

# REZONING REPORT

► **FILE #:** 11-U-24-RZ

**AGENDA ITEM #:** 18

**AGENDA DATE:** 11/14/2024

► **APPLICANT:** HEYOH DESIGN & DEVELOPMENT (OWNER)

OWNER(S): Logan A. Higgins Heyoh Design & Development

TAX ID NUMBER: 69 K B 008, 009, 00901, 010

[View map on KGIS](#)

JURISDICTION: City Council District 5

STREET ADDRESS: 4011 4013, 4017, 4025 MILTON ST

► **LOCATION:** Northwest side of Milton St, north of Ludlow Ave

► **APPX. SIZE OF TRACT:** 0.51 acres

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via Milton Street, an unstriped local street with a pavement width varying from 15.5-18.5 ft within a railroad right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

FIRE DISTRICT: Knoxville Fire Department

WATERSHED: First Creek

► **PRESENT ZONING:** RN-4 (General Residential Neighborhood)

► **ZONING REQUESTED:** RN-5 (General Residential Neighborhood)

► **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

►

EXTENSION OF ZONE: No, this is not an extension.

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Single family residential - RN-4 (General Residential Neighborhood)

South: Transportation/communications/utilities - RN-2 (Single-Family Residential Neighborhood)

East: Office, agriculture/forestry/vacant land - C-G-2 (General Commercial)

West: Single family residential, agriculture/forestry/vacant land - RN-4 (General Residential Neighborhood), HP (Hillside Protection Overlay)

NEIGHBORHOOD CONTEXT: The subject property is in a neighborhood with single and multi-family residential uses, with transportation/communications/utilities nearby. Railroad tracks run on the eastern side of Milton Street.

## STAFF RECOMMENDATION:

► **Deny the RN-5 (General Residential Neighborhood) zoning district because it is inconsistent with the Knoxville-Knox County General Plan and the surrounding development.**

## COMMENTS:

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

THE PROPOSED AMENDMENT IS NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY GENERALLY

1. Conditions in this area have not significantly changed, and new residential development has been limited. The surrounding neighborhoods were established before the 1980s and have remained largely unchanged. The few rezonings that have occurred since the 1980s have been to office and commercial zoning.

THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSES OF THIS CODE.

1. The RN-5 (General Residential Neighborhood) zoning district is intended to accommodate medium-density residential neighborhoods with a mix of single-family, two-family, townhouse, and multi-family dwellings. The RN-5 District may also serve as a functional transition between traditionally single-family and two-family residential neighborhoods within the City, and more intensely developed residential or commercial areas.
2. This property is near N Broadway, a commercial corridor to the east, but it is separated from that by a railroad right-of-way, isolating Milton Street from that commercial development. Similarly, Milton Street is separated from the single-family neighborhoods to the south, which are part of the Infill Housing Overlay District. Those lots range in size from 5,000-7,000 sq ft and align with their RN-2 zoning. The nearest development with which RN-5 could be considered compatible is the two apartment complexes zoned RN-6 to the west. These apartments abut I-640 and are accessed off of a different road. They are nearby on the map but not as traveled by vehicle.
3. This property does not meet the intent of the RN-5 District as it is in an isolated area devoid of medium-density development. It is not a transitional area despite the close proximity of N Broadway due to the wide railroad right-of-way to the east and the power lines and electrical substation occupying several parcels to the south. The other development along Milton Street consists of single-family homes on large lot sizes that are more consistent with RN-1 zoning.
4. Rezonings should be based on the entire range of uses allowed within a zone to ensure that any future development is compatible with the surrounding land uses. The existing RN-4 district allows similar uses to the requested RN-5 district. Single-family, two-family, and townhouse dwellings (as long as the development contains 8 units or less) are allowed by right in the RN-4 district. Townhouse developments and some small multifamily developments are permitted with special use approval.

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. The primary difference between the RN-5 and RN-4 districts is the intensity of multi-family and townhouse developments allowed by right. The RN-4 district requires special use approval for multi-family and townhouse developments with nine or more units. In contrast, regardless of intensity, the RN-5 district does not require special use approval for residential developments. The special use process allows the Planning Commission to review developments for compatibility with the area and recommend conditions to mitigate adverse impacts on the subject or neighboring properties. In this case, special use approval would be appropriate due to the utility lines and railroad abutting the property and the proximity to single-family homes.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE KNOXVILLE-KNOX COUNTY GENERAL PLAN AND ITS COMPONENT PARTS, INCLUDING ADOPTED SECTOR PLANS, CORRIDOR PLANS, AND RELATED DOCUMENTS.

