



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 2-D-24-RZ
2-A-24-SP

AGENDA ITEM #: 29
AGENDA DATE: 2/8/2024

▶ **APPLICANT:** JUSTIN BREINER
OWNER(S): Justin Breiner

TAX ID NUMBER: 130 058.05, 058.10 [View map on KGIS](#)
JURISDICTION: Commission District 6
STREET ADDRESS: 11912 BLACK RD (0 BLACK RD)
▶ **LOCATION:** **Black Rd and Ridgeland Dr**
▶ **TRACT INFORMATION:** **9.94 acres.**
SECTOR PLAN: Northwest County
GROWTH POLICY PLAN: Rural Area
ACCESSIBILITY: Access is via Black Rd, a minor collector street with a pavement width of 18 ft within a right-of-way of 60 ft.
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, Single Family Residential**

▶ **DENSITY PROPOSED:** **up to 2.99 du/ac**
EXTENSION OF PLAN DESIGNATION/ZONING: No, but it is abutting 3 different Planned Residential zones of higher and lower densities.
HISTORY OF ZONING REQUESTS: None noted.
SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Single family residential - AG (Agricultural), HP (Hillside Protection) - PR (Planned Residential) up to 1 du/ac
South: Single family residential, multifamily residential, rural residential - LDR (Low Density Residential), HP (Hillside Protection) - PR (Planned Residential) up to 3 and 4 du/ac
East: Agriculture/forestry/vacant - AG (Agricultural), HP (Hillside Protection) - A (Agricultural)
West: Agriculture/forestry/vacant, single family residential - AG (Agricultural), HP (Hillside Protection) - A (Agricultural)

NEIGHBORHOOD CONTEXT: The area just outside of the Town of Farragut and is comprised of mostly single family residential neighborhoods and limited attached residential uses. A few large agricultural tracts still exist in the area as well.

STAFF RECOMMENDATION:

- ▶ **Approve the RR (Rural Residential) land use classification because is consistent with the surrounding area. The HP (Hillside Protection) area would be retained.**

- ▶ **Approve the PR (Planned Residential) zone with up to 2.99 du/ac zone because it is consistent with the surrounding area.**

COMMENTS:

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

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. This area has been transitioning from the A (Agricultural) zone to the PR (Planned Residential) zone with densities ranging from 1 to 4 du/ac since 2011.

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

1. There are plans to widen and realign Campbell Station Road from I-40 to Hardin Valley Road, improving the intersection with I-40. According to the 2045 Mobility Plan, the horizon year for this project is 2030.
2. This section of Black Rd was widened to 18 ft approximately 7 years ago when the development across the street was added.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There is no error or omission in the plan; however, RR could have been considered for this parcel during the last sector plan update since a few residential developments had been recently approved following rezonings of those properties. The requested LDR classification is not compatible with the property's location within the Rural Area boundary of the Growth Policy Plan. However, in the Northwest County Sector Plan, the RR land use classification allows consideration up to 3 du/ac when certain criteria are met. Staff recommends approval of the RR land use classification because it is compatible with the Growth Policy Plan and allows the density the applicant is seeking.

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

1. The growth trend in the area continues to be agricultural land being developed into low density residential subdivisions.

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 COUNTY GENERALLY:

1. Since 2011, there have been numerous rezonings from Agricultural to Planned Residential with densities ranging from 1-5 du/ac in the immediate area along Black Rd, N Campbell Station Rd and Fretz Rd.

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

1. The PR zone is intended to encourage more imaginative solutions to environmental design problems by enabling concentrated development in less environmentally sensitive areas of a property. Most of the subject property is in the HP area, with steeper slopes above 15% and above 25% along the southern and eastern sections of the property. The flexibility of the PR zone makes it an appropriate zone to consider.
2. At a density of 2.99 du/ac on this 9.9-acre property, a maximum of 29 units could be built. Houses, duplexes and multi-dwelling structures and developments are permitted in the PR zone.
3. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

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 area consists primarily of single family residential and multi-family developments at low residential densities.
2. The majority of the property is within the Hillside Protection area. The Hillside Protection area includes 9.4 acres on this 9.9-acre site. The recommended density Hillside & Ridgetop Protection Plan is 2.65 au/ac.
3. Black Rd is a minor collector 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 recommended amendment for the Northwest County Sector Plan to RR (Rural Residential) makes the proposed rezoning of PR up 2.99 du/ac consistent with the land use plan.
2. This property is in the Rural Area of the Growth Policy Plan, directly adjacent to Farragut's Urban Growth Boundary. In the Rural Area, densities up to 3 dwelling units an acre can be considered under these four conditions: 1) in Planned Residential zones, 2) where sewer and water service are available, 3) on collector streets connecting to the Urban Growth Boundary or Planned Growth Area, and 4) a traffic impact analysis that shows the development will not significantly impact traffic. The proposed development meets these standards of the Growth Policy Plan.
3. This property abuts single family and multifamily developments of low residential densities ranging from 1 to 4 du/ac. Residential development at the proposed 2.99 du/ac is appropriate at this location since it is compatible with surrounding development, making it consistent with the General Plan's Policy 9.3, which calls for ensuring that the context of new development, including scale and compatibility, does not impact existing neighborhoods and communities.

