

# REZONING REPORT

▶ **FILE #:** 3-C-24-RZ

**AGENDA ITEM #:** 24

**AGENDA DATE:** 3/7/2024

▶ **APPLICANT:** MIKHAIL HABIB

OWNER(S): Mikhail Habib

TAX ID NUMBER: 94 G H 004, 005

[View map on KGIS](#)

JURISDICTION: City Council District 6

STREET ADDRESS: 0 WESTERN AVE (0 WESTERN AVE)

▶ **LOCATION:** Southwest side of Western Ave, southeast side of Keith Ave, northeast side of Proctor St

▶ **APPX. SIZE OF TRACT:** 18077 square feet

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via Western Avenue, a 4-lane major arterial within a 112-ft planned right-of-way, and Proctor Street, a local road with a pavement width of 25 ft within an approximate 50-ft right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: East Fork

▶ **PRESENT ZONING:** I-G (General Industrial)

▶ **ZONING REQUESTED:** C-G-1 (General Commercial)

▶ **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: Western Avenue right-of-way

South: Wholesale - I-G (General Industrial)

East: Agriculture/forestry/vacant land - I-G (General Industrial)

West: Keith Avenue right-of-way

NEIGHBORHOOD CONTEXT: The property is located at the edge of the West View Community on the southeast side of the intersection of Western Avenue and Keith Avenue. The area has a mix of residential, commercial, office, industrial, and wholesale uses. The property is in close proximity to Murphy Library and Malcom-Martin Park.

**STAFF RECOMMENDATION:**

▶ **Approve the C-G-1 (General Commercial) district because it is consistent with the sector plan and 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 SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. The subject property is surrounded by public streets on three sides. This area saw a significant road improvement completed in 2020 by TDOT, with the realignment of the intersection of Western Avenue and Keith Avenue.
2. The proposed KAT Reimagined transit network plan intends to improve the frequency of service in this area (bus every 15 minutes), which supports the C-G-1 district's intent to promote development in a pedestrian-oriented environment.

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

1. The C-G-1 district is intended to provide for a heterogeneous mix of retail, personal service, office, and residential uses within and along Knoxville's commercial nodes and corridors.
2. The property is located on a node that has commercial zoning and uses nearby. This segment of Western Avenue has a mix of office, commercial, industrial, and residential uses and community amenities; which is consistent with the intended environment of the C-G-1 district.
3. Rezoning should be based on the entire range of uses allowed within a zone to ensure that any development brought forth at a future time would be compatible with the surrounding land uses.

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 proposed amendment is not expected to adversely impact the surrounding area. The C-G-1 district should be more compatible with the nearby single-family houses compared to any industrial uses permitted under the current I-G district.

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. C-G-1 zoning at this location is consistent with the General Plan's development policy 9.11 which encourages locating community-serving commercial areas where they can be easily shared by several neighborhoods. Being at the intersection of a major arterial street (Western Avenue) and a major collector street (Keith Avenue), this property is easily accessible to numerous low and medium density residential neighborhoods.
2. The Central City Sector Plan and One Year Plan's GC (General Commercial) land use classification does not allow the present I-G zoning district. Rezoning to the C-G-1 district will eliminate this inconsistency.

