

# CASE SUMMARY

## APPLICATION TYPE: REZONING

KNOXVILLE-KNOX COUNTY

**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N

T E N N E S S E E

Suite 403 • City County Building  
4 0 0 M a i n S t r e e t  
Knoxville, Tennessee 37902  
8 6 5 • 2 1 5 • 2 5 0 0  
F A X • 2 1 5 • 2 0 6 8  
w w w • k n o x m p c • o r g

**File Number:** 11-E-14-RZ

**Related File Number:**

**Application Filed:** 9/29/2014

**Date of Revision:**

**Applicant:** ALEX LOZANO

### PROPERTY INFORMATION

**General Location:** Southeast end Hilton Rd., south of S. Middlebrook Pike

**Other Parcel Info.:**

**Tax ID Number:** 107 A C 013

**Jurisdiction:** City

**Size of Tract:** 16800 square feet

**Accessibility:** Access is via Hilton Rd., a local street with 35' of pavement width within 60' of right-of-way. Hilton Rd. connects to S. Middlebrook Pike to the north, a major arterial street.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant building

**Surrounding Land Use:**

**Proposed Use:** Private club (use determination pending)

**Density:**

**Sector Plan:** Northwest City

**Sector Plan Designation:** LI

**Growth Policy Plan:** Urban Growth Area (Inside City Limits)

**Neighborhood Context:** This site is located at the end of Hilton Rd., a short cul-de-sac street connecting to Middlebrook Pike. The street is developed with commercial and light industrial uses under C-3 and I-2 zoning.

### ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

**Street:** 1201 Hilton Rd

**Location:**

**Proposed Street Name:**

**Department-Utility Report:**

**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** I-2 (Restricted Manufacturing and Warehousing)

**Former Zoning:**

**Requested Zoning:** I-3 (General Industrial)

**Previous Requests:** None noted

**Extension of Zone:** No

**History of Zoning:** None noted

### PLAN INFORMATION (where applicable)

**Current Plan Category:**

**Requested Plan Category:**

## **SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

## **OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

## **MPC ACTION AND DISPOSITION**

**Planner In Charge:** Michael Brusseau

**Staff Recomm. (Abbr.):** DENY I-3 (General Industrial) zoning.

**Staff Recomm. (Full):** I-3 zoning at this location would constitute a spot zoning, giving this property owner development rights that none of the neighbors would have. I-3 is a more intense zone than the current I-2 zone, so it is not appropriate considering the site's proximity to adjacent residential uses. The site is too small to meet certain setback requirements of the I-3 zoning district. The applicant has reasonable use of the property under the current I-2 zoning.

**Comments:** At the request of the applicant, this item was postponed by MPC at the November 13, 2014 meeting. Staff's recommendation has not changed since that meeting. The applicant is seeking rezoning of this property to I-3 in order to use the existing structure for a private club. Currently, neither the current I-2 nor the proposed I-3 zoning allow this use. The applicant has also requested a 'Similar Use Determination' from MPC (11-D-04-OB, also on this November 13, 2014 agenda.) The applicant is asking for a private club to be deemed similar to 'Eating and drinking establishments' and therefore recognized as a permitted use in the I-3 zoning district. Staff is also recommending denial of that request.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (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 CITY/COUNTY GENERALLY:

1. No significant changes have occurred in the area that warrant the requested change in zoning. This site is currently zoned I-2, which allows reasonable use of the site. The current I-2 zoning is a less intense industrial zone than the requested I-3 zoning, so is more appropriate at this location adjacent to residential development to the south. I-2 limits the light industrial uses to indoor activities only.
2. The site is too small to meet increased side setback and rear setback requirements of the proposed I-3 zoning district. The side yard setback requirement increases from 10 feet in current I-2 to 25 feet in the proposed I-3 zoning. The existing building meets front yard and west side yard requirements in either I-2 or I-3 zoning, but does not meet rear yard setback requirements of either zone, which is 50 feet when adjacent to residential zoning. The existing building does not have any rear yard setback and an east side yard setback of about 20 feet, which would not conform with the required 25 foot side setback in the requested I-3 zoning.
3. The City of Knoxville Department of Inspections and Permitting has determined that a private club is allowed in the C-3 zoning district. The applicant is advised to seek a C-3 zoned property to locate this use.
4. Approval of either I-3 or C-3 zoning at this location would be a spot zoning, giving this property owner development rights that none of the neighbors would have. Staff would also be unlikely to support a rezoning to C-3 at this location, which would also require amendments to the sector plan and One Year Plan.

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

1. The requested I-3 zoning district is established to provide areas in which the principal use of land is for manufacturing, assembling, fabricating and warehousing. These uses do not depend primarily on frequent personal visits of customers or clients, but usually require good accessibility to major rail, air or street transportation routes. Such uses have some adverse effects on surrounding properties and are not properly associated with, nor compatible with, residential, institutional and retail commercial uses.
2. Based on the above description and intent, as well as the permitted uses, this property is not appropriate to be rezoned to I-3 because of its proximity to residential uses and small size, which will

not conform to I-3 building setbacks.

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. Establishment of I-3 zoning at this location would adversely impact nearby residential properties.
2. I-3 zoning would allow many uses that would be less compatible with adjacent residential land uses and zoning. The current I-2 zoning is more appropriate for this property, considering its characteristics and location.
3. I-2 zoning allows reasonable light industrial use of the property without increasing the potential impact on adjacent residential 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. The Northwest City Sector Plan and the Knoxville One Year Plan both propose light industrial uses, which is consistent with both the current I-2 and the requested I-3 zoning.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. This proposal does not present any apparent conflicts with any other adopted plans.

**Action:** Denied **Meeting Date:** 12/11/2014

**Details of Action:**

**Summary of Action:** DENY I-3 (General Industrial) zoning.

**Date of Approval:** **Date of Denial:** 12/11/2014 **Postponements:** 11/13/14

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

## **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knoxville City Council

**Date of Legislative Action:**

**Date of Legislative Action, Second Reading:**

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:**

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**