



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
USE ON REVIEW REPORT**

▶ **FILE #:** 6-A-15-UR

AGENDA ITEM #: 31

AGENDA DATE: 6/11/2015

▶ **APPLICANT:** JESSE HURLEY

OWNER(S): Jesse Hurley

TAX ID NUMBER: 29 056

[View map on KGIS](#)

JURISDICTION: County Commission District 7

STREET ADDRESS:

▶ **LOCATION:** North and south sides of Cascade Meadows Wy., west and south sides of Teras Point Wy.

▶ **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 lots

▶ **PROPOSED USE:** Reduction of the periphery boundary setback from 35' to 15' for specified lots

HISTORY OF ZONING: The property was zoned PR (Planned Residential) @ 5 du/ac in 2006

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

South: Detached dwellings / A agricultural & RA residential

East: Detached dwellings / A agricultural & RA residential

West: Detached dwellings / A agricultural & RA residential

NEIGHBORHOOD CONTEXT: The lots are located in Teras Point Subdivision. That development is surrounded by detached dwellings that have been developed under the A (Agricultural) RA (Low Density Residential) zoning classifications.

STAFF RECOMMENDATION:

▶ **APPROVE** the request to reduce the peripheral boundary setback from 35' to 25' for lots 1, 2, 6, 13-15 & 20-24 and approve the reduction from 35' to 15' for lots 4 and 17 as shown on the site plan subject to 1 condition

1. Meeting all other 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 a number 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 dwellings in this development. After review the staff requested that the applicant consider using a 25' peripheral boundary setback on all lots if possible. The applicant has submitted a revised plan that requests a reduction from 35' to 25' for 11 lots and from 35' to 15' for only 2 lots.

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.

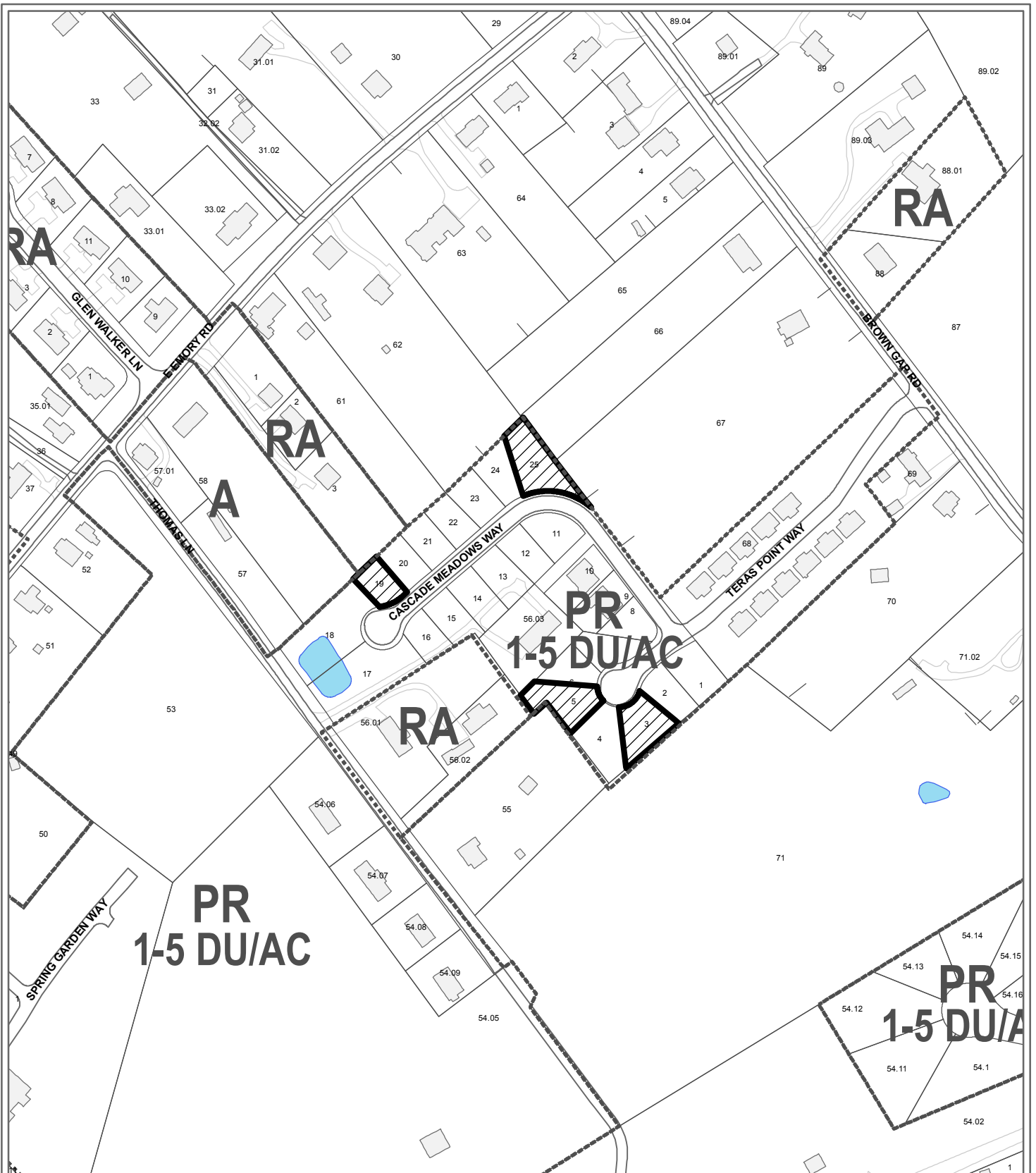
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

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 required.

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.



**6-A-15-UR
USE ON REVIEW**

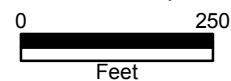


Reduction of the periphery boundary setback from 35' to 15' for specified lots in PR (Planned Residential)

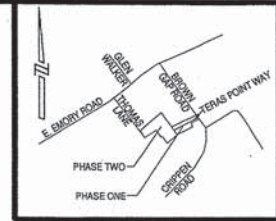
Original Print Date: 5/21/2015
 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Hurley, Jesse

Map No: 29
 Jurisdiction: County



BUILDING SETBACKS
FRONT - 20 FEET
SIDE - 5 FEET
REAR - 15 FEET
PERIPHERY - 35 FEET



CERTIFICATE OF OWNERSHIP AND GENERAL DEDICATION

I, the undersigned owner of the property shown herein, hereby adopt as my final plan of subdivision and dedicate the same as shown to the public use forever and hereby certify that I (We) and any owner to be similar of the property, and its property owner have an unassisted right to dedicate said way and/or grant easement as shown on this plat. I further certify that all restrictive covenants, if any, which apply to the lots and other shown on this plat or are referred to herein, with copies of the referred to covenants file with the Knox County Register of Deeds.

[Signature]
SIGNATURE

CERTIFICATION OF FINAL PLAT - CONSTRUCTION COMPLETE

I hereby certify that I am a Surveyor licensed to do Surveying under the laws of the State of Tennessee. I further certify that this plan and the accompanying drawings, documents, and statements conform to all applicable provisions of the Knoxville Knox County Subdivision Regulations except as has been amended, described and justified in a report filed with the Metropolitan Planning Commission, or for variances for which application has been filed. The indicated monuments were placed on the 22 day of August, 2008.

[Signature]
DATE: 8-21-08
IN Registration Number: 189

CERTIFICATE OF APPROVAL FOR RECORDING

This is to certify that the subdivision plat shown hereon and the Composite Design Plan # 1 have been found to comply with the Subdivision Regulations of Knoxville and Knox County and existing official plans, with the exception of variances and stipulations noted on this plat and in the minutes of the Knoxville Knox County Metropolitan Planning Commission, the 13th day of March, 2008 and that the SHOWBILT is hereby approved for recording in the office of the Knox County Register of Deeds.

