

# REZONING REPORT

▶ **FILE #:** 9-A-21-RZ

**AGENDA ITEM #:** 10

**AGENDA DATE:** 9/9/2021

▶ **APPLICANT:** VICTOR JERNIGAN

OWNER(S): Elbert E & Barbara L Griffith

TAX ID NUMBER: 91 77.01

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 0 Ball Rd.

▶ **LOCATION:** **Northside of Ball Road, northeast of Ball Camp Pike, west of Lobetti Road**

▶ **APPX. SIZE OF TRACT:** **19.31 acres**

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Ball Road, a major collector with a pavement width of 20-ft within a right-of-way width of 60-ft.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT ZONING:** **RA (Low Density Residential)**

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

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

▶ **DENSITY PROPOSED:** **up to 5 du/ac**

EXTENSION OF ZONE: No

HISTORY OF ZONING: 4-N-80-RZ: A to RA

SURROUNDING LAND USE AND ZONING: North: Agriculture/forestry/vacant - RA (Low Density Residential)

South: Rural residential - A (Agricultural)

East: Agriculture/forestry/vacant, single family residential, rural residential - RA (Low Density Residential)

West: Agriculture/forestry/vacant, single family residential - RA (Low Density Residential)

NEIGHBORHOOD CONTEXT: This area is within 500-ft of the forthcoming Schaad Road extension improvements, and a large area zoned for a mix of planned residential and planned commercial development, as part of the Hines Valley/Amherst mixed use special district.

**STAFF RECOMMENDATION:**

▶ **Approve PR (Planned Residential) zoning up to 3 du/ac zoning because it is consistent with the sector plan.**

**COMMENTS:**

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 Schaad Road extension improvements will extend through this area soon. The area is transitioning from large lot agricultural to smaller lot residential neighborhoods as the Hines Valley Mixed Special District described in the Northwest County Sector Plan develops.
2. Planned residential and planned commercial zoning have been approved for areas around the forthcoming Schaad Road extension improvements.

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 property is within the Planned Growth Area of Knox County. Surrounding residential properties are mostly zoned A (Agricultural), RA (Low Density Residential) and PR (Planned Residential). Residential developments with smaller lot sizes and densities up to 4 du/ac are primarily to the south, east and west of the site.
2. Built at the requested 5 du/ac, the development could accommodate up to 100 single family homes. Built at the recommended 3 du/ac, the development could accommodate up to 60 single family homes. These are basic calculations that do not account for road infrastructure or stormwater facilities.
3. The parcel has access to sewer lines.
4. Although a portion of the site is within the HP (Hillside Protection) overlay land use classification approximately 11.2 acres are outside of this area, and the PR zone district will allow flexibility in design to accommodate the environmental conditions of the site. The southern side of the property adjacent to Ball Road is the flattest portion of the site with the northern portion of the property climbing up to Beaver Ridge where slopes are in excess of 25 percent slope.

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 Northwest County Sector Plan's LDR (Low Density Residential) designation supports up to 5 du/ac in the County's Planned Growth Areas. However, staff believes 3 du/ac to be a better balance between the sector plan and existing development on the north side of Ball Road at this location.
2. The proposed amendment is consistent with all other adopted plans.

ESTIMATED TRAFFIC IMPACT: 1040 (average daily vehicle trips)

