

Think Quality - Think Future

Blount County Planning Department

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MEMORANDUM

TO: Members of the Blount County Planning Commission

FROM: Planning Department (Tel. 273-5750)

DATE: August 1st – August 16th, 2006

SUBJECT: Staff reports on agenda items for the Thursday August 24th, 2006 regular meeting. 5:30 Hearings and Site Plans

Hearings:

A. Concept Plans:

1. **Concept plan subdivision proposal for Plante Property off of Carrs Creek Road**

The majority of the property was previously divided into two lots by plat approved December 2000. See copy of previous plat division for reference in attachments. The two lots were approved with note from the Environmental Department that soils and slopes may constrain the number of bedrooms that could actually be approved with placement of houses. Also included in this proposed division is Tract 3 (0.4469 acres) of the Odom Property Subdivision, that on inspection of deeds seems to have been created by will among heirs and exempt from platting procedure. Said Tract 3 has existing access off of a private drive named Province Drive. See in attachments concept plat for redivision into three lots and remainder. The property is in the R-1 zone with minimum 30,000 square feet outside of development hindrance.

Proposed Lot 1 is part of original Lot 1 of previously approved plat, plus addition of Tract 3 of the Odom Property Subdivision, for a total area of 1.35 acres. Proposed Lot 1 has frontage on Carrs Creek Road, but the slope of the frontage does not provide feasible access. Actual access would be provided via the previously established Province Drive through said Tract 3. There would thus be no net change or additions of feasible access points.

Proposed Lot 2 is composed of parts of previously platted Lots 1 and 2 for a total area of 1.45 acres. Although having frontage on Carrs Creek Road, the frontage is steep and does not provide feasible access. Actual access would be provided by the easement approved on the previous plat.

Proposed Lot 3 is composed of parts of previously platted Lots 1 and 2 for a total area of 1.53 acres. Nominal access to the lot is via frontage on Carrs Creek Road containing the previously approved easement. However, the main body of the lot to the rear, and the part of the lot with suitable soils for septic, may not be feasibly accessible due to steep slope beyond the easement.

Proposed Lot 4 will not actually be a lot, but is proposed to be combined with adjacent Plante Property to the rear. This area is the remainder of previously platted Lot 2.

The land is generally steep, with only small areas of slope and soil suitable for septic. Additional soils mapping has been provided beyond that submitted for the previously approved plat. The proposed Lots 1, 2, and 3 incorporate the areas of suitable soils in a manner that seems appropriate on its face, but the division has not been evaluated fully by the Environmental Department. The Environmental Department will also need to evaluate the lots for development constraints, particularly slope, with possible need for greater areas than indicated.

Given the note of the Environmental Department on the previously approved plat, the capability for more and smaller lots than those previously platted is questionable. Also, the constraint of slope for access to the main body of proposed Lot 3 would call into question the feasibility of that lot. This comes as concept for review and discussion by the Planning Commission and no official action is indicated.

B. Preliminary Plats: Major Subdivisions

1. **Smoky Hills Subdivision - Unit 2 (Revised) off Burnett Station Road by F & G Development: 15 proposed lots off a proposed new county road section with future development.**

Background:

The preliminary plat was deferred at the July 2006 regular meeting to allow the developer to submit "compelling evidence" to the planning commission concerning school age children.

A concept plan for Smoky Hills Unit 2 was presented at the June 2005 regular meeting. The preliminary plat was previously approved in August of 2005 for a different Unit 2 with 28 lots for preliminary approval with up to four lots maximum per year final plat due to the school criteria under section 6.1(2). This plat comes to the Planning Commission as a revised Unit 2 Preliminary Plat with fewer lots and a shorter road design.

The original plat for Smoky Hills Subdivision was presented to the Planning Commission as the Gentry Subdivision in February of 1998. At that time the concept plan from Cannon and Cannon indicated a total of 73 proposed lots (50 in Phase 1, and 23 for future development). At that time internal looping was included but not imperative with the proposed road design for the subdivision as the entrance road would be widened to 36' wide to accommodate the total number of lots with the future development. Thus the boulevard could then have an additional road coming off it with up to 40 lots. The concept plan was voted on and approved unanimously.

In March of 1998 the Planning Commission approved the preliminary plat for Phase 1 for the first 50 lots (with future development). The minutes indicate that at that time the Planning Commission approved the preliminary plat for Smoky Hills for the potential of 80 lots. Engineering for road and drainage was also reviewed and recommended for the first 50 lots. The final plat, as approved for Phase 1 of Smoky Hills contained 51 lots (1 extra lot). The entrance road was approved and constructed 36 feet wide, and tapered down to 26 feet for Phase 1 past the first intersection (past the location of the proposed phase 2 road).

Analysis:

Design of plat, plat description: The parcel is located within the R-1 zone and the proposed density is appropriate as all of the lots are greater than 30,000 square feet. The preliminary for phase 2 illustrates 15 small lots with future development. A new paved county road section with cul-de-sac is planned to serve all of the lots shown. All of the proposed lots are to be served by individual septic systems and public water. All electric shall be underground.

The parcel is gently sloping to moderately sloping terrain and all of the drainage will be directed towards the existing drainage ways and internal drainage basins that have been previously constructed. The bulk of Unit 2 is open pasture and is void of any farming activity. A drainage plan with drainage easement on the property has been supplied. These drainage features/common areas shall become the responsibility of the property owners association to maintain. The proposed development has been

reviewed inclusive of subdivision regulations for small lots along county roads with public water and individual septic systems.

Existing County Road(s): The county road list indicates that Burnett Station is 18.5 to 19 feet wide with adequate shoulders, and according to the highway department this development is appropriate for the existing road serving the development.

County Schools: According to the current School Department Capacity Classification list, the proposed subdivision is located within the Porter Elementary zone which is classified by the School Department as “high”; Heritage Middle that is classified as “intolerable” and Heritage High School which is classified as “high”.

NOTICE: Staff cannot recommend for more than four lots per 12 month period for any future proposed preliminary or final plats based on the school criteria under section 6.1(2) of the Subdivision Regulations as of this time. The proponent has the option to provide “compelling evidence” as provided under the same section of the regulations.

The developer has supplied a letter and neighborhood demographics dated August 14th, 2006, reproduced at the end of this section after recommendation.

Septic, Sanitary Sewer: The developer has supplied a preliminary soil analysis with the preliminary plat. The Soil Scientist has indicated some wide natural drainage swales and some marginal soil conditions. The environmental health department has reviewed all the proposed lots for septic tanks, field lines, and duplication areas and has stated that the proposed preliminary plat appears satisfactory for preliminary approval with some possible lot line modifications on the final plat.