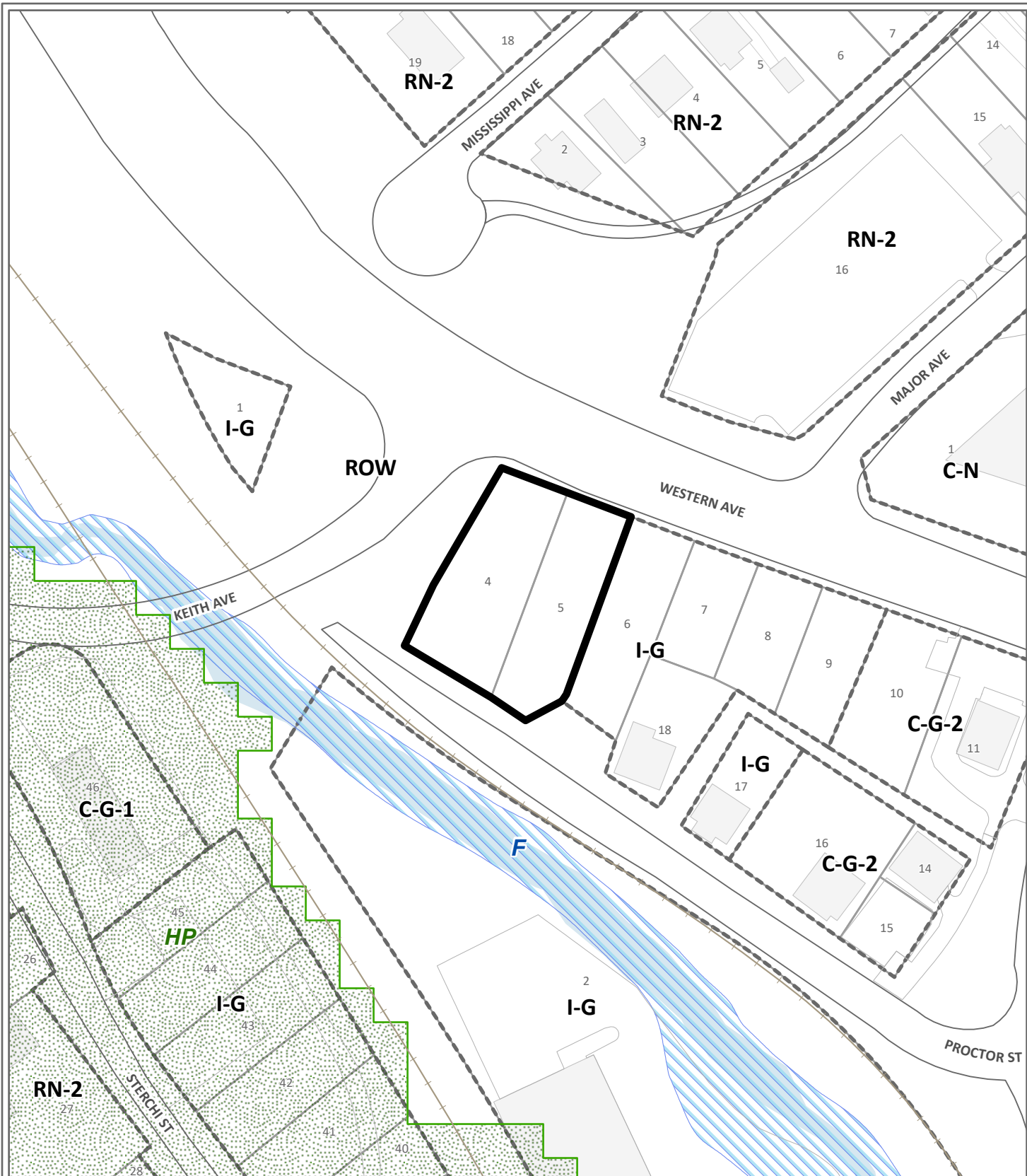
ADEQUATE PUBLIC FACILITIES ARE AVAILABLE INCLUDING, BUT NOT LIMITED TO, SCHOOLS, PARKS, POLICE AND FIRE PROTECTION, ROADS, SANITARY SEWERS, AND WATER LINES, OR ARE REASONABLY CAPABLE OF BEING PROVIDED PRIOR TO THE DEVELOPMENT OF THE SUBJECT PROPERTY IF THE AMENDMENT WERE ADOPTED:

1. The area is served by sidewalks and transit service and has adequate utility infrastructure provided by KUB.
2. Community amenities such as West View Elementary School, Murphy Library, Knoxville Knox County Community Action Committee (CAC), Malcom-Martin Park, and a couple of churches are located within a quarter mile of the subject property.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 4/2/2024 and 4/16/2024. 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**

