

CASE SUMMARY
APPLICATION TYPE: SUBDIVISION
FINAL PLAT

KNOXVILLE-KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N
T E N N E S S E E

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
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www.knoxmpc.org

File Number: 12-SB-05-F **Related File Number:**
Application Filed: 10/14/2005 **Date of Revision:**
Applicant: EAST TENNESSEE PROPERTY HOLDINGS & DEVELOPMENT, INC.
Owner: EAST TENNESSEE HOLDINGS & DEVELOPMENT INC.

PROPERTY INFORMATION

General Location: Terminus of Tomache Dr., northwest of Lonas Dr.
Other Parcel Info.:
Tax ID Number: 107 B A 005 **Jurisdiction:** City
Size of Tract: 22.971 acre
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use:
Surrounding Land Use:
Proposed Use: **Density:**
Sector Plan: Northwest City **Sector Plan Designation:**
Growth Policy Plan: Inside City Limits
Neighborhood Context:

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: R-1 (Single Family Residential)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category:
Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name: FAR VIEW HILLS, UNIT 3
Surveyor: Abbott, Jr.
No. of Lots Proposed: 44 **No. of Lots Approved:** 44
Variances Requested: None
S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

MPC ACTION AND DISPOSITION

Planner In Charge: Tom Brechko
Staff Recomm. (Abbr.): APPROVE Final Plat
Staff Recomm. (Full):

Comments: The Concept Plan for this proposed subdivision that is located at the north end of Tomache Dr., north of Lonas Dr., was reviewed and approved by the Planning Commission on May 12, 2005. The Concept Plan was approved for 46 lots subject to 10 conditions. A copy of the Staff report and the minutes of the Planning Commission meeting are attached as Exhibits 1 and 2.

The Planning Commission's action of approval was appealed to City Council by residents of Far View Hills Subdivision on the grounds of density, traffic (including construction traffic) through the neighborhood and drainage. The Knoxville City Council considered the appeal on June 7, 2005. By a vote of eight to one, City Council upheld the appeal of the Far View Hills Neighborhood, thereby denying the Concept Plan. A copy of a transcript of the appeal at the City Council meeting is attached as Exhibit 3.

Following the action of City Council on June 7, 2005, Mr. Arthur G. Seymour, Jr., council for the developer, sent correspondence to Mr. Charles Walter Swanson, council for City Council requesting that, pursuant to Section 36-13.4 of the Knoxville Knox County Minimum Subdivision Regulations, a copy of the plan with a description of the nature of the appeal and citation of the section of the Subdivision Regulations on which the appeal was upheld, be provided to him. A second letter was sent from Mr. Seymour to Mr. Swanson stating that if he did not receive information from City Council on any defects in the Concept Plan that had been denied by City Council, his client would proceed to file a Design Plan with City Engineering based on the Concept Plan. Mr. Swanson sent a response to Mr. Seymour stating that if the Subdivision Regulations authorize it, he had no personal objection to the filing of the Design Plan. A copy of the correspondence between Mr. Seymour and Mr. Swanson is attached as Exhibit 4. A copy of the appeal procedures of the Minimum Subdivision Regulations is attached as Exhibit 5.

A Design Plan for Far View Hills, Unit 3 was submitted to and approved by the City of Knoxville Engineering Division. A Certification of Approval of Design Plans form was signed by City Engineering on October 13, 2005 (see attached Exhibit 6).

Following an inquiry from Planning Commission Staff, Mr. Morris Kizer, Law Director for the City of Knoxville, responded by e-mail that based on his understanding of the facts, it was appropriate for the MPC to place the consideration of the final plat of Far View Hills on its December agenda (see attached Exhibit 7).

Planning Commission Staff has reviewed the Final Plat submitted for Far View Hills, Unit 3 and finds it to be in compliance with the Concept Plan that was approved by the Planning Commission on May 12, 2005. Staff also finds that it meets the requirements for a Final Plat and therefore recommends approval.

MPC Action: Approved **MPC Meeting Date:** 12/8/2005

Details of MPC action:

Summary of MPC action: APPROVE Final Plat

Date of MPC Approval: 12/8/2005 **Date of Denial:** **Postponements:**

Date of Withdrawal:

Withdrawn prior to publication?: Action Appealed?: 12/3/2005

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 1/31/2006

Date of Legislative Action, Second Reading: 2/14/2006

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Postponed

Disposition of Case, Second Reading: Approved Appeal.
Certify cond.

If "Other": Postponed 1/31/2006

If "Other":

Amendments:

Amendments:

Plat to be certified subject to conditions of approval.

Date of Legislative Appeal:

Effective Date of Ordinance: