

REZONING REPORT

► **FILE #:** 12-C-21-RZ

AGENDA ITEM #: 11

AGENDA DATE: 12/9/2021

► **APPLICANT:** BENCHMARK ASSOCIATES, INC.

OWNER(S): Sam Akroush

TAX ID NUMBER: 107 D A 010.00

[View map on KGIS](#)

JURISDICTION: City Council District 6

STREET ADDRESS: 1001 Cox St.

► **LOCATION:** West of Cox Street and north of Knott Avenue

► **APPX. SIZE OF TRACT:** 0.78 acres

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is provided via Cox St, a local road with 20-ft of pavement width within 35-ft of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

► **PRESENT ZONING:** RN-1 (Single-Family Residential Neighborhood)

► **ZONING REQUESTED:** RN-2 (Single-Family Residential Neighborhood)

► **EXISTING LAND USE:** Single-family residential

► EXTENSION OF ZONE: Yes, RN-2 is located to the south and east

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Transportation/Communications/Utilities - O (Office)

South: Single-family residential - RN-2 (Single-family residential)

East: Single-family residential, Agriculture/Forestry/Vacant Land - RN-2 (Single-family residential)

West: Transportation/Communications/Utilities - O (Office)

NEIGHBORHOOD CONTEXT: This property is located on the perimeter of a residential neighborhood and is adjacent to large parcels of undeveloped land to the west. I-40/I75 is located approximately 600-ft to the north.

STAFF RECOMMENDATION:

► **Approve RN-2 (Single-Family Residential Neighborhood) zoning because it is compatible with the existing zoning and development pattern in the area.**

COMMENTS:

PURSUANT TO THE CITY OF KNOXVILLE ZONING ORDINANCE, SECTION 16.1.E.3, 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. This area is largely built out with a mix of single-family residential and some multi-family located nearby. This proposed rezoning will increase the housing opportunities in an established residential area located near transit service and within walking distance to school.

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

1. The RN-2 (Single-family Residential Neighborhood) District is intended to accommodate low density single-family residential development on relatively small lots with smaller setbacks.

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. This property is located in a residential area of the City that is predominantly zoned RN-2. The proposed amendment is consistent with the zoning and development pattern of the area and is not anticipated to cause any adverse effects.

2. The Stream Protection area encompasses approximately 0.08 acres of the northwest corner of this property. However, there is adequate space for development on this lot without impacting the protected area.

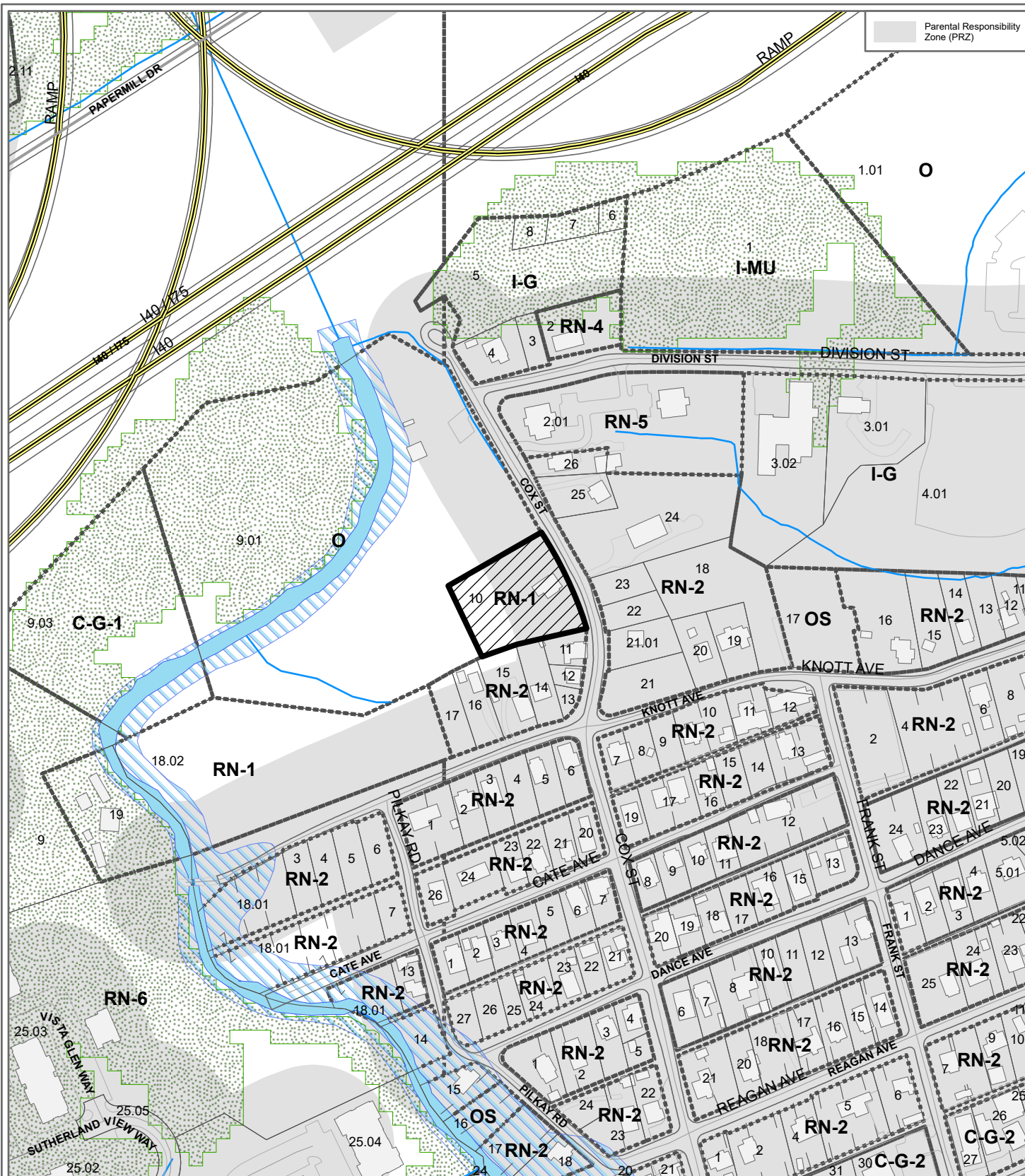
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The Central City Sector Plan designates this parcel as LDR (Low Density Residential) classification which supports RN-2 zoning.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

