

REZONING REPORT

► **FILE #:** 10-L-24-RZ

AGENDA ITEM #: 22

AGENDA DATE: 10/3/2024

► **APPLICANT:** TAYLOR D. FORRESTER

OWNER(S): Baker Ridge, LLC 3312 Tipton Station Rd

TAX ID NUMBER: 91 226

[View map on KGIS](#)

JURISDICTION: County Commission District 6

STREET ADDRESS: 7816 BALL CAMP PIKE

► **LOCATION:** Ball Camp Pike and Bakertown Rd

► **APPX. SIZE OF TRACT:** 20.85 acres

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Ball Camp Pike, a major collector street with a pavement width of 19 ft within a 50 ft ROW. There is no access to the back lot.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: West Knox Utility District

FIRE DISTRICT: Karns Fire Department

WATERSHED: Beaver Creek

► **PRESENT ZONING:** PR(k) (Planned Residential) up to 5 and 3.25 du/ac

► **ZONING REQUESTED:** Retain PR with up to 5 and 3.25 du/ac but remove the non-disturbance condition (10-E-23-RZ).

► **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

►
EXTENSION OF ZONE: No, this is not an extension of a zone.

HISTORY OF ZONING: A request to rezone this property from A to PR up to 5 du/ac was withdrawn prior to Planning Commission action in June of 2023 (6-J-2032). In October of 2023, the front of the lot was rezoned from I (Industrial) to PR (Planned Residential) up to 5 du/ac, and the back of the lot was rezoned from A (Agricultural) to PR (Planned Residential) up to 3.25 du/ac (10-E-23-RZ).

SURROUNDING LAND USE AND ZONING: North: Agriculture/forestry/vacant land - I (Industrial), A (Agricultural)

South: Rural residential, Single family residential - A (Agricultural)

East: Public/quasi public land - I (Industrial), A (Agricultural)

West: Agriculture/forestry/vacant land, rural residential - I (Industrial), A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is largely single-family dwellings, with large lots fronting Ball Camp Pike and subdivisions with smaller lots off of side streets. The Schaad Road extension is just to the north.

STAFF RECOMMENDATION:

► **Deny removal of the non-disturbance condition on slopes 25% or greater because it is inconsistent with the Knox County Comprehensive 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. This property was rezoned last year (10-E-23-RZ) from Industrial and Agricultural to PR up to 5 du/ac on the Industrial portion and PR 3.25 du/ac on Agricultural portion, with the condition that the portion of the parcel with slopes of 25% or greater shall be left undisturbed, as delineated in the slope analysis map.
2. The previous applicant requested dual zoning for the subject property - 5 du/ac on the portion of the property that have been zoned I (Industrial), and PR at 3.25 du/ac on the portion of the property zoned A (Agricultural). This decision was based on Planning's recommendation of denial for a previous rezoning request earlier in the year to 5 du/ac for the whole parcel (6-J-23-RZ). Planning had not recommended rezoning of that request due to the steep slopes (25-50% slope) crossing through the middle of the property.

The previous applicant owns the abutting property to the east and had stated they would have access through that adjacent property to another on Bakertown Road via an access easement agreement with that property owner. Because of the alternative access for the southern portion of the site and the condition that the portion of the parcel with slopes of 25% or greater would be left undisturbed, Planning recommended the Agricultural portion to be rezoned to PR up to 3.25 du/ac.

The Bakertown Road access is no longer an option. Therefore, the new owner is requesting to access the rear of the site by disturbing the slope in the middle.

