



PLAN AMENDMENT REPORT

▶ **FILE #:** 1-E-24-PA

AGENDA ITEM #: 6

AGENDA DATE: 1/11/2024

▶ **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 (PORTION OF)

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

▶ **APPX. SIZE OF TRACT:** 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 AND ZONING DESIGNATION:** NC (Neighborhood Commercial), HP (Hillside Protection) / OP (Office Park), HP (Hillside Protection Overlay)

▶ **PROPOSED PLAN DESIGNATION:** LDR (Low Density Residential), HP (Hillside Protection)

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

EXTENSION OF PLAN DESIGNATION: Yes, this is an extension of the LDR (Low Density Residential) land use designation.

HISTORY OF 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 of 2023 (10-B-23-RZ).

SURROUNDING LAND USE AND PLAN DESIGNATION:

North: Wholesale, public-quasi public land - O (Office), LDR (Low Density Residential), HP (Hillside Protection)

South: Office, public-quasi public land - NC (Neighborhood Commercial), CI (Civic Institutional), HP (Hillside Protection)

East: Agriculture/forestry/vacant land, public-quasi public land - LDR (Low Density Residential), HP (Hillside Protection)

West: Commercial - NC (Neighborhood Commercial), O (Office)

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 the Pleasant Ridge forested hillside is 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.**

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING 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.

AN ERROR IN THE PLAN:

1. There are no apparent errors in the One Year Plan with regards to the requested LDR classification here.
2. Extending LDR would create a single, congruent land use designation on the lot.

A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA:

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.

A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN:

1. There are no significant changes in public policy pertaining to the proposed land use amendment.

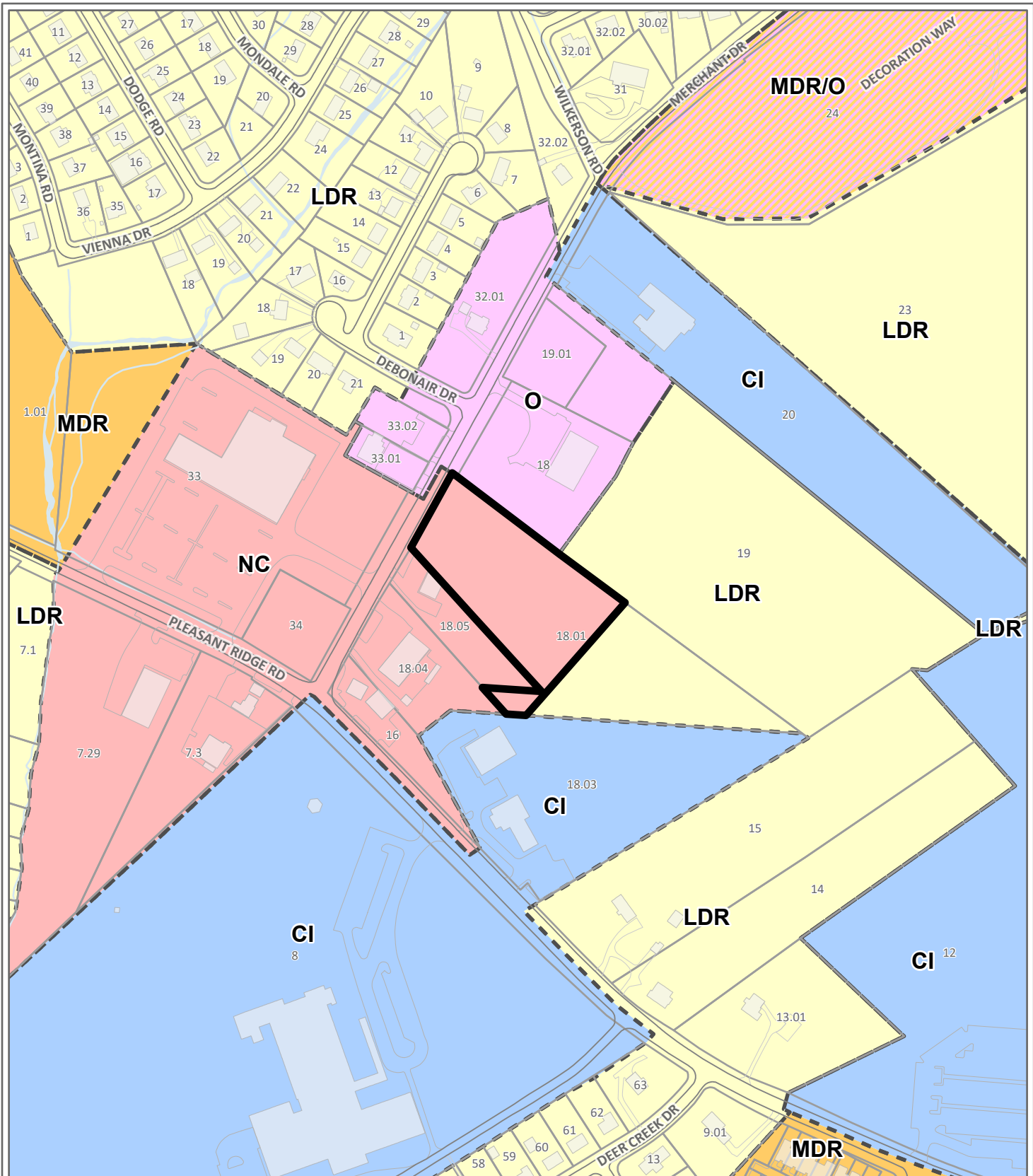
NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY KNOXVILLE-KNOX COUNTY PLANNING) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT:

1. There is no new information specific to this request to amend the land use classification from NC (Neighborhood Commercial) to LDR.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 2/6/2024 and 2/20/2024. 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.