[Signature]
DATE: 8-21-08
Metropolitan Planning Commission

Zoning shown on Official Map: PR

[Signature]
DATE: 8-21-08
Metropolitan Planning Commission

GUARANTEE OF COMPLETION OF DRAINAGE SYSTEMS

I, the undersigned, hereby certify bond or other security has been posted with the appropriate agency to insure completion and installation of all drainage systems as shown on drainage plans which were approved the 20 day of August, 2008, with a period not to exceed one year from date of approval.

[Signature]
DATE: 8/21/08
Department: Knox Co. EPW
ADDRESS APPROVAL

Subdivision names and Street names contained herein have been reviewed and approved.

[Signature]
DATE: August 21, 2008
Metropolitan Planning Commission

CERTIFICATE OF CLASS AND ACCURACY OF SURVEY

I hereby certify that this is a Category 2 Survey and the ratio of the Precision of the unadjusted survey equals 1:22,222 as shown herein. This Survey has been prepared in accordance with the Standards of Practice of Land Surveys in the State of Tennessee.

[Signature]
DATE: 8/21/08
Robert D. Sanders, P.L.S. 1833

KNOX COUNTY HEALTH DEPARTMENT

This is to certify that the subdivision shown hereon is approved subject to the installation of sanitary sewers and treatment facilities and that such installation shall be in accordance with State and Local regulations.

[Signature]
DATE: 8-21-08
Knox County Health Department

TRUSTEE

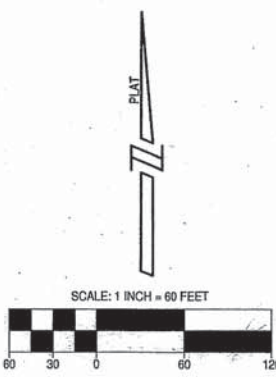
This is to certify that all property taxes and assessments due on this property have been paid.

