



# USE ON REVIEW REPORT

► **FILE #:** 5-C-20-UR

**AGENDA ITEM #:** 26

**AGENDA DATE:** 5/14/2020

► **APPLICANT:** **RANDY GUIGNARD / CAFÉ INTERNATIONAL, LLC**

OWNER(S): Randy Guignard

TAX ID NUMBER: 39 L A 01203

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 0 Hyatt Rd.

► **LOCATION:** **Southeast side of Old Tazewell Pk., north of Hyatt Rd.**

► **APPX. SIZE OF TRACT:** **0.9 acres**

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Access is via Old Tazewell Pike, a local street with a pavement width of 18.3 feet within a right of way width of 50 feet. Access is also via Hyatt Road, a local street with a pavement width of 15.5 feet within a right of way width of 50 feet.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source: Knoxville Utilities Board

WATERSHED: Whites Creek

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

► **EXISTING LAND USE:** **RR (Rural Residential) - Vacant**

► **PROPOSED USE:** **Peripheral setback reduction from 35' to 15' along the northeastern property line.**

HISTORY OF ZONING: 8-N-19-RZ: A (Agricultural) to PR (Planned Residential)

SURROUNDING LAND USE AND ZONING: North: Single Family Residential - A (Agriculture)

South: Agricultural/Forestry/Vacant & Single Family Residential - PR (Planned Residential) and A (Agriculture)  
Agricultural/Forestry/Vacant, Single Family Residential

East: Single Family Residential & Rural Residential - A (Agriculture)

West: Single Family Residential - PR (Planned Residential) and A (Agriculture)  
Agricultural/Forestry/Vacant, Single Family Residential - PR (Planned Residential)

NEIGHBORHOOD CONTEXT: Along this stretch of both streets are single family homes in a rural setting. This stretch of Old Tazewell Pike contains lots that range in size from approximately 1/2 acre to 1-3/4 acres. This portion of Hyatt Road contains lots that range in size from approximately 1/2 acre to 2-1/2 acres. There are at least three properties with setbacks that appear to be 5 feet or less on at least one side of the property along this section of Old Tazewell Pike.

---

**STAFF RECOMMENDATION:**

- **Approve the request to reduce the peripheral setback from 35 feet to 15 feet for the northeastern property line of 14R2-2, resubdivision of Lot 14R of Glenridge Gardens, 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 Zone and the other criteria for approval of a use on review.**

**COMMENTS:**

The subject property is a double frontage triangular shaped flag lot that is longer than it is wide on the north portion of the parcel adjacent to Old Tazewell Pike. The property is not served by sewer and will require a septic system. A natural swale and the required drainfield for the septic system limit the options for locating a single family residential house on the property without a reduction in the 35 foot periphery setback. The location of the requested periphery setback reduction is the side yard of the property on the northeastern property line. The adjacent property along the northeastern side of the property has a single family residential home that is setback approximately 38 feet from the side yard property line. Surrounding single family residential properties have side yard setbacks that vary from approximately 4 feet to 24 feet and average 12 feet overall. The requested setback reduction is less than the average side yard setbacks in the neighborhood.

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

1. The combined setbacks and orientation of the neighboring house provide adequate separation of structures for safety and privacy.

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

1. The proposal meets all requirements of the PR zoning as well as the general criteria for approval of a use on review.
2. The proposed house location on the site plan is consistent with the following general standards for uses permitted on review: The proposal 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 MPC PLANS**

1. The North County Sector Plan proposes low density residential use for this site.
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.

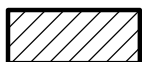
Schools affected by this proposal: Gibbs Elementary, Gibbs Elementary, and Gibbs Elementary.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

The Planning Commission'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 a Planning Commission decision in the County.



**5-C-20-UR  
USE ON REVIEW**



Peripheral setback reduction from 35' to 15'. (see notes on application) in PR (Planned Residential)

Original Print Date: 4/7/2020 Revised:  
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Guignard / Café International, LLC, Randy

Map No: 39  
Jurisdiction: County



Certificate of Ownership and General Dedication

(I, We), the undersigned owner(s) of the property shown herein, hereby adopt this as (my, our) plan of subdivision and dedicate the street as shown to the public use forever and hereby certify that (I am, we are) the owner(s) in fee simple of the property, and as property owner(s) have an unrestricted right to dedicate right-of-way and/or easement as shown on this plat.

