

REZONING REPORT

▶ **FILE #:** 9-K-23-RZ

AGENDA ITEM #: 21

AGENDA DATE: 9/14/2023

▶ **APPLICANT:** S AND E PROPERTIES

OWNER(S): Robin Smith, Executor

TAX ID NUMBER: 130 067, 066

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 1103 FRETZ RD (1109 FRETZ RD)

▶ **LOCATION:** West side of Fretz Rd, southwest of N. Campbell Station Rd

▶ **APPX. SIZE OF TRACT:** 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 ZONING:** A (Agricultural)

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

▶ **EXISTING LAND USE:** Rural Residential

▶ **DENSITY PROPOSED:** 4.5 du/ac

EXTENSION OF ZONE: Yes, it is an extension.

HISTORY OF ZONING: Rezoning from A to PR up to 5 du/ac was withdrawn prior to County Commission action (Case # 4-C-23-RZ)

SURROUNDING LAND USE AND ZONING: North: Single family residential, agriculture/forestry/vacant - FAR: R-2 (General Single-Family Residential) in Farragut

South: Single family residential - PR (Planned Residential) up to 5 du/ac in Knox County

East: Agriculture/forestry/vacant, single family residential, multi-family residential - A (Agricultural) in Knox County

West: Single family residential - 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 PR (Planned Residential) zone up to 4.5 du/ac because it is consistent with changing conditions and surrounding development.**

COMMENTS:

A request to rezone these properties from A to PR with up to 5 du/ac was approved by the Planning Commission in April 2023 (Case 4-C-23-RZ) but was withdrawn prior to Knox County Commission action. The application was accompanied by a sector plan amendment request to amend the sector plan from the AG (Agricultural) land use classification to the LDR (Low Density Residential) land use class. The sector plan amendment was approved by Knox County Commission in May 2023.

Since a new application for the same proposal cannot be accepted by Staff for a period of one year from the date of the denial per the Planning Commission Bylaws, Section 10, this application is for a slightly lower density than was previously requested at 4.5 du/ac.

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 requested rezoning from A (Agricultural) to PR (Planned Residential) at a density of 5 du/ac would be 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 there 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. Rezoning the property to PR with up to 4.5 du/ac would be consistent with the LDR land use classification in the Northwest County Sector Plan.
2. The recommended zone and density are also 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.
3. The proposal is consistent with development policy 11.2 of the General Plan, which encourages low- density development with a density of up to 5 du/ac in the County's Planned Growth Areas.
4. This property is within the Farragut Urban Growth Boundary. The Community Development Director submitted a letter expressing concerns when the density requested was 5 du/ac. Planning staff reached out to

Farragut's Community Development Department to discuss the reduced density in this latest request. Their concerns still apply, so the letter regarding the earlier case (Case # 4-C-23-RZ) has been added to the case files for this application.

ESTIMATED TRAFFIC IMPACT: 669 (average daily vehicle trips)