[Signature]
DATE: 8-21-08
Knox County

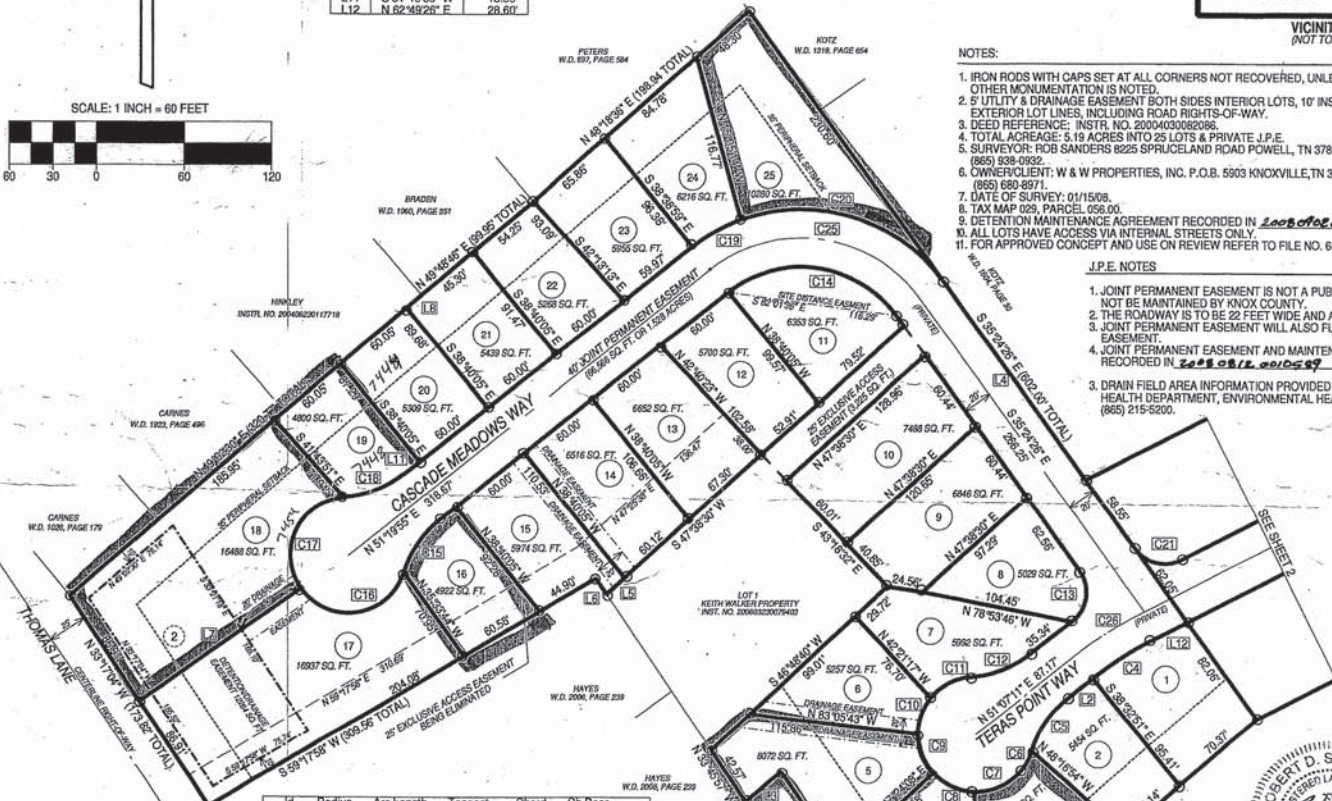
GUARANTEE OF COMPLETION OF STREETS AND RELATED IMPROVEMENTS

I, the undersigned, hereby certify bond or other security has been posted with the appropriate agency to insure completion of all streets and related improvements including indicated permanent reference monuments, benchmarks and iron pins in this subdivision in accordance with regulations and specifications with a period not to exceed one year from the date of approval of the Final Plat.

[Signature]
DATE: 8/21/08
Department: Knox Co. EPW
TITLE: DE



Id	Bearing	Distance
L1	S 62°05'44" W	34.34'
L2	N 51°07'11" E	22.37'
L3	S 50°07'59" W	31.76'
L4	S 35°23'00" E	169.74'
L5	S 47°38'30" W	16.69'
L6	S 33°45'00" E	13.15'
L7	S 54°54'00" W	135.59'
L8	N 49°02'38" E	14.73'
L9	S 62°05'23" W	43.69'
L10	N 62°05'54" E	64.62'
L11	S 51°19'55" W	13.89'
L12	N 62°49'28" E	28.60'



Id	Radius	Arc Length	Tangent	Chord	Ch Bear
C1	25.00'	42.32'	28.25'	37.44'	N 69°24'14" W
C2	181.63'	79.42'	40.38'	78.79'	S 51°55'01" W
C3	220.00'	112.70'	57.81'	111.47'	N 48°36'52" E
C4	230.00'	48.95'	23.58'	46.87'	S 58°58'51" E
C5	75.00'	44.90'	23.15'	44.23'	N 33°58'09" E
C6	40.00'	15.90'	8.06'	15.90'	N 28°12'32" E
C7	40.00'	36.59'	19.89'	35.33'	N 65°48'28" E
C8	40.00'	31.56'	16.68'	30.75'	S 65°22'39" E
C9	40.00'	29.93'	15.71'	29.24'	S 21°26'39" E
C10	40.00'	27.04'	14.06'	26.53'	S 19°28'03" W
C11	40.00'	32.52'	17.22'	31.64'	S 62°07'38" W
C12	75.00'	44.90'	23.15'	44.23'	N 65°16'14" W
C13	55.00'	38.96'	24.69'	35.13'	N 09°13'59" E
C14	80.00'	130.19'	84.66'	116.29'	S 82°01'36" E
C15	75.00'	44.90'	23.15'	44.23'	S 34°10'52" W
C16	40.00'	69.27'	81.78'	71.88'	N 80°57'55" E
C17	40.00'	38.96'	24.69'	35.13'	S 25°18'59" W
C18	40.00'	44.90'	23.15'	44.23'	N 68°28'57" E
C19	120.00'	38.64'	19.49'	38.47'	S 60°33'24" W
C20	120.00'	156.58'	91.77'	145.79'	N 72°48'47" W
C21	25.00'	35.88'	21.65'	32.73'	S 78°18'04" E
C22	180.00'	92.21'	47.14'	91.20'	N 48°36'52" E
C23	218.83'	100.75'	51.28'	99.86'	S 51°20'52" E
C24	25.00'	36.22'	22.13'	33.14'	N 20°35'46" E
C25	100.00'	162.77'	105.68'	145.39'	S 82°02'16" E
C26	250.00'	61.04'	26.61'	50.95'	S 58°58'09" E
C27	200.00'	103.43'	52.90'	102.28'	N 48°29'42" E
C28	201.63'	88.76'	45.11'	88.05'	N 51°43'01" E