1. The subject property is designated MDR/O (Medium Density Residential/Office) under the City's One Year Plan and Central City Sector Plan, which permits the RN-5 district.
2. The proposed rezoning does not comply with the General Plan's Development Policy 9.3, to ensure that the context of new development, including scale and compatibility, does not impact existing neighborhoods and communities. The allowable minimum lot sizes in the RN-5 district and the more intensive uses permissible by right could lead to development that is not in scale with the residential development in the neighborhood, which is mainly single-family homes on larger lots and small-scale multi-family developments.

WHETHER ADEQUATE PUBLIC FACILITIES ARE AVAILABLE INCLUDING, BUT NOT LIMITED TO, SCHOOLS, PARKS, POLICE AND FIRE PROTECTION, ROADS, SANITARY SEWERS, STORM 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. Access to the subject property is from Milton Street, an unstriped local street with pavement widths varying from 15.5 to 18.5 ft. Due to the narrow and uneven width of the street, roadway improvements may be required. The need for improvements will be determined during the permitting phase.
2. Three Knoxville Area Transit (KAT) bus stops are within 0.25 miles of the subject property. However, there are no sidewalks between Milton Street and N Broadway, and pedestrians must cross an active railroad crossing to reach them.

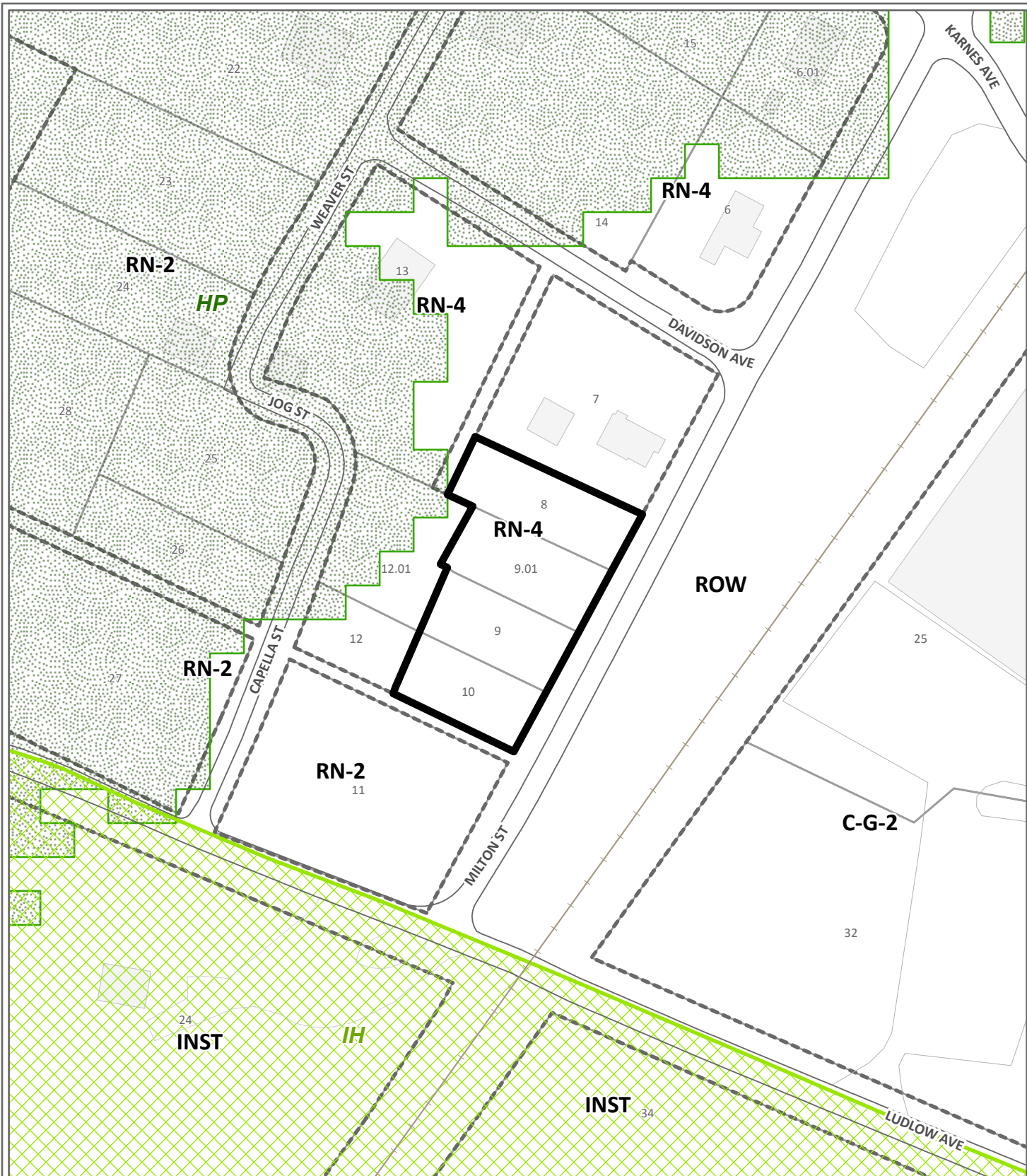
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: Christenberry Elementary, Whittle Springs Middle, and Fulton High.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

If approved, this item will be forwarded to Knoxville City Council for action on 12/10/2024 and 1/7/2025. 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.