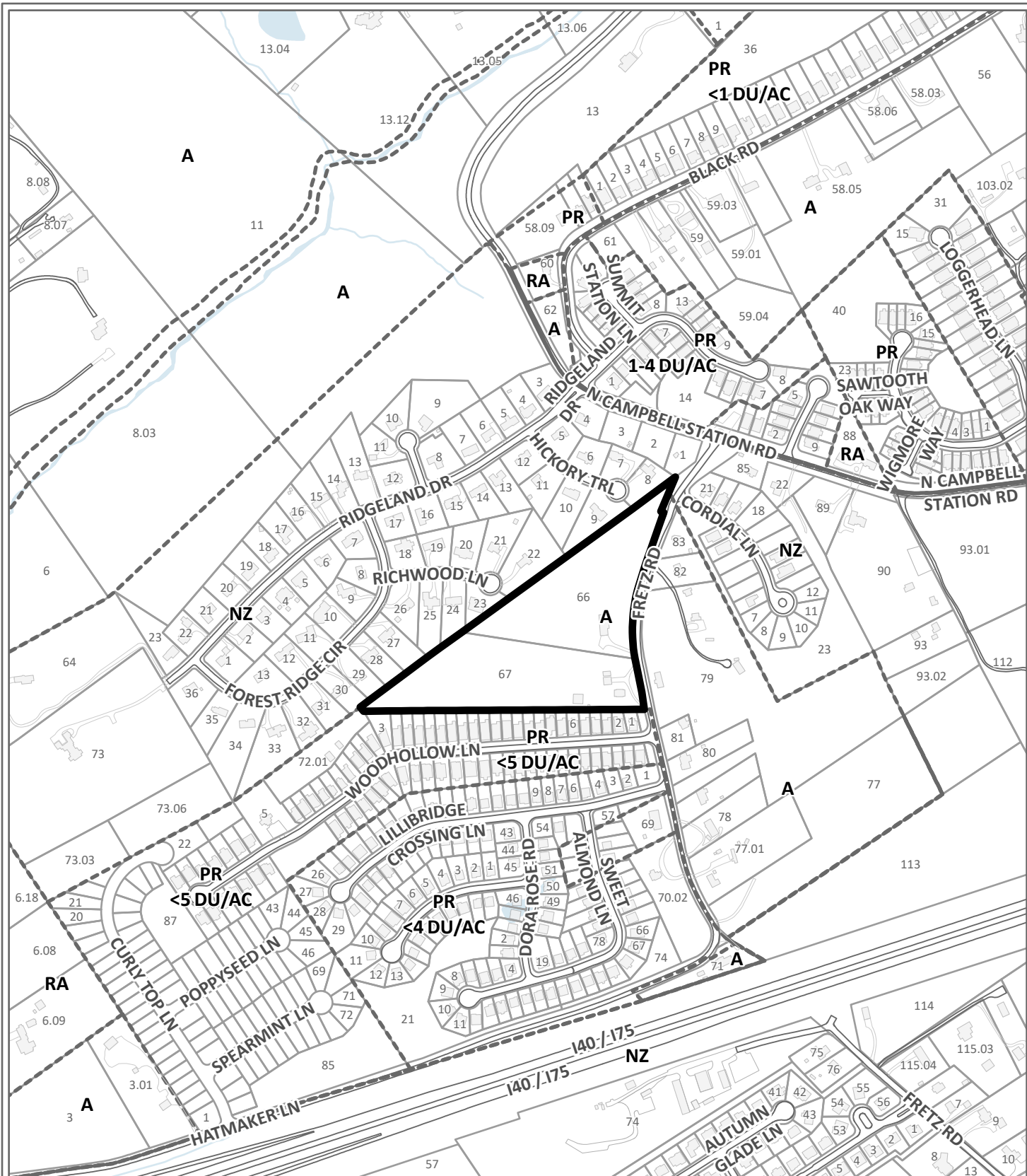
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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 10/23/2023. 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.



