

# CASE SUMMARY

**APPLICATION TYPE: SUBDIVISION**

## FINAL PLAT

**File Number:** 5-SK-03-F                      **Related File Number:**  
**Application Filed:** 4/14/2003              **Date of Revision:**  
**Applicant:** BRACKFIELD AND ASSOCIATES  
**Owner:** BRACKFIELD & ASSOC, LLC

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

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### PROPERTY INFORMATION

**General Location:** South side of Creekhead Dr, west side of Hembolt Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 106 B A 25                      **Jurisdiction:** City  
**Size of Tract:** 1.512 acre  
**Accessibility:**

### GENERAL LAND USE INFORMATION

**Existing Land Use:**  
**Surrounding Land Use:**  
**Proposed Use:**    **Density:**  
**Sector Plan:** Northwest County              **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:** RP-1 (Planned 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:** Creekhead  
**Surveyor:** Landair Surveying, Inc  
**No. of Lots Proposed:** 2                    **No. of Lots Approved:** 2  
**Variances Requested:** None requested.  
**S/D Name Change:**

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

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

## **MPC ACTION AND DISPOSITION**

**Planner In Charge:** Bonnie Curtiss  
**Staff Recomm. (Abbr.):** DENY Final Plat  
**Staff Recomm. (Full):** Staff's recommendation of denial is based on the following reasons:

- a. The Planning Commission approved a final plat for this property on 3/13/2003 that addresses the Knoxville Department of Engineering's requirement of on-site detention.
- b. The applicant's transfer of property and submission of a revised final plat application (that does not provide on-site detention) after the 3/13/2003 plat approval appears to be a circumvention of the Subdivision Regulations in order to avoid implementing drainage improvements on the property as required by the Knoxville Department of Engineering.
- c. The actions of the applicant violate the General Purpose Section (Section 11) of the Minimum Subdivision Regulations due to the potential hazard to the health, safety, and welfare of residents in the area that may result from the failure of the applicant to provide on-site detention.
- d. The applicant did not submit a revised plat by the corrections deadline.

**Comments:** The applicant is requesting approval of a two lot subdivision of a 1.512 acre tax parcel (106BA025) that is zoned RP-1 (Planned Residential). This parcel is part of a 4.04 acre tract that was purchased by the applicant on 9/1/2000. On 10/18/2000, the applicant transferred a 0.848 acre portion (included the existing house) of the tract by deed only. This action of subdivision was in violation of the Minimum Subdivision Regulations since the subdivision of land was not approved by the Planning Commission. The transfer of this property by deed actually created three lots since the remaining property was separated by the transferred property.

Prior to the present application, the applicant has submitted four final plats for consideration by the Planning Commission. Two of the plats (12-SF-00-F & 9-SI-01-F) were denied due to drainage problems that exist in the area and the applicant's failure to provide on-site detention as required by the Knoxville Department of Engineering. A third plat (7-SN-01-F) was withdrawn by the applicant. The fourth plat (3-SI-03-F) was approved by the Planning Commission on 3/13/2003 (See attachment). This plat included detention basin easements on four (property at that time that was still under the ownership of the applicant) of the five lots, and also included a stamp indicating that a bond or other surety will be posted to guarantee completion of the drainage systems. This plat has not been submitted by the applicant to the MPC Staff for final certification and recording.

On 4/22/2003, the applicant again transferred another portion of the property by deed (parcel located on the western side of the first deeded parcel). As a result of this action, the only remaining portion of the original 4.04-acre tract owned by the applicant is the 1.512 acres at the corner of Creekhead Dr. and Helmbolt Rd. When the application was submitted, Staff notified the applicant that there was already a final plat approval for the property and we could not consider a plat for only a portion of the property. It was at that time that it was brought to Staff's attention that another portion of the property had been transferred by deed. The applicant contends that he cannot include the property he does not own in the application for subdivision. It should be noted that all four of the previous final plat applications did include the lot that had transferred ownership with proper reference on plat to the different owners. The present plat application does not include any drainage detention as represented in approved design plans by the Knoxville Department of Engineering or as shown on plat approved by the Planning Commission on 3/13/2003. It appears that the applicant has taken actions to circumvent the Knoxville-Knox County Minimum Subdivision Regulations in order to avoid implementing drainage improvements on the property as required by the Knoxville Department of Engineering.

As a follow-up to the actions taken by the applicant, the approved plat can be modified to identify the additional owner and add an additional line for his certification on the plat. The property that has been

recently transferred can be combined as a single lot instead of the two shown on the approved plat.

**MPC Action:**

Denied

**MPC Meeting Date:** 5/8/2003

**Details of MPC action:**

**Summary of MPC action:** DENY Final Plat

**Date of MPC Approval:**

**Date of Denial:** 5/8/2003

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:** 5/22/2003

## ***LEGISLATIVE ACTION AND DISPOSITION***

**Legislative Body:**

City Council

**Date of Legislative Action:** 7/8/2003

**Date of Legislative Action, Second Reading:**

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:**

Denied

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

Appeal denied. Denial of final plat stands

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**