Drainage and Erosion Controls: *Any construction activity, earth moving, or grading that occurs prior to a pre-construction meeting with staff is solely at the risk of the developer. All state and county erosion control permits shall be supplied to staff prior to the pre-construction meeting.*

The developer shall apply for a county grading permit from the Storm Water Coordinator as required and all erosion control measures shall be in place and inspected by the Storm Water Coordinator prior to any on-site construction.

In it is the developer’s responsibility to secure a Storm Water Pollution Prevention Plan (SWPPP) permit from the State of Tennessee or any other applicable state permits for grading and clearing prior to commencing construction for the roads, drainage facilities for the revised

Smoky Hills Unit 2. A copy of all applicable state and county grading permits shall be supplied prior to the pre-construction meeting with planning and engineering staff.

The project engineer supplied a drainage plan and calculations for the Phase 1 preliminary plat for the overall development. All of the on-site drainage facilities were constructed during Phase 1 for storm drainage. The project engineer has certified these lots can be accommodated by the existing (as-built) drainage facilities.

All drainage facilities contained outside of the proposed right-of-way(s) are the maintenance responsibility of a property owner's association and these Unit 2 lots shall be incorporated into the POA for Smoky Hills Subdivision.

Proposed Road Plan: A road plan with profiles, cross section and proposed road layouts and road drainage facilities have been submitted for Unit 2 of Smoky Hills. The revised road plan indicates a shorter road section with improved grades and a cul-de-sac terminus at the location of the future development. The number of lots is appropriate for the cul-de-sac road section off of the internal 36' wide road.

The proposed road section indicated on this plat does not exceed 13% grade and the road design does not require any variances to the regulations. The road plan indicates proposed new county road to be constructed 26-feet wide between the curbs to accommodate all of the Unit 2 internal lots and built to country road and drainage standards.

Public Water and Electric Utilities: Public water and underground electric are proposed to serve all of the lots. All water and electric improvements shall be fully installed to each lot prior to final plat or a surety posted to the appropriate utility prior to final plat. Written verification shall be provided that a surety has been posted or the extension of services has been accommodated from the individual utilities prior to any phased final plats. All conduit must be in place prior to posting a surety for any utility completion to insure that the new road sections are not cut or bored later.

Property Owner's Association: The developer shall supply a copy of and addendum to the Property Owner's Association to include all of the lots in for Smoky Hills Subdivision Unit 2 in the maintenance responsibility for the drainage facilities and other common elements. Staff review shall be required prior to any final plat submission.

Construction of Improvements: As of this time there has been no construction of any improvements on site for Unit 2. The proposed new road shall be built according to the project engineering plans and

according to county road standards. Both water and electric shall be completely installed to serve these lots prior to final plat for any lots and to avoid unnecessary disturbance to the roadway after completed. Should a surety be posted for the electric and water utility prior to final plat, certification of said surety shall be required in addition to insuring that conduit has been installed for all road crossings prior to binder surface paving.

The developer shall contact the Highway Department to schedule a pre-construction meeting prior to any on-site construction for Smoky Hills Unit 2. County Engineering Department staff has reviewed the profiles, and road plan submitted for the proposed Unit 2 as shown. The comments of the Highway Department are included in this staff analysis. Any and all modifications to roads, drainage and lot design shall be supplied to staff with an updated preliminary plat submission. In addition, the developer shall supply all required permits and/or road plan changes in writing.

Administrative Considerations: All road construction and utility construction shall be completed prior to releasing any phased final plat.

The proposed Smoky Hills Unit 2 preliminary plat was reviewed inclusive of subdivision regulations for small lots along county roads with public water, underground electric and individual septic systems. As required, the preliminary plat was supplied with topographic information, road plan, drainage plan certification letter and preliminary soil information. The comments from the Highway Engineering Department and Environmental Health Department are included in this staff analysis. The developer shall supply a certification letter from a qualified engineer of adequate compaction of the new road sections for Smoky Hills Unit 2 prior to any base stone application. No lot shall be advertised or offered for sale prior to recording of any final plat.

Recommendation: Planning, engineering and environmental health department staff concurs and recommend for revised preliminary plat approval for Smoky Hills Subdivision Unit 2 subject to the following:

NOTE 1: Only up to 4 lots per year for any final plats or “compelling evidence” provided under section 6.1(2) regarding school criteria.

NOTE 2: All necessary permits shall be supplied to staff prior to a pre-construction meeting.

NOTE 3: The instructions in the above staff analysis including erosion control, road construction; common driveway construction, installation of utilities, drainage construction and POA documentation

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August 14, 2006

Mr. John Lamb, Director
Blount County Planning Department
Blount County Court House
327 Court Street
Maryville, Tennessee 37804-5906

Re: Smoky Hills Subdivision - Unit 2
F & G Development

Dear Mr. Lamb:

As you know, F & G Development, at the July 27th, 2006 regular meeting of the Blount County Planning Commission presented oral statements as to "compelling evidence" with regard to Section 6.1(2) of the subdivision regulations in support of F & G Development's efforts to have the Planning Commission consider the proposed Unit 2 subdivision plat of greater than four lots. Upon the suggestion of one of the Planning Commissioners, the recommendation for action on Smoky Hills Subdivision Unit 2 was deferred until the August, 2006 regular meeting of the Planning Commission so as to allow F & G Development to present its "compelling evidence" in writing.

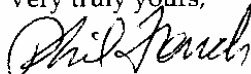
The following information, in addition to the attachment of lot owners, is herewith submitted as "compelling evidence" in support of F & G Development's request for approval of their Smoky Hills Subdivision Unit 2 preliminary plat without the limitation of only platting four lots per twelve-month period.

The final plat as approved for Smoky Hills Subdivision Phase 1 in 1998 contained 51 lots. During the course of the next eight years the Subdivision developed as a "higher-end housing market" which tended to attract retired owners or owners without school-age children. As of this date, there are fifteen (15) children living in housing built in the existing Smoky Hills Subdivision Phase 1 (all lots having been sold). Two (2) of these children are preschool and, upon statement of their parents, will be attending private schools once they become of school age; three (3) of the children are

currently attending Sevier County schools and will be allowed to continue under Sevier County's regulations effective January 1, 2006; five (5) of the children are attending private schools; two (2) of the children are attending Knox County schools; and three (3) of the children will be attending Blount County schools (2 at Heritage High and 1 at Heritage Middle).

Based on the above demographics of children residing in Smoky Hills Subdivision Phase 1 and attending Blount County schools; based on the fact that the proposed Unit 2 has substantially fewer lots (15); and based on the fact that Smoky Hills Subdivision, being a higher-end housing market, has tended to attract families without school-aged children, F & G Development would submit that the Unit 2 proposal "... will not generate substantial school aged children that would impact capacity of schools affected by the proposal", and would respectfully request that the Planning Commission approve its preliminary plat without the restriction of limiting the final plat to only four lots being platted in a twelve-month period.

