



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 9-L-23-RZ
9-B-23-SP

AGENDA ITEM #: 22
AGENDA DATE: 9/14/2023

▶ **APPLICANT:** EDELMARY MARTINEZ
OWNER(S): Edelmary Martinez

TAX ID NUMBER: 124 P A 005 [View map on KGIS](#)
JURISDICTION: Commission District 9
STREET ADDRESS: 507 BROWN MOUNTAIN LOOP RD
▶ **LOCATION:** **North & East sides of Brown Mountain Loop Rd, east of Compton Ln.**
▶ **TRACT INFORMATION:** **1.08 acres.**
SECTOR PLAN: South County
GROWTH POLICY PLAN: Rural Area
ACCESSIBILITY: Access is via Brown Mountain Loop Rd, a local street with 12 ft of pavement width within 40-ft of right-of-way.
UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board
WATERSHED: Knob Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** **AG (Agricultural) / A (Agricultural)**

▶ **PROPOSED PLAN DESIGNATION/ZONING:** **RR (Rural Residential) / PR (Planned Residential)**

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

▶ **DENSITY PROPOSED:** **up to 2 du/ac**

EXTENSION OF PLAN DESIGNATION/ZONING: No, it is not an extension.

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Agricultural/forestry/vacant - AG (Agricultural) - A (Agricultural)
South: Rural residential - AG (Agricultural) - A (Agricultural)
East: Single family residential - AG (Agricultural) - A (Agricultural)
West: Single family residential - AG (Agricultural) - A (Agricultural)

NEIGHBORHOOD CONTEXT: The area is comprised of vacant land and single family residential homes ranging in size from 0.5 acres to multiple acres. Approximately 0.25 miles to the north is a subdivision within Knoxville City limits zoned RN-1.

STAFF RECOMMENDATION:

- ▶ **Deny the sector plan amendment to RR (Rural Residential) because does not meet the criteria for a sector plan amendment.**

- ▶ **Deny the PR (Planned Residential) zone because it is not consistent with the South County Sector Plan and it would allow development that may be out of character with the surrounding area.**

COMMENTS:

SECTOR PLAN AMENDMENT REQUIREMENTS FROM GENERAL PLAN (May meet one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. The subject property is in an area that is wooded and hilly, with residential and agricultural development being the prominent land uses. There have been no significant changes to the landscape in terms of development or environmental conditions over the past 20 years.
2. The subject property is in the Rural Area of the Growth Policy Plan. The Growth Policy Plan allows a density of up to 3 du/ac if certain criteria are met. However, the subject property does not meet those conditions.

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

1. The applicant has stated that they have conducted a perc test for septic service and it is not feasible on the site.
2. The applicant has contacted KUB to confirm sewer availability and reported there are two sewer lines 140-ft and 160-ft from the subject property.
3. There have been no significant improvements to the road network in this area, and there are no capital improvements planned for this location.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There is no obvious or significant error or omission in the sector plan related to the subject property.

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

1. There has been no development in the area since 2010.

OTHER COMMENTS:

1. The South County Sector Plan supports PR (Planned Residential) with up to 1 du/ac in the County's Rural Area. Many of the surrounding properties were built in the 1950's and are non-conforming to today's standards. The South County Sector Plan states that "many times such land was zoned agricultural in the 1950's. A rezoning to allow for detached houses in such areas is almost always approved."

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 COUNTY GENERALLY:

1. There have been no significant changes to this area either in terms of private development or public improvements over the past 20 years. The subject property and surrounding lots are rural in character, with residences on large 22-acre parcels to small 0.5-acre lots, with single family residential as the predominant land use.

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

1. The PR zone allows for flexibility due to site constraints and prioritizes compatibility with adjacent zones. The subject property is not in the HP area, nor does it contain any FEMA floodplains or closed contour lines, so it does not appear to be constrained.
2. All surrounding properties are zoned A (Agricultural), which requires a minimum lot size of 1 acre. Therefore, the requested density of up to 2 du/ac is not consistent with the surrounding zoning.
3. The PR zone is generally designed for larger areas than the 1.08 acres featured here. The PR zone has a peripheral boundary that requires all buildings to be set back no less than 35 ft from the periphery, which

significantly limits the area that can be developed.