REZONING

9-K-23-RZ

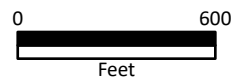
Petitioner: S and E Properties



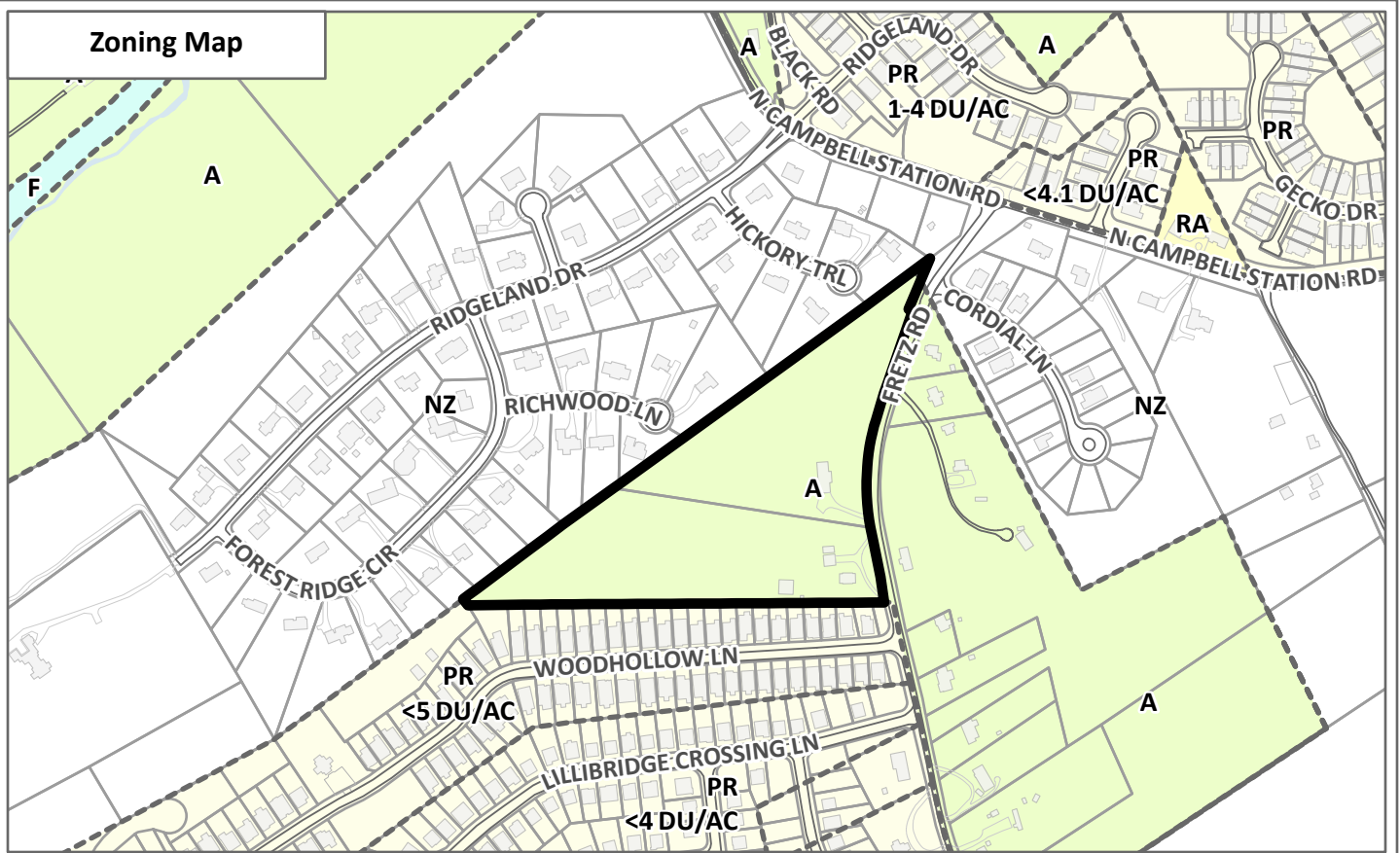
From: A (Agricultural)
To: PR (Planned Residential)