Very truly yours,



Philip J. French, CPA
Business Manager

Enclosure

PJF/F&G/Letters/letter to John Lamb 8-1-06

Smoky Hills Subdivision
 Demographics of Lot Owners and School-Age children
 August 14, 2006

| Lot # | Owner | Children Living in Smoky Hill and Schools Involved ¹ |
|-------|-----------------------------|---|
| 1 | Howard & Ellen Roberts | None |
| 2 | Thurman & Barbara Frye | None |
| 3 | John & Frances Dunn | None |
| 4R | John & Gail Tabella | None - Out-of-state owner, one adult child |
| 5 | Odalys & Rene Diaz | None - Out of state owner, house is on market for sale |
| 6 | Andy and Kelly Zunich | One - preschool (six weeks old), to attend private school |
| 7 | Todd & Michelle Gilreath | One - attending Seymour school - grandfathered in prior to 1/1/06 |
| 8 | Kenneth & Nancy Williams | None |
| 9 | Mark and Lisa Williford | Two - 1at Kings Academy, 1 preschool (age 4) to attend private school |
| 10 | Bill and Elizabeth Jeffries | None |
| 11 | Wade & Lisa Sheehan | None - Owner plans to build a spec house |
| 12 | Odalys & Rene Diaz | None - Out of state owner |
| 13 | James & Jane Shearl | None |
| 14 | Chris & Ginger Smelcer | None - Owners plan to build, no children |
| 15 | Voretta French | None - Owner does not live in S/H, children are adults |
| 16 | Doug & Laura Blake | Two - both at Seymour - grandfathered in prior to 1/1/06 |
| 17 | Paul and Patricia Nadeau | None - Out-of state owner |
| 18 | Marvin and Cynthia Meyer | None - Out-of state owner |
| 19 | Bob & Sandy Arden | None |
| 20 | Bryan & Deborah Malone | None - owners not currently living in S/H, 1 infant child |
| 21 | Randall & Rhoda Combs | None - Out of state owner |
| 22 | Kevin & Leslie Combs | None - Out of state owner |
| 23 | James & Joyce Beime | None |
| 24 | Thomas & Patricia Morris | None - Maryville residents - lot is for sale, children attend Maryville schools |
| 25 | Thomas & Patricia Morris | See lot 24 information |
| 26 | James and Lorinda Wender | Three - 2 attend Knox Co Schools, 1 to attend Kings Academy |
| 27 | Clarence & Carol Gresham | None |
| 28 | Kenneth & Patricia Allen | None |
| 29 | Larry & Sheryl Brown | None - Out of state owner |
| 30 | Kevin & Dan Martinolich | Three - 1 to attend Heritage High, 2 attend a private school |
| 31 | Mary C. Reed TR | None - Out-of state-owner |
| 32 | Randi & Angela Morris | None |
| 33 | Charles & Yvonne Cuttler | None - Out-of-state owners |
| 34 | Pablo & Mercedes Caballero | None - Out-of-state owners |
| 35 | David & Joann Tusinski | Vacant lot - See lot 36 information |
| 36 | David & Joann Tusinski | None |
| 37 | Jack & Marian Burchfield | None |
| 38 | Gary & Tammy Seeber | None |
| 39 | Richard & Julie Mingle | None |
| 40 | Dwight & Diane Cobble | Vacant lot - See lot 41 information |
| 41 | Dwight & Diane Cobble | Two - 1at Heritage High, 1at Heritage Middle |
| 42 | Cris & Carol Taylor | One - attends Kings Academy |

Smoky Hills Subdivision
 Demographics of Lot Owners and School-Age children
 August 1, 2006

| Lot # | Owner | Children Living in Smoky Hill and Schools Involved ¹ |
|-------|------------------------|---|
| 43 | Ed & Barbara Gillis | None |
| 44R | Sean & Sonya Hennessy | None |
| 46 | Mack & Cheryl Gentry | Owners' adult daughter lives in subdivision (no children) |
| 47 | Steve & Melanie Yoakum | None |
| 48 | Mack & Cheryl Gentry | See lot 46 information |
| 49 | Brian & Jennifer Cook | One - preschool (2yrs old), will be attending a private school |
| 50 | Tom & Janette King | None |
| 51 | Jack & Sandra Ammons | None |

¹ Highlighted rows reveal children demographics

2. Apostolic Place Subdivision off William Blount Drive (Previously William Blount Drive at County Farm Road Subdivision) by L.B. Lee Developers: Proposed residential lots, a commercial tract and two future church locations off of a proposed new county road.

The preliminary plat was deferred at the July 2006 regular meeting.

The Blount County Planning commission reviewed the first Concept Plan at the April 2006 regular meeting. The Blount County Planning Commission recognized lots 3, 4, 7, and 9 as effectively part of the Maryville Planning Region at the May 2006 regular meeting. The Maryville Planning Commission has deferred consideration of the preliminary plat within their jurisdiction pending resolution of issues raised by the county on road intersection and traffic lighting at William Blount Drive.

Background:

Apostolic Place Subdivision is located across from William Blount High School on William Blount Drive. The first 1000 feet of the parcel from William Blount right-of-way is located within the Maryville Urban Growth Boundary and Maryville Planning Region. The remainder of the parcel to the rear is within the Blount County Planning Region.

The Planning Commission noted issues with lot size in the portion of the property outside the Maryville Urban Growth Boundary, and in the County Rural Area. The second concept plan was submitted for discussions on whether the Blount County Planning Commission would be willing to accept lots 3, 4, 9, and 37 on the original concept as effectively part of the Urban Growth Boundary since parts of the lots are within the boundary. This request was approved by the planning commission in order that these lots can meet the smaller lot size in the S - Suburbanizing zone of the county to be served by public sewer.

All of the future residential lots in the Blount County Planning Regions must indicate a minimum lot size of 30,000 square feet to comply with low to medium density requirements of the 1101 Growth plan for the rural area in the county.

The portion labeled 'future development' containing part of the pond was recently re-zoned commercial for 600 feet off of William Blount Drive. The developer had requested a second extension of the commercial zone however that request was withdrawn prior to action by the County Commission. This staff analysis is inclusive of the entire parcel, including the future development. The portion of the parcel within the Maryville Planning Region has been reviewed by county planning staff and due to

the road extending into the county planning region will require independent review and processing by the Maryville Planning Commission.

Analysis:

Design of plat, plat description: The developer reports that the adjacent tract (labeled Proposed Church Site #1) under different ownership is to contain a church and church school. The Proposed Church Site #2 is zoned C-Commercial, is under developer ownership and developer reports that it is to contain another church and several acres for future development. The preliminary plat shows three small duplex lots and one commercial tract along the internal road. Toward the rear of the parcel, the developer previously proposed in concept a potential 40 lot subdivision on 15 acres of the parcel to be served by public sewer, but such is not shown on present plat. Only those lots in or immediately adjacent to the Maryville Urban Growth Boundary are shown on the present preliminary plat. A boulevard type of road is planned to form a four-way intersection with William Blount Drive and County Farm Road, which will provide the only access to the proposed subdivision.

The parcel is relatively flat terrain and appears to have been pasture land. All of the proposed new lots are to have driveway access off of a proposed new county road including the future development tracts. None of the new lots are to have any additional driveway access off of William Blount Drive. The Proposed Church Site #2 would also have access off of County Farm Road.

Any future development of the commercial tract and church sites shall require a site plan and county zoning compliance permit. Planning staff recommends all sites be engineered to accommodate all parking and drainage facilities for any future intended uses to be self-contained on each tract respectively. All internal roads within these future sites shall be private including the proposed Road B accessing the Proposed Church Site #1. The proposed entrance along William Blount Drive is under review by TDOT and will require TDOT approval of intersection design and traffic signalization. The parcel is impacted to the East by an active rail road track. This area may require particular attention for safety purposes and should be buffered for any residential or private school uses.

Staff had requested an updated Traffic Impact Study after the first Concept Plan. The original traffic study indicated that two traffic lights would be warranted based on initial data supplied from the developer to the traffic engineer. It is now understood that one traffic light will be included in the overall design.

Staff has requested the developer supply all plans and engineering to the City of Maryville for a full preliminary review, and recommendation of the entire site, including the portion beyond the Maryville Urban Growth Boundary.

County Schools: The proposed subdivision is located within the Mary Blount Elementary School, William Blount Middle School, and William Blount High School zones. The school department lists Mary Blount as “low”; William Blount Middle as “intolerable”; and William Blount High as “intolerable”.

Staff notes that since the lots shown are within the Maryville planning region, the Maryville Planning Commission subdivision regulations will apply.

Existing County Road(s): William Blount Drive is State Highway 335 and is maintained by the State of Tennessee. All road improvements along William Blount Drive are to be approved by TDOT. An intersection design with signalization has been submitted to the State of Tennessee for review at this time.

William Blount Drive is a minor arterial road and all setbacks and dedications shall meet the standards for arterial roads. According to the Highway Department, County Farm Road is greater than 18 feet wide with adequate pavement width and shoulders for the proposed location of the driveway access into the Church Site #2.

Utilities: All of the proposed lots are to be served by public water and public sewer and underground electric. According to the project engineer, none of the project is located in a floodplain. Utility plans have been submitted with the preliminary plat. All water, sewer and electric improvements shall be fully installed to each lot or a surety posted to the appropriate utility prior to any final plat. All conduit must be in place prior to posting a surety for any utility completion to insure that the new road sections are not cut or bored later.

Drainage Plan: A full drainage plan with calculations has been supplied for the proposed subdivision. Staff notes the two church sites and proposed car wash location (and the future development area of church site #2) shall require independent drainage plans to be accommodated on each site respectively since these drainage considerations have not been made at this time. In addition the drainage considerations should be incorporated in the site plans submitted to the Building Commissioner for zoning compliance.

In it is the developer's responsibility to secure a Storm Water Pollution Prevention Plan (SWPPP) permit from the State of Tennessee or any other applicable state permits for grading and clearing prior to commencing construction for the roads or drainage facilities.

The project engineer has supplied a drainage plan and calculations for the preliminary plat as shown. All drainage facilities contained outside of the proposed right-of-way(s) shall be the maintenance responsibility of a property owner's association for Apostolic Subdivision.

All drainage facilities shall be constructed for any phased development. Any changes to drainage plans shall be revised in writing. All drainage facilities shall be certified as being built according to plans by the project engineer prior to releasing any future final plat.

Erosion Controls: The developer has submitted a Storm Water Pollution Prevention Plan to the State of Tennessee. A copy of the SWPPP permit has been supplied to staff for review by the Storm Water Coordinator.

Any construction activity, earth moving, or grading that occurs prior to a pre-construction meeting with staff is solely at the risk of the developer. All state and county erosion control permits shall be supplied to staff prior to the pre-construction meeting.

The developer shall apply for a county grading permit from the Storm Water Coordinator as required and all erosion control measures shall be in place and inspected by the Storm Water Coordinator prior to any on-site construction. All state and county erosion control permits are required and the responsibility of the owner.

All erosion controls shall be in place and inspected by the Storm Water Coordinator prior to any on-site construction. All erosion control measures shall be maintained in operable condition though out construction on-site.

Traffic Impact Study and Intersection Design: The modified traffic study was supplied May 8th to planning staff. Staff has requested the model and project description accurately reflect the proposed development and that the traffic study be as inclusive as possible of all site details prior to the engineering firm designing roads and intersections.

The revised traffic study indicates that one traffic signal will be incorporated into the overall design of the preliminary plat. The County Farm Road intersection at William Blount will require signalization and turn lane improvements along and contained within the William Blount Drive right-of-way. The proposed development will create a four-way

intersection at this location. A traffic signal is not proposed for the other intersection (in front of William Blount Middle School).

A detailed intersection design for the intersection and signal designs has been supplied to TDOT for review and approval.

Staff noted that the *Traffic Impact Study* supplied by the traffic engineer for Wilbur Smith Associates, as contracted to Batson, Himes, Norvell and Poe had several inconsistencies in the "Trip Generation" table(s) used for this project. The study engineer has supplied 3 separate trip generation tables in three separate reports, all of which appeared inconsistent with the proposed actual uses as outlined by the developer to staff.

The traffic engineer and project engineer have stated that the latest trip generation figures are the most accurate reflection of the intended uses of the property as supplied by the developer and that this is the best information available at this time.

Planning staff has received a full road plan for the intersection of the proposed development, the traffic light and lane designs, as submitted to TDOT as well as an acknowledgement letter from TDOT that their review process has begun.

Staff is of the opinion that the intersection, lane design and signal design are all critical to preliminary plat approval as the entrance location is critical to proper review of the development in relation to and impact on the main intersection serving William Blount High School.

The internal road design of the boulevard and taper appear have been modified based on staffs previous comments. Additional review of "awkward" boulevard area identified by staff shall be further evaluated. The Project Engineer has stated that turning movements for larger vehicles and a bus template has been prepared for this location. Staff shall review this information when it is presented and make additional recommendations to this location as necessary.

Proposed Road Plan: A road plan with profiles, cross section and proposed road layouts and road drainage facilities have been submitted for Apostolic Place Subdivision. The road plan indicates a shorter road section and a terminus at the location of the future development. The boulevard design indicates a 16' one-lane entrance road and a 24' two-lane exit road contained in an enlarged right-of-way. The internal boulevard and non-standard design is being reviewed by the Highway Department. The remainder of the internal road is a 26' wide roadway contained in a 50' right-of-way. The number of lots is appropriate for the road section off of the internal 26' wide road.

