



PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 12-I-23-RZ **AGENDA ITEM #:** 14
 12-C-23-SP **AGENDA DATE:** 12/14/2023

▶ **APPLICANT:** ERIKA AYALA MUNOZ
OWNER(S): Francisco & Leticia Hernandez Francisco & Leticia Hernandez

TAX ID NUMBER: 80 J B 018.01 [View map on KGIS](#)

JURISDICTION: Council District 5

STREET ADDRESS: 2812 MERCHANT DR

▶ **LOCATION:** Southeast side of Merchant Dr, northeast of Pleasant Ridge Rd

▶ **TRACT INFORMATION:** 3 acres

SECTOR PLAN: Northwest City

GROWTH POLICY PLAN: N/A (Within City Limits)

ACCESSIBILITY: Access is via Merchant Drive, a minor arterial street with a 30-ft pavement width within a right-of-way width that ranges from 62 ft to 72 ft.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential), NC (Neighborhood Commercial), HP (Hillside Protection) / OP (Office Park), HP (Hillside Protection Overlay)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** LDR (Low Density Residential), HP (Hillside Protection) / AG (General Agricultural), HP (Hillside Protection Overlay)

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

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes, this is an extension of the LDR (Low Density Residential) land use designation and the AG (Agricultural) zoning district.

HISTORY OF ZONING REQUESTS: In 1982, this property was included in a rezoning request from A-1 (General Agricultural) to C-3 (General Commercial), but was rezoned to O-3 (Office Park) per staff recommendation (12-D-82-RZ). A request to rezone the property from OP (Office Park) to C-G-1 (General Commercial) was denied by the Planning Commission in October (10-B-23-RZ).

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Wholesale, public-quasi public land - O (Office), HP (Hillside Protection) - O (Office), HP (Hillside Protection Overlay)

South: Office, public-quasi public land - NC (Neighborhood Commercial), CI (Civic Institutional), HP (Hillside Protection) - O (Office), AG (Agricultural), C-G-1, (General Commercial), HP (Hillside Protection Overlay)

East: Rural residential, public-quasi public land - LDR (Low Density Residential), HP (Hillside Protection) - AG (Agricultural), HP

(Hillside Protection Overlay)

West: Commercial - NC (Neighborhood Commercial) - C-G-1 (General Commercial)

NEIGHBORHOOD CONTEXT: This area is an office and commercial node around the intersection of Merchant Drive and Pleasant Ridge Road. It is surrounded by single family and multifamily residential neighborhoods. There is a middle school to the south, and a large area of forested hillside to the east.

STAFF RECOMMENDATION:

- ▶ **Approve the LDR (Low Density Residential) land use classification because it is a minor extension of this classification within the parcel. The HP (Hillside Protection) area would be retained.**

- ▶ **Approve the AG (Agricultural) district because it is a minor extension of zoning that is more compatible with the surrounding natural area. The HP (Hillside Protection Overlay) would be retained.**

COMMENTS:

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

CHANGES OF CONDITIONS WARRANTING AN AMENDMENT OF THE LAND USE PLAN:

1. The subject property is within the boundaries of the Norwood Community Association, where the predominant land use classification is LDR (Low Density Residential). Half of the subject property already has the LDR designation, making this sector plan amendment a minor extension that would provide the lot with a consistent land use classification.
2. This property is in an area with sidewalks, transit, service-oriented commercial and office establishments, schools, a greenway trail and a park system. These amenities support consideration of a residential land use like LDR at this location.

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

1. While there have not been significant changes to infrastructure recently in this area, existing facilities support a less intensive land use classification from NC (Neighborhood Commercial) to LDR (Low Density Residential).

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. There are no apparent errors or omissions in the Northwest City Sector Plan with regards to the requested LDR classification here.
2. Extending LDR would provide the lot with a single, consistent land use designation.

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

1. This property is in an area where much of the development is consistent with the LDR land use classification. A minor extension of this land use to the remainder of the parcel is compatible with the character of the broader Norwood Community.

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.E, 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. This parcel is part of Pleasant Ridge, much of which is zoned AG (Agricultural) and has remained forested and undisturbed.
2. The property originally had agricultural zoning before it was rezoned to an office district in 1982. The property has remained undeveloped.

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

1. The stated purpose of the AG district is to provide for agricultural uses and to prevent encroachment of incompatible land uses. The subject property's connection to over 100 acres of contiguous AG zoning aligns with the intent to protect and buffer this district.
2. This property meets the dimensional standards of the AG district, which include a minimum lot size of 5 acres and a minimum lot width of 200 ft.

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 uses outside of agriculture that are permitted in this district are generally less intensive. More intensive uses like heavy retail and rental operations or a reception facility would go through a special use review by the Planning Commission to evaluate its impact on the surrounding area.
2. A downzoning from the OP (Office Park) to the AG district is more compatible with the surrounding natural landscape of Pleasant Ridge, and is not anticipated to have any adverse impacts on other properties.

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. AG zoning is consistent with the Northwest City Sector Plan as amended to expand the LDR (Low Density Residential) land use classification throughout the parcel.
2. The proposed rezoning is not in conflict with development policies in the General Plan, or any other adopted plans pertaining to this area.

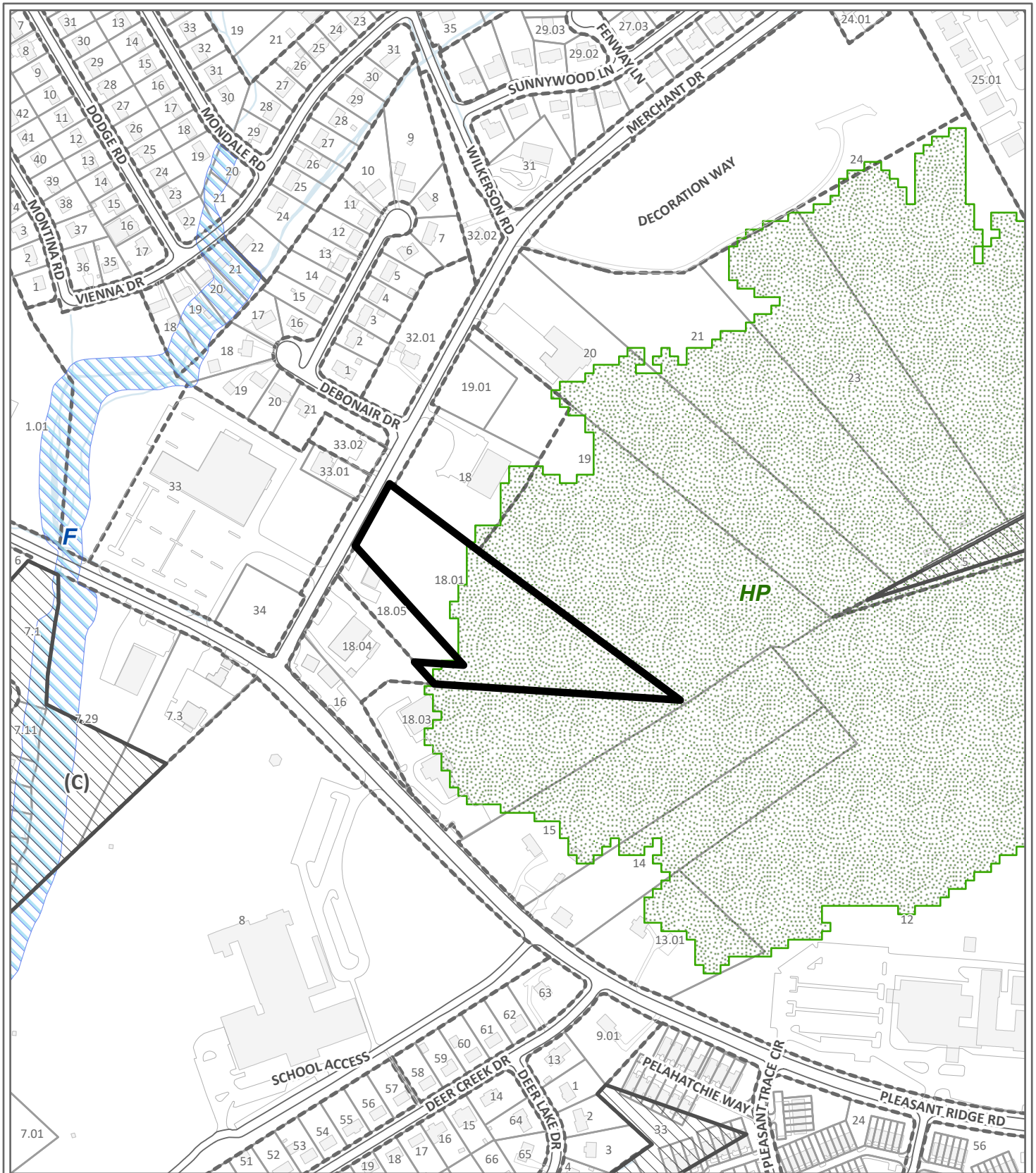
ADEQUATE PUBLIC FACILITIES ARE AVAILABLE INCLUDING, BUT NOT LIMITED TO, SCHOOLS, PARKS, POLICE AND FIRE PROTECTION, ROADS, SANITARY SEWERS, AND WATER LINES, OR ARE REASONABLY CAPABLE OF BEING PROVIDED PRIOR TO THE DEVELOPMENT OF THE SUBJECT PROPERTY IF THE AMENDMENT WERE ADOPTED:

1. This property is in an area that has ample utility infrastructure and community facility capacity.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 1/23/2024 and 2/6/2024. 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.



REZONING

12-I-23-RZ

Petitioner: Erika Ayala Munoz



From: OP (Office Park), HP (Hillside Protection Overlay)

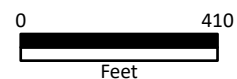
To: AG (General Agricultural);HP (Hillside Protection Overlay)

