

# REZONING REPORT

▶ **FILE #:** 1-E-23-RZ **AGENDA ITEM #:** 9  
 POSTPONEMENT(S): 1/12/2023, 2/9/2023 **AGENDA DATE:** 3/9/2023  
 ▶ **APPLICANT:** VICTOR JERNIGAN  
 OWNER(S): Charles M. Brewster

TAX ID NUMBER: 70 C D 025 [View map on KGIS](#)  
 JURISDICTION: City Council District 4  
 STREET ADDRESS: 4628 WASHINGTON PIKE  
 ▶ **LOCATION:** Southeast side of Washington Pike, southwest of Millertown Pike  
 ▶ **APPX. SIZE OF TRACT:** 3.87 acres  
 SECTOR PLAN: East City  
 GROWTH POLICY PLAN: N/A (Within City Limits)  
 ACCESSIBILITY: Access is via Washington Pike, a minor arterial with a pavement width of 23-ft within a right-of-way width of 40-ft to 68-ft.  
 UTILITIES: Water Source: Knoxville Utilities Board  
 Sewer Source: Knoxville Utilities Board  
 WATERSHED: Loves Creek

▶ **PRESENT ZONING:** RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)  
 ▶ **ZONING REQUESTED:** RN-4 (General Residential Neighborhood);HP (Hillside Protection Overlay)  
 ▶ **EXISTING LAND USE:** Rural Residential, Single Family Residential  
 ▶  
 EXTENSION OF ZONE: No  
 HISTORY OF ZONING: None noted.  
 SURROUNDING LAND USE AND ZONING: North: Single family residential -- RN-1 (Single-Family Residential Neighborhood Zoning), HP (Hillside Protection Overlay)  
 South: Rural residential -- RN-1 (Single-Family Residential Neighborhood Zoning), HP (Hillside Protection Overlay)  
 East: Public/quasi-public -- O (Office), HP (Hillside Protection Overlay)  
 West: Single family residential, Rural residential -- RN-1 (Single-Family Residential Neighborhood Zoning), HP (Hillside Protection Overlay)  
 NEIGHBORHOOD CONTEXT: This area is primarily single family residential dwellings with some attached and multi-family dwellings in the vicinity as well.

**STAFF RECOMMENDATION:**

▶ **Approve RN-4 (General Residential Neighborhood) and HP (Hillside Protection Overlay) zoning because it is located on an arterial near a commercial node and is consistent with the sector plan.**

**COMMENTS:**

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.E.3, SUBSECTIONS 1-3, ALL OF THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS:

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. There is an increased need for small-scale single-family and multi-family housing. This proposal will provide an opportunity to meet this need.
2. The RN-4 (General Residential Neighborhood) zoning district allows single-family houses, duplexes, townhouses, and small-scale multi-family structures. Townhouse and multi-family development must be approved by Planning staff via administrative review or by the Planning Commission via Special Use, as outlined in Section 4.2.B. of the zoning ordinance.
3. The property is located near the regional commercial and employment node to the northeast.
4. A significant investment in road improvements related to the Amazon distribution warehouse is under construction.
5. The property is located on a KAT transit route.

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

1. The RN-4 zoning district is intended to accommodate mixed medium-density residential development within the City of Knoxville.
2. The RN-4 District is intended to be applied to neighborhoods that are characterized by such mixed residential development or that have been identified as areas where such development would be suitable in the future.
3. RN-4 zoning is consistent with this property's MDR (Medium Density Residential) land use classification.
4. The subject property is contiguous with a church property to the east with the O (Office) land use designation.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. The property has access to a minor arterial street.
2. The proposed rezoning to RN-4 is not anticipated to adversely affect adjacent properties since the area is predominantly residential in character.
3. The maximum lot size for multi-family development in the RN-4 zone is 40,000 sqft, which limits the number of dwelling units to 20 on a single lot because 2,000 sqft of land area is required per dwelling unit. A site must be subdivided into multiple lots to allow more than 20 dwelling units, discouraging the development of large apartment complexes.