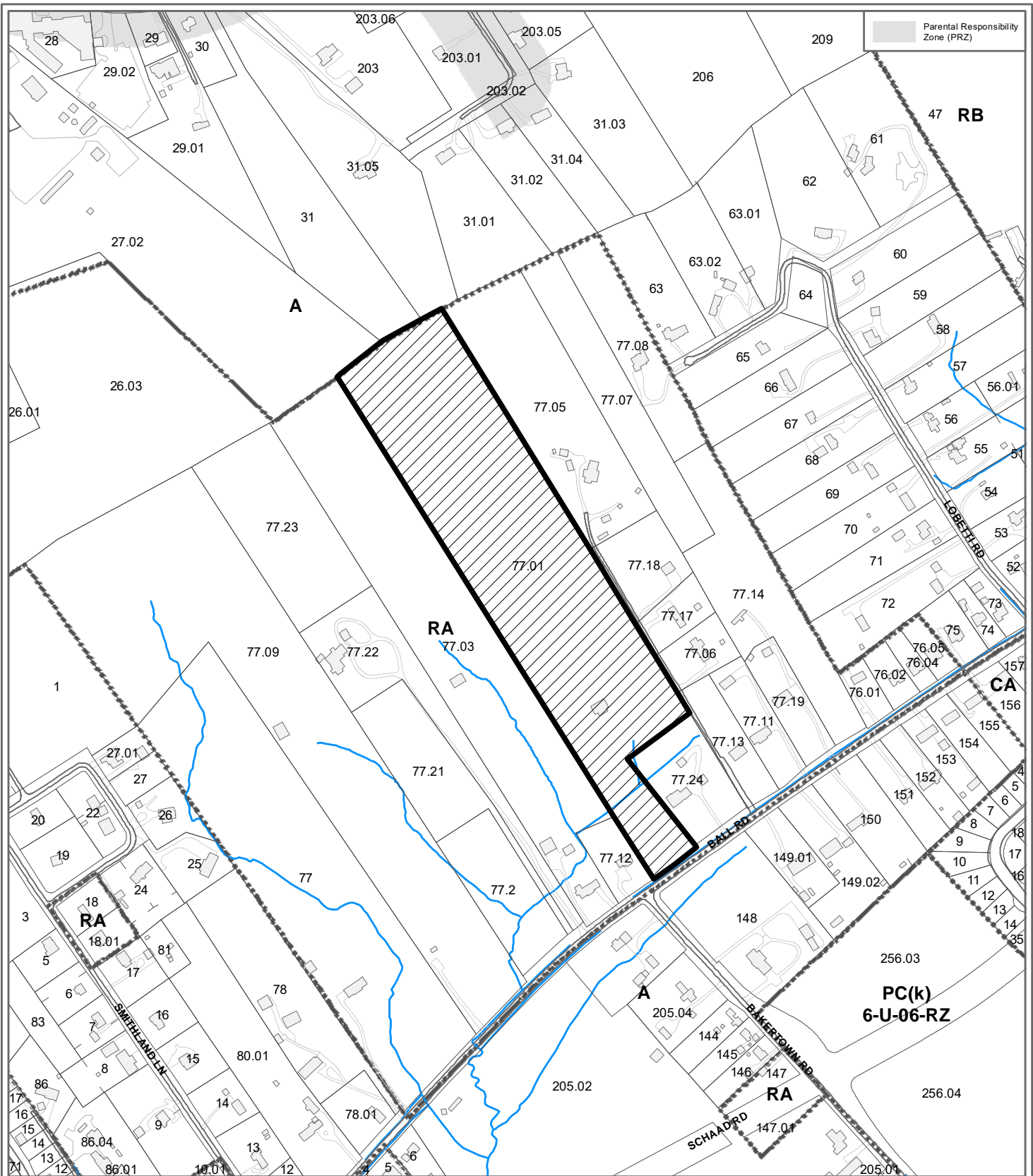
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 41 (public school children, grades K-12)

Schools affected by this proposal: Amherst Elementary, Karns Middle, and Karns High.

- 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 10/25/2021. 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.



**9-A-21-RZ  
REZONING**

From: RA (Low Density Residential)

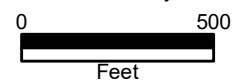
To: PR (Planned Residential)



