

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: April 1st - 16thth, 2008

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

Hearings:

- A. Concept Plans: None
- B. Preliminary Plats – Major Subdivisions.
 - 1. **Resubdivision of Lot 9 Myers Property off Fox Hollow Road: 2 lots served off a previously platted 25' common driveway easement.**

The Myers Property off Fox Hollow Road is a two lot preliminary plat; the proposed subdivision contains a total of 2.2 acres. Both of the lots are to be served by a previously platted common driveway easement of Fox Hollow Road (Private). The Original Myers Property Plat was approved in 2001 as a 6 lot plat with four lots served off of the common driveway easement, and two of the lots served off Fox Hollow Road. (See previous Myers Plat and The resubdivision of Lot 9 attached).

In 2001 the common driveway was improved to meet the standards at the time and served lots 9, 10, 11, and 12. Since that time lot 3A, 12, and 11 were recombined into two lots, thus removing one lot from the use of the common driveway. In addition, none of the lots served by the common driveway were ever built upon and the common driveway has fallen into disrepair. In 2001, a maintenance agreement was supplied for the lots as numbered on the original Myers property plat. This maintenance agreement shall require an addendum to include the new lots to be served by the common driveway easement. The re-division 9 will take the number

of lots served off the common driveway easement back to the maximum of four lots.

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 and there is a home located on lot 3A1 only, which does not access the common driveway easement. 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 although there is a large drainage easement that dissects these lots.

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

Existing County Roads: Fox Hollow Road is a private road that measures 18-21 feet wide paved surface with adequate shoulders and ditches and is acceptable for this preliminary plat request. In addition, an original agreement dating back to when Fox Hollow Road was constructed to serve Stonegate Subdivision, the heirs of the Myers retained access to subdivide off of the private road with maintenance responsibilities for Fox Hollow Road as well.

From Staff Memo Dated July 18, 2001.

“When Stonegate Subdivision off of Myers Road was developed, Fox Hollow Road was constructed on an easement granted by Myers. The Myers retained the right to divide their property along this road section, which was acknowledged by the planning commission in June of 1996. The planning commission minutes state that there was “no restriction on further division by either the grantor or the grantee of the easement”. However the planning commission decided to limit the number of lots for Stonegate to 75 lots. No number of lots for Myers was established or restricted. Planning staff feels this proposed division is fair and does not over burden the easement and does follow the intent of the planning commission’s previous action.

An agreement between the Myers Heirs and the Stonegate Homeowner’s Association was supplied indicating the lots divided on the Myer’s plat would pay \$50.00 each per year once sold or developed by the Myers, for maintenance of Fox Hollow Road, and any damages would be paid by anyone who created such damage to Fox Hollow Road. Since the net

number of lots from the original Myers plat and the Resubdivision of lot 9 are the same staff is of the opinion that the agreement requires no addendum, modification or updating since the document never specified lot numbers and was a broader document covering several divisions of the Myers Estate along Fox Hollow Road and hence covers all lots of the Myers estate.

Utilities: Public water and electric are proposed to serve these lots and the water company has signed the final plat. While an electric company certification is not necessary on a two lot plat, the previous Myers Plat contained the certification of the electric company.

Drainage and Erosion Controls: The engineering department has reviewed the preliminary 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: The Common driveway has fallen into disrepair and shall be brought back up to the common driveway standards from 2001 which included a ten foot wide driving surface, shoulders, 2 inches of stone surface and adequate drainage improvements, in addition to erosion control measures. The fence crossing the common driveway needs to be relocated.

The owners shall contact the storm water coordinator to determine if a grading permit shall be required for these improvements to be made at 681-9301

- 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. The lot owners shall contact the storm water coordinator and building inspector for the necessary permits for any future construction of homes or other structures.
- The owners shall contact the planning department at 273-5750 to schedule a preconstruction meeting to discuss how to bring the common driveway back up the previous standard.

Administrative Considerations: The proposed Resubdivision of Lot 9 of the Myers property preliminary plat was reviewed inclusive of subdivision regulations for small lots along the existing private road with public water, electric and individual septic systems.

Outstanding items to be completed:

1. Reconstruction of the common driveway as detailed in the above staff analysis, preconstruction meeting with planning staff, and determination of permits required prior to any construction with the Storm Water Coordinator.
2. Updated Maintenance Agreement with proper lot numbering of the lots that are served off the common driveway easement.

