CASE SUMMARY

APPLICATION TYPE: SUBDIVISION

FINAL PLAT

File Number: 12-SQ-02-F Related File Number:

Application Filed: 11/25/2002 Date of Revision:

Applicant: O & C PROPERTIES, LP

Owner: O & C PROPERTIES, LP



Suite 403 • City County Building 4 0 0 Main Street Knoxville, Tennessee 37902 8 6 5 • 2 1 5 • 2 5 0 0 F A X • 2 1 5 • 2 0 6 8 w w w • k n o x m p c • o r g

PROPERTY INFORMATION

General Location: North side of Ray Mears Blvd, west side of Montvue Rd.

Other Parcel Info.:

Tax ID Number: 120 J B 008 Jurisdiction: City

Size of Tract: 4.169 acre

Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use:

Surrounding Land Use:

Proposed Use: Density:

Sector Plan: West City Sector Plan Designation:

Growth Policy Plan: Urban Growth Area (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: C-4 (Highway and Arterial Commercial)

Former Zoning:

Requested Zoning:

Previous Requests:

Extension of Zone:

History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

1/31/2007 12:10 PM Page 1 of 3

SUBDIVISION INFORMATION (where applicable)

Subdivision Name: O & C Properties, LP

Surveyor: Batson, Himes, Norvell & Poe

No. of Lots Proposed: 4 No. of Lots Approved: 4

Variances Requested:

1. Reduce the property radius at the intersection of Ray Mears Blvd and Montvue Rd (proposed r-o-w),

from 75' to 0'. (Sect. 62-85)

2. Reduce the required r-o-w from centerline of Montvue Rd from 50' to 48.98'. (Sect. 62-94)

3. Reduce the property radius at the intersection of the JPE and Montvue Rd (proposed r-o-w), from 75'

to 0'. (Sect. 62-85)

4. Reduce the utility and drainage easements from 10' to 0' inside the north (1' strip) boundary of lot 4.

(Sect 69-10)

5. Reduce the utility and drainage easements from 10' to 4, inside the north boundary of lot 4, under the

existing retaining wall. (Sect. 69-10)

6. Reduce the utility and drainage easements from 10' to 0' along side lot lines of lot 2, under the

existing building. (Sect. 69-10)

7. Variance from the public road design standards for a JPE. (Sect. 64-24.49 and 64-24.6)

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

MPC ACTION AND DISPOSITION

Planner In Charge: Bonnie Curtiss

Staff Recomm. (Abbr.): Approve Variances 1-7, based on recommendation of the Dept. of City Engineering, approved road

plans by the Tennessee Department of Transportation and the site's existing conditions restricts

compliance with the Subdivision Regulations.

DENY FINAL PLAT

Staff Recomm. (Full): Staff's recommendation of denial is based on the fact that setback variances have not been obtained

from the Knoxville Board of Zoning Appeals (BZA) for the subdivision of building "A" into Lots 1 - 3. In addition, Staff has not received the required documentation and approvals from the City Law

Department and Department of Engineering for the Joint Permanent Easement (JPE).

Comments: In response to the right-of-way changes required for the Tennessee Department of Transportation's

realignment of Montvue Rd., the applicant has submitted a plat for the resubdivision of this 5.13 acre parcel. There are presently four buildings located on the property. One of the buildings will be removed for the realignment project. With the resubdivision, the applicant is proposing to subdivide building "A" into three lots with buildings "B" and "C" being located on the fourth lot. Access to the four lots will be

provided from Montvue Rd. by a 40' JPE.

The existing buildings on the property are presently non-conforming under the Knoxville Zoning Ordinance. The proposed subdivision of Lots 1 - 3 will create a non-conformity as to the side yard setback requirements of the C-4 (Highway and Arterial Commercial) Zoning District. Article 5, Section 6.D.5.b. of the Zoning Ordinance states that a final plat may be approved for property being subdivided, that includes legal non-conforming structures, as long as the subdivision will not result in new non-conformities and will not increase the extent of any existing non-conformity. Without a variance being granted from the side yard setback requirements for Lots 1 - 3, the Planning Commission cannot approve the final plat. The applicant has requested variances for the existing non-conformities and the side yard setback for Lots 1 - 3. The variances will not be considered by the BZA until after the

Planning Commission's December 12, 2002 meeting.

Staff is also recommending denial of the plat because the required documentation and approvals for the JPE have not been received. The Knoxville Department of Engineering has not received all the required documentation needed for approval of the design plan for the JPE. In addition, Staff has not received approval from the City Law Department of the Joint Permanent Easement and Maintenance

Agreement.

MPC Action: Approved MPC Meeting Date: 12/12/2002

Details of MPC action: Approve with 9-day waiver

Summary of MPC action: Approve Variances 1 -

7

APPROVE FINAL PLAT

1/31/2007 12:10 PM Page 2 of 3

Date of MPC Approval:	12/12/2002	Date of Denial:	Postponements:
Date of Withdrawal:		Withdrawn prior to publication?: Action Appealed?:	
	LEGIS	LATIVE ACTION AND D	ISPOSITION
Legislative Body:			
Date of Legislative Action:		Date of Legislative Action, Second Reading:	
Ordinance Number:		Other Ordinance Number References:	
Disposition of Case:		Disposition	of Case, Second Reading:
If "Other":		If "Other":	
Amendments:		Amendments:	

Effective Date of Ordinance:

Date of Legislative Appeal:

1/31/2007 12:10 PM Page 3 of 3