



# PLAN AMENDMENT/ REZONING REPORT

► **FILE #:** 12-K-21-RZ  
12-B-21-SP

**AGENDA ITEM #:** 18  
**AGENDA DATE:** 12/9/2021

► **APPLICANT:** BALL HOMES, LLC  
**OWNER(S):** Estate of Kathleen H. Davis

**TAX ID NUMBER:** 129 035 [View map on KGIS](#)

**JURISDICTION:** Commission District 6

**STREET ADDRESS:** 2205 West Gallaher Ferry Rd.

► **LOCATION:** North side of Hickory Creek Road, west side of West Gallaher Ferry Road

► **TRACT INFORMATION:** 23.8 acres.

**SECTOR PLAN:** Northwest County

**GROWTH POLICY PLAN:** Rural Area

**ACCESSIBILITY:** Access is via Hickory Creek Road, a minor arterial with a pavement width of 23-ft within a right-of-way of 60-ft. Access is also via West Gallaher Ferry Rd, a local street with a right-of-way of 50-ft.

**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:** RR (Rural Residential) & HP (Hillside Protection) / PR (Planned Residential)

► **EXISTING LAND USE:** Agriculture/forestry/vacant

► **DENSITY PROPOSED:** up to 4 du/ac

**EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, PR (Planned Residential) is across the street.

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

**SURROUNDING LAND USE, PLAN DESIGNATION,** North: Agriculture/forestry/vacant / AG (Agricultural), HP (Hillside Protection) / A (Agricultural)

**ZONING** South: Agriculture/forestry/vacant, single family residential / AG (Agricultural), RR (Rural Residential) / A (Agricultural), PR (Planned Residential)

East: Agriculture/forestry/vacant, rural residential, single family residential / AG (Agricultural), HP (Hillside Protection) / A (Agricultural)

West: Agriculture/forestry/vacant, rural residential / AG (Agricultural), HP

(Hillside Protection) / A (Agricultural), PR (Planned Residential)

NEIGHBORHOOD CONTEXT: This part of Hardin Valley is largely comprised of large lot agricultural zoned properties that have been transitioning to single family residential neighborhoods in the last decade as sewer service has been extended into the area.

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**STAFF RECOMMENDATION:**

- ▶ **Approve the Northwest County Sector Plan amendment to RR (Rural Residential) and HP (Hillside Protection) because it is consistent with the Growth Policy Plan.**
  
- ▶ **Approve PR (Planned Residential) zoning up to 3 du/ac because it is consistent with the Growth Policy Plan.**

**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 West Knox Utility District has recently added a new wastewater treatment facility to expand capacity in the Northwest County Sector.

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

1. There have been no new road improvements in this area.
2. There has been a recently completed expansion of wastewater capacity in this area by the West Knox Utility District and a new middle school built for the Hardin Valley community by Knox County Schools. A study for forthcoming electrical line improvements by the West Knox Utility District and TVA is also underway.
3. While utility infrastructure does support additional residential growth in the area, the adopted Growth Policy Plan does not support residential densities greater than 3 du/ac, thus the Rural Residential is the maximum residential land use classification that staff can support at this location.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no obvious or significant errors or omissions in the plan regarding these parcels. The 2016 update of the Northwest County Sector Plan took into consideration that this area is within the Rural Area of the Growth Policy Plan, which is intended to remain rural through limiting residential density growth and development of commercial and industrial land uses.
2. The property is forested with some steep slopes and there are closed depressions visible on the topographical map for the property which may indicate the presence of sinkholes.

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

1. The Rural Residential land use classification allows consideration of additional residential density at this location up to 3 dwelling units per acre and the majority of the surrounding residential densities are within that range as well.

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. The West Knox Utility District has recently added a new wastewater treatment facility to expand capacity in the Northwest County Sector.
2. New electrical transmission lines are being planned for this area by TVA to accommodate the growth and development in the Hardin Valley area.

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

1. The proposed amendment to PR zoning 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. If PR up to 3 du/ac is approved a possible total build-out of 71 single family residential dwelling units may be accommodated on the site.
2. A Transportation Impact Letter was not required because this area of Hardin Valley Road has recently been studied through three traffic impact letters submitted as part of three rezonings and plan amendments for property for cases 1-G-21-RZ/1-G-21-SP, 5-F-21-RZ, and 6-E-21-RZ / 6-B-21-SP.
3. Forested steep slopes and the potential presence of sinkholes warrant careful consideration of development intensity on this property.

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 staff recommended rezoning to PR up to 3 du/ac is consistent with the recommended plan amendment to RR (Rural Residential) for the Northwest County Sector Plan at this location and the Growth Policy Plan.

ESTIMATED TRAFFIC IMPACT: 992 (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.

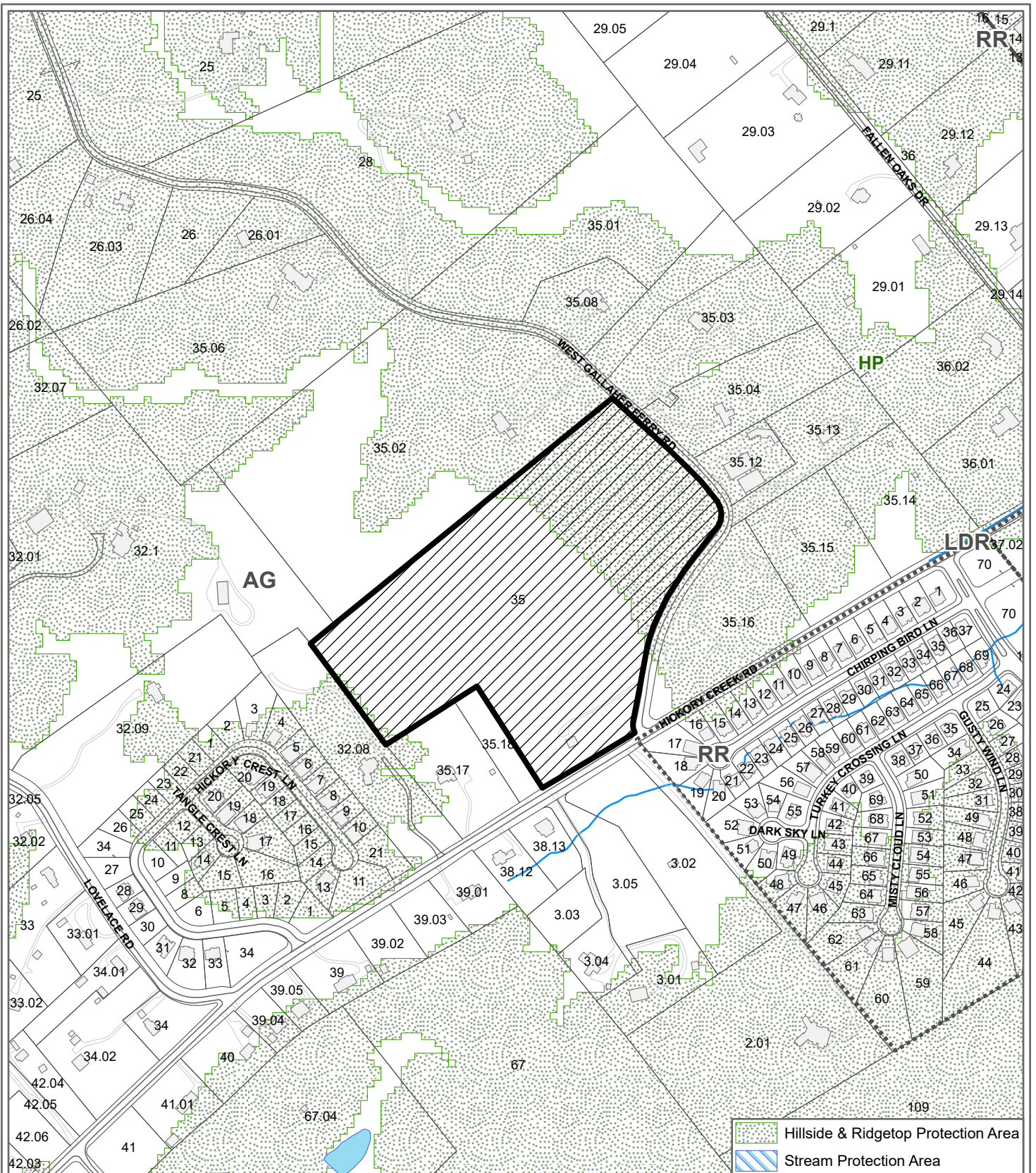
ESTIMATED STUDENT YIELD: 39 (public school children, grades K-12)

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 1/24/2022. 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.

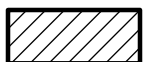




# **12-B-21-SP / 12-K-21-RZ** **NORTHWEST COUNTY SECTOR PLAN AMENDMENT**

From: A (Agricultural) & HP (Hillside Protection)

To: RR (Rural Residential) & HP (Hillside Protection)

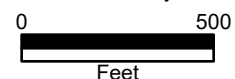


Original Print Date: 11/15/2021 Revised:  
 Knoxville - Knoxville Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Ball Homes, LLC

Map No: 129

Jurisdiction: 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 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 and Hillside Protection Overlay to Rural Residential and Hillside Protection 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 December 9, 2021, 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 #12-B-21-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.

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Date

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Chairman

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Secretary



CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Non-Hillside	17.30	100%	17.3
0-15% Slope	6.78	100%	6.8
15-25% Slope	1.13	50%	0.6
25-40% Slope	0.08	20%	0.0
Greater than 40% Slope	0.00	10%	0.0
Ridgetops	0		
Subtotal: Sloped Land	7.99	Recommended disturbance budget within Hillside Protection Area (acres)	7.4
Total Acreage	25.29		24.7

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	17.30	2.00	34.6
0-15% Slope	6.78	2.00	13.6
15-25% Slope	1.13	2.00	2.3
25-40% Slope	0.08	0.50	0.0
Greater than 40% Slope	0.00	0.20	0.0
Ridgetops	0	0.00	0.0
Subtotal: Sloped Land	7.99		15.9
Maximum Density Guideline (Hillside & Ridgetop Protection Plan)	25.29	2.00	50.5
Proposed Density (Applicant)	25.29	4.00	101.2