Petitioner: Jemigan, Victor

Map No: 91

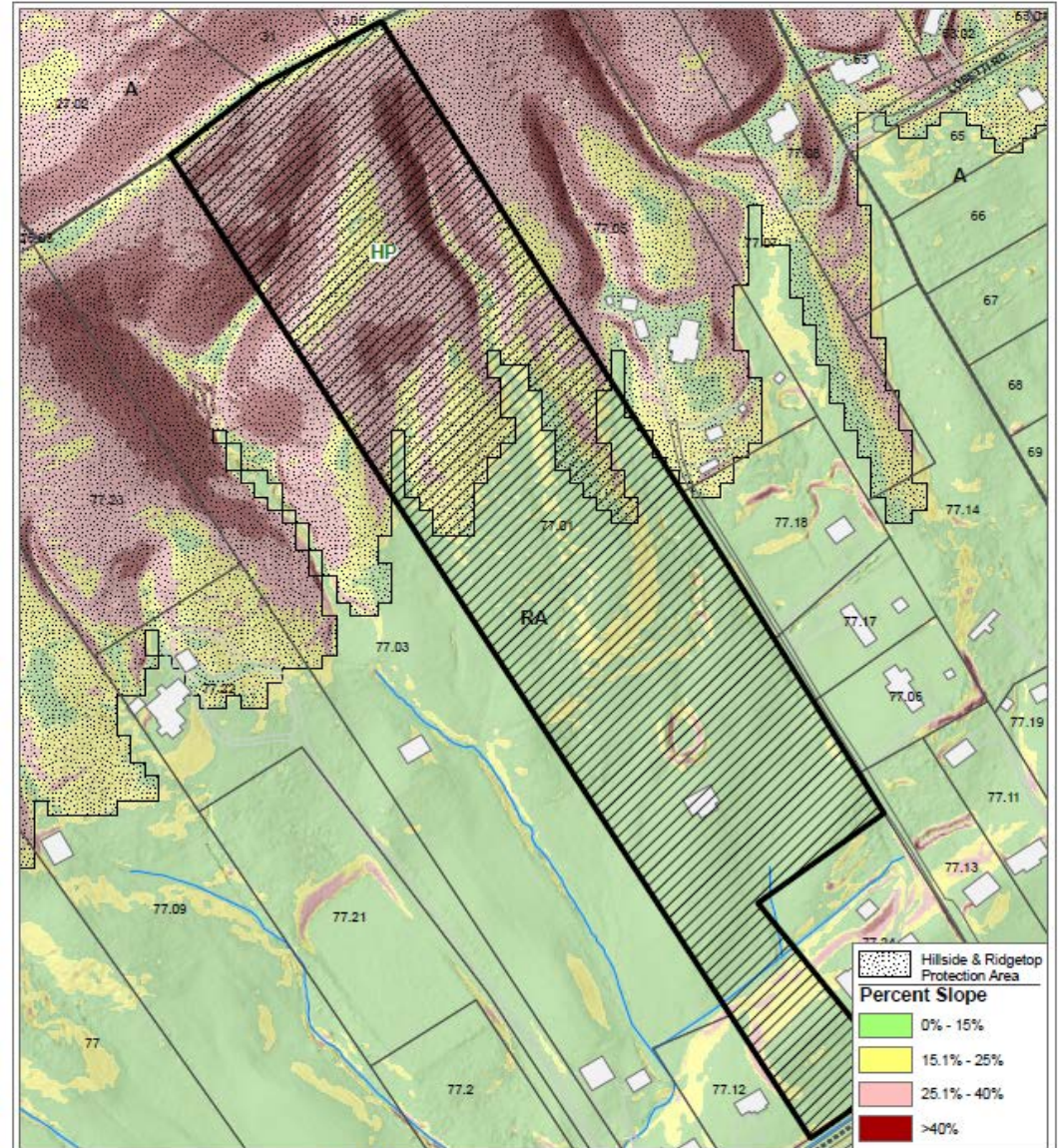
Jurisdiction: County



Original Print Date: 8/4/2021  
 Revised:  
 Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Non-Hillside	11.23	100%	11.2
0-15% Slope	0.45	100%	0.5
15-25% Slope	2.39	50%	1.2
25-40% Slope	3.68	20%	0.7
Greater than 40% Slope	2.30	10%	0.2
Ridgetops	0		
<b>Subtotal: Sloped Land</b>	<b>8.82</b>	<i>Recommended disturbance budget within Hillside Protection Area (acres)</i>	<b>2.6</b>
<b>Total Acreage</b>	<b>20.05</b>		<b>13.8</b>

CATEGORY	ACRES	RECOMMENDED DENSITY (Dwelling Units / Acre)	NUMBER OF UNITS
Non-Hillside	11.23	4.00	44.9
0-15% Slope	0.45	4.00	1.8
15-25% Slope	2.39	2.00	4.8
25-40% Slope	3.68	0.50	1.8
Greater than 40% Slope	2.30	0.20	0.5
Ridgetops	0	3.00	0.0
<b>Subtotal: Sloped Land</b>	<b>8.82</b>		<b>8.9</b>
<b>Maximum Density Guideline (Hillside &amp; Ridgetop Protection Plan)</b>	<b>20.05</b>	<b>2.68</b>	<b>53.8</b>
<b>Proposed Density (Applicant)</b>	<b>20.05</b>	<b>5.00</b>	



**9-A-21-RZ  
SLOPE ANALYSIS**

From: RA (Low Density Residential)  
To: PR (Planned Residential)

