

# CASE SUMMARY

APPLICATION TYPE: SUBDIVISION  
CONCEPT PLAN



File Number: 12-SD-24-C                      Related File Number: 12-E-24-DP  
Application Filed: 10/28/2024              Date of Revision:  
Applicant: JUSTIN BREINER

## PROPERTY INFORMATION

General Location: South side of Black Rd, northeast of N Campbell Station Rd  
Other Parcel Info.:  
Tax ID Number: 130 05805, 05810 (PART OF)                      Jurisdiction: County  
Size of Tract: 8.35 acres  
Accessibility: Access is via Black Rd, a minor collector street with a pavement width of 18 ft within a 60-ft right-of-way.

## GENERAL LAND USE INFORMATION

Existing Land Use: Rural Residential, Agriculture/Forestry/Vacant Land  
Surrounding Land Use: North: Single family residential - PR (Planned Residential) up to 1 du/ac  
South: Single family residential, multifamily residential, rural residential - PR (Planned Residential) up to 3 and 4 du/ac, A (Agricultural)  
East: Agriculture/forestry/vacant, transportation/communications/utilities (First Utility District infrastructure) - A (Agricultural)  
West: Agriculture/forestry/vacant, single family residential - A (Agricultural)  
Proposed Use: Attached residential subdivision                      Density: 2.87 du/ac  
Planning Sector: Northwest County              Plan Designation: RC (Rural Conservation), HP (Hillside Ridgetop Protection)  
Growth Policy Plan: Rural Area  
Neighborhood Context:

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

Street: 11912 BLACK RD  
Location:  
Proposed Street Name:  
Department-Utility Report:  
Reason:

## ZONING INFORMATION (where applicable)

Current Zoning: PR (Planned Residential) up to 2.99 du/ac  
Former Zoning:  
Requested Zoning:  
Previous Requests:  
Extension of Zone:  
History of Zoning:

**PLAN INFORMATION (where applicable)**

Current Plan Category:

Requested Plan Category:

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name: Black Ridge Pointe

No. of Lots Proposed: 24                      No. of Lots Approved: 24

Variances Requested: VARIANCE:

1. Reduce the minimum vertical curve (crest) K value from 25 to 20 at PVI STA 1+12.00 on public road 'A'.

ALTERNATIVE DESIGN STANDARD REQUIRING PLANNING COMMISSION APPROVAL:

1. Reduce the street frontage of lots 8, 13, 14, and 30 from 25 ft to 20 ft.

ALTERNATIVE DESIGN STANDARDS REQUIRING KNOX COUNTY ENGINEERING AND PUBLIC WORKS APPROVAL (PLANNING COMMISSION APPROVAL NOT REQUIRED)

1. Increase the maximum road grade from 1% to 2% at the intersection of road 'A' and Black Road.
2. Reduce the pavement width of road 'A' from 26 ft to 24 ft.

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge: Samiul Haque

Staff Recomm. (Abbr.): Approve the variance to reduce the K value of Road A from 25 to 20 at PVI station 1+12.00, based on the following evidence of hardships.

A. This property with the HP designation slopes down by approximately 62 ft from the edge of Black Road to the rear boundary. There is a 28.8-ft elevation change along the right-of-way of Road A from its intersection at Black Road to the approximate middle of Road A at station 4+00.

B. The topography is unique to the property. Approval of this variance will result in less disturbance within the HP designation of this property.

C. Approval of the variance is not anticipated to be detrimental to public safety, health, or welfare as there are no apparent sight distance issues on Black Road and no through connectivity via Road A.

Approve the requested alternative design standard to reduce the street frontage of the lots identified, provided that guest parking will be accommodated by increasing the pavement width of Road A to 26 ft, as recommended in condition 1 of the concept plan.

Approve the concept plan subject to 11 conditions.

- Staff Recomm. (Full):
1. Increasing the pavement width of Road A to 26 ft to accommodate on-street guest parking.
  2. During the design plan phase, obtaining approval of Knox County Engineering & Public Works Department for the proposed location of the mail kiosk.
  3. During the design plan phase, ensuring that any required sight distance easement is provided for the horizontal curve of Road A approximately between station 3+00 and station 5+50, subject to review and approval by Knox County Engineering & Public Works Department.
  4. Ensuring connection to sanitary sewer and meeting any other relevant utility provider requirements.
  5. Providing street names that are consistent with the Uniform Street Naming and Addressing System within Knox County (County Ord. 91-1-102).
  6. Meeting all applicable requirements of the Knox County Zoning Ordinance.
  7. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works, including, but not limited to, ensuring that the stormwater retention pond(s) meet the standards.
  8. Before certification of the final plat for the subdivision, establishing a property owners association or other legal entity responsible for maintaining common facilities, such as common areas, amenities, private roads, and/or stormwater drainage systems.
  9. Ensuring that Land disturbance within the HP area does not exceed 6.3 acres, as recommended by the slope analysis (attached). The limit of disturbance is to be verified and delineated on the site with high-visibility fencing before grading permits are issued for the site. Undergrowth in the undisturbed HP areas may be cleared for passive recreational uses, such as walking trails. Selective tree removal is permissible for the removal of invasive species or to alleviate safety hazards, such as trees that are falling, dead, or dying.