ESTIMATED TRAFFIC IMPACT: 323 (average daily vehicle trips)

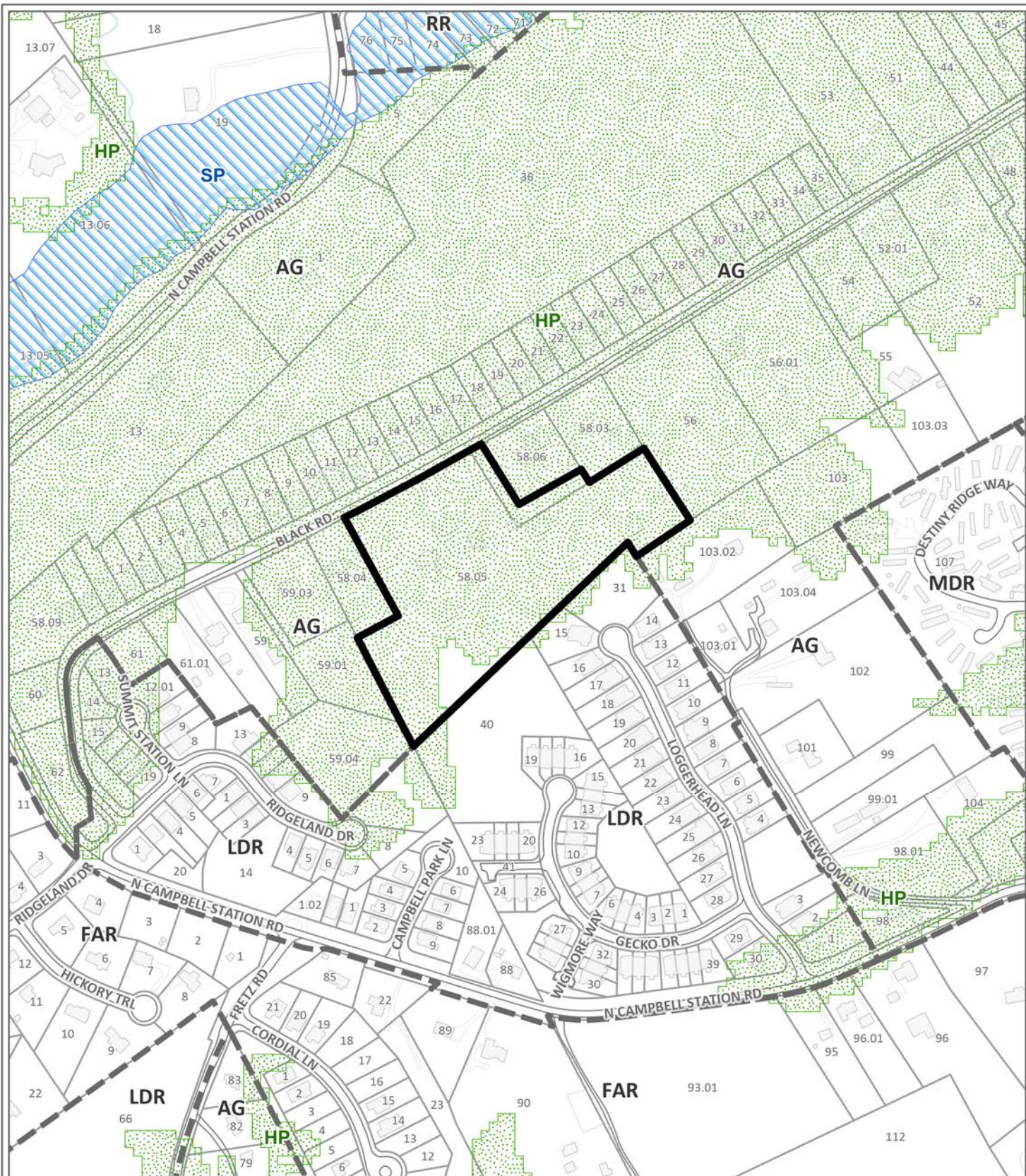
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 12 (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 3/25/2024. 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.