## REZONING

11-U-24-RZ



**From:** RN-4 (General Residential Neighborhood)

**To:** RN-5 (General Residential Neighborhood)

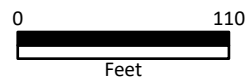
**Original Print Date:** 10/9/2024

Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

**Petitioner:** Heyoh Design & Development

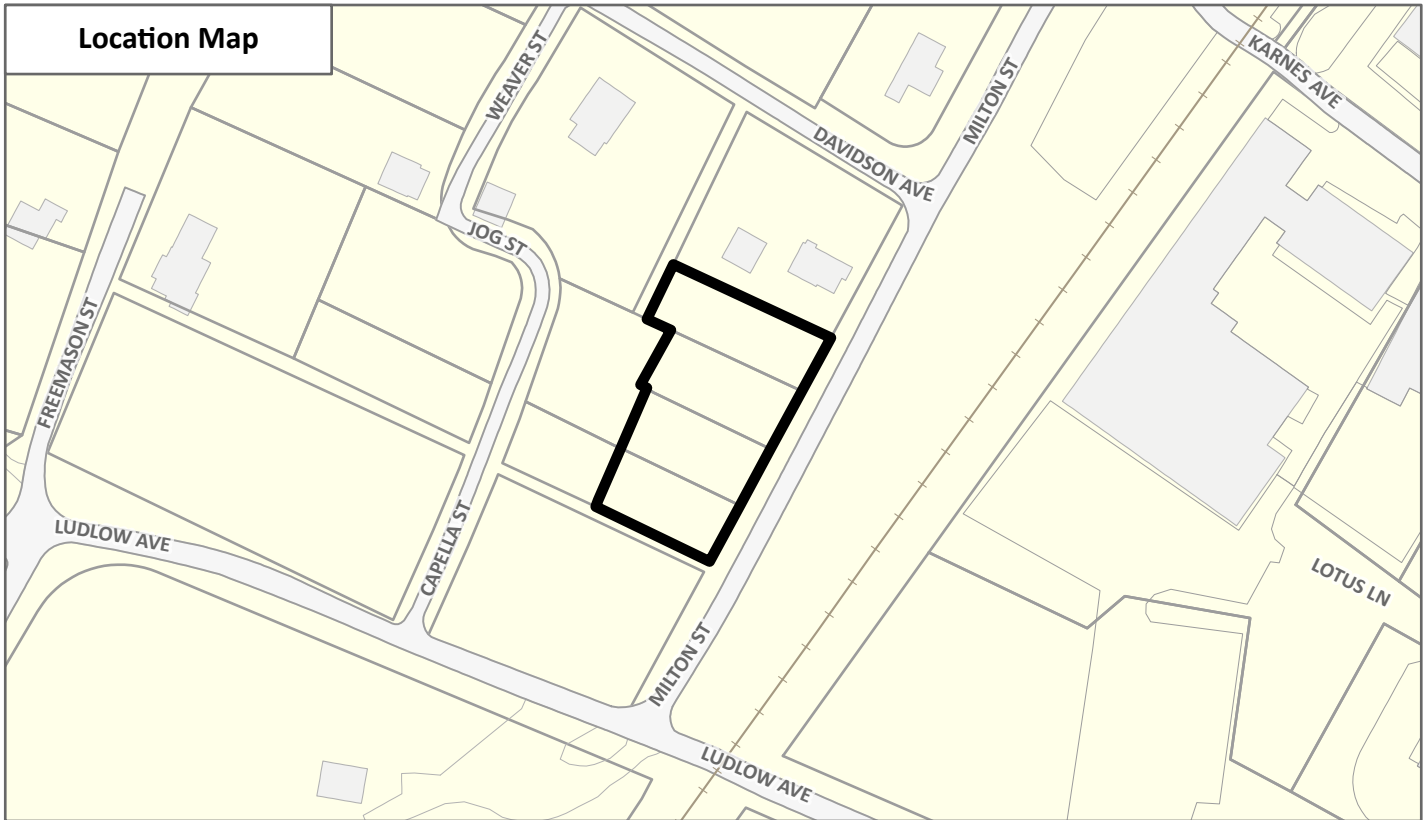
**Map No:** 69

**Jurisdiction:** City



## Exhibit