

▶ **FILE #:** 9-I-13-UR

AGENDA ITEM #: 49

AGENDA DATE: 9/12/2013

▶ **APPLICANT:** W & W PROPERTIES

OWNER(S): W & W Properties

TAX ID NUMBER: 29 P H 003,005,019 & 025

JURISDICTION: County Commission District 7

▶ **LOCATION:** North side of Cascade Meadows Wy., west & south sides of Teras Point Wy., southwest of Brown Gap Rd.

▶ **APPX. SIZE OF TRACT:** 0.7 acres

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Cascade Meadows Wy. and Teras Point Wy. both are joint permanent easements with a 26' pavement width within a 40' wide right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Beaver Creek

▶ **ZONING:** PR (Planned Residential)

▶ **EXISTING LAND USE:** Vacant subdivision lots

▶ **PROPOSED USE:** Reduction of the peripheral boundary setback for lots 3, 5, 19 & 25 from 35 ft. to 15 ft.

HISTORY OF ZONING: The site was rezoned to PR @ 5 du/ac in 2006.

SURROUNDING LAND USE AND ZONING: North: Detached dwellings / A agricultural & RA residential

South: Detached dwellings / PR residential & A agricultural

East: Detached dwellings / PR residential & A Agricultural

West: Detached dwellings / PR residential & A agricultural

NEIGHBORHOOD CONTEXT:

STAFF RECOMMENDATION:

▶ **APPROVE** the request to reduce the peripheral boundary setback from 35' to 15' as shown on the development plan for Lots 3, 5, 19 and 25 as shown on the site plan subject to 1 condition

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.

With the condition noted, this plan meets the requirements for approval in the PR (Planned Residential) zoning district and the other criteria for approval of a use on review

COMMENTS:

The applicant is requesting that MPC approve the reduction in the required peripheral boundary setback from

35' to 15' for some of the lots in Teras Point Subdivision . This is a developing subdivision that is located off of Brown Gap Rd in North Knox County. The Knox County Zoning Ordinance allows the Planning Commission to reduce the peripheral setback down to 15' when the property adjoins residential zoning districts such as the PR (Planned Residential), RA (Low Density Residential) and A (Agricultural) districts. The majority of the peripheral boundary of this subdivision borders A agricultural and RA zoning that has a rear yard setback requirement of 25'. Houses on the surrounding property are located more than 150' from any proposed dwelling in this development.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE

1. The setback reduction will have no impact on local services since all utilities are in place to serve this site.
2. Granting this request should have little impact on adjoining property since the zoning districts have setbacks similar to or greater than what is being requested for this subdivision.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. The proposed setback reduction is consistent with standards for development within the PR (Planned Residential) Zone and all other requirements of the Zoning Ordinances.
2. The request is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas.