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 proposed rezoning to RN-4 aligns with policy 8.1 of the General Plan, which promotes infill housing on vacant lots compatible with the scale and layout of neighboring residences.
2. The RN-4 zoning district is consistent with the East City Sector Plan's MDR classification.
3. A small portion of the property, south of the blue line stream that runs through the property, is within the HP (Hillside Protection Overlay). Because of the need to cross the stream and the relatively small area, the HP area is not likely to be disturbed.
4. The requested zoning district at this location does not conflict with any other adopted plans.

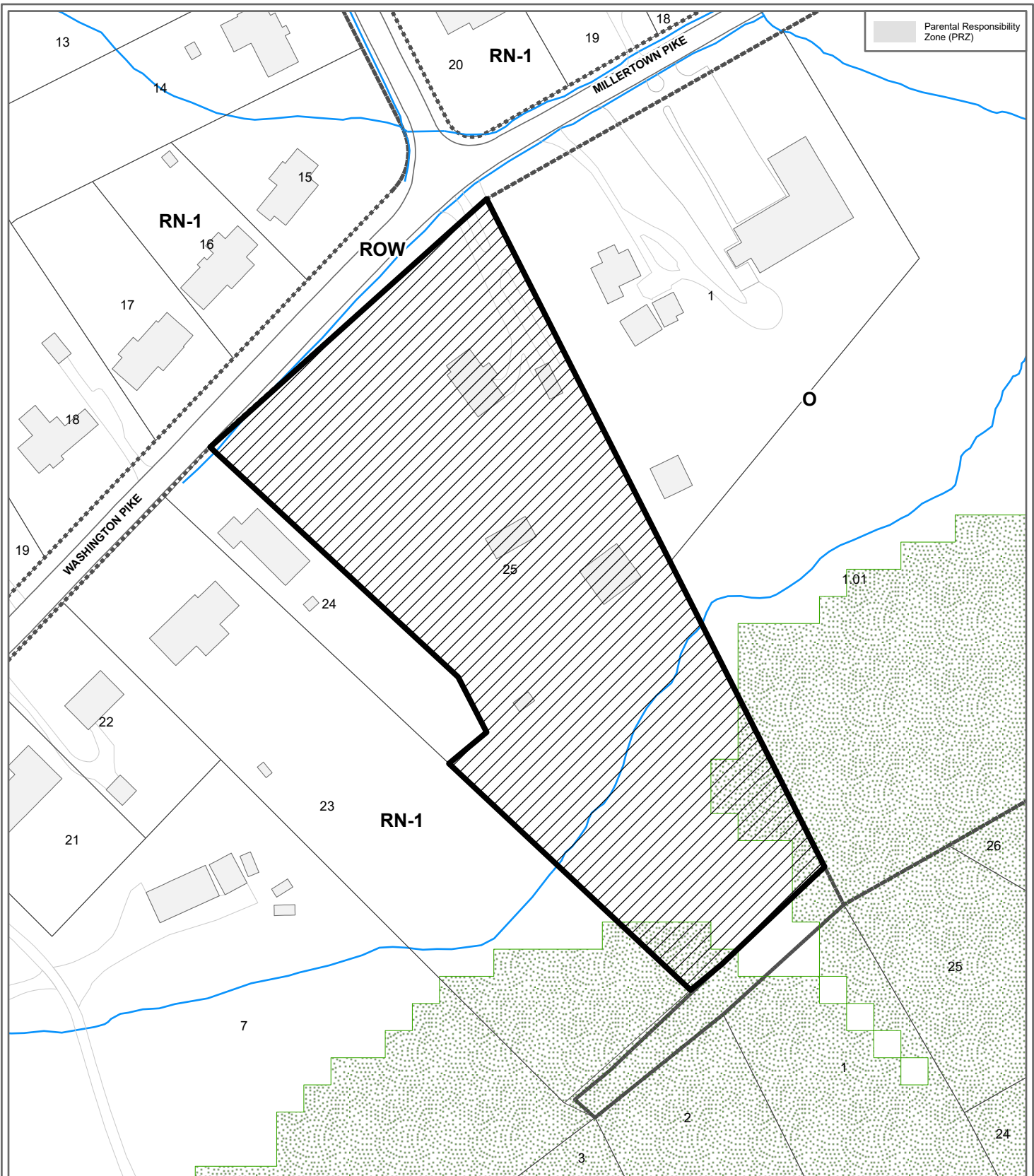
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Spring Hill Elementary, Holston Middle, and Fulton 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 Knoxville City Council for action on 4/4/2023 and 4/18/2023. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



