

CASE SUMMARY

APPLICATION TYPE: REZONING

CENTRAL CITY SECTOR PLAN AMENDMENT

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

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File Number: 12-A-11-RZ **Related File Number:** 12-A-11-SP
Application Filed: 10/7/2011 **Date of Revision:**
Applicant: DMS PROPERTIES, LLC

PROPERTY INFORMATION

General Location: West side Boruff St., north side I-40, south of Wheeler St.
Other Parcel Info.:
Tax ID Number: 821F00903 **Jurisdiction:** City
Size of Tract: 3.57 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Shingle storage
Surrounding Land Use:
Proposed Use: Shingle storage **Density:**
Sector Plan: Central City **Sector Plan Designation:** Light Industrial
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context:

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

Street: 1407 Boruff St
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: I-3 (General Industrial)
Former Zoning:
Requested Zoning: I-4 (Heavy Industrial)
Previous Requests: None noted
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category: LI (Light Industrial)
Requested Plan Category: HI (Heavy Industrial)

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-4 (Heavy Industrial) zoning.

Staff Recomm. (Full):

I-4 zoning for this site constitutes a spot zoning, giving this property owner additional, much more intense development rights than any of the neighbors would have. The property is surrounded by residential and light industrial uses, under I-3 zoning. Uses permitted under the proposed I-4 zoning would not be appropriate or compatible at this location.

Comments:

The business proprietors started using this site for outdoor storage of shingles several months ago without proper permits from the City of Knoxville. The use is not in conformance with the current I-3 zoning. The City of Knoxville Inspections and Permitting Department has declared the current use a zoning violation and has issued a stop work order for this use of the property, after receiving complaints from neighboring property owners. The applicant was advised to seek I-4 zoning to bring the use into compliance with zoning. However, staff feels that introducing I-4 zoning into this area is not appropriate, considering the surrounding residential uses, including 9 houses to the north that back up to the subject property, and other less intense uses and zoning. Approval of I-4 zoning for this site could set a bad precedent leading to further adverse impacts to the surrounding area.

Currently there is a need for storage of these damaged roofing shingles in Knox County and some surrounding areas, as a result of the hail storms, high winds and tornadoes that occurred in this area in spring of 2011. These storms resulted in a much higher than normal number of necessary roof replacements, which has led to higher demand for storage of the old, damaged roofing materials. A temporary use permit, if deemed acceptable by the building official, could accommodate this temporary demand. The other option is for the applicant to find a site that has the appropriate zoning to allow the proposed use. There are approximately 1,926 acres of I-4 zoned land in the City, with more than 400 acres of it currently vacant. It is not appropriate to permanently rezone this site I-4 in order to accommodate a temporary demand.

REZONING REQUIREMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. There have been no substantially changed conditions in this area that would warrant a plan or zoning change for this property. Residential uses continue to be maintained in the surrounding area, which would receive further adverse impacts if I-4 zoning were approved for this site.
2. Maintaining the current I-3 zoning will minimize the impact on the surrounding residential areas to the north and east by prohibiting more intense industrial use and development of the site. The current I-3 zoning, although not ideal as far as compatibility with residential, at least limits the site to primarily indoor less intense industrial uses.
3. Rezoning this property to I-4 will further add to the negative impact on the surrounding residential areas, especially the 9 houses to the north. The applicant has reasonable use of the property under the current I-3 zoning.
4. All vehicular access to the site is through residential streets and neighborhoods. Allowing access to a more intense use through these areas is not appropriate.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The requested I-4 (Heavy Industrial) zoning district is established to provide areas in which the principal use of land is for manufacturing and other heavy uses with which there are associated adverse impacts on surrounding property. Such uses are not properly associated with, nor compatible with residential, institutional, retail business or light industrial uses.
2. If the site is approved for the requested I-4 zoning, staff believes that it would have an unnecessary negative impact on the adjacent residential areas.
3. Approval of this request could lead to future requests for I-4 zoning on surrounding properties currently zoned I-3, which are also adjacent to residential and other non-compatible uses.
4. The sector plan correctly identifies the area for light industrial uses, consistent with its current I-3

zoning.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sanitary sewer utilities are available to the site.
2. The proposal would have no impact on schools. The impact to the street system would depend on the type of uses that were developed on the site. Boruff St. is a local street that is not appropriate for heavy truck traffic that could be associated with I-4 uses.
3. Allowing heavier industrial uses on the site may add to the detrimental impacts on surrounding residential properties, with the potential for increased noise, lighting, building lot coverage, signage and traffic.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Central City Sector Plan designates this site for light industrial uses, consistent with the current I-3 zoning.
2. The City of Knoxville One Year Plan designates this site for heavy industrial uses, consistent with either I-3 or I-4 zoning. However, the sector plan proposes light industrial, which is the more appropriate designation for this site, considering surrounding development and zoning. It appears that the One Year Plan has not been updated in this area to bring it into conformance with the sector plan. The Central City Plan was last updated in 2003. MPC staff will consider this area for changes to the land use proposals as a part of the 2012 One Year Plan Update, which will take place in early 2012.
3. This site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. Approval of I-4 zoning for the subject property could lead to future similar requests in the area on other I-3 properties in the area, which are also adjacent to residential and other less intense uses.

Action: Denied **Meeting Date:** 12/8/2011

Details of Action:

Summary of Action: DENY I-4 (Heavy Industrial) zoning.

Date of Approval: **Date of Denial:** 12/8/2011 **Postponements:**

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

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:**