Map No: 130
Jurisdiction: County

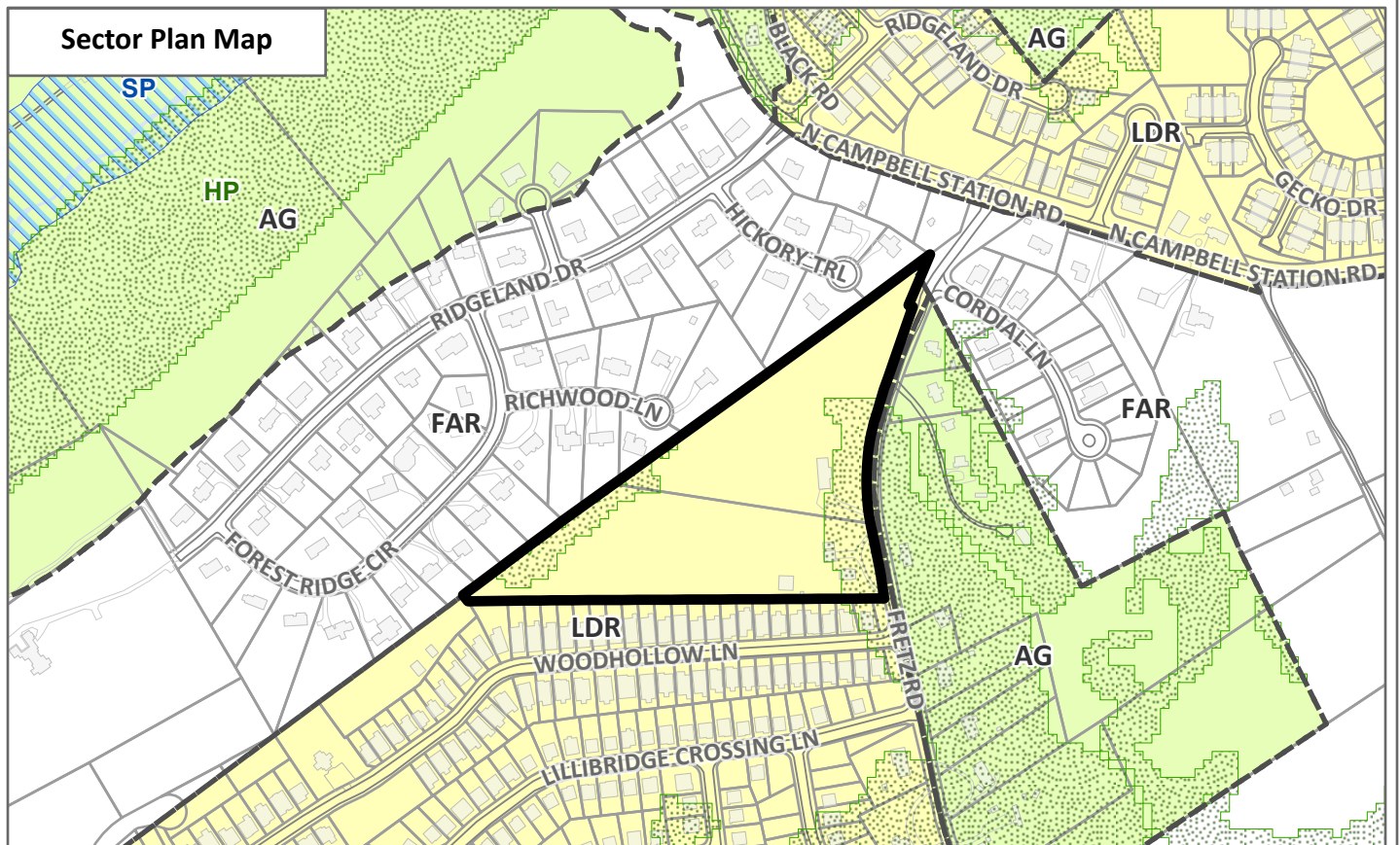
Original Print Date: 8/18/2023
 Knoxville - Knoxville County Planning Commission * City / County Building * Knoxville, TN 37902