**2-A-24-SP
NORTHWEST COUNTY SECTOR PLAN MAP**

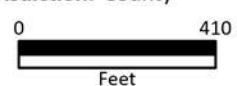
Petitioner: Justin Breiner

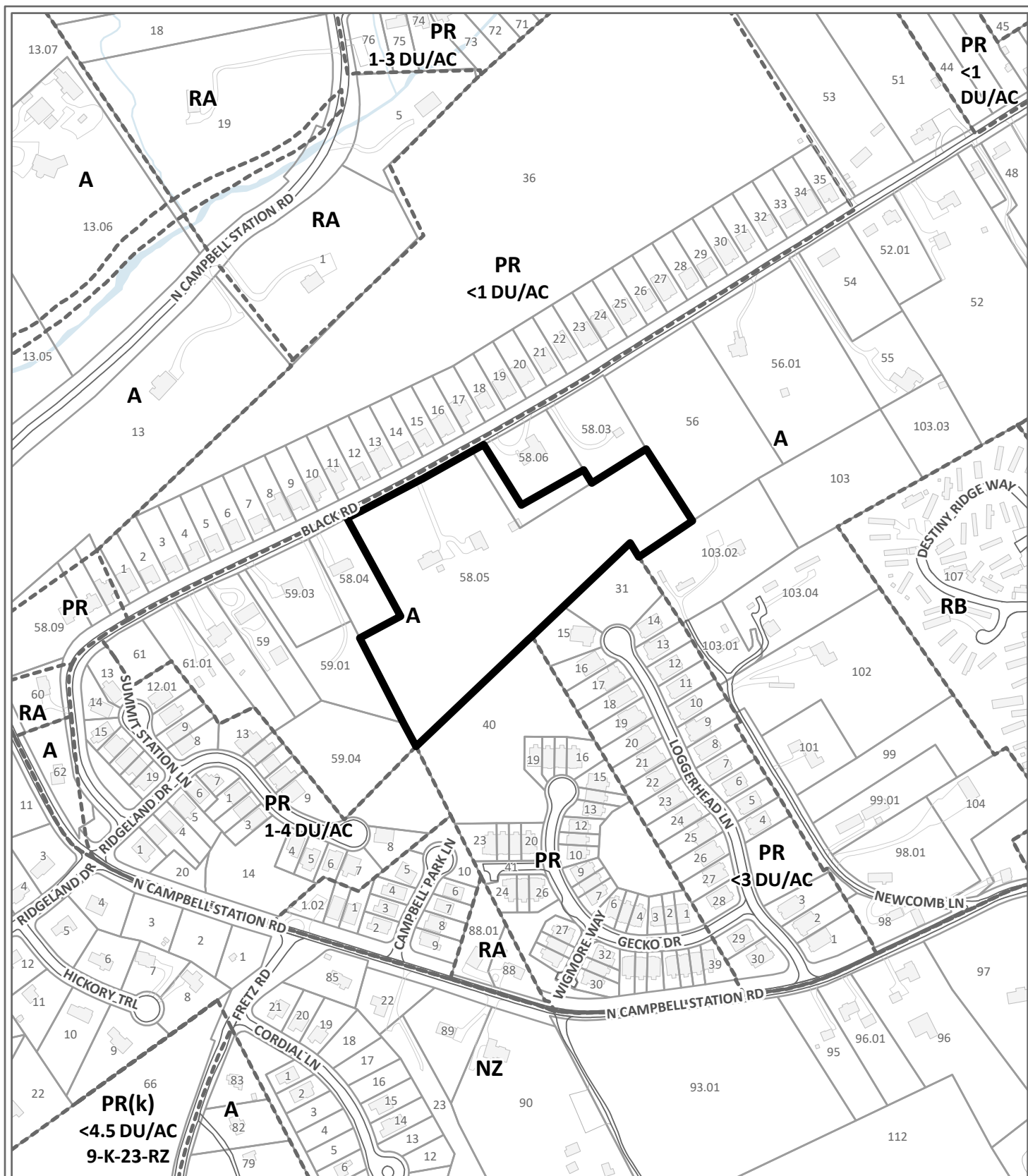


From: AG (Agricultural), HP (Hillside Protection)
To: LDR (Low Density Residential)

Map No: 130
Jurisdiction: County

Original Print Date: 1/11/2024
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902





REZONING

2-D-24-RZ

Petitioner: Justin Breiner



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

Map No: 130
Jurisdiction: County

Original Print Date: 1/8/2024
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