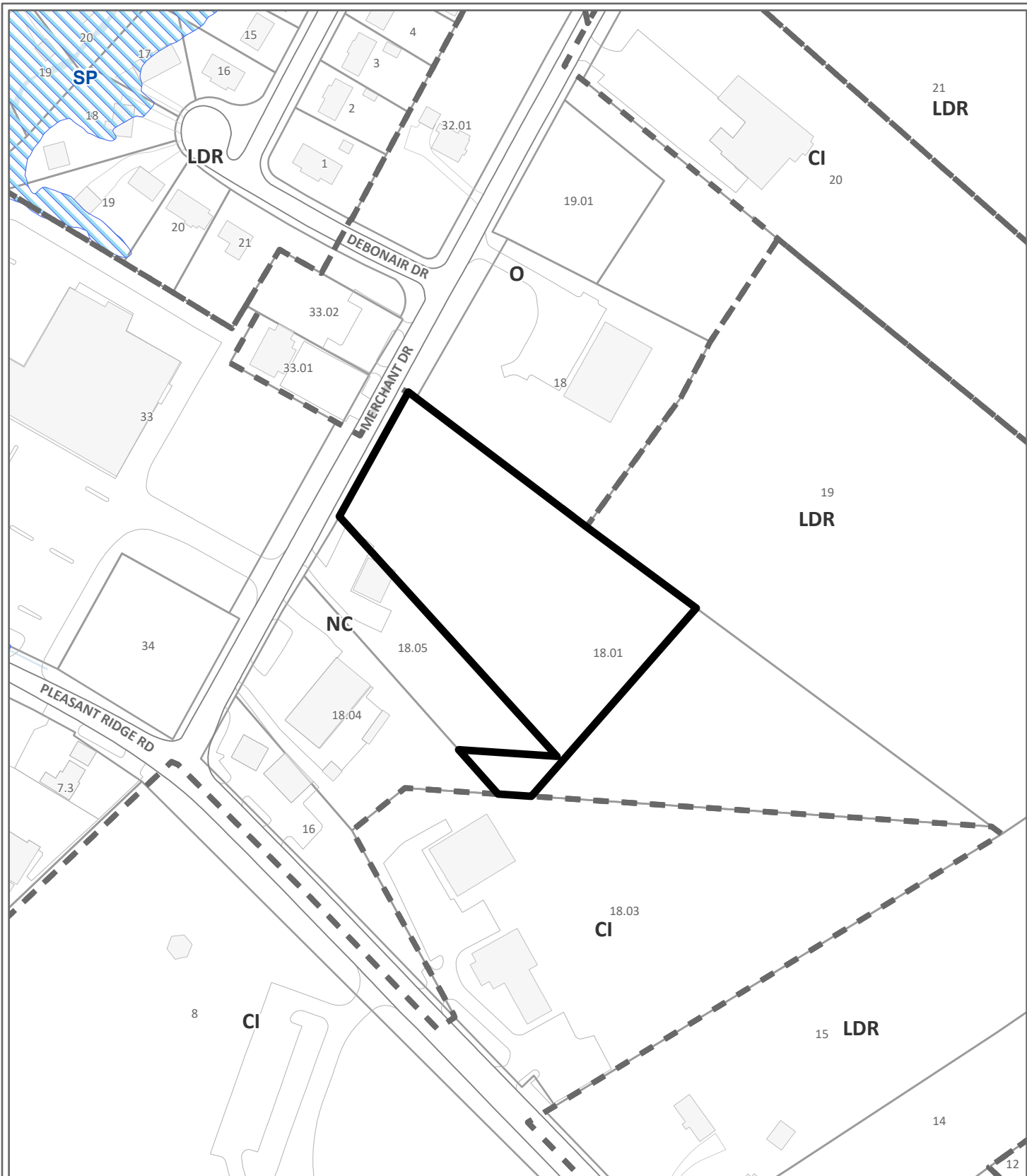
Map No: 80

Jurisdiction: City

Original Print Date: 11/13/2023

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





**12-C-23-SP
NORTHWEST CITY SECTOR PLAN MAP**

Petitioner: Erika Ayala Munoz



From: NC (Neighborhood Commercial), HP (Hillside Protection)