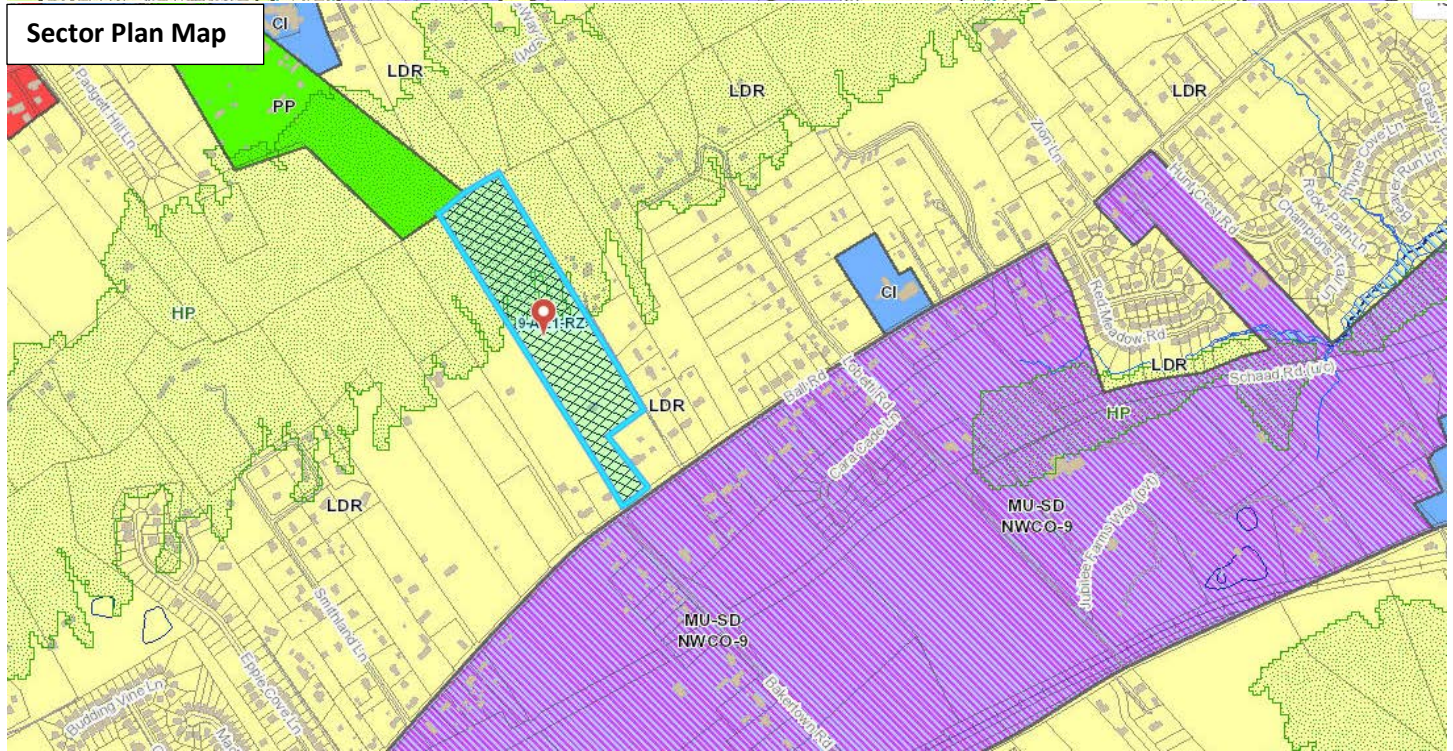
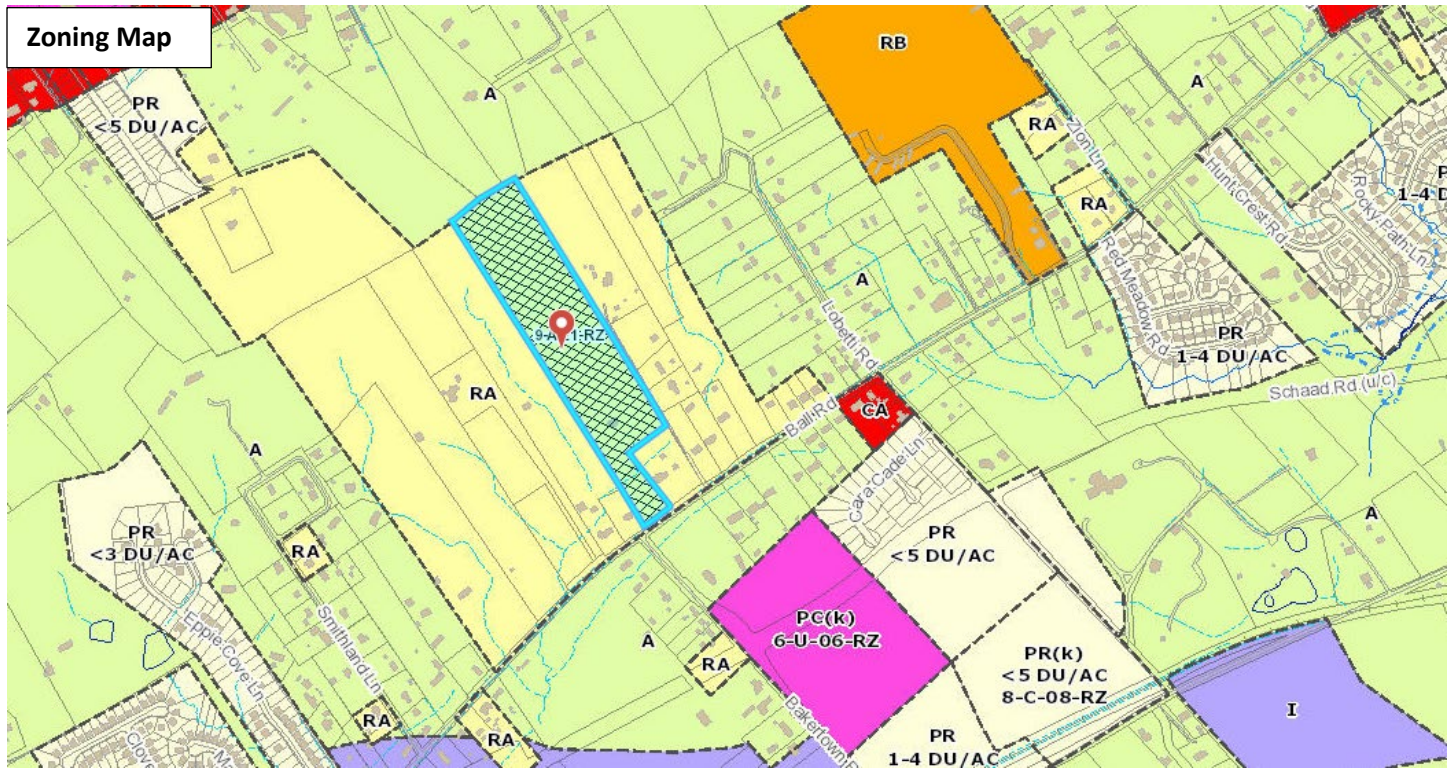
Original Print Date: 8/18/2021      Revised:      Knoxville - Knoxville Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Jernigan, Victor  
Map No: 91  
Jurisdiction: County