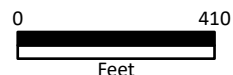
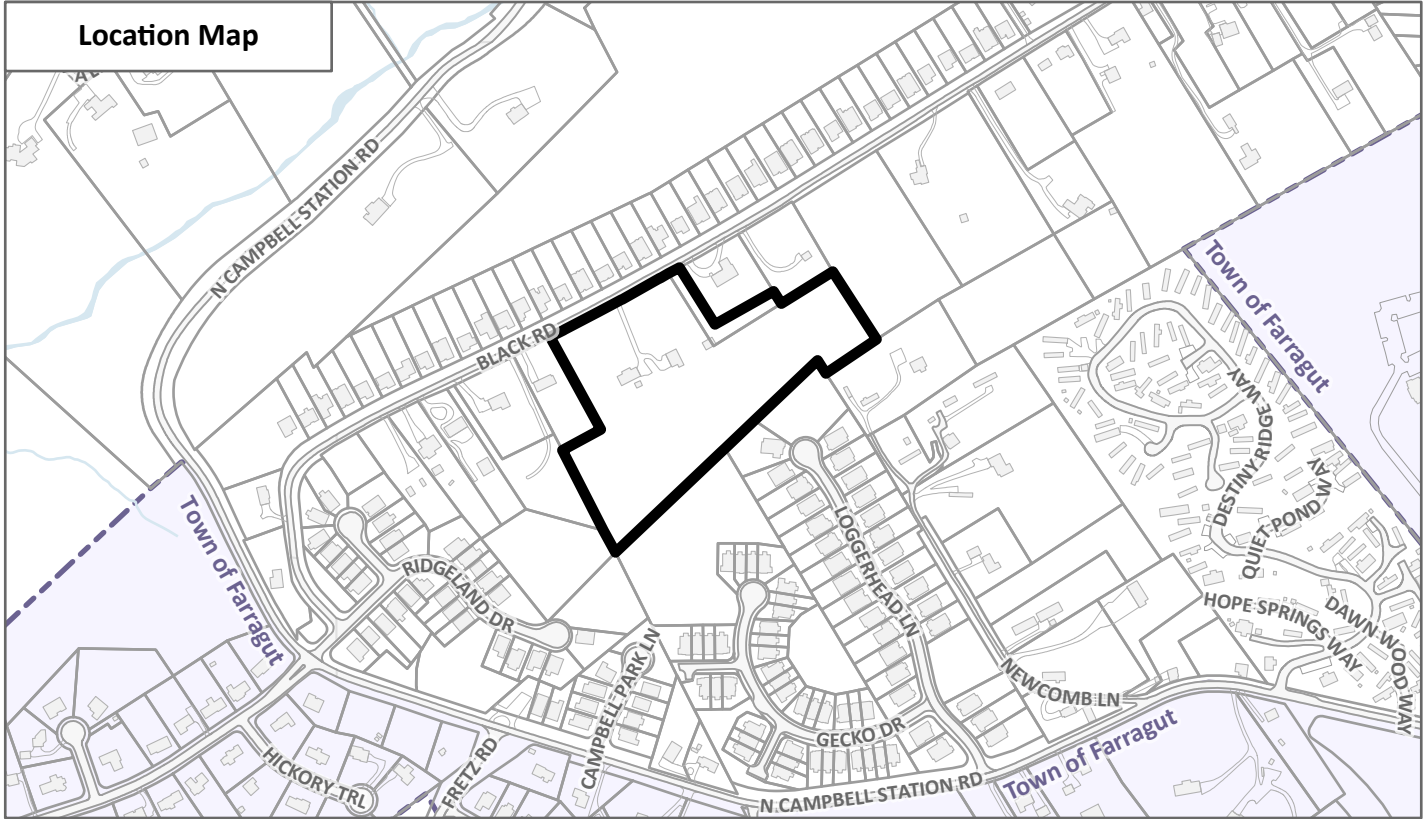
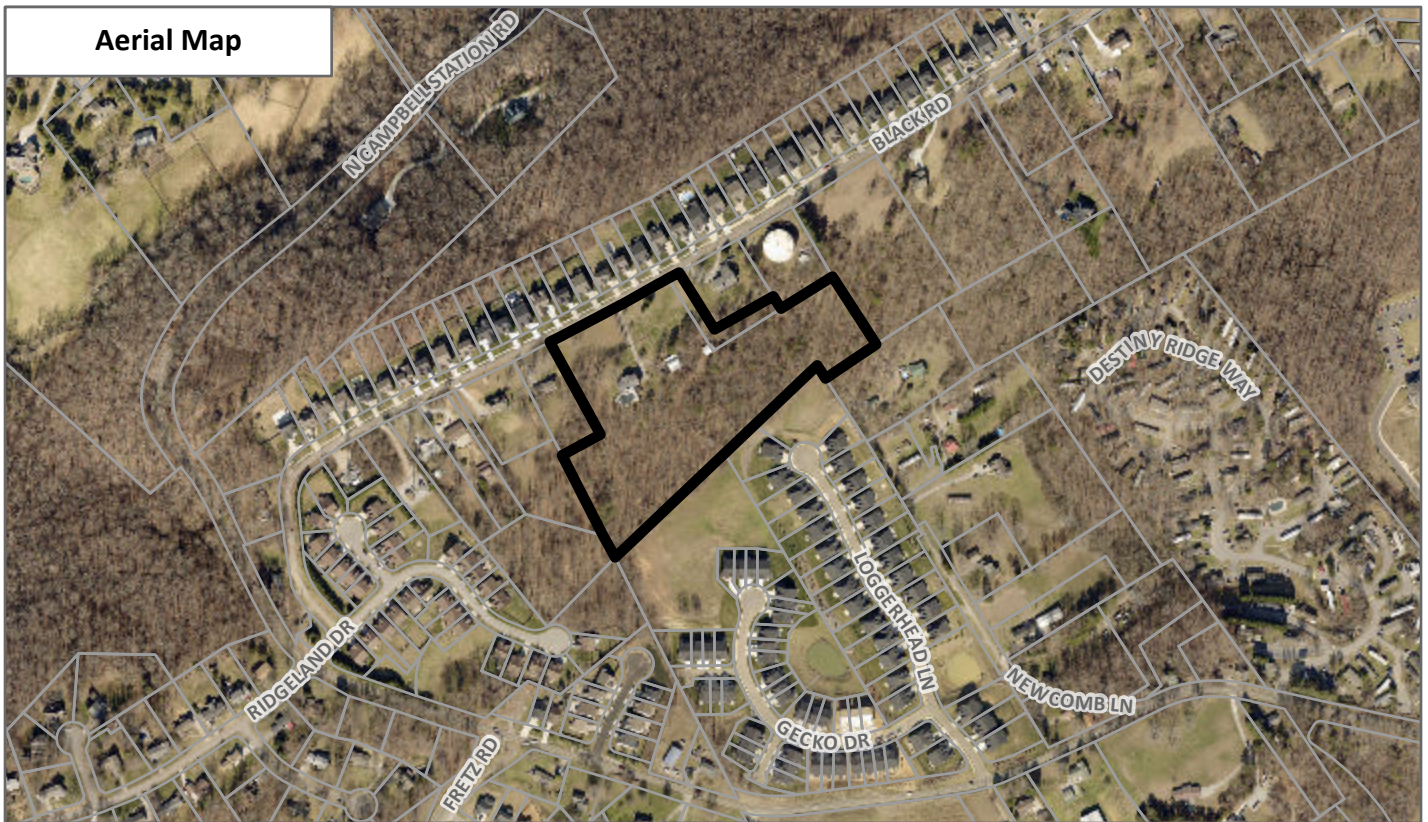


Exhibit A. Contextual Images

Location Map



Aerial Map

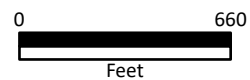


CONTEXTUAL MAPS 1

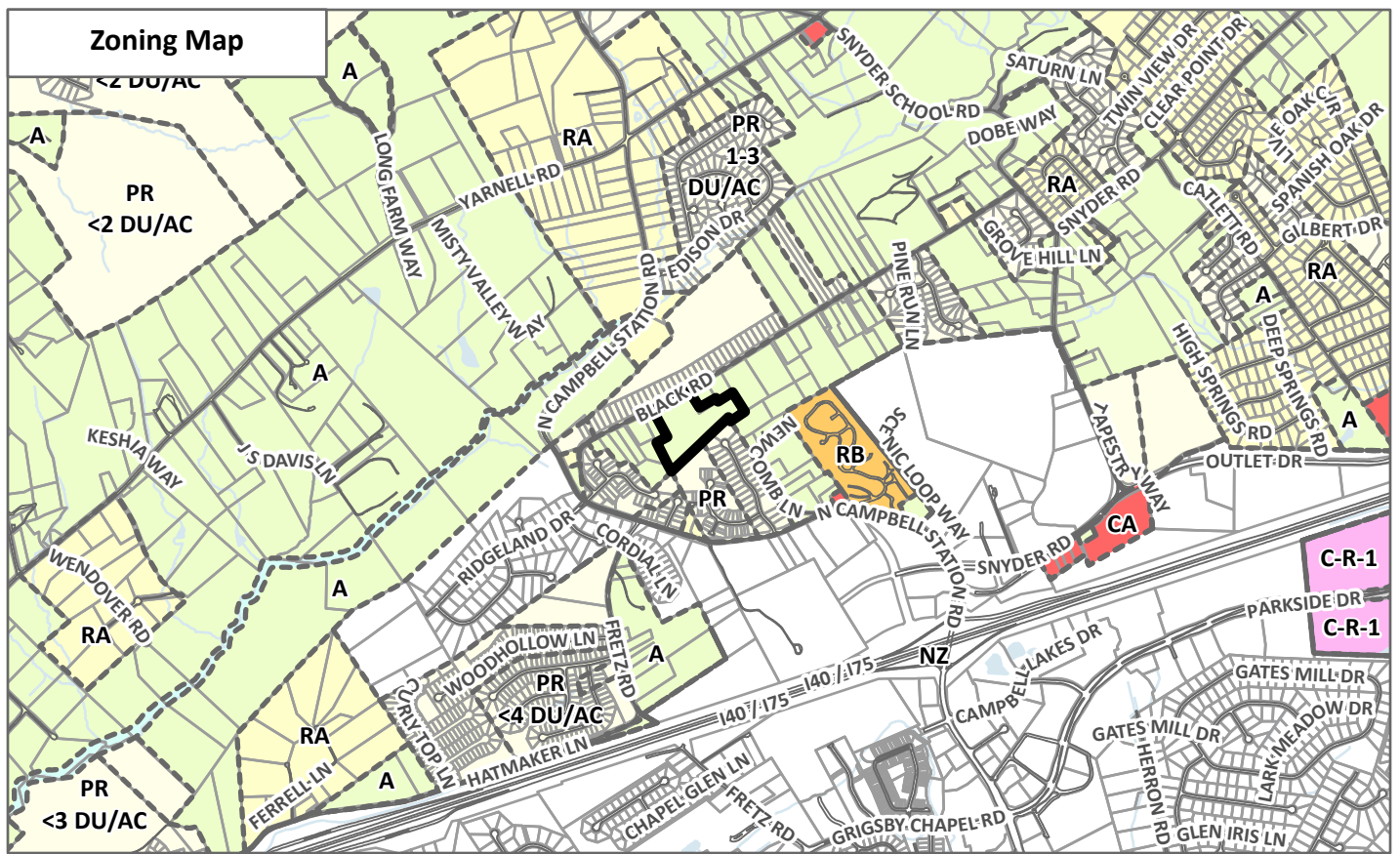
2-A-24-SP / 2-D-24-RZ



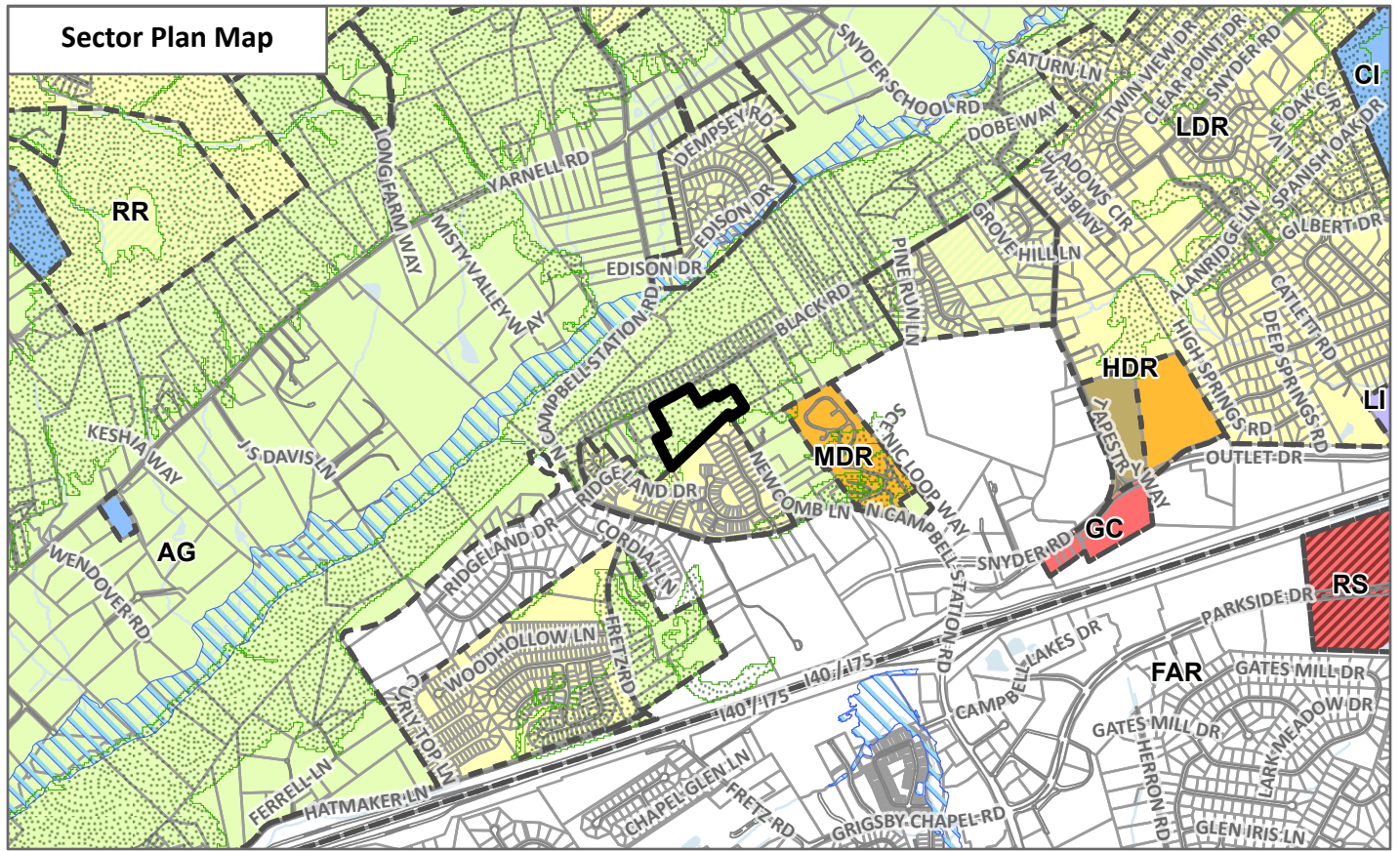
Case boundary



Zoning Map



Sector Plan Map



CONTEXTUAL MAPS 2

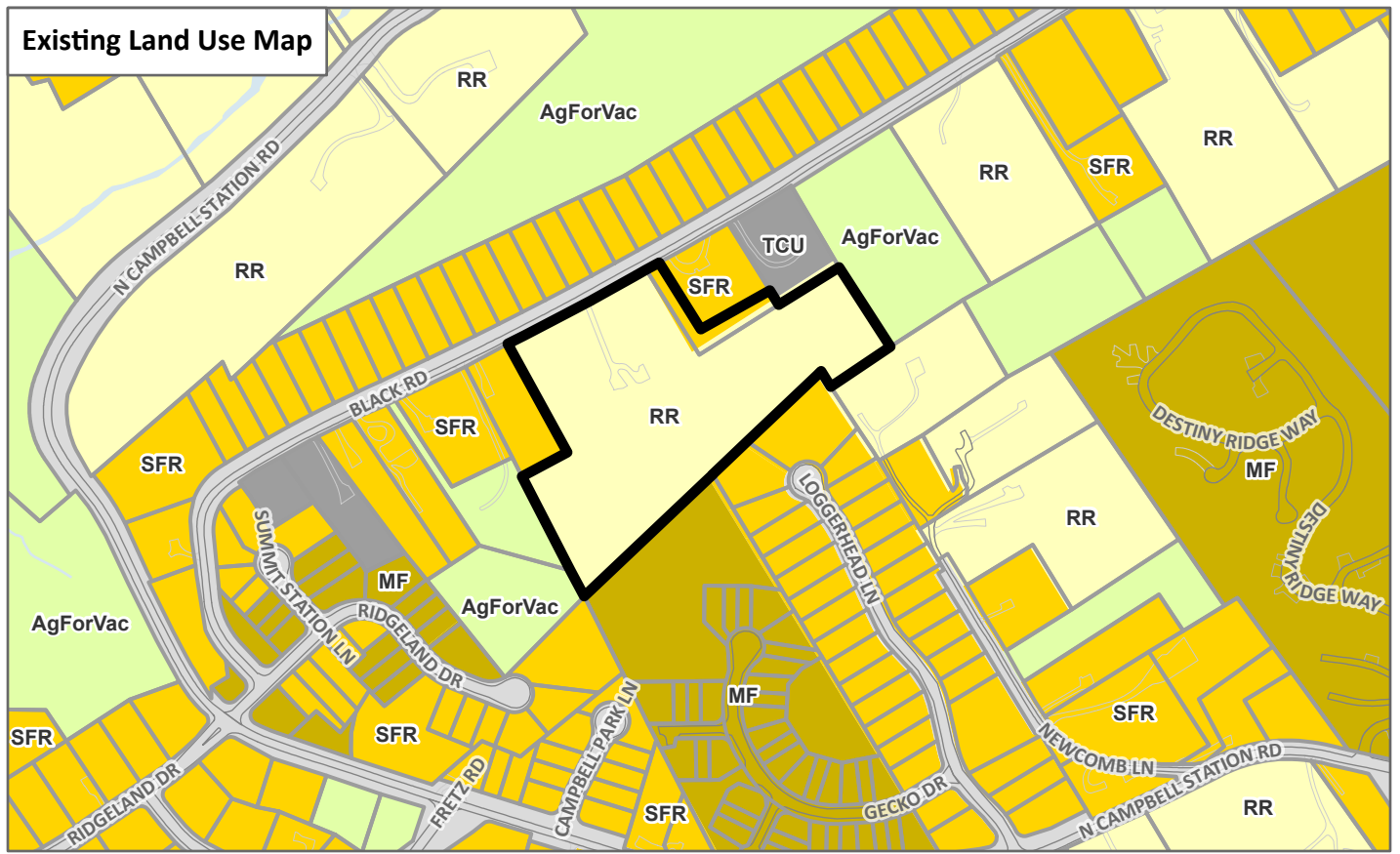
2-A-24-SP / 2-D-24-RZ



Case boundary



Existing Land Use Map

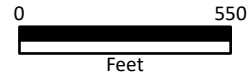


CONTEXTUAL MAPS 3

2-A-24-SP / 2-D-24-RZ

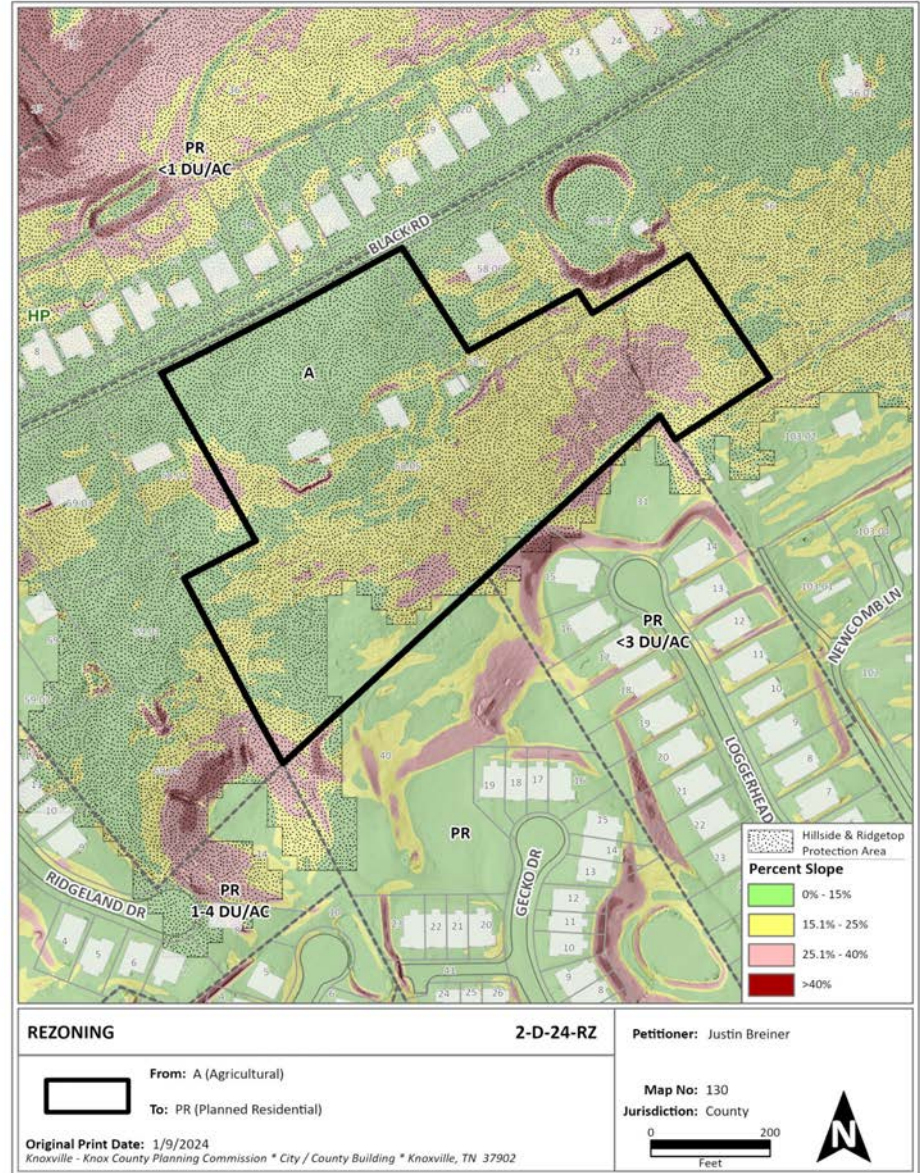


Case boundary



CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	9.9		
Non-Hillside	0.5	N/A	
0-15% Slope	3.9	100%	3.9
15-25% Slope	4.3	50%	2.2
25-40% Slope	1.2	20%	0.2
Greater than 40% Slope	0.0	10%	0.0
Ridgetops			
Hillside Protection (HP) Area	9.4	Recommended disturbance budget within HP Area (acres)	6.3
		Percent of HP Area	66.8%

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	0.5	3.00	1.5
0-15% Slope	3.9	3.00	11.7
15-25% Slope	4.3	2.00	8.7
25-40% Slope	1.2	0.50	0.6
Greater than 40% Slope	0.0	0.20	0.0
Ridgetops	0.0	3.00	0.0
Subtotal: Sloped Land	9.4		21.0
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	9.9	2.26	22.5
Proposed Density (Applicant)	9.9	2.99	29.7