10. Providing a Type B landscape screen along the rear boundary between lots 14-30. Existing trees that remain can count toward this requirement.

11. If during design plan approval or construction of the development, it is discovered that unforeseen off-site improvements within the right-of-way are necessary, the developer will either enter into a memorandum of understanding (MOU) with the County for these improvements or reimburse the County for their direct expenses (if completed by County crews) to make corrections deemed necessary.

**Comments:**

The applicant is proposing to add 23 attached dwellings units to the Black Ridge Pointe subdivision. Unit 1 of the subdivision included 6 lots for single family houses and was approved by the Planning Commission in March 2024 (3-SA-24-C, 3-B-24-DP). Unit 2 proposes to subdivide approximately 8.35 acres of land to the south of the Unit 1 lots into 24 new lots and 3 common areas, yielding a density of 2.87 du/ac for Unit 2 (to be confirmed after the property is surveyed). The existing house and accessory structures will remain on lot 7.

**VARIANCE**

Vertical curves of a street are designed based on the Rate of Vertical Curvature, K, referred to as K value. K value expresses the abruptness of the grade change in a single value. For subdivisions in Knox County, section 3.04.I.4.b of the Subdivision Regulations requires a minimum K value of 25 for local streets. The property is relatively steep at the location of the variance request, which makes it challenging to meet the requirement for Road A. Staff recommends approval of the variance because this will result in less grading within the HP (Hillside Protection) area and the decrease is supported by the Knox County Department of Engineering and Public Works based on the justification provided by the applicant.

**ALTERNATIVE DESIGN STANDARD**

An alternative design standard is requested to reduce the street frontage of lots 8, 13, 14, and 30 from 25 ft to 20 ft. The Planning Commission may approve a reduction of the lot frontage subject to the following requirements (Sub Reg 3.03.B.2) - all lots shall have a minimum front yard setback of 20 ft and guest parking shall be provided throughout the development. The subject lots meet the minimum front setback requirements. On-street parking will be feasible on Road A if the pavement width is increased to 26 ft, as recommended in condition 1. On-street parking is more appropriate for this development compared to any off-street parking areas that will require additional disturbance within the HP area.

**PERIPHERAL BOUNDARY**

The applicant is requesting a reduction of the peripheral boundary from 35' to 15' along the entirety of the western boundary, along the rear boundary from the southwestern corner up to lot 20, and along the eastern boundary next to the existing barn. Staff is recommending denial for the western portion that is primarily on the rear side of lots 8-13 and for the rear boundary because the site plan does not demonstrate a need for the reduction. Should the Planning Commission approve the requested peripheral boundary reduction in these areas, Planning staff recommends extending the Type B buffer in condition 10 to extend the length of the southern lot line and the western lot line to buffer the abutting single family subdivisions from this more intensive development. Staff is recommending approval for the rest of the requested segments because these align with the peripheral boundaries of unit 1 approved by the Planning Commission (delineated in Exhibit B).

**Action:** Approved with Conditions **Meeting Date:** 12/12/2024

**Details of Action:**

**Summary of Action:** Approve the variance to reduce the K value of Road A from 25 to 20 at PVI station 1+12.00, based on the following evidence of hardships.

A. This property with the HP designation slopes down by approximately 62 ft from the edge of Black Road to the rear boundary. There is a 28.8-ft elevation change along the right-of-way of Road A from its intersection at Black Road to the approximate middle of Road A at station 4+00.

B. The topography is unique to the property. Approval of this variance will result in less disturbance within the HP designation of this property.

C. Approval of the variance is not anticipated to be detrimental to public safety, health, or welfare as there are no apparent sight distance issues on Black Road and no through connectivity via Road A.

Approve the requested alternative design standard to reduce the street frontage of the lots identified, provided that guest parking will be accommodated by increasing the pavement width of Road A to 26 ft, as recommended in condition 1 of the concept plan.

Approve the concept plan subject to 11 conditions.

**Date of Approval:** 12/12/2024

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

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

## **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:**

**Date of Legislative Action:**

**Ordinance Number:**

**Disposition of Case:**

**If "Other":**

**Amendments:**

**Date of Legislative Appeal:**

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

**Other Ordinance Number References:**

**Disposition of Case, Second Reading:**

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**