



# PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 10-H-19-RZ **AGENDA ITEM #:** 25  
 10-E-19-SP **AGENDA DATE:** 10/10/2019

▶ **APPLICANT:** BALL HOMES, LLC  
**OWNER(S):** Linda Seal Byrd

**TAX ID NUMBER:** 129 037 [View map on KGIS](#)

**JURISDICTION:** Commission District 6

**STREET ADDRESS:** 12140 Hardin Valley Road

▶ **LOCATION:** West side of Marietta Church Road, north side of Hardin Valley Road and Hickory Creek Road

▶ **TRACT INFORMATION:** 117 acres. This property is in the Hillside & Ridgetop Protection Area

**SECTOR PLAN:** Northwest County

**GROWTH POLICY PLAN:** Rural Area

**ACCESSIBILITY:** Access is via Hardin Valley Road, a minor arterial with a pavement width of 20.5 feet within a right-of-way width of 60 feet. Access is also via Hickory Creek Road, a minor arterial with a pavement width of 20 feet within a right-of-way width of 60 feet. Access is also along Marietta Church Road, a minor collector, with a pavement width of 19.9 feet within a right-of-way width of 60 feet.

**UTILITIES:** Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

**WATERSHED:** Conner Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** A (Agricultural) / HP (Hillside Protection) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / HP (Hillside Protection) / PR (Planned Residential)

▶ **EXISTING LAND USE:** Vacant

▶ **PROPOSED USE:** Single Family Residential

**DENSITY PROPOSED:** 3.5 du/ac

**EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, LDR is adjacent to the property.

**HISTORY OF ZONING REQUESTS:** None noted.

**SURROUNDING LAND USE,** North: Single family residential - RR

PLAN DESIGNATION,  
ZONING South: Agricultural/forestry/vacant - RR

East: Single family residential, agricultural/forestry/vacant - LDR/AG

West: Single family residential - RR

NEIGHBORHOOD CONTEXT: The surrounding area consists primarily of a mix of recently developed single family residential subdivisions and large lot, agriculturally zoned properties. The area remains mostly rural, but is rapidly converting from agricultural, greenfield space into residential neighborhoods.

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**STAFF RECOMMENDATION:**

- ▶ **Adopt resolution #10-E-19-SP amending the Northwest County Sector Plan to LDR (Low Density Residential) per attached resolution, Exhibit A.**

Staff recommends LDR due to the increasing demand for housing in the Northwest County Sector because it has the fastest population growth rate in Knox County, due in part to the establishment of new schools and utilities in the community.

- ▶ **Approve PR (Planned Residential) up to 1.88 du/acre (Applicant requested 3.5 du/ac).**

Staff recommends approval of PR zoning with up to 1.88 du/acre due to the steep forested slopes that occur on approximately 77 acres of the property (See Exhibit B). The trend of PR zoning in the surrounding area ranges from 1.8 to 3 du/ac. However, the actual build out density of these developments range from 1.75 to 2.99 du/ac, so a recommendation of 1.88 du/ac is in the realm of the existing surrounding residential density.

**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. The Hardin Valley portion of the Northwest County Sector is the fastest growing part of Knox County.

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

1. Utilities have expanded into this area and the West Knox Utility District is in the process of completing a new treatment facility to serve this growing population.
2. New schools have been established, including the recently opened Hardin Valley Middle School.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There was not an obvious or significant error or omission in the plan.

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

1. The population of Hardin Valley is the fastest growing part of Knox County, demand for housing has increased significantly, especially since new schools were established for the area.

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:

1. 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.
2. 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.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (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. The population of the Northwest County Sector remains one of the fastest growing in Knox County.
2. Planned Residential (PR) zoning will ensure that the development of additional residential development at this site will address existing and forecasted conditions at this location.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE

**APPLICABLE ZONING ORDINANCE:**

1. The PR 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.
2. 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.

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. PR zoning will allow for review of a development plan to ensure that issues may be addressed via the use-on-review process.
2. The applicant will be required, as part of the use-on-review process, to submit a traffic impact study if the development meets or exceeds the 750-trip threshold.
3. Due to the size of the development, the applicant will likely be required to have two locations of access for development of the site. This should be determined in consultation with Planning and Knox County Engineering.
4. The applicant should initiate communication with Knox County Engineering and Knoxville-Knox County Planning regarding the overall access and design of the development prior to the submission of a development plan.

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. This PR rezoning of up to 1.88 du/ac is consistent with the accompanying staff recommended plan amendment to LDR.
2. This area is within the Rural Area of the Growth Policy Plan.
3. This rezoning is consistent with all other adopted plans.