Zoning Map



Sector Plan Map

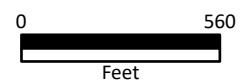


CONTEXTUAL MAPS 2

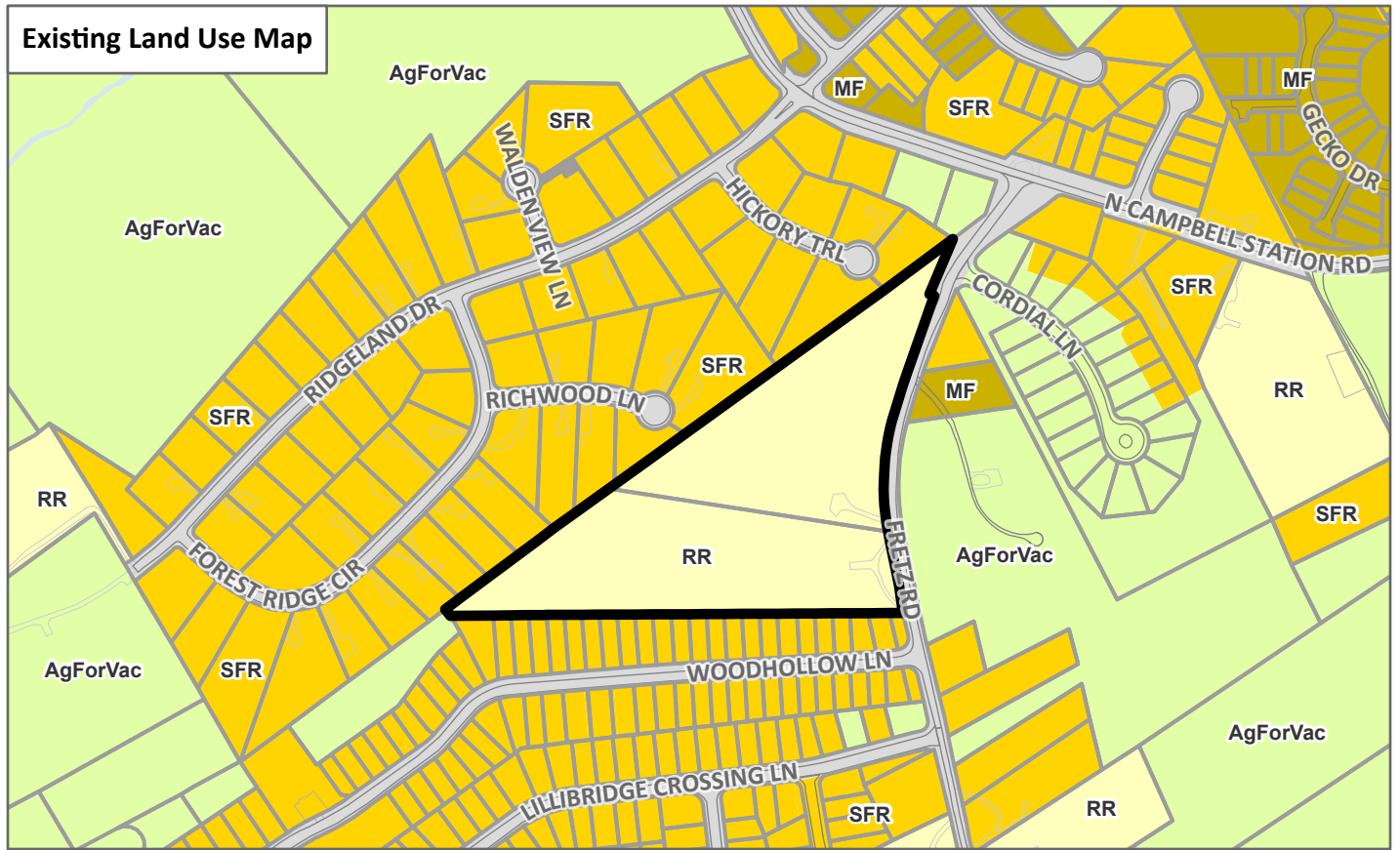
9-K-23-RZ



Case boundary



Existing Land Use Map

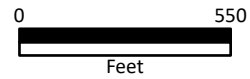


CONTEXTUAL MAPS 3

9-K-23-RZ

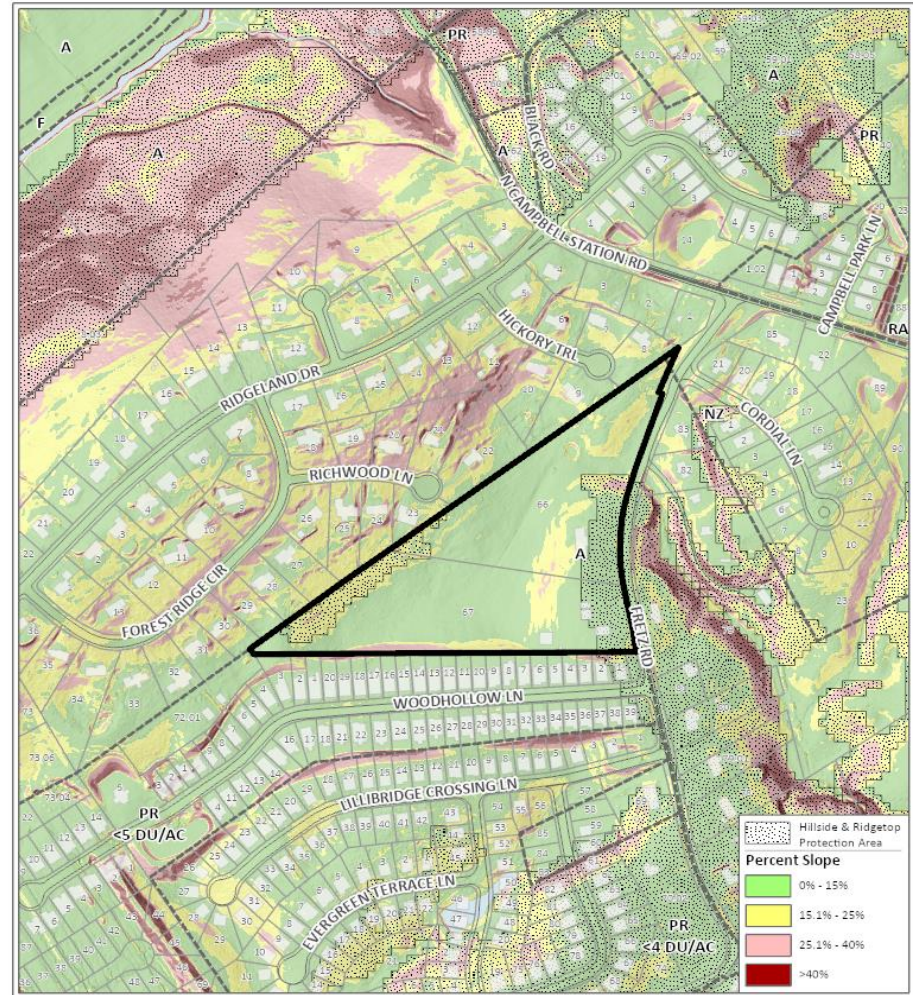


Case boundary



CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	12.9		
Non-Hillside	10.4	N/A	
0-15% Slope	1.5	100%	1.47
15-25% Slope	0.9	50%	0.46
25-40% Slope	0.1	20%	0.02
Greater than 40% Slope	0.0	10%	0.00
Ridgetops			
Hillside Protection (HP) Area	2.5	Recommended disturbance budget within HP Area (acres)	1.95
		Percent of HP Area	78.8%

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	10.38	5.00	51.9
0-15% Slope	1.47	4.00	5.9
15-25% Slope	0.93	2.00	1.9
25-40% Slope	0.08	0.50	0.0
Greater than 40% Slope	0.00	0.20	0.0
Ridgetops	0	3.00	0.0
Subtotal: Sloped Land	2.48		7.8
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	12.9	4.64	59.7
Proposed Density (Applicant)	12.9		5.0



REZONING	9-K-23-RZ	Petitioner: S and E Properties
<div style="border: 1px solid black; width: 40px; height: 20px; display: inline-block; margin-right: 5px;"></div> From: A (Agricultural) To: PR (Planned Residential)	Map No: 130 Jurisdiction: County	
Original Print Date: 8/14/2023 <small>Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902</small>		