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 requires Planning Commission use on review approval of site plans prior to any development of the property. During this review, potential issues such as traffic, drainage, access, topography, lot layout, compatibility with neighborhood character and other development concerns can be addressed.

2. The adjacent properties to the east along Brown Mountain Loop Road are approximately 1/2 acre in size. These lots were platted in 1955 when the A zone's minimum lot size was 1/2 acre, so those lots are legal nonconforming. The applicant's requested density of 2 du/ac is consistent with lot sizes in the immediate area.

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. If the Sector Plan Amendment is denied as recommended, the proposed PR zone would be in conflict with the South County Sector Plan's AG (Agricultural) land use classification, which only supports 1 du/ac in the PR zone in the County's Rural Areas.

ESTIMATED TRAFFIC IMPACT: 28 (average daily vehicle trips)

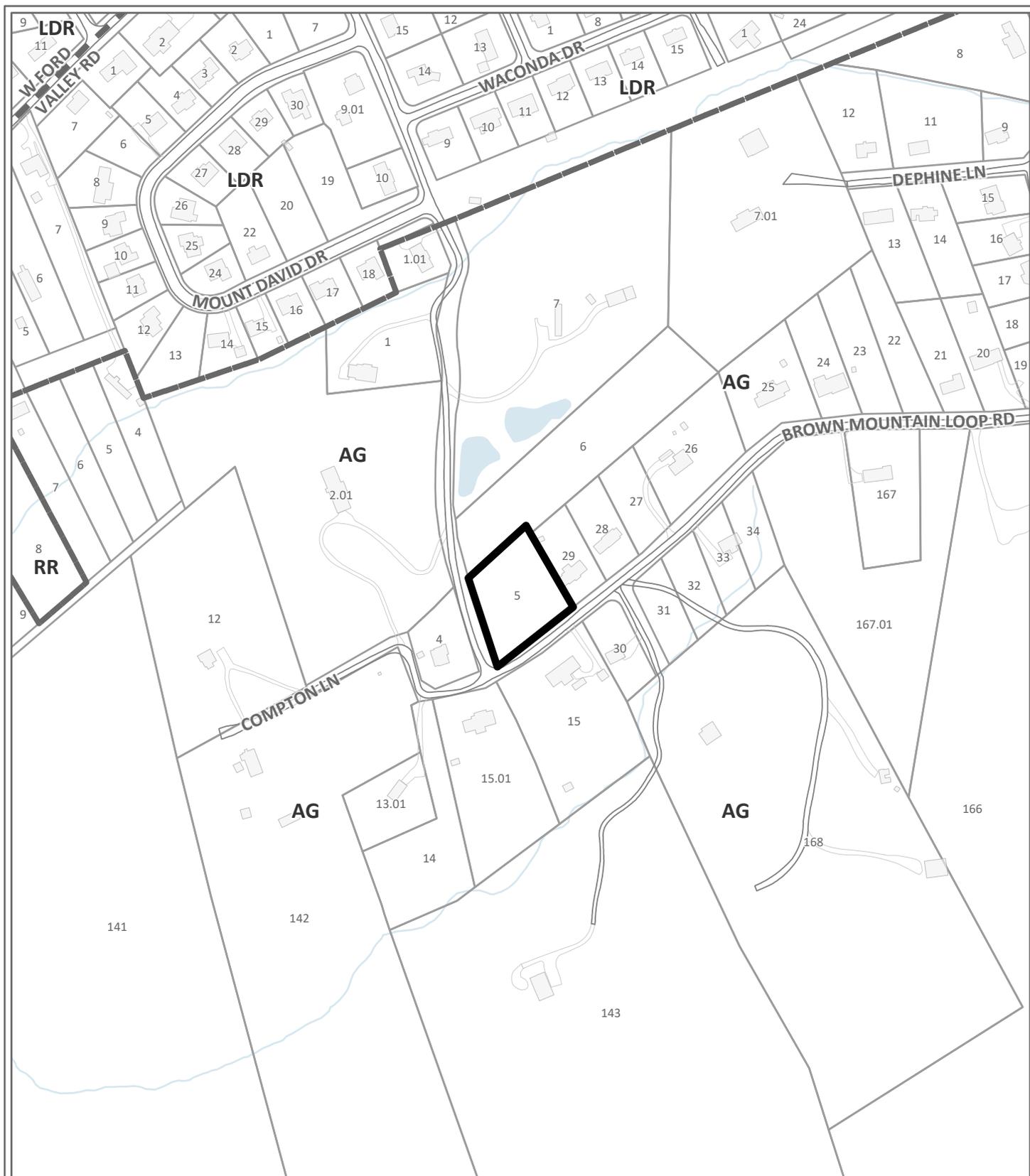
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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: 0 (public school children, grades K-12)

Schools affected by this proposal: Mooreland Heights Elementary, South Doyle Middle, and South Doyle 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 11/20/2023. 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-B-23-SP
SOUTH COUNTY SECTOR PLAN MAP**

Petitioner: Edelmary Martinez

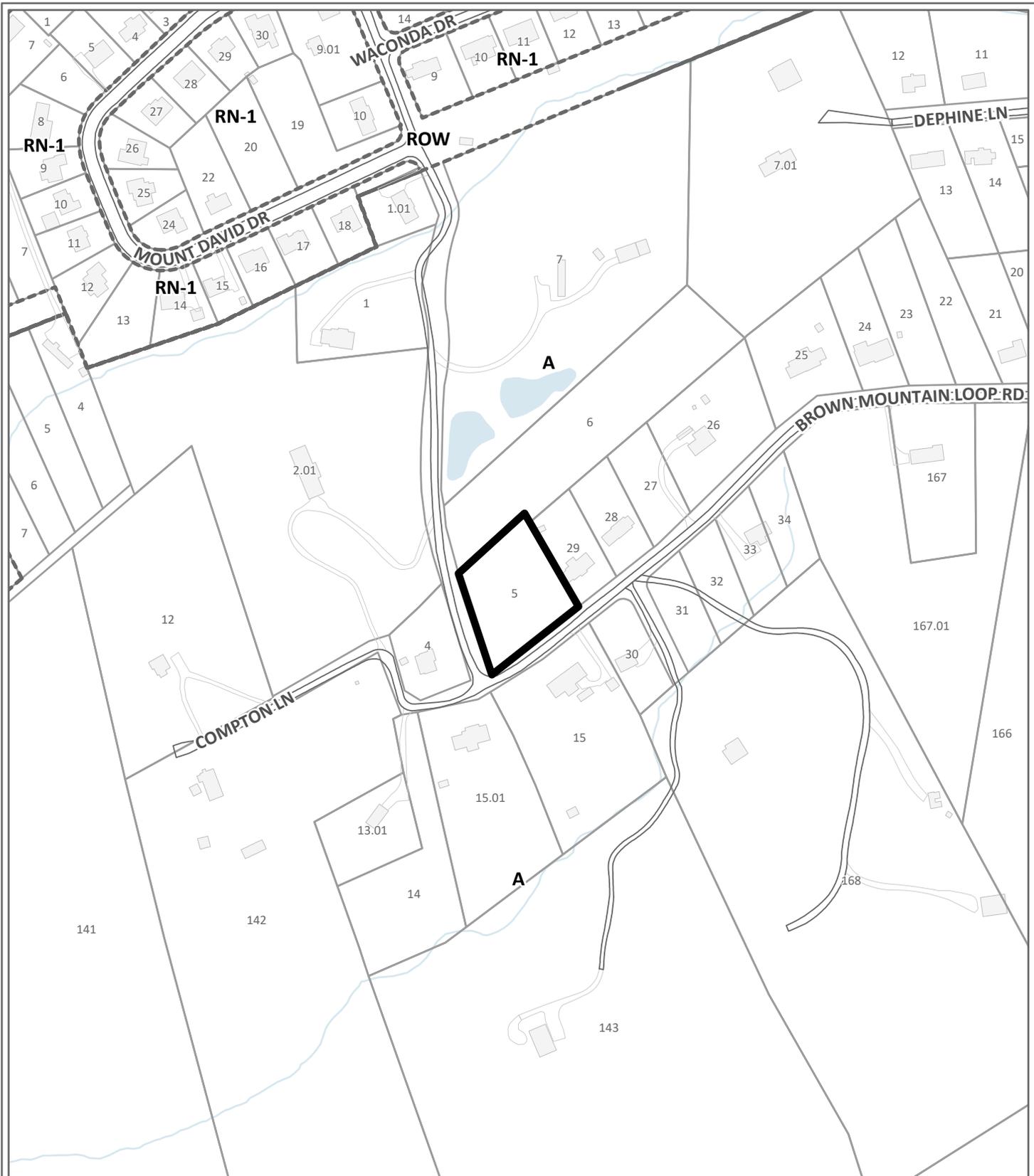


From: AG (Agricultural)
To: RR (Rural Residential)