The design of the boulevard section with median, intersection, and signal are being coordinated by the developer, TDOT and the highway department. Deceleration lanes on William Blount Drive and turn lanes have been incorporated into the design currently under review by TDOT. Any additional comments from the highway department shall be presented at the time of the meeting.

The boulevard section must meet the City of Maryville's Commercial Road Standard for stone, asphalt base and topping thicknesses as specified by the Maryville Planning Commission. The proposed road section indicated on this plat does not exceed 13% grade and the road design does not require any variances to the regulations.

The design of the proposed subdivision indicates the new boulevard road will access the parcel from William Blount Drive and be aligned with County Farm Road.

Property Owner's Association: The developer shall supply a copy of a Property Owner's Association to include all of the lots in Apostolic Place Subdivision including the residential lots, church sites and car wash tract in the maintenance responsibility for the drainage facilities and other common elements. Staff review shall be required prior to any final plat submission, and review by the Attorney for the County Mayor may be required at staff discretion.

Staff recommends that drainage easements for access around the pond be established on the commercial tract(s) as well as those of the proposed residential lots and around all dam and other structures. Staff recommends that the residential POA be responsible for the maintenance of the pond and surrounding facilities as this is the area that drains to the pond.

Construction of Improvements: As of this time there has been minimal construction on site. The proposed new road shall be built according to the project engineering plans and according to county road standards.

Staff has concerns about the fill section near the edge of the pond that was filled prior to any permits being acquired. Compaction rates and core samples shall be supplied to the Highway Department prior to a preconstruction meeting for this section as the overall road design goes right through this filled section with the county having no information on what type of material was used in this area prior to the preliminary plat being submitted. The owner has agreed to supply compaction rate tests to the Highway Department

Both water and electric shall be completely installed to serve these lots prior to final plat for any lots and to avoid unnecessary disturbance to the roadway after completed. Should a surety be posted for the electric and water utility prior to final plat, certification of said surety shall be required in addition to insuring that conduit has been installed for all road crossings prior to binder surface paving.

The developer shall contact the Highway Department to schedule a pre-construction meeting prior to any on-site construction for Apostolic Place Subdivision. County Engineering Department staff has reviewed the profiles and road plan submitted for the proposed preliminary as shown. Any and all modifications to roads, drainage and lot design shall be supplied to staff with an updated preliminary plat submission. In addition, the developer shall supply all required permits and/or road plan changes in writing.

Administrative Considerations: All road construction and utility construction shall be completed prior to releasing any phased final plat.

The proposed Apostolic Place Subdivision preliminary plat was reviewed inclusive of subdivision regulations for small lots along county roads with public water, underground electric and public sewer.

One of the proposed “duplex” lots does not meet the density required for the zone and shall be redesigned.

As required, the preliminary plat was supplied with topographic information, road plan, drainage plan and calculations, erosion control plan, SWPPP permit and sewer plan information. The developer shall supply a certification letter from a qualified engineer of adequate compaction of the new road sections for Apostolic Place Subdivision prior to any base stone application. No lot shall be advertised or offered for sale prior to recording of any final plat.

Recommendation: Planning, engineering and environmental health department staff concurs and recommend for revised preliminary plat approval for Apostolic Subdivision subject to the following:

NOTE 1: Restriction on number of lots for final plat consistent with provisions in the Maryville Regional Planning Commission Subdivision Regulations.

NOTE 2: A copy of the county grading permit shall be supplied to staff prior to a pre-construction meeting.

NOTE 3: Compaction rates and core sample information for the fill section supplied to the Highway Department prior to a pre-construction meeting.

NOTE 4: TDOT approval of intersection and traffic signal design and Highway Department approval of intersection design and maintenance of signal (both to be supplied in writing to staff).

NOTE 5: The instructions in the above staff analysis including all erosion control, road construction; road design modifications, compaction tests and core samples, installation of utilities, drainage construction and POA documentation.

C. Final Plats – Major Subdivisions:

1. **Kinzel Springs Phase 6C (lots 111R, 112R, 123, 125 – 128) by Kinzel Springs Partnership off Long Branch Road: 7 lots, 1 lot served by a driveway easement and the remained off of private roads.**

The preliminary plat for this phase was approved as Phase 6A in April of 2006. The plat was renamed Phase 6C for purposes of this final plat as previous Final plats were phases 6A, and 6B respectively (Phases 6A and 6B were a result of splitting the Phase 6 preliminary into two final plats).

Background:

The proposed phase 6C is contained within the R-1 and R-2 zoning. All of the lots shown in the R-2 meet the 1.5 acres minimum lot size outside of any development hindrance as defined in the subdivision regulations (Section.6.4(3)(a) as amended) as required for cluster development lots in the R-2 zone. In addition, an equal amount of land as permanent open space to be contained within the overall development shall also be recorded with the final plat.

Phase 6C of Kinzel Springs is an addition to the overall original preliminary plat approved by the Planning Commission in May of 2001; however the overall approved total number of lots will include these lots. In May of 2001, the Planning Commission approved a total of 134 lots from the end of Long Branch Road (134 lots from the gate on without internal looping). Phase1 through 6B produced 123 lots to date; this phase shall take that number to 128 total lots. (This number may be adjusted with re-platted and/or combined tracts). The preliminary plat for Phase 6A of Kinzel Springs was submitted with topographic information, slope information, a road plan and profile details. A revised drainage plan with

calculations was supplied to accommodate the drainage for this phase (inclusive of an additional drainage basin located in Phase 6B).

Analysis:

Design of plat, plat description: The lots illustrated on this plat are located in the R-1 and R-2 zone. Lots 111R and 112R are contained in the R-1 zone and are simply being re-platted to adjust a lot line. Lots 123, 125-128 are all contained in the R-2 zone and are all less than 5 acres each in the R-2 zone and have dedicated open space acreage to be recorded along with the final plat for this phase.

All of the lots have road frontage on private roads. Only lot 123 is served exclusively off of the easement shown (this is not a common driveway).

The total open-space for all of the lots in the R-2 zone is added to the overall open space to be maintained by the Property Owner's Association.

Phase 6C of Kinzel Springs is contained within the original preliminary plat approved by the Planning Commission in May of 2001. At that time the Planning Commission approved 134 lots from the end of Long Branch Road (134 lots from the gate on without internal looping). Eight additional lots were approved for the preliminary along Long Branch Road. Phases 1 through 5 contain 87 lots. This proposed phase takes the total number of lots to so far to 128 lots (this number may be adjusted for re-platted and/or combined lots).

Roads and Schools: All of the Long Branch Road improvements have been completed prior to this Phase. The Highway Department states that the minimum pavement width and shoulders are adequate for this development and that Long Branch Road is acceptable for Phase 6C of Kinzel Springs. The Planning Commission has previously determined that this development has submitted sufficient compelling information to consider school issues not to apply.

