

▶ **FILE #:** 10-SF-13-F

AGENDA ITEM #: 14

AGENDA DATE: 10/10/2013

▶ **SUBDIVISION:** STEVEN & PATRICIA JOHNSTON PROPERTY

▶ **APPLICANT/DEVELOPER:** ERIC ESTEP

OWNER(S): Steven Johnston

TAX IDENTIFICATION: 79 03102

JURISDICTION: County Commission District 6

▶ **LOCATION:** Southwest side of Grassy Creek Way, northwest of Schaad Road

SECTOR PLAN: Northwest County

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

▶ **APPROXIMATE ACREAGE:** 4.45 acres

▶ **NUMBER OF LOTS:** 2

▶ **ZONING:** A (Agricultural)

SURVEYOR/ENGINEER: Garrett & Associates

▶ **VARIANCES REQUIRED:**

1. To reduce the requirements of the Minimum Subdivision Regulations Section 64-24.61 that requires all JPEs that serve more than six lots to meet the same construction standards as a public street and to reduce the standards to existing conditions.
2. To reduce the requirements of the Minimum Subdivision Regulations Section 64-24-50 that requires a minimum of a 20' wide driving surface and reduce that width to 11'.
3. To reduce the requirement of the Minimum Subdivision Regulations 64-24-45 requiring all dead-end JPEs to provide a suitable turnaround meeting ASHO guidelines

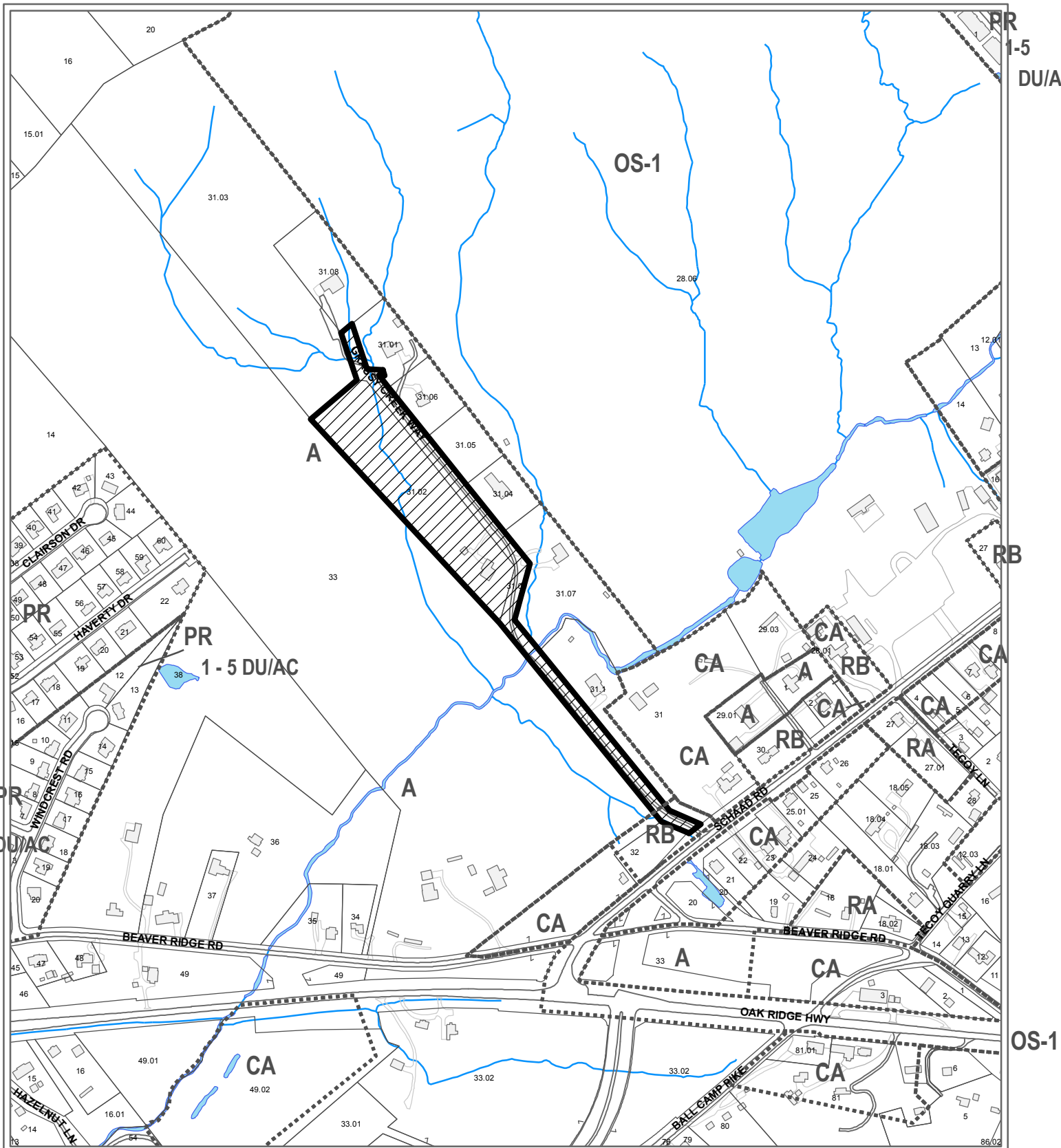
STAFF RECOMMENDATION:

▶ **Deny Variances 1-3
 DENY Final Plat**

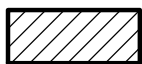
COMMENTS:

This Final Plat was previously submitted to MPC in February 2013 and Tabled so that the property owner would have additional time to work with Knox County Engineering and MPC Staff on a solution to the non-conforming, existing Joint Permanent Easement that serves the property. It was removed from the Table and heard and denied at the May 2013 MPC meeting. The existing JPE serves more than 6 lots and is approximately one half mile long. It does not meet the standards of the Minimum Subdivision Regulations regarding the width of the driving surface, the required turn-around, and the requirements that it be built to public road standards because of the number of lots it serves. MPC Staff has reviewed lots being added to this JPE before. Some have been approved with variances and some denied. MPC staff denied a plat in July 2003 requesting the same type variances due to lack of a proper hardship and safety concerns. The MPC Commission approved that plat at the meeting. MPC Staff and Knox County Engineering are recommending denial of this plat for lack of a proper hardship and safety concerns regarding the JPE.

MPC's approval or denial of this request is final, unless the action is appealed to Knox County Chancery Court. The date of the Knox County Chancery Court appeal hearing will depend on when the appeal application is filed.



**10-SF-13-F
FINAL SUBDIVISION PLAT**



Final Plat For: Steven & Patricia Johnston Property

Original Print Date: 1/30/2013
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

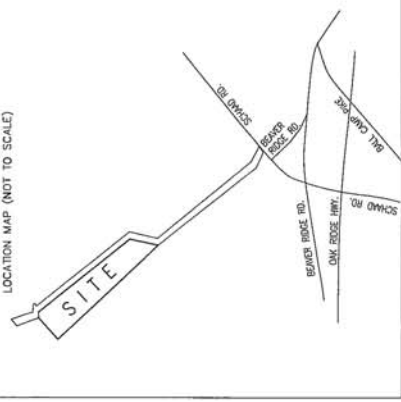
Petitioner: Johnston, Steven

Map No: 79

Jurisdiction: County



LOCATION MAP (NOT TO SCALE)

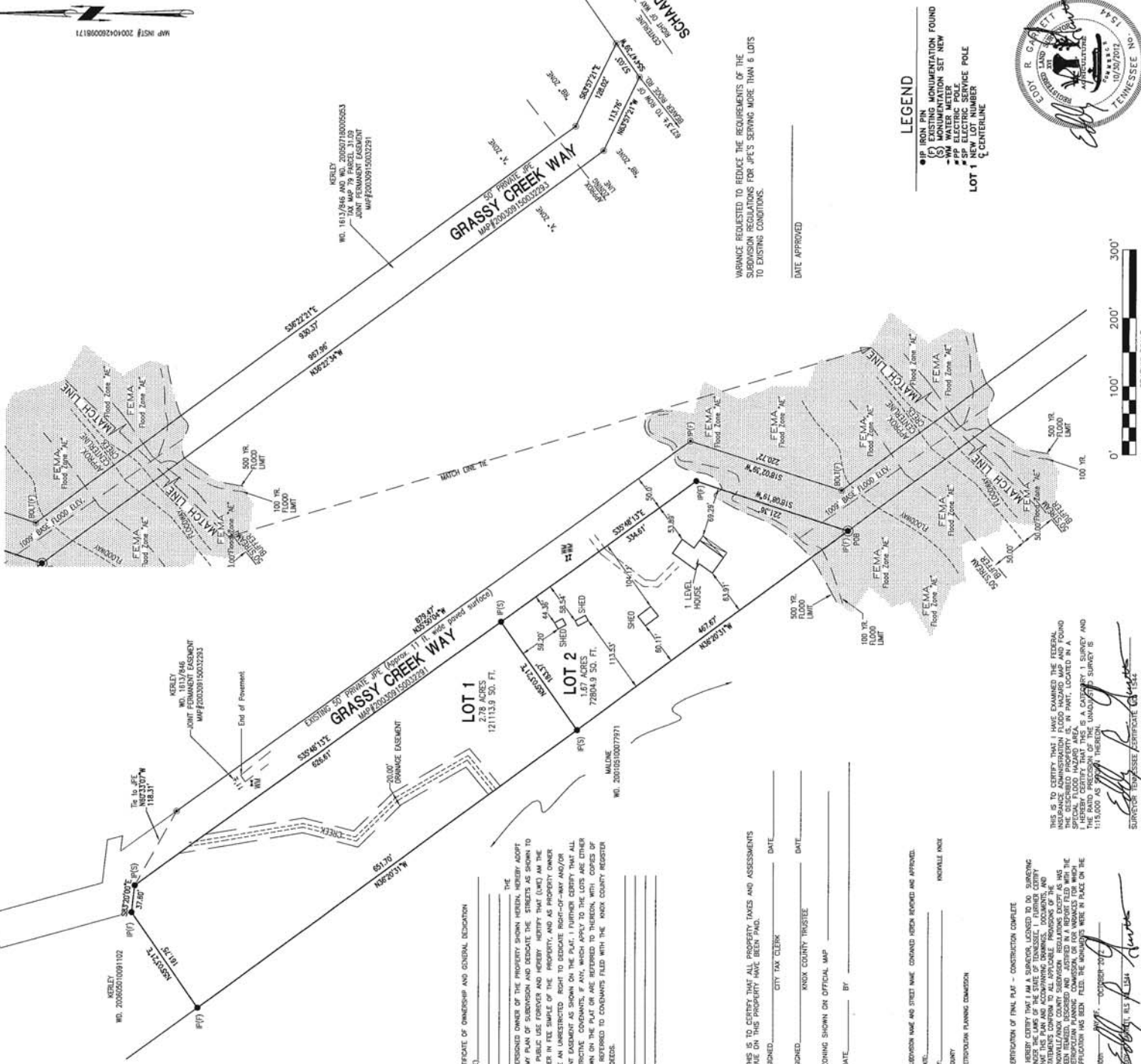


MP INSE7 2004028098171

NOTES:
NEW IRON PINS SET AT ALL CORNERS, AT TIME OF SURVEY, UNLESS OTHERWISE NOTED.
UTILITY AND DRAINAGE EASEMENT OF 10' ALONG ALL EXTERIOR SUBDIVISION BOUNDARIES AND ALONG RIGHT OF WAYS, 5' ALONG ALL INTERIOR LOT LINES.
PROPERTY CONSISTS OF 2 LOTS WITH A TOTAL AREA OF 4.45 ACRES.