*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, Justin Breiner 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 Rural 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 February 8, 2024 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 #2-A-24-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

Justin Breiner

Applicant Name

Affiliation

12/19/2023

Date Filed

2/8/2024

Meeting Date (if applicable)

2-D-24-RZ / 2-A-24-SP

File Number(s)

CORRESPONDENCE

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

Justin Breiner

Name / Company

11912 Black Rd Knoxville TN 37932

Address

865-399-4462 / jbreiner@benchmarkenterprises.com

Phone / Email

CURRENT PROPERTY INFO

Justin Breiner

Owner Name (if different)

11912 Black Rd Knoxville TN 37932

Owner Address

865-399-4462 / jbreiner@bench

Owner Phone / Email

0 BLACK RD / 11912 BLACK RD

Property Address

130 058 05,058 10

Parcel ID

Part of Parcel (Y/N)?

9.94 acres

Tract Size

First Knox Utility District

Sewer Provider

First Knox Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

Black Rd and Ridgeland Dr

General Location

City

Commission District 6

A (Agricultural)

Rural Residential, Single Family Residential

Count

District

Zoning District

Existing Land Use

Northwest County

Planning Sector

AG (Agricultural), HP (Hillside Protection)

Sector Plan Land Use Classification

Rural Area

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	
Total Number of Lots Created	
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 checked="" type="checkbox"/> Plan Amendment LDR (Low Density Residential)	
Proposed Plan Designation(s)	

2.99 du/ac

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

STAFF USE ONLY

PLAT TYPE <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	Fee 1	Total
ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request	\$1,997.00	
ADDITIONAL REQUIREMENTS <input type="checkbox"/> COA Checklist (Hillside Protection) <input type="checkbox"/> Design Plan Certification (Final Plat) <input type="checkbox"/> Site Plan (Development Request) <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> Use on Review / Special Use (Concept Plan)	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	Justin Breiner Please Print	12/19/2023 Date
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Phone / Email		
Property Owner Signature	Justin Breiner Please Print	12/19/2023 Date



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

Justin Breiner

Applicant Name

Affiliation

12/14/2023

02/08/2024

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

Justin Breiner

