



SUBDIVISION REPORT - FINAL PLAT

▶ **FILE #:** 3-SA-23-F **AGENDA ITEM #:** 46
POSTPONEMENT(S): 3/9/2023 **AGENDA DATE:** 4/13/2023

▶ **SUBDIVISION:** RESUBDIVISION OF PART OF LOT 5 OF MORNINGSIDE FARMS

▶ **APPLICANT/DEVELOPER:** NED FERGUSON
OWNER(S): Robert & Jessica Turner

TAX IDENTIFICATION: 144 03703 (PART OF) [View map on KGIS](#)
JURISDICTION: County Commission District 5
STREET ADDRESS: 1229 Mourfield Rd.

▶ **LOCATION:** Northeast of I-40, south of Mourfield Road and northwest of Zachary Taylor Road

SECTOR PLAN: Southwest County
GROWTH POLICY PLAN: Planned Growth Area
WATERSHED: Sinking Creek

▶ **APPROXIMATE ACREAGE:** 0.749 ac

▶ **NUMBER OF LOTS:** 1

▶ **ZONING:** A (Agricultural)

SURVEYOR/ENGINEER: Ned D Ferguson Professional Land Systems

▶ **VARIANCES REQUIRED:**

- 1) Reduce the required paved surface width of a permanent exclusive access easement from 20 ft to 10-16 ft in certain locations as identified on the plat.
- 2) Increase the maximum grade allowed for a permanent exclusive access easement from 12% to 18%.
- 3) Allow the paved surface to remain as existing instead of being required to meet public road standards.
- 4) Reduce the required right-of-way width from 40 ft to 25 ft.
- 5) Waive the requirement for an AASHTO-standard turnaround.
- 6) Allow a maintenance agreement in lieu of a homeowner's association.

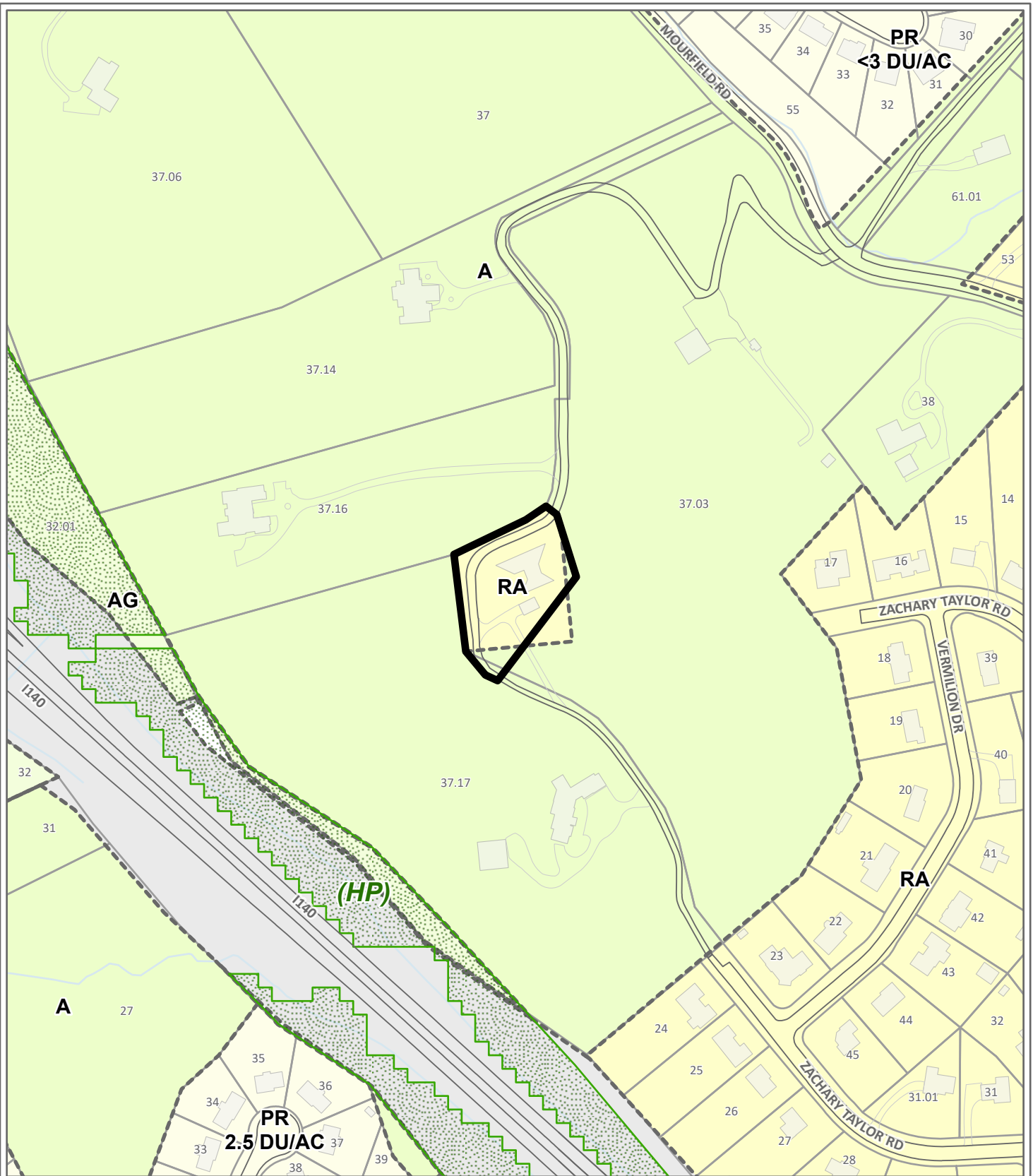
STAFF RECOMMENDATION:

