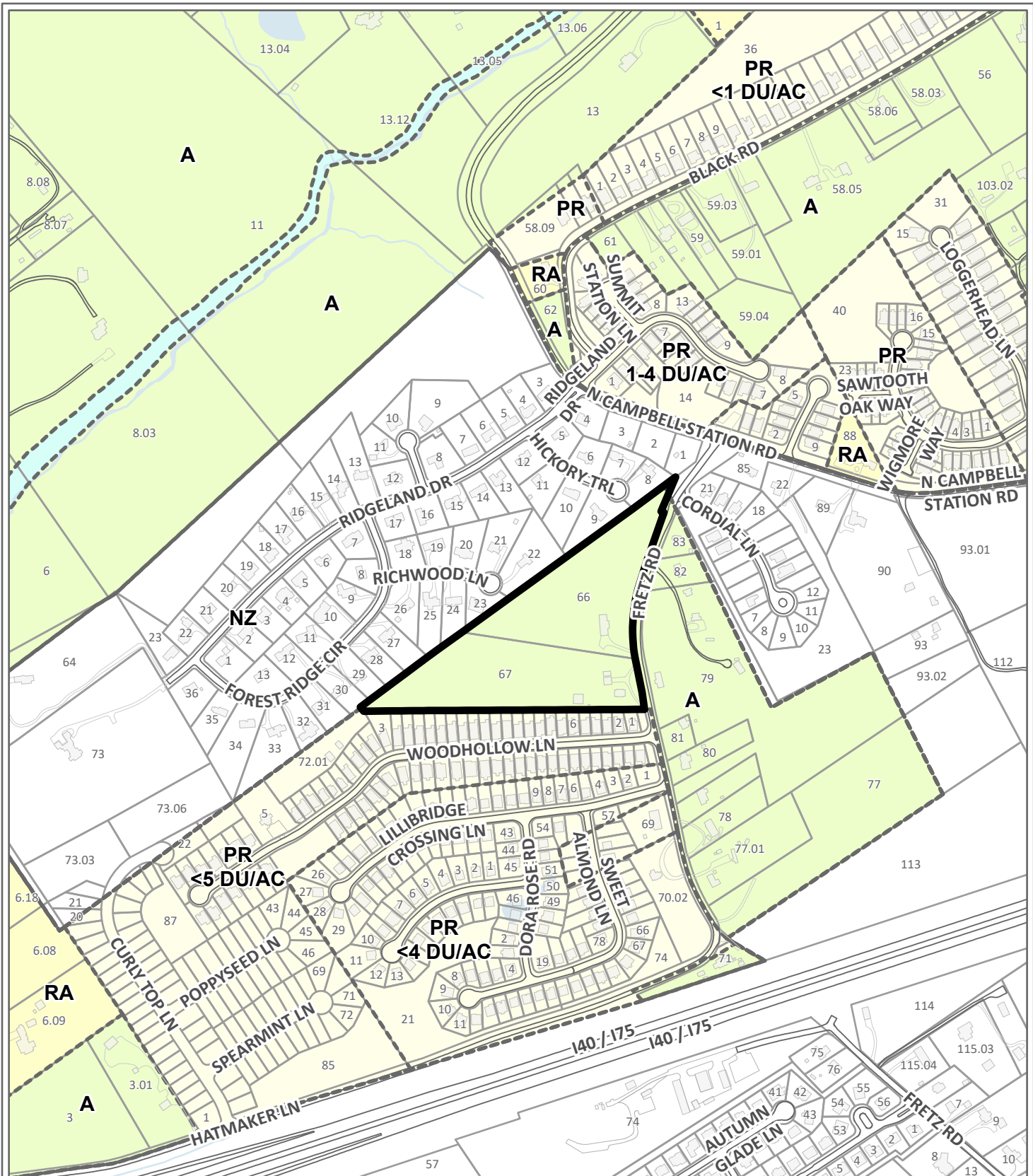
From: AG (Agricultural), HP (Hillside Protection)
To: LDR (Low Density Residential), HP (Hillside Protection)

Petitioner: Huber Properties, LLC

Map No: 130
Jurisdiction: County

Original Print Date: 4/4/2023
 Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902





ZONING MAP

4-C-23-RZ

Petitioner: Huber Properties, LLC

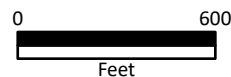


From: A (Agricultural)
To: PR (Planned Residential)