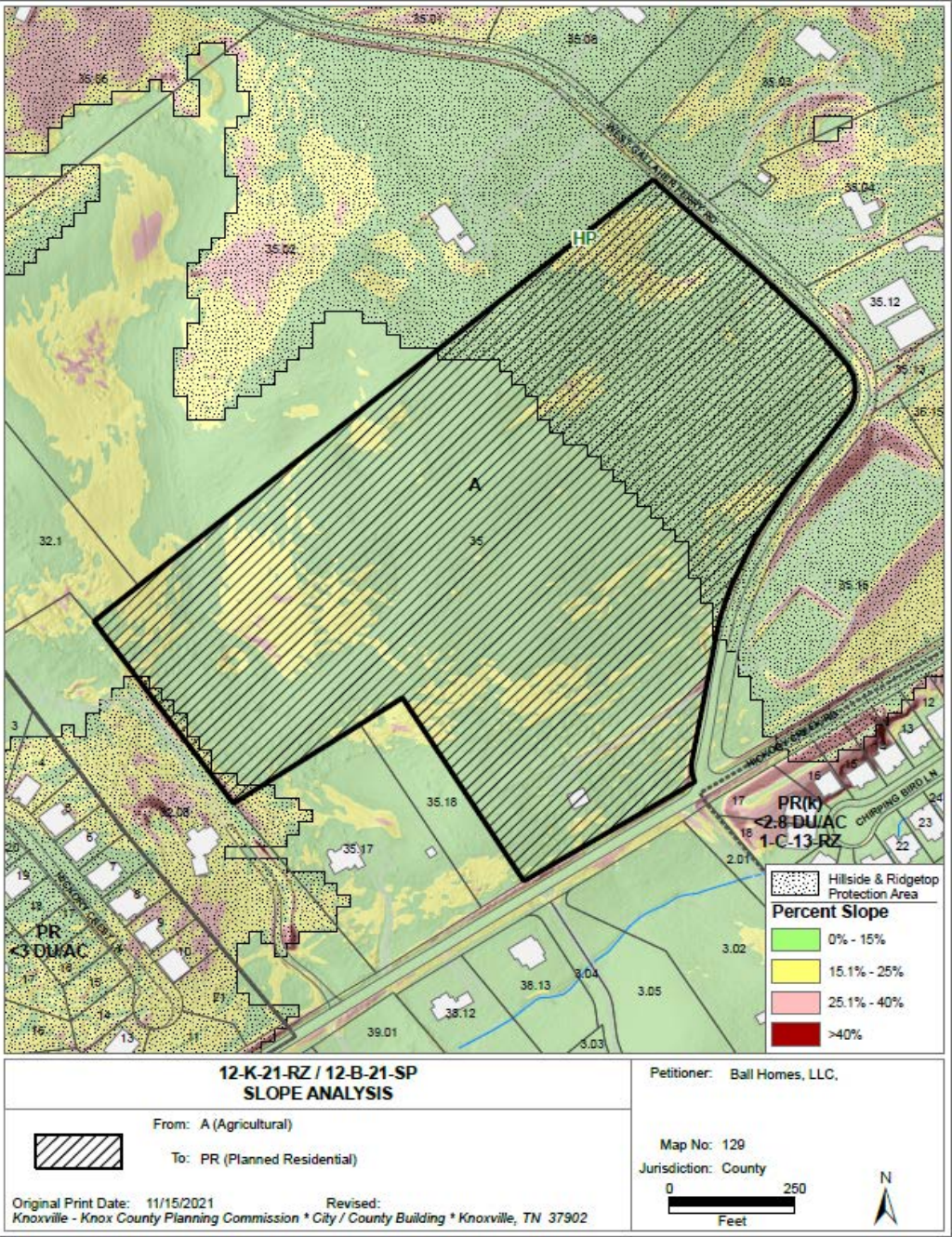




Exhibit B. 12-K-21-RZ / 12-B-21-SP Contextual Images