**3-C-24-RZ**

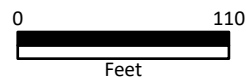
**Petitioner:** Mikhail Habib



**From:** I-G (General Industrial)

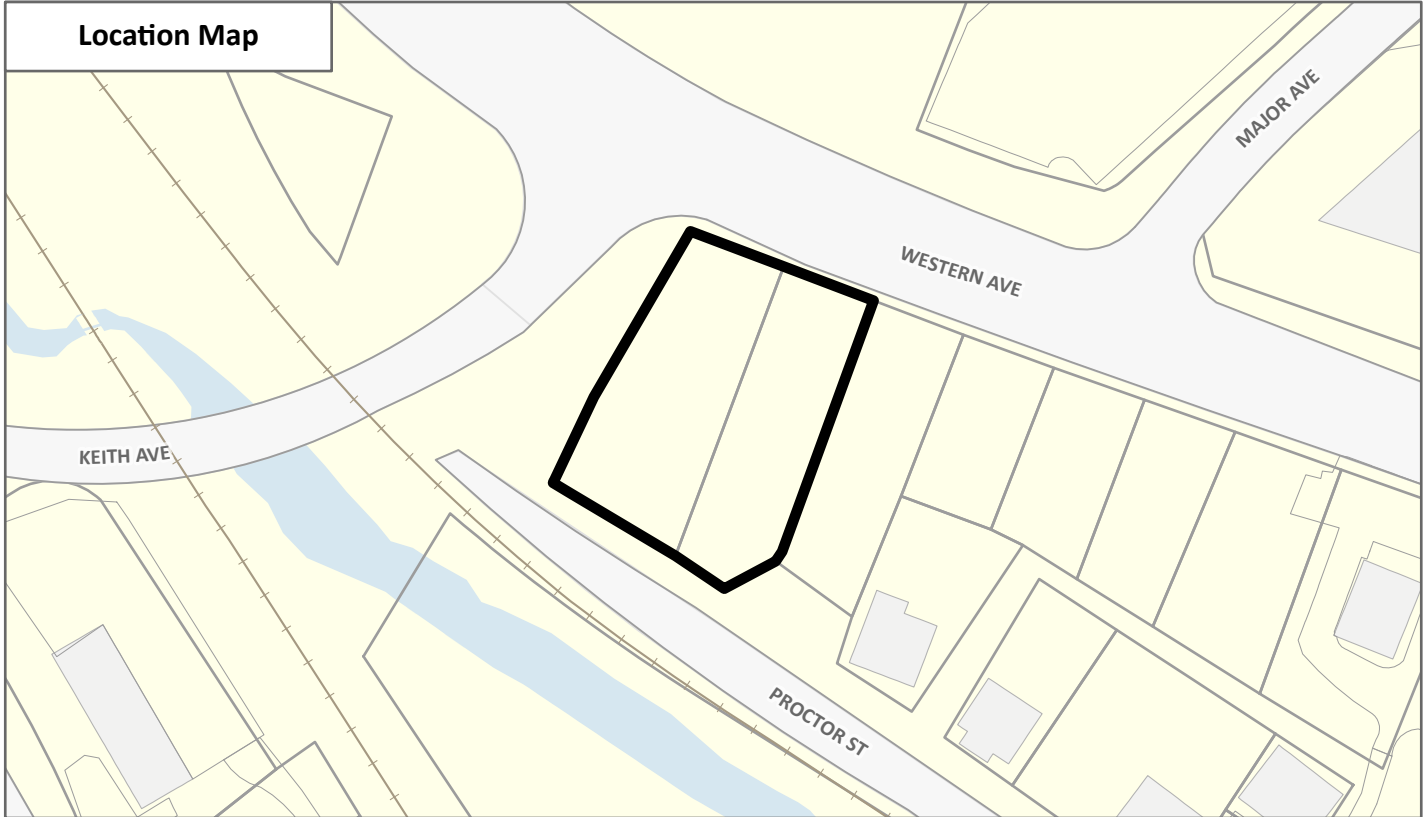
**To:** C-G-1 (General Commercial)