ESTIMATED TRAFFIC IMPACT: 3795 (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: 167 (public school children, grades K-12)

Schools affected by this proposal: Hardin Valley Elementary, 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 11/18/2019. 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.



**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, Ball Homes, LLC has submitted an application to amend the Sector Plan from Agricultural to Low Density Residential, for property described in the application; and*

*WHEREAS, the Planning Commission staff recommends approval of a revised amendment to the Northwest County Sector Plan, 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 on October 10, 2019, 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 #10-E-19-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



# 10-H-19-RZ and 10-E-19-SP Exhibit B - Slope Analysis

For Rezoning Application

Staff Report - Slope Analysis: 10-H-19-RZ

9/16/2019

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	40.23	2.00	80.5
0-15% Slope	17.07	3.00	51.2
15-25% Slope	37.98	2.00	76.0
25-40% Slope	18.43	0.50	9.2
Greater than 40% Slope	1.67	0.20	0.3
Ridgetops	1.29	2.00	2.6
<b>Subtotal: Sloped Land</b>	<b>76.44</b>		<b>139.3</b>
<b>Maximum Density Guideline (Hillside &amp; Ridgetop Protection Plan)</b>	<b>116.67</b>	<b>1.88</b>	<b>219.8</b>
<b>Proposed Density (Applicant)</b>	<b>116.67</b>	<b>3.50</b>	<b>408.3</b>

From Hillside & Ridgetop Protection Plan, page 33

## LOW DENSITY AND RURAL RESIDENTIAL USES

### Density and Land Disturbance Guidelines

As proposals for changes to the zoning map and development plans/concept plans are considered, the following factors are recommended to determine the overall allowable density for residential rezonings and the overall land disturbance allowable in new development or subdivisions for those portions of parcels that are within the Hillside and Ridgetop Protection Area. These factors should be codified as regulations in the future. The areas of the Growth Policy Plan referenced below are presented on page 18.

**Table 3: Residential Density and Land Disturbance Guidelines**  
for Recommendations on Changes to the Zoning Map and Development Plan/  
Concept Plan Review within the Hillside and Ridgetop Protection Area  
that is within the Urban Growth and the Planned Growth Area

Percent of Slope	Recommended Maximum Density Factor*	Recommended Maximum Land Disturbance Factor**
0 - 15	Knox County: 5 du/a City of Knoxville: 6 du/a	100%
15 - 25	2 du/a	50%
25 - 40	0.5 du/a	20%
40 or more	0.2 du/a	10%
Ridgetops***	***	***

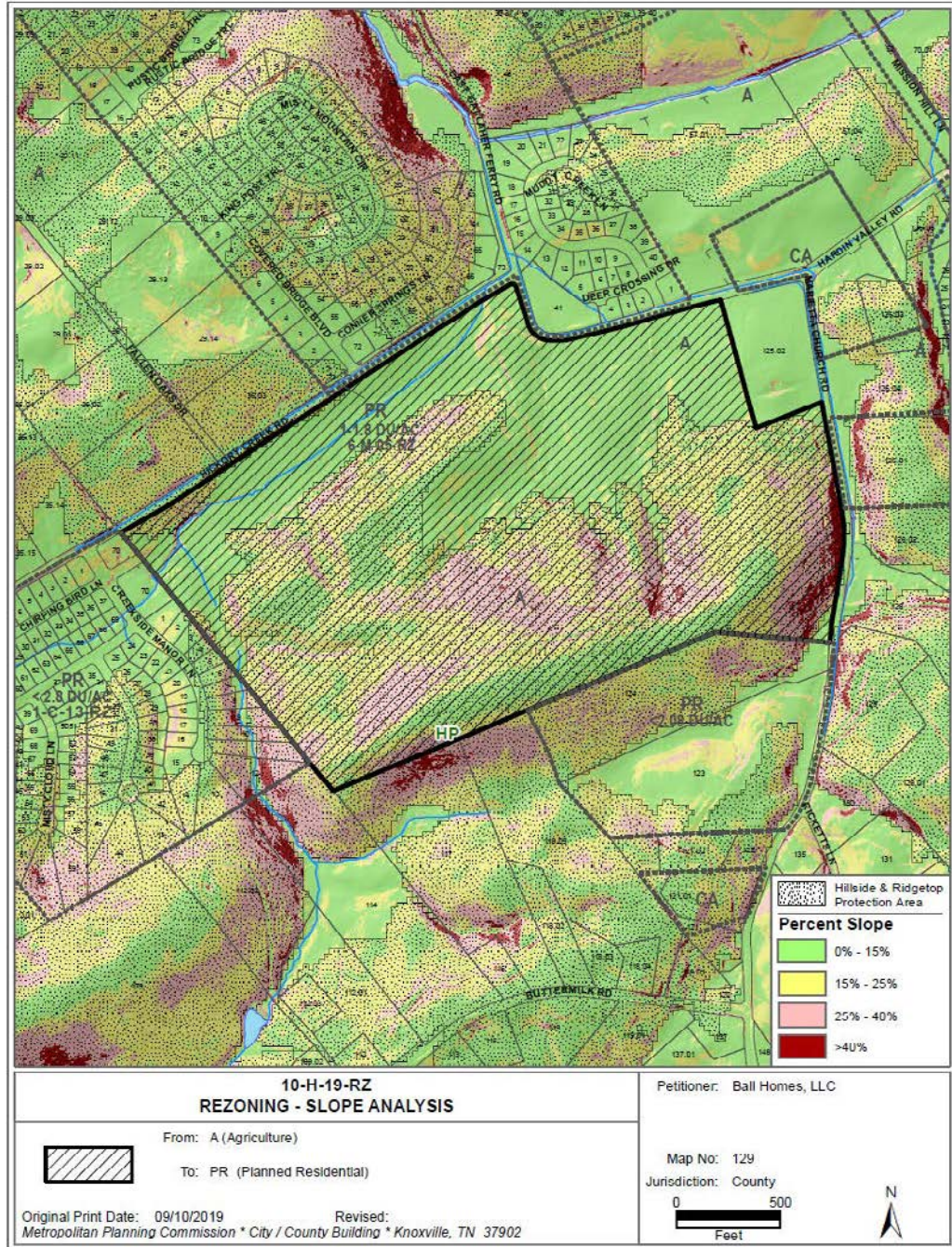
du/a: dwelling units per acre

\* These factors should be considered guidelines to determine an overall recommended residential density for requests for changes to the zoning map to planned residential (RP-1 in the city and PR in the county) zone districts that are considered by the Metropolitan Planning Commission prior to being considered by the appropriate legislative body. The resulting zone district development right would be considered a budget for dwelling units to be applied over the entire proposed development.

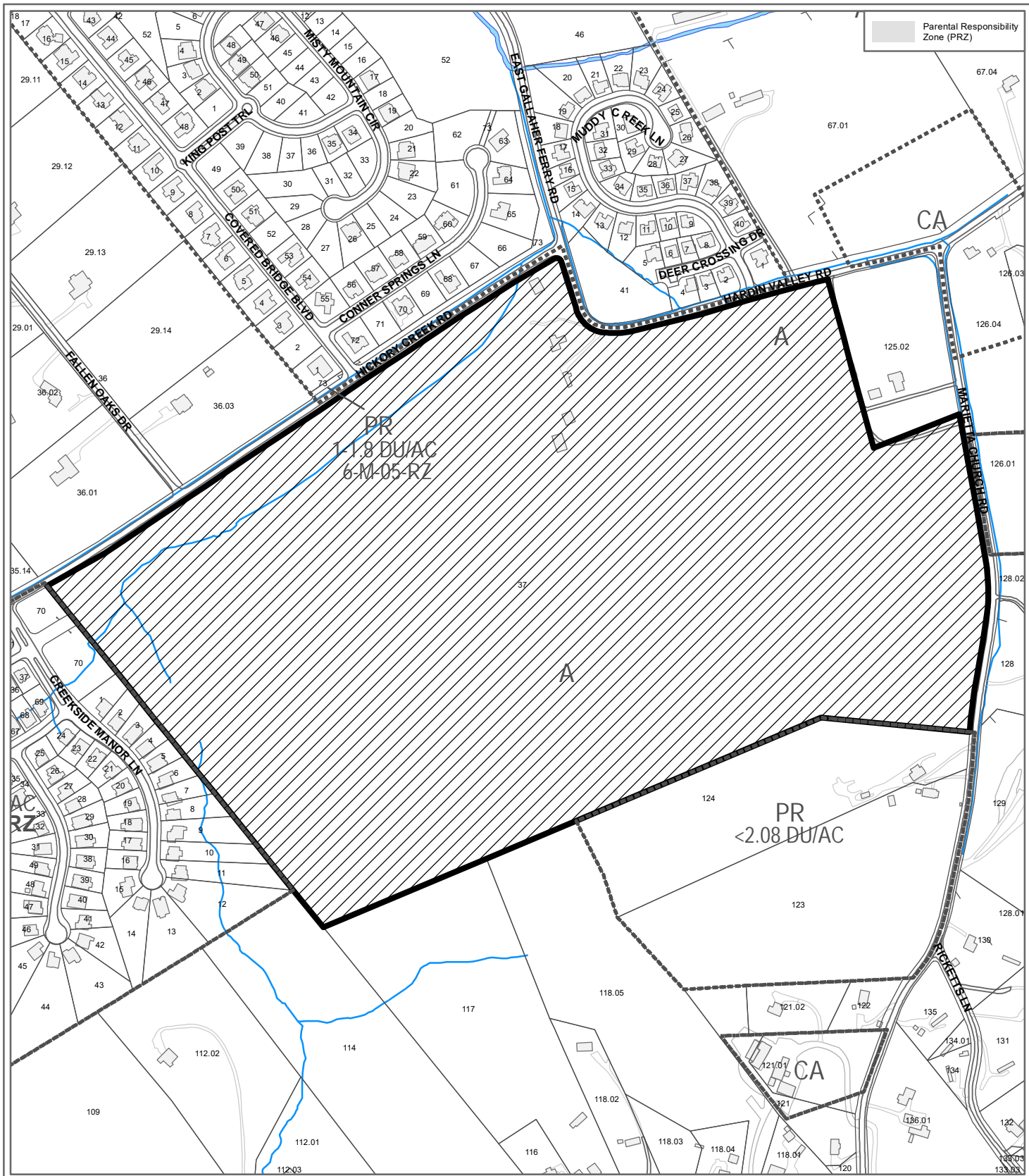
\*\* Until such time as regulations are codified by the appropriate legislative body, these factors should be considered guidelines to determine an overall recommended land disturbance area for development plans and concept plans that are considered for approval by the Metropolitan Planning Commission. The overall land disturbance area would be considered a budget for land disturbance to be applied over the entire proposed development.

\*\*\* Ridgetops are generally the more level areas on the highest elevations of a ridge. Because the shapes of Knox County ridges are so varied (see pages 8 - 9), the ridgetop area should be determined on a case-by-case basis with each rezoning and related development proposal.

The Knoxville Knox County Hillside and Ridgetop Protection Plan — 33



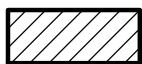




**10-H-19-RZ  
REZONING**

From: A (Agricultural)

To: PR (Planned Residential)



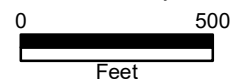
Original Print Date: 9/17/2019  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Revised:

Petitioner: Ball Homes, LLC

Map No: 129

Jurisdiction: County





# DEVELOPMENT REQUEST



## DEVELOPMENT

- Development Plan
- Use on Review / Special Use

## SUBDIVISION

- Concept Plan
- Final Plat

## ZONING Knoxville-Knox County Planning

- Plan Amendment
- Rezoning

Applicant: BALL Homes LLC.  
 Date Filed: 8/21/2019  
 Meeting Date (if applicable): 10/10/2019  
 File Number(s): 10-E-19-SP  
10-H-19-RZ

## CORRESPONDENCE

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

- Applicant
- Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Name: RYAN M. HICKEY Company: BALL Homes LLC.  
 Address: 1914 Pinnacle Pointe Way City: Knoxville State: TN Zip: 37922  
 Phone: 865-862-4774 Email: rthickey@ballhomes.com

## CURRENT PROPERTY INFO

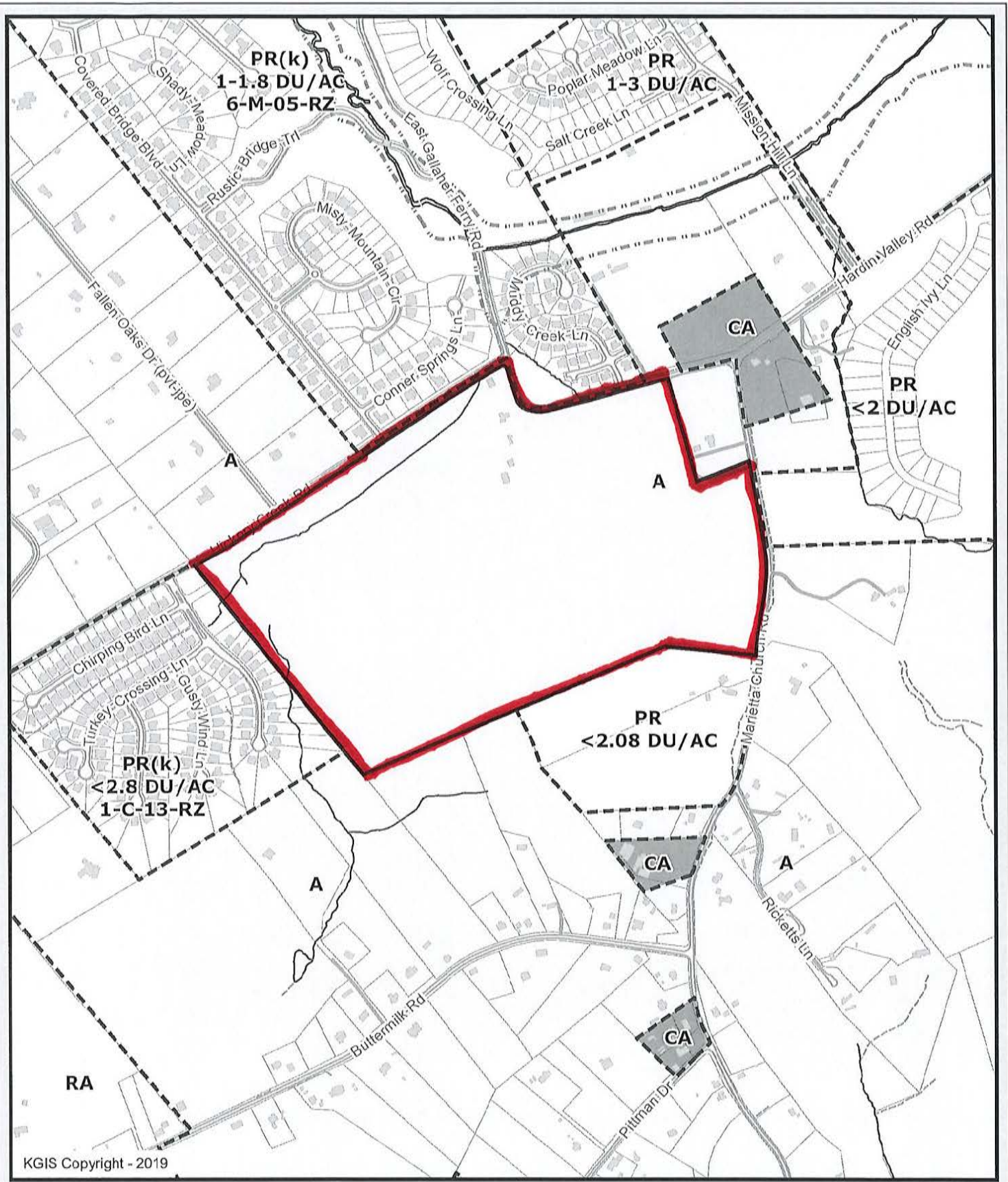
Owner Name (if different): LINDA SEAL BYRD Owner Address: PO Box 501, Loudon TN, 37774 Owner Phone: 865-458-9799  
 Property Address: 12140 HARDIN VALLEY Rd. Parcel ID: 129 037  
 General Location: HARDIN VALLEY / Hickory Creek Intersection Tract Size: 117 ACRES  
 Jurisdiction (specify district above): Comm. District 6  City  County Zoning District: A  
 Planning Sector: NW county Sector Plan Land Use Classification: AG Growth Policy Plan Designation: RURAL  
 Existing Land Use: VACANT Septic (Y/N): N Sewer Provider: WKUD Water Provider: WKUD











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### Letter Portrait



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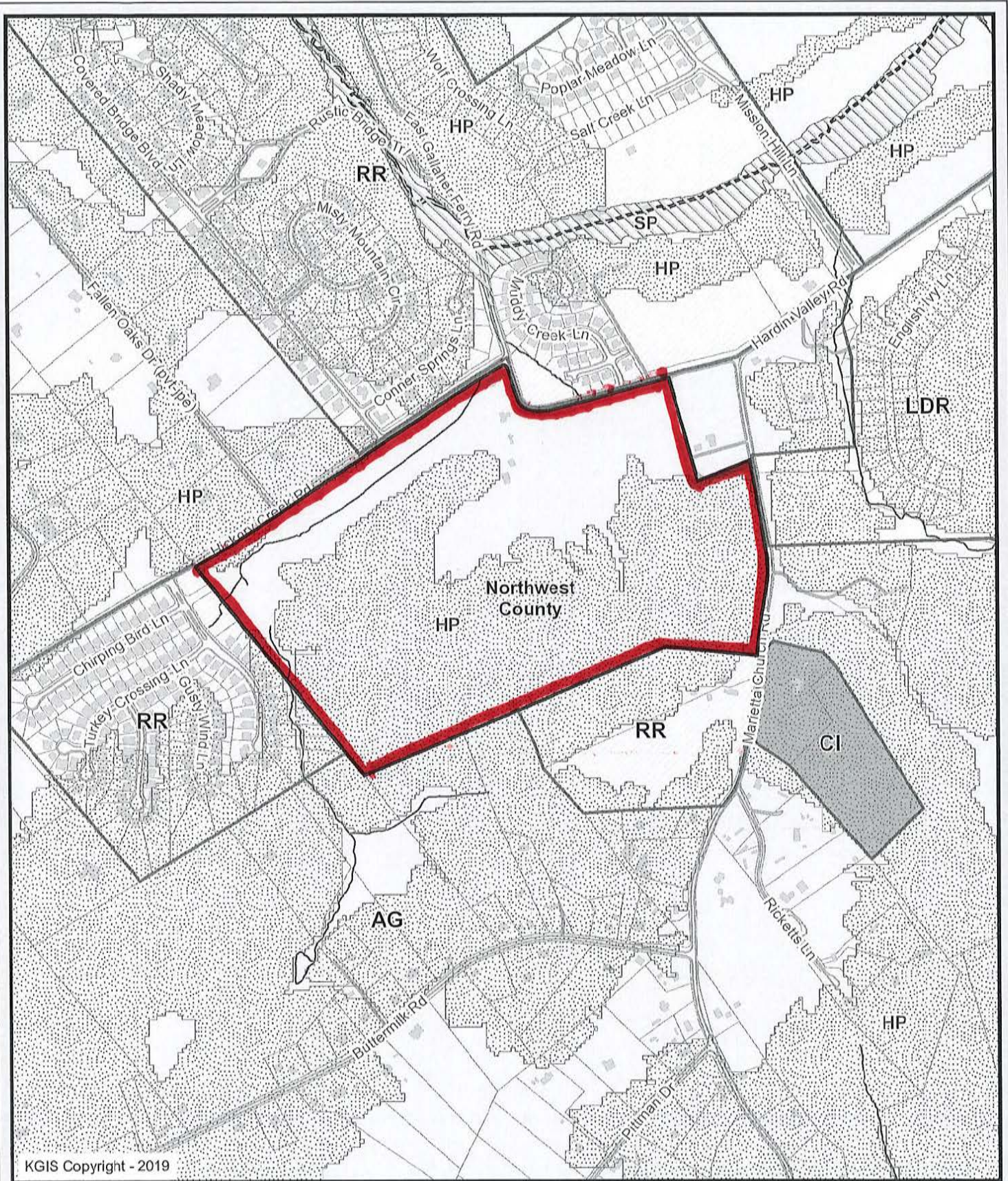
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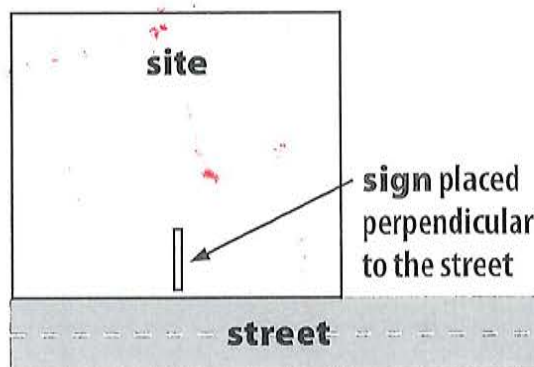
## REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC Administrative Rules and Procedures.

At the time of application, MPC staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the MPC offices. The applicant will be charged a fee of \$10 for each replacement sign.

### LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. MPC staff may recommend a preferred location for the sign to be posted at the time of application.



### TIMING

The sign(s) must be posted 15 days before the scheduled MPC 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 15 days before the next MPC meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

9/25/19 and 10/11/19  
(15 days before the MPC meeting) (the day after the MPC meeting)

Signature: RmH

Printed Name: RYAN M. HUCKEY

Phone: 865-985-6705 Email: rhuckey@bullhomes.com

Date: 8/21/2019

MPC File Number: 10-E-19-SP 10-H-19-R2