NOTES:

- IRON RODS WITH CAPS SET AT ALL CORNERS NOT RECOVERED, UNLESS OTHER OTHER MONUMENTATION IS NOTED.
- 5' UTILITY & DRAINAGE EASEMENT BOTH SIDES INTERIOR LOTS, 10' INSIDE EXTERIOR LOT LINES, INCLUDING ROAD RIGHTS-OF-WAY.
- DEED REFERENCE: INSTR. NO. 2000A03082096.
- TOTAL ACREAGE: 5.19 ACRES INTO 25 LOTS & PRIVATE J.P.E.
- SURVEYOR: ROB SANDERS 8225 SPRUCELAND RIDGE POWELL, TN 37849 (865) 838-0893
- OWNER/CLIENT: W & W PROPERTIES, INC. P.O. BOX 5503 KNOXVILLE, TN 37926 (865) 680-8971.
- DATE OF SURVEY: 01/15/08.
- TAX MAP 029, PARCEL 056.00.
- DETENTION MAINTENANCE AGREEMENT RECORDED IN 20080810012825
- ALL LOTS HAVE ACCESS VIA INTERNAL STREETS ONLY.
- FOR APPROVED CONCEPT AND USE ON REVIEW REFER TO FILE NO. 6-SB-06C & 6-C-08UR.

J.P.E. NOTES

- JOINT PERMANENT EASEMENT IS NOT A PUBLIC ROAD AND WILL NOT BE MAINTAINED BY KNOX COUNTY.
- THE ROADWAY IS TO BE 22 FEET WIDE AND AN ASPHALT SURFACE.
- JOINT PERMANENT EASEMENT WILL ALSO FUNCTION AS A UTILITY EASEMENT.
- JOINT PERMANENT EASEMENT AND MAINTENANCE AGREEMENT RECORDED IN 20080810012825
- DRAIN FIELD AREA INFORMATION PROVIDED BY KNOX COUNTY HEALTH DEPARTMENT, ENVIRONMENTAL HEALTH SECTION (865) 215-5200.



Knox County Page: 1 of 2
REC'D FOR REC 08/21/2008 12:22:58PM
RECORDED FEE: \$32.50
P. TAX: \$9.00 T. TAX: \$9.00
200808210012822

COUNTERSIGNED
AUG 21 2008
Robert H. Whiteshead
KNOX COUNTY
PUBLICITY APPROVER

6-A-15-UR
REVISED
8/22/15

M.P.C. FILE # 3-SL-09-F
APPROVED ON 3-13-08

FINAL PLAT
SHEET 1 OF 2
THE VILLAS OF TERA'S POINT
PHASE 2
RESUBDIVISION OF KEITH WALKER PROPERTY LOT 2
SEVENTH CIVIL DISTRICT KNOX COUNTY, TENNESSEE

lots indicated change 7/31/13
Requesting 1, 2, 10, 13, 14, 15, 20, 21, 22, 23, 24 to 25' periphery
Requesting 4, 17, periphery to 15'