



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.