

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: January 2nd - 14th, 2008

SUBJECT: Staff reports on agenda items for the *Thursday January 24th, 2008* regular meeting. 5:30 Hearings and Site Plans

Hearings:

- A. Concept Plans: None
- B. Preliminary Plats – Major Subdivisions:
 - 1. **Wesley Kerr Property off Mint Road by Wesley Kerr: 3 lots to be served by a 25' common driveway easement.**

Background:

The preliminary plat for the Wesley Kerr Property is a proposed 3 lot subdivision containing 12 acres with a 25' common driveway easement off of Mint Road. While lot 1 has road frontage, all three lots indicated are to be served off the common driveway easement shown.

Analysis:

Design of plat, plat description: The parcel is in the R-1 zone. Since this three-lot plat contains a proposed common driveway it is considered a major plat for the purposes of having a preliminary plat, preconstruction meeting, construction of improvements and final plat process. The common driveway proposal is satisfactory with the information supplied. The parcel is rolling pasture and is vacant of any other use.

This proposed common driveway division can be accommodated off of Mint Road provided the special instructions in this staff analysis are completed prior to final plat for any of the lots. All of the physical common driveway construction and installation of utilities shall be the responsibility of the owner. According to the plat all these lots are to be served by public water and individual septic systems. This plat does not require electric to be installed underground. None of the parcel is located in a floodplain.

Septic, Sanitary Sewer: A preliminary soil map was supplied along with the preliminary plat as required. The Environmental Health Department has reviewed the preliminary soil map and has indicated the preliminary plat is satisfactory.

Existing County Roads: The road list for the county shows Mint Road as being 19 – 20 feet wide. The Highway Department has stated that adequate ditches and shoulders are present along Mint Road for this division. The location of the proposed common driveway appears satisfactory with no sight distance issues other than removing a road sign.

Utilities: Public water and electric are proposed to serve all lots for the proposed Wesley Kerr Property. All water lines shall be installed to each lot prior to releasing the final plat. All of the lots shown shall be served by electric. 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.

Construction of Improvements: None of the improvements have been completed as of this time. Prior to construction of the common driveway the owner shall meet with planning staff for a pre-construction meeting. The common driveway must be fully installed with a T-turn around to be constructed within the easement shown. The common drive shall be built on a compacted earth surface void of substandard soil condition in the sub-grade. Prior to stone application the owner shall contact the subdivision inspector for inspection of the subgrade, tiles, and ditches. The graded surface shall be a prepared crowned surface a minimum of 16 feet wide between ditches on both sides of the driveway. The gravel surface application shall be spread a minimum of 4 inches thick of rolled pug-mix the entire length of the common driveway and on the turn-around and be a minimum of 10 feet wide (five feet on either side of crown in sub-grade). The three foot shoulders on both sides of the 10 foot wide gravel surface shall also be compacted and seeded and covered in straw as soon as the stone surface is applied. Any tiles for the common driveway have been sized by the project engineer hired by the owner. The entrance shall contain 50' turning radiuses. The entrance to the common driveway has previously been paved and appears satisfactory, some minor improvements to the turning radiuses may be required.

Drainage and Erosion Controls: Drainage information and calculations were not required for this three-lot plat.

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.

An erosion control plan and SWPPP permit shall be supplied if required by the State of Tennessee prior to any on-site construction; it is the owner's responsibility to determine if a SWPPP is required. A copy of the permit and plan shall be submitted to planning staff prior to or at the time of the preconstruction meeting. The owner shall apply for a grading permit from the Blount County Storm Water Coordinator as well.

Developer Notice: Any construction prior to a pre-construction meeting with staff or required permits is at the risk of the owner. The owner shall contact the Planning Office at 273-5750 to schedule a pre-construction meeting.