**Map No:** 94  
**Jurisdiction:** City



# Exhibit A. Contextual Images

Location Map



Aerial Map

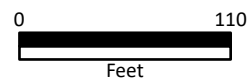


CONTEXTUAL MAPS 1

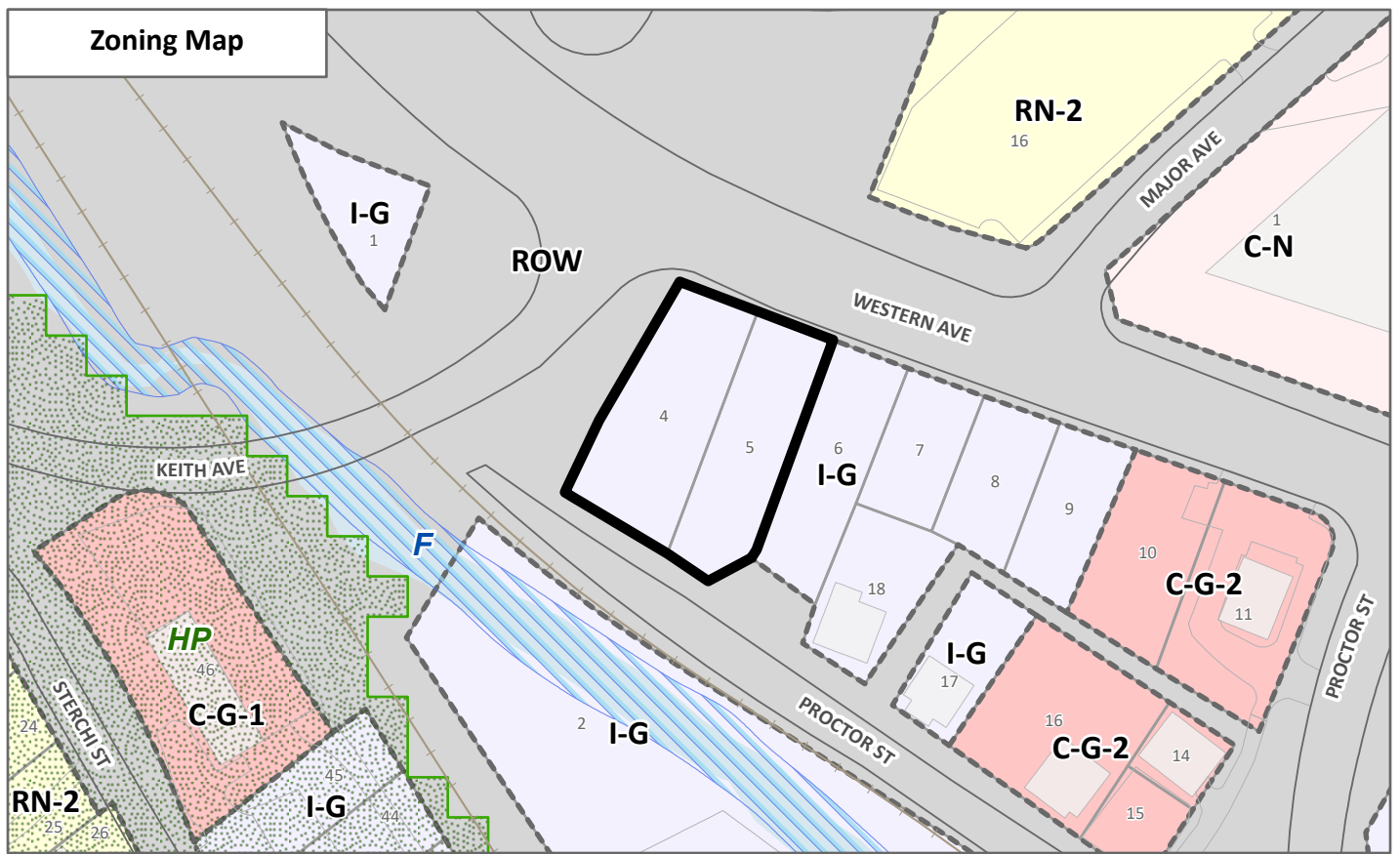
3-C-24-RZ



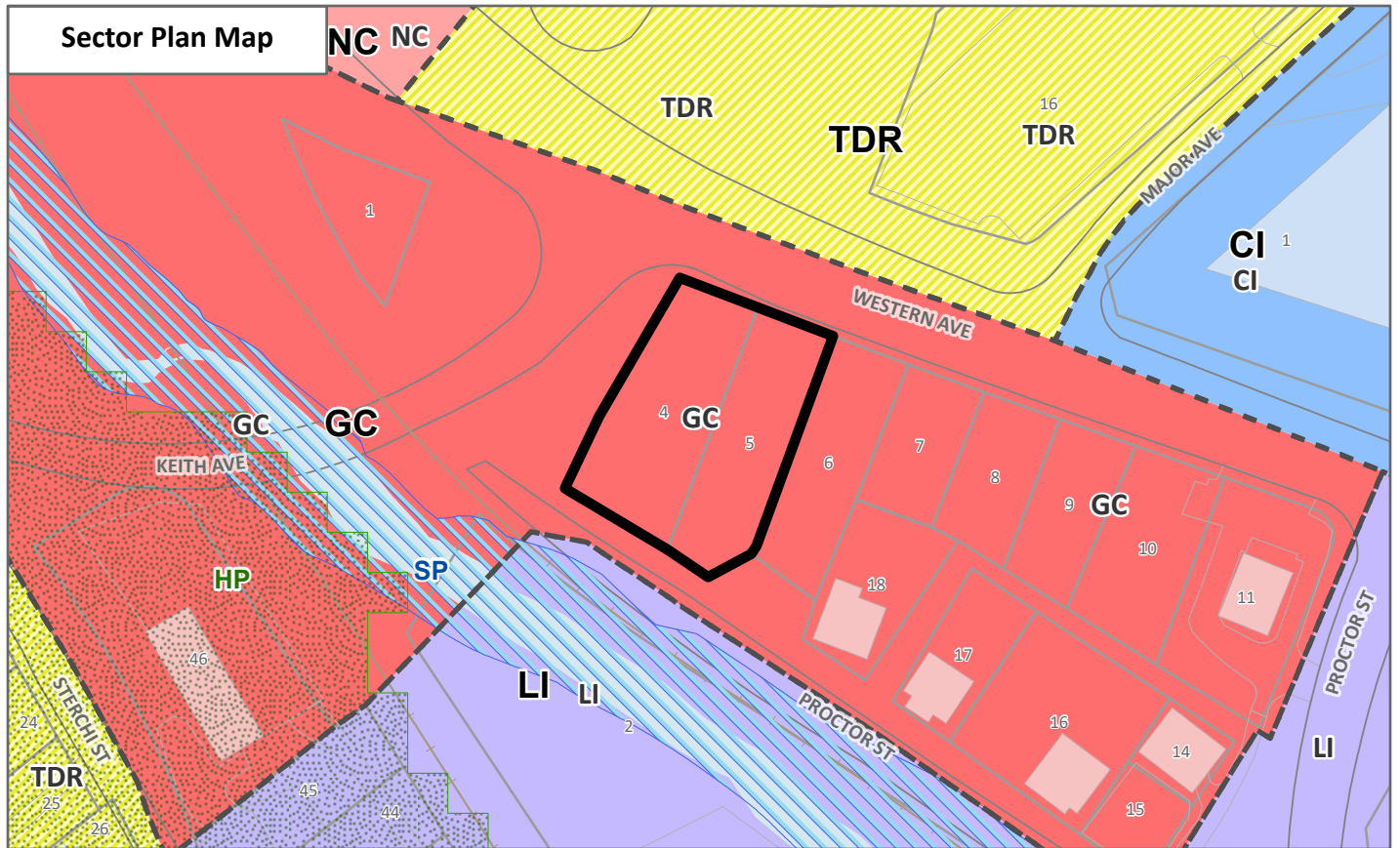
Case boundary



**Zoning Map**



**Sector Plan Map**

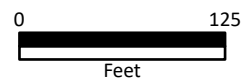


**CONTEXTUAL MAPS 2**

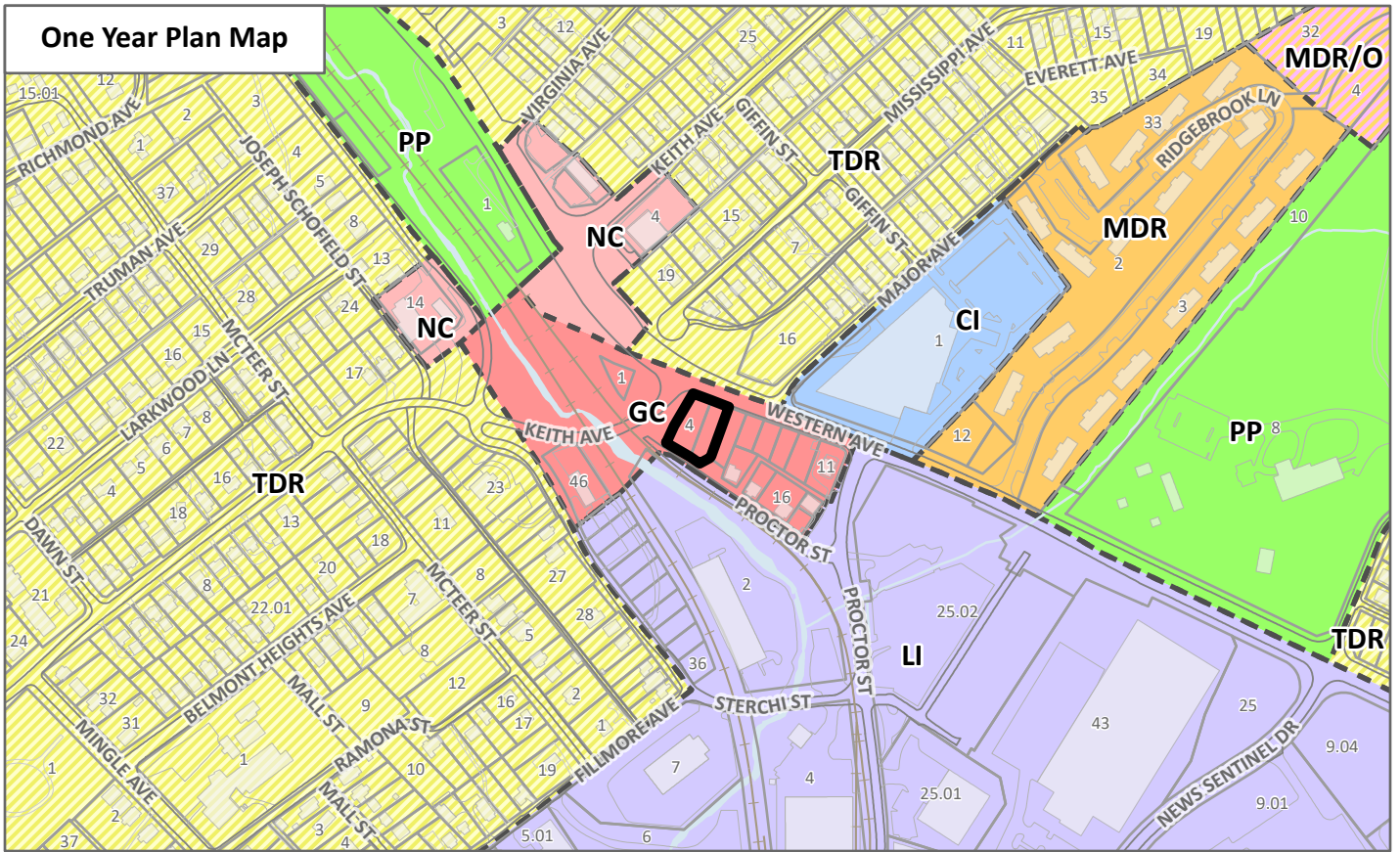
**3-C-24-RZ**



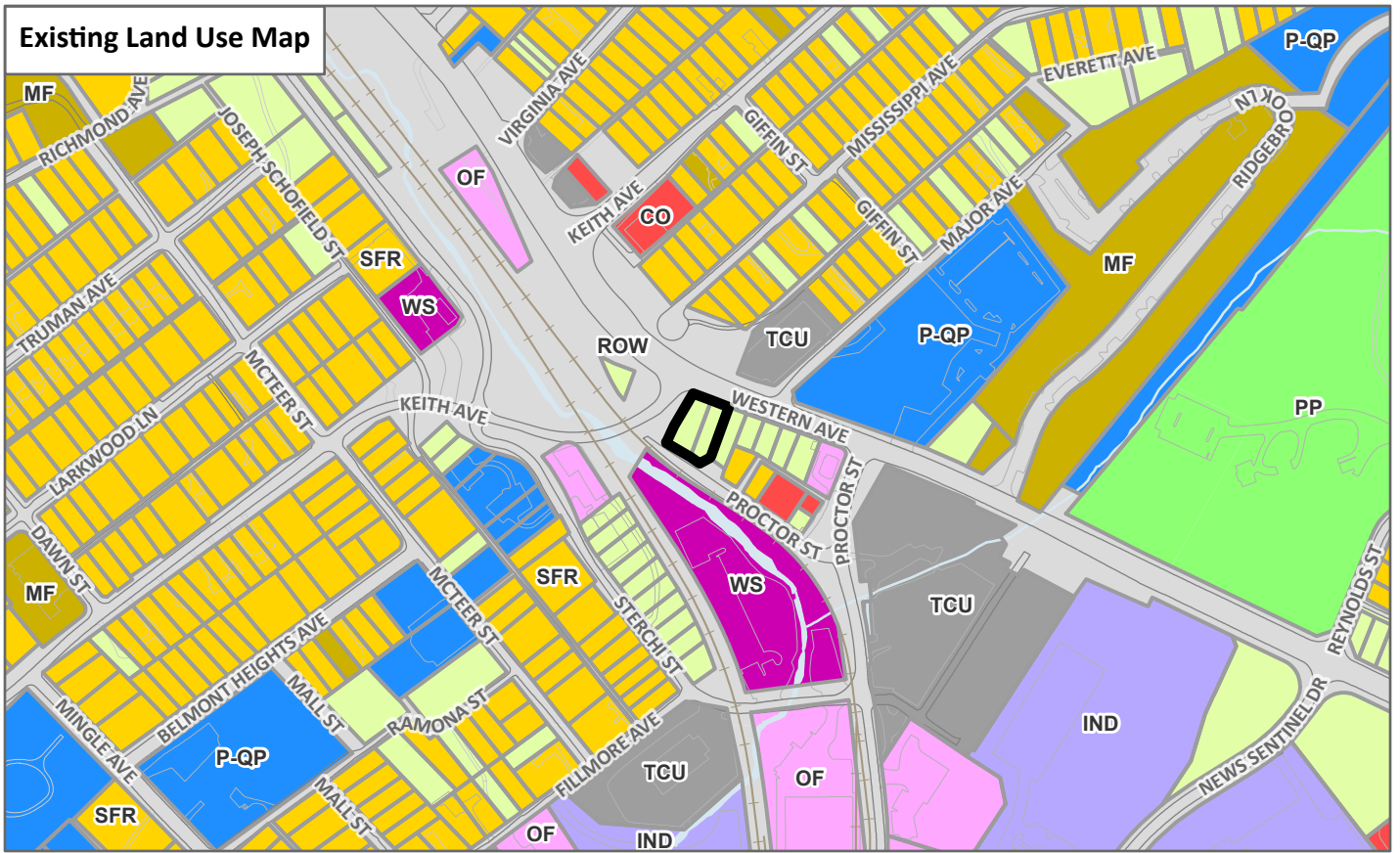
Case boundary



### One Year Plan Map



### Existing Land Use Map

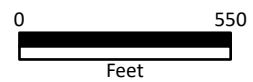