Map No: 124
Jurisdiction: County

Original Print Date: 8/18/2023
Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902





REZONING

9-L-23-RZ

Petitioner: Edlmary Martinez



From: A (Agricultural)

To: PR (Planned Residential)

Map No: 124

Jurisdiction: County

Original Print Date: 8/18/2023

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

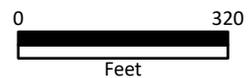
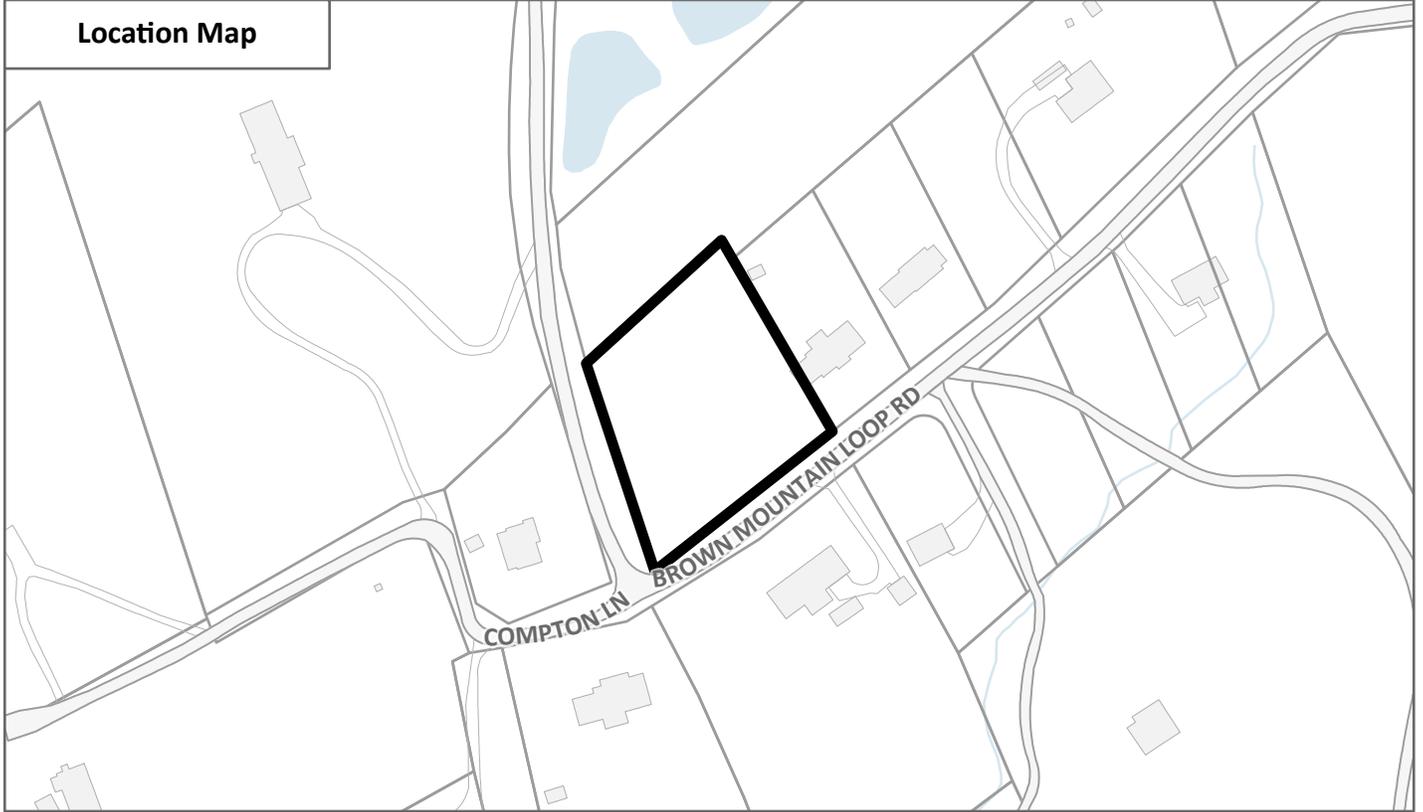