- ▶ 1) Approve variances 1-3 because the access drive inside the private right-of-way is existing.
- ▶ 2) Approve variance 4 because the private right-of-way replaces a previously platted access easement, which was recorded at 25 ft wide. This plat adds 1 additional lot to be serviced by the access drive, and Engineering and Public Works supports the request.
- ▶ 3) Approve variance 5 because the access drive connects two roads, negating the need for a turnaround for fire trucks to exit the property.
- ▶ 4) Approve variance 6 because Planning finds a maintenance agreement adequate to address maintenance responsibilities due to the fact that the access drive is existing, already has a maintenance agreement, and only serves one additional lot.
- ▶ 5) Approve the subdivision plat because it is otherwise in compliance with the Subdivision Regulations.

COMMENTS:

- 1) The purpose of this plat is to subdivide a new lot off of a larger tract. This property is part of a group of properties using the same driveway for access.
- 2) Historical aerials show the driveway originally serviced 2 houses on the parent tract. The driveway provided access off of two roads, Zachary Taylor Road in the south, and Mourfield Road in the northeast.
- 3) Surrounding properties were subdivided off the same parent tract in 2014 (see the plat in Exhibit A, 2014 Plat). In that plat, lots 2, 3 and 4 were platted as flag lots, and lot 1 had road frontage. The plat created a Permanent Easement across the existing driveway in the north to service lot 5 and a Permanent Easement across the existing driveway in the south to service lot 6.
- 4) The flag stems of lots 5 and 6 were platted over steep topography that do not meet access standards so that, once these properties were developed, they utilized the existing driveway for access instead of the flag stem portions of their lots. This created a situation in which a shared driveway provided access to 5 lots, which does not meet Subdivision Regulations.
- 5) Lots 1 and 2 were later combined via plat (See Exhibit B, 2018 Plat). Because that plat comprised more than 5 acres, it was platted as an exempt plat and therefore did not come through Planning for review. However, the plat did not meet the standards of an exempt plat, as it was the result of combining lots that were smaller than 5 acres [Subdivision Regulations, Section 2.11.A.5], so the plat should have been submitted for review by Planning.
- 6) In situations where conditions are existing, if a plat creates a new lot off of an existing access easement, that easement is required to be brought up to standards if it is noncompliant. In this case, this means of access already services 5 lots, so this subdivision would create a 6th lot using the shared driveway, which is the threshold at which an access easement is required to become a private right-of-way.
- 7) This situation is further complicated by the fact that the proposed new lot is in the middle of the length of the shared driveway gaining access from the south. The lots to the north of the proposed new lot are not included in the proposed subdivision. Since these other properties utilizing the driveway are not part of the plat, they are not required to come into compliance at this time since the proposed plat is not creating the condition. However, if the other properties within the original platted parent tract subdivide further (lots 2R, 3, 4, 5, and/or 6), they would have to come into compliance at that time. Therefore, only the southern part of the driveway is required to come into compliance.