### CONTEXTUAL MAPS 3

3-C-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

- Plan Amendment
  - Sector Plan
  - One Year Plan
- Rezoning

**Mikhail Habib**

Applicant Name

Affiliation

**1/22/2024**

Date Filed

**3/7/2024**

Meeting Date (if applicable)

**3-C-24-RZ**

File Number(s)

## CORRESPONDENCE

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

**Mikhail Habib**

Name / Company

**1280 Brentwood Highlands Dr Nashville TN 37211**

Address

**615-596-5839 / mikhailhabibb@gmail.com**

Phone / Email

## CURRENT PROPERTY INFO

**Mikhail Habib**

Owner Name (if different)

**1280 Brentwood Highlands Dr Nashville TN 37211**

Owner Address

**615-596-5839 / mikhailhabibb**

Owner Phone / Email

**0 WESTERN AVE / 0 WESTERN AVE**

Property Address

**94 G H 005, 004**

Parcel ID

Part of Parcel (Y/N)?

**18077 square feet**

Tract Size

**Knoxville Utilities Board**

Sewer Provider

**Knoxville Utilities Board**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**Southwest side of Western Ave, east side of Keith Ave**

General Location

City

**Council District 6**

**I-G (General Industrial)**

**Agriculture/Forestry/Vacant Land**

County District

Zoning District

Existing Land Use

**Central City**

Planning Sector

**GC (General Commercial)**

Sector Plan Land Use Classification

**N/A (Within City Limits)**

Growth Policy Plan Designation

## 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>C-G-1 (General Commercial)</b>	Pending Plat File Number
Proposed Zoning	
<input type="checkbox"/> Plan Amendment	Proposed Plan Designation(s)
Proposed Density (units/acre)    Previous Zoning Requests	
Additional Information _____	