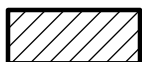
If approved, this item will be forwarded to Knoxville City Council for action on 1/11/2022 and 1/25/2022. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



12-C-21-RZ REZONING

From: RN-1 (Single-Family Residential Neighborhood)

To: RN-2 (Single-Family Residential Neighborhood)



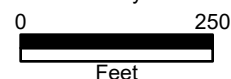
Original Print Date: 11/15/2021
 Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Benchmark Associates, Inc.

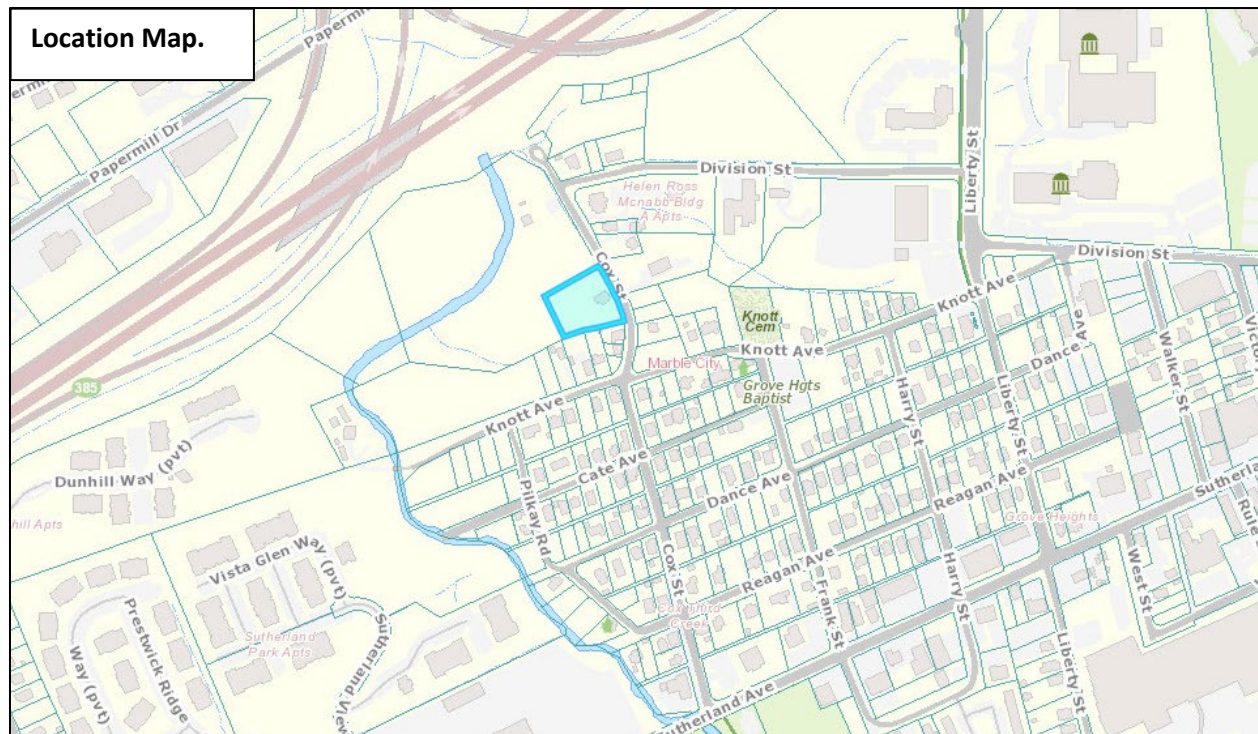
Map No: 107

Jurisdiction: City



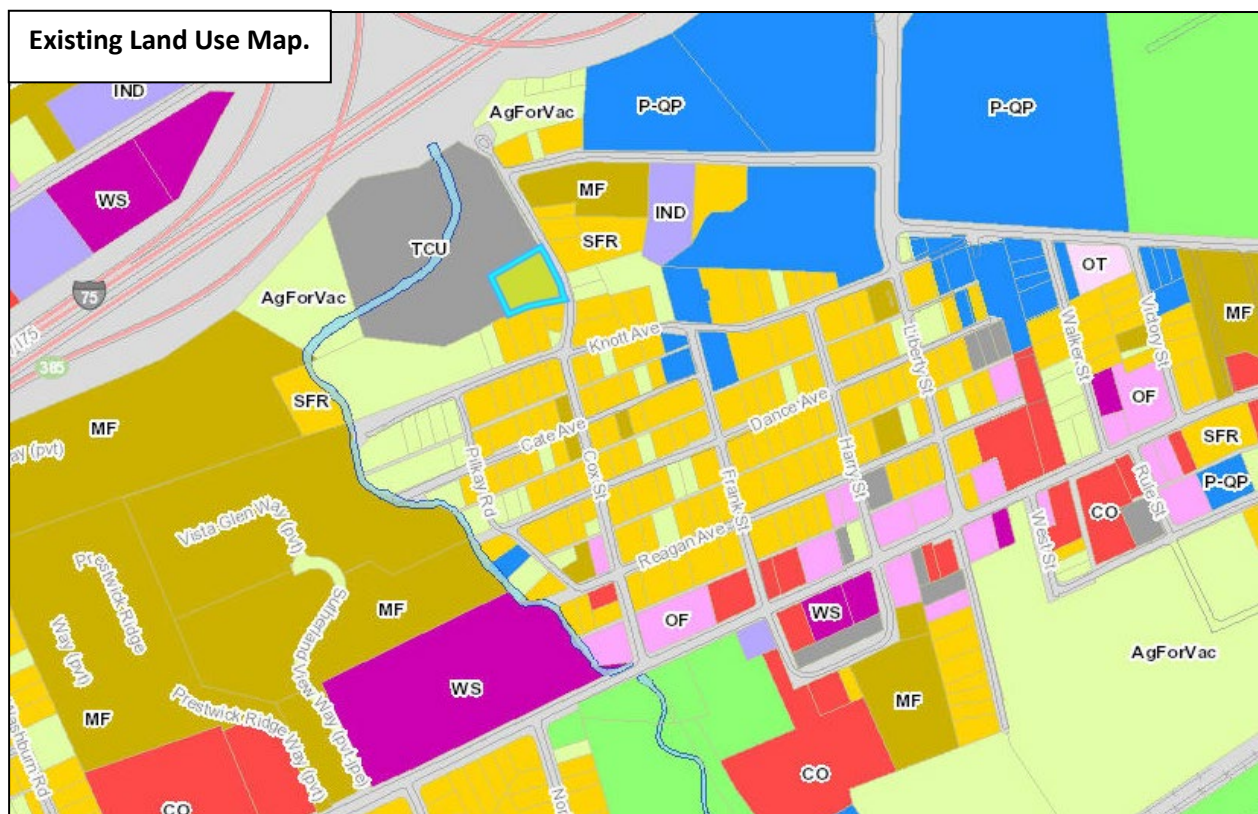
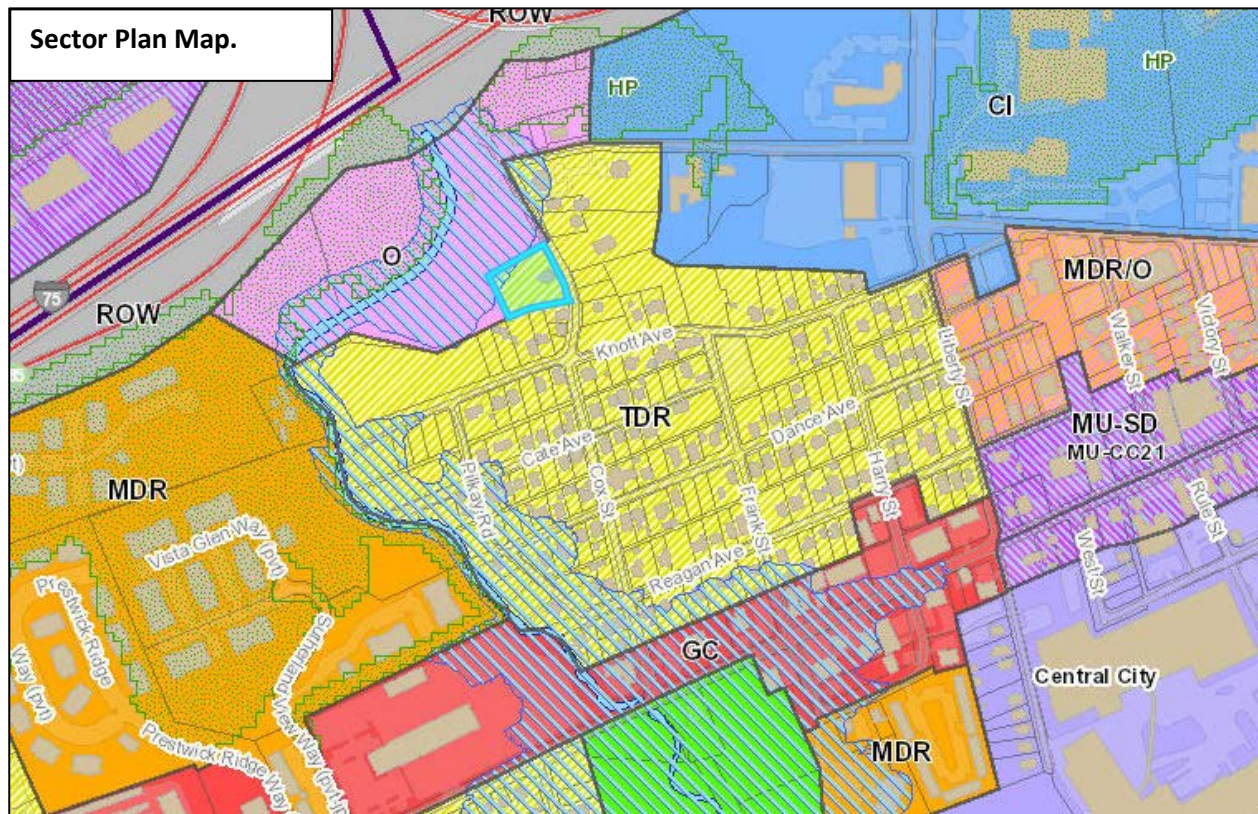
12-C-21-RZ