Knoxville-Knox County Planning Commission'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.



ZONING MAP

3-SA-23-F

Petitioner: Ferguson, Ned



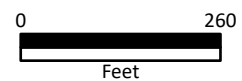
Final Plat For: Resubdivision of Part of Lot 5 of Morningside Farms

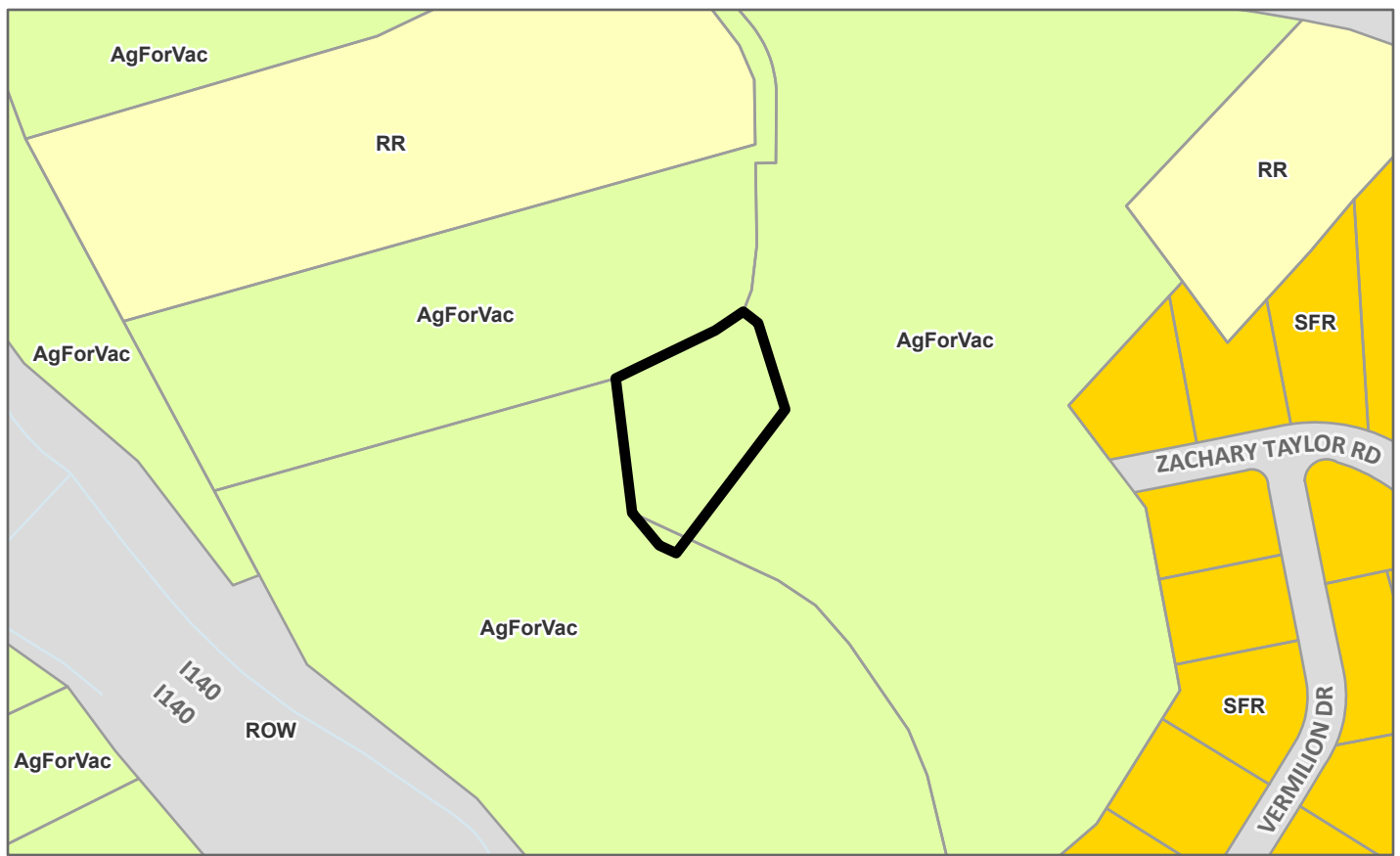
Map No: 144

Jurisdiction: County

Original Print Date: 4/4/2023

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902



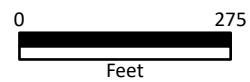


Existing Land Use and Aerial Maps

3-SA-23-F



Case boundary



VARIANCES/ALTERNATIVE DESIGN STANDARDS REQUESTED



1. ALLOW A PAVED SURFACE OF 10'-16' INSTEAD OF THE REQUIRED 20'

Justify request by indicating hardship: THIS IS AN EXISTING DRIVEWAY WITH VERY LIMITED TRAFFIC