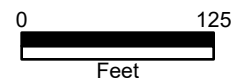
**1-E-23-RZ  
REZONING**

Petitioner: Victor Jernigan



From: RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)  
To: RN-4 (General Residential Neighborhood);HP (Hillside Protection Overlay)

Map No: 70  
Jurisdiction: City



Original Print Date: 12/19/2022 Revised:  
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

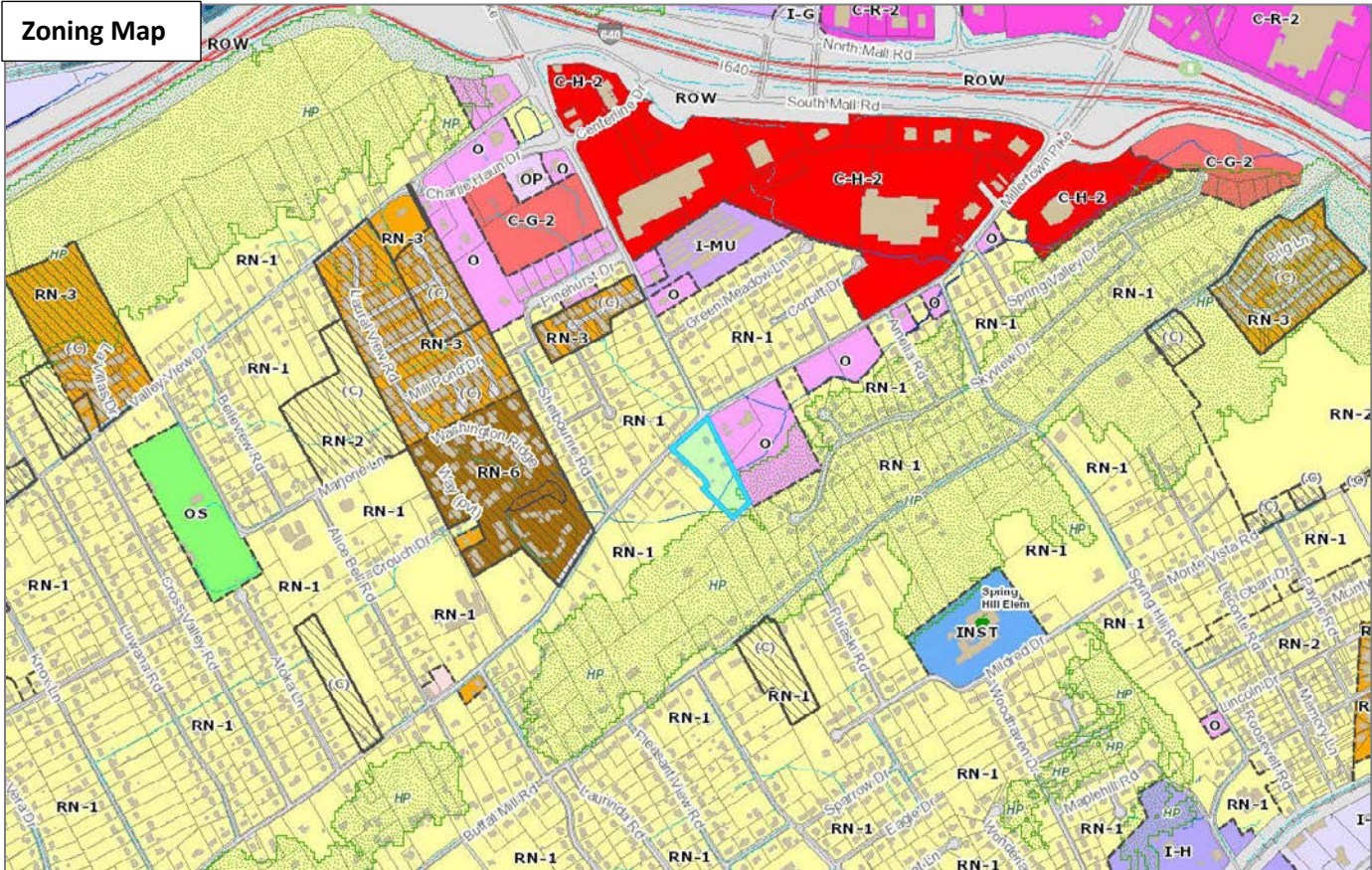


# Exhibit A. 1-E-23-RZ Contextual Images

Base Map

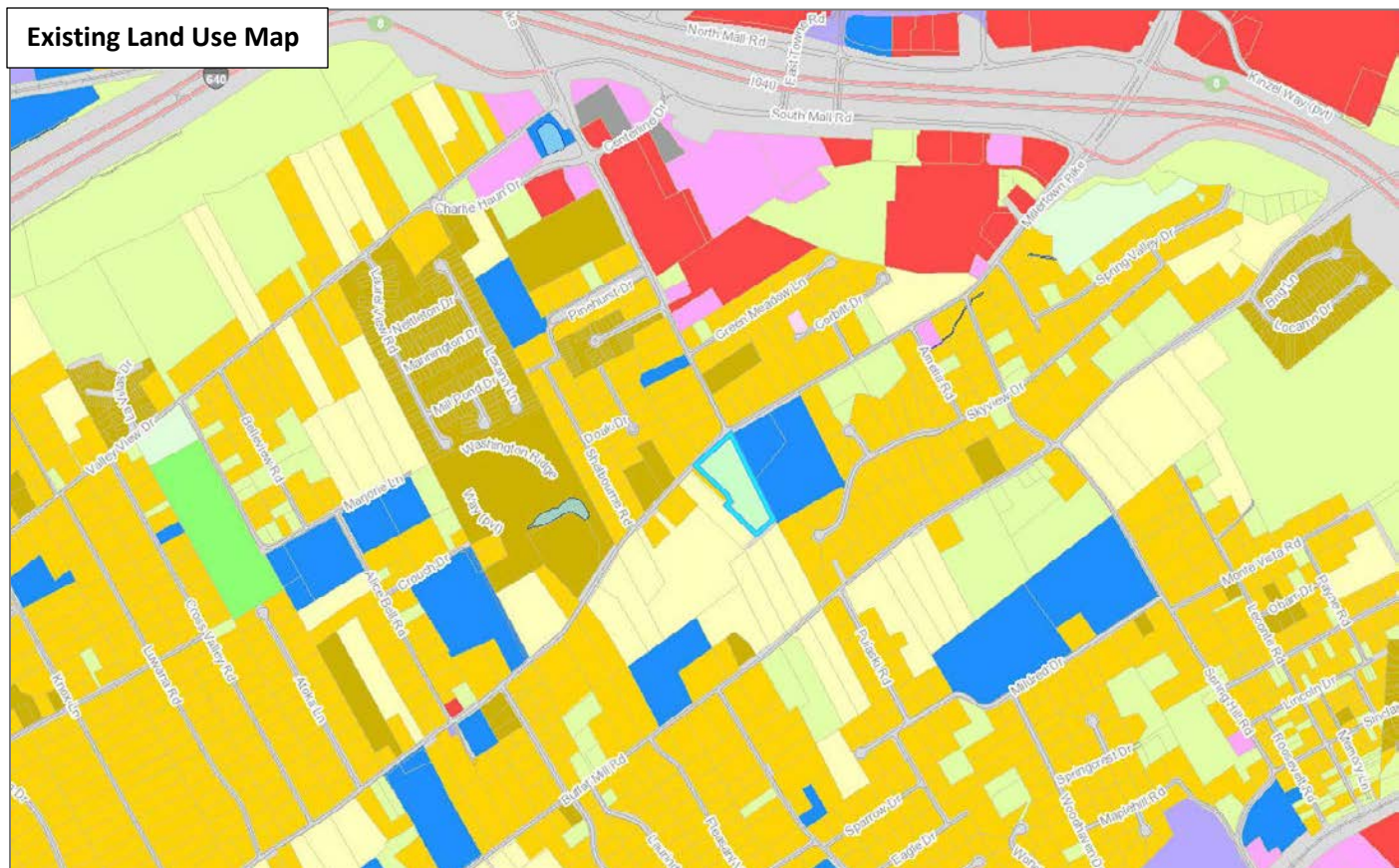
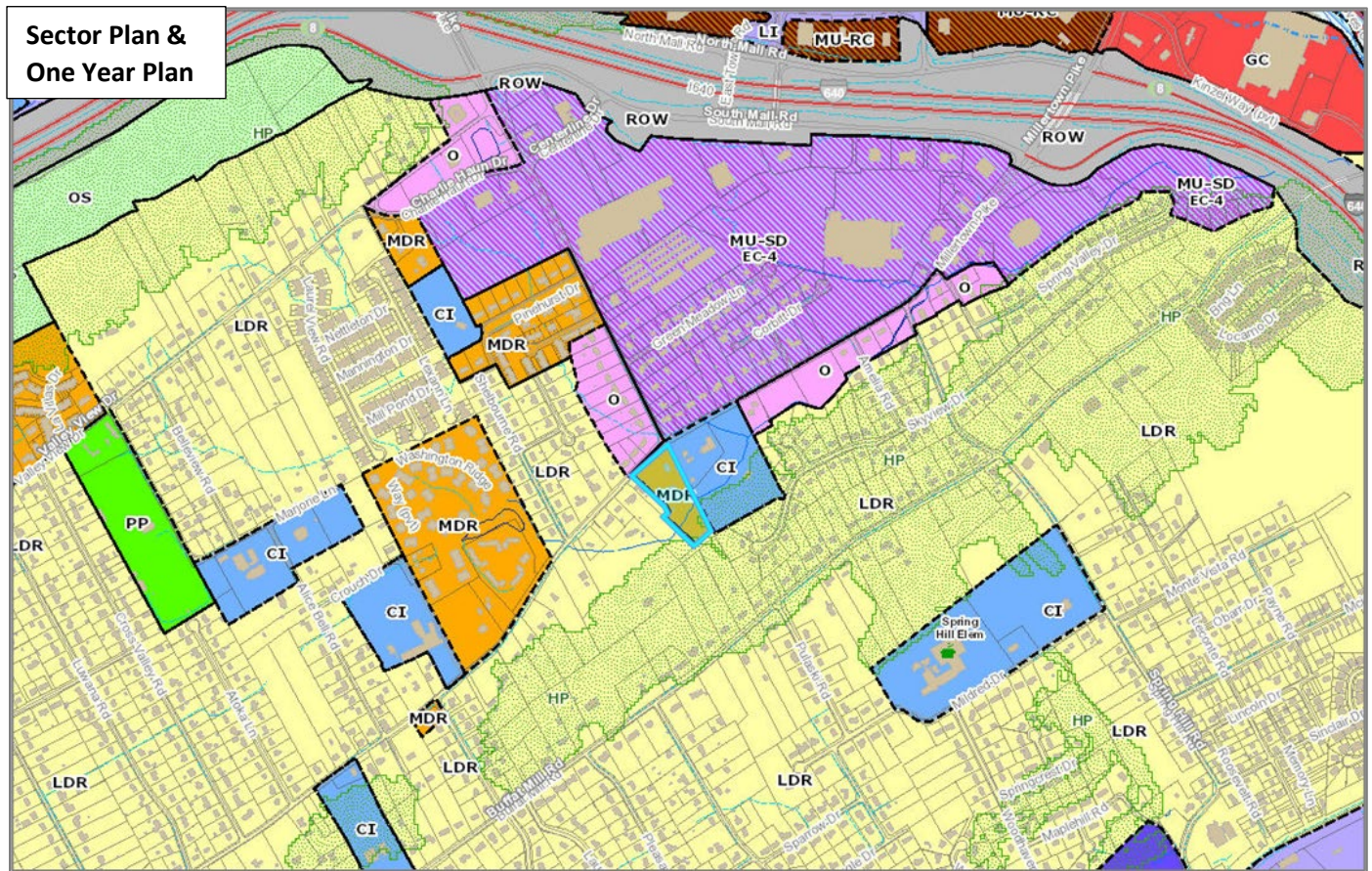