Original Print Date: 4/4/2023

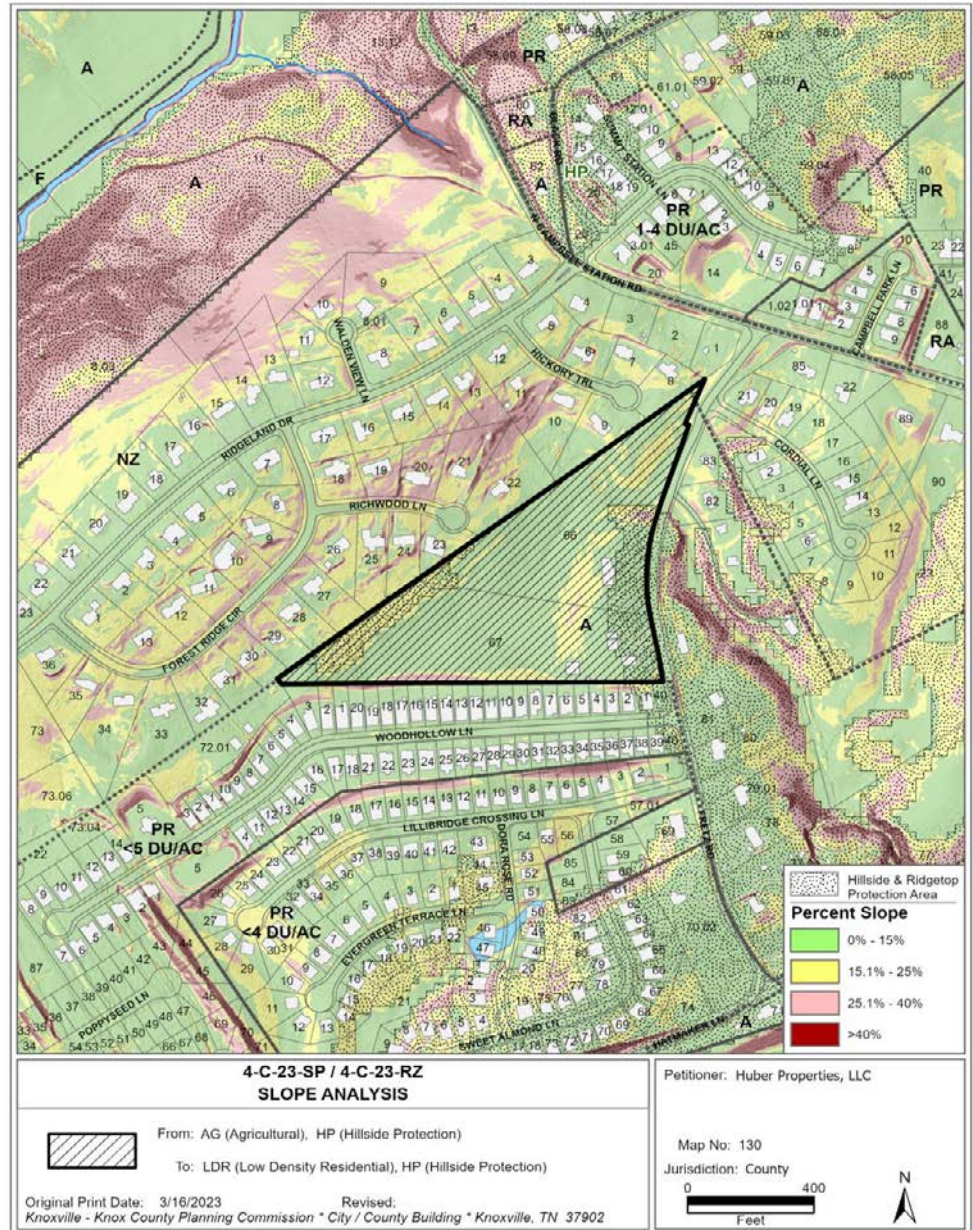
Knoxville - Knoxville County Planning Commission * City / County Building * Knoxville, TN 37902

Map No: 130
 Jurisdiction: County



CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	12.85		
Non-Hillside	10.38	N/A	
0-15% Slope	1.47	100%	1.47
15-25% Slope	0.93	50%	0.46
25-40% Slope	0.08	20%	0.02
Greater than 40% Slope	0.00	10%	0.00
Ridgetops			
Hillside Protection (HP) Area	2.48	Recommended disturbance budget within HP Area (acres)	1.95
		Percent of HP Area	0.79

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	10.38	5.00	51.88
0-15% Slope	1.47	4.00	5.88
15-25% Slope	0.93	2.00	1.86
25-40% Slope	0.08	0.50	0.04
Greater than 40% Slope	0.00	0.20	0.00
Ridgetops	0.00	3.00	0.00
Subtotal: Sloped Land	2.48		7.78
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	12.85	4.64	59.66
Proposed Density (Applicant)	12.85	5.00	64.3