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 approval subject to meeting all requirements, applying identified conditions, and addressing deficiencies

C. Final Plats – Major Subdivisions:

1. **Baker Ridge Subdivision off Mint Road by Curtis Myers: 7 proposed lots; 4 served exclusively off a common driveway easement and three with road frontage.**

Background:

The Preliminary plat was approved at the October 25th, 2007 regular meeting with 7 proposed new lots, all of which are to be served off of the common driveway easement for safety purposes.

Analysis:

Design of plat, plat description:

The parcel is in the R-1 zone. The parcel is gently rolling pasture and woodland on rolling terrain. The parcel is currently vacant of any farming or other use. Baker Ridge Subdivision is a proposed 7 lot subdivision containing 11 acres with a 25' common driveway easement off of Mint Road. Lots 1, 2, and 7 all have county road frontage but shall be served off the common driveway easement for safety purposes, as well as the remainder of the lots.

Staff notes precedent to allowing all seven of the lots to utilize the common driveway for their exclusive vehicular access. This has been allowed before and is typical when additional lots adjoin either side of the common driveway and access restriction to a main road is desired. Per the proposed lot design, only lots 3, 4, 5, and 6 are served exclusively off the common driveway which meets with the intent of the subdivision

regulations to allow only four lots to be served exclusively off of a common driveway easement, the other three lots shall access the easement for convenience and safety purposes.

According to the plat all these lots are to be served by public water and individual septic systems. This plat shall require that all electric is underground. None of the parcel is located in a floodplain. The proposed development has been reviewed inclusive of subdivision regulations for small lots served by a common driveway easement with water, underground electric and individual septic systems.

Existing County Road:

Mint Road is a collector status road requiring a 30' right-of-way dedication from center line of road as shown on the plat. The road list for the county shows Mint Road as being 19-20 feet wide with adequate ditches and shoulders for this development.

The location of the proposed common driveway has been modified as per staff request in order to intersect with Mint Road at the top of the vertical curve to improve sight distance. Staff instructions, per the subdivision regulations regarding the required improvements we provided during preliminary plat.

Individual Septic Systems:

A preliminary soil map was supplied along with the preliminary plat as required. The environmental health department has reviewed all the proposed lots for septic tanks, field lines, and duplication areas, natural swales and drainage areas, and has begun final field evaluation and is preparing to sign the final plats.

Lot 1 may have to be modified to accommodate the revised location of the common driveway entrance (see comments below).

Drainage Plan, Erosion Controls and Road Plan:

An erosion control plan, SWPPP and county grading permits were required. A copy of the SWPPP permit shall be supplied to staff prior to releasing the final plat.

The Storm Water Coordinator has inspected all on-site erosion control measures on a regular basis and has confirmed they are satisfactory. Some final construction including final detention pond work, ditch work, additional soil stabilization, erosion control measures, seeding and some

laying back extended shoulders to gain positive shedding of water is still underway.

A road plan with profiles, cross section and proposed road layout and road drainage facilities were previously submitted.

Currently the bulk of the common driveway and drainage work has been completed. The entrance of the common driveway has been paved as required and the remainder of the common driveway has had the stone surface placed on the roadbed and has been inspected by the subdivision inspector and planning staff

The project engineer shall certify in writing that all of the road, drainage and detention facilities have been built in accordance with the project engineering plans and specifications and that road grade does not exceed 15% as required prior to releasing the final plat. Field inspections will also be required prior to releasing the final plat.

Water and Electric Utilities:

Public water and electric are proposed to serve all lots for the proposed subdivision. 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 releasing the final plat. All of the lots shown shall be served by underground electric.

Construction of Improvements:

Staff instructions in the preliminary staff analysis for the construction of the common driveway, drainage facilities and utilities had been supplied to the owner. The driveway and drainage plans have been employed by the developer and the on-site construction is nearing completion. All exposed earth must be planted in seed and covered in straw and all erosion control measures shall be in place until such time as the SWPPP is released from the state.

The paved portion of the common driveway is adequate for this driveway entrance as recommended. Completion of ditches, rip-rap removal and readjusting extended shoulders as mentioned above is underway.

The developer is working on finishing the project in short order; by the time of the meeting or shortly thereafter to wrap up construction, cleanup and administrative items with the signature plats.

Staff is comfortable with the submission of the final plat at this stage. The developer intends to complete the project in a timely fashion and staff has

administratively held, inspected, completed administrative items, and had the secretary of the commission delay signing of the final plat pending completion of outstanding items for final plats.

