



# PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 4-H-23-RZ  
4-C-23-PA

**AGENDA ITEM #:** 9  
**AGENDA DATE:** 4/13/2023

▶ **APPLICANT:** **BENJAMIN C MULLINS**  
**OWNER(S):** South High, LLC & Industrial Development Board of the City of Knoxville

**TAX ID NUMBER:** 109 G B 015.05 [View map on KGIS](#)

**JURISDICTION:** Council District 1

**STREET ADDRESS:** 835 TIPTON AVE

▶ **LOCATION:** **North of Tipton Ave, west side of E Moody Ave, south side of Baker Ave**

▶ **TRACT INFORMATION:** **2.55 acres**

**SECTOR PLAN:** South City

**GROWTH POLICY PLAN:** N/A (Within City Limits)

**ACCESSIBILITY:** Access is via Baker Ave, a local street with a 28-ft pavement width within a 58-ft right-of-way. Access is also via Tipton Ave, a local street with a 40-ft right-of-way within a 65-ft right-of-way

**UTILITIES:** Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

**WATERSHED:** Baker Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** **LDR (Low Density Residential) / RN-5 (General Residential Neighborhood), H (Historic Overlay)**

▶ **PROPOSED PLAN DESIGNATION/ZONING:** **CI (Civic and Institutional) / INST (Institutional), H (Historic Overlay)**

▶ **EXISTING LAND USE:** **Public/Quasi Public Land, Public Parks**

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes/ Yes

**HISTORY OF ZONING REQUESTS:** 2-E-17-RZ: Rezoning from R-1 (Low Density Residential), OS-2 (Open Space) & H-1 (Historic Overlay) to R-1A (Low Density Residential) & H-1 (Historic Overlay) approved

**SURROUNDING LAND USE, PLAN DESIGNATION,** North: Single family residential - LDR (Low Density Residential) - RN-2 (Single-Family Residential Neighborhood)

**ZONING** South: Public/quasi public land, single family residential - CI (Civic/Institutional), LDR (Low Density Residential) - INST (Institutional), RN-2 (Single-Family Residential Neighborhood)

East: Single family residential - LDR (Low Density Residential) - RN-1 (Single-Family Residential Neighborhood)

West: Public/quasi public land - CI (Civic/Institutional), PP (Public Park and Refuges) - INST (Institutional), OS (Open Space), H (Historic

Overlay)

NEIGHBORHOOD CONTEXT: This property is in a low density residential neighborhood. It is situated next to a public education campus with an elementary school and an education development center, as well as a community recreation center.

---

**STAFF RECOMMENDATION:**

- ▶ **Deny the One Year Plan amendment to the CI (Civic and Institutional) land use classification because it does not meet the criteria for a change to the land use plan.**
  
- ▶ **Deny INST (Institutional) zoning because it is not consistent with the intent of the zoning district.**

**COMMENTS:**

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)

AN ERROR IN THE PLAN:

1. The current land use designation of LDR (Low Density Residential) stems from a rezoning and plan amendment that occurred in 2017, and is not the result of an error in the plan (2-E-17-RZ/2-C-17-SP).

A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA:

1. The subject property is a former high school that stood vacant beginning in 1991. The building was renovated and became a senior living facility in 2020 with support from a public-private partnership with the City. In 2017, a plan amendment from CI (Civic and Institutional) to the LDR land use classification was approved because the site was no longer functioning as a public school. The minor extension of LDR enabled the reuse of the historic building for residential units. This development change is what motivated a transition away from the CI classification, and does not necessarily support a return to that land use designation.

A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN:

1. There have been no changes in public policy pertaining to this land use request.

NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY KNOXVILLE-KNOX COUNTY PLANNING) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT:

1. There are no new plans or studies specific to this area that warrant a land use classification amendment to CI.

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 R-1 (Low Density Residential) district to its current RN-5 (General Residential Neighborhood) zoning district. This project transformed the building from a school into a residential facility.
2. There are no development changes that necessitate a rezoning to INST.

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 is 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.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/16/2023 and 5/30/2023. If denied, Knoxville-Knox County Planning Commission'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 a Planning Commission decision in the City.