ONE YEAR PLAN MAP

1-E-24-PA

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: 12/19/2023

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

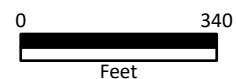
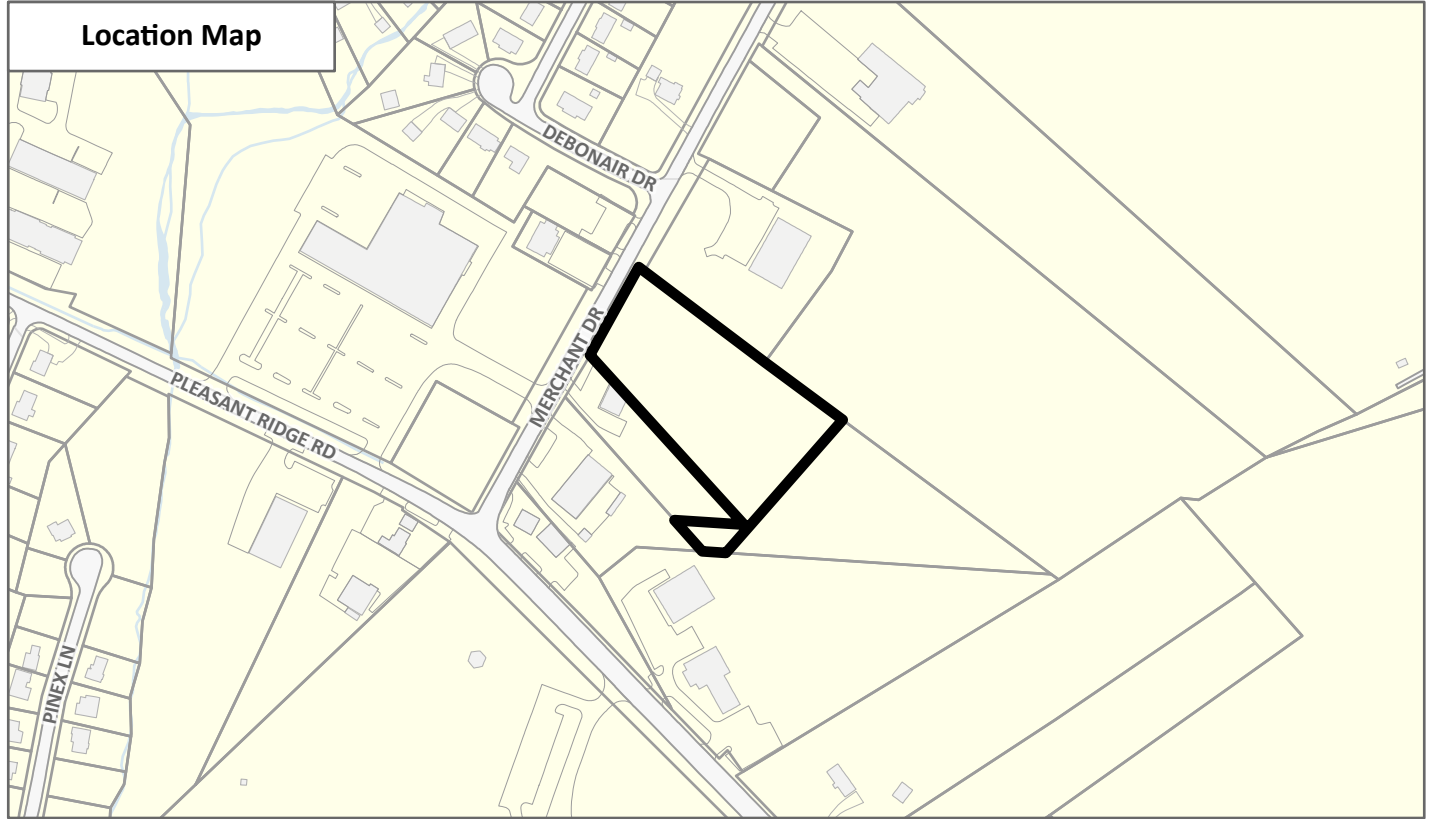