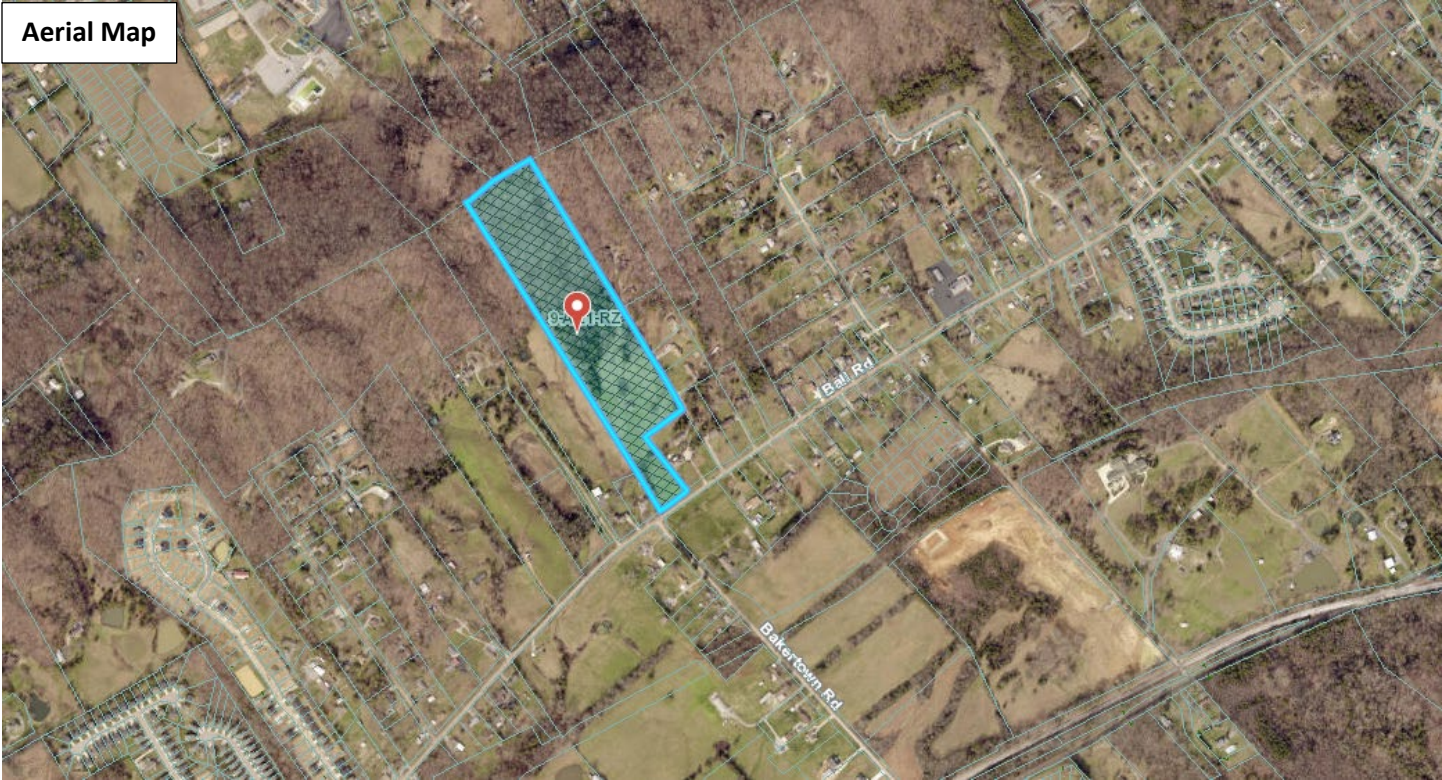
0 250 Feet

N

# Exhibit A. 9-A-21-RZ Contextual Images



**Exhibit A. 9-A-21-RZ Contextual Images**





# 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

VICTOR JERNIGAN  
Applicant Name

Affiliation

7-2-2021  
Date Filed

SEPT 9, 2021  
Meeting Date (if applicable)

File Number(s)  
9-A-21-RZ **REV**

Amended 7/27/2021  
Revised 8/16/2021

**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

VICTOR JERNIGAN  
Name

Company

229 SHERWAY RD KNOXVILLE TN 37922  
Address City State ZIP

865-507-6044  
Phone Email



Victor Jernigan  
CN = Victor Jernigan email = victor@victorjernigan.com C =  
US  
2021.08.17 15:36:37 -0400  
Second Amended Rezoning Application

### CURRENT PROPERTY INFO

ELBERT GRIFFITH 0 6741 BALL RD 865-805-5840  
Owner Name (if different) ~~Zebulon & Jamie Beeson~~ Owner Address ~~6741 Ball Road~~ Owner Phone

0 & 6741 BALL RD CLT 91 PARCEL 77.01 and 77.24  
Property Address Parcel ID

KUB KUB N  
Sewer Provider Water Provider Septic (Y/N)

### STAFF USE ONLY

N/S Ball Rd, NE of Ball Camp Pk 21.78 19.31 Ac  
General Location west of Lobetti Rd Tract Size