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 releasing the final plat.

Administrative Considerations:

The proposed Baker Ridge Subdivision 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 are included in this staff analysis.

- 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. The lot owners shall contact the storm water coordinator and building inspector for the necessary permits for any future construction of homes or other structures at 681-9301.

Outstanding Items to be completed:

1. A note shall be added to the final plat that none of the lots shall have any other driveway access along Mint Road
2. Copy of POA/Maintenance Agreement documentation to be supplied to staff prior to final plat submission.
3. Completion of all on-site construction items including road paving, ditched, drainage facilities and erosion controls, as noted in this staff analysis for Phase 2A.
4. Final drainage and road certification letter upon completion of all drainage construction.
5. Final signature plats with all certifications, including the environmental health department modifications and electric and water (or a surety posted to the electric and water providers).

6. \$40.00 per lot platting fee.

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

2. Settler's Pointe at River Ford off River Ford Road by James White: 25 new lots to be served by a new county road.

Background:

The preliminary plat for Settler's Pointe was approved as River Ford Subdivision Section 3 by Jennie McClanahan. The project changed ownership and Mr. White renamed the subdivision Settler's Pointe.

In September of 2006, the Preliminary Plat was extended for 1 year, the new subdivision regulations were approved at the same time and became effective in September of 2006 thus allowing the preliminary to be active for 24 months or until September of 2008, as interpreted.

Note: Settler's Point at River Ford (previously River Ford Subdivision, Section 3 is independent of previous sections of River Ford Subdivision and has been designed as a loop road subdivision with independent drainage and shall have independent maintenance responsibility for all of its internal drainage through an independent Property Owner's Association for this subdivision.

Analysis:

Design of plat, plat description:

Settler's Point at River Ford is a proposed subdivision located off of River Ford Road. The preliminary plat illustrated 29 small lots along a proposed new paved county road section (internal loop section). Since that time the number of lots has been reduced to 25 due to soil constraints. The original preliminary plat was approved with 23,000 square foot lot size minimums and the older extruded curbs and pavement thickness.

The parcel is gently rolling land and has areas that are relatively flat as well. The parcel is open pasture. The parcel contains several drainage areas all of which shall have independent drainage controls and be contained in drainage easements on the final plat. All of the lots will

become part of a homeowners association for the maintenance of the drainage facilities.

The proposed subdivision is located within the R-1 zone and meets the density requirement for this zone. The proposed development has been reviewed inclusive of subdivision regulations for small lots along county roads with public water, underground electric and individual septic systems.

Existing County Roads:

This proposed development is located off of River Ford Road which has been determined to be adequate to serve this project.

Off-site collateral damage over the haul route has been coordinated between the developer and the highway department.

Individual Septic Systems:

The environmental health department has reviewed all the proposed lots in for septic tanks, field lines, and duplication areas, natural swales and steeper terrain and has completed its final field evaluation. Four lots were eliminated from preliminary plat design due to poor soils and drainage constraints. The Environmental Health Department has signed the final plats.

Drainage Plan, Erosion Controls and Road Plan:

An erosion control plan, SWPPP and county grading permits were supplied as required. Erosion controls were and are being employed during construction and post construction. The Storm Water Coordinator has inspected all on-site erosion control measures on a regular basis and has confirmed they are satisfactory and comply with the SWPPP permit.

Some final construction including ditch work, additional soil stabilization, bank stabilization, erosion control measures, seeding and minor repairs to the drainage basin outlet and neighboring yard repairs is underway

A road plan with profiles, cross section and proposed road layout and road drainage facilities were previously submitted as required. The bulk of the road construction work has been completed

The project engineer shall certify in writing that all of the road, drainage and detention facilities for Settler's Pointe at River Ford have been built in accordance with the project engineering plans and specifications and that

road grades do not exceed 15% as required prior to releasing the final plat. Field inspections will also be required prior to releasing the final plat.

Water and Electric Utilities:

Underground electric conduit has been installed to serve all of the lots. All electric improvements shall be fully installed to each lot and the plat certification indicates that an agreement is in place to ensure the utility shall supply electricity to each lot.

The water supplier has indicated that public water has been installed to all lots and has certified the final plat.

Construction of Improvements:

Staff instructions for the construction of the roads and utilities as listed in the preliminary staff analysis were supplied to the developer. The approved road and drainage plans have been employed by the developer and the on-site construction is drawing close to completion

All exposed earth must be planted in seed and covered in straw and all erosion control measures shall be in place until such time as the SWPPP is released from the state.