Sanitary Sewer: All lots are to be served by an on-site sewer system. This system is maintained and operated by East Sevier County Utility District (a public utility) and the Kinzel Springs Homeowners Association will own the sewer system. Letters have been supplied by the utility and Kinzel Partnership confirming the owner/operation of the sewer system. All of the Phase 6C lots shall be served by the on-site sewer system. East Sevier Utility District (Sewer System Manager) has stated that all of these lots are served by sanitary sewer service at this time and is prepared to sign the final plat.

Construction of Improvements: The private road has been completed. The road bed, ditches, tiles and road drainage improvements have been made. All utilities are prepared to sign the final plat.

Minor improvements and certification of the drainage basin shall be required prior to releasing the final plat for phase 6C.

Drainage and Erosion Controls: A copy of the ARAP and SWPPP permit from the State of Tennessee were supplied to staff prior to construction. Hydro-seeding has occurred on-site during construction as well as the application of check dams and other erosion control devices. The Storm Water Coordinator has confirmed that erosion control measures were employed and that the ground cover is being re-established on disturbed areas and steeper banks.

Utilities: As of this time, public water and electric have certified that each is prepared to sign the final plat for Phase 6C. As previously mentioned, East Sevier Utility District (Sewer System Manager) is prepared to sign the final plat for sewer service.

Property Owner's Association: The developer shall supply the final addendum to the Property Owners Association for Phase 6C for the maintenance of the private roads, common drives, drainage facilities, common areas, open space and on-site sewerage system. *The POA addendum shall be recorded along with the final plat.*

Administrative Considerations: The proposed Kinzel Springs Phase 6C was reviewed inclusive of subdivision regulations for small lots along a paved private road with public water along with the mountain development standards and on-site sanitary sewer. The preliminary plat had been supplied with all required information including; topographic information, road plan and profiles, drainage plan and calculations, sewer plan and confirmation of the status of the sewer system.

The final plats are being updated as of this time to clearly identify the open space dedication to be recorded for Phase 6C along with the final plat. The comments from the engineering department are included in this staff analysis.

Recommendation: Subject to the comments in this staff analysis and the notes below planning, engineering, and environmental health department staff recommend for final plat approval.

1. Final inspection of the drainage basin and a certification letter from the project engineer.
2. Final POA documentation to be recorded with final plat.

3. Water and Electric certifications on the final plat that all tracts are served by water and electric (or a surety posted for completion)
4. East Sevier Utility District (Sewer System Manager) shall certify the final plat for sanitary sewer service to all lots shown on Phase 6C.
5. Final signature plats and a \$40.00 per lot platting fee.

D. Preliminary and Final Plats - Major Subdivisions: None

E. Preliminary and Final Plats - Minor Subdivisions:

1. **Breeden Re-plat off Lee Shirley Road by Wallace Gregory: 4 proposed lots; 3 lots located along the existing county road and 1 to be served by a 25' easement.**

Background: The preliminary and final plat for the Breeden Re-plat is a proposed 4 lot subdivision containing 7.5 acres located along Lee Shirley Road.

Analysis: The parcel is in the R-1 zone and the proposed density is appropriate. The parcel is gently sloping terrain and slopes away from the county road. Three of the proposed lots are to have road frontage along Lee Shirley Road. Lot 7R-1 is to be served by a 25' easement. According to the plat all these lots are to be served by public water, electric and individual septic systems. None of the parcel is located in a floodplain according to the surveyor. The proposed development has been reviewed inclusive of subdivision regulations for small lots along a county road with water and individual septic systems.

The road list for the county shows Lee Shirley Road as being 18 feet average in pavement width. Minor Subdivisions of four lots or less are acceptable as per the Subdivision Regulations with respect to road criteria.

Minor Subdivisions of four lots or less per 12 month period are acceptable as per the Subdivision Regulations with respect to school criteria.

The environmental health department has reviewed the preliminary and final soil information as supplied and has stated one or more lots may be restricted on the final plat.

Administrative Considerations: The proposed Breeden Re-plat was reviewed inclusive of subdivision regulations for small lots along an existing county road with public water, electric and individual septic

systems. Road frontage is adequate as is sight distance. The preliminary and final plat had been supplied with all required information. The comments from the engineering department are included in this staff analysis.

The proposed re-plat was reviewed for subdivision under the regulations for the Blount County Planning Region, any private covenants or restrictions are the responsibility of the owner(s)

Recommendation: Planning, engineering and environmental health department concur and recommends for preliminary and final plat approval subject to signature plats and a \$20.00 per lot platting fee.

2. Cardin Property off Ratledge Road by Jerry Cardin: 5 lots, 2 with road frontage and 3 served off a 25' common driveway easement. 1 additional lot (Hatcher) served off the existing easement.

This is a proposed five-lot subdivision. This is a major subdivision as defined under the subdivision regulations.

Background:

The preliminary and final plat for the Cardin Property is a proposed 5 lot subdivision containing 3 acres along a 25' common driveway easement off Jerry Cardin Lane (common drive). The 5 lots encompass all existing residential structures. The common driveway is existing and in good repair to serve all of the lots and homes shown.

One tract at the rear of the parcel (Hatcher) is served by the common driveway easement for a total of 4 lots total served exclusively off the easement which is appropriate.

Analysis:

Design of plat, plat description: The parcel is in the R-1 zone. The proposed common driveway proposal is satisfactory with the information supplied and subject to staff analysis. The parcel is gently rolling land on a mild grade.

All five of the lots shown have existing homes on them. Only lots 4 or 5 could possibly have additional structures built provided they could be approved by the environmental health department for additional residences.

The road list for the county shows Ratledge Road as being 17 – 19 feet average in pavement width.

County Schools: The proposed subdivision is located within the Mary Blount Elementary School, William Blount Middle School, and William Blount High School zones. The school department lists Mary Blount as “low”; William Blount Middle as “intolerable”; and William Blount High as “intolerable”.

Infrastructure constraints: Being a major plat of five lots, Section 6.1(2) may be applied. However, the plat divides property around existing homes, and the probability that more than 4 net new homes could result from the subdivision is minimal. Staff is thus considering this plat as no substantial net increase in relation to infrastructure constraints.

Septic : The environmental health department has reviewed the preliminary and final soil information as supplied and has stated one or more lots may be restricted on the final plat.

Administrative Considerations: While this is considered a major plat, the intent of the proposed subdivision is to separate the existing structures onto individual lots. The possible additional impact to roads and schools is negligible.

The proposed common driveway is satisfactory for this proposed subdivision with no additional improvements necessary.

Recommendation: Staff recommends the preliminary and final plat for the Cardin Property Subdivision subject to a Maintenance Agreement for the common driveway, signature plats, and a \$40.00 per lot platting fee.