OWNERS:
STEVEN C. JOHNSTON AND PATRICIA JEAN PARROTT
8811 CRASSY CREEK WAY
KNOXVILLE, TN, 37921
PH: 865-691-7766

NOTES PERTAINING TO JOINT FORMANT EASEMENT:
1. JOINT FORMANT EASEMENT IS NOT A PUBLIC ROAD AND WILL NOT BE MAINTAINED AS SUCH.
2. JOINT FORMANT EASEMENT WILL ALSO FUNCTION AS A UTILITY EASEMENT.
3. JOINT FORMANT EASEMENT AND MAINTENANCE AGREEMENT AGREEMENT RECORDED AS PD1940550000291.



CERTIFICATION OF APPROVAL FOR RECORDING-FINAL PLAT
THIS IS TO CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN EXAMINED AND FOUND TO CONFORM WITH THE REQUIREMENTS OF THE KNOX COUNTY ZONING ORDINANCES AND WITH EXISTING OFFICIAL PLANS, WITH THE EXCEPTIONS OF ANY VARIANCES AND SUPPLEMENTAL NOTES ON THIS PLAT. THE PLAT IS HEREBY APPROVED FOR RECORDING IN THE OFFICE OF THE METROPOLITAN PLANNING COMMISSION, ON THE DATE OF THIS CERTIFICATION. THE METROPOLITAN PLANNING COMMISSION HAS HEREBY APPROVED FOR RECORDING IN THE OFFICE OF THE KNOX COUNTY REGISTER OF DEEDS.
SIGNED: _____ DATE: _____

VARIANCE REQUESTED TO REDUCE THE REQUIREMENTS OF THE SUBDIVISION REGULATIONS FOR JET'S SERVING MORE THAN 6 LOTS TO EXISTING CONDITIONS.
DATE APPROVED: _____

IN UNINCORPORATED AREAS OF KNOX COUNTY, WHERE SANITARY SEWERS ARE NOT AVAILABLE, THIS IS TO CERTIFY THAT THIS SUBDIVISION IS GENERALLY LOCATED WITHIN THE 100' DISTRICT OF KNOX COUNTY, TENNESSEE, AND THAT ALL LOTS ARE SUBJECT TO SECTIONS 48-13-40 THROUGH 48-13-43 OF THE TENNESSEE CODE ANNOTATED, AND THE REGULATIONS ENACTED THEREIN.
DATE: _____ KNOX COUNTY HEALTH DEPT.

REVISED
4-29-13

FINAL PLAT OF:
STEVEN AND PATRICIA JOHNSTON PROPERTY
LOCATED WITHIN THE 100' DISTRICT OF KNOX COUNTY, TENNESSEE
TAX MAP 73, GROUP _____ PARCEL 3108
WARRANTY DEED BK/PG 1512/1002 & NO. 1643/230
RECORDING BASE MAP INSE7 20040500098171

GARRETT & ASSOCIATES
4830 SHADY RD. STRAMBERY PLAINS, TN 37871
PHONE: (865)-933-9222 FAX: (865)-933-1277
EMAIL: GARRETT1544@BELLSOUTH.NET
SCALE 1"=100'
DRAWN BY: _____
REVISIONS: _____
DATE 10/20/2012
10/20/2012



- IRON PIN MONUMENTATION FOUND
- (S) MONUMENTATION SET NEW
- WM WATER METER
- SP ELECTRIC SERVICE POLE
- LOT 1 NEW LOT NUMBER
- C CENTERLINE



ARTHUR G. SEYMOUR, JR.
ROBERT L. KAHN
REGGIE E. KEATON
DONALD D. HOWELL
DEBRA L. FULTON
MICHAEL W. EWELL
JOHN M. LAWHORN
JAMES E. WAGNER
BEVERLY D. NELMS
MARY ELIZABETH MADDOX
BENJAMIN C. MULLINS
RICHARD T. SCRUGHAM, JR.
MATTHEW A. GROSSMAN
SHARON POTTER
KEVIN A. DEAN
TAYLOR D. FORRESTER

LAW OFFICES
FRANTZ, MCCONNELL & SEYMOUR LLP
ESTABLISHED 1902

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Direct Fax: 865-541-4612

September 30, 2013

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SUITE 500
P.O. Box 39
KNOXVILLE, TENNESSEE 37901
TELEPHONE: 865-546-9321
FACSIMILE: 865-637-5249
WEB SITE: WWW.FMSLLP.COM