To: LDR (Low Density Residential), HP (Hillside Protection)

Map No: 80
Jurisdiction: City

Original Print Date: 11/13/2023
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

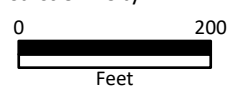
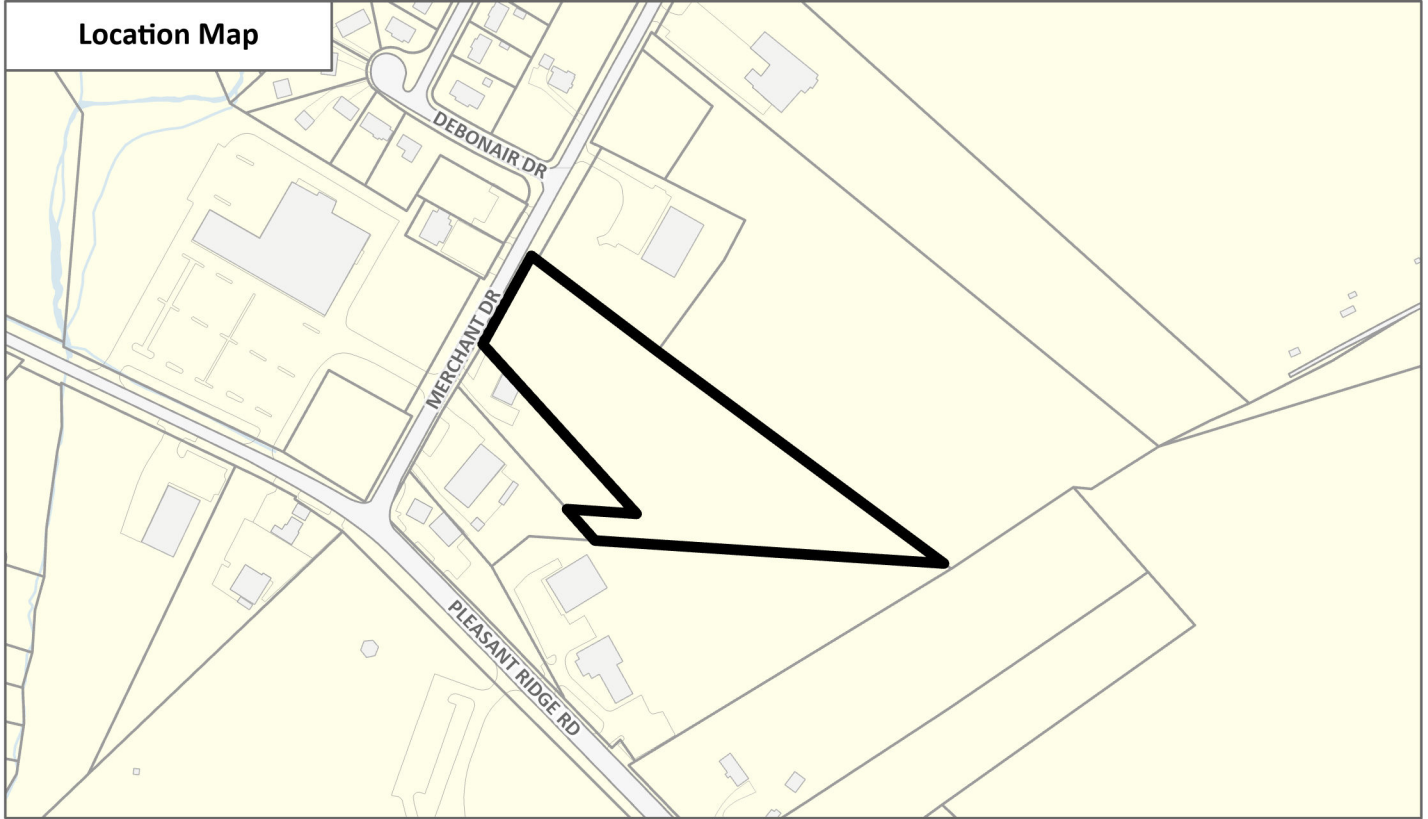
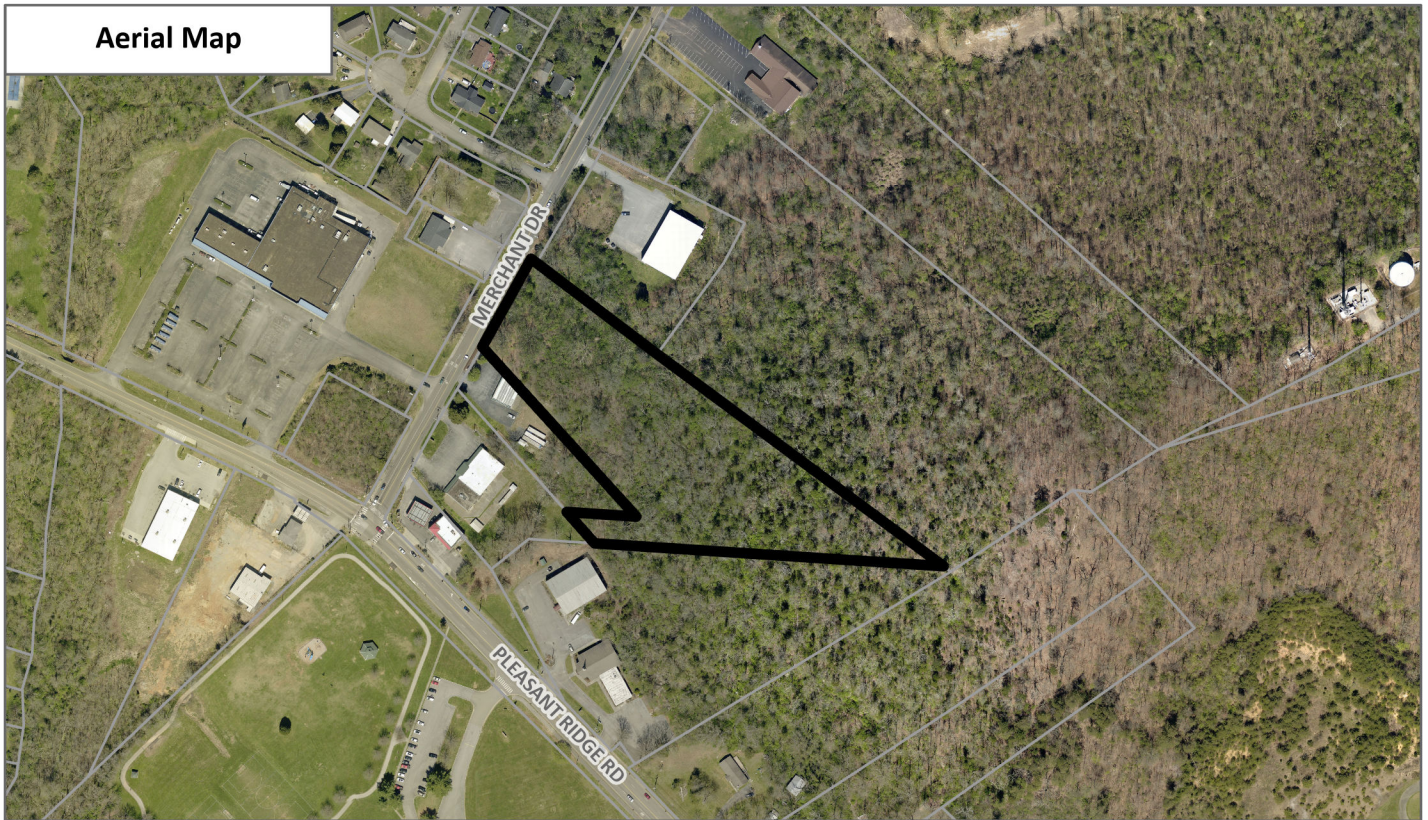


