

**CASE SUMMARY**  
**APPLICATION TYPE: SUBDIVISION**  
**FINAL PLAT**



**File Number:** 3-SA-23-F **Related File Number:**  
**Application Filed:** 2/4/2023 **Date of Revision:**  
**Applicant:** NED FERGUSON

**PROPERTY INFORMATION**

**General Location:** Northeast of I-40, south of Mourfield Road and northwest of Zachary Taylor Road  
**Other Parcel Info.:**  
**Tax ID Number:** 144 03703 OTHER: (PART OF) **Jurisdiction:** County  
**Size of Tract:** 0.749 ac  
**Accessibility:**

**GENERAL LAND USE INFORMATION**

**Existing Land Use:**  
**Surrounding Land Use:**  
**Proposed Use:** **Density:**  
**Sector Plan:** Southwest County **Sector Plan Designation:**  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:**

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

**Street:** 1229 Mourfield Rd.  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

**ZONING INFORMATION (where applicable)**

**Current Zoning:** A (Agricultural)  
**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:** Resubdivision of Part of Lot 5 of Morningside Farms

**No. of Lots Proposed:** 1                      **No. of Lots Approved:** 1

**Variances Requested:**

- 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.

**S/D Name Change:**

## **OTHER INFORMATION (where applicable)**

**Other Bus./Ord. Amend.:**

## **PLANNING COMMISSION ACTION AND DISPOSITION**

**Planner In Charge:** Michelle Portier

**Staff Recomm. (Abbr.):**

- 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.

**Staff Recomm. (Full):**

**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.

**Action:** Approved

**Meeting Date:** 4/13/2023

**Details of Action:**

**Summary of Action:**

- 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.

**Date of Approval:**

4/13/2023

**Date of Denial:**

**Postponements:**

3/9/2023

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:**

Knox County Chancery Court

**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:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**