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

1. The PR zone is appropriate in areas with environmental considerations such as steep slopes because it allows clustering. The applicant is not requesting to change the existing PR zone beyond the removal of the condition.
2. Houses, duplexes, multi-dwelling structures, and developments are permitted in the PR zone. A total of 79 units could be built on this 20.85 acre property.
3. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

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. This 20.76 acre property has 15.77 acres within the Hillside Protection area. The disturbance budget is 9.46 acres.
2. The non disturbance condition encourages alternative access points to the property while conserving steep slopes. The applicant would like to remove the non-disturbance condition to cut an access road through the property. The result would be a 40 ft large swathe cut into the hillside that would be larger than just the roadway to allow for the maneuvering of vehicles to construct the road around it, and a large portion of the slope would likely be graded. This land disturbance would greatly alter stormwater runoff patterns.
3. PR zoning requires that development plans be submitted for Planning Commission review. At that time, issues such as topography, surrounding character, and access are evaluated, and community input may be provided regarding the proposed 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. The property is within the SR (Suburban Residential) place type. The Planned Residential zone is considered partially related to this place type. The zoning district may be appropriate, but with qualifications (such as development plan with conditions). Considering the steep slopes on the property the non-disturbance condition with development plan approval is appropriate.
2. In the SR (Suburban Residential) place type, most open space takes the form of private yards. Public neighborhood parks should be in prominent, easily accessible locations. Schools could also supplement public parks. Some residential areas include shared access to private open space. The preservation of the steep slopes could provide the development with common area space, since this property is not within walking distance of any parks or schools.
3. The proposed non-disturbance removal is inconsistent with Knox County Comprehensive Plan Implementation Policy 7 encourage development practices that conserve and connect natural features and habitat and Policy 7.6 consider the Hillside and Ridgetop Protection Plan. The guiding vision and goals of the Comprehensive Plan make numerous mentions of conserving the County's natural beauty and ridges. Staff

would not have recommended the existing PR zoning and density for the rear half of the lot were it not for the condition of no-disturbance on the steep slopes, or the understanding that there was alternative access available. Removing the condition would permit development that is contrary to core principles of the Comprehensive Plan.

ESTIMATED TRAFFIC IMPACT: 99 (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: 3 (public school children, grades K-12)

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

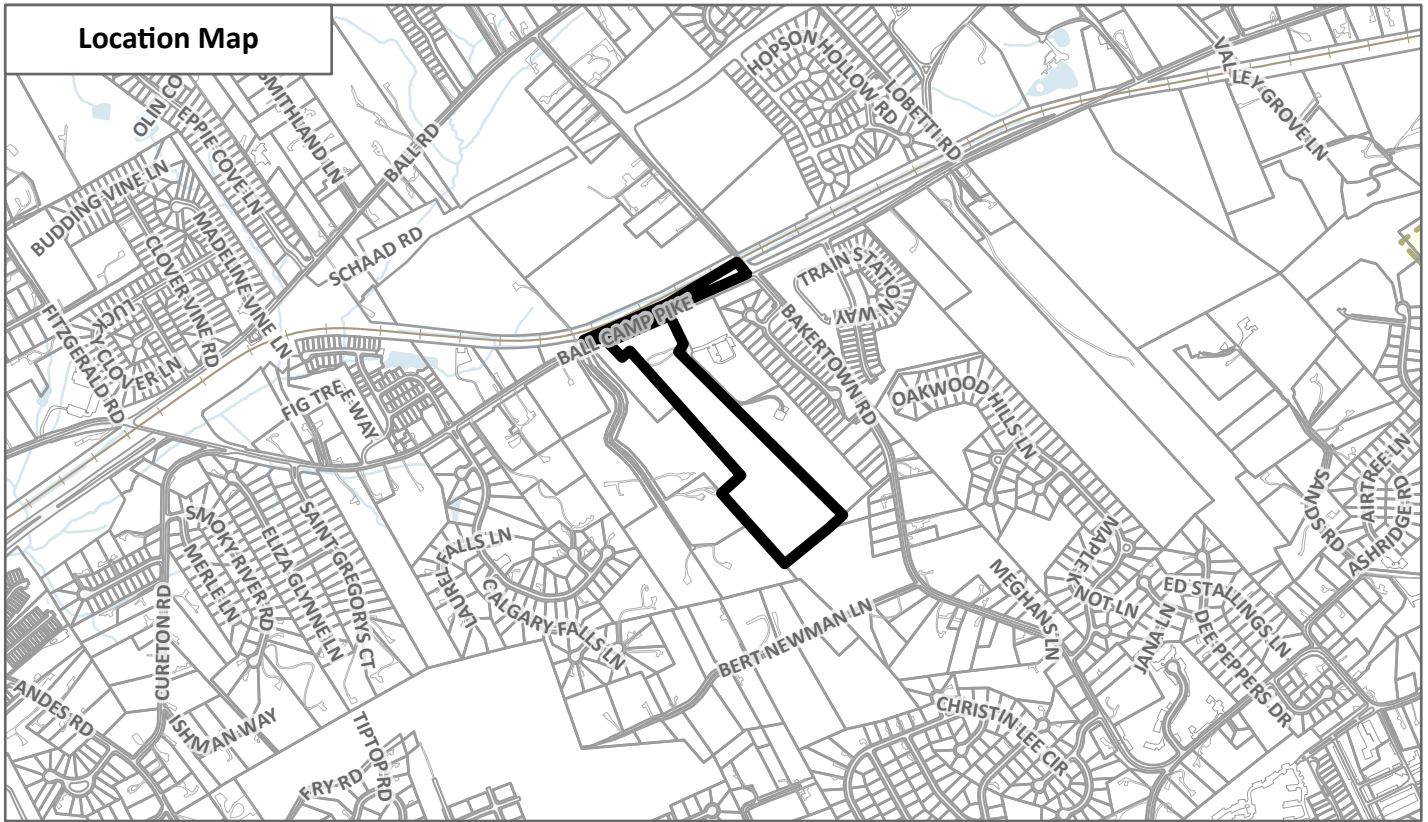
- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries 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 11/12/2024. 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.