## STAFF USE ONLY

PLAT TYPE	Fee 1	Total
<input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	<b>\$1,000.00</b>	
ATTACHMENTS	Fee 2	
<input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request		
ADDITIONAL REQUIREMENTS	Fee 3	
<input type="checkbox"/> COA Checklist (Hillside Protection)		
<input type="checkbox"/> Design Plan Certification (Final Plat)		
<input type="checkbox"/> Site Plan (Development Request)		
<input type="checkbox"/> Traffic Impact Study		
<input type="checkbox"/> Use on Review / Special Use (Concept Plan)		

## 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.

Applicant Signature	<b>Mikhail Habib</b> Please Print	<b>1/22/2024</b> Date
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Property Owner Signature	<b>Mikhail Habib</b> Please Print	<b>1/22/2024</b> Date
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(1) Download and fill out this form at your convenience.  
(2) Sign the application digitally (or print, sign, and scan).

(3) Either print the completed form and bring it to the  
Knoxville-Knox County Planning offices  
OR email it to [applications@knoxplanning.org](mailto:applications@knoxplanning.org)

Reset Form



# Development Request

## DEVELOPMENT

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

## SUBDIVISION

- Concept Plan
- Final Plat

## ZONING

- Plan Amendment
  - SP  OYP
- Rezoning

Mikhail Habib

Applicant Name		Affiliation
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
- Property Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Mikhail Habib

Name		Company	
1280 Brentwood Highlands Dr		Nashville	Tennessee 37211
Address		City	State ZIP
615-596-5839		mikhailhabibb@gmail.com	
Phone	Email		

### CURRENT PROPERTY INFO

Mikhail Habib	1280 Brentwood Highlands Dr	6155965839
Property Owner Name (if different)	Property Owner Address	Property Owner Phone
0 Western Ave Knoxville, TN 37921	094GH005 & 094GH004	
Property Address	Parcel ID	
Public sewer	Public	N
Sewer Provider	Water Provider	Septic (Y/N)

### STAFF USE ONLY

General Location		Tract Size
<input type="checkbox"/> City <input type="checkbox"/> County	District	Zoning District Existing Land Use
Planning Sector	Sector Plan Land Use Classification	Growth Policy Plan Designation

## 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   **CG-1 zone (Mixed zoning)**  
Proposed Zoning

Plan Amendment Change   Proposed Plan Designation(s)

Proposed Density (units/acre)   Previous Rezoning Requests

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

Pending Plat File Number

## STAFF USE ONLY

### PLAT TYPE

Staff Review    Planning Commission

### ATTACHMENTS

Property Owners / Option Holders    Variance Request

### ADDITIONAL REQUIREMENTS

- Design Plan Certification (*Final Plat*)  
 Use on Review / Special Use (*Concept Plan*)  
 Traffic Impact Study  
 COA Checklist (*Hillside Protection*)

Fee 1	Total
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**

  
Applicant Signature

Mikhail Habib

1/21/2024

Please Print

Date

(615) 596-5839

Mikhailhabibb@gmail.com

Phone Number

Email

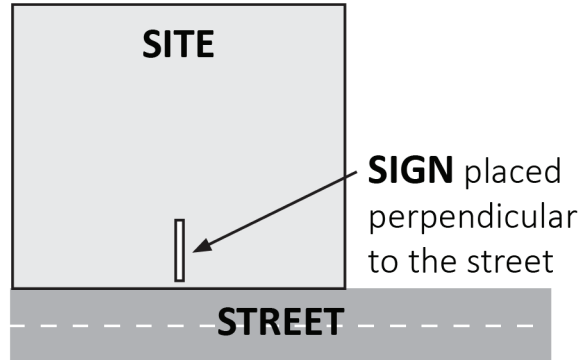
  
Property Owner Signature

Mikhail Habib

Please Print

Date Paid

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:*

\_\_\_\_\_ February 22, 2024 \_\_\_\_\_ and \_\_\_\_\_ March 8, 2024 \_\_\_\_\_  
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Mikhail Habib

Date: 1/23/2024

File Number: 3-C-24-RZ

- Sign posted by Staff
- Sign posted by Applicant