EXHIBIT A. Contextual Images



12-C-21-RZ

EXHIBIT A. Contextual Images





DEVELOPMENT REQUEST

DEVELOPMENT

- ☐ Development Plan
☐ Planned Development
☐ Use on Review / Special Use

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☒ Rezoning

Benchmark Associates, Inc.

Consultant

Applicant Name

Affiliation

11 October 2021

09 December 2021

12-C-21-RZ

Date Filed

Meeting Date (if applicable)

File Number(s)

CORRESPONDENCE

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

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

Benjamin J. Moorman

Benchmark Associates, Inc.

Name

Company

PO Box 23892

Knoxville

TN

37933

Address

City

State

Zip

865-692-4090

bmoorman@bma-ls.com

Phone

Email

CURRENT PROPERTY INFO

Sam Akroush

8327 Corteland Drive, Knoxville, TN 37908 865-919-1224

Owner Name (if different)

Owner Address

Owner Phone

1001 Cox Street, Knoxville, TN 37919

107DA010.00

Property Address

Parcel ID

W. of Cox Street & N. of Knott Avenue

0.78 acres +/-

General Location

Tract Size

6th Council District

RN-1

Jurisdiction (specify district above)

☒ City ☐ County

Zoning District

Central City

TDR **E 5P**

Central City

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

Residence

N

KUB

KUB

Existing Land Use

Septic (Y/N)

Sewer Provider

Water Provider

REQUEST

DEVELOPMENT

☐ Development Plan ☐ Use on Review / Special Use

☐ Residential ☐ Non-Residential

☐ Home Occupation (specify): _____

☐ Other (specify): _____

SUBDIVISION

☐ Proposed Subdivision Name _____ Unit / Phase Number _____

☐ Parcel Change

☐ Combine Parcels ☐ Divide Parcel Total Number of Lots Created: _____

☐ Other (specify): _____

☐ Attachments / Additional Requirements

ZONING

☒ Zoning Change: RN-2
Proposed Zoning _____

☐ Plan Amendment Change: _____
Proposed Plan Designation(s) _____

Proposed Density (units/acre) _____ Previous Rezoning Requests _____

☐ Other (specify): COPY OF MOST RECENT DEED & MAP OF CURRENT ZONING.

STAFF USE ONLY

PLAT TYPE

☐ Staff Review ☐ Planning Commission

ATTACHMENTS

☐ Property Owners / Option Holders ☐ Variance Request

ADDITIONAL REQUIREMENTS

☐ Design Plan Certification (Final Plat only)
☐ Use on Review / Special Use (Concept Plan only)
☐ Traffic Impact Study

FEE 1:

0324 600.00

FEE 2:

FEE 3:

TOTAL:

\$600.00

AUTHORIZATION

By signing below, I certify I am the property owner, applicant or the owners authorized representative.

Benjamin J. Moorman
Applicant Signature

Benjamin J. Moorman

11 October 2021

Please Print

Date

865-692-4090

bmoorman@bma-ls.com

Phone Number

Email

Staff Signature

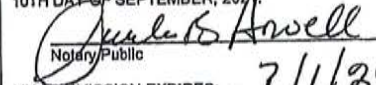
Please Print

Date

Sherry Michienzi

SHERRY MICHIEZI

10/11/21
mp

<p style="text-align: center;">WARRANTY DEED</p> <div style="text-align: center;">  </div>	<p>STATE OF TENNESSEE COUNTY OF KNOX</p> <p>THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS \$95,000.00.</p> <p style="text-align: center;">  Affiant </p> <p>SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 10TH DAY OF SEPTEMBER, 2021.</p> <p style="text-align: center;">  Notary Public </p> <p>MY COMMISSION EXPIRES: <u>7/1/24</u> (AFFIX SEAL)</p>	
<p style="text-align: center;">THIS INSTRUMENT WAS PREPARED BY Title Group of Tennessee, LLC Series Alpha, 4800 Old Kingston Pike, Suite 120, Knoxville, TN 37919, File number: 2021-09-6720A</p>		
ADDRESS NEW OWNER(S) AS FOLLOWS:	SEND TAX BILL TO:	MAP/PARCEL NUMBERS:
Sam Akroush, married	Sam Akroush, married	107DA-010
(NAME)	(NAME)	
8327 Corteland Dr.	8327 Corteland Dr.	
(ADDRESS)	(ADDRESS)	
Knoxville, TN 37909	Knoxville, TN 37909	
(CITY) (STATE) (ZIP)	(CITY) (STATE) (ZIP)	

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEE, AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, WE, **PHILIP SAMPIETRO, MARRIED, AND ALEX CRAIG, MARRIED, AND DAN BUTLER, MARRIED**, HEREINAFTER CALLED THE GRANTORS, HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO **SAM AKROUSH, MARRIED**, HEREINAFTER CALLED THE GRANTEE, HER HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN KNOX COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

