

**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
 PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 12-A-11-RZ **AGENDA ITEM #** 31
 12-A-11-SP **AGENDA DATE:** 12/8/2011

▶ **APPLICANT:** DMS PROPERTIES, LLC
 OWNER(S): DMS Properties, LLC

TAX ID NUMBER: 82 I F 00903

JURISDICTION: Council District 6

▶ **LOCATION:** West side Boruff St., north side I-40, south of Wheeler St.

▶ **TRACT INFORMATION:** 3.57 acres.

SECTOR PLAN: Central City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Boruff St., a local street with 21-26' of pavement width within 60' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LI (Light Industrial) / I-3 (General Industrial)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** HI (Heavy Industrial) / I-4 (Heavy Industrial)

▶ **EXISTING LAND USE:** Shingle storage

▶ **PROPOSED USE:** Shingle storage

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
 North: Office/warehouse and residences / LI / I-3 (General Industrial)
 South: I-40 right-of-way / TR / I-3 (General Industrial)

East: Boruff St. - Houses / LI / I-3 (General Industrial)

West: Vacant land / LI / I-3 (General Industrial)

NEIGHBORHOOD CONTEXT: This area is developed with a mix of residential and light industrial uses under I-3 zoning.

STAFF RECOMMENDATION:

▶ **DENY HI (Heavy Industrial) sector plan designation.**

The Knoxville-Knox County General Plan 2032 policies do not warrant the redesignation of this site for more intense heavy industrial uses. The site is completely surrounded by light industrial and residential uses under I-3 zoning, and placing a heavy industrial designation on the 3.57 acre site would be incompatible with

surrounding land uses and constitutes a spot sector plan amendment.

► **DENY I-4 (Heavy Industrial) zoning.**

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:

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

No road improvements have been made recently in the area. Water and sewer utilities are available to serve the site. All vehicular access to the site is through residential neighborhoods and streets.

ERROR OR OMISSION IN CURRENT PLAN:

The plan appropriately calls for LI development at this location.

CHANGES IN GOVERNMENT POLICY:

No changes have occurred that warrant this sector plan change.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

It is staff's opinion that there have not been significant changes that have taken place to justify amendment of the sector plan to heavy industrial or rezoning to I-4.

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.