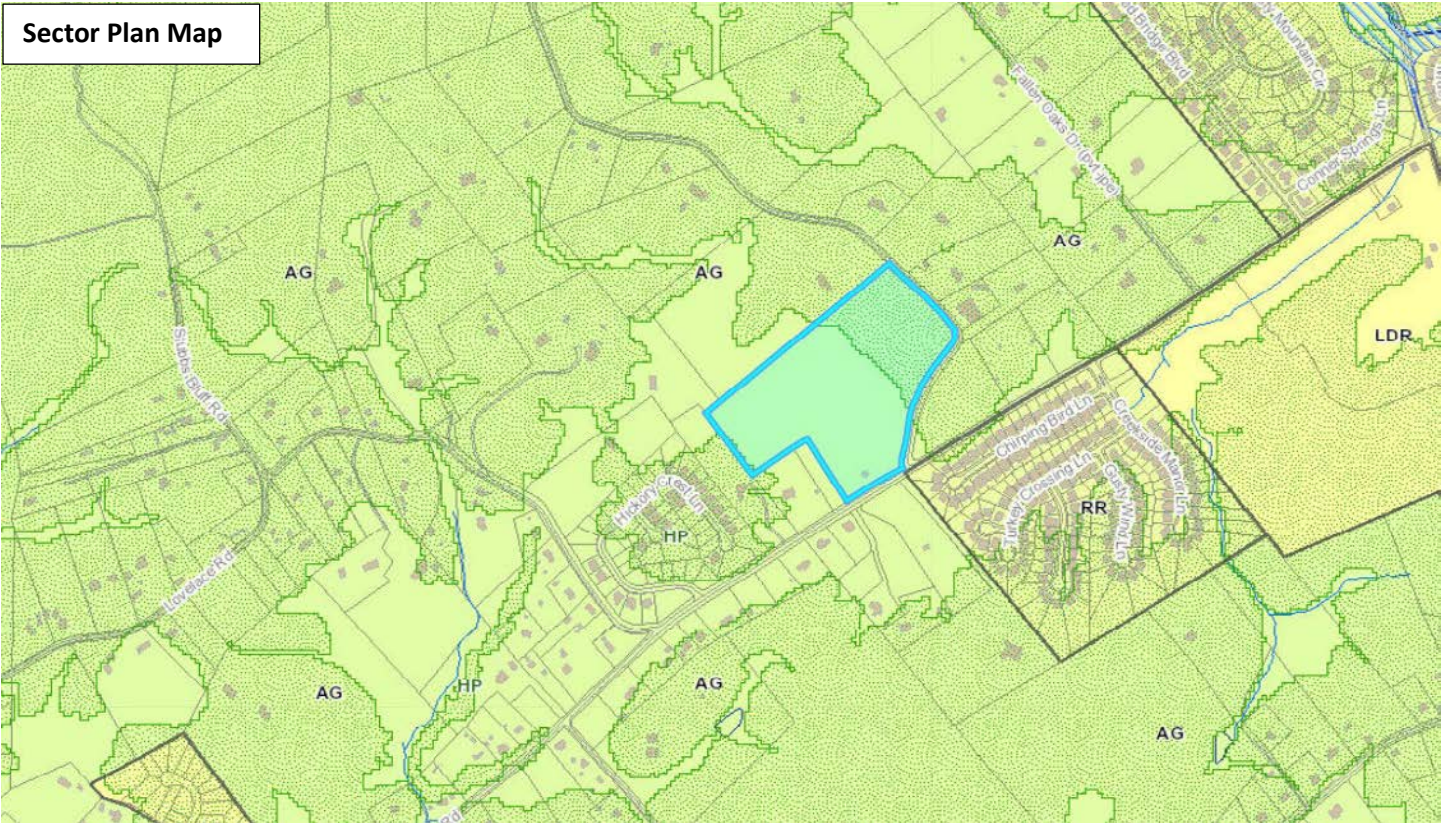
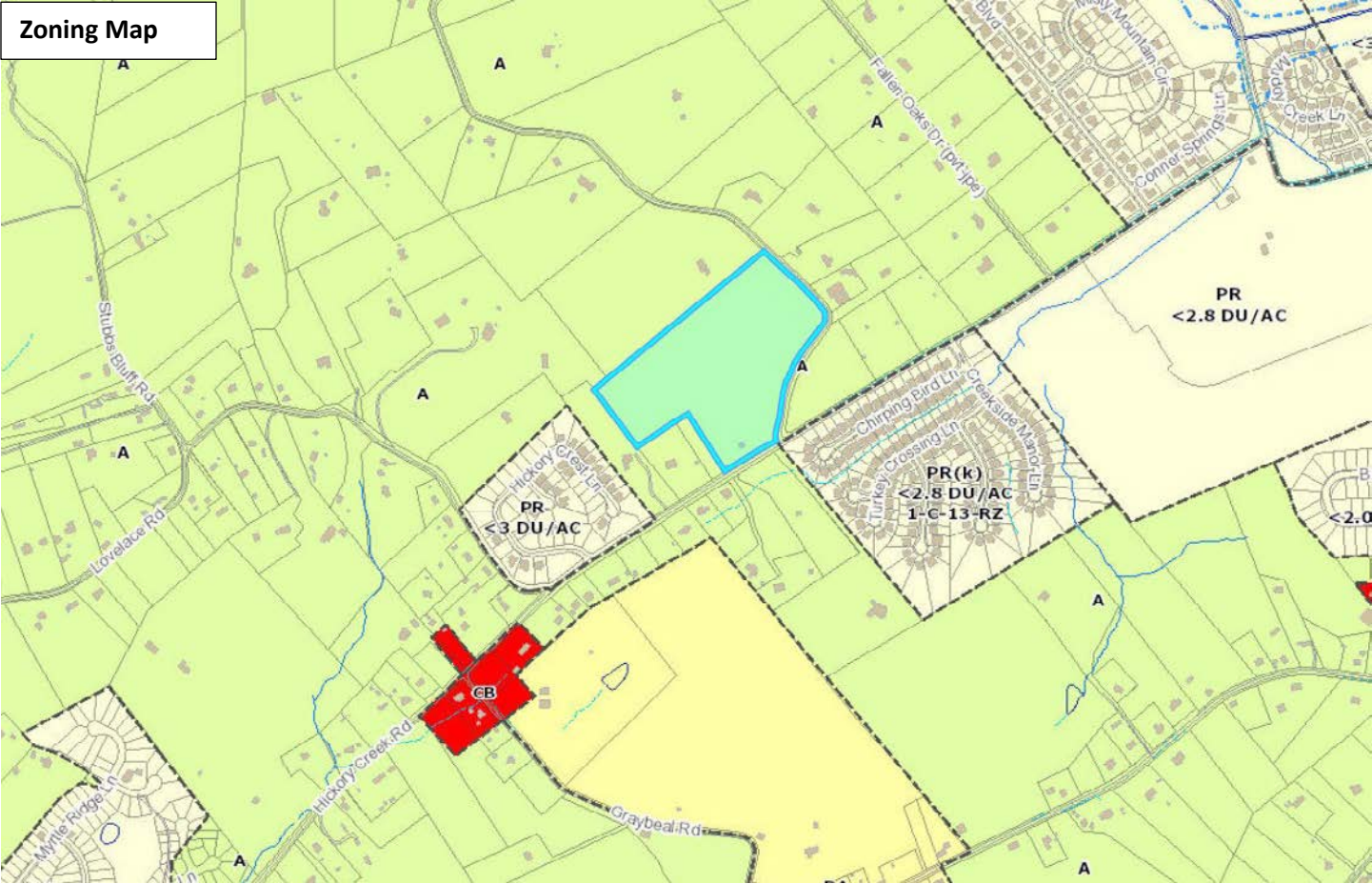




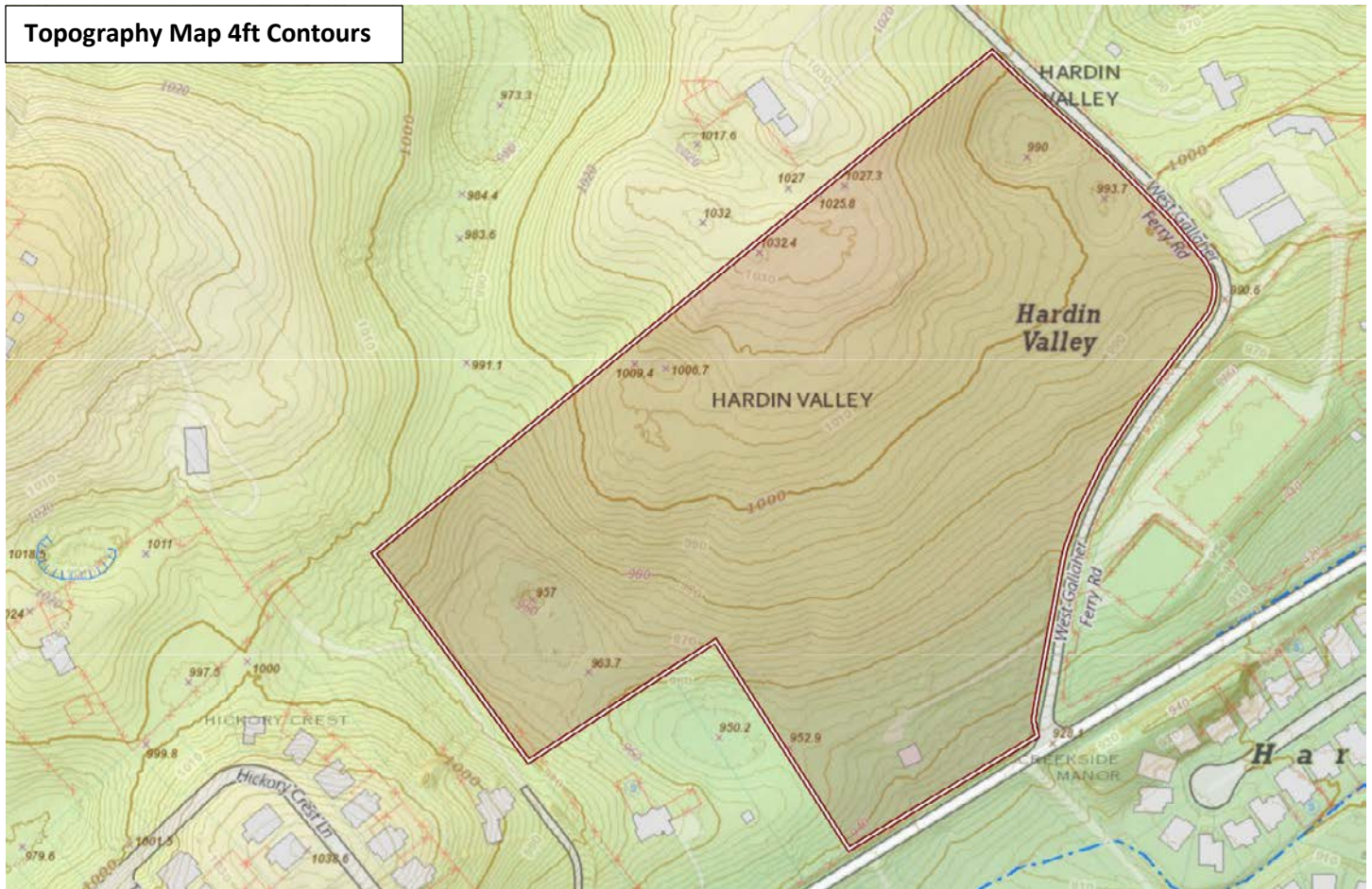
Exhibit B. 12-K-21-RZ / 12-B-21-SP Contextual Images