A. Contextual Images

Location Map



Aerial Map

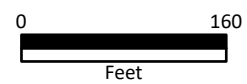


CONTEXTUAL MAPS 1

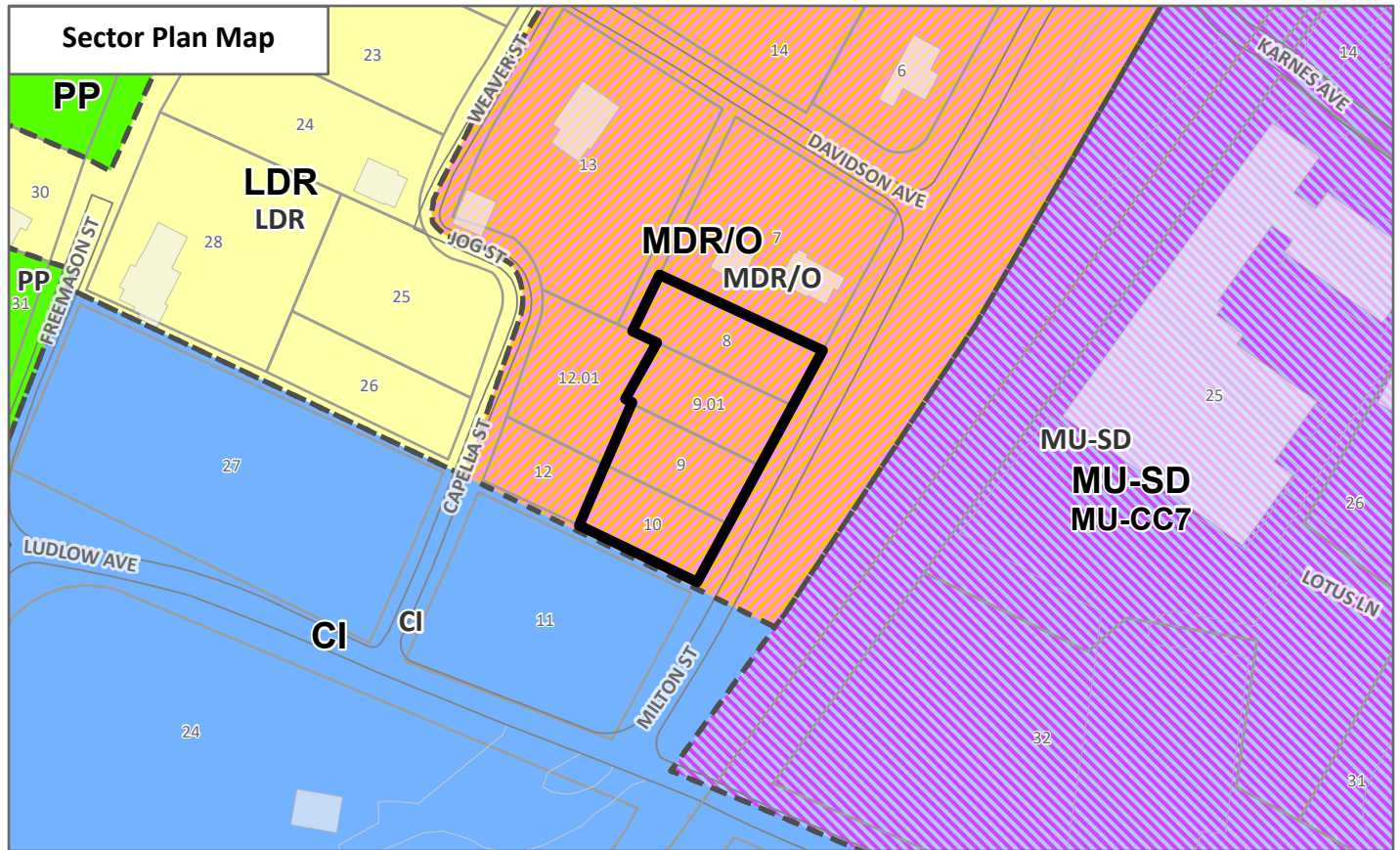
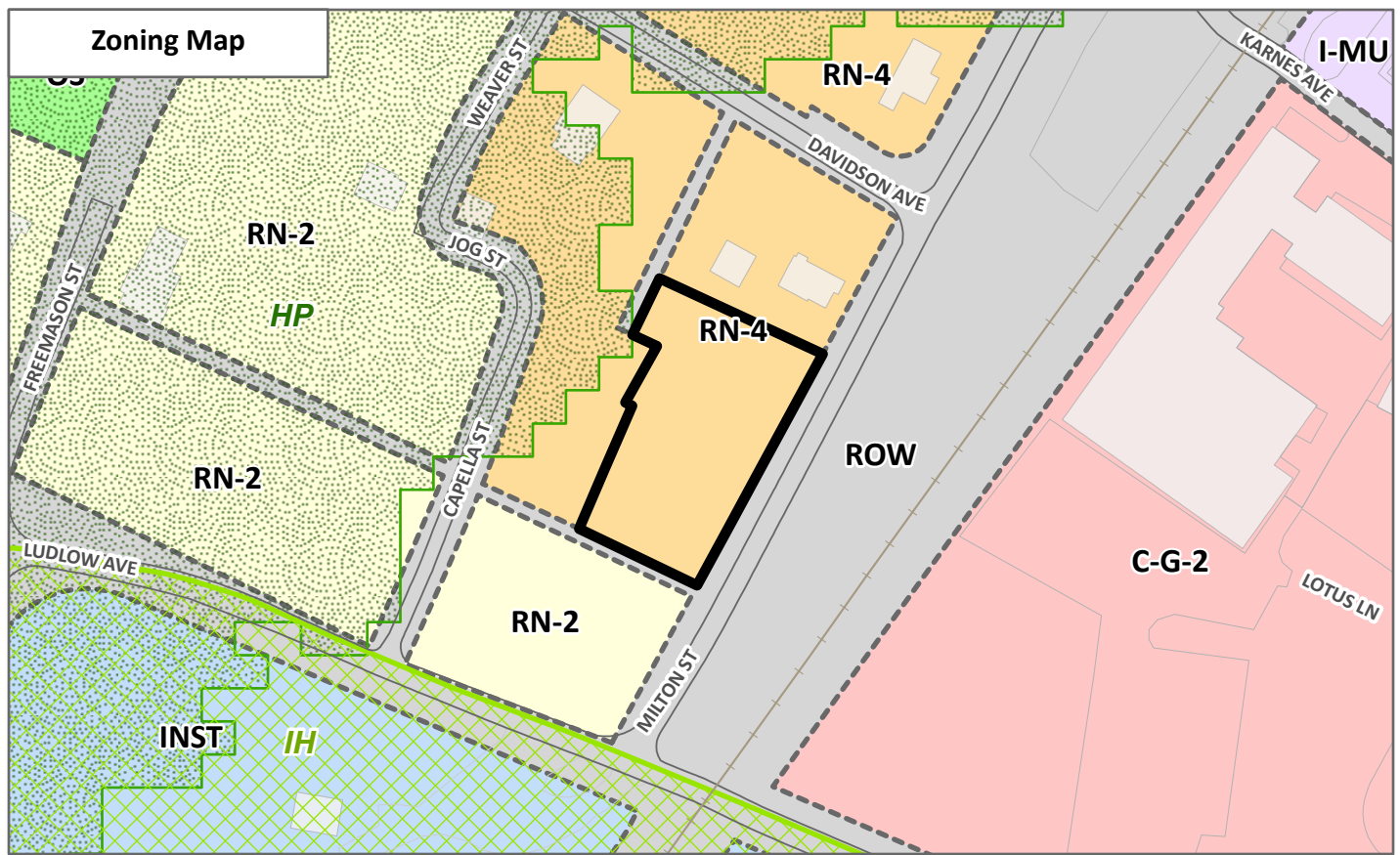
11-U-24-RZ



