



# 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

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**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

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▶ **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.

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## 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.