**KNOXVILLE-KNOX COUNTY PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHWEST COUNTY SECTOR PLAN**

WHEREAS, the Knoxville-Knox County Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Northwest County Sector Plan consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, Huber Properties, LLC has submitted an application for an amendment to the Northwest County Sector Plan for property described in the application; and

WHEREAS, the Planning Commission recommends approval of an amendment to the Sector Plan from Agricultural to Low Density Residential is consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Planning Commission, at its regularly scheduled public hearing April 13, 2023 after consideration of the staff recommendation and testimony from those persons in support and opposed to the plan amendment, approved the amendment for the subject property, as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Northwest County Sector Plan with its accompanying staff report and map, file #4-C-23-SP

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that Knox County Commission likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary



Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - Sector Plan
 - One Year Plan
- Rezoning

Huber Properties, LLC

Applicant Name

Affiliation

1/19/2023

4/13/2023

4-C-23-SP / 4-C-23-RZ

Date Filed

Meeting Date (if applicable)

File Number(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

Huber Properties, LLC

Name / Company

P.O. Box 23038 Knoxville TN 37933

Address

865-567-8100

Phone / Email

CURRENT PROPERTY INFO

Robin Smith

Owner Name (if different)

Owner Address

Owner Phone / Email

1103 FRETZ RD / 1109 FRETZ RD

Property Address

130 067,066

Parcel ID

Part of Parcel (Y/N)?

12.89 acres

Tract Size

First Knox Utility District

Sewer Provider

First Knox Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

E of Fretz Rd, south of N Campbell Station Rd

General Location

City **Commission District 5, A (Agricultural)**

Rural Residential

County District

Zoning District

Existing Land Use

Northwest County

AG (Agricultural), , HP (Hillside Protection)

Farragut Urban Growth Boundary

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Planned Development <input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-residential	
Home Occupation (specify) _____	
Other (specify) _____	

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Additional Information	Total Number of Lots Created
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change PR (Planned Residential)	Pending Plat File Number
Proposed Zoning	
<input checked="" type="checkbox"/> Plan Amendment LDR (Low Density Residential), HP (Hillside Protection)	
Proposed Plan Designation(s)	

up to 5 du/ac

Proposed Density (units/acre)	Previous Zoning Requests
Additional Information	

STAFF USE ONLY

PLAT TYPE

Staff Review Planning Commission

ATTACHMENTS

Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS

- COA Checklist (Hillside Protection)
- Design Plan Certification (Final Plat)
- Site Plan (Development Request)
- Traffic Impact Study
- Use on Review / Special Use (Concept Plan)

Fee 1	Total
\$2,144.50	
Fee 2	
Fee 3	

AUTHORIZATION

Applicant Signature	Huber Properties, LLC	1/19/2023
	Please Print	Date

Property Owner Signature	Robin Smith	1/19/2023
	Please Print	Date

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.

[Reset Form](#)



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

Huber Properties, LLC

Applicant Name		Affiliation
1-18-23	3-9-23	File Number(s)
Date Filed	Meeting Date (if applicable)	

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

John Huber		Huber Properties, LLC	
Name		Company	
P.O. Box 23038	Knoxville	TN	37933
Address	City	State	ZIP
865-966-1600	office@HuberProp.com		
Phone	Email		

CURRENT PROPERTY INFO

Smith	
Property Owner Name (if different)	Property Owner Address
1103 / 1109 Fretz Road, Knoxville, TN 37932	130 067 and 130 066
Property Address	Parcel ID
FUD	FUD
Sewer Provider	Water Provider
	N
	Septic (Y/N)

STAFF USE ONLY

General Location		Tract Size
<input type="checkbox"/> City <input type="checkbox"/> County	District	Zoning District
		Existing Land Use
Planning Sector	Sector Plan Land Use Classification	Growth Policy Plan Designation

DEVELOPMENT REQUEST

Development Plan Use on Review / Special Use Hillside Protection COA

Residential Non-Residential

Home Occupation (specify) _____

Other (specify) _____

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 **AG to PR**

Proposed Zoning _____

Plan Amendment Change **Sector Plan Change from AG to LDR**

Proposed Plan Designation(s) _____

5 **None**

Proposed Density (units/acre) Previous Rezoning Requests

Other (specify) _____

Pending Plat File Number

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
Fee 2		
Fee 3		



AUTHORIZATION


 _____

Applicant Signature Huber Properties, LLC 1-18-23

Please Print Date

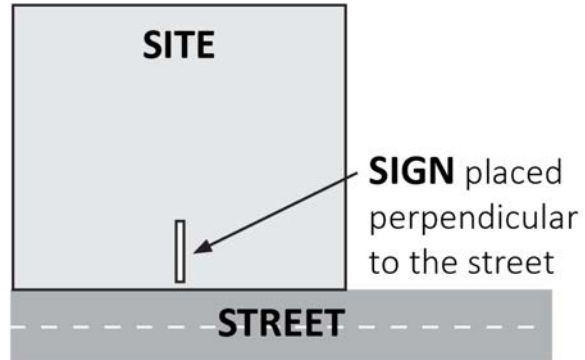
865-966-1600 Office@HuberProp.com

Ph  _____ Email 

Pr  _____ Please Print Michael Palmer Date _____

I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.