Exhibit A. Contextual Images

Location Map



Aerial Map

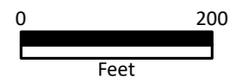


CONTEXTUAL MAPS 1

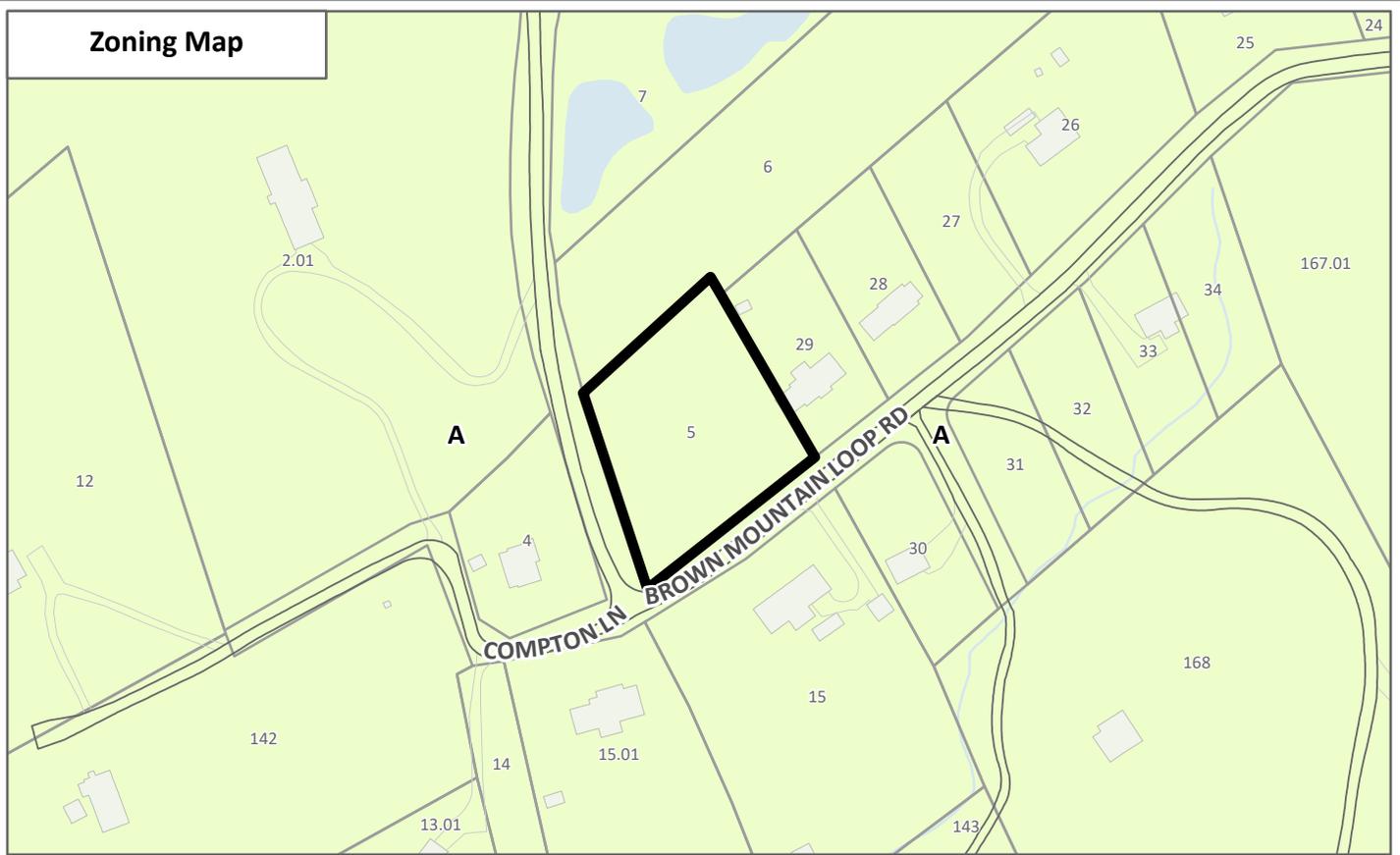
9-B-23-SP / 9-L-23-RZ



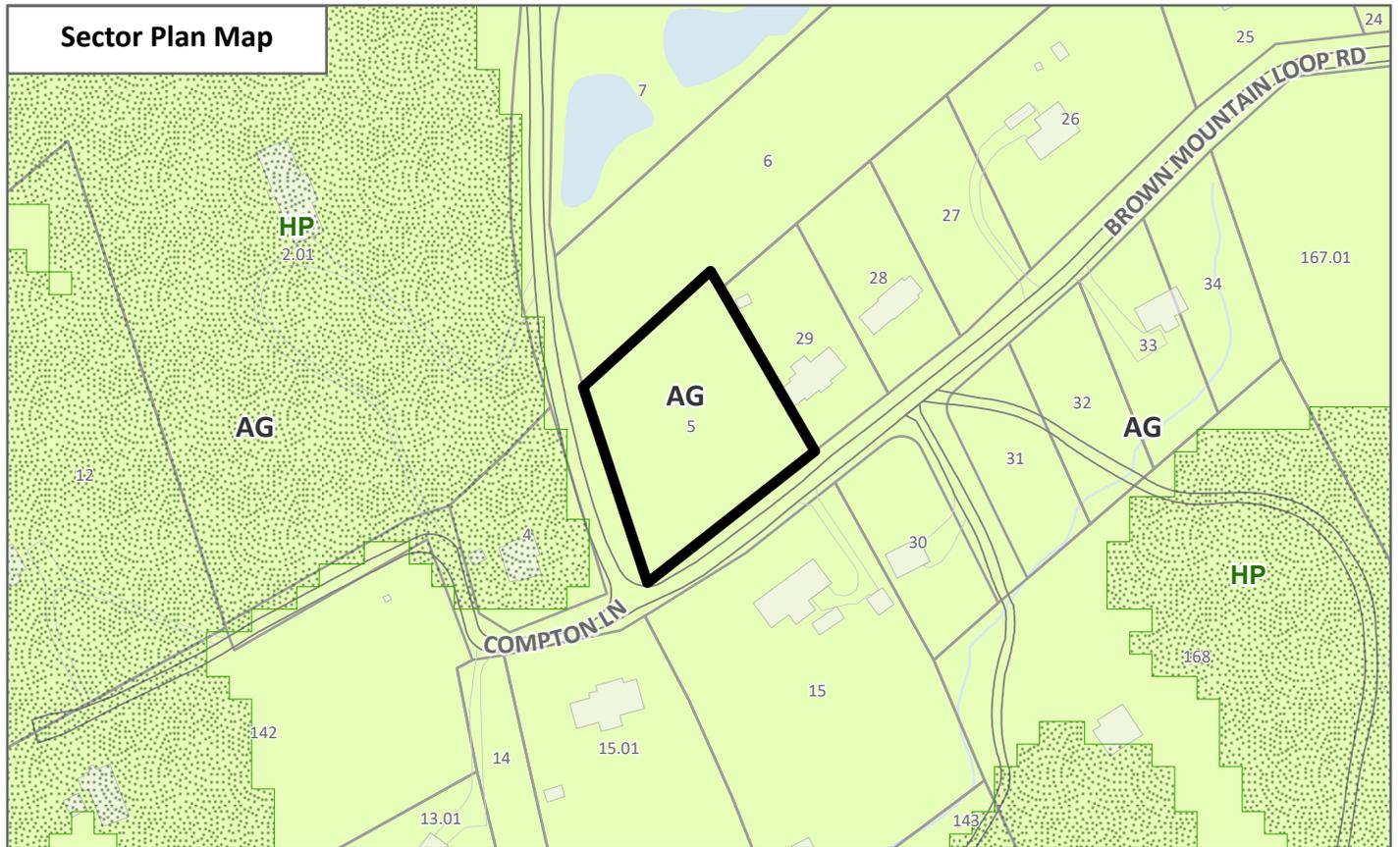