Case boundary







### CONTEXTUAL MAPS 2

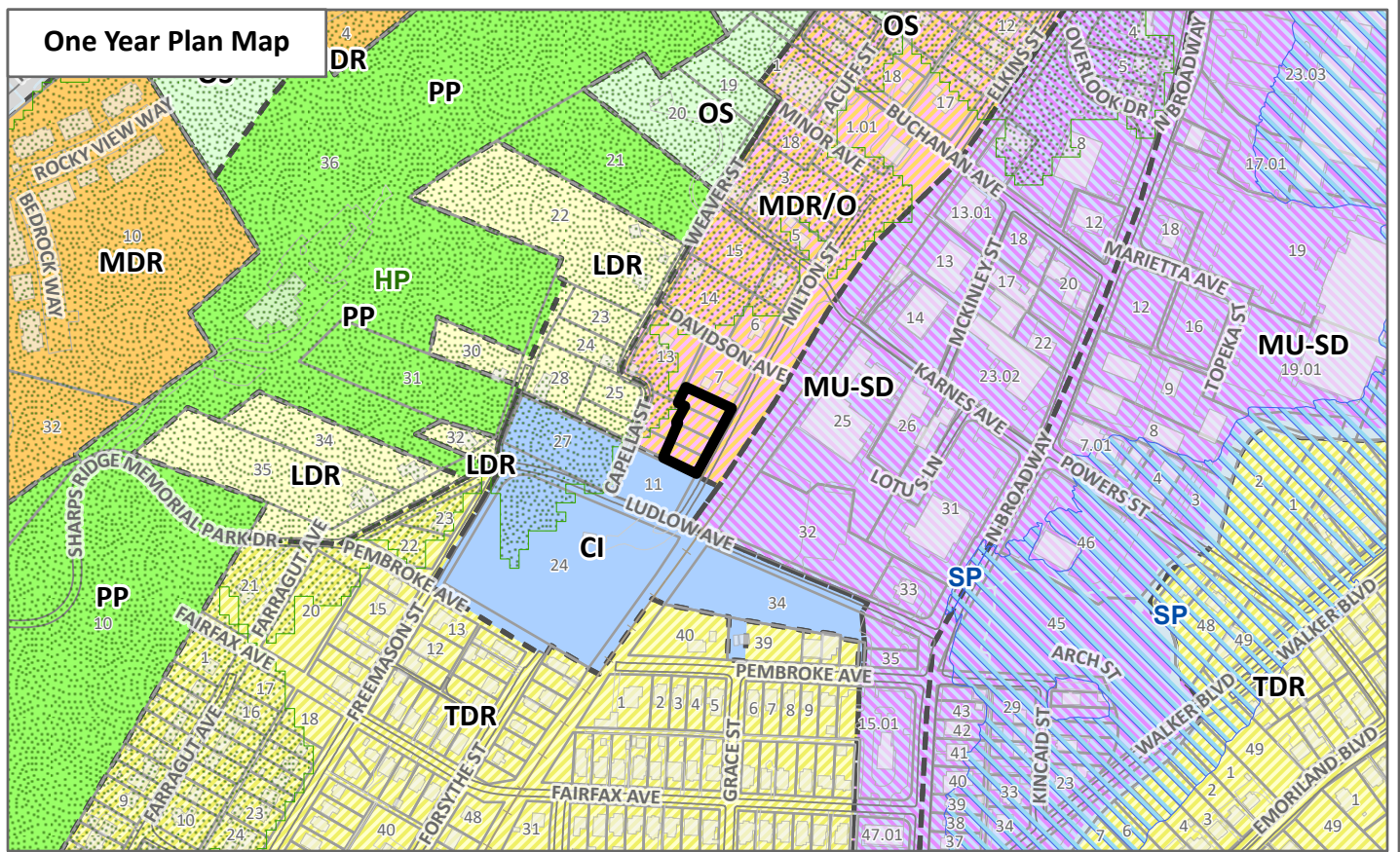
11-U-24-RZ

Case boundary

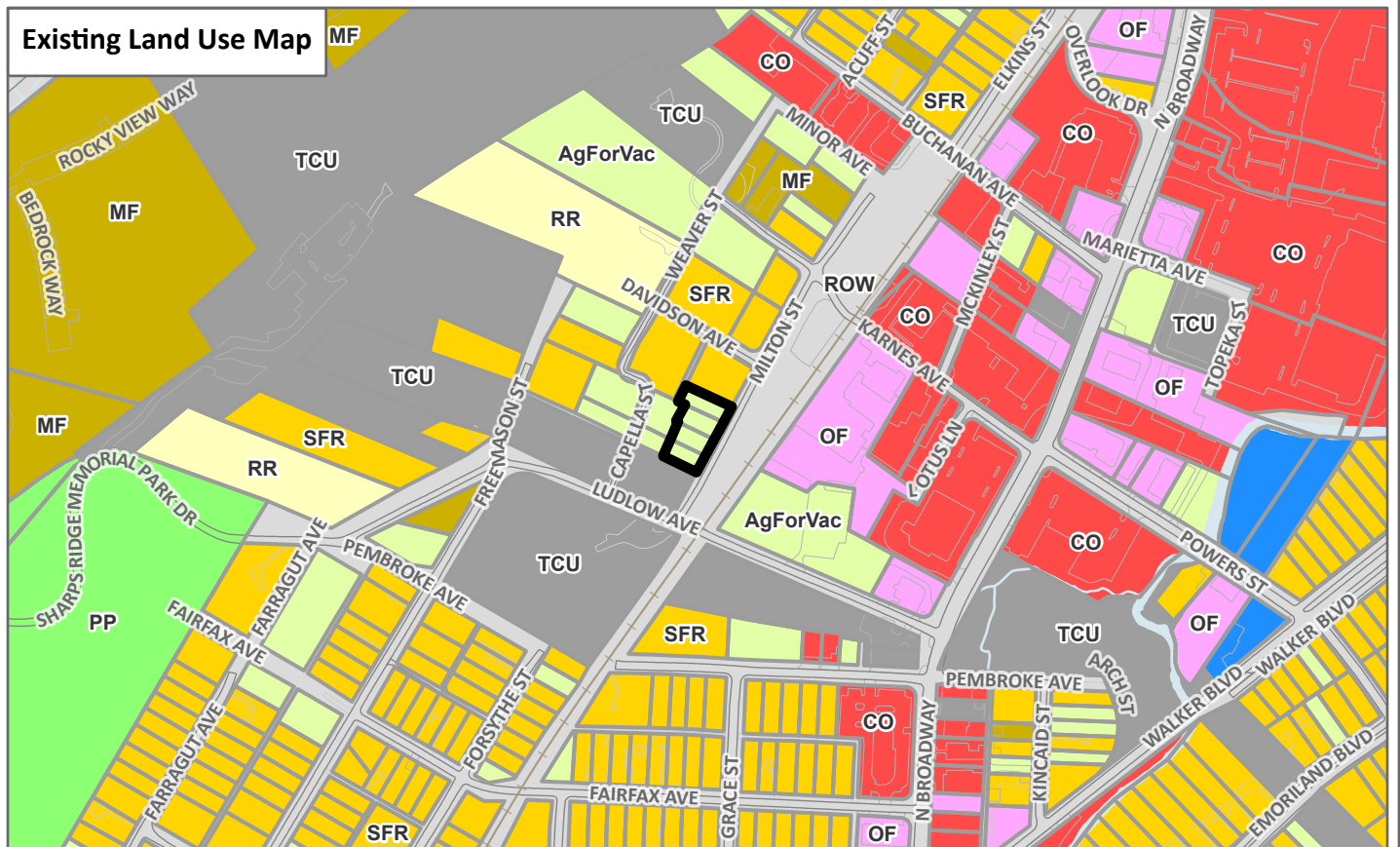
0 150  
Feet

N

One Year Plan Map



Existing Land Use Map

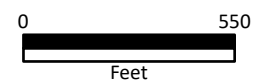


CONTEXTUAL MAPS 3

11-U-24-RZ



Case boundary





# Development Request

## DEVELOPMENT

- ☐ Development Plan  
☐ Planned Development  
☐ Use on Review / Special Use  
☐ Hillside Protection COA

## SUBDIVISION

- ☐ Concept Plan  
☐ Final Plat

## ZONING

- ☒ Rezoning  
☐ Plan Amendment  
☐ Sector Plan  
☐ City OYP / County Comp Plan

### Heyoh Design & Development

Applicant Name

### Owner

Affiliation

10/3/2024

Date Filed

11/14/2024

Meeting Date (if applicable)

11-U-24-RZ

File Number(s)

## CORRESPONDENCE

*All correspondence related to this application should be directed to the approved contact listed below.*

Logan A. Higgins Heyoh Design & Development

Name / Company

133 S Gay St Knoxville TN 37902

Address

423-502-4210 / logan@heyodesign.com

Phone / Email

## CURRENT PROPERTY INFO

Logan A. Higgins Heyoh Design & Develo 133 S Gay St Knoxville TN 37902

Owner Name (if different)

Owner Address

423-502-4210 / logan@heyodes

Owner Phone / Email

4011 4013, 4017, 4025 MILTON ST

Property Address

69 K B 008, 009, 00901, 010

Parcel ID

Part of Parcel (Y/N)?

0.51 acres

Tract Size

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

No

Septic (Y/N)