Zoning Map





# Exhibit A. 1-E-23-RZ Contextual Images





# Exhibit A. 1-E-23-RZ Contextual Images

Aerial Map



(1) Download and fill out this form at your convenience.  
(2) Sign the application digitally (or print, sign, and scan).

(3) Print the completed form and bring it to the  
Knoxville-Knox County Planning offices OR email it to  
applications@knoxplanning.org



# Request to Postpone • Table • Withdraw

Victor Jernigan

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

02/09/2023

Scheduled Meeting Date

1E23RZ

File Number(s)

## POSTPONE

**POSTPONE:** All applications are eligible for postponement if the request is received in writing and paid for by noon on Thursday the week prior to the Planning Commission meeting. All requests must be acted upon by the Planning Commission, except new applications which are eligible for one 30-day automatic postponement. If payment is not received by the deadline, the item will be tabled.

**SELECT ONE:**  30 days  60 days  90 days

Postpone the above application(s) until the 03/09/2023 Planning Commission Meeting.

## WITHDRAW

**WITHDRAW:** Applications may be withdrawn automatically if the request is received in writing no later than 3:30pm on Thursday the week prior to the Planning Commission meeting. Requests made after this deadline must be acted on by the Planning Commission. Applicants are eligible for a refund only if a written request for withdrawal is received no later than close of business 2 business days after the application submittal deadline and the request is approved by the Executive Director or Planning Services Manager.

## TABLE

*\*The refund check will be mailed to the original payee.*

**TABLE:** Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled. There is no fee to table or untable an item.

## AUTHORIZATION

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

*Victor Jernigan*  
Applicant Signature

Victor Jernigan

Please Print

Garrettjernigan@outlook.com

865-567-9663

Phone Number

Email

## STAFF ONLY

Staff Signature

Please Print

Date Paid

No Fee

Eligible for Fee Refund?  Yes  No

Amount:

Approved by:

Date:

Payee Name

Payee Phone

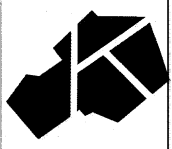
Payee Address



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Knoxville-Knox County Planning offices OR email it to  
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**Reset Form**



**Planning**  
KNOXVILLE | KNOX COUNTY

# Request to Postpone • Table • Withdraw

Victor Jernigan

12/15/2022

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

01/13/2023

Scheduled Meeting Date

1E23RZ

File Number(s)

## POSTPONE

**POSTPONE:** All applications are eligible for postponement if the request is received in writing and paid for by noon on Thursday the week prior to the Planning Commission meeting. All requests must be acted upon by the Planning Commission, except new applications which are eligible for one 30-day automatic postponement. If payment is not received by the deadline, the item will be tabled.