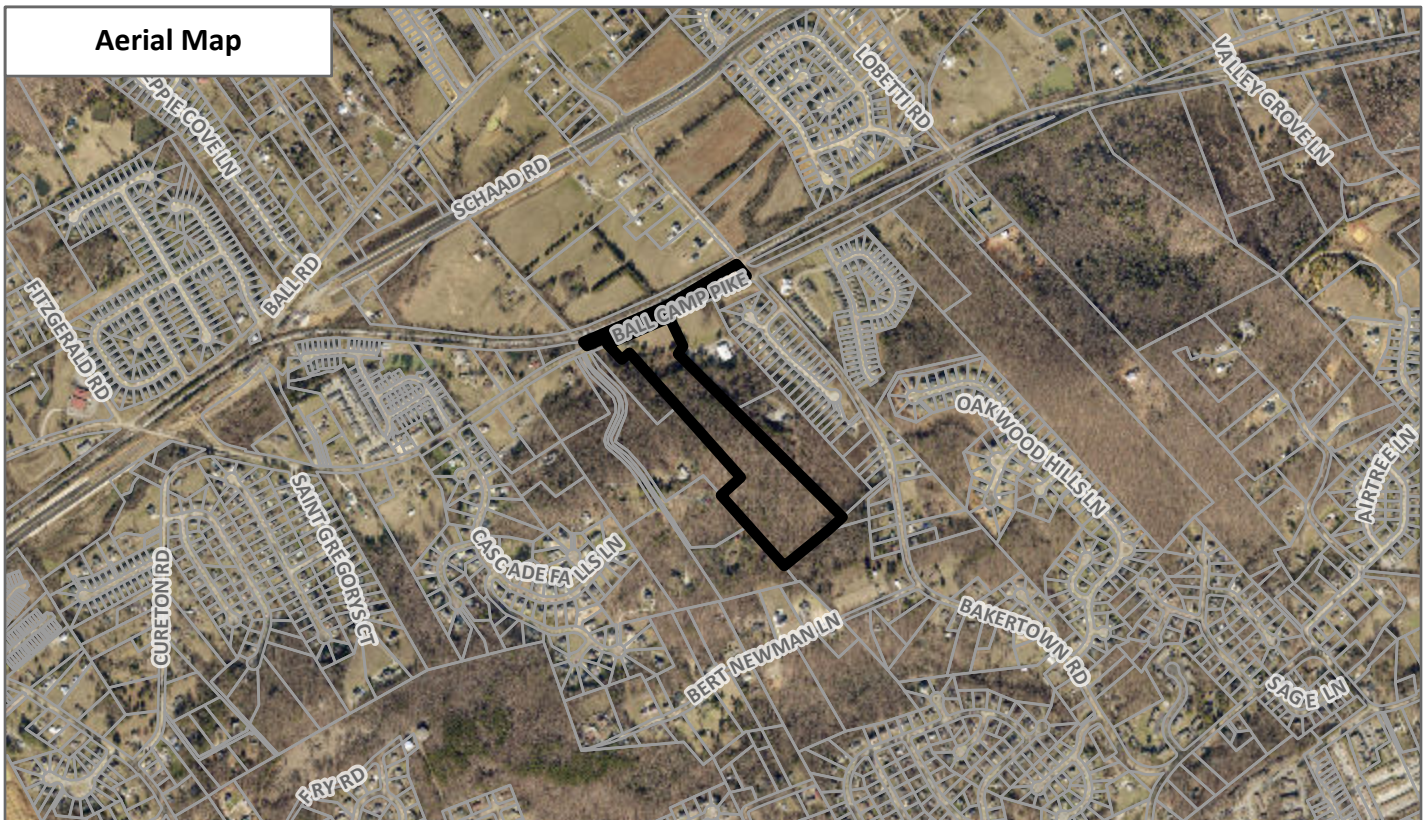


Exhibit A. Contextual Images

Location Map



Aerial Map



CONTEXTUAL MAPS 1

10-L-24-RZ



Case boundary

0 1,000
Feet

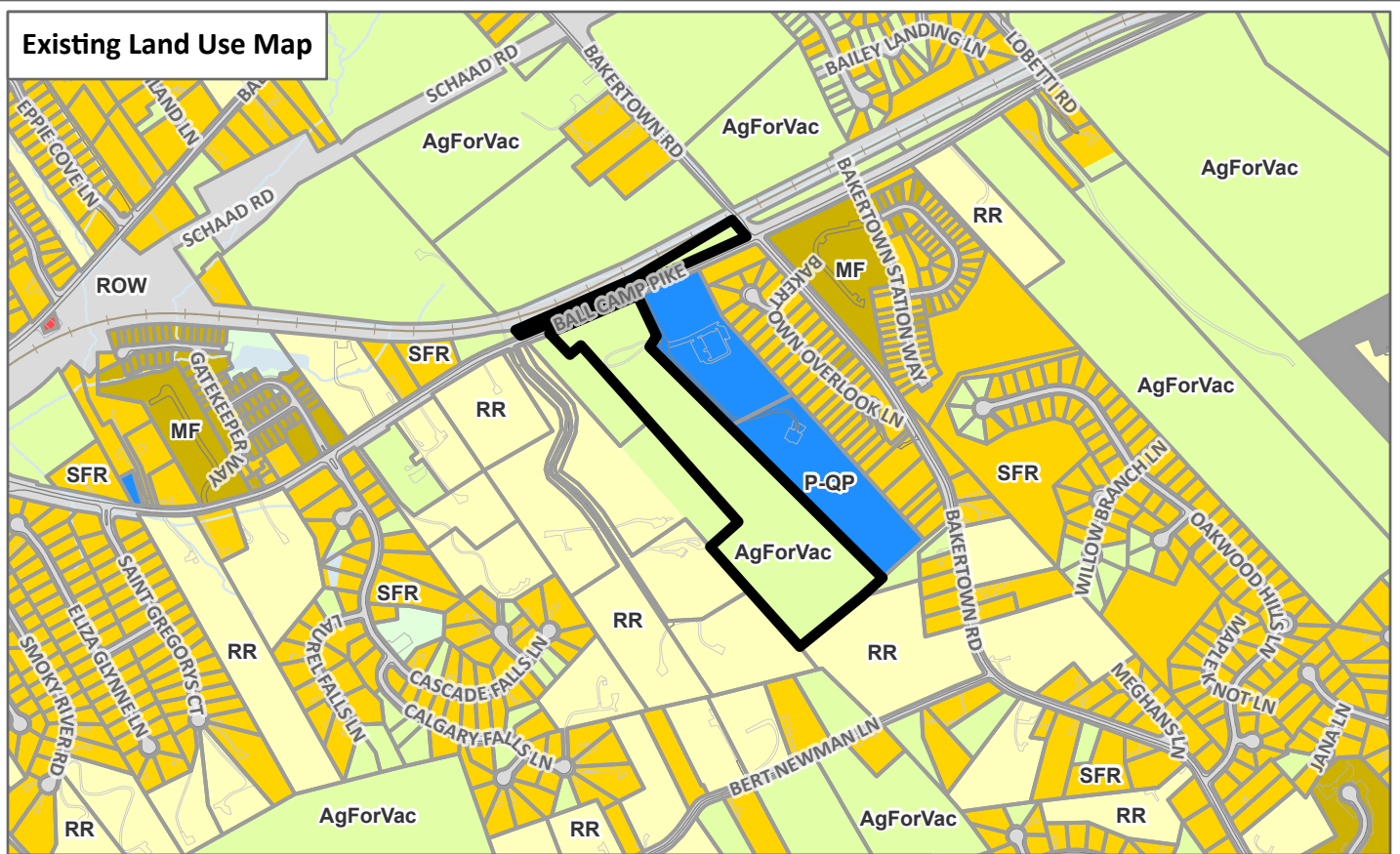


This map, titled "Comprehensive Plan Map", displays a network of streets and various land use designations. The designations are color-coded: CMU (pink), SMR (orange), RC (light green), HP (green), CI (blue), and SR (yellow). A large, irregular black outline is drawn over the central portion of the map, encompassing areas designated as HP, SR, and CMU. Numerous street names are labeled throughout the map, including Olin Ct, Budding Vine Ln, Clover Vine Rd, Fitzgerald Rd, Ball Camp Pike, Saint Gregory's Ct, Cascade Falls Ln, Bert Newman Ln, Christin Lee Cir, and others. The map also shows natural features like a river and a lake.

A horizontal scale bar with a black top half and a white bottom half. The word "Feet" is centered below the bar. The number "0" is at the left end, and "1,000" is at the right end.