SITUATED in the Fifth (5th) Civil District of Knox County, Tennessee, and within the corporate limits of the City of Knoxville, Tennessee, and being more fully bounded and described as follows:

BEGINNING at an Iron pin in the West Right of Way of Langford Drive, Said Beginning Pin Being Distant 1091 Feet More or Less From Papermill Road; Thence Running With the West Right of Way Line of Langford Drive, South 29 Deg., 05 Min., East, 119.00 Feet to a Pole; Thence Continuing With Said Right of Way Line, South 14 Deg., 50 Min., East, 81.0 Feet to a Post; Thence Running Along a Fence Line South 74 Deg., 00 Min., West, 200 Feet to an Iron Pin; Thence Running North 23 Deg., 12 Min., West, 145.10 Feet to an Iron Pin in the Bank of a Creek; Thence Running North 58 Deg., 40 Min., East, 200 Feet to the Point of Beginning.

The above description is the same as the previous deeds of record, no boundary survey having been made at the time of this conveyance.

BEING the same property conveyed to Alex Craig and Dan Butler and Phillip Sampletro from Brandon T. Burns, unmarried by Warranty Deed dated April 28, 2021 and of record on May 04, 2021, as Instrument Number 202105040090612, in the Register's Office for Knox County, Tennessee.

The above described premises are unimproved and vacant and have never been used as a place of residence of the First Parties and their spouses and dependents, and was purchased and used for speculative purposes, and the First Parties herein state that the above described property is not and has not been used by their spouses or dependents as a principal place of residence as set out in TCA 26-2-301.

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEE, her heirs and assigns forever; and we do covenant with the said GRANTEE that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and we do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land

to the said GRANTEE, her heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness our hands this _____.

Philip Sampietro
Philip Sampietro

Alex Craig

Dan Butler

STATE OF TENNESSEE
COUNTY OF KNOX

Personally appeared before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, Philip Sampietro, the within named bargainors, with whom I am personally acquainted and who acknowledged that they executed the foregoing instrument for the purposes therein contained.

Witness my hand and official seal this 10th day of September, 2021.
Commission Expires: 7/1/24



Daniel R. Howell
Notary Public

STATE OF _____
COUNTY OF _____

Personally appeared before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, Alex Craig the within named bargainors, with whom I am personally acquainted and who acknowledged that they executed the foregoing instrument for the purposes therein contained.

Witness my hand and official seal this _____ day of _____.

Commission Expires: _____

Notary Public

STATE OF _____
COUNTY OF _____

Personally appeared before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, Alex Craig the within named bargainors, with whom I am personally acquainted and who acknowledged that they executed the foregoing instrument for the purposes therein contained.

Witness my hand and official seal this _____ day of _____.

Commission Expires: _____

Notary Public

to the said GRANTEE, her heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness our hands this _____.

Philip Sampletro

Alex Craig

Dan Buller

STATE OF TENNESSEE
COUNTY OF KNOX

Personally appeared before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, Philip Sampletro, the within named bargainors, with whom I am personally acquainted and who acknowledged that they executed the foregoing instrument for the purposes therein contained.

Witness my hand and official seal this _____ day of _____, _____.

Commission Expires: _____

Notary Public

STATE OF _____
COUNTY OF _____

Personally appeared before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, Alex Craig the within named bargainors, with whom I am personally acquainted and who acknowledged that they executed the foregoing instrument for the purposes therein contained.

Witness my hand and official seal this _____ day of _____, _____.

Commission Expires: _____

Notary Public

A STATE OF SC
COUNTY OF Greenville

Personally appeared before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, Alex Craig the within named bargainors, with whom I am personally acquainted and who acknowledged that they executed the foregoing instrument for the purposes therein contained.

Witness my hand and official seal this 9th day of September, 2021

Commission Expires: April 17, 2030

Francis K. Preece
Notary Public

to the said GRANTEE, her heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness our hands this _____.

Philip Sampleiro
Alex Craig
Dan Butler

STATE OF TENNESSEE
COUNTY OF KNOX

Personally appeared before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, Philip Sampleiro, the within named bargainers, with whom I am personally acquainted and who acknowledged that they executed the foregoing instrument for the purposes therein contained.

Witness my hand and official seal this _____ day of _____.

Commission Expires: _____

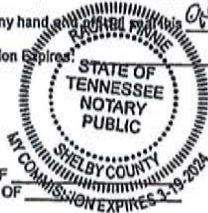
Notary Public

STATE OF _____
COUNTY OF _____

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Witness my hand and official seal this _____ day of September, 2021