Owner(s) Printed Name: CAFE INTERNATIONAL, LLC

Signature(s): *Randy Bergquist*

Date: 11/6/19

Signature(s):

Date:

Signature(s):

Date:

Certification of Final Plat - All Indicated Markers, Monuments and Benchmarks Set.

I hereby certify that I am a registered land surveyor licensed to practice surveying under the laws of the State of Tennessee. I further certify that this plat and accompanying drawings, documents, and statements conform, to the best of my knowledge, 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 which have been approved as indicated on the final plat. The indicated permanent reference markers and monuments, benchmarks and property monuments were in place on the 30th day of July 2019.

Registered Land Surveyor: *Randy Bergquist*

Tennessee License No: 987

Date: 11/6/19

Certification of Category and Accuracy of Survey. Survey accuracy shall meet the requirements of the current edition of the Rules of Tennessee State Board of Examiners for Land Surveyors - Standards of Practice.

I hereby certify that this is a Category 1 survey and the ratio of precision of the unadjusted survey is not less than 1:10,000, as shown hereon and that said survey was prepared in compliance with the current edition of the Rules of Tennessee State Board of Examiners for Land Surveyors - Standards of Practice.

Registered Land Surveyor: *Randy Bergquist*

Tennessee License No: 987

Date: 11/6/19

Addressing Department Certification

I, the undersigned, hereby certify that the subdivision name and all street names conform to the Knoxville/Knox County Street Naming and Addressing Ordinance, the Administrative Rules of the Planning Commission, and these regulations.

Signature: *Randy Bergquist*

Date: 11/6/19

Zoning Resolution to which the land being subdivided is located shall be indicated as shown on the zoning map by the Planning Commission as follows:

Zoning Resolution Official Map: *R-2*

Signature: *Randy Bergquist*

Date: 11/6/19

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

Signature: *Randy Bergquist*

Date: 11/6/19

This is to certify that this subdivision is generally suitable for individual septic disposal systems, and this is to certify that all lots are subject to Sections 68-13-401 thru 68-13-413 of the Tennessee Code, Annotated, and the regulations promulgated thereon.

Signature: *Randy Bergquist*

Date: 11/6/19

County - Release of Easements

Except as noted or shown on this plat, the following parties hereby consent to the release of all rights that may have accrued for their use and benefit in the utility and drainage easements along the original lot lines eliminated by this plat.

The following parties do not release any rights that may have accrued for their use and benefit where there are existing facilities within the previously established easement, whether or not shown on this plat. Any relocation of existing facilities will be made at the property owners expense. If the facilities are relocated, the easement rights will be released.

Knox County Department of Engineering and Public Works

Signature: *[Signature]*

Date: 11/6/19

Signature: *[Signature]*

Date: 11/6/19

Signature: *[Signature]*

Date: 11/6/19

Signature: *[Signature]*

Date: 11/6/19

Signature: *[Signature]*

Date: 11/6/19

Signature: *[Signature]*

Date: 11/6/19

Signature: *[Signature]*

Date: 11/6/19

Signature: *[Signature]*

Date: 11/6/19

Signature: *[Signature]*

Date: 11/6/19

Signature: *[Signature]*

Date: 11/6/19

Signature: *[Signature]*

Date: 11/6/19

Signature: *[Signature]*

Date: 11/6/19

Signature: *[Signature]*

Date: 11/6/19

Signature: *[Signature]*

Date: 11/6/19

Signature: *[Signature]*

Date: 11/6/19

Signature: *[Signature]*

Date: 11/6/19

Signature: *[Signature]*

Date: 11/6/19

Owner Certification on Release of Easements

(I, We) the undersigned owner(s) of the property shown herein understand that easement rights for any existing facilities are not being released and it is our responsibility to verify with the above parties if there are any existing facilities along the lot lines being eliminated by this plat before digging or constructing any building or structure.