2. ALLOW A GRADE OF UP TO 18% INSTEAD OF THE REQUIRED 12%

Justify request by indicating hardship: THIS IS AN EXISTING DRIVEWAY WITH VERY LIMITED TRAFFIC

3. _____

Justify request by indicating hardship: _____

4. _____

Justify request by indicating hardship: _____

5. _____

Justify request by indicating hardship: _____

6. _____

Justify request by indicating hardship: _____

7. _____

Justify request by indicating hardship: _____

ROBERT A TURNER

Signature

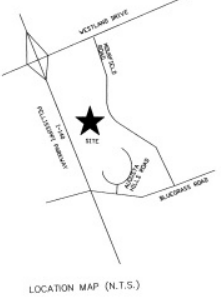
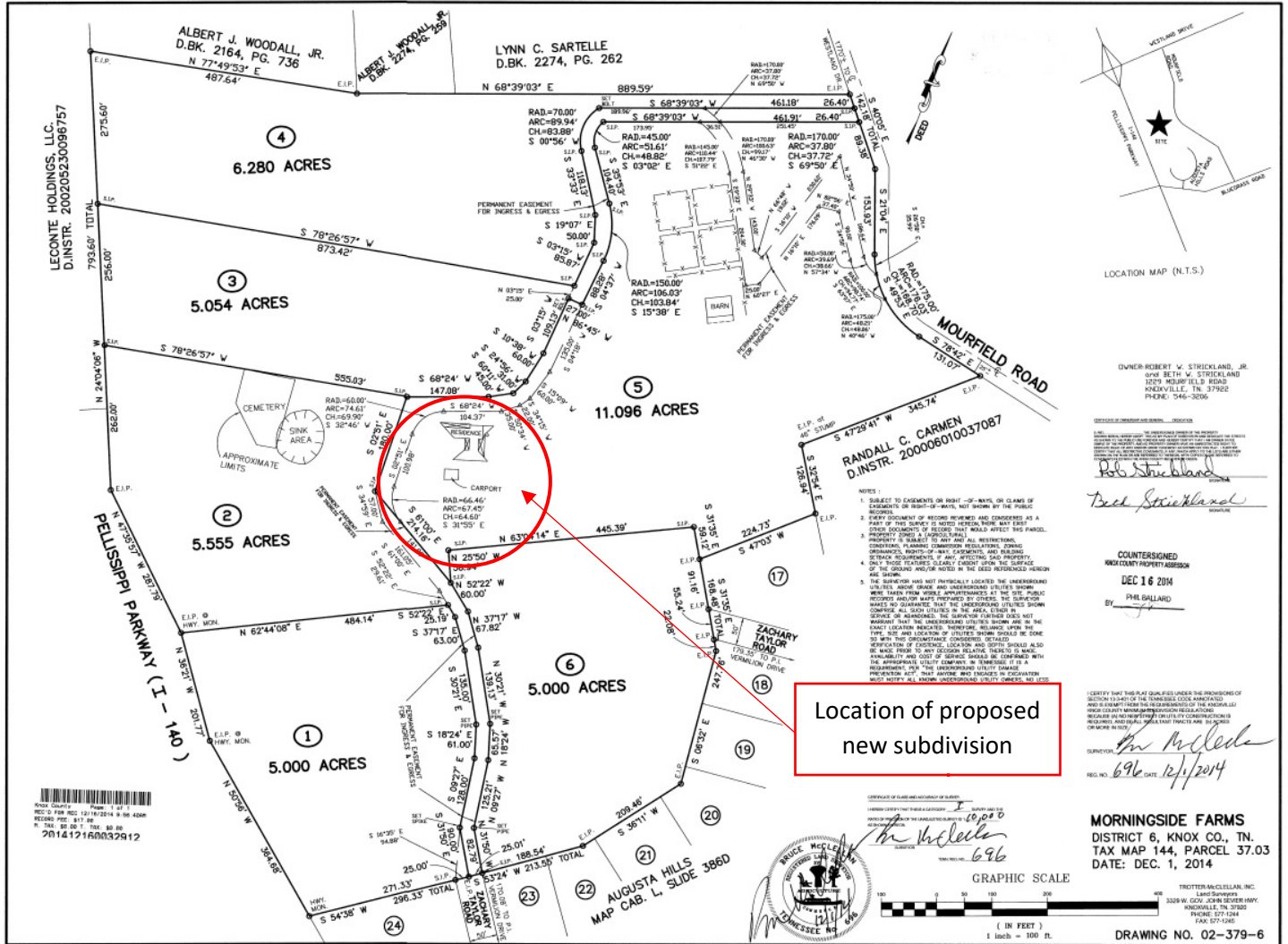
I certify that any and all requests needed to meet regulations are requested above, or are attached. I understand and agree that no additional variances can be acted upon by the legislative body upon appeal and none will be requested.