3. **Subdivision of the Steven Lynn Cummings Property – two lots off of Allegheny Loop Road.**

Background. The property is remainder from a division by deed that transferred 7.19 acres to Caudill in July 2005, without plat. The remainder of the division was about 2.3 acres (tax records show 3.16 acres). The remainder should have been submitted as a plat at the time of division since it was less than five acres. Cummings now wishes to divide the remainder property into two lots, one with an existing house and the other with a manufactured home. See copy of plat in attachments.

Analysis. The two residential structures on the proposed lots were placed or constructed in 1989 according to tax records, on previously undivided property. At the time of construction, the structures met zoning

regulation density requirements. With the division and sale of the majority of the original property to Caudill in July 2005, the remainder would still have conformed to zoning density requirements, and probably could have been divided into one remainder lot in conformity with Subdivision Regulations.

The 2.3 acres is irregular and follows the line of two branches converging near Allegheny Loop Road. About half of proposed lot 2 is in flood plain, and all of lot 1 is in flood plain. Subdivision Regulations require that there be a buildable area outside of flood plain for any lot created. Lot 1 would not meet that requirement.

There is no public water serving the two lots. Minimum lot size required by the Subdivision Regulations is 35,000 square feet outside any development hindrance. Lot 1 does not meet this minimum.

Gary Ferguson has signed the plat indicating that repair area is available for the two residential structures.

Recommendation. Staff recommends that the plat be denied due to lack of buildable area outside the flood plain for Lot 1, and deficiency of minimum area for Lot 1.

II. Misc. Items/Site Plans:

1. Re-subdivision of Top of the World Business Property Lots 1, 2, and 3 off Flats Road

See plat attached. The Planning Commission has granted variance to lot size to allow combination of existing lots of record that still do not meet present minimum lot size requirements and the owner requests that a variance be granted to allow the combination as shown. The variance request is for minimum lot size and the right-of way width dedication.

The previous actions took into consideration that combination of lots would be an improvement over the present lots of record situation, and accepted existing right-of-way so that the resulting combination of lots would not be adversely affected. The proposed combination would improve these existing lots of record in an old, established neighborhood, and should not adversely affect the existing road situation.

Staff recommends approval of the plat with variances.

2. Re-Plat of lots 30 and 31 Wyndsong Subdivision off Houston Springs Road.

See plat attached. The Planning Commission has granted variance to lot size to allow combination of existing lots of record that still do not meet present minimum lot size requirements and the owner requests that a variance be granted to allow the adjustment as shown. The variance request is for minimum lot size for lot 31R. The minimum lot size in the R-1 zone for these lots is 30,000 square feet.

Both lots were previously approved when the minimum lot size was 23,000 square feet and both were larger than the required lot size at that time. Lot 31 was approved at 26,908 square feet.

Previous similar actions took into consideration that an adjustment such as lot 31R would be an improvement over the present lot 31 which is making lot 31R over 1000 square feet larger than it currently is.

Lot 30R remains greater than 30,000 square feet even when a portion is added to lot 31R.

The proposed lot line adjustment would improve Lot 31R and not adversely affect lot 30R.

The Environmental Health Department has reviewed the plat and has confirmed both lots will have adequate area for individual septic systems and is prepared to sign the final plat.

Staff recommends approval of the plat with variances

3. Re-Plat of Serenity Cove I and II by David Johnson off Parks Ferry Road

The Planning Commission approved the final plat for Serenity Cove Unit 1 and Unit 2 at the August 25th, 2005 regular meeting (previously known as the Irma Johnson and David Johnson Subdivisions). **The Final Plats were registered as Serenity Cove I and Serenity Cove II.**

Background:

The Irma Johnson Property (AKA Serenity Cove I) is a 6.1 acre tract containing four proposed lots off Parks Ferry Road. There are two lots along the existing county road, while the other two lots are to be served by a 25' common driveway easement. The driveway easement is to be extended to Lot 4 of the David Johnson Subdivision (for ease of access to

the David Johnson Lot 4, lake access for all future lot owners and safety purposes).

The David Johnson Property (AKA Serenity Cove 2) is a 4.4 acre tract containing four proposed lots off Parks Ferry Road. There are three lots along the existing county road, while Lot 4 is to be served by a 25' common driveway easement. The driveway easement is to be extended across the Irma Johnson Property to Lot 4 of the David Johnson Subdivision (for ease of access to the David Johnson Lot 4, lake access for all future lot owners and safety purposes).

The re-plat for these proposed subdivisions were reviewed inclusive of the subdivision regulations for small lots with public water and common driveway standards. The design of the proposed lots appears satisfactory for preliminary and final.

Lot 1 and Lot 2 of Serenity Cove are being re-plated to adjust the internal lots line between the lots. In addition all the road frontage lots are being re-platted to show the appropriate right-of-way dedication along Parks Ferry Road. The Environmental Health department has evaluated the proposed lot line modifications and is prepared to sign the final plats.

Recommendation: Planning and engineering staff concurs and recommend for preliminary and final re-plat approval subject to signature plats.