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:

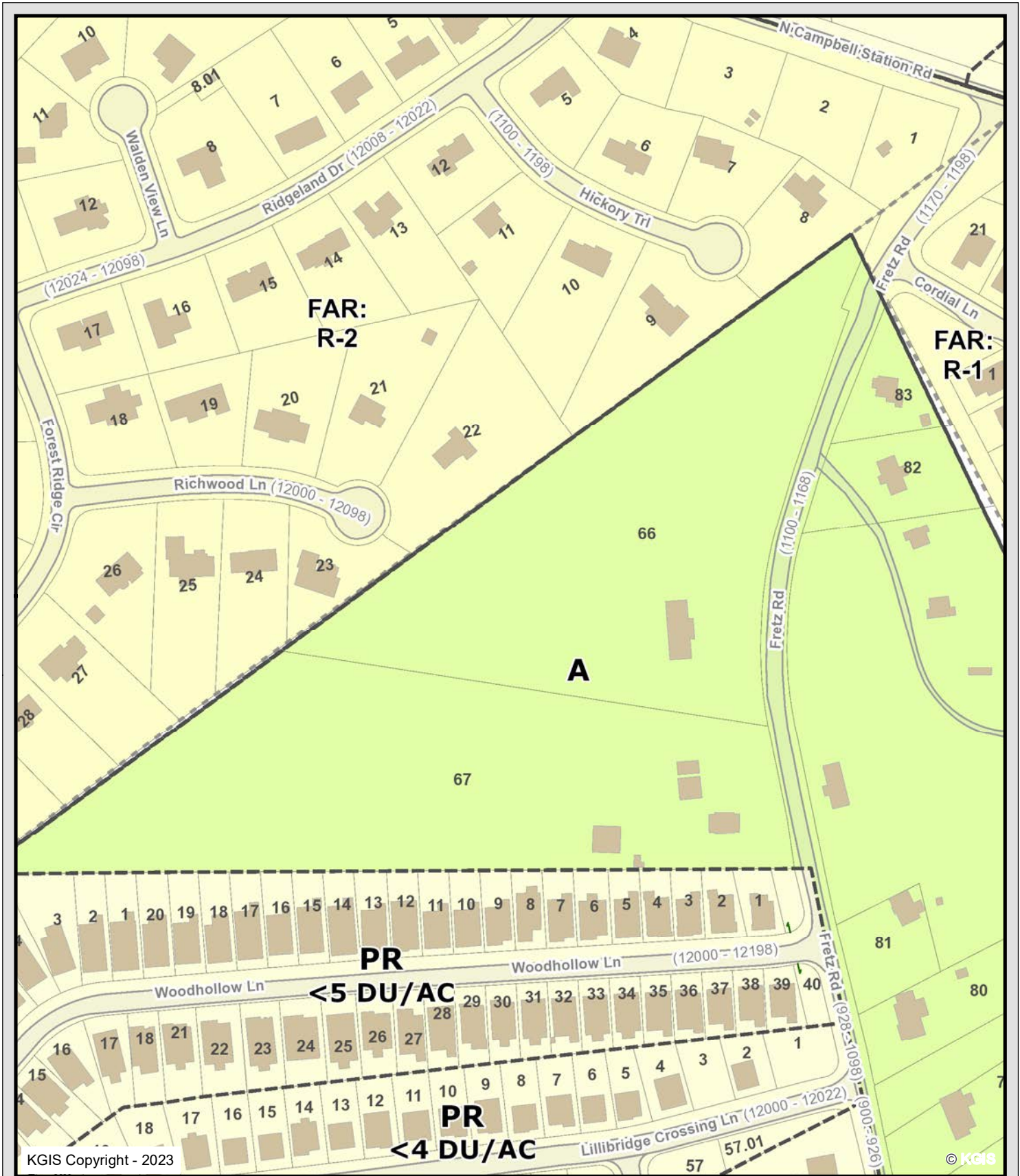
_____ 2/24/2023 _____ and _____ 3/10/2023 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Huber Properties

Date: 1/19/2023

File Number: 4-C-23-RZ_4-C-23-SP

- Sign posted by Staff
 Sign posted by Applicant



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Map

3-E-23-RZ_3A-23-SP

Knoxville - Knox County - KUB Geographic Information System



Printed: 1/19/2023 at 2:54:11 PM



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