Owner(s) Printed Name: CAFE INTERNATIONAL, LLC

Signature(s): *[Signature]*

Date: 11/6/19

Signature(s):

Date:

Signature(s):

Date:

Signature(s):

Date:

Signature(s):

Date:

Signature(s):

Date:

Signature(s):

Date:

Signature(s):

Date:

Signature(s):

Date:

Signature(s):

Date:

Signature(s):

Date:

Signature(s):

Date:

Signature(s):

Date:

Signature(s):

Date:

Signature(s):

Date:

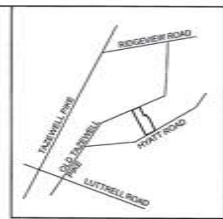
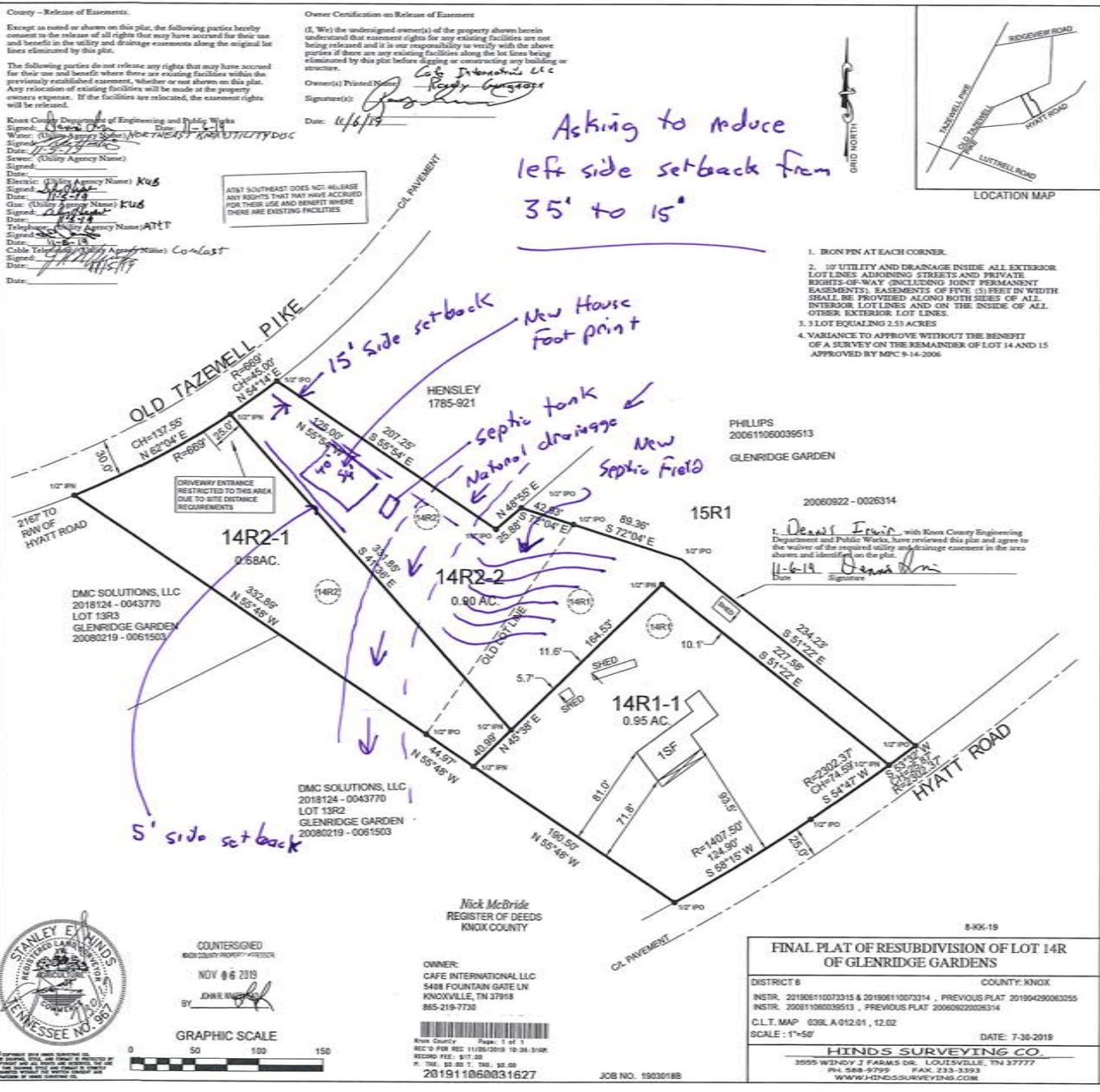
Signature(s):

Date:

Signature(s):

Date:

Signature(s):



- 1. IRON PIN AT EACH CORNER.
- 2. 10' UTILITY AND DRAINAGE INSIDE ALL EXTERIOR LOT LINES ADJOINING STREETS AND PRIVATE RIGHTS-OF-WAY (INCLUDING JOINT PERMANENT EASEMENTS). EASEMENTS OF FIVE (5) FEET IN WIDTH SHALL BE PROVIDED ALONG BOTH SIDES OF ALL INTERIOR LOT LINES AND ON THE INSIDE OF ALL OTHER EXTERIOR LOT LINES.
- 3. 3 LOT EQUALING 2.51 ACRES
- 4. VARIANCE TO APPROVE WITHOUT THE BENEFIT OF A SURVEY ON THE REMAINDER OF LOT 14 AND 15 APPROVED BY MPC 8-14-2006.

PHILLIPS  
200611060039513  
GLENRIDGE GARDEN

20060922 - 0026314  
I, *[Signature]* with Knox County Engineering Department and Public Works, have reviewed this plat and agree to the waiver of the required utility and drainage easements in the area shown and identified on the plat.  
Date: 11-6-19  
Signature: *[Signature]*

DMC SOLUTIONS, LLC  
2018124 - 0043770  
LOT 13R3  
GLENRIDGE GARDEN  
20080219 - 0061503

DMC SOLUTIONS, LLC  
2018124 - 0043770  
LOT 13R2  
GLENRIDGE GARDEN  
20080219 - 0061503

Nick McBride  
REGISTER OF DEEDS  
KNOX COUNTY



COUNTERSIGNED  
NOV 06 2019  
BY: *[Signature]*



OWNER:  
CAFE INTERNATIONAL LLC  
5408 FOUNTAIN GATE LN  
KNOXVILLE, TN 37918  
865-219-7730

New County Fee: 1 of 1  
REC'D FOR REC: 11/06/2019 10:48:30AM  
REC'D FEE: \$17.00  
NOV 06 2019 10:48:30 AM  
201911060031627

JOB NO. 19030188

8-00-19

FINAL PLAT OF RESUBDIVISION OF LOT 14R OF GLENRIDGE GARDENS	
DISTRICT 8	COUNTY: KNOX
INSTR. 20190611007315 & 20190611007314, PREVIOUS PLAT 20190420063255	
INSTR. 200811060039513, PREVIOUS PLAT 200609220026314	
C.L.T. MAP 030L A 012.01, 12.02	
SCALE: 1"=50'	DATE: 7-30-2019
HINDS SURVEYING CO.	
3505 WINDY J FARMS DR. LOUISVILLE, TN 37277	
PH. 688-9799 FAX. 233-3393	
WWW.HINDSURVEYING.COM	



# DEVELOPMENT REQUEST



### DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use

### SUBDIVISION

- Concept Plan
- Final Plat

### ZONING

- Plan Amendment
- Rezoning

Randy Guignard Applicant Name Cafe International, LLC Affiliation

2-27-2020 Date Filed May 14, 2020 Meeting Date (if applicable) 5-C-20-UR ~~8-KK-19~~ File Numbers(s)

## CORRESPONDENCE

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

- Applicant
- Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Randy Guignard Name Four Seasons Inc. Company

5408 Fountaingate rd Address Knoxville City Tn State 37918 Zip

865-244-8050 Phone randy@fourseasonscorp.com Email

## CURRENT PROPERTY INFO

same Owner Name (if different) 0 Hyatt Road Owner Address 039LA01201 Owner Phone

0 Old Tazewell pk Property Address 039LA01202 Parcel ID 039LA01203

southeast side of Old Tazewell PK north of Hyatt rd. General Location .7 acre Tract Size

8 Richie Beeler Jurisdiction (specify district above)  City  County PR L2 DU/AC Zoning District

Northeast County Planning Sector RR Sector Plan Land Use Classification Rural area Growth Policy Plan Designation

RR. Existing Land Use yes Septic (Y/N) NorthEast Knox Utility Sewer Provider  Water Provider

# REQUEST

DEVELOPMENT

Development Plan  Use on Review / Special Use

Residential  Non-Residential

Home Occupation (specify): \_\_\_\_\_

Other (specify): Peripheral setback reduction from 35' to 15'