Case boundary



Zoning Map



Sector Plan Map

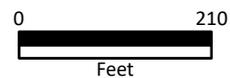


CONTEXTUAL MAPS 2

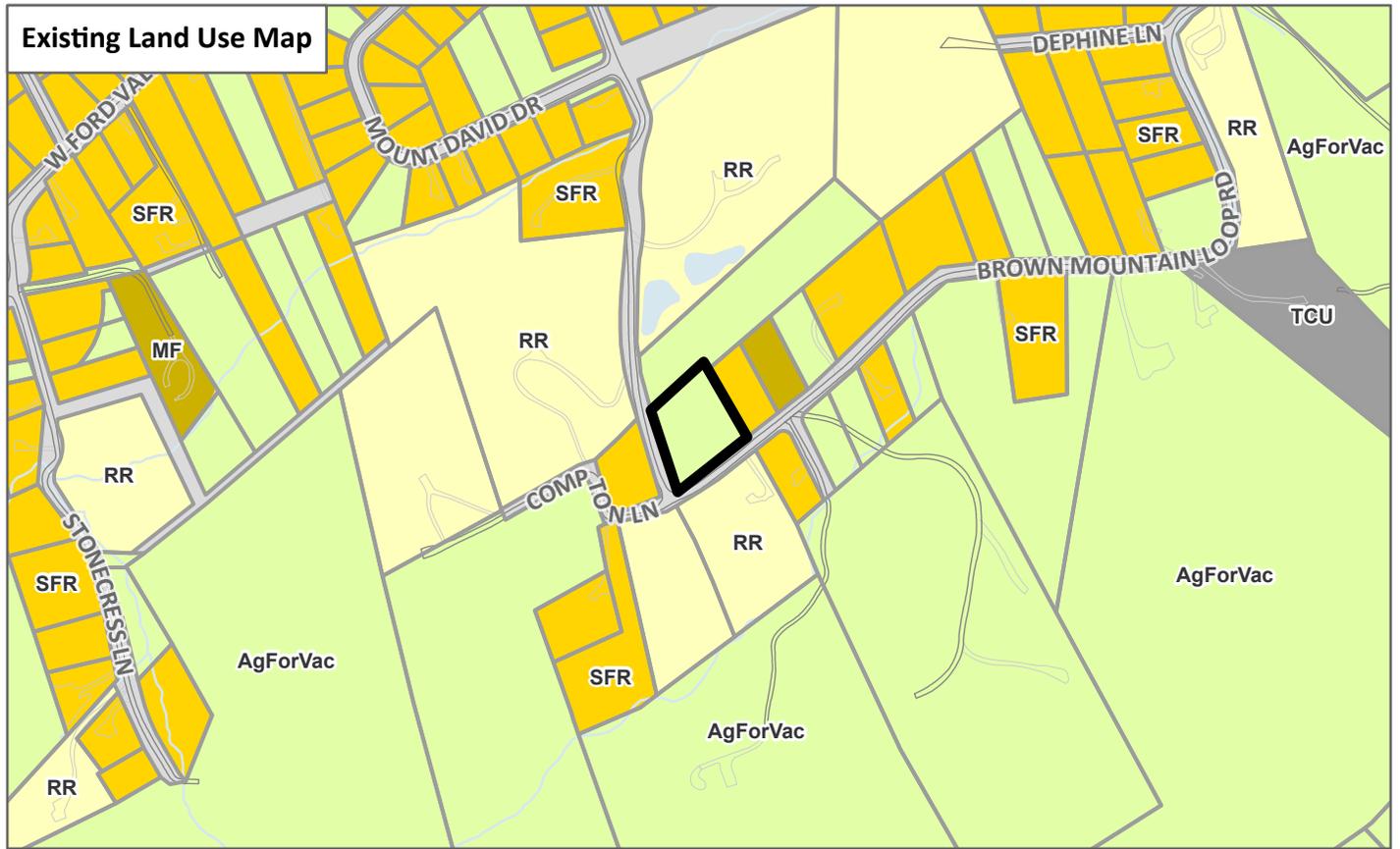
9-B-23-SP / 9-L-23-RZ



Case boundary



Existing Land Use Map



CONTEXTUAL MAPS 3

9-B-23-SP / 9-L-23-RZ



Case boundary





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

Edelmary Martinez

Applicant Name

Affiliation

7/31/2023

Date Filed

9/14/2023

Meeting Date (if applicable)