**SELECT ONE:**  30 days  60 days  90 days

Postpone the above application(s) until the 2/9/2023 Planning Commission Meeting.

## WITHDRAW

**WITHDRAW:** Applications may be withdrawn automatically if the request is received in writing no later than 3:30pm on Thursday the week prior to the Planning Commission meeting. Requests made after this deadline must be acted on by the Planning Commission. Applicants are eligible for a refund only if a written request for withdrawal is received no later than close of business 2 business days after the application submittal deadline and the request is approved by the Executive Director or Planning Services Manager.

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## AUTHORIZATION

*By signing below, I certify I am the property owner, and/or the owners authorized representative.*

Applicant Signature

Victor Jernigan

Please Print

865-567-9663

garrettjernigan@outlook.com

Phone Number

Email

## STAFF ONLY

Staff Signature

M. Jones  
Please Print

12/22/2022  
Date Paid

No Fee

Eligible for Fee Refund?  Yes  No Amount:

Approved by:

Date:

Payee Name

Payee Phone

Payee Address



# 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

**Victor Jernigan**

Applicant Name

Affiliation

**10/28/2022**

Date Filed

**1/12/2023**

Meeting Date (if applicable)

**1-E-23-RZ**

File Number(s)

## CORRESPONDENCE

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

**Victor Jernigan**

Name / Company

**815 Sunnydale Rd Knoxville TN 37923**

Address

**865-207-9663 / victorj@victorjernigan.com**

Phone / Email

## CURRENT PROPERTY INFO

**Charles M. Brewster**

Owner Name (if different)

**4628 Washington Park Knoxville TN**

Owner Address

Owner Phone / Email

**4628 WASHINGTON PIKE**

Property Address

**70 C D 025**

Parcel ID

Part of Parcel (Y/N)?

**3.87 acres**

Tract Size

**Knoxville Utilities Board**

Sewer Provider

**Knoxville Utilities Board**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**SE of Washington Pk at Millertown Pk intersection**

General Location

City

**Council District 4**

**RN-1 (Single-Family Residential Neighborhood), HP  
(Hillside Protection Overlay)**

**Rural Residential, Single Family Residential**

Count

District

Zoning District

Existing Land Use

**East City**

Planning Sector

**LDR (Low Density Residential), MDR (Medium Density Re**

Sector Plan Land Use Classification

**N/A (Within City Limits)**

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 <b>RN-4 (General Residential Neighborhood);HP (Hillside Protection Overlay)</b>	Pending Plat File Number
Proposed Zoning	
<input type="checkbox"/> Plan Amendment    Proposed Plan Designation(s)	

Proposed Density (units/acre)    Previous Zoning Requests

Additional Information \_\_\_\_\_

## STAFF USE ONLY

### PLAT TYPE

Staff Review     Planning Commission

### ATTACHMENTS

Property Owners / Option Holders     Variance Request

### ADDITIONAL REQUIREMENTS

- COA Checklist (Hillside Protection)  
 Design Plan Certification (Final Plat)  
 Site Plan (Development Request)  
 Traffic Impact Study  
 Use on Review / Special Use (Concept Plan)

Fee 1	Total
<b>\$650.00</b>	
Fee 2	
Fee 3	

## AUTHORIZATION

Applicant Signature: **Victor Jernigan**    Date: **10/28/2022**  
Please Print

Phone / Email

Property Owner Signature: **Charles M. Brewster**    Date: **10/28/2022**  
Please Print

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.