Michelle Portier <michelle.portier@knoxplanning.org>

Fwd: comments related to rezoning or 1103 and 1109 Fretz Road

Jessie Hillman <jessie.hillman@knoxplanning.org>
To: Michelle Portier <michelle.portier@knoxplanning.org>

Tue, Sep 12, 2023 at 8:32 AM

----- Forwarded message -----

From: **Jessie Hillman** <jessie.hillman@knoxplanning.org>
Date: Wed, Aug 9, 2023 at 3:09 PM
Subject: Fwd: comments related to rezoning or 1103 and 1109 Fretz Road
To: Naomi Hansen <naomi.hansen@knoxplanning.org>

----- Forwarded message -----

From: **Mark Shipley** <mshipley@townoffarragut.org>
Date: Fri, May 19, 2023 at 2:55 PM
Subject: comments related to rezoning or 1103 and 1109 Fretz Road
To: Commission@knoxcounty.org <Commission@knoxcounty.org>
Cc: Jessie Hillman <jessie.hillman@knoxplanning.org>, Darryl Smith <dsmith@townoffarragut.org>, Bart Hose <bhose@townoffarragut.org>, David Smoak <DSmoak@townoffarragut.org>

Dear Knox County Commission,

Thank you for the opportunity to comment on a proposed Sector Plan and Zoning Map amendment involving 1103 and [1109 Fretz Road](#) (4 C-23-SP/4-C-23-RZ) that are within the Town of Farragut Urban Growth Boundary. From the Town's perspective, we understand and would support the Sector Plan change from Agriculture to Low Density Residential. However, we have concerns with the Zoning Map amendment request to Planned Residential (PR) that would potentially permit a density of up to 5 units/acre. Some specific points we would like to make regarding the rezoning and/or subsequent development of these properties are as follows:

1. When the Hillside Protection Area is removed from the developable area, the density within the developed portions of the parcels requested for rezoning may likely exceed 5 units per acre. This is very dense, at least in comparison to the Ridgeland Subdivision to the north which has a developed density of less than 2 units per acre. The potential density associated with this rezoning would also appear to be high in relation to the physical characteristics, namely the topography and drainage, of the property. There are two closed depressions on this property (based on KGIS). If those are sinkholes, they should be left undisturbed. Disturbance within these areas could adversely affect stormwater and groundwater resources.
2. Access is a concern and should be carefully evaluated for safety purposes. This is along a curve on Fretz Road. There are sight distance considerations which are also related to our concerns over the potential density provided for in this rezoning request.
3. If rezoned and developed, there should be a walking trail or sidewalk constructed along the Fretz Road frontage that would tie into the sidewalk and trail constructed along a portion of Fretz Road and N. Campbell Station Road.
4. Any rezoning of these properties should be conditioned on the left (southbound) turn lane project being completed at the Fretz Road and N. Campbell Station Road intersection prior to the issuance of any building permits.

Should you have any questions please either call me at 865-966-7057 or email me at mshipley@townoffarragut.org. Thank you again for your consideration of our comments.

Sincerely,

Mark Shipley, AICP, CPM
Community Development Director
Farragut, TN



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Jessie Hillman, AICP
Principal Planner
865-215-3082



Knoxville-Knox County Planning | [KnoxPlanning.org](https://www.knoxplanning.org)
400 Main Street, Suite 403 | Knoxville, TN 37902

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Jessie Hillman, AICP
Principal Planner
865-215-3082



Knoxville-Knox County Planning | [KnoxPlanning.org](https://www.knoxplanning.org)
400 Main Street, Suite 403 | Knoxville, TN 37902



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

S and E Properties

Applicant Name		Affiliation
7/31/2023	9/14/2023	9-K-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.