9-B-23-SP / 9-L-23-RZ

File Number(s)

CORRESPONDENCE

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

Edelmary Martinez

Name / Company

304 Hermitage Dr Knoxville TN 37920

Address

423-322-3993 / edelmaryMartinez@gmail.com

Phone / Email

CURRENT PROPERTY INFO

Edelmary Martinez

Owner Name (if different)

304 Hermitage Dr Knoxville TN 37920

Owner Address

423-322-3993 / edelmaryMartin

Owner Phone / Email

507 BROWN MOUNTAIN LOOP RD

Property Address

124 P A 005

Parcel ID

1.08 acres

Tract Size

Part of Parcel (Y/N)?

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

STAFF USE ONLY

General Location

City **Commission District 9 A (Agricultural)**

Agriculture/Forestry/Vacant Land

County District Zoning District

Existing Land Use

South County AG (Agricultural)

Rural Area

Planning Sector Sector Plan Land Use Classification

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	
Additional Information _____	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change PR (Planned Residential)	Pending Plat File Number
Proposed Zoning	
<input checked="" type="checkbox"/> Plan Amendment RR (Rural Residential)	
Proposed Plan Designation(s)	

up to 2 du/ac

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
\$1,300.00	
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.

Applicant Signature: Edelmary Martinez Please Print 7/31/2023 Date

Phone / Email _____

Property Owner Signature: Edelmary Martinez Please Print 7/31/2023 Date



Planning

KNOXVILLE | KNOX COUNTY

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

Edelmary Martinez
 Applicant Name Affiliation

7/31/23 9/14/23 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

Edelmary Martinez
 Name Company

304 Hermitage Dr Knoxville TN 37920
 Address City State ZIP

423-322-3993 edelmarymartinez@gmail.com
 Phone Email

CURRENT PROPERTY INFO

Property Owner Name (if different) Property Owner Address Property Owner Phone

507 Brown Mountain Loop Rd Knoxville, TN 124 PADOS
 Property Address Parcel ID

N/A N/A N/A
 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

- Development Plan
 Use on Review / Special Use
 Hillside Protection COA
 Residential
 Non-Residential

Related City Permit Number(s)

Home Occupation (specify) _____

Other (specify) _____

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name _____

- Combine Parcels
 Divide Parcel

Unit / Phase Number _____

Total Number of Lots Created _____

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Pending Plat File Number

Zoning Change

~~AA~~ PR
Proposed Zoning

Plan Amendment Change

RR
Proposed Plan Designation(s)

ZDU/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
Fee 2	
Fee 3	

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Edelmary Martinez
Applicant Signature

Edelmary Martinez
Please Print

7/31/23
Date

423-322-3993
Phone Number

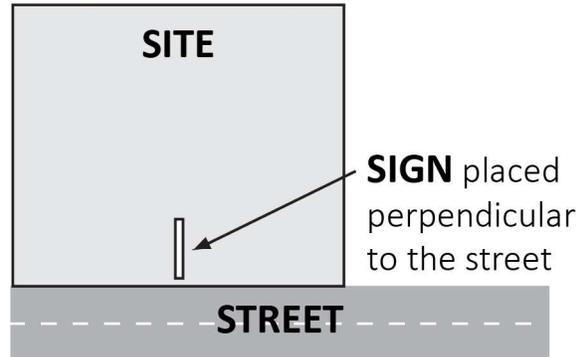
edelmarymartinez@gmail.com
Email

Edelmary Martinez
Property Owner Signature

Edelmary Martinez
Please Print

7/31/23
Date Paid

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:

_____ September 1, 2023 _____ and _____ September 15, 2023 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Edelmary Martinez

Date: 7-31-2023

File Number: 9-L-23-RZ & 9-B-23-SP

- Sign posted by Staff
- Sign posted by Applicant