Existing Land Use Map



CONTEXTUAL MAPS 3

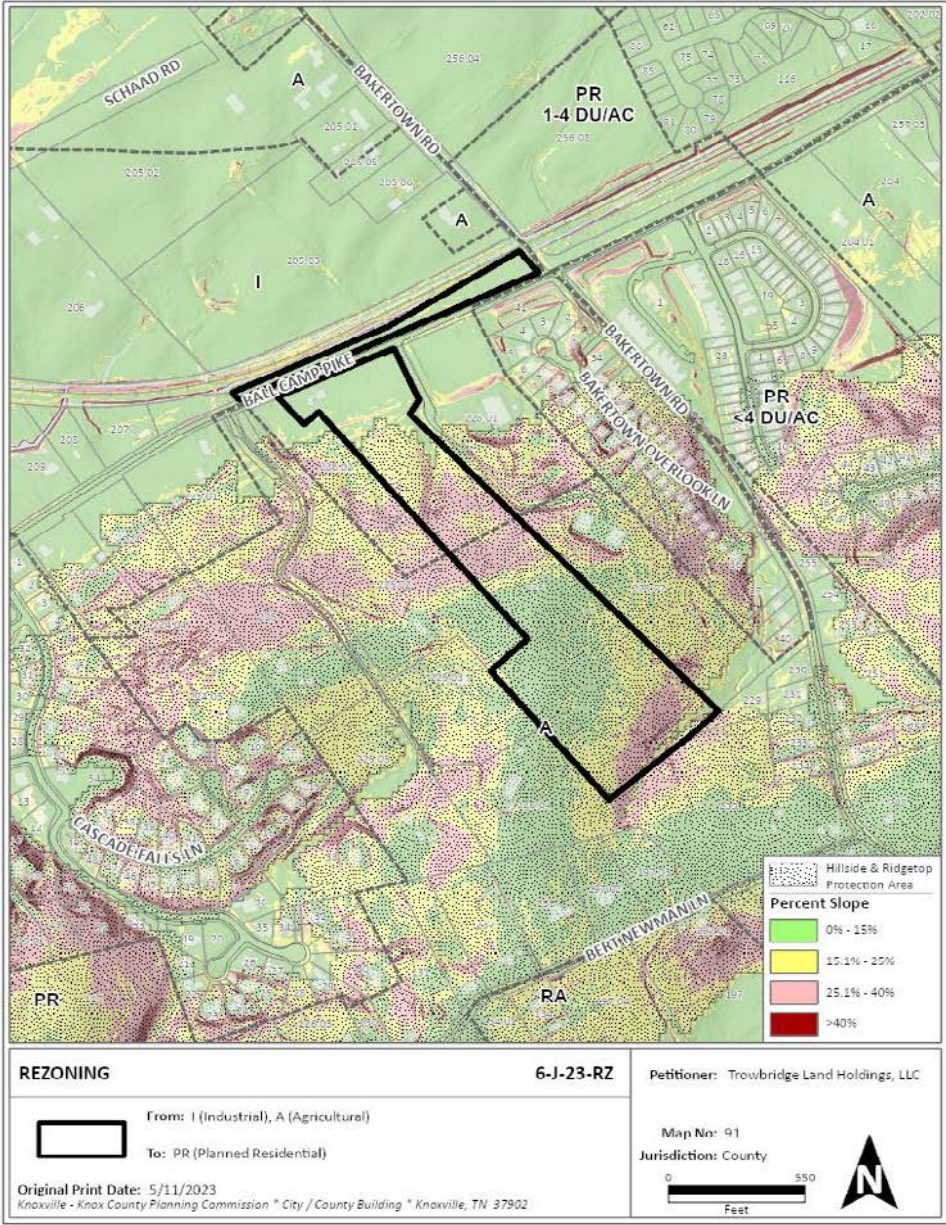
10-L-24-RZ



Case boundary



CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	20.76		
Non-Hillside	4.99	N/A	
0-15% Slope	5.85	100%	5.85
15-25% Slope	5.46	50%	2.73
25-40% Slope	4.31	20%	0.86
Greater than 40% Slope	0.14	10%	0.01
Ridgetops			
Hillside Protection (HP) Area	15.77	Recommended disturbance budget within HP Area (acres)	9.46
		Percent of HP Area	0.60





Development Request

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use
☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☒ Rezoning
☐ Plan Amendment
☐ Sector Plan
☐ City OYP / County Comp Plan

Taylor D. Forrester

Applicant Name

Affiliation

8/19/2024

Date Filed

10/3/2024

Meeting Date (if applicable)

10-L-24-RZ

File Number(s)

CORRESPONDENCE

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

Taylor D. Forrester Long, Ragsdale and Waters, PC

Name / Company

1111 N. Northshore Dr. Dr. Suite S-700 Knoxville TN 37919

Address

865-584-4040 / tforrester@lrwlaw.com

Phone / Email

CURRENT PROPERTY INFO

Baker Ridge, LLC 3312 Tipton Station Rd

Owner Name (if different)

865-617-0389

Owner Phone / Email

7816 BALL CAMP PIKE

Property Address

91 226

Parcel ID

20.85 acres

Tract Size

Part of Parcel (Y/N)?

West Knox Utility District

Sewer Provider

West Knox Utility District

Water Provider

Septic (Y/N)

COMMUNITY ENGAGEMENT

*Sign and return the **Public Notice and Community Engagement** form with this application.*

*Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). **We require applicants to acknowledge their role in this process.***

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	removal of non-disturbance condition (10-E23-RZ)	Pending Plat File Number
	Proposed Zoning	
<input type="checkbox"/> Plan Amendment	Proposed Plan Designation(s)	
Proposed Density (units/acre) Previous Rezoning Requests		
Additional Information		

STAFF USE ONLY

PLAT TYPE	Fee 1	Total
<input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	\$150.00	
ATTACHMENTS	Fee 2	
<input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request		
<input type="checkbox"/> Amendment Request (Comprehensive Plan)	Fee 3	
ADDITIONAL REQUIREMENTS		
<input type="checkbox"/> Use on Review / Special Use (Concept Plan)		
<input type="checkbox"/> Traffic Impact Study		
<input type="checkbox"/> COA Checklist (Hillside Protection)		

AUTHORIZATION

<input type="checkbox"/> I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.		
	Taylor D. Forrester	8/19/2024
Applicant Signature	Please Print	Date
Phone / Email		
	Baker Ridge, LLC 3312 Tipton Station Rd	8/19/2024
Property Owner Signature	Please Print	Date



Development Request

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use
☐ Hillside Protection COA

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☐ SP ☐ PA
☒ Rezoning

Taylor D. Forrester

Attorney

Applicant Name

Affiliation

August 19, 2024

October 3, 2024

File Number(s)

Date Filed

Meeting Date (if applicable)

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

Taylor D. Forrester

Long, Ragsdale & Waters, PC

Name

Company

1111 N. Northshore Dr., Ste S-700

Knoxville

TN

37919

Address

City

State

ZIP

865-584-4040

tforrester@lrwlaw.com

Phone

Email

CURRENT PROPERTY INFO

Baker Ridge, LLC

3312 Tipton Station Rd.

865-617-0389

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

7816 Ball Camp Pike

091 226

Property Address

Parcel ID

WKUD

WKUD

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

Land Use / Place Type
CITY COUNTY

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

Related Rezoning File Number

☐ Other (specify) _____

☐ Attachments / Additional Requirements

ZONING REQUEST

☐ Zoning Change

Proposed Zoning

☐ Plan Amendment Change

Proposed Plan Designation(s)

Pending Plat File Number

Proposed Density (units/acre)

Previous Rezoning Requests

☒ Other (specify) **Removal of non-disturbance condition to allow construction of subdivision road**

STAFF USE ONLY

PLAT TYPE

☐ Staff Review

☐ Planning Commission

ATTACHMENTS

☐ Property Owners / Option Holders

☐ Variance Request

☐ Amendment Request (*Comprehensive Plan*)

ADDITIONAL REQUIREMENTS

☐ Use on Review / Special Use (*Concept Plan*)

☐ Traffic Impact Study

☐ COA Checklist (*Hillside Protection*)

Fee 1	Total
Fee 2	
Fee 3	

AUTHORIZATION

☒ I declare under penalty of perjury the foregoing is true and correct:
1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

Taylor D. Forrester

Digitally signed by Taylor D. Forrester
DN: cn=Taylor D. Forrester, email=tforrester@lrwlaw.com, o=US United States, ou=US United States
Reason: I am the author of this document
Date: 2024.05.23 15:22:04-00

Taylor D. Forrester

8/19/24

Applicant Signature

865-584-4040

Phone Number

Please Print

tforrester@lrwlaw.com

Email

Date

08/19/24

Date Paid

Chris Swindle, Manager

Authentisign

Chris Swindle o/b/o Baker Ridge, LLC

Property Owner Signature

Please Print

08/19/24

Date Paid



Public Notice and Community Engagement

Sign Posting and Removal

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.

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.

Community Engagement

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s).

Acknowledgement

By signing below, you acknowledge that public notice signs must be posted and visible on the property consistent with the guidelines above and between the dates listed below.

9/20
Date to be Posted

10/4 ww
Date to be Removed

Have you engaged the
surrounding property owners
to discuss your request?

☐ Yes ☒ No

☐ No, but I plan to prior to the
Planning Commission meeting

Taylor D. Forrester

Applicant Signature

Digitally signed by Taylor D. Forrester
DN: cn=Taylor D. Forrester, o=Taylor D. Forrester e=US United
States, postalCode=37603, email=TForrester@knox.gov
Reason: I am the author of this document
Date: 2024.09.12 12:07:04.00

Taylor D. Forrester

Applicant Name

9/12/24

Date

FILE NUMBER
10-L-24-RZ