01/19/23

Date

3-SA-23-F
EXHIBIT A. 2014 FINAL PLAT

2014 plat creating 6 lots on the original parent tract.



OWNER: ROBERT W. STRICKLAND, JR.
 AND BETH W. STRICKLAND
 12071 MEADE HILL ROAD
 KNOXVILLE, TN 37922
 PHONE: 546-3206

OWNER: RANDALL C. CARMEN
 D.INSTR. 200006010037087

OWNER: AUGUSTA HILLS MAP CAB. L. SLIDE 3860

- NOTES:
1. SUBJECT TO EASEMENTS OR RIGHT-OF-WAY OR CLAIMS OF EASEMENTS OR RIGHT-OF-WAY, NOT SHOWN BY THE PUBLIC RECORDS.
 2. ALL EASEMENTS OF RECORD, RIGHTS AND CLAIMS OF EASEMENTS OR RIGHT-OF-WAY, NOT SHOWN BY THE PUBLIC RECORDS, ARE DEEMED TO BE PART OF THIS SURVEY TO THE EXTENT THAT THEY AFFECT THE PARCELS, INTERESTS, RIGHTS, OR CLAIMS OF EASEMENTS OR RIGHT-OF-WAY, NOT SHOWN BY THE PUBLIC RECORDS.
 3. PROPERTY LINES ARE SHOWN BY THIS SURVEY TO THE EXTENT THAT THEY AFFECT THE PARCELS, INTERESTS, RIGHTS, OR CLAIMS OF EASEMENTS OR RIGHT-OF-WAY, NOT SHOWN BY THE PUBLIC RECORDS.
 4. ONLY THOSE FEATURES CLEARLY IDENTIFIED ON THE SURFACE OF THE LAND AND/OR NOTED IN THE USED REFERENCE RECORDS ARE SHOWN.
 5. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES, UNDER PAVEMENT AND UNDERGROUND UTILITIES SHOWN HEREON FROM WIRE APPROPRIATELY AT THE SITE. THE SURVEYOR HAS NOT GUARANTEED THAT THE UNDERGROUND UTILITIES SHOWN HEREON ARE ACCURATE. THE SURVEYOR HAS NOT GUARANTEED THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, THEREBY, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THE CAUTIONS AND CONSIDERATIONS SET FORTH IN THE SUPPLEMENTAL NOTES. LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DESIGN, RELATIVE THEREIN TO MAKE SURE THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, THEREBY, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THE CAUTIONS AND CONSIDERATIONS SET FORTH IN THE SUPPLEMENTAL NOTES. THE SURVEYOR HAS NOT GUARANTEED THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, THEREBY, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THE CAUTIONS AND CONSIDERATIONS SET FORTH IN THE SUPPLEMENTAL NOTES.

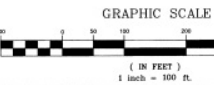
Location of proposed new subdivision

COUNTERSIGNED
 KNOX COUNTY PROPERTY ASSessor
 DEC 16 2014
 BY: PHIL BALLARD

SURVEYOR: *Ben McCalla*
 REG. NO. 696 DATE 12/1/2014

MORNINGSIDE FARMS
 DISTRICT 6, KNOX CO., TN.
 TAX MAP 144, PARCEL 37.03
 DATE: DEC. 1, 2014

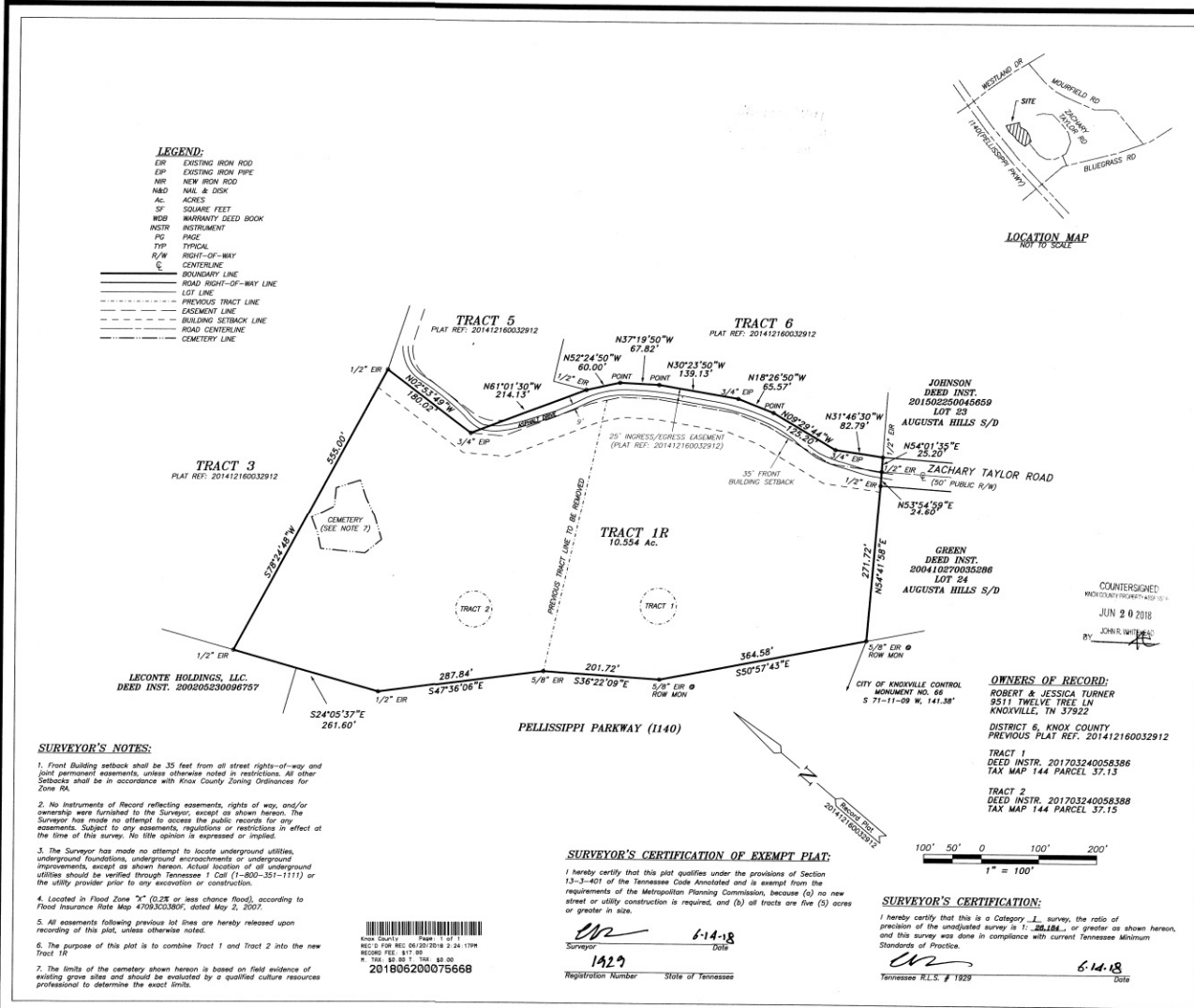
RECORD COPY
 KNOX COUNTY
 REC'D FOR REC'D 12/16/2014 11:40:45AM
 RECORD FEE: \$11.00
 *TAX: \$0.00 *TOL: \$0.00
 201412160032912