Commission Expires: _____



Notary Public

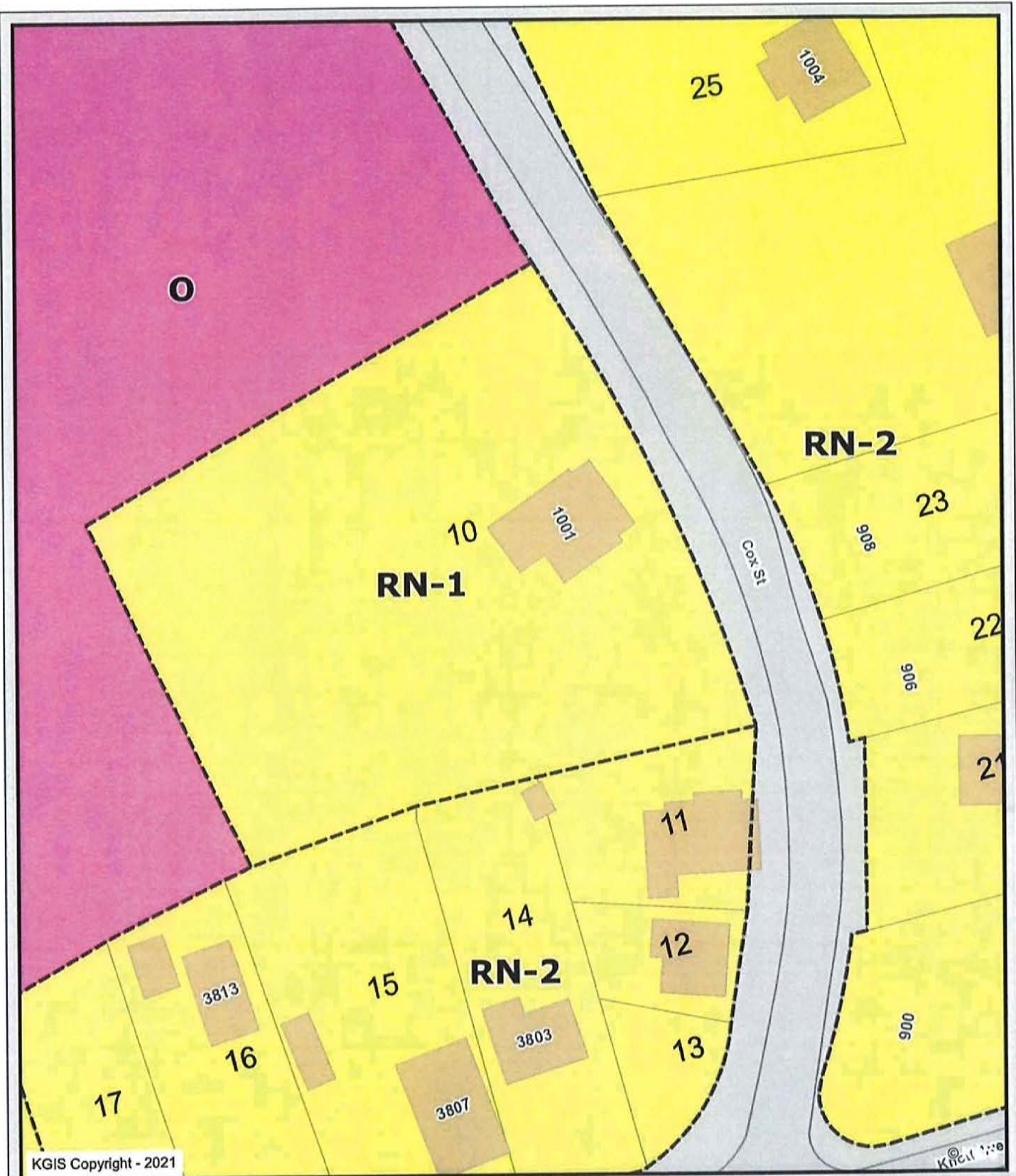
STATE OF _____
COUNTY OF _____

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Witness my hand and official seal this _____ day of _____.