## COMMUNITY ENGAGEMENT

*Sign and return the **Public Notice and Community Engagement** form with this application.*

*Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). **We require applicants to acknowledge their role in this process.***



## DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan	<input type="checkbox"/> Planned Development	<input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA	<input type="checkbox"/> Residential	<input type="checkbox"/> Non-residential	
Home Occupation (specify) _____			
Other (specify) _____			

## SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Total Number of Lots Created	
Additional Information	
<input type="checkbox"/> Attachments / Additional Requirements	

## ZONING REQUEST

<input checked="" type="checkbox"/> Zoning Change	<b>RN-5 (General Residential Neighborhood)</b>	Pending Plat File Number
	Proposed Zoning	
<input type="checkbox"/> Plan Amendment	Proposed Plan Designation(s)	
Proposed Density (units/acre)    Previous Rezoning Requests		
Additional Information		

## STAFF USE ONLY

<b>PLAT TYPE</b>	Fee 1	Total
<input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	<b>\$650.00</b>	
<b>ATTACHMENTS</b>	Fee 2	
<input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request		
<input type="checkbox"/> Amendment Request (Comprehensive Plan)	Fee 3	
<b>ADDITIONAL REQUIREMENTS</b>		
<input type="checkbox"/> Use on Review / Special Use (Concept Plan)		
<input type="checkbox"/> Traffic Impact Study		
<input type="checkbox"/> COA Checklist (Hillside Protection)		