City  County 6th RA Ag For Vac  
District Zoning District Existing Land Use

Northwest County LDR, HP Planned Growth  
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) \_\_\_\_\_

Related City Permit Number(s)

Other (specify) \_\_\_\_\_

**SUBDIVISION REQUEST**

Proposed Subdivision Name

Related Rezoning File Number

Unit / Phase Number    Combine Parcels    Divide Parcel   Total Number of Lots Created

Other (specify) \_\_\_\_\_

Attachments / Additional Requirements

**ZONING REQUEST**

Zoning Change   PR < 5 DU/AC ~~HP~~  
 Proposed Zoning

Pending Plat File Number

Plan Amendment Change   Proposed Plan Designation(s) NONE  
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
(base fee) 0325   600.00	
Fee 2 \$50X	
21.72   1086.00	
Fee 3 ac	
	\$1086.00

**AUTHORIZATION**

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

Victor Jerigan  
 Applicant Signature

VICTOR JERIGAN  
 Please Print

Amended 7/27/2021  
 7-2-2021

Date Revised per applicant request 8/16/2021

865-507-1044  
 Phone Number

VICTOR@VICTORJERIGAN.COM  
 Email

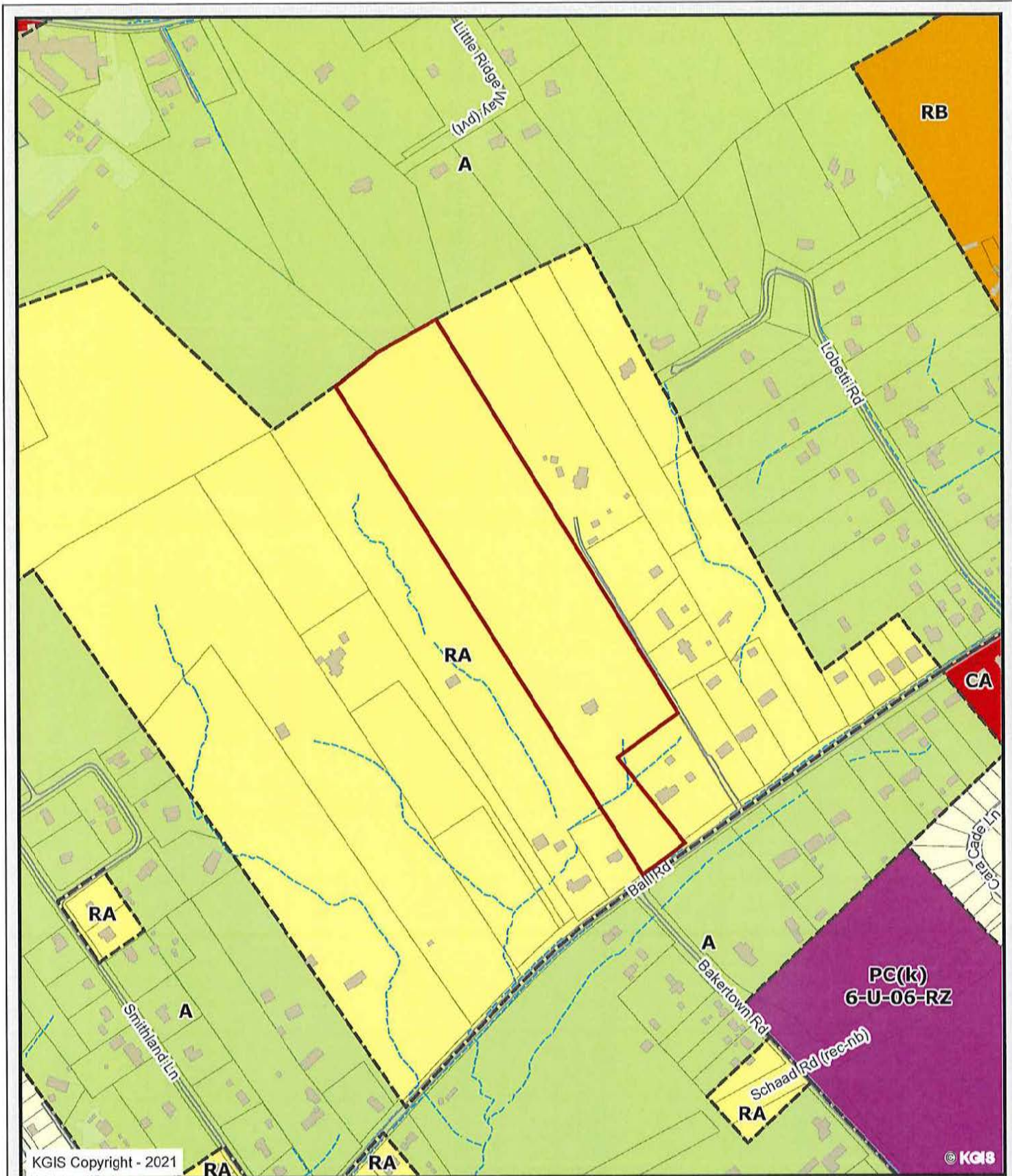


Sherry Michienzi  
 Please Print

SHERRY MICHIEZI  
 Date

7/2/2021



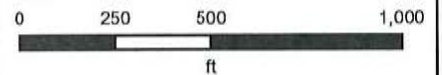


