

▶ **FILE #:** 2-C-12-RZ

AGENDA ITEM # 23

AGENDA DATE: 2/9/2012

▶ **APPLICANT:** STEVEN A. BUFFALO

OWNER(S): Steven A. Buffalo

TAX ID NUMBER: 67 062

JURISDICTION: County Commission District 6

▶ **LOCATION:** Northwest side Meredith Rd., northeast of Hannahs Park Ln.

▶ **APPX. SIZE OF TRACT:** 4 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Meredith Rd., a minor collector street with 17' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: West Knox Utility District
 Sewer Source: West Knox Utility District

WATERSHED: Beaver Creek

▶ **PRESENT ZONING:** A (Agricultural)

▶ **ZONING REQUESTED:** RA (Low Density Residential)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Residential development

EXTENSION OF ZONE: Yes, extension of RA from the northwest

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Houses / RA (Low Density Residential)
 South: Meredith Rd. - Houses / A (Agricultural) and RA (Low Density Residential)

East: House and vacant land / A (Agricultural)

West: House and vacant land / A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is developed with agricultural and rural to low density residential uses under A, RA and PR zoning.

STAFF RECOMMENDATION:

▶ **RECOMMEND that County Commission APPROVE RA (Low Density Residential) zoning.**

RA is an extension of zoning from the northwest, allows compatible uses with the surrounding development and zoning and is consistent with the sector plan proposal for the site.

COMMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY

1. RA zoning is compatible with the scale and intensity of the surrounding development and zoning pattern in the area.
2. The proposed RA zoning is consistent with the Northwest County Sector Plan proposal for the site.
3. RA is an extension of zoning from the northwest.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE

1. RA zoning provides for residential areas with low population densities. These areas are intended to be defined and protected from encroachment of uses not performing a function necessary to the residential environment.
2. Based on the above description, this site is appropriate for RA zoning.
3. If connected to sewer, the RA zone allows detached residential development with a minimum lot size of 10,000 sq. ft. Without sewer, the minimum lot size is 20,000 sq. ft., subject to approval by Knox County Health Department.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available in the area, but may need to be extended to serve the site.
2. The impact to the street system will be minimal. When a plat is submitted to subdivide the property, a right-of-way dedication will be required. In this section of Meredith Rd., this dedication will be 30 feet from the right-of-way centerline.
3. The proposed zoning is compatible with surrounding development, and the impact should be minimal.
4. The applicant intends to subdivide this 4 acre parcel into additional lots for residential development.

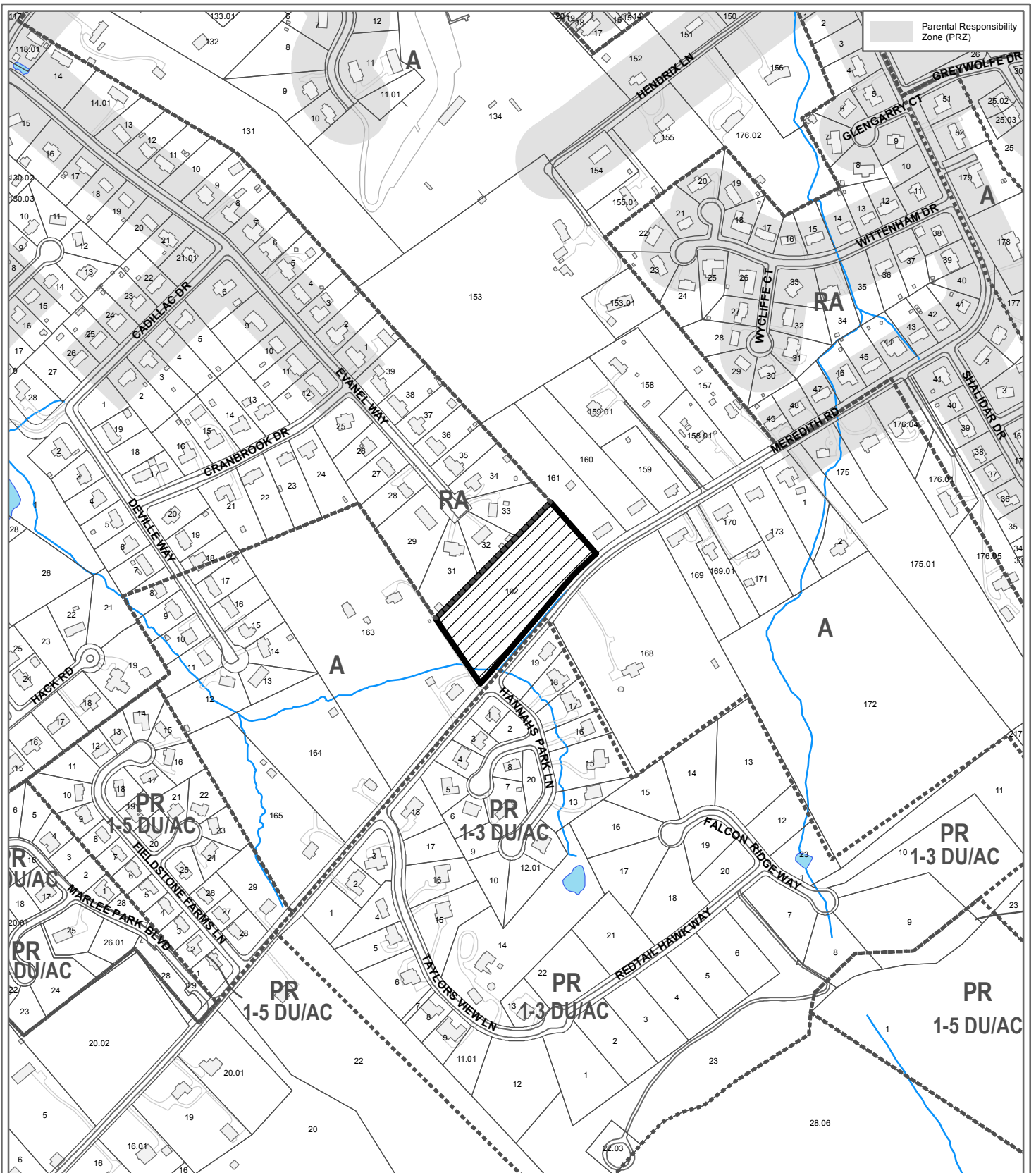
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest County Sector Plan proposes low density residential use for the site, consistent with the requested RA zoning.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of this request may lead to future requests for RA zoning on surrounding properties zoned Agricultural, which is consistent with the sector plan proposal for low density residential uses in the area.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 3/26/2012. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**2-C-12-RZ
REZONING**