OF COUNSEL:
FRANCIS A. CAIN
IMOGENE A. KING



10-SF-13-F

Ms. Emily Dills
Metropolitan Planning Commission
Suite 403, City-County Building
400 Main Avenue
Knoxville, TN 37902

Re: Agenda Item No. 14 – Steven and Patricia Johnston Property

Dear Ms. Dills:

In connection with the above-captioned plat, I submit herewith the following which I would request be enclosed in the packet on this matter:

1. Petition by the other residents of Grassy Creek Way supporting the approval of a plat;
2. Letter from KUB regarding the intent to pave Grassy Creek Way;
3. Letter from the Karns Volunteer Fire Department regarding its ability to maneuver fire equipment on Grassy Creek Way;
4. Letter from Rural Metro Ambulance regarding access to Grassy Creek Way;
5. Photographs showing fire equipment on Grassy Creek Way.

If you have any questions, please let me know.

Very truly yours,


Arthur G. Seymour, Jr.
FRANTZ, MCCONNELL & SEYMOUR, LLP

AGSJ:lbb
Enc.

S:\WDOX\CLIENTS\6394\0000001\CORRESPONDENCE\1060409.DOCX

We the residents of Grassy Creek Way feel that the Estep family building a new home will not disrupt our street. Grassy Creek Way is a safe place to live and we have no problem with an added resident. The Esteps have taken safety precautions and brought out emergency vehicles. The Captains have said Grassy Creek Way is wide enough for their vehicles to enter, leave and turn around. The road has also handled a truck delivering a tracho and bulldozer with no trouble on the road or with traffic on Grassy Creek Way.

Janice Roberts

Steve & Pat Johnston

Doug Roberts

Leigh Howell

(they (KUB) are doing major construction in our yard putting in a big sewer line. They have had no trouble getting huge tractors, tracho + other work trucks on our street + in our yard. The Estep's house will not cause any problems with our road.

Shane D. Smith

Peggy Kelley

Mary A Bell

Jane Kerley

Adam Kerley

Allen Kerley

Aug. 13. 2013 4:12PM

No. 1132 P. 1



Knoxville Utilities Board

August 13, 2013

Steve Johnson
6811 Grassy Creek Way
Knoxville, TN 37921

Re: Intent to Pave Grassy Creek Way

Dear Mr. Johnson,

KUB intends to repave approximately 2,000 feet of Grassy Creek Way. This pavement installation will be to the existing paved length and width. KUB intends to complete this work in the next 4-6 weeks.

Thank you,

Sharon Deane, P.E.
Engineer
Knoxville Utilities Board

Electricity • Gas • Water • Wastewater

P.O. Box 59017 • Knoxville, TN 37950-9017 • (865) 524-2911 • www.kub.org



President
George Larson

Karns Volunteer Fire Department
3224 Meadowrun Ln
Knoxville, TN 37931

Corporate President: 865-691-1021
Fire Chief: 865-691-8994
KVFD Business Line: 865-691-1333
Business Fax: 865-691-1039


Proudly Serving the Karns Community since 1978

August 26, 2013

To Whom it may concern:

The Karns Volunteer Fire Department found no issues maneuvering any apparatus on Grassy Creek Way. The road provided adequate means of ingress and egress for a safe and timely response. The addition of this proposed house on this road would not affect our operational capability for the surrounding homes.

Sincerely,



George Larson
President



**Rural/Metro[®]
Ambulance**

*The premier provider of
health and safety solutions*



September 1, 2013

Eric Estep
Knoxville, TN

Mr. Estep:

This is to verify that a Type III Rural/Metro Ambulance did perform ingress and egress maneuvers to the Grassy Creek Way property. No difficulty was encountered and normal operations were conducted.

If you have any additional question, please do not hesitate to contact us.

Sincerely,

Dennis W. Rowe
Rural/Metro EMS Director