## AUTHORIZATION

<input type="checkbox"/> I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.		
Applicant Signature	Heyoh Design & Development	10/3/2024
	Please Print	Date
Phone / Email		
Property Owner Signature	Logan A. Higgins Heyoh Design & Development	10/3/2024
	Please Print	Date



# Development Request

**DEVELOPMENT**

- ☐ Development Plan
- ☐ Planned Development
- ☐ Use on Review / Special Use
- ☐ Hillside Protection COA

**SUBDIVISION**

- ☐ Concept Plan
- ☐ Final Plat

**ZONING**

- ☐ Plan Amendment
  - ☐ SP
  - ☐ PA
- ☐ Rezoning

Heyoh Design and Development

Applicant Name		Affiliation
09/30/2024	November 14, 2024	File Number(s)  11-U-24-RZ
Date Filed	Meeting Date (if applicable)	

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

☐ Applicant ☒ Property Owner ☐ Option Holder ☐ Project Surveyor ☐ Engineer ☐ Architect/Landscape Architect

Logan Higgins

Name	Company		
133c S Gay St	Knoxville	TN	37902
Address	City	State	ZIP
865.236.0430	logan@heyohdesign.com		
Phone	Email		

CURRENT PROPERTY INFO

133c S Gay St		865.236.0430
Property Owner Name (if different)	Property Owner Address	Property Owner Phone
4011, 4013, 4017, & 4025 Milton St	069KB-008, -009, -00901, & -010	
Property Address	Parcel ID	
KUB	KUB	N
Sewer Provider	Water Provider	Septic (Y/N)

COMMUNITY ENGAGEMENT

Sign and return the **Public Notice & Community Engagement** form with this application.

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). **We require applicants to acknowledge their role in this process.**

JULY 2024

## DEVELOPMENT REQUEST

- ☐ Development Plan   ☐ Use on Review / Special Use   ☐ Hillside Protection COA  
☐ Residential   ☐ Non-Residential

Home Occupation (specify) \_\_\_\_\_

Other (specify) \_\_\_\_\_

Related City Permit Number(s)

## SUBDIVISION REQUEST

Proposed Subdivision Name

Unit / Phase Number   ☐ Combine Parcels   ☐ Divide Parcel

Total Number of Lots Created

☐ Other (specify) \_\_\_\_\_

☐ Attachments / Additional Requirements

Related Rezoning File Number

## ZONING REQUEST

☒ Zoning Change

RN-5

Proposed Zoning

☐ Plan Amendment Change

Proposed Plan Designation(s)

Pending Plat File Number

Proposed Density (units/acre)

Previous Rezoning Requests

☐ Other (specify) \_\_\_\_\_

## STAFF USE ONLY

### PLAT TYPE

☐ Staff Review   ☒ Planning Commission

### ATTACHMENTS

☐ Property Owners / Option Holders   ☐ Variance Request  
☐ Amendment Request (*Comprehensive Plan*)

### ADDITIONAL REQUIREMENTS

☐ Use on Review / Special Use (*Concept Plan*)  
☐ Traffic Impact Study  
☐ COA Checklist (*Hillside Protection*)

Fee 1		Total
0801	\$650.00	\$650.00
Fee 2		
Fee 3		

## AUTHORIZATION

☒ **I declare under penalty of perjury** the foregoing is true and correct: **1)** He/she/it is the owner of the property AND **2)** The application and all associated materials are being submitted with his/her/its consent. If there are additional owners or options holders, each additional individual must sign the Property Owners/Option Holders Form.

Applicant Signature	Logan Higgins / Owner	9/30/2024
865.236.0430	logan@heyohdesign.com	Date
Phone Number	Email	
Property Owner Signature	Logan Higgins	10/03/2024,SG
	Please Print	Date Paid

# Public Notice and Community Engagement

## Sign Posting and Removal

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission.

**Planning staff will post the required sign.** If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

### Location and Visibility

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

### Timing

The sign(s) must be posted not less than 12 days prior to the scheduled Planning Commission 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 not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

## Community Engagement

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s).

### Acknowledgement

**By signing below,** you acknowledge that public notice signs must be posted and visible on the property consistent with the guidelines above and between the dates listed below.

**Have you engaged the surrounding property owners to discuss your request?**

- ☐ Yes   ☐ No
- ☐ No, but I plan to prior to the Planning Commission meeting

Date to be Posted

Date to be Removed



Applicant Signature

Applicant Name

Date

FILE NUMBER