Zoning Map

*Revised  
8/16/21*

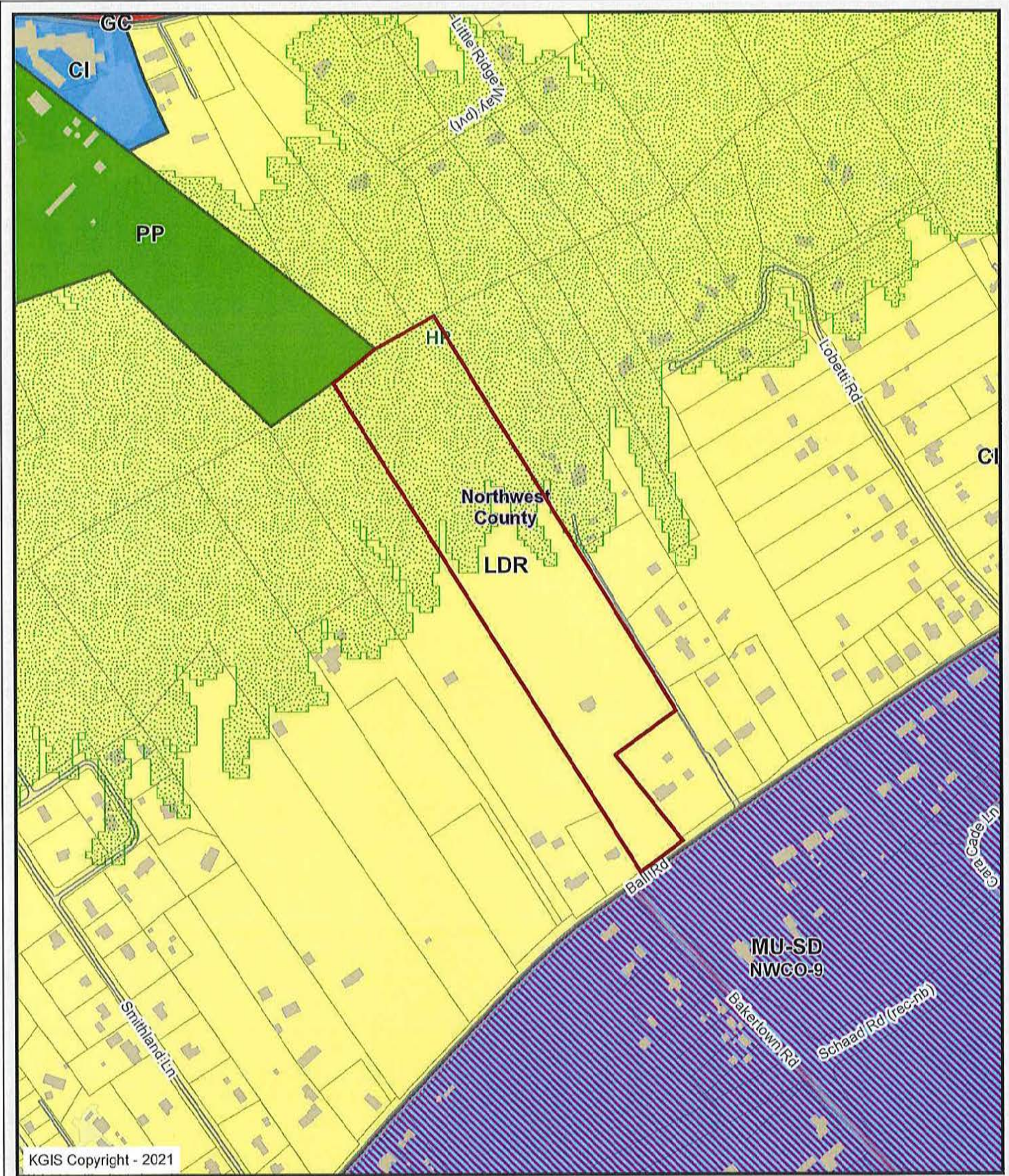


Printed: 8/16/2021 at 8:04:41 AM



Knoxville - Knox County - KUB Geographic Information System

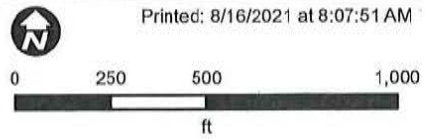
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Sector Plan Map *Revised*  
*8/16/21*

Knoxville - Knox County - KUB Geographic Information System



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Andrea Kupfer &lt;andrea.kupfer@knoxplanning.org&gt;

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**Need to Amend Again - Rezoning application 9-A-21-RZ**

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Victor Jernigan &lt;victorj@victorjernigan.com&gt;

Sat, Aug 14, 2021 at 1:04 PM

To: Andrea Kupfer &lt;andrea.kupfer@knoxplanning.org&gt;

Cc: "Benny Moorman (bmoorman@benchmark-assoc.com)" &lt;bmoorman@benchmark-assoc.com&gt;, "rcorlew@welrocenterprises.com" &lt;rcorlew@welrocenterprises.com&gt;

Andrea,

After further discussion Zebulon & Jamie Beason, the new owners of 6741 Ball Rd, do not want to be part of the rezoning 9-A-21-RZ. Is it possible to amend the application again to remove their property - CLT 91 Parcel 77.24 - or should I fill out another form?