- The owner shall apply for a county grading permit from the Blount County Storm Water Coordinator at 681-9301 and supply a copy of the permit at the time of the pre-construction meeting. All erosion controls must be fully installed and inspected by the Storm Water Coordinator prior to any on-site construction activities.
- The owner must confirm to staff that a Storm Water Pollution Prevention Plan permit (SWPPP) from TDEC is or is not required for this project and supply a copy prior to the pre-construction meeting.
- Prior to any on-site construction the developer shall contact the Utility Inspector of the Blount Highway Department at 982-4652 regarding any utility construction to be done within the county right-of-way along Mint Road.
- It is the responsibility of the developer and contractors to contact Tennessee One-Call to verify the location of all utilities at least 72 hours prior to any construction at 1-800-351-1111.

Property Owner's Association: The owner shall supply a Maintenance Agreement or Property Owner's Association inclusive of maintenance responsibilities for the common driveway for staff review prior to final plat. Any future use of the common driveway easement, or temporary situation for potential future road construction should be included in the private covenants.

Administrative Considerations: The proposed Wesley Kerr Property was reviewed inclusive of subdivision regulations for small lots served by a common driveway easement with public water, underground electric and individual septic systems. As required, the preliminary plat was supplied with topographic information, preliminary soil information and a drainage plan. The comments from the engineering department, storm water coordinator and environmental health department are included in this staff analysis.

Outstanding items to be completed:

1. All instructions in this staff analysis, including pre-construction meeting, permits and construction of all improvements.
2. Copy of POA/Maintenance Agreement documentation to be supplied to staff for review prior to final plat submission.

In accordance with past actions of the Planning Commission in similar situations, the Planning Commission has options to 1) deny preliminary plat due to identified deficiencies, 2) defer preliminary plat approval until deficiencies are addressed, or 3) grant preliminary plat approval subject to meeting all requirements, applying identified conditions, and addressing deficiencies.

C. Final Plats – Major Subdivisions: None

D. Preliminary and Final Plats - Major Subdivisions: None

E. Preliminary and Final Plats - Minor Subdivisions:

1. **Re-subdivision of Tract 1 of the Orpha Morton Property off Miser Station Road by Bobby Queen Jr. 3 proposed lots with county road frontage.**

The Re-subdivision of Tract 1 of the Orpha Morton Property is a three lot preliminary and final plat, the proposed subdivision contains a total of 5.3 acres along Miser Station Road. All three lots are to have direct road frontage along the county road.

Analysis:

Design of plat, plat description: The proposed subdivision is satisfactory with the information supplied and subject to this staff analysis. The parcel is gently rolling terrain that slopes mainly towards the county road and has

a home and other structures on the property. According to the preliminary plat these lots are to be served by public water, electric and individual septic systems. According the surveyor, none of the parcel is located in a floodplain.

Septic, Sanitary Sewer: The soil scientist has identified marginal soil characteristics. The environmental health department is prepared to sign the final plats.

Existing County Roads: The road list for the county shows Miser Station Road with an average 20' paved surface with adequate shoulders and ditches and is acceptable for this preliminary and final plat request.

Utilities: Public water and electric are proposed to serve all three lots. Both the water and electric are prepared to sign the final plat stating that utility service to each lot is currently available.

Drainage and Erosion Controls: The engineering department has reviewed the preliminary and final plat and has not required any additional drainage information be supplied by the owner due to the topography of the site, size of the lots and the existing natural drainage.

Construction of Improvements: No construction is required for final plat nor are any storm water or erosion control measures required.

- It is the responsibility of the lot owners and contractors to contact Tennessee One-Call to verify the location of all utilities at least 72 hours prior to any construction at 1-800-351-1111.

Administrative Considerations: The proposed Re-subdivision of Tract 1 of the Orpha Morton Property preliminary and final plat was reviewed inclusive of subdivision regulations for small lots along the existing county road with public water, existing electric and individual septic systems.

Outstanding items to be completed:

1. All certifications on the final plats.
2. \$20.00 per lot platting fee

In accordance with past actions of the Planning Commission in similar situations, the Planning Commission has options to 1) deny preliminary and final plat due to identified deficiencies, 2) defer preliminary and final plat approval until deficiencies are addressed, or 3) grant preliminary and final plat approval subject to meeting all requirements, applying identified conditions, and addressing deficiencies.

II. Misc. Items:

1. Benson Property off Quarry Hollow Road request for variance from septic capacity requirements.

Alyene Benson (owner) and Rebecca Benson-Duckworth (daughter and prospective owner) request variance from the Subdivision Regulations requirement that any lot created meet three bedroom approval for septic, and approval of a one lot plat as submitted (see attached).

A one lot plat with remainder greater than five acres was submitted for administrative approval along Quarry Hollow Road. The plat submitted was a revision of a previous plat that would have resulted in three parcels, but was modified to allow a linkage between two sections of the larger tract at the rear of the proposed lot. The remainder land is approximately 12.5 acres.

Soils information provided to Gary Ferguson (Environmental Department) showed severe limitations to septic fields. Mr. Ferguson was informed that the proposed lot was a lot of record, and that the lot was being modified to allow linkage of portions of the larger tract indicated as greater than five acres on the plat. Mr. Ferguson had discussed the situation with staff without specifying the plat, and staff had agreed in principle that if a lot were a lot of record, a minor adjustment of lot line that did not result in any net detriment to the property would be acceptable subject to approval of the Planning Commission. Given the assumption that the plat was for a lot of record, Mr. Ferguson signed approval for 1 or 2 bedrooms.

Upon the plat reaching the Planning Department, staff noted that proposed Tract 4 was a new lot and not a lot of record. Upon further discussion with Mr. Ferguson, staff found that the land was to be subject to distribution to heirs in the future by will, and had been surveyed for such purposes into several prospective tracts, including Tract 4. Mr. Loy Benson, owner shown on plat, is deceased, but survived by wife Alyene Benson, signatory of plat. However, the land has not been divided and the will has not been probated. In general, division of land by probate of a will would not be subject to planning review.

In this instance, Rebecca Benson-Duckworth, daughter and prospective heir/owner, wishes to take possession of the prospective Tract 4 in advance of probate of the will, with concurrence of surviving owner/mother Alyene Benson.

Being in advance of probate of the will, this is not an inheritance situation and falls fully under Subdivision Regulations. Our minimum standard for

approval of a lot is three bedroom capacity for septic. The Tract 4 indicated does not meet that standard, and is severely constrained by soils for septic capability. No specific hardship is evident, other than desire to take possession of the land in advance of will probate.

Staff also notes that the plat does not provide a tie-in to any existing monuments, lot corners or intersections and that this would need to be added to the plat if approved.

2. Butterfly Gap Independence Church off Butterfly Gap Loop Road variance request for lot size.

This plat comes as a change of lots lines for the Butterfly Gap Independence Church Lot. See plat attached. The lots lay along an existing county road. Currently the church site consists only of the structure and a small area surrounding a portion of the building. The existing lot was conveyed to the church in 1949 and measures 50' X 72' for a total of 3,600 square feet.

The plat comes for determination of variance to allow the change of lot lines, with portions being combined from the James Hall and Earl Blevins Properties. The new lot size shown is 15,377 square feet to take in the church site, accessory buildings, parking and septic area. A 25' road right-of-way dedication is also indicated which is standard.

The minimum lot size in the subdivision regulations is 30,000 square feet.

In the past, the Planning Commission has allowed lot line adjustments of smaller lots that do not meet the minimum lot size if the result would be a net improvement in the platted situation. In this instance the church lots would be improved in size and the James Hall and Earl Blevins properties would not be negatively impacted.

The Environmental Health Department has reviewed the plat and is prepared to sign the final plat subject to the variance being granted by the Planning Commission. The only correction noted by the health department was to get a grey water situation fixed on the Blevins Property which will not require any notation on the final plat.

Staff has no reservations about the variance being granted as this is not a residential lot and greatly improves the existing situation and provides for the proper road right-of-way dedication.

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