Exhibit A. Contextual Images

Location Map



Aerial Map

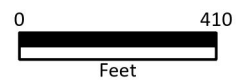


CONTEXTUAL MAPS 1

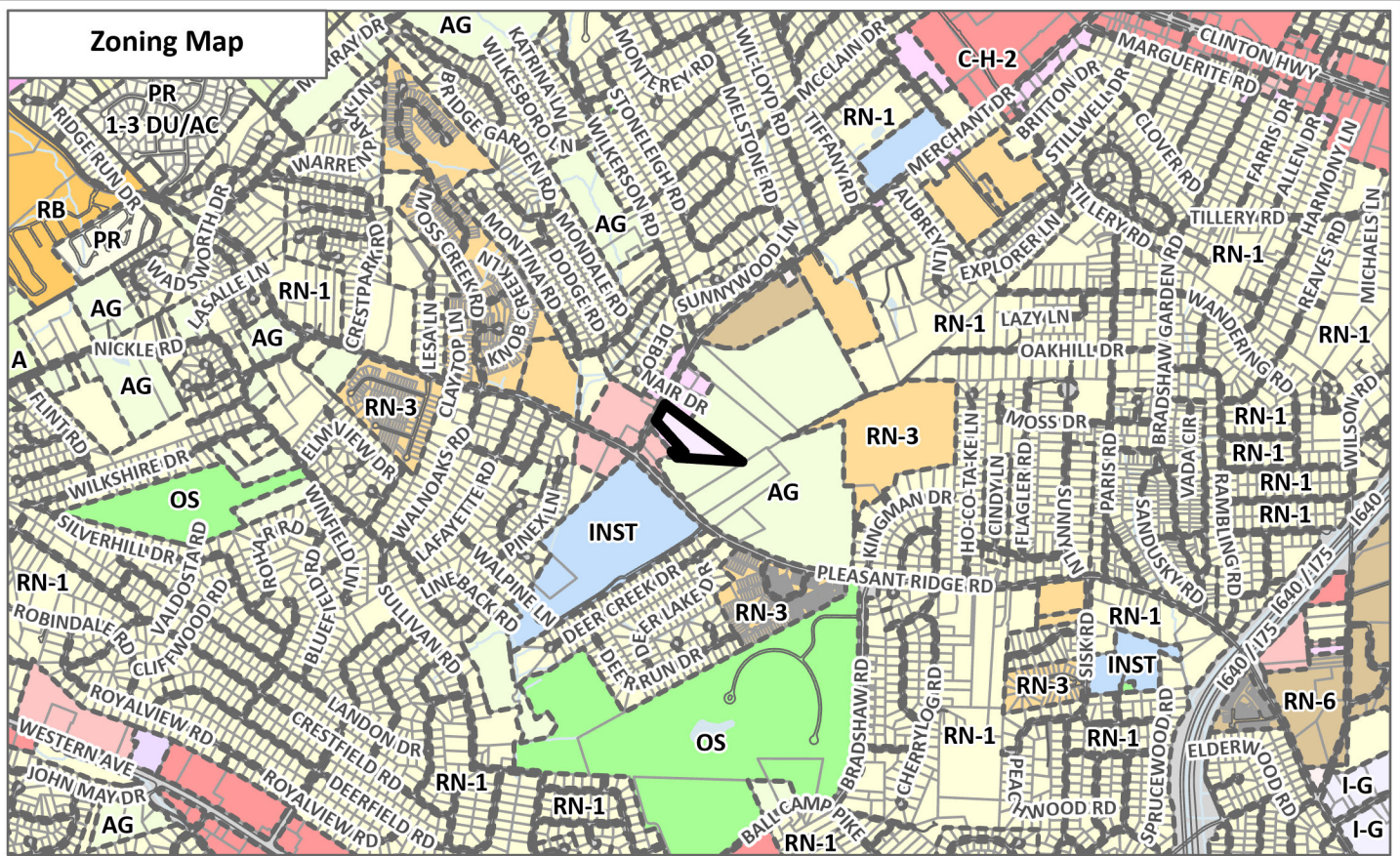
12-I-23-RZ / 12-C-23-SP



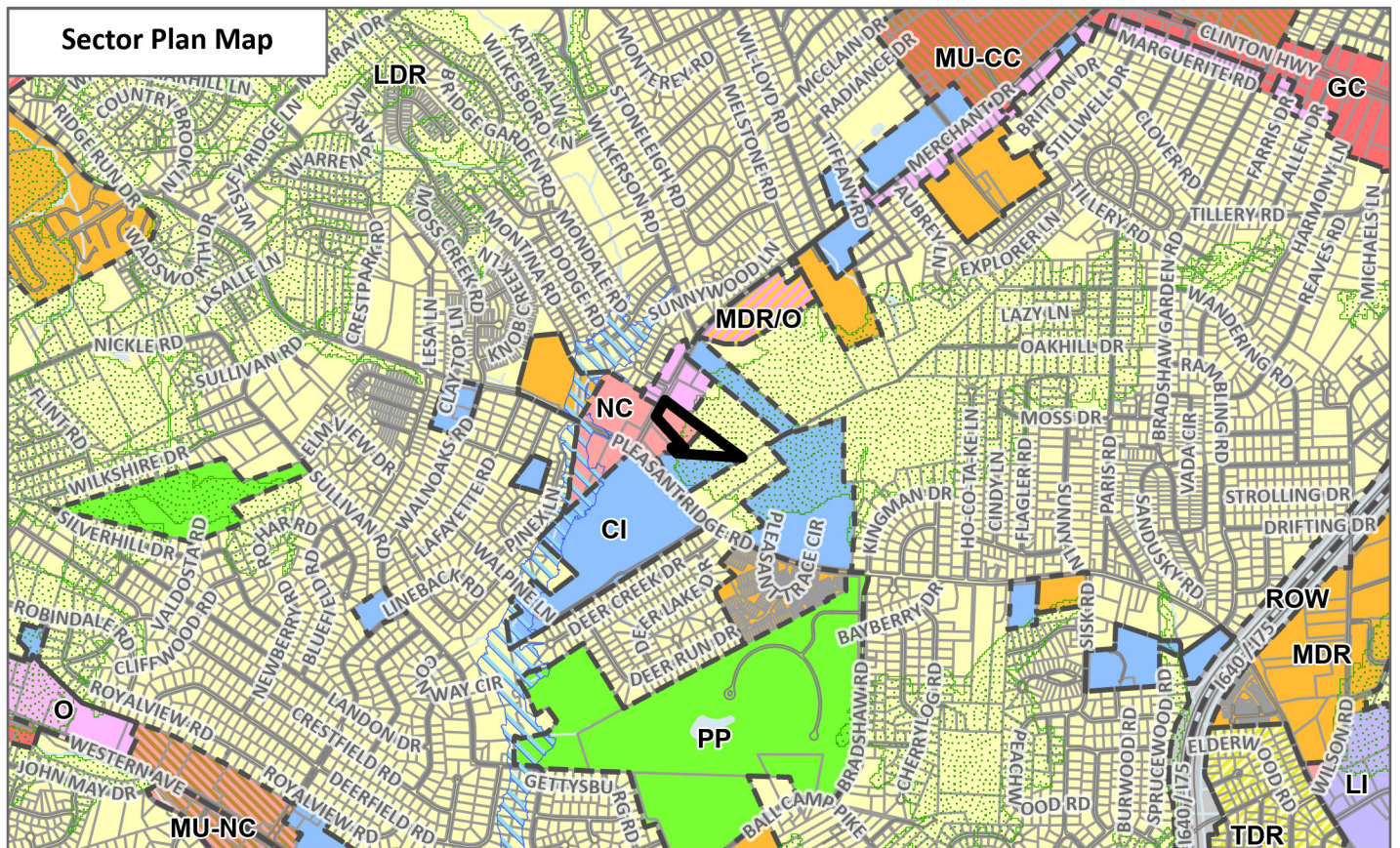
Case boundary



Zoning Map



Sector Plan Map



CONTEXTUAL MAPS 2

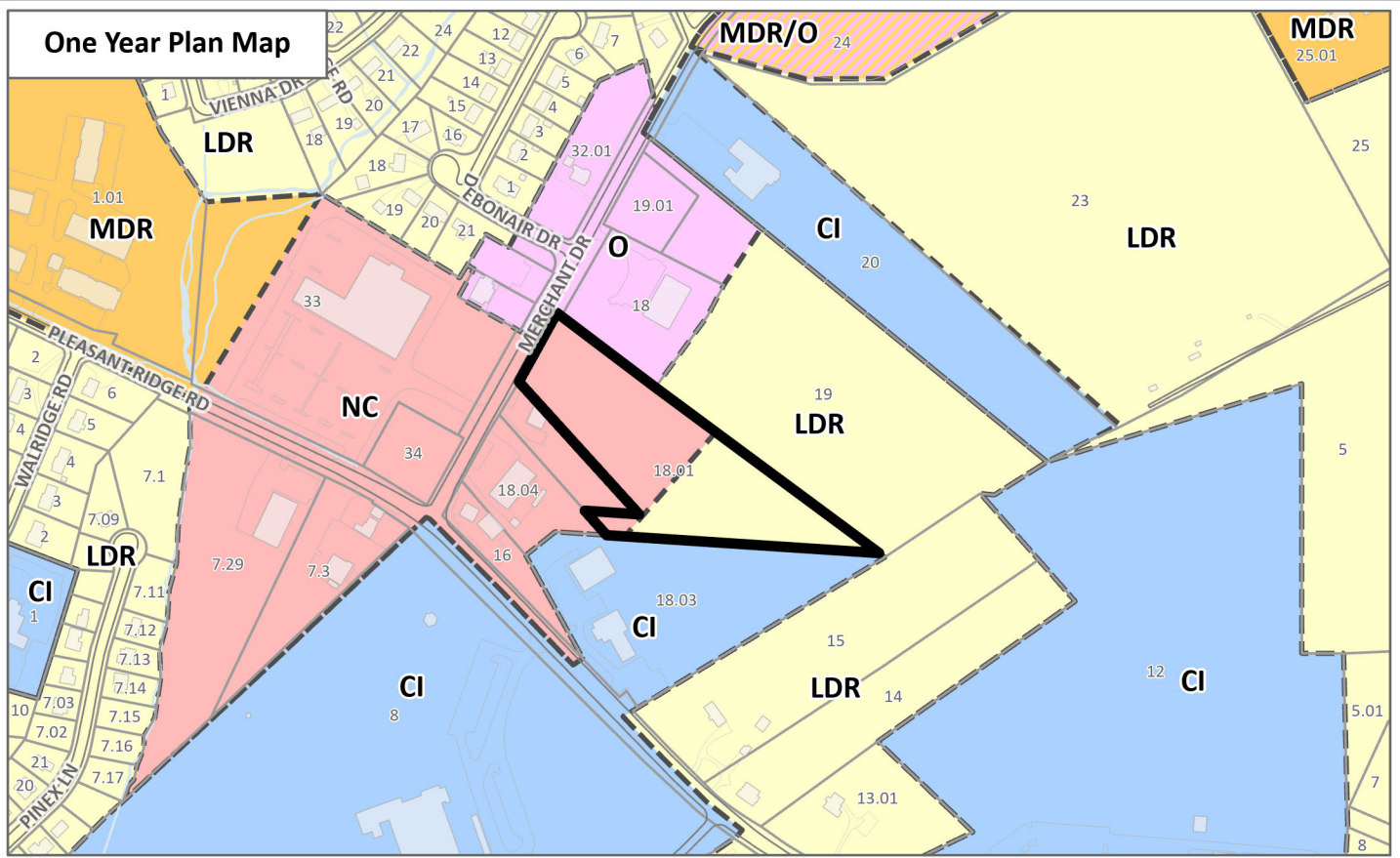
12-I-23-RZ / 12-C-23-SP