Name

Company

11912 Black Road

Knoxville

TN

37932

Address

City

State

ZIP

865-399-4462

jbreiner@benchmarkenterprises.com

Phone

Email

CURRENT PROPERTY INFO

Justin Breiner

11912 Black Road, Knoxville, TN 37932

865-399-4462

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

11912 Black Road, Knoxville, TN 37932

130 05805 & 130 05810

Property Address

Parcel ID

First Utility District

First Utility District

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

City 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 **PR (planned residential)**
Proposed Zoning
- Plan Amendment Change **LDR**
Proposed Plan Designation(s)

2.99 du/ac

N/A

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

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

Justin Breiner

Please Print

12/14/2023

Date

865-399-4462

Phone Number

jbreiner@benchmarkenterprises.com

Email



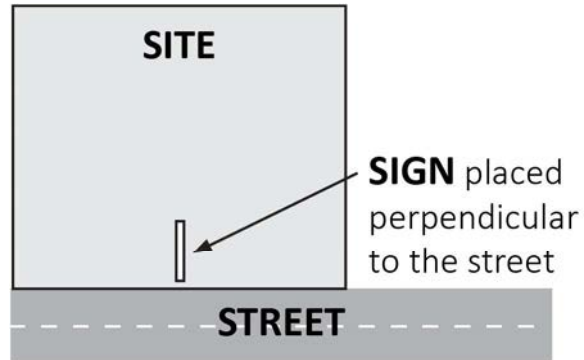
Property Owner Signature

Justin Breiner

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:

_____ January 26, 2024 _____ and _____ February 9, 2024 _____
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Justin Breiner

Date: 12/19/2023

File Number: 2-D-24-RZ & 2-A-24-SP



Sign posted by Staff



Sign posted by Applicant