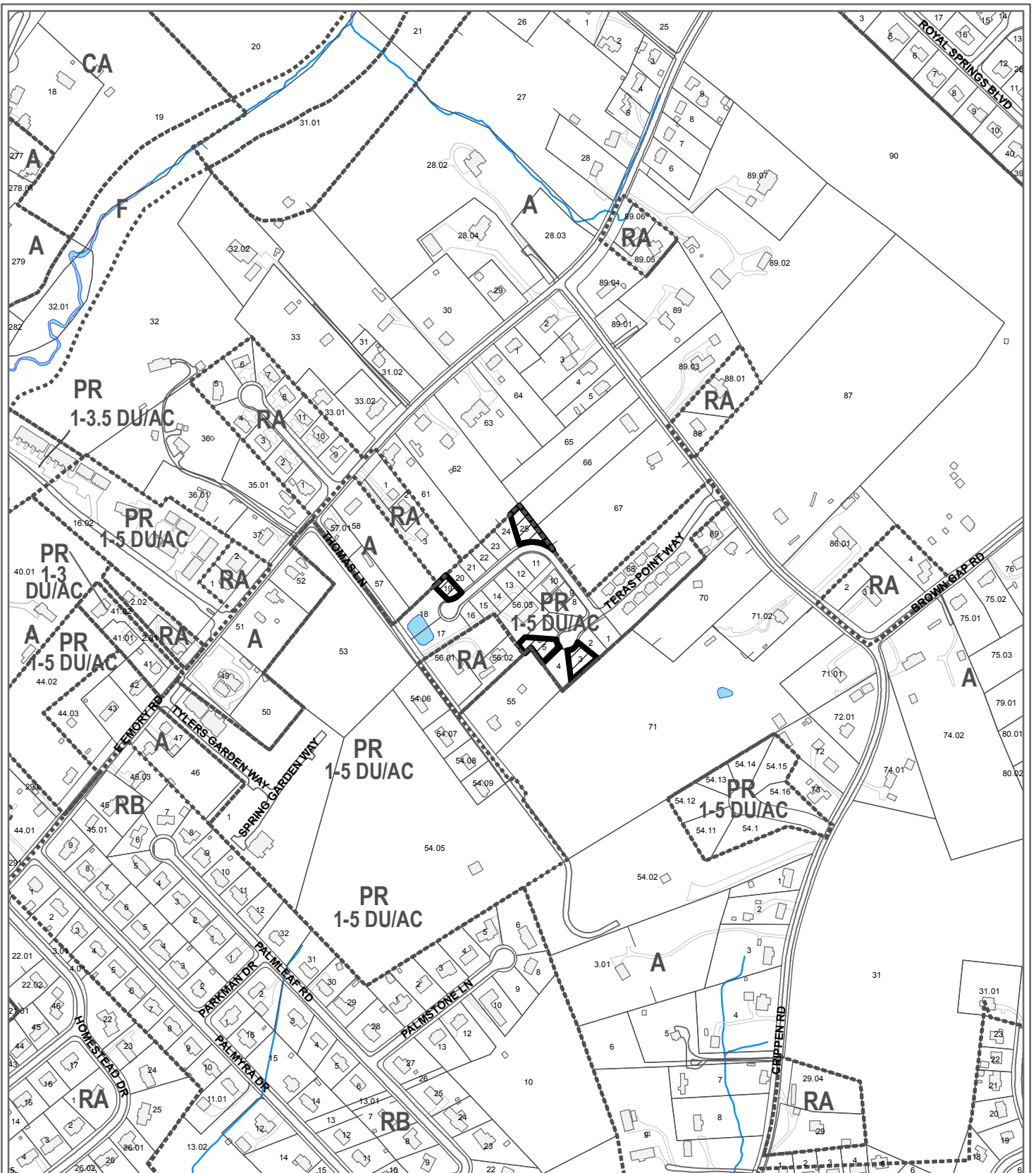
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The North County Sector Plan designates this property for low density residential uses. With the requested setback reduction, the subdivision remains consistent with the Sector Plan.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

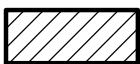
ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**9-I-13-UR
USE ON REVIEW**



Reduction of the peripheral boundary setback for lots 3, 5, 19 & 25 from 35 ft. to 15 ft. in PR (Planned Residential)

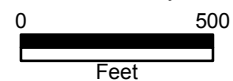
Original Print Date: 8/27/2013
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: W & W properties