# 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  
10/27/2022

01/13/2022

Affiliation

File Number(s)

Date Filed

Meeting Date (if applicable)

1-E-23-RZ

## 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

Victor jernigan

Name  
815 Sunnydale Road

Company  
Knoxville

TN

37919

Address  
865-567-9663

City  
garrettjernigan@outlook.com

State

ZIP

Phone

Email

## CURRENT PROPERTY INFO

Charles M. Brewster

4628 Washington Pike

Property Owner Name (if different)  
4628 Washington Pike

Property Owner Address

070CD025

Property Owner Phone

Property Address  
KUB

KUB

Parcel ID

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

<input type="checkbox"/> Development Plan <input type="checkbox"/> Use on Review / Special Use <input type="checkbox"/> Hillside Protection COA <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Non-Residential Home Occupation (specify) _____  Other (specify) _____	Related City Permit Number(s)   
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## SUBDIVISION REQUEST

Proposed Subdivision Name _____  <input type="checkbox"/> Combine Parcels <input type="checkbox"/> Divide Parcel Unit / Phase Number _____    Total Number of Lots Created _____  <input type="checkbox"/> Other (specify) _____  <input type="checkbox"/> Attachments / Additional Requirements _____	Related Rezoning File Number   
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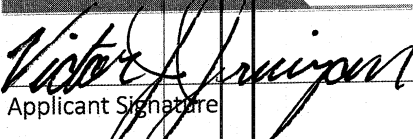
## ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change <b>Rn4</b> Proposed Zoning _____  <input type="checkbox"/> Plan Amendment Change    _____ Proposed Plan Designation(s) _____  Proposed Density (units/acre) _____    Previous Rezoning Requests _____  <input type="checkbox"/> Other (specify) _____	Pending Plat File Number   
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## STAFF USE ONLY

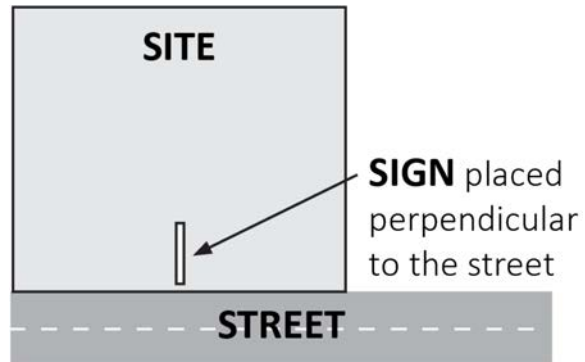
<b>PLAT TYPE</b> <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission  <b>ATTACHMENTS</b> <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request  <b>ADDITIONAL REQUIREMENTS</b> <input type="checkbox"/> Design Plan Certification ( <i>Final Plat</i> ) <input type="checkbox"/> Use on Review / Special Use ( <i>Concept Plan</i> ) <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> COA Checklist ( <i>Hillside Protection</i> )	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%;">Fee 1</td> <td style="width:40%;">Total</td> </tr> <tr> <td style="height: 40px;"> </td> <td> </td> </tr> <tr> <td>Fee 2</td> <td> </td> </tr> <tr> <td style="height: 40px;"> </td> <td> </td> </tr> <tr> <td>Fee 3</td> <td> </td> </tr> <tr> <td style="height: 40px;"> </td> <td> </td> </tr> </table>	Fee 1	Total			Fee 2				Fee 3			
Fee 1	Total												
Fee 2													
Fee 3													

## AUTHORIZATION

 Applicant Signature  865-567-9663 Phone Number	Victor Jernigan Please Print  garrettjernigan@outlook.com Email	10/27/2022 Date
_____ Property Owner Signature	_____ Please Print	_____ Date

*I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.*

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:***

\_\_\_\_\_ 12/31/2022 \_\_\_\_\_ and \_\_\_\_\_ 1/13/2023 \_\_\_\_\_  
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Victor Jernigan

Date: 10/28/22

File Number: 1-E-23-RZ

- Sign posted by Staff  
 Sign posted by Applicant