

▶ **FILE #:** 9-C-18-RZ

AGENDA ITEM #: 39

AGENDA DATE: 9/13/2018

▶ **APPLICANT:** FENNEL PARK, LLC

OWNER(S): Justin Cazana

TAX ID NUMBER: 69 1 A 02801

[View map on KGIS](#)

JURISDICTION: City Council District 5

STREET ADDRESS: 4570 Fennel Rd

▶ **LOCATION:** Northeast side Fennel Rd., northeast of Elyria Rd.

▶ **APPX. SIZE OF TRACT:** 2.5 acres

SECTOR PLAN: North City

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

ACCESSIBILITY: Accessed via Fennel Road, a local road with 20' of pavement width within a 45' right of way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

▶ **PRESENT ZONING:** I-3 (General Industrial) with conditions

▶ **ZONING REQUESTED:** I-2 (Restricted Manufacturing and Warehousing)

▶ **EXISTING LAND USE:** Vacant and telecommunications tower

▶ **PROPOSED USE:** Office warehouse 30,000 s.f.

EXTENSION OF ZONE: I-2

HISTORY OF ZONING: 2005, Rezoned I-3 with a condition that land uses be limited to I-2 uses and the proposed bus maintenance facility.

SURROUNDING LAND USE AND ZONING: North: Industrial (I-2)

South: Commercial (C-6)

East: Low Density Residential (R-1)

West: Low Density Residential (R-1)

NEIGHBORHOOD CONTEXT: Mixture of industrial, commercial, low density residential and medium density residential land use pattern.

STAFF RECOMMENDATION:

▶ **RECOMMEND that City Council APPROVE I-2 (Restricted Manufacturing and Warehousing) zoning.**

I-2 zoning is consistent with the proposed land use designations found within the North City Sector Plan, One Year Plan and Inskip Small Area Plan; all recommending light industrial for this property.

COMMENTS:

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. This is the last vacant parcel in the immediate area that is currently zoned industrial, properties to the north and northeast that are currently zoned industrial are all occupied.
2. Zoning from I-3 to I-2 is supported by the Inskip Small Area Plan and the neighborhoods efforts to stabilize this residential neighborhood.
3. The parcel immediately to the north is zoned I-2, rezoning this parcel would make a more consistent and continuous zoning pattern in the area.

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

1. The intent of I-2 zoning is to prevent frictions between uses within the district and also to protect nearby residential districts. Zoning from I-3 to I-2 would decrease the friction between the light industrial use and nearby residents.
2. In 2005, this parcel was rezoned from C-6 (General Commercial Park), R-3 (General Residential) and I-2 (Restricted Manufacturing and Warehousing) to I-3 (General Industrial) with a condition that zoning be limited to I-2 uses and the proposed bus maintenance facility. Since this time, City Law Department has directed MPC to not condition zoning by restricting land uses allowed within zoning districts. As a result, rezoning this parcel to I-2 is more in keeping with the City Zoning Ordinance and direction provided by City Law.

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. Changing from I-3 to I-2 will not have significant impact on the adjacent residential properties in the area.
2. The setbacks will decrease as a result of the rezoning.
3. Public water and sewer utilities are available in the area, but may need to be extended to serve this site.

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 proposed rezoning is consistent with the General Plan and its elements, including the North City Sector Plan, One Year Plan and Inskip Small Area Plan.