Map No: 29

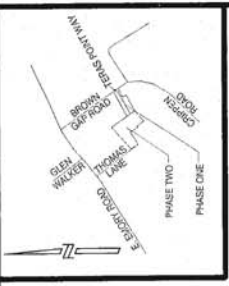
Jurisdiction: County



9-I-13-UR
7/31/13

FINAL PLAT
USE ON REVIEW
POINT
PHASE 2

RESUBDIVISION OF KEITH WALKER PROPERTY, LOT 2
SEVENTH-CIVIL DISTRICT, KNOX COUNTY, TENNESSEE

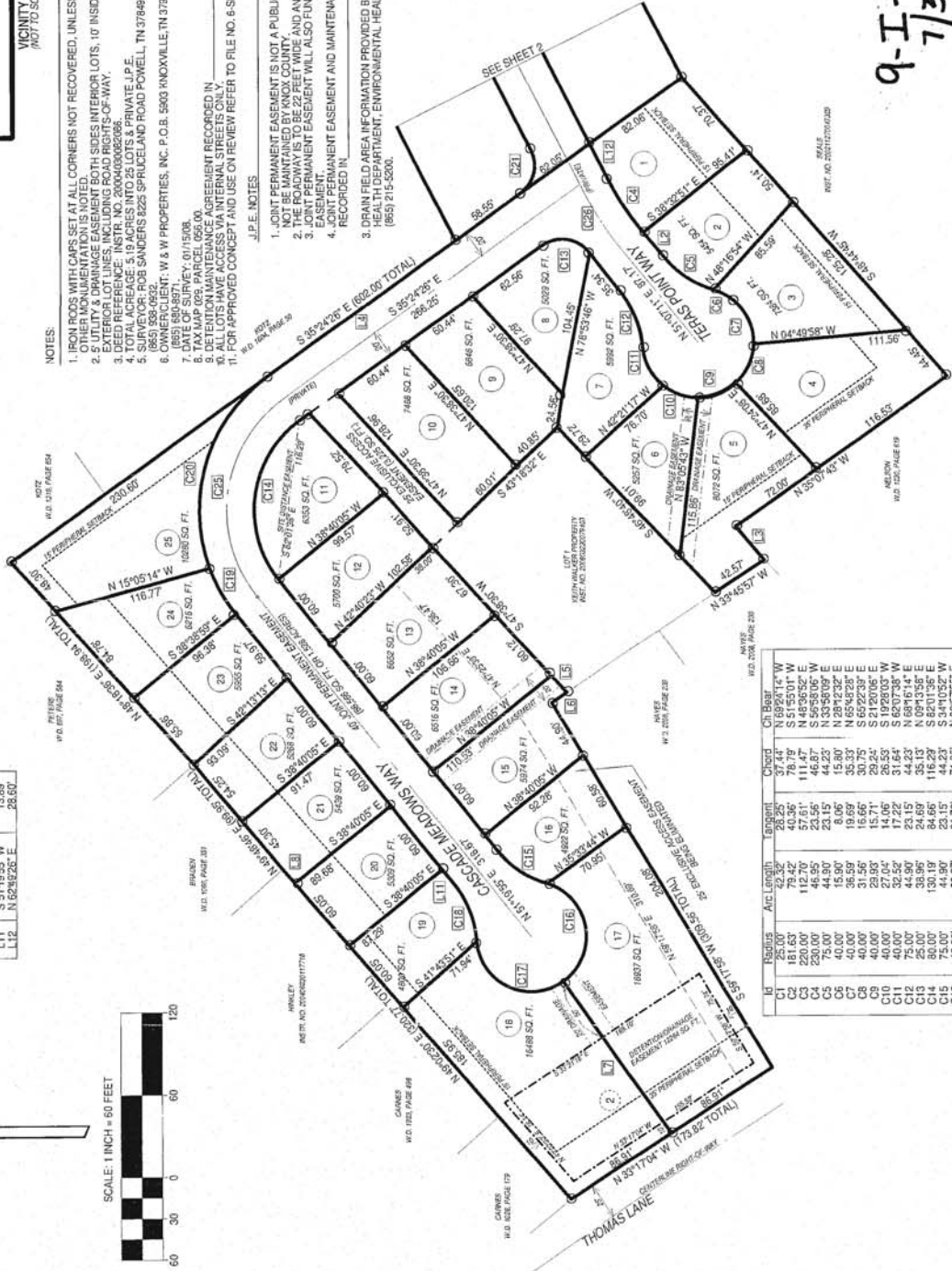
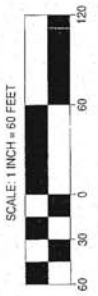


VICINITY MAP
(NOT TO SCALE)

- BUILDING SETBACKS**
- FRONT - 30 FEET
 - SIDE - 5 FEET
 - REAR - 15 FEET
 - PERIPHERY - .35 FEET

- NOTES:**
- IRON RODS WITH CAPS SET AT ALL CORNERS NOT RECOVERED, UNLESS OTHER OTHER MONUMENTATION IS NOTED.
 - UTILITY & DRAINAGE EASEMENT BOTH SIDES INTERIOR LOTS, 10' INSIDE OF LOT LINE.
 - DEED REFERENCE: INSTR. NO. 2004000269.
 - TOTAL ACRES: 5.19 ACRES INTO 25 LOTS & PRIVATE J.P.E.
 - SURVEYOR: ROB SANDERS 8225 SPRUCELAND ROAD POWELL, TN 37849 (865) 689-0952.
 - OWNER: W & W PROPERTIES, INC. P.O.B. 5903 KNOXVILLE, TN 37928 (865) 689-8971.
 - DATE OF SURVEY: 01/15/08.
 - TAX MAP 025, PARCEL 026 UO.
 - ALL LOTS HAVE ACCESS VIA INTERNAL STREETS ONLY.
 - FOR APPROVED CONCEPT AND USE ON REVIEW REFER TO FILE NO. 6-SB-06C & 6-C-06UR.
- J.P.E. NOTES:**
- JOINT PERMANENT EASEMENT IS NOT A PUBLIC ROAD AND WILL NOT BE MAINTAINED BY KNOX COUNTY AND AN ASPHALT SURFACE.
 - JOINT PERMANENT EASEMENT WILL ALSO FUNCTION AS A UTILITY EASEMENT.
 - JOINT PERMANENT EASEMENT AND MAINTENANCE AGREEMENT RECORDED IN _____.
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 - DRAIN FIELD AREA INFORMATION PROVIDED BY KNOX COUNTY HEALTH DEPARTMENT, ENVIRONMENTAL HEALTH SECTION (865) 215-5900.