## Exhibit B. 12-K-21-RZ / 12-B-21-SP Contextual Images

Topography Map 4ft Contours





# 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

Ball Homes LLC

Contract Holder

Applicant Name

Affiliation

11/1/2021

12/9/2021

File Number(s)

Date Filed

Meeting Date (if applicable)

12-K-21-RZ  
12-B-21-SP

## 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

Ryan M. Hickey

Ball Homes LLC

Name

Company

1914 Pinnacle Pointe Way

Knoxville

Tn

37922

Address

City

State

ZIP

865-862-4774

rhipkey@ballhomes.com

Phone

Email

## CURRENT PROPERTY INFO

Estate of Kathleen H Davis

2409 W Gallaher Ferry Rd. Knoxville 37932

Owner Name (if different)

Owner Address

Owner Phone

2205 West Gallaher Ferry Rd. Knoxville 37932

129 035

Property Address

Parcel ID

WKUD

WKUD

N

Sewer Provider

Water Provider

Septic (Y/N)

## STAFF USE ONLY

North side Hickory Creek Rd, west side  
West Gallaher Ferry Rd.

23.80 acres

General Location

Tract Size

☐ City ☒ County

District

Zoning District

Existing Land Use

Northwest County

A&HP

Rural Area

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 ChangeProposed Zoning PR☒ Plan Amendment ChangeProposed Plan Designation(s) PR & HPProposed Density (units/acre) 1.00 DU/AcrePrevious Rezoning Requests None Known☐ 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

0325 | 1790.00

Fee 2

X2 | 3580.00Double Fee

Fee 3

0527 | 800.00X2 | 1600.00Double Fee\$5780.00**AUTHORIZATION**

By signing below, I certify I am the property owner, applicant or the owners authorized representative.

[Signature]

Ball Homes LLC

11/1/2021

Applicant Signature

Please Print

Date

865-862-4774stickey@ballhomes.com

Phone Number

Email

[Signature]Sherry Muchienzi

Staff Signature

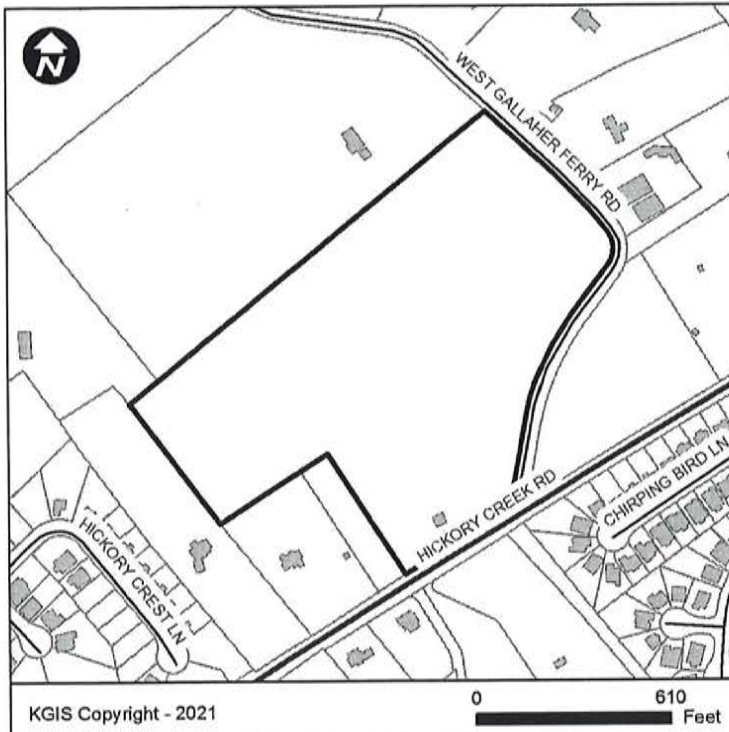
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11/1/21 sum

Date



## Parcel 129 035 - Property Map and Details Report



### Property Information

Parcel ID: 129 035  
Location Address: 2205 WEST GALLAHER FERRY RD  
CLT Map: 129  
Insert:  
Group:  
Condo Letter:  
Parcel: 35  
Parcel Type: NORMAL  
District: W6  
Ward:  
City Block:  
Subdivision: GREENBELT APP #A-3347  
Rec. Acreage: 0  
Calc. Acreage: 23.80  
Recorded Plat: -  
Recorded Deed: 20060929 - 0028068  
Deed Type: Legal Document:  
Deed Date: 9/29/2006

### Address Information

Site Address: 2205 WEST GALLAHER FERRY RD  
KNOXVILLE - 37932  
Address Type: DWELLING, SINGLE-FAMILY  
Site Name:  
Please contact Knoxville-Knox County Planning at (865) 215-2500 if you have questions.