Commission Expires: _____

Notary Public

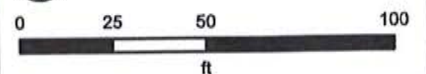


Zoning Overlay

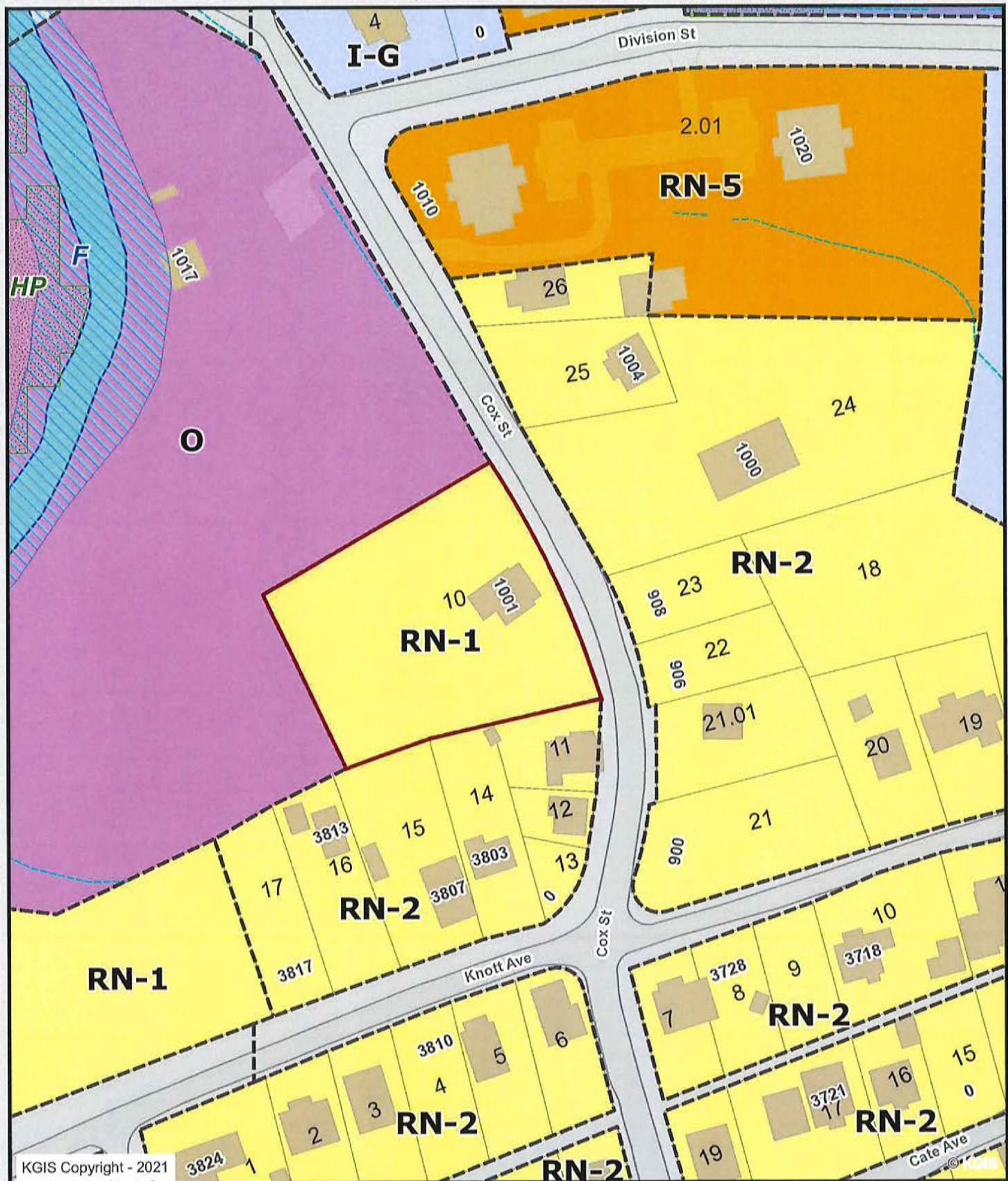
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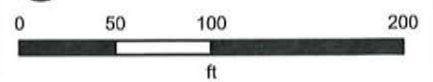


zoning

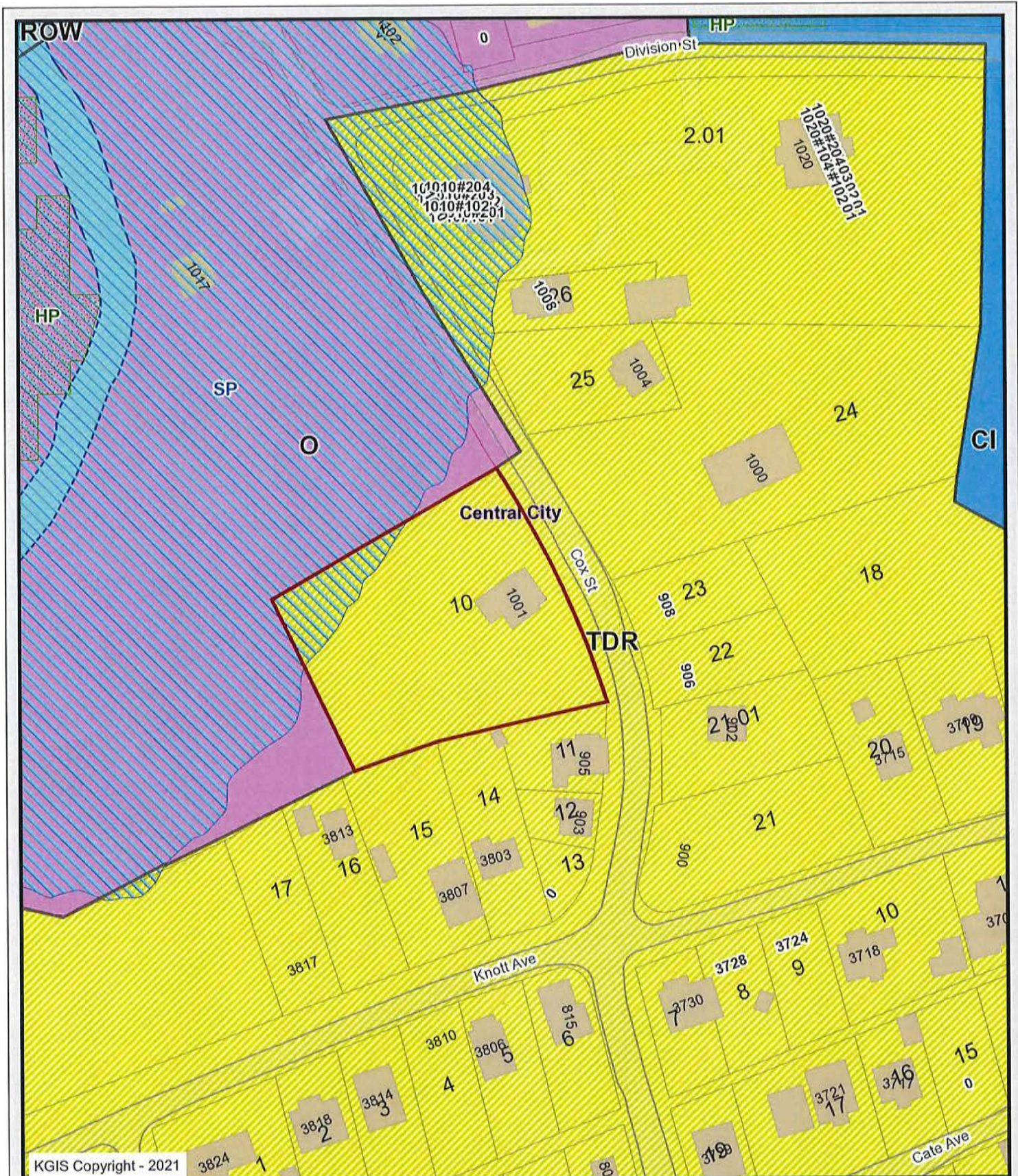
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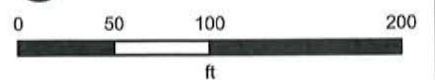