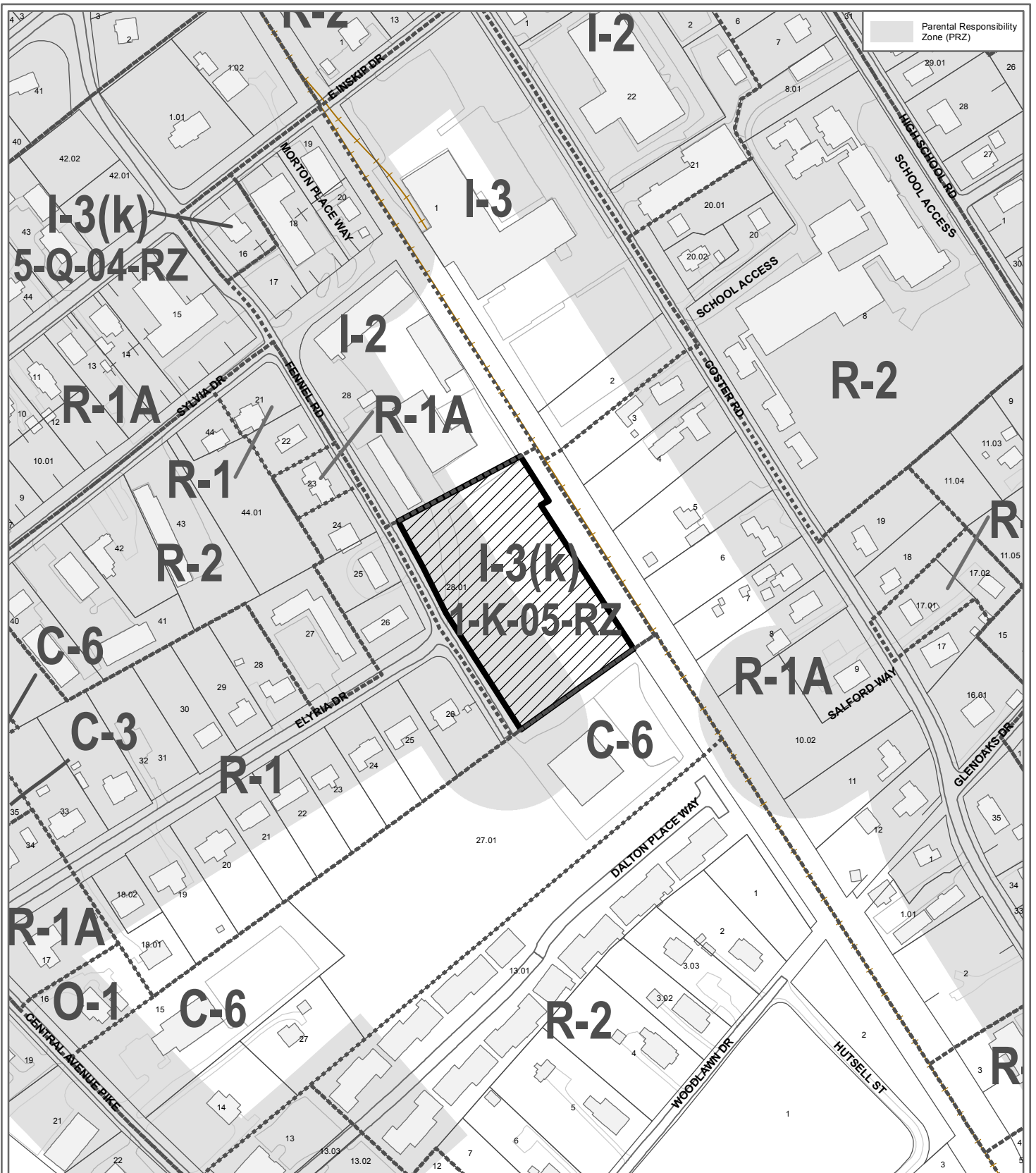
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 10/9/2018 and 10/23/2018. 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.



**9-C-18-RZ
REZONING**

From: I-3 (General Industrial) with conditions

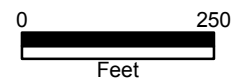
To: I-2 (Restricted Manufacturing and Warehousing)



Petitioner: Fennel Park, LLC

Map No: 69

Jurisdiction: City



Original Print Date: 8/15/2018

Revised:

Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

REZONING **PLAN AMENDMENT**

Name of Applicant: FENNEL PARK LLC
Date Filed: JULY 20, 2018 Meeting Date: SEPTEMBER 13, 2018
Application Accepted by: Sherry Michienzi
Fee Amount: \$1000 File Number: Rezoning 9-C-18-RZ JUL 25 2018
Fee Amount: _____ File Number: Plan Amendment _____