The paved road sections have been paved to county road standard and all backfilling has been completed. The Highway Department has stated that the road, curbing, backfilling and offsite damages have been completed.

Completion of ditches, additional soil stabilization, bank stabilization, erosion control measures, seeding and minor repairs to the drainage basin outlet and neighboring yard repairs is underway

The developer is working on finishing the project in short order; by the time of the meeting or shortly thereafter to wrap up construction, cleanup and administrative items with the signature plats.

Staff is comfortable with the submission of the final plat at this stage. The developer intends to complete the project in a timely fashion and staff has administratively held, inspected, completed administrative items, and had the secretary of the commission delay signing of the final plat pending completion of outstanding items for final plats.

Note: All road signs shall be installed prior to releasing final plat.

Property Owner's Association:

The developer shall supply Property Owner's Association documentation for review for the maintenance responsibility for the drainage facilities. Since this has not been supplied as of this date; staff review and coordination with the title attorney may delay signing the final plats. The signed and notarized originals must be recorded with the final plat.

Administrative Considerations:

The proposed Settler's Pointe at River Ford was reviewed inclusive of subdivision regulations for small lots along new county roads with public water, underground electric, and individual septic systems. The comments from the Highway Engineering Department and Environmental Health Department are included in this staff analysis.

Staff field inspections during these final phases of work and planning administrative functions should allow for the timely completion of Settler's Pointe.

- 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. The lot owners shall contact the storm water coordinator and building inspector for the necessary permits for any future construction of homes or other structures at 681-9301.

Outstanding Items to be completed:

1. Completion of ditches, additional soil stabilization, erosion control measures, seeding and minor repairs to the drainage basin outlet and neighboring yard repairs.
2. Final drainage and road grade certification letter(s) upon completion of all road and drainage construction.
3. Final signature plats with all certifications.
4. POA documentation to be supplied for review.
5. Installation of all road signs.
6. \$40.00 per lot platting fee.

In accordance with past actions of the Planning Commission in similar situations, the Planning Commission has options to 1) deny final plat due

to identified deficiencies, 2) defer final plat approval until deficiencies are addressed, or 3) grant final plat approval subject to meeting all requirements, applying identified conditions, and addressing deficiencies

D. Preliminary and Final Plats - Major Subdivisions: None

E. Preliminary and Final Plats - Minor Subdivisions:

1. Zane Smith Property off Tuckaleechee Pike by Zane Smith: 3 lots, two with road frontage and one served by a 25' easement.

The Zane Smith Property is a three lot preliminary and final plat, the proposed subdivision contains a total of 15 acres along Tuckaleechee Pike. Lots 5 and 6 have direct road frontage along the county road, while lot 4 is served by a 25' easement.

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 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 to 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 Tuckaleechee Pike with an average 18.5' - 21' 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 as the exiting driveway is in place and well established. No storm water or erosion control measures are required for this division.

- 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. The lot owners shall contact the storm water coordinator and building inspector for the necessary permits for any future construction of homes or other structures at 681-9301.

Administrative Considerations: The proposed Zane Smith 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.

2. Mary Myers Estate Property and the Nancy Myers Huiet Property off Fox Hollow Road: 3 lot re-plat with an 80 acre remainder.

This plat is a preliminary and final 3 lot re-plat with a remainder greater than 5 acres. There were previously three lots and only lot lines are being adjusted. The Environmental Health Department has reviewed the new lot configurations and has signed the final plats. All other certifications have been secured.

As mentioned in the Myers Estate plat (Item B1), an agreement between the Myers Heirs and the Stonegate Homeowner's Association was supplied in 2001. The agreement indicated the lots divided on the Myer's plat(s) would pay \$50.00 each per year once sold or developed by the Myers for maintenance of Fox Hollow Road. And any damages would be paid by anyone who created such damage to Fox Hollow Road. Since the net number of lots from the original Myers plat is the same staff is of the

opinion that the agreement requires no addendum, modification or updating since the document never specified lot numbers and was a broader document covering several divisions of the Myers Estate along Fox Hollow Road and hence covers all lots of the Myers estate.

Staff has no reservations about the preliminary and final plat approval as shown. No platting fee is required for re-plats.

3. Re-plat of the Nelson Property off Highway 411 South by Gerald Nelson: 4 lots served off an existing 50' easement.

The Nelson Property is a four lot preliminary and final plat, the proposed subdivision contains a total of 6.65 acres off of Highway 411 South. All four of the lots are to be served by the 50' common driveway easement.