sector plan

Knoxville - Knox County - KUB Geographic Information System



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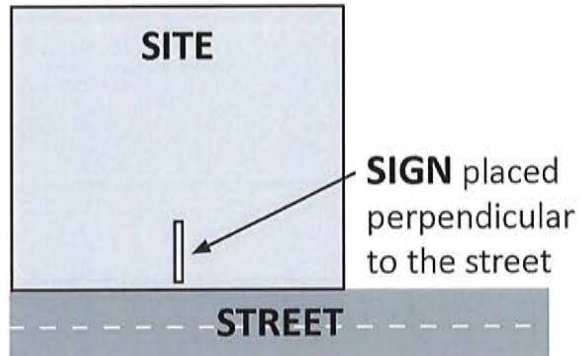
TRUTH UNLOCK CITY

Land Use Classifications



Land Use Classification	Map Color	Description	Location Criteria	Recommended Zoning By Growth Plan Area	One Year Plan Permitted Zones
Agricultural (AG)		This is rural / agricultural in character and includes farms and large tracts of undeveloped land.	<ul style="list-style-type: none"> Farms and large tracts of undeveloped land. Land where soils are designated as prime or locally important by the U.S. Department of Agriculture. Rural areas prime for conservation such as forests, moderate and steep slopes, riparian areas and historic and cultural sites 	City of Knoxville Zones: AG, OS Knox County Rural Area: A, RP, PR less than 1 du/ac Knox County Planned Growth Boundary (PGB): A, RP, PR less than 1 du/ac Knox County Urban Growth Boundary (UGB): A, RP, PR less than 1 du/ac	City of Knoxville Zones: AG, OS
Agricultural Conservation (AGC)		This is rural / agricultural in character and includes farms and large tracts of undeveloped land. Undeveloped tracts with the best soils for agriculture are considered as the primary areas for agricultural conservation (AGC).	<ul style="list-style-type: none"> Farms and large tracts of undeveloped land in the Rural and Planned Growth Areas as designated in the Growth Policy Plan Land where soils are designated as prime or locally important by the U.S. Department of Agriculture are considered for agricultural conservation (AGC) Rural areas prime for conservation such as forests, moderate and steep slopes, riparian areas and historic and cultural sites. 	City of Knoxville Zones: AG, OS Knox County Rural Area: A, RP, PR less than 1 du/ac Knox County Planned Growth Boundary (PGB): A, RP, PR less than 1 du/ac Knox County Urban Growth Boundary (UGB): A, RP, PR less than 1 du/ac	City of Knoxville Zones: AG, OS
Rural Residential (RR)		This land is rural in character with very low density residential and/or clustered housing subdivisions as typical land uses.	<ul style="list-style-type: none"> Rural areas designated for residential development via subdivision or zoning for densities greater than 1 dwelling unit per acre. Rural areas prime for conservation such as forests, moderate and steep slopes, riparian areas and historic and cultural sites. Sites adjacent to agricultural areas (AG or AGC) where cluster housing subdivisions may be appropriate 	City of Knoxville Zones: AG, OS Knox County Rural Area: A, OS, E, PR up to 2 du/ac Knox County Planned Growth Boundary (PGB): A, OS, E, PR up to 3 du/ac Knox County Urban Growth Boundary (UGB): A, OS, E, PR up to 3 du/ac	City of Knoxville Zones: AG, OS
Traditional Neighborhood Development (TDR)		This land use is primarily residential and is characterized by neighborhoods where a mix of detached and attached houses, sidewalks, smaller lots and alleys have typically been or are to be created.	<ul style="list-style-type: none"> Neighborhoods where lots are typically less than 50 feet wide, and usually have sidewalks and alleys. This area is essentially the 19th and early 20th century grid street neighborhoods of Knoxville. Urban Growth Area or Planned Growth Areas where neighborhood or community mixed use development is identified (see Mixed Use and Special Districts section) 	City of Knoxville Zones: RN-1, RN-2, RN-3, RN-4 Knox County Rural Area: N/A Knox County Planned Growth Boundary (PGB): RA, RB, PR (with conditions for sidewalks, common opens spaces and alleys) Knox County Urban Growth Boundary (UGB): RA, RB, PR (with conditions for sidewalks, common opens spaces and alleys)	City of Knoxville Zones: RN-1, RN-2, RN-3, RN-4

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, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, 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.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

Nov. 24, 2021 and Dec 10, 2021 (Fri)
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Benchmark Assoc., Inc

Date: 10-12-21

File Number: 12-C-21-RZ

☒ Sign posted by Staff
☐ Sign posted by Applicant