DRAWING NO. 02-379-6

3-SA-23-F
EXHIBIT B. 2018 "EXEMPT" PLAT

2018 plat combining former lots 1 and 2



STERLING
 ENGINEERING, INC.
LAND SURVEYING
CIVIL ENGINEERING
CONSULTING
LAND PLANNING
 1020 WILLIAM BLOUNT DRIVE
 MARYVILLE, TENNESSEE
 37802-8478
 P.O. BOX 4878
 MARYVILLE, TENNESSEE
 37802-8478
 PHONE: VOL. 984-3905
 FAX: VOL. 981-2815
 www.sterling-es.com

REPLAT OF TRACTS 1 & 2 INTO TRACT 1R
MORNINGSIDE FARMS
 ZACHARY TAYLOR RD, KNOXVILLE, TN 37922

COUNTERSIGNED
 METROPOLITAN PLANNING COMMISSION
 JUN 8 2018
 BY: JOHN R. BENTLEY

OWNERS OF RECORD:
 ROBERT & JESSICA TURNER
 9511 TWELVE TREE LN
 KNOXVILLE, TN 37922

DISTRICT 6, KNOX COUNTY
 PREVIOUS PLAT REF. 201412160032912

TRACT 1
 DEED INSTR. 201703240058386
 TAX MAP 144 PARCEL 37.13

TRACT 2
 DEED INSTR. 201703240058388
 TAX MAP 144 PARCEL 37.15

FS

DESIGNED: CEG
 DRAWN: CMR
 CHECKED: CMR
 DATE: 6/14/18
 SCALE: 1" = 100'
 DRAWING: 6312A-FS
 PROJECT NO.: SEI#6312

- SURVEYOR'S NOTES:**
1. Front Building setback shall be 35 feet from all street rights-of-way and joint permanent easements, unless otherwise noted in restrictions. All other setbacks shall be in accordance with Knox County Zoning Ordinances for Zone RA.
 2. No Instruments of Record reflecting easements, rights of way, and/or ownership were furnished to the Surveyor, except as shown hereon. The Surveyor has made no attempt to access the public records for any easements. Subject to any easements, regulations or restrictions in effect at the time of this survey. No title opinion is expressed or implied.
 3. The Surveyor has made no attempt to locate underground utilities, underground foundations, underground encroachments or underground improvements, except as shown hereon. Actual location of all underground utilities should be verified through Tennessee 1 Call (1-800-351-1111) or the utility provider prior to any excavation or construction.
 4. Located in Flood Zone "X" (0.2% or less chance flood), according to Flood Insurance Rate Map 47093C03800, dated May 2, 2007.
 5. All easements following previous lot lines are hereby released upon recording of this plat, unless otherwise noted.
 6. The purpose of this plat is to combine Tract 1 and Tract 2 into the new Tract 1R.
 7. The limits of the cemetery shown hereon is based on field evidence of existing grave sites and should be evaluated by a qualified culture resources professional to determine the exact limits.

SURVEYOR'S CERTIFICATION OF EXEMPT PLAT:
 I hereby certify that this plat qualifies under the provisions of Section 13-3-401 of the Tennessee Code Annotated and is exempt from the requirements of the Metropolitan Planning Commission, because (a) no new street or utility construction is required, and (b) all tracts are five (5) acres or greater in size.

1929
 Registration Number State of Tennessee

SURVEYOR'S CERTIFICATION:
 I hereby certify that this is a Category "L" survey, the ratio of precision of the unadjusted survey is 1:30,000, or greater as shown hereon, and this survey was done in compliance with current Tennessee Minimum Standards of Practice.