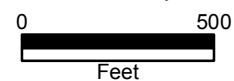
From: A (Agricultural)
To: RA (Low Density Residential)



Petitioner: Buffalo, Steven A.

Map No: 67

Jurisdiction: County



Original Print Date: 1/25/2012
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

From: Steve Buffalo <sbuffalo1@charter.net>
Date: Wed, Feb 1, 2012 at 7:15 PM
Subject: Pages 1 and 2 Warranty Deed 4117 Meredith Road
To: mike.brusseau@knoxmpc.org
Cc: Steve Buffalo <sbuffalo1@charter.net>, steve.buffalo@tetrattech.com

Mike

Per our conversation today, the property located at 4117 Meredith Road that I am requesting to be rezoned, has a restriction stating:

This conveyance is subject to the restriction of no mobile homes or modular homes be placed on the above described property., and is to run with the land."

The restriction is located in the second sentence at the top of Page 2. The warranty deed is recorded under 201108260010689.

Let me know if you can't open the attached copy of the warranty deed.

Let me know if you need anything else.

As we also discussed, feel free to give anyone with any questions my home number, 288-0964.

You can leave a message at either number. The work number is the best way to catch me during the daytime Monday thru Thursday. You can also reach me on my cell phone on Fridays.

I will try to go by Hannah's Park before the meeting. I have to go out of town Friday morning and will not be back until Sunday night. This won't leave much time to try and catch someone at home.

Thanks for all your help.

Steve Buffalo

067-162

WARRANTY DEED

SHERRY WITT
REGISTER OF DEEDS
KNOX COUNTY

THIS INSTRUMENT PREPARED BY:
Heather Quinn-Bader, Attorney At Law
105 Westview Lane
Oak Ridge, TN 37830

PLEASE RETURN TO:
Southeast Title & Escrow, LLC
3232 Tazewell Pike
Knoxville, TN 37918
6-11-4712-BUFFALO

R.S.

SEND TAX BILLS TO:	PROPERTY OWNER NAME & ADDRESS:	MAP-PARCEL NUMBERS
<i>Steven A. Buffalo</i> 1178 Bishops View Lane Knoxville, TN 37922	Steven A. Buffalo and Cathy D. Buffalo 4117 Meredith Road Knoxville, TN 37921	067-162

THIS INDENTURE, made this 19th day of August, 2011, between

Marjorie A. Shepherd, Trustee of the Marjorie A. Shepherd Revocable Living Trust dated November 20, 2008 and Sharon S. Malloy, and Cynthia S. Elwood,

of Knox County, Tennessee, hereinafter referred to as **Grantor**, and

Steven A. Buffalo and wife, Cathy D. Buffalo,

of Knox County, Tennessee, hereinafter referred to as **Grantee**.

COUNTERSIGNED
KNOX COUNTY PROPERTY ASSESSOR

AUG 26 2011

BY PHIL BALLARD *B*

WITNESSETH: that said Grantor, for and in consideration of the sum of ONE AND 00/100 DOLLAR (\$1.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and does hereby grant, bargain, sell and convey unto the said Grantee the following described premises, to wit:

Situated in District No. Six (6) of Knox County, Tennessee, and being two parcels of property on Meredith Road, as described as Tracts II and III on the deed of record in Instrument 200901060041583, in the Register's Office for Knox County, Tennessee:

Tract 1:
SITUATED in District Six (6) of Knox County, Tennessee, and being more particularly described as follows: BEGINNING at a steel pin on S. W. corner of M.D. Evans' lot on the North side of Meredith Road, thence with M. D. Evans' line North 40 deg. West, 266 feet; thence South 46 deg. West, 557 feet to the center of a private road to Wallace residence; thence with said road South 32 deg. East, 300 feet to a steel pin in center of driveway and on North side of Meredith Road; thence North 42 deg. East, with said road 494 feet, to the Point of BEGINNING, containing 3.4 acres, more or less, together with the right-of-way to lay and maintain pipelines from the spring farthest East on the adjacent tract of land now owned by Grantor and being purchased by Robert Nave with the right to use one-half (1/2) of the flow of said spring; said property being bounded generally as follows: on the North by B. Frank Evans, on the South by Public Road, and on the East by R. C. Belle and on the West by Grantor.

Tract 2:
BEGINNING on a steel pin on the North side of Meredith Road in Mays line thence South 46 1/2 deg. West 165 feet to a steel pin on the North side of said road; thence North 40 deg. West, 266 feet to a steel pin; thence North 46 1/2 deg. East 165 feet to a steel pin in the Mays line; thence South 40 deg. East, 266 feet to the Point of Beginning, containing one acre, more or less, as surveyed by W. H. Collier.

Being the same property was conveyed to Marjorie A. Shepherd, Trustee of the Marjorie A. Shepherd Revocable Living Trust dated November 20, 2008 by Deed from Marjorie Shepherd, widow, dated January 5, 2009, and of record in Instrument 200901060041583, in the Register's Office for Knox County, Tennessee, and conveyed to Marjorie Shepherd and husband Lenard L. Shepherd and Sharon S. Malloy and Cynthia S. Elwood by deed from Marjorie Shepherd, dated June 3, 2006, and recorded on June 7, 2006, in Instrument 200606070102981, in the Register's Office for Knox County, Tennessee.


Knox County Page: 1 of 5
REC'D FOR REC 08/26/2011 11:17:24AM
RECORD FEE: \$28.00
M. TAX: \$0.00 T. TAX: \$592.00
201108260010689

THIS CONVEYANCE is made subject to all applicable easements, restrictions and building set back lines of record.

This conveyance is subject to the restriction of no mobile homes or modular homes be placed on above described property, and is to run with the land

Property Address: 4117 Meredith Road Knoxville, TN 37921

with the hereditaments and appurtenances thereto appertaining, hereby releasing all claims to homestead and dower therein. TO HAVE AND TO HOLD the said premises to the said Grantee, his/her heirs and assigns forever.

This Instrument was prepared without an examination of title unless provided by separate document, in which case such title opinion, if any, may only be relied upon by the person or persons to whom it is addressed, and is not to be relied upon by any other person or persons for any reasons or purposes whatsoever, and the preparer of this instrument otherwise makes no representations of any kind to any persons as to the status or quality of the title, or as to any restrictions, zoning, or fitness for any particular use, or the accuracy of the description, or of the legal disability or competency of any party to this instrument, or as to any other matters. The preparer of this instrument has provided no legal advice or counseling to any party to this transaction concerning any federal or state tax consequences of this transaction, and any affected party hereto is advised to seek the advice of a competent tax attorney or a certified public accountant with respect thereto prior to closing. The preparer of this instrument has not acted as Settlement Agent or Closing Agent with respect to this transaction unless same is documented by all customary Settlement Documents and Closing Statements, or as may be required in conformity with law, as applicable, and signed and fully executed by all necessary parties to such transaction.

THE PREPARER OF THIS DEED MAKES NO REPRESENTATION AS TO THE STATUS OF THE TITLE TO THE PROPERTY DESCRIBED HEREIN. THIS DEED HAS BEEN PREPARED SOLELY FROM INFORMATION FURNISHED TO THE PREPARER WHO MAKES NO REPRESENTATION OTHER THAN THAT IT HAS BEEN ACCURATELY TRANSCRIBED FROM INFORMATION PROVIDED.

And said Grantor does hereby covenant with said Grantee, that Grantor is lawfully seized in fee simple of the premises above conveyed and has full power, authority and right to convey the same, and that said premises are free from all encumbrances except the 2011 City and County taxes which are to be prorated between the parties hereto and which Grantee herein assumes and agrees to pay, and that Grantor will forever warrant and defend the said premises and the title thereto against the lawful claims of all persons whomsoever.

Whenever in this instrument a pronoun is used it shall be construed to represent either singular or plural, as the case may demand.

IN WITNESS WHEREOF, the said Grantor hereunder sets his/her/their hand(s) and seal the day and year first above written.

Marjorie A. Shepherd
Marjorie A. Shepherd, Trustee

Cynthia S. Elwood

Sharon S. Malloy
Sharon S. Malloy



STATE OF TENNESSEE
COUNTY OF KNOX

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **Marjorie A. Shepherd**, the within named bargainor(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he/she/they executed the within instrument for the purposes therein contained.

Witness my hand and official seal at office, this 19th day of August, 2011.

Rebecca Lynn Butcher
Notary Public



My Commission Expires: 6/3/14