4. Determination of subdivision capability at end of Charles Young Way for Barbara Law property.

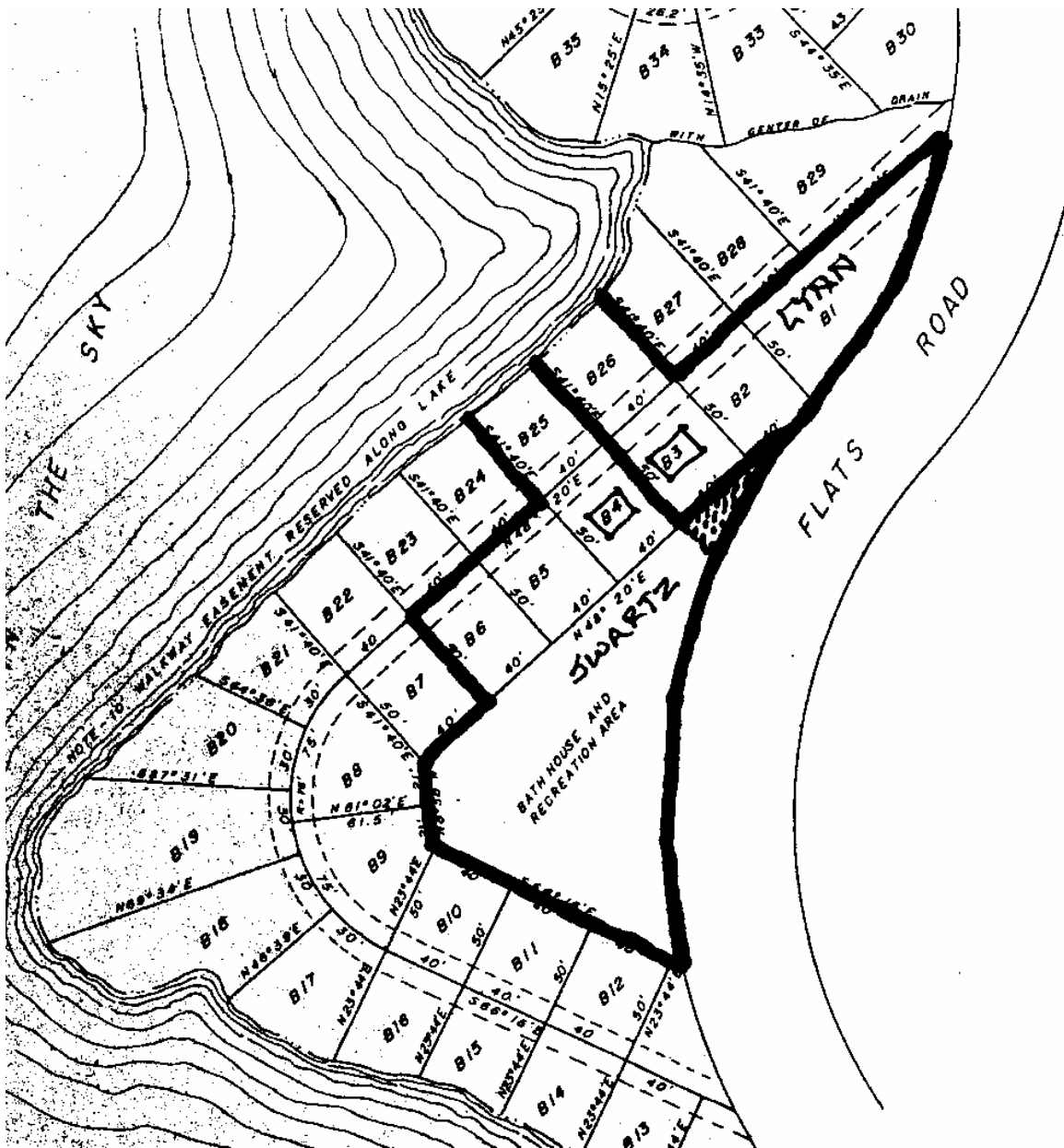
This item was deferred at last meeting to allow contending parties over a boundary dispute to resolve issues, and to allow Ms Law to pursue possible resolution of issues of access. Staff has received no word on resolution of any of the outstanding issues. The Planning Commission may wish to vote this item off the agenda without prejudice to consideration when and if parties present new information on the issues.

5. Determination of subdivision capability off of Ownby Road straddling R-2 and R-1 zones for Wright and Johnson (Ownby) properties.

This item was deferred from the last meeting with instruction to staff to seek opinion from Norman Newton on authority to consider platting across zone boundaries. Staff has not received response from Norman Newton at time of this memo. This item may be further addressed at the meeting pending receipt of legal opinion.

6. Request of Denton and Nina Swartz to determine the feasibility of transferring a small portion of land from Swartz to Lynn off of Flats Road in Top of the World Campers Paradise Unit 8.

See map below for reference (taken from original plat in map file 417A).



Swartz owns lot B4 containing a house, vacant lots B5, B6, B25, and unnumbered "Bath House and Recreation Area". Note that staff has not determined if the "Bath House and Recreation Area" is in any way restricted in use. Lynn owns lot B3 containing a house, and vacant lots B1, B2 and B26. The owners have negotiated to transfer from Swartz to

Lynn a small triangle of land (stippled) from the “Bath House and Recreation Area”, dimensioned approximately 60 feet long and approximately 20 feet in depth at its widest, containing about 600 square feet (estimated).

None of the lots meet minimum area requirements of zoning or subdivision regulations. The “Bath House and Recreation Area” contains less than 15,000 square feet (estimated), and the other lots are generally limited to 40 feet by 40 feet or 1,600 square feet area outside access easement and/or “Lake in the Sky” encroachment. The 600 square feet proposed transfer would be a small proportion (about 4 percent) of the “Bath House and Recreation Area”.

The Planning Commission has addressed issues of platted campground lots in Big Valley Campground. The zoning regulations contain several provisions that may be applicable in guiding consideration of the present case (*italicized sections are amendments of original regulations adopted July 2000*).

Section 2.7. Platted Campground Lots. *For any campground platted into individual lots and registered with the Blount County Register of Deeds as a plat prior to September 1, 2000, the following shall apply:...*

2. *For construction on multiple adjacent lots under one ownership, the perimeter of the multiple adjacent lots will be considered for application of setbacks, and internal lot lines shall not be subject to setback requirements.*

Article 3. LOTS OF RECORD. It is the intent of this Resolution to allow the reasonable development of lots legally created prior to the enactment of this Resolution, where such lots do not conform to the provisions or regulations of this Resolution. To this end, the following shall apply:

Section 3.1. Application for Variance. Where the owner of a lot of record, or one or more adjacent such lots, at the time of adoption of this Resolution does not own sufficient land to enable him to conform to the area, setback or other dimensional requirements of this Resolution, an application may be submitted to the Board of Zoning Appeals for variance from the applicable provisions and regulations of this Resolution. A variance or variances may be granted to the extent that the lot, or lots combined, may be used as a building site, provided that the setback, and other dimensional requirements of the district are complied with as closely as possible.

Section 3.2. Multiple Lots with Septic Disposal Constraints.

Where two or more contiguous lots are under one ownership, and which existed as lots of record prior to the adoption of this Resolution, and which cannot gain minimum approval for private septic disposal, then such lots shall be combined to form one or more lots meeting the minimum requirements, in full or as closely as possible, of the district in which they are located so as to accommodate at least a minimum approval for private septic disposal.

Section 3.3. Lot Area Minimum Waiver.

When a lot of record can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required lot area minimum for the district, then the lot may be used as proposed just as if it were conforming, provided that no use that requires a greater lot area than the smallest minimum lot area for the district is proposed, and provided all area requirements for on site septic disposal are met.

From the above zoning regulations, established campground lots are given special consideration in Section 2.7 in ignoring interior lot lines of multiple adjacent lots under one ownership. However, such provisions do not extend to re-division between lots under different ownership. Lots of record are also extended special consideration in Article 3, with indication that combination of substandard lots to meet minimum requirements may be required under certain circumstances. However Article 3 does not extend to re-division between lots under different ownership.

The proposed transfer from Swartz to Lynn would reduce an already substandard lot. There is nothing inherent in the land to indicate a variance would be justified for such transfer.

Staff has advised both Swartz and Lynn that the transfer may not be feasible, and that declaration of easement from Swartz to Lynn for the small triangle may be the best alternative. Swartz has requested determination by the Planning Commission of feasibility for the proposed transfer.

Site Plans: (See Memo from Roger Fields)