6-14-18
 Tennessee R.L.S. # 1929 Date

Knox County Page 1 of 1
 REC'D FOR REC. 04/20/2018 3:24:11PM
 RECORD FEE \$17.80
 M. TEL. 863-1. TEL. 48 00
 201806200075668



Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
- SP OYP
- Rezoning

Ned Ferguson

Applicant Name

Surveyor

Affiliation

Date Filed

Meeting Date (if applicable)

File Number(s)

3-SA-23-F
~~11 VV 22~~

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

Ned D Ferguson

Professional Land Systems

Name

Company

205 Lamar Ave

Clinton

TN

37716

Address

City

State

ZIP

865.689.6169

nedferguson@gmail.com

Phone

Email

CURRENT PROPERTY INFO

ROBERT A & JESSICA TURNER

1440 ZACHARY TAYLOR RD 37922

865.742.2587

Owner Name (if different)

Owner Address

Owner Phone

1229 MOURFIELD RD 37922

P/O 144 03703

Property Address

Parcel ID

WKUD

WKUD

Y

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

NE of I-140, south of Mourfield Rd

General Location

Tract Size

City County

5
District

A
Zoning District

AgForVac
Existing Land Use

Southwest County
Planning Sector

LDR, HP
Sector Plan Land Use Classification

Planned
Growth Policy Plan Designation

DEVELOPMENT REQUEST

- Development Plan
 Use on Review / Special Use
 Hillside Protection COA
 Residential
 Non-Residential

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

RESUB. OF PART OF LOT 5 MORNINGSIDE FARMS

Proposed Subdivision Name

Unit / Phase Number

Combine Parcels

Divide Parcel

1

Total Number of Lots Created

Other (specify) _____

Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST

Zoning Change

Proposed Zoning

Plan Amendment Change

Proposed Plan Designation(s)

Proposed Density (units/acre)

Previous Rezoning Requests

Other (specify) _____

Pending Plat File Number

STAFF USE ONLY

PLAT TYPE

- Staff Review
 Planning Commission

ATTACHMENTS

- Property Owners / Option Holders
 Variance Request

ADDITIONAL REQUIREMENTS

- Design Plan Certification (*Final Plat*)
 Use on Review / Special Use (*Concept Plan*)
 Traffic Impact Study
 COA Checklist (*Hillside Protection*)

Fee 1		Total
0201	250.00	
Fee 2		
0207	100.00	\$350.00
Fee 3		Paid 11/29/22
0205	\$250.00	\$600 (original fee + variance)

AUTHORIZATION

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

Applicant Signature 

Ned Ferguson

11/28/2022

865.689.6169

Please Print

Date

Phone Number

Email

nedferguson@gmail.com

Staff Signature

M. Jones

11/29/22 (original plat) & 1/20/2023 (variances)

Please Print

Date



Development Request

DEVELOPMENT

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

Ned Ferguson

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Surveyor

Affiliation

Date Filed

Meeting Date (if applicable)

File Number(s)

3-SA-23-F
~~11-VV-22~~

CORRESPONDENCE

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

Ned D Ferguson

Professional Land Systems

Name

Company

205 Lamar Ave

Clinton

TN

37716

Address

City

State

ZIP

865.689.6169

nedferguson@gmail.com

Phone

Email

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1440 ZACHARY TAYLOR RD 37922

865.742.2587

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Owner Phone

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WKUD

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Sewer Provider

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Septic (Y/N)

STAFF USE ONLY

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AgForVac
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- Development Plan Use on Review / Special Use Hillside Protection COA
 Residential Non-Residential

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

RESUB. OF PART OF LOT 5 MORNINGSIDE FARMS

Proposed Subdivision Name

Unit / Phase Number

- Combine Parcels Divide Parcel

1

Total Number of Lots Created

Other (specify) _____

Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST

Zoning Change

Proposed Zoning

Plan Amendment Change

Proposed Plan Designation(s)

Proposed Density (units/acre)

Previous Rezoning Requests

Other (specify) _____

Pending Plat File Number

STAFF USE ONLY

PLAT TYPE

- Staff Review Planning Commission

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Fee 2		
0207	100.00	
Fee 3		

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

Applicant Signature 

Ned Ferguson

11/28/2022

Please Print

Date

865.689.6169

nedferguson@gmail.com

Phone Number

Email

M. Jones

11/29/22

Staff Signature

Please Print

Date