This will max out the number of lots that may be served by the common driveway easement. A letter from the adjacent property owner (Hill) shall be required informing him of the four lot limit and allowing him to acknowledge that no more lots may be divided off of the easement that crosses his property.

Analysis:

Design of plat, plat description: The proposed subdivision is satisfactory with the information supplied and subject to this staff analysis. The parcel is relatively flat terrain and has three homes and other structures on the property. According to the 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 has signed the final plats.

Existing County Roads: Highway 411 South is acceptable for this preliminary and final plat request. The location of the driveway entrance is of long standing and well established. Sight Distance is adequate at this location and the entrance is paved a little off the edge of the State Highway. No improvements at this location are needed.

Utilities: Public water and electric are proposed to serve all of the lots. Both the water and electric have signed 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 as the exiting driveway is in place and well established. No storm water or erosion control measures are required for this division.

- 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. The lot owners shall contact the storm water coordinator and building inspector for the necessary permits for any future construction of homes or other structures at 681-9301.

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

Outstanding items to be completed:

1. \$20.00 per lot platting fee.
2. Letter from adjacent parcel owner (Hill) acknowledging the 4-lot rule off the common driveway easement.

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. Lot 4R Grouse Creek Subdivision off Red Wolf Lane Variance Request.

This combination will result in a 2.53 acre tract in Laurel Valley which is greater than the 30,000 square foot minimum of the Subdivision Regulations (with public water). The Environmental Health Department has reviewed the lot and is prepared to certify the plat for septic. The variance request for this lot is to reduce the required minimum front

setback from 30 feet to 20 feet and to accept the reduced Right-of Way dedication, from 25 feet down to 15 feet. In the past, the Planning Commission has considered such combinations to be an improvement of and existing situation and have approved such plats with any necessary variances. The previous lots were recorded with the 20 front setback line as indicated on this plat and Red Wolf Lane was recorded with a 30' right-of-way; this combination allows for an improved lot and additional right of way is not an issue. This plat falls under the precedent for improving lots through combination, and would be appropriate for approval with variances subject to certification of the Environmental Health Department and all other required certifications, including a standard Surveyors Certification.

2. Lot 20R Fair Light Subdivision off Laurel Road Variance Request.

This combination will result in 35,700 square foot lot which is greater than the 35,000 square foot minimum of the Subdivision Regulations (with no public water). The Environmental Health Department has reviewed the lot and is prepared to certify the plat for septic. The variance request for this lot is to reduce the required minimum front setback from 30 feet to 10 feet. In the past, the Planning Commission has considered such combinations to be an improvement of and existing situation and have approved such plats with any necessary variances. The previous lots were recorded with the 10 front setback line as indicated on this plat and the combination thus allows for an improved lot. This plat does fall under that precedent, and would be appropriate for approval with variances subject to certification of the Environmental Health Department and all other required certifications.

3. Lot 1 Morton Property off Miser Station Road Variance Request.

Lynn Morton request variance from the Subdivision Regulations requirement that any lot created meet three bedroom approval for septic, and requests approval of a one lot plat as submitted (see attached).

A one lot plat containing 2.11 acres was submitted for administrative approval along Miser Station Road. The plat submitted is a combination of a previous lot of record (area containing the barn) along Miser Station Road and a lot in the future Farmington View Subdivision Phase 1 (currently not completed nor recorded). Access to the proposed new roadway is not an issue as the lot fronts along Miser Station with a newly improved entrance.

Soils information provided to Gary Ferguson (Environmental Department) showed severe limitations to septic field capability. Mr. Ferguson was informed that the proposed front portion of this lot was a lot of record, and

that the lot was being modified to allow linkage to the proposed new roadway in Farmington View Subdivision.

Mr. Ferguson had discussed the situation with staff, and staff had agreed in principle that if a lot were a lot of record (as is the larger portion with the Barn), 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 could sign approval for 1 or 2 bedrooms with approval of the plat with variances from the Planning Commission.

This plat does fall under that precedent, and would be appropriate for approval with variances subject to certification of the Environmental Health Department and all other required certifications

4. Farmington View Subdivision Phase 1 by Chris McCall requesting consideration of Final Plat: 41 lots to be served by new county roads

This Plat was approved for preliminary as simply "Farmington"; since a Farmington subdivision already exists the owner has changed the name to Farmington View for all future plat submissions.