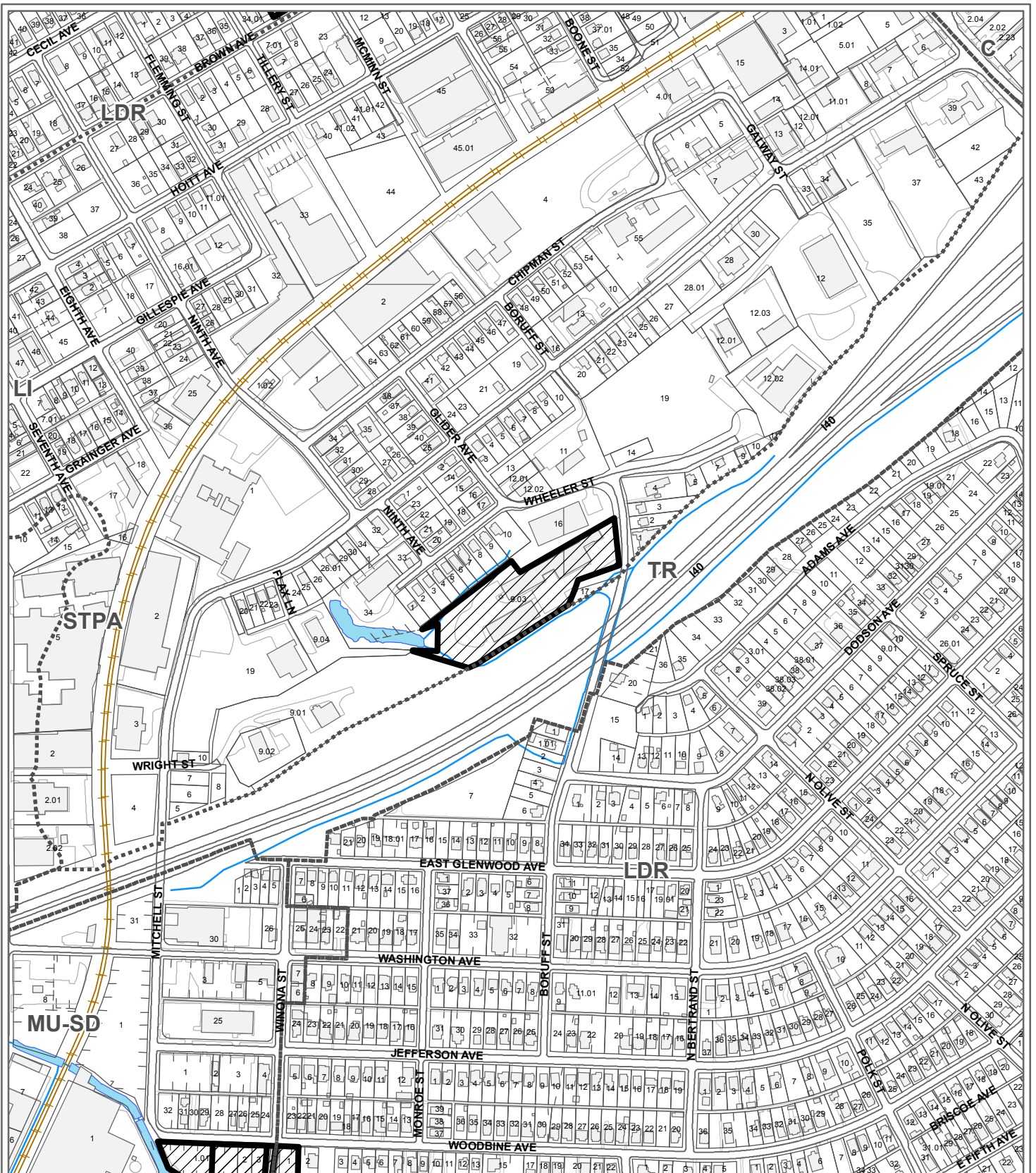
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

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.

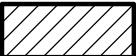
ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 1/10/2012 and 1/24/2012. If denied, MPC'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 an MPC decision in the City.