Exhibit A. Contextual Images

Location Map



Aerial Map

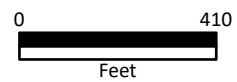


CONTEXTUAL MAPS 1

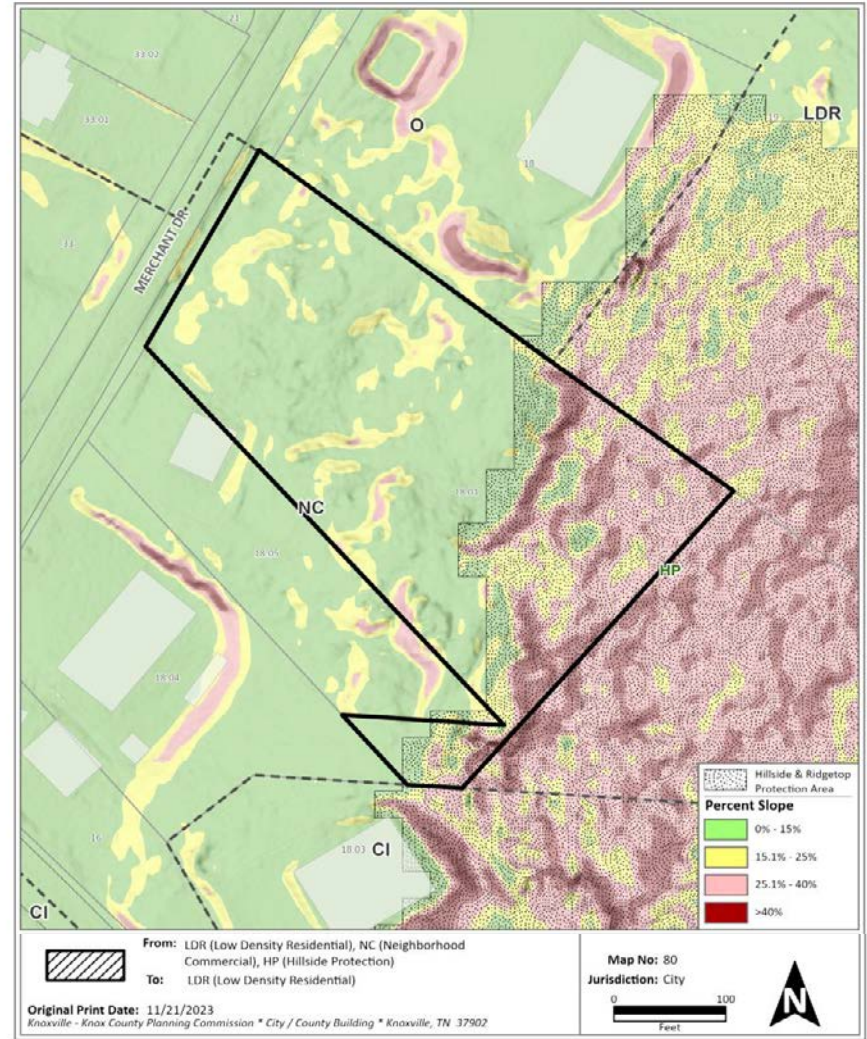
1-E-24-PA



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%	





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

12/4/2023

Date Filed

1/11/2024

Meeting Date (if applicable)

1-E-24-PA

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

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 (part of)

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

Southeast side of Merchant Dr, northeast of Pleasant Ridge Rd

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

NC (Neighborhood Commercial), HP (Hillside Protection)

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 type="checkbox"/> Zoning Change	Proposed Zoning	Pending Plat File Number
<input checked="" type="checkbox"/> Plan Amendment		
Proposed Plan Designation(s)		
Proposed Density (units/acre) Previous Zoning Requests		
Additional Information _____		

STAFF USE ONLY

PLAT TYPE <input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	Fee 1	Total
ATTACHMENTS <input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request	\$0.00	
ADDITIONAL REQUIREMENTS <input type="checkbox"/> COA Checklist (Hillside Protection) <input type="checkbox"/> Design Plan Certification (Final Plat) <input type="checkbox"/> Site Plan (Development Request) <input type="checkbox"/> Traffic Impact Study <input type="checkbox"/> Use on Review / Special Use (Concept Plan)	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	12/4/2023 Date
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Property Owner Signature	Francisco & Leticia Hernandez Please Print	12/4/2023 Date
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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	1-E-24-PA <small>File Number(s)</small>
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

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	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

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
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Property Address	Parcel ID	
KUB	KUB	N
Sewer Provider	Water Provider	Septic (Y/N)

STAFF USE ONLY

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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

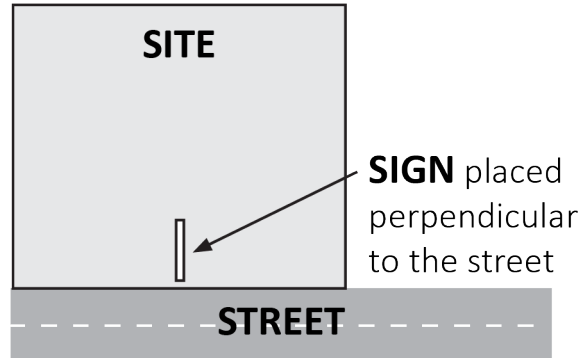
n/a

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: _____

Date: _____

File Number: _____

Sign posted by Staff

Sign posted by Applicant