### Jurisdiction Information

County: KNOX COUNTY  
City / Township:

### Political Districts

Voting Precinct: 62  
Voting Location: Hardin Valley School  
11445 HARDIN VALLEY RD  
TN State House: 89 Justin Lafferty  
TN State Senate: 5 Randy McNally  
County Commission: 6 Terry Hill  
(at large seat 10) Larsen Jay  
(at large seat 11) Justin Biggs  
School Board: 6 Betsy Henderson  
Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

### Owner Information

DAVIS KATHLEEN H  
2409 W GALLAHER FERRY RD  
KNOXVILLE, TN 37932

The owner information shown in this section does **not** necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the Knox County Property Assessor's office at (865) 215-2365.

**Important Note:** Owner information on this report reflects data entered into the Property Assessor's System as of Aug. 6, 2021. The Property Assessor's Office is undergoing a major software system upgrade and owner information has yet to be updated on KGIS. For the most accurate owner information on any recent ownership transfer please contact the Property Assessor's Office at 865-215-2365.

### Other Information

Census Tract:  
Planning Sector: Northwest County  
Please contact Knoxville-Knox County Planning at (865) 215-2500 if you have questions.

### School Zones

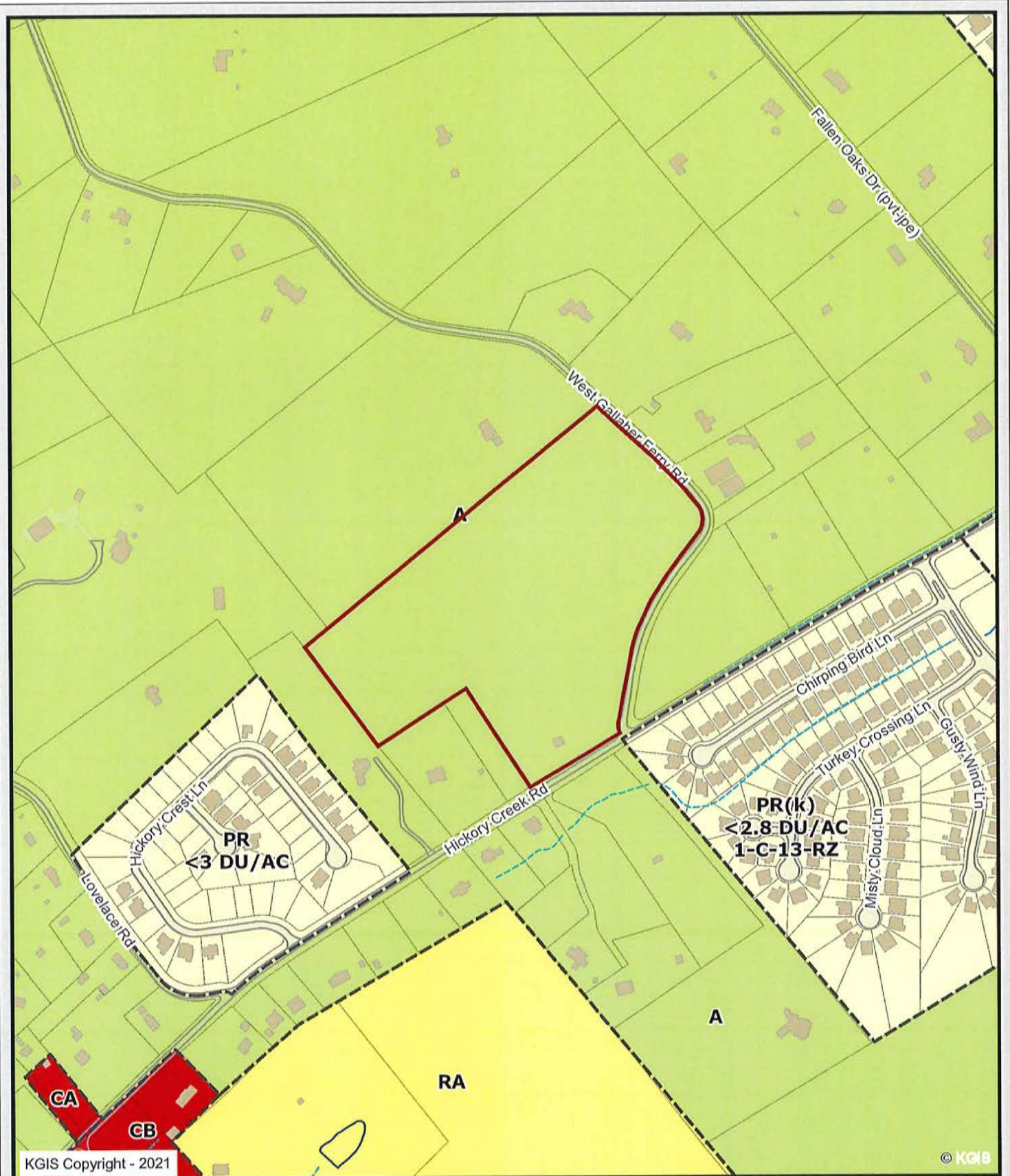
Elementary: HARDIN VALLEY ELEMENTARY  
Intermediate:  
Middle: HARDIN VALLEY MIDDLE  
High: HARDIN VALLEY ACADEMY

Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

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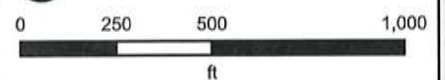


2205 W. Gallaher Ferry Rd. - zoning

Knoxville - Knox County - KUB Geographic Information System

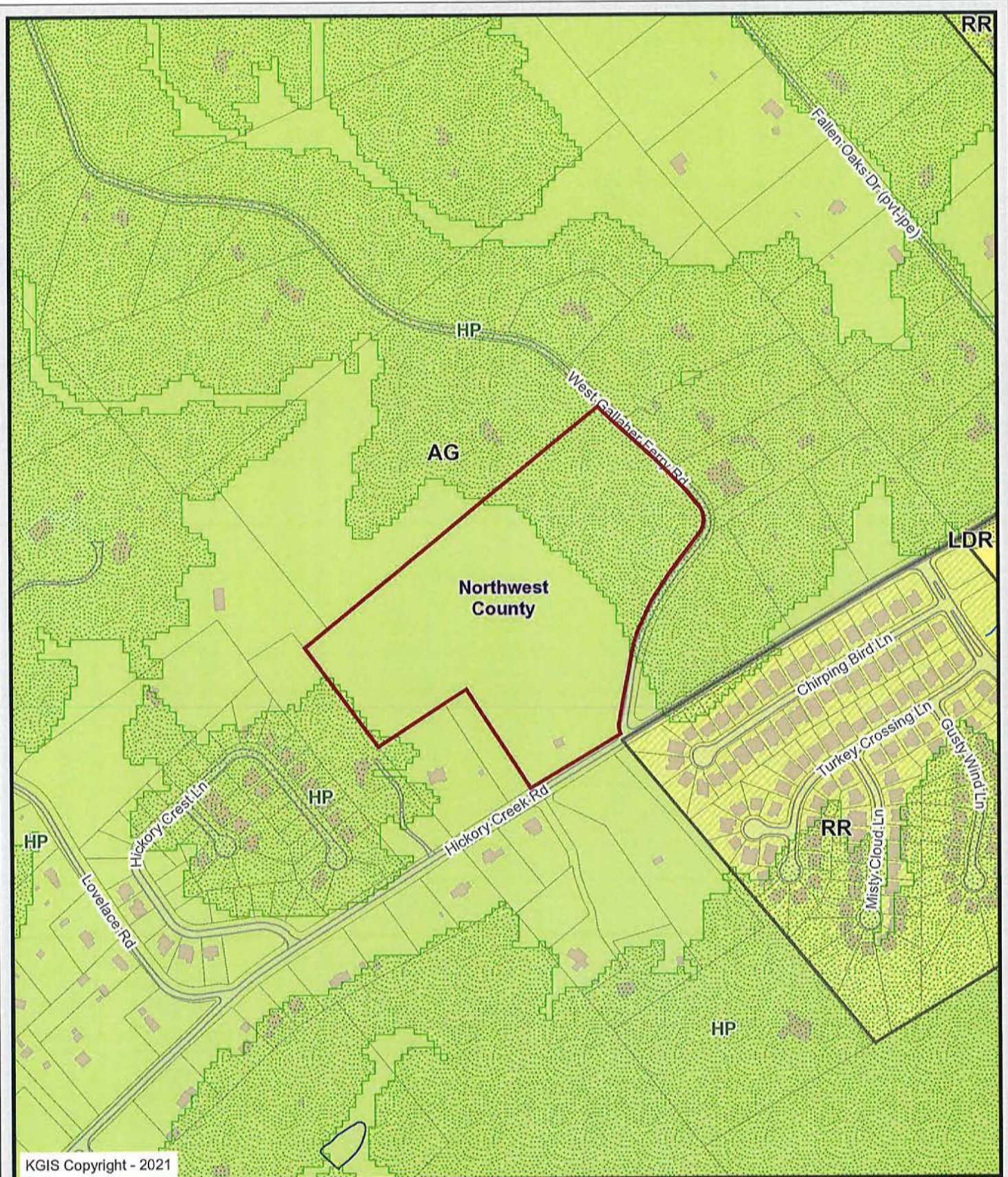


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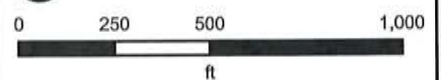


## 2205 W. Gallaher Ferry Rd. - sector

Knoxville - Knox County - KUB Geographic Information System



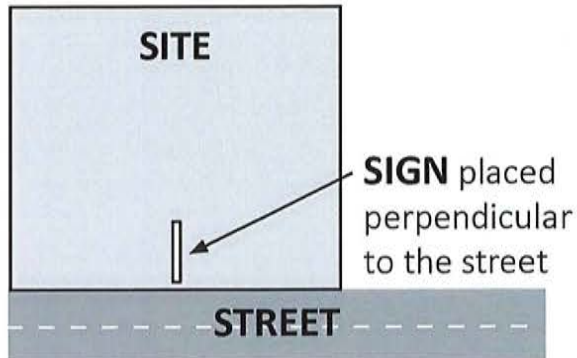
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The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, 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:*

Nov. 24th and Dec 10th  
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Ball Homes Rmkt

Date: 12-01-21

File Number: 12-K-21-RZ  
12-B-21-SP

☐

Sign posted by Staff

☒

Sign posted by Applicant