The rezoning request for PR up to 5 DU per acre for CLT 91 Parcel 77.01 – approximately 19.31 acres – will go forward as planned for the September 9 Meeting.

The sign will be placed on 0 Ball Road on Tuesday.

I am available to meet with you or any other members of staff to discuss this rezoning at any time.

Victor Jernigan

865-207-9663

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**From:** Andrea Kupfer <andrea.kupfer@knoxplanning.org>  
**Sent:** Tuesday, July 27, 2021 2:00 PM  
**To:** Victor Jernigan <victorj@victorjernigan.com>  
**Cc:** Planning Applications <applications@knoxplanning.org>  
**Subject:** Re: Rezoning application 9-A-21-RZ

Victor,

At this time, it is not necessary for you to come in to sign the amended application. For your records attached is a completed application packet, which includes the amended application, maps and sign posting agreement.

Please let me know if I can be of further assistance.

Andrea Kupfer, AICP

8/16/2021

Knoxville - Knox County Planning Mail - Need to Amend Again - Rezoning application 9-A-21-RZ

Knoxville-Knox County Planning

865.215.3797

[andrea.kupfer@knoxplanning.org](mailto:andrea.kupfer@knoxplanning.org)

On Tue, Jul 27, 2021 at 12:27 PM Victor Jernigan <[victorj@victorjernigan.com](mailto:victorj@victorjernigan.com)> wrote:

Andrea,

This is perfect. All of the additional information is clear and correct.

If you do need a wet signature, I will be back on Thursday night.

Thanks again for your help.

Victor Jernigan

865.207.9663

Sent from my phone

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**From:** Andrea Kupfer <[andrea.kupfer@knoxplanning.org](mailto:andrea.kupfer@knoxplanning.org)>  
**Sent:** Tuesday, July 27, 2021 11:45:36 AM  
**To:** Victor Jernigan <[victorj@victorjernigan.com](mailto:victorj@victorjernigan.com)>  
**Cc:** Planning Applications <[applications@knoxplanning.org](mailto:applications@knoxplanning.org)>  
**Subject:** Re: Rezoning application 9-A-21-RZ

Victor,

Please review the amended application for the rezoning of property on Ball Road (9-A-21-RZ). Per our conversation, I have added the additional parcel and owner information. I have also crossed-through the HP listed with the zoning change, as the zoning does not have this overlay.

Once you have reviewed the application, please initial the PDF if possible. If not, please confirm in writing the new application accurately reflects the necessary changes.

Should you have any questions, feel free to contact me.

Andrea Kupfer, AICP

Customer Service Coordinator

865.215.3797



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400 Main Street, Suite 403 | Knoxville, TN 37902

On Fri, Jul 23, 2021 at 4:01 PM Andrea Kupfer <[andrea.kupfer@knoxplanning.org](mailto:andrea.kupfer@knoxplanning.org)> wrote:

Victor,

Regarding your rezoning application for property on Ball Road. The parcel you are requesting to rezone (Parcel 091 077.01) was recently divided into two parcels. This new parcel contains roughly 2.4 acres (parcel 091 077.24) and has a different property owner. The attached map shows the new property boundary for parcel 091 077.01.

Based on this new information, your rezoning application will need to be amended. Please confirm if you would like to rezone both parcels or only the remaining 19 acres as shown on the attached map. Once we hear from you we can update your application accordingly and ask you to initial the changes.

On another note, your voicemail was full and I was unable to leave a phone message. If you have an iPhone, you need to delete your previously deleted messages.

If you have any questions, please do not hesitate to contact me.

Andrea Kupfer, AICP

Customer Service Coordinator

865.215.3797

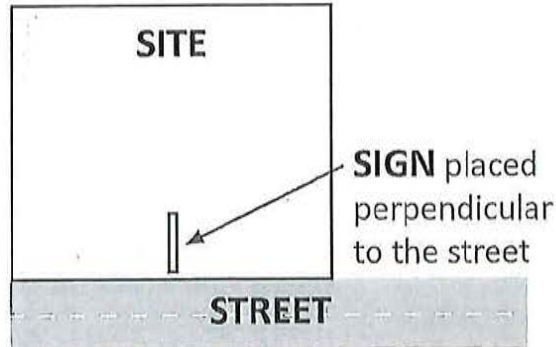


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8/16/2021

Knoxville - Knox County Planning Mail - Need to Amend Again - Rezoning application 9-A-21-RZ

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:*

Aug 25 (Wed) and Sept 10<sup>th</sup>  
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Victor Jernigan  
 Date: 7-2-2021  
 File Number: 9-A-21-RZ

- Sign posted by Staff  
 Sign posted by Applicant