

CASE SUMMARY

APPLICATION TYPE: REZONING



File Number: 4-H-23-RZ **Related File Number:** 4-C-23-PA
Application Filed: 2/17/2023 **Date of Revision:**
Applicant: BENJAMIN C MULLINS

PROPERTY INFORMATION

General Location: N of Tipton Ave, west of E Moody Ave
Other Parcel Info.:
Tax ID Number: 109 G B 015.05 **Jurisdiction:** City
Size of Tract: 2.55 acres
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use: Public/Quasi Public Land, Public Parks
Surrounding Land Use:
Proposed Use: **Density:**
Sector Plan: South City **Sector Plan Designation:** LDR (Low Density Residential)
Growth Policy Plan: N/A (Within City Limits)
Neighborhood Context:

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

Street: 835 TIPTON AVE
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RN-5 (General Residential Neighborhood), H (Historic Overlay)
Former Zoning:
Requested Zoning: H (Historic Overlay);INST (Institutional)
Previous Requests:
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential)
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.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge:

Jessie Hillman

Staff Recomm. (Abbr.):

Deny INST (Institutional) zoning because it is not consistent with the intent of the zoning district.

Staff Recomm. (Full):

Comments:

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.E, SUBSECTIONS 1-3, ALL OF THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS:

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. The most significant change to the immediate area is the historic renovation of the former South Knoxville Junior High School into the South High Senior Living Center, which was enabled in part by a 2017 rezoning from the INST (Institutional) district to its current RN-5 (General Residential Neighborhood) zoning district.
2. The property is no longer a part of the public school system, which is where its prior INST status originated from. There are no development changes that necessitate a return to INST zoning.

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

1. The INST zoning district is intended to accommodate federal, state, county, and municipal government operations as well as campus institutional uses such as healthcare institutions and educational facilities, to allow for their expansion in a manner that protects surrounding neighborhoods. There shall be a minimum of five contiguous acres of INST zoning to qualify for this district.
2. The Zoning Ordinance's emphasis on the expansion of an existing campus conflicts with the subject property's difference in ownership from the adjacent INST campus. The abutting INST-zoned properties - which must be considered in order for the subject property to meet the property size qualification for INST zoning - is owned by Knox County as part of the Knox County Public School System. The subject property is owned through a public-private agreement between the Industrial Development Board (IDB) with the City of Knoxville and South High, LLC. It not related to the public education functions of the existing INST campus.
3. Most uses allowed in the INST district are permitted by right, meaning there is no special use review by the Planning Commission for more intensive uses that may be incompatible with the surrounding area. Uses permitted by right include a residential drug and alcohol treatment facility, and a halfway house.
4. Expanding INST zoning to a property that is unrelated in ownership and function to the existing INST campus is inconsistent with the intent of the zoning district. The primary purpose of INST zoning is to expand campuses in a way that protects surrounding neighborhoods, which is not possible in this context.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE CITY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT.

1. As stated above, there are specific uses permitted by right in the INST zoning district that could adversely impact the surrounding low density residential neighborhood, as well as the operations of the Dogwood Elementary School and Cecil Webb Recreation Center less than 600 ft away.

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 INST zoning district is not consistent with the LDR (Low Density Residential) land use classification in the One Year Plan and the South City Sector Plan.

2. INST zoning permits uses without review that could conflict with the General Plan's development policies 8.4 and 8.5 to protect neighborhoods from incompatible and intrusive uses.

ADEQUATE PUBLIC FACILITIES ARE AVAILABLE INCLUDING, BUT NOT LIMITED TO, SCHOOLS, PARKS, POLICE AND FIRE PROTECTION, ROADS, SANITARY SEWERS, AND WATER LINES, OR ARE REASONABLY CAPABLE OF BEING PROVIDED PRIOR TO THE DEVELOPMENT OF THE SUBJECT PROPERTY IF THE AMENDMENT WERE ADOPTED:

1. Adequate public facilities and utilities exist in the area.

Action: Approved **Meeting Date:** 4/13/2023
Details of Action: Approve rezoning to INST (Institutional) and H (Historic Overlay).
Summary of Action: Approve rezoning to INST (Institutional) and H (Historic Overlay).
Date of Approval: 4/13/2023 **Date of Denial:** **Postponements:**
Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council
Date of Legislative Action: 5/16/2023 **Date of Legislative Action, Second Reading:**
Ordinance Number: **Other Ordinance Number References:**
Disposition of Case: Withdrawn **Disposition of Case, Second Reading:**
If "Other": **If "Other":**
Amendments: **Amendments:**
Date of Legislative Appeal: **Effective Date of Ordinance:**