LOT	BEARING	DISTANCE
L1	S 82°03'54" W	34.36
L2	N 51°07'11" E	22.37
L3	S 50°07'59" W	31.76
L4	S 35°22'06" E	168.74
L5	S 15°00'00" W	15.00
L6	S 33°43'57" E	13.15
L7	S 54°51'00" W	135.59
L8	N 49°02'38" E	14.73
L9	S 62°02'37" W	43.69
L10	S 51°19'52" W	14.89
L11	S 51°19'52" W	14.89
L12	N 62°42'23" E	28.60



LOT	BEARING	DISTANCE
C1	S 82°03'54" W	34.36
C2	N 51°07'11" E	22.37
C3	S 50°07'59" W	31.76
C4	S 35°22'06" E	168.74
C5	S 15°00'00" W	15.00
C6	S 33°43'57" E	13.15
C7	S 54°51'00" W	135.59
C8	N 49°02'38" E	14.73
C9	S 62°02'37" W	43.69
C10	S 51°19'52" W	14.89
C11	S 51°19'52" W	14.89
C12	N 62°42'23" E	28.60
C13	S 82°03'54" W	34.36
C14	N 51°07'11" E	22.37
C15	S 50°07'59" W	31.76
C16	S 35°22'06" E	168.74
C17	S 15°00'00" W	15.00
C18	S 33°43'57" E	13.15
C19	S 54°51'00" W	135.59
C20	N 49°02'38" E	14.73
C21	S 62°02'37" W	43.69
C22	S 51°19'52" W	14.89
C23	S 51°19'52" W	14.89
C24	N 62°42'23" E	28.60
C25	S 82°03'54" W	34.36
C26	N 51°07'11" E	22.37
C27	S 50°07'59" W	31.76
C28	S 35°22'06" E	168.74

CERTIFICATE OF OWNERSHIP AND GENERAL DECLARATION

I, the undersigned, being the owner of the above described land, do hereby certify that the plat and accompanying drawings, maps, and plans are true and correct copies of the original records on file in the office of the Register of Deeds for the State of Tennessee, and that the same have been duly recorded in the office of the Register of Deeds for the State of Tennessee, and that the same are a true and correct copy of the original records on file in the office of the Register of Deeds for the State of Tennessee.

STATEMENT

I, the undersigned, being the owner of the above described land, do hereby certify that the plat and accompanying drawings, maps, and plans are true and correct copies of the original records on file in the office of the Register of Deeds for the State of Tennessee, and that the same have been duly recorded in the office of the Register of Deeds for the State of Tennessee, and that the same are a true and correct copy of the original records on file in the office of the Register of Deeds for the State of Tennessee.

CERTIFICATE OF APPROVAL FOR RECORDING

This is to certify that the subdivision plat shown hereon and the Complete Design Plan, as shown hereon, have been found to comply with the provisions of the Subdivision Control Act, Chapter 129, of the Code of Tennessee, and that the same are a true and correct copy of the original records on file in the office of the Register of Deeds for the State of Tennessee, and that the same are a true and correct copy of the original records on file in the office of the Register of Deeds for the State of Tennessee.

GUARANTEE OF COMPLETION OF DRAINAGE SYSTEMS

I, the undersigned, being the owner of the above described land, do hereby certify that the drainage system shown hereon and the drainage system shown hereon, have been found to comply with the provisions of the Subdivision Control Act, Chapter 129, of the Code of Tennessee, and that the same are a true and correct copy of the original records on file in the office of the Register of Deeds for the State of Tennessee, and that the same are a true and correct copy of the original records on file in the office of the Register of Deeds for the State of Tennessee.

ADDRESS APPROVAL

I, the undersigned, being the owner of the above described land, do hereby certify that the address shown hereon and the address shown hereon, have been found to comply with the provisions of the Subdivision Control Act, Chapter 129, of the Code of Tennessee, and that the same are a true and correct copy of the original records on file in the office of the Register of Deeds for the State of Tennessee, and that the same are a true and correct copy of the original records on file in the office of the Register of Deeds for the State of Tennessee.

CONCURRENCE OF CLASS AND LIABILITY OF LIABILITY

I, the undersigned, being the owner of the above described land, do hereby certify that the class and liability of liability shown hereon and the class and liability of liability shown hereon, have been found to comply with the provisions of the Subdivision Control Act, Chapter 129, of the Code of Tennessee, and that the same are a true and correct copy of the original records on file in the office of the Register of Deeds for the State of Tennessee, and that the same are a true and correct copy of the original records on file in the office of the Register of Deeds for the State of Tennessee.

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