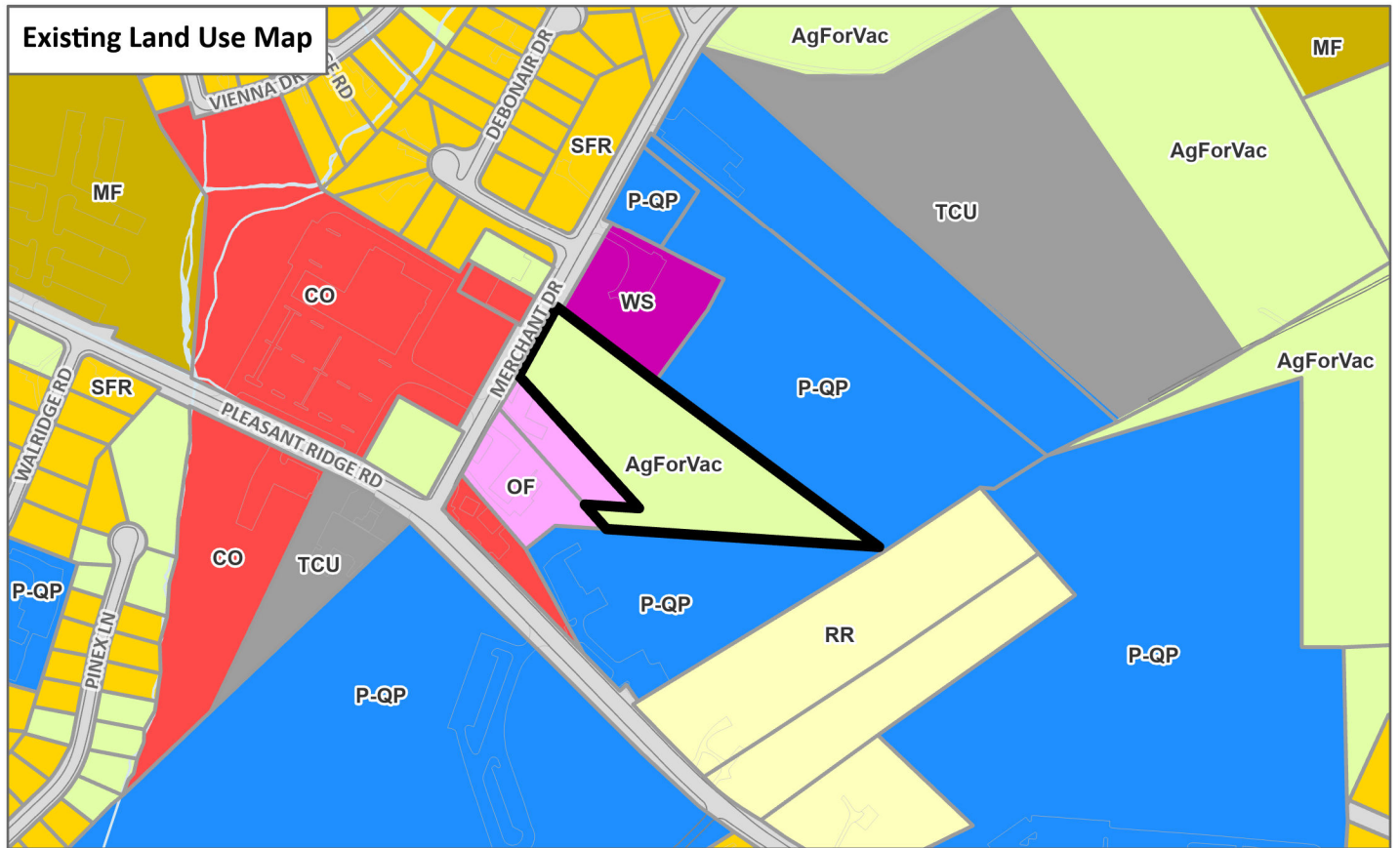
Case boundary



One Year Plan Map



Existing Land Use Map



CONTEXTUAL MAPS 3

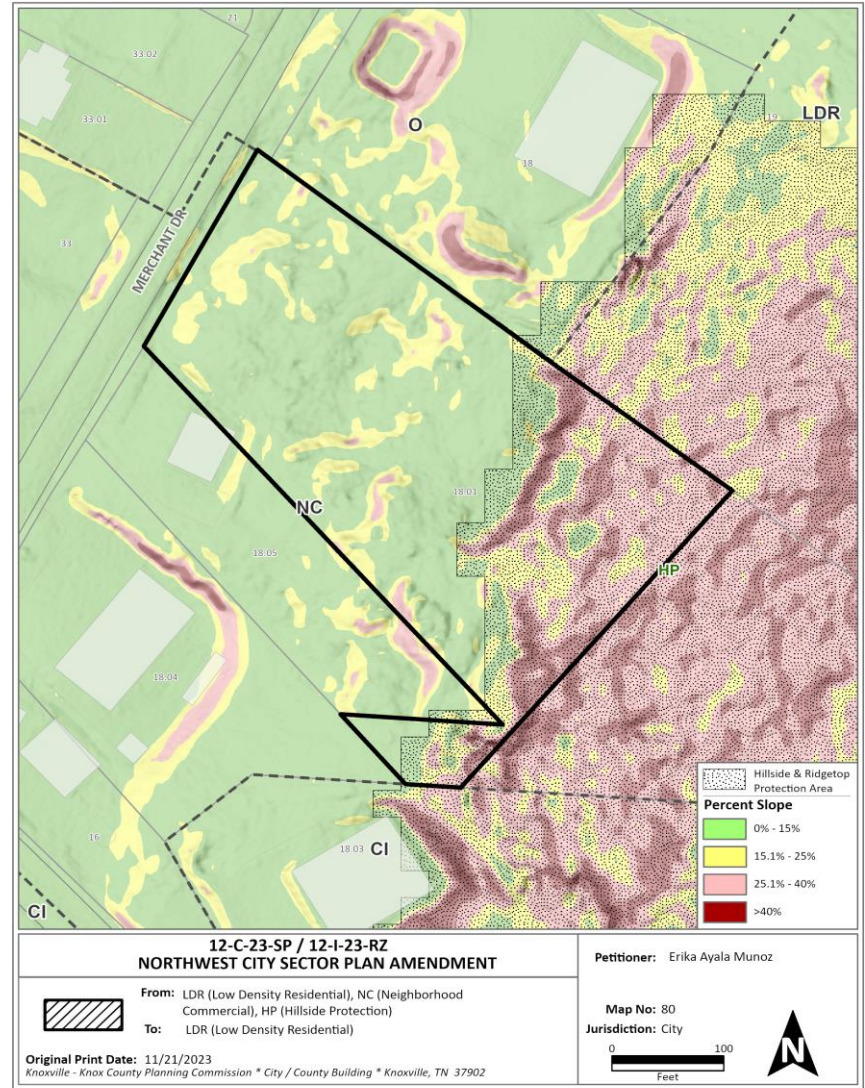
12-I-23-RZ / 12-C-23-SP



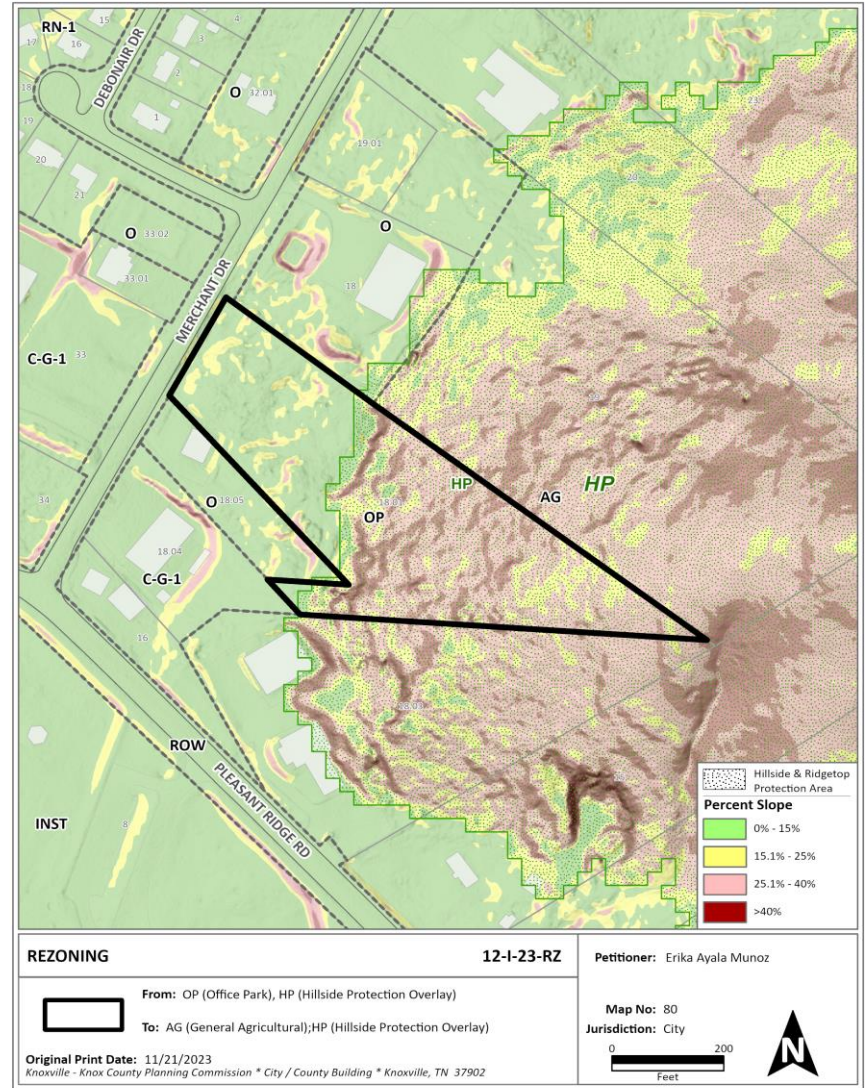
Case boundary



CATEGORY	SQFT	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Sqft)	DISTURBANCE AREA (Acres)
Total Area of Site	133,941.4	3.1			
Non-Hillside	86,273.3	2.0	N/A		
0-15% Slope	9,382.1	0.2	100%	9,382.1	0.2
15-25% Slope	9,817.2	0.2	50%	4,908.6	0.1
25-40% Slope	17,955.0	0.4	20%	3,591.0	0.1
Greater than 40% Slope	10,513.8	0.2	10%	1,051.4	0.0
Ridgetops					
Hillside Protection (HP) Area	47,668.2	1.1	Recommended disturbance budget within HP Area	18,933.1	0.4
			Percent of HP Area	39.7%	