Part 1: Request for Preliminary Plat Extension

Farmington Phase 1 preliminary plat was approved at a special called meeting of the Planning Commission on April 29th, 2004.

In March of 2005 the developer requested preliminary plat extension which was granted until April of 2006.

The developer requested a second extension in April 2006 due to court filings on the status of ownership of the parcel. The preliminary plat extension was granted until April of 2007.

A third extension was granted in April of 2007 for one year until April of 2008.

Mr. McCall is requesting an extension of the preliminary plat at this time.

This is the 4th extension of the preliminary plat request. This request is for the same approval of the plat including the staff analysis and standards of the planning commission as applied to the plat in April of 2004 with the original approval. Road, drainage, and utility preparation work is nearing completion for Phase 1. The developer has decided to apply to the state of Tennessee to install an on-site sewer system which also created delays.

The current regulations allow for 24 months currency of preliminary plat with a 12 month extension.

Extension of preliminary plat approval is at the discretion of the Planning Commission. There is no indication in the Subdivision Regulations that there is a vested right to an extension. There is no indication of specific time limit of extension, other than that set by the Planning Commission at its discretion.

Requests for extension beyond the second year of preliminary plat approval have been scrutinized in greater depth, generally for clear evidence of progress towards installation of improvements, clear evidence of practical difficulties in meeting the extended deadline, and any overriding considerations of regulations or standards that may have changed between initial approval and requested extension.

Past practice has allowed preliminary plats to be approved beyond two or more years when construction was underway and when phased development occurred over several years.

The currency of the preliminary plat expires at the end of this month.

Staff has no reservations about granting the preliminary plat extension for 12 or 24 more months. The original preliminary plat covered only a portion of the entire parcel and drainage and road engineering was only supplied for about half of the project area. An entirely new preliminary plat will be required once any new watersheds and drainage areas are planned in the future. At such time the new subdivision regulations and road and drainage standards will apply.

In accordance with past actions of the Planning Commission in similar situations, the Planning Commission has options to 1) deny preliminary plat extension due to identified deficiencies, or 2) grant preliminary plat extension subject to previous preliminary plat approval.

Part 2: Final Plat Request for Farmington View Phase 1: 41 lots.

Mr. McCall has requested final plat consideration for Phase 1 of Farmington View. Staff deadline for plat submission and final plat consideration of construction items to be completed is the first working day of the month.

Generally staff allows some time for the developer to make every effort to submit all documentation and as much of the on-site filed work in a timely fashion in order that staff can prepare a proper Final Plat analysis to the

Planning Commission. It is staff discretion to add items that appear to be generally ready for plat consideration to the Planning Commission Agenda. While the deadline for plat submission was the 1st of April, staff granted Mr. McCall until the 11th of April to submit the proper documentation and have on-site construction items complete.

On the 11th of April only a portion of the documentation were submitted to staff and on-site construction still required several items to be completed to meet final plat specifications. At that time Staff advised the developer that the item was premature for final plat submission and the plat would not be placed on the April agenda. Mr. McCall has submitted a letter (attached) requesting that the plat be place on the agenda so that he can address the Planning Commission directly. Staff has thus placed this as a miscellaneous request.

There has been a history of slow performance on this project, indicated by the continued preliminary plat extensions, delays as mention in the above preliminary plat extension request, the inclusion of an on-site sewer system into the development plat of the project inclusive of engineering and state approval delays, in addition to weather and construction problems particularly in the past 12-18 months.

The summer of 2007 was particularly dry which made it difficult to grow anything on hillsides that had been stripped of vegetation and areas graded for roads and utilities. No vegetation was established on the bulk of the site and when the rainy season followed through the fall and winter, this project was subject to a great deal of erosion, riling, scouring and erosion behind the curbs and other problems associated with trying to manage such a large area of disturbed soil. Staff has been in contact with the developer multiple times on the need to correct the situation, and has provided guidance on how to implement corrective actions.

A letter was prepared by Tony Abbott and supplied to the McCall's by Ron Sharp in February 2008 detailing the problems associated with the project and suggesting a process of making improvements in order to achieve some positive progress towards final plat. (Letter Attached)

While construction continued this spring, the drainage and erosion problems persisted to the point the State of Tennessee, Department of Environment and Conservation on March 11th issued a Notice of Violation informing the developer to schedule a compliance review meeting for a water pollution violation and clean the site up.

The County Storm