4570 PROPERTY INFORMATION
Address: ~~4504~~ FENNEL ROAD
General Location: NORHEAST SIDE OF FENNEL ROAD, SOUTHEAST OF E. INSKIP DR.
Parcel ID Number(s): 091A02801
Tract Size: 2.5 ACRES
Existing Land Use: VACANT & CELL TOWER
Planning Sector: NORTH CITY
Growth Policy Plan: URBAN GROWTH AREA
Census Tract: 40
Traffic Zone: 140
Jurisdiction: City Council 2 District
 County Commission 5 District

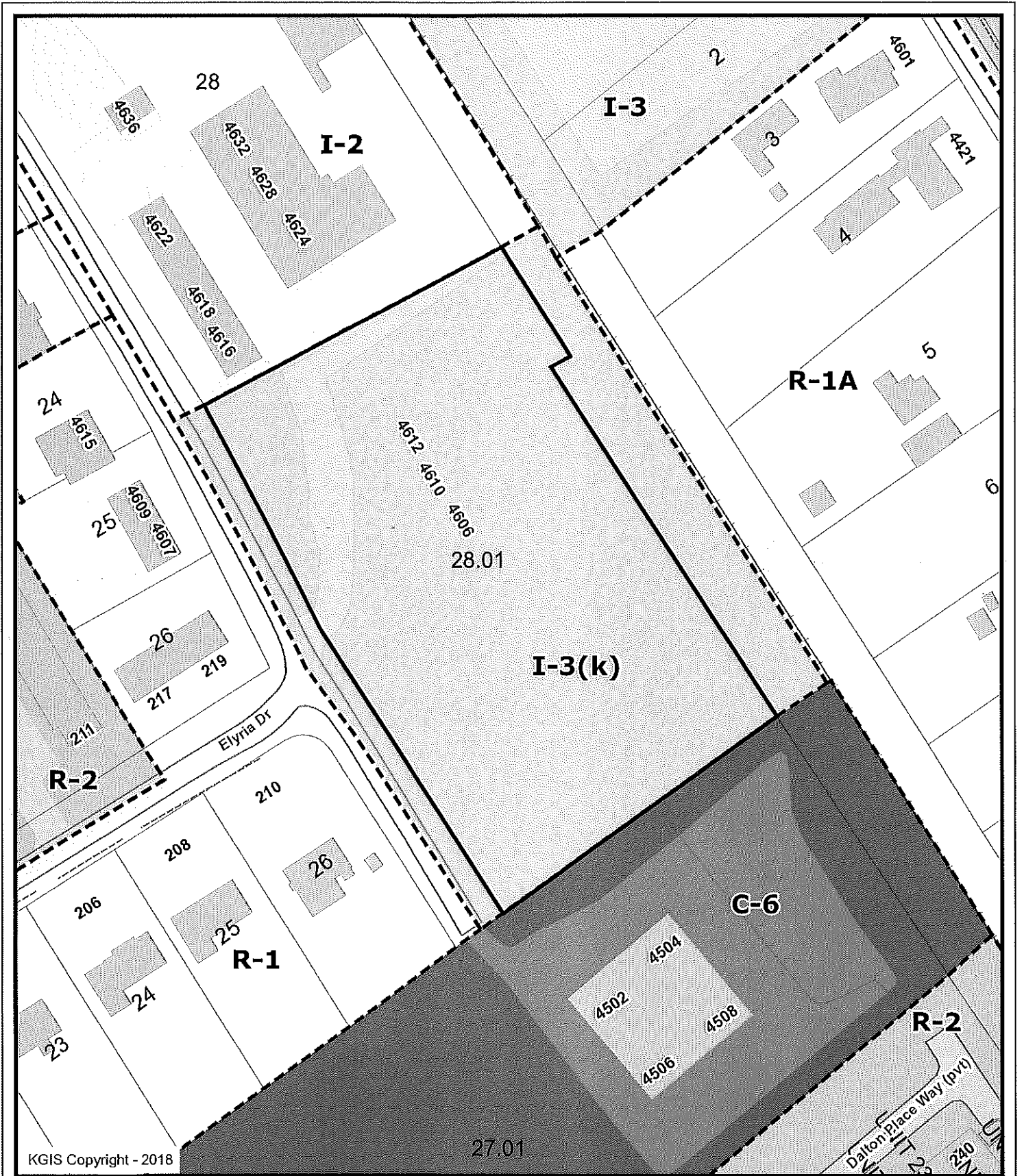
PROPERTY OWNER **OPTION HOLDER**
PLEASE PRINT
Name: RYAN & JUSTIN CAZANA
Company: FENNEL PARK LLC
Address: 1225 E. WIESGARDNER, SUITE 160
City: KNOXVILLE State: TN Zip: 37909
Telephone: 865.584.3967
Fax: _____
E-mail: TBENEFIELD@CIPROP.COM