SUBDIVISION

Proposed Subdivision Name \_\_\_\_\_ Unit / Phase Number \_\_\_\_\_

Parcel Change

Combine Parcels  Divide Parcel Total Number of Lots Created: \_\_\_\_\_

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

Attachments / Additional Requirements

ZONING

Zoning Change: \_\_\_\_\_  
Proposed Zoning \_\_\_\_\_

Plan Amendment Change: \_\_\_\_\_  
Proposed Plan Designation(s) \_\_\_\_\_

Proposed Property Use (specify) \_\_\_\_\_ Proposed Density (units/acre) \_\_\_\_\_ Previous Rezoning Requests \_\_\_\_\_

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

STAFF USE ONLY

**PLAT TYPE**

Staff Review  Planning Commission

**ATTACHMENTS**

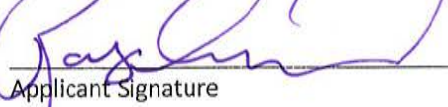
Property Owners / Option Holders  Variance Request

**ADDITIONAL REQUIREMENTS**

- Design Plan Certification (Final Plat only)
- Use on Review / Special Use (Concept Plan only)
- Traffic Impact Study

<b>FEE 1:</b>	\$ 450.00	<b>TOTAL:</b> \$ 450.00
<b>FEE 2:</b>		
<b>FEE 3:</b>		

**AUTHORIZATION** By signing below, I certify I am the property owner, applicant or the owners authorized representative.

 Randy Guignard 2-27-2020  
Applicant Signature Please Print Date

865-244-8050 randy@fourseasons.com  
Phone Number Email

 Thomas Brechko 2-28-20  
Staff Signature Please Print Date

Waiver

# VARIANCES REQUESTED



1. reduce perimeter setback on left side from 35' to 15'

Justify variance by indicating hardship:

There is a natural drainage swale in middle of property. We can not push back house into this area and septic field is at rear

Justify variance by indicating hardship:

House will be in line with the one on left side on existing lot

3. \_\_\_\_\_

Justify variance by indicating hardship: \_\_\_\_\_

4. \_\_\_\_\_

Justify variance by indicating hardship: \_\_\_\_\_

5. \_\_\_\_\_

Justify variance by indicating hardship: \_\_\_\_\_

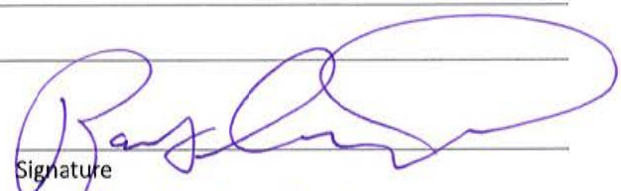
6. \_\_\_\_\_

Justify variance by indicating hardship: \_\_\_\_\_

7. \_\_\_\_\_

Justify variance by indicating hardship: \_\_\_\_\_

I certify that any and all variances needed to meet regulations are requested above, or are attached. I understand and agree that no additional variances can be acted upon by the legislative body upon appeal and none will be requested. I hereby waive the requirement for approval or disapproval of the plat within sixty (60) days after its submission, in accordance with the provisions of Tennessee Code Annotated 13-3-404.

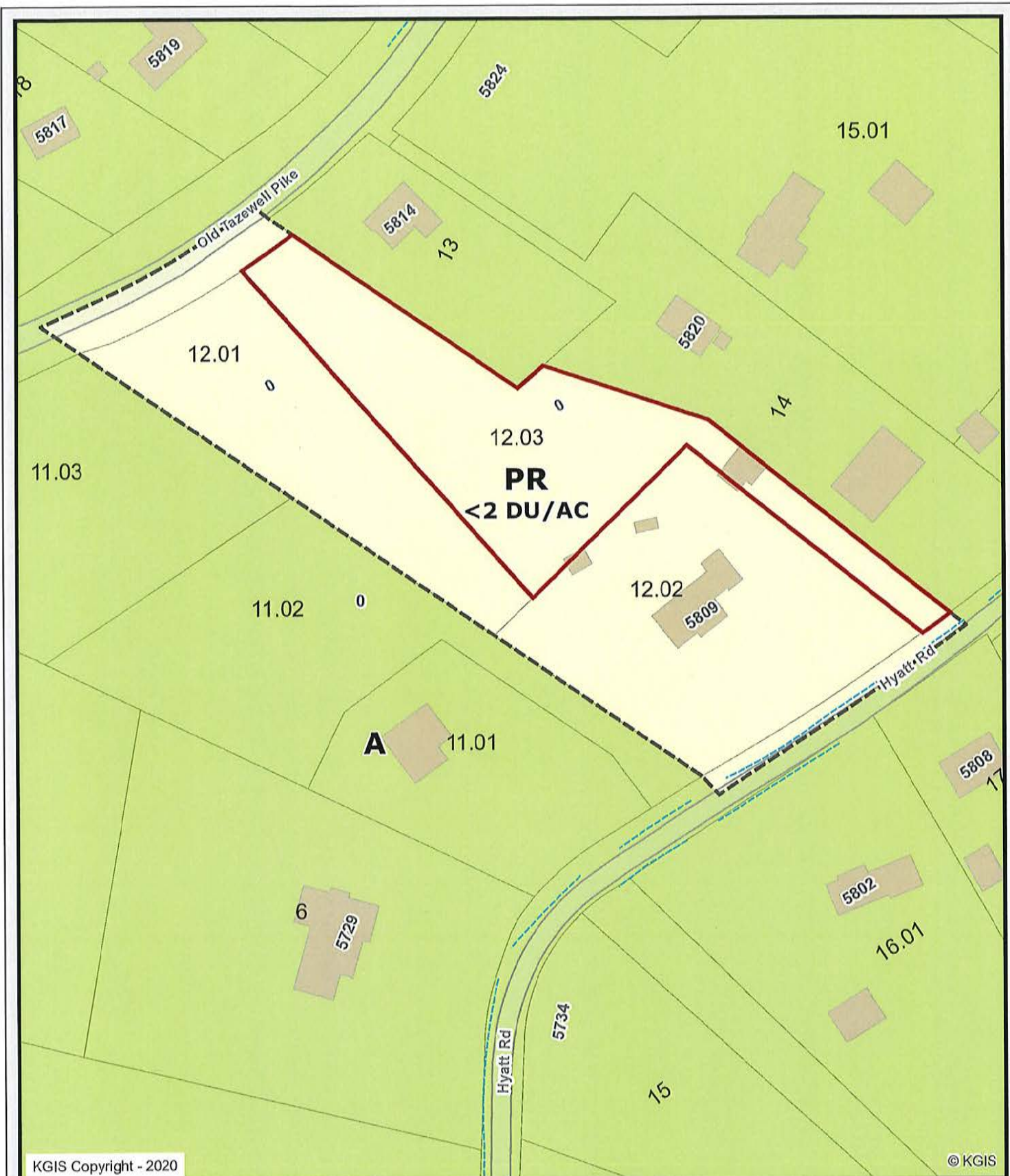


Signature

2-27-2020

Date





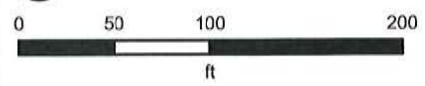
KGIS Copyright - 2020

© KGIS

### Letter Portrait



Printed: 2/28/2020 at 12:05:10 PM



Knoxville - Knox County - KUB Geographic Information System

KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

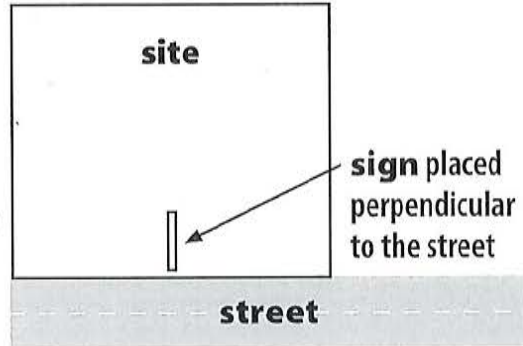
## REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted Administrative Rules and Procedures.

At the time of application, staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the Planning offices. The applicant will be charged a fee of \$10 for each replacement sign.

### LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then 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 15 days before 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 15 days before the next Planning Commission meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

April 29, 2020 and May 15, 2020  
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: *Randy Gougnard*

Printed Name: Randy Gougnard

Phone: 865-244-8050 Email: randy@fourseasonscorp.com

Date: 2-28-2020

File Number: 5.C-20-UR