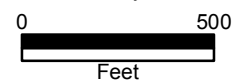


**12-A-11-SP / 12-A-11-RZ
CENTRAL CITY SECTOR PLAN AMENDMENT**

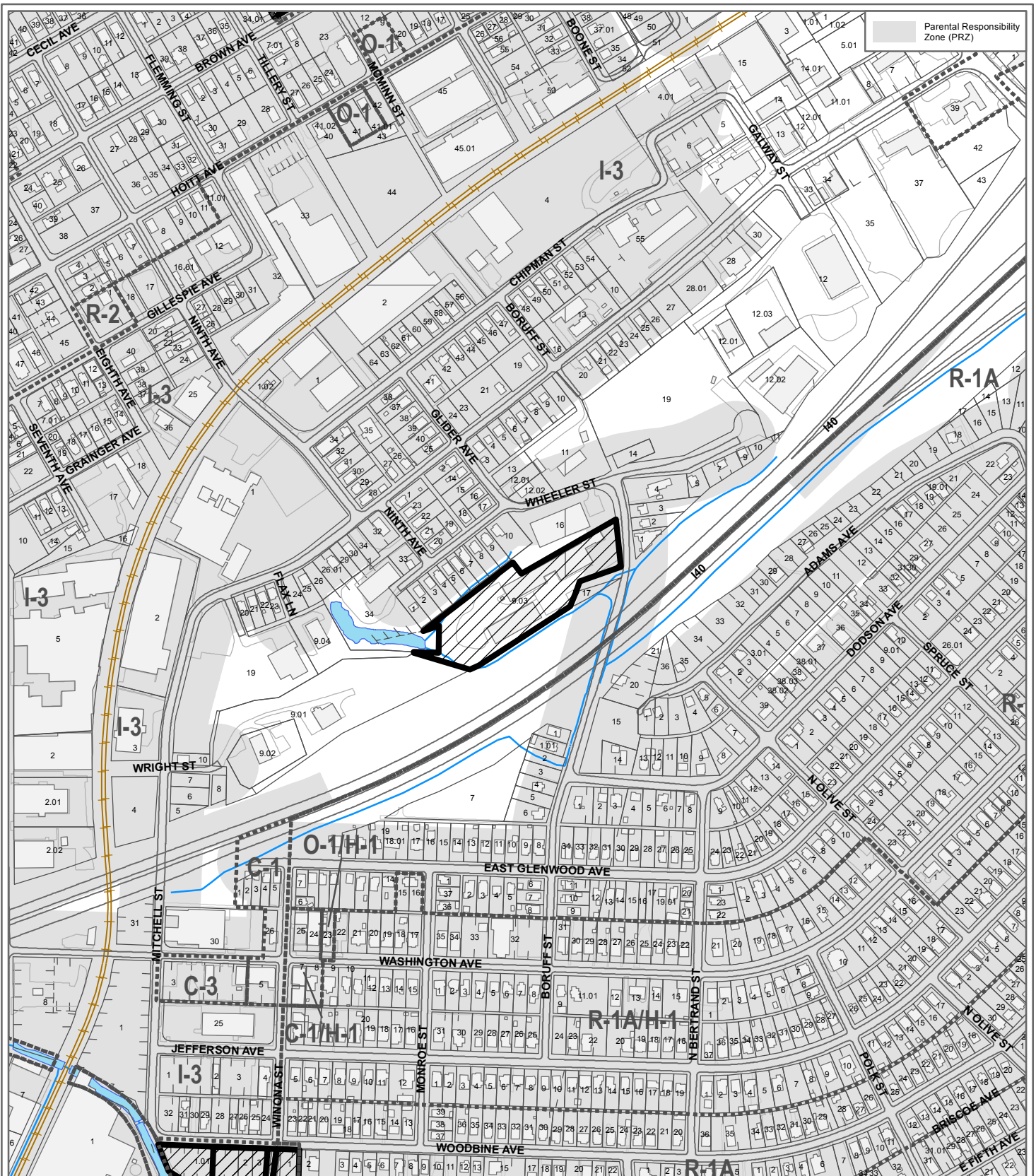
From: LI (Light Industrial)
 To: HI (Heavy Industrial)

Petitioner: DMS Properties, LLC

Map No: 82
 Jurisdiction: City

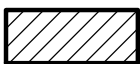


Original Print Date: 11/21/2011 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**12-A-11-RZ
REZONING**

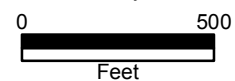
From: I-3 (General Industrial)
To: I-4 (Heavy Industrial)



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2008 Land Use	Acres
Agriculture/Forestry/Vacant Land	398.73
Commercial	20.81
Industrial (Manufacturing)	309.40
Mining and Landfills	568.69
Multifamily Residential	0.32
Office	25.85
Public Parks	0.17
Public/Quasi Public Land	111.51
Right of Way/Open Space	277.90
Rural Residential	3.60
Single Family Residential	6.19
Transportation/Communications/Utilities	108.05
Under Construction/Other Uses	30.78
Water	7.98
Wholesale	56.73
Total	1,926.72

* Land use based on 2008 parcel boundaries and 2008 tax assessor's land use classifications

** Land use tabulations are at the parcel level. If an 80 acre parcel is classified as Industrial (Manufacturing), but 30 acres of this parcel are occupied by an undeveloped patch of woods, the entire 80 acres are still reported as "Industrial".