CATEGORY	SQFT	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Sqft)	DISTURBANCE AREA (Acres)
Total Area of Site	233,358.9	5.4			
Non-Hillside	86,273.3	2.0	N/A		
0-15% Slope	9,865.9	0.2	100%	9,865.9	0.2
15-25% Slope	24,797.8	0.6	50%	12,398.9	0.3
25-40% Slope	80,340.6	1.8	20%	16,068.1	0.4
Greater than 40% Slope	32,081.3	0.7	10%	3,208.1	0.1
Ridgetops					
Hillside Protection (HP) Area	147,085.6	3.4	Recommended disturbance budget within HP Area	41,541.1	1.0
			Percent of HP Area	28.2%	





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

Erika Ayala Munoz

Applicant Name

Affiliation

11/7/2023

Date Filed

12/14/2023

Meeting Date (if applicable)

12-I-23-RZ / 12-C-23-SP

File Number(s)

CORRESPONDENCE

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

Erika Ayala Munoz

Name / Company

106 Tiffany Place Oak Ridge TN 37830

Address

865-951-4794 / erika.ayala86.ea60@gmail.com

Phone / Email

CURRENT PROPERTY INFO

Francisco & Leticia Hernandez Francisco

Owner Name (if different)

6129 Babelay Rd Knoxville TN 37924

Owner Address

865-643-6700

Owner Phone / Email

2812 MERCHANT DR

Property Address

80 J B 018 01

Parcel ID

3 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

Council District 5

OP (Office Park), HP (Hillside Protection Overlay)

Agriculture/Forestry/Vacant Land

County District

Zoning District

Existing Land Use

Northwest City

Planning Sector

LDR (Low Density Residential), NC (Neighborhood Comm

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

ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change AG (General Agricultural);HP (Hillside Protection Overlay)	Pending Plat File Number
Proposed Zoning	
<input checked="" type="checkbox"/> Plan Amendment LDR (Low Density Residential)	
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
\$0.00	
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	Erika Ayala Munoz Please Print	11/7/2023 Date
---------------------	--	--------------------------

Phone / Email		
Property Owner Signature	Francisco & Leticia Hernandez Francisco & Leticia Hernandez Please Print	11/7/2023 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 OYP
- Rezoning

Erika Ayala Munoz

Applicant Name	Affiliation	
10/30/2023	12/14/2023	File Number(s)
Date Filed	Meeting Date (if applicable)	12-I-23-RZ / 12-C-23-SP

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

Erika Ayala Munoz	n/a
Name	Company
106 Tiffany Pl	Oak Ridge TN 37830
Address	City State ZIP
865-951-4794	erika.ayala86.ea60@gmail.com
Phone	Email

CURRENT PROPERTY INFO

Leticia & Francisco Hernades	6129 Babelay Rd, Knoxville, TN 37924	865-643-6700
Property Owner Name (if different)	Property Owner Address	Property Owner Phone
2812 Merchant Dr	080JB01801	
Property Address	Parcel ID	
KUB	KUB	N
Sewer Provider	Water Provider	Septic (Y/N)

STAFF USE ONLY

Southeast side of Merchant Dr, northeast of Pleasant Ridge Rd	5.39 ac
General Location	Tract Size
<input checked="" type="checkbox"/> City <input type="checkbox"/> County	5th District
	OP/HP Zoning District
	Agriculture/forestry/vacant Existing Land Use
Northwest City	NC, LDR, HP
	N/A (within City limits)
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

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

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Pending Plat File Number

Zoning Change AG (entire property)

Proposed Zoning

Plan Amendment Change LDR (part of property)

Proposed Plan Designation(s)

12-D-82-RZ, 10-B-23-RZ

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	\$0.00 (waived)	Total \$0.00
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

[Signature] for
Applicant Signature

Erika Ayala Munoz

Please Print

11-8-23

Date

865-546-9321

bmullins@fmsllp.com

Phone Number

Email

Signed on separate copy

Property Owner Signature

Please Print

Date Paid



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

Erika Ayala Munoz

Applicant Name		Affiliation
10/30/2023	12/14/2023	File Number(s) 12-I-23-RZ / 12-C-23-SP
Date Filed	Meeting Date (if applicable)	

CORRESPONDENCE

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- Applicant
 Property Owner
 Option Holder
 Project Surveyor
 Engineer
 Architect/Landscape Architect

Erika Ayala Munoz		n/a	
Name		Company	
106 Tiffany Pl	Oak Ridge	TN	37830
Address		City	State
865-951-4794		erika.ayala86.ea60@gmail.com	
Phone		Email	

CURRENT PROPERTY INFO

Leticia & Francisco Hernades	6129 Babelay Rd, Knoxville, TN 37924	865-643-6700
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Property Address	Parcel ID	
KUB	KUB	N
Sewer Provider	Water Provider	Septic (Y/N)

STAFF USE ONLY

Southeast side of Merchant Dr, northeast of Pleasant Ridge Rd		5.39 ac
General Location		Tract Size
<input checked="" type="checkbox"/> City <input type="checkbox"/> County	5th	OP/HP
District	Zoning District	Existing Land Use
Northwest City	NC, LDR, HP	N/A (within City limits)
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) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name _____

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

Other (specify) _____

Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST

Zoning Change **AG (entire property)**

Proposed Zoning

Plan Amendment Change **LDR (part of property)**

Proposed Plan Designation(s)

12-D-82-RZ, 10-B-23-RZ

Proposed Density (units/acre)

Previous Rezoning Requests

Other (specify) _____

Pending Plat File Number

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
\$0.00 (waived)	\$0.00
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

Representative signed on separate copy

Erika Ayala Munoz

11/8/2023

Applicant Signature

Please Print

Date

Phone Number

Email

Leticia Hernandez

Leticia Hernandez

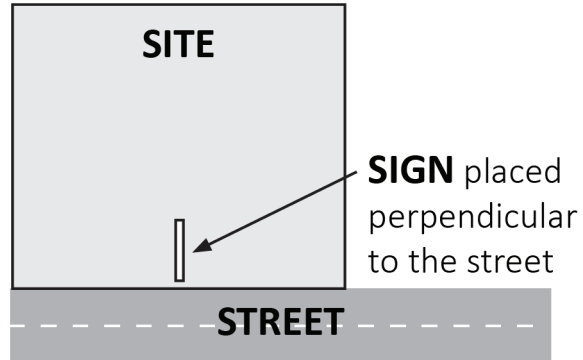
n/a

Property Owner Signature

Please Print

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:

_____ and _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Erika Ayala Munoz

Date: 11/07/2023

File Number: 12-I-23-RZ & 12-C-23-SP

- Sign posted by Staff
- Sign posted by Applicant