APPLICATION CORRESPONDENCE
All correspondence relating to this application should be sent to:
PLEASE PRINT
Name: TREY BENEFIELD
Company: COMMERCIAL & INVEST. PROP.
Address: 1225 E. WIESGARDNER, SUITE 160
City: KNOXVILLE State: TN Zip: 37909
Telephone: 865.584.3967
Fax: _____
E-mail: TBENEFIELD@CIPROP.COM

Requested Change
REZONING
FROM: 1.3 (K)
TO: 1.2
PLAN AMENDMENT
 One Year Plan _____ Sector Plan
FROM: _____
TO: _____

APPLICATION AUTHORIZATION
I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.
Signature: [Signature]
PLEASE PRINT
Name: JUSTIN CAZANA
Company: COMMERCIAL & INVESTMENT PROPERTIES
Address: 1225 E. WIESGARDNER / 160
City: KNOXVILLE State: TN Zip: 37909
Telephone: 865.584.3967
E-mail: _____

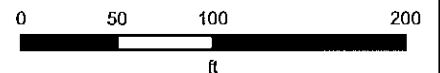
PROPOSED USE OF PROPERTY
OFFICE / WAREHOUSE
30,000 SF
Density Proposed _____ Units/Acre
Previous Rezoning Requests: _____



4570 Fennel Road



Printed: 7/25/2018 at 11:46:18 AM



Knoxville - Knox County - KUB Geographic Information System

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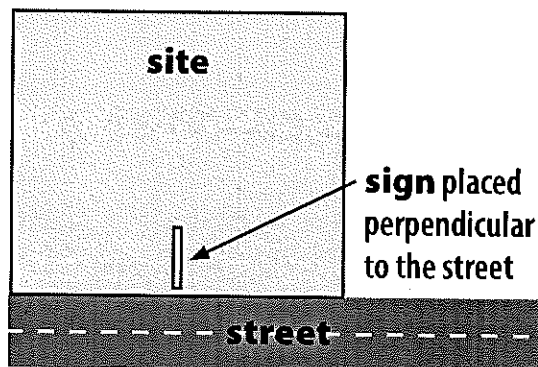
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC Administrative Rules and Procedures.

At the time of application, MPC staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the MPC offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. MPC staff may recommend a preferred location for the sign to be posted at the time of application.

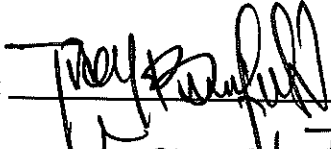


TIMING

The sign(s) must be posted 15 days before the scheduled MPC 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 15 days before the next MPC meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

August 29, 2018 and September 14, 2018
(15 days before the MPC meeting) (the day after the MPC meeting)

Signature: 

Printed Name: Fennel Park LLC

Phone: 584-3967

Email: tbenefield@cipro.com

Date: 7-25-18

MPC File Number: 9-C-18-RZ