S and E Properties

Name / Company

405 Montbrook Lane Knoxville TN 37919

Address

865-539-1112 / ssmith@volrealty.com

Phone / Email

CURRENT PROPERTY INFO

Robin Smith, Executor	1103 1109 Fretz Rd Knoxville TN 37932	
Owner Name (if different)	Owner Address	Owner Phone / Email
1103 FRETZ RD / 1109 FRETZ RD		
Property Address		
130 067,066		12.89 acres
Parcel ID	Part of Parcel (Y/N)?	Tract Size
First Knox Utility District	First Knox Utility District	
Sewer Provider	Water Provider	Septic (Y/N)

STAFF USE ONLY

West side of Fretz Road, SW of N. Campbell Station Rd

General Location

<input type="checkbox"/> City	Commission District 5, A (Agricultural)	Rural Residential
<input checked="" type="checkbox"/> County	District	Zoning District
		Existing Land Use
Northwest County	, LDR (Low Density Residential), 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 _____	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change PR (Planned Residential)	Pending Plat File Number
Proposed Zoning	
<input type="checkbox"/> Plan Amendment	Proposed Plan Designation(s)

4.5 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
\$1,294.50	
Fee 2	
Fee 3	

AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Applicant Signature	S and E Properties Please Print	7/31/2023 Date
---------------------	---	--------------------------

Phone / Email	Robin Smith, Executor Please Print	7/31/2023 Date
Property Owner Signature		



NAMES OF ALL PROPERTY OWNERS INVOLVED OR HOLDERS OF OPTION ON SAME MUST BE LISTED BELOW:

Please print or type in black ink.

NAME	ADDRESS	OWNER / OPTION
S and E Properties	405 Montbrook Ln Knoxville, TN 37919	



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

s and e properties

Applicant Name

Affiliation

~~July 27 2023~~ 08/14/2023

September 14 2023

File Number(s)

Date Filed

Meeting Date (if applicable)

9-K-23-RZ

Revision request

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

s and e properties

Name

Company

405 montbrook lane

knoxville

tn

37919

Address

City

State

ZIP

8655391112

ssmith@volrealty.com

Phone

Email

CURRENT PROPERTY INFO

robin smith , executor

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

1109 / 1103 fretz rd , knoxville tn, 37932

130 067, 130 066

Property Address

Parcel ID

first utility

first utility

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

West side of Fretz Road, Southwest of N. Campbell Station Rd

General Location

Tract Size

City County

A

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

May 1, 2023

DEVELOPMENT REQUEST

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

Related City Permit Number(s)

Home Occupation (specify) _____

Other (specify) _____

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name _____

Unit / Phase Number Combine Parcels Divide Parcel

Total Number of Lots Created _____

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Pending Plat File Number

Zoning Change ag to pr
Proposed Zoning

Plan Amendment Change

Proposed Plan Designation(s)

5 4.5 du/ac

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

Fee 2

Fee 3

AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct:

1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent


Applicant Signature

s and e properties

Scott Smith

July 27 2023

Please Print

Date

8655391112

Phone Number

Email

Robin Lea Smith

dotloop verified
07/27/23 2:32 PM EDT
WBHO-B0R8-PTTB-W47Y

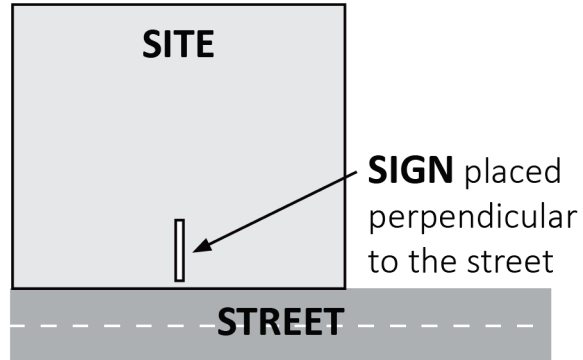
Robin Lea Smith

Property Owner Signature

Please Print

Date Paid

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:

_____ and _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: S & E Properties

Date: 7/31/2023

File Number: 9-K-23-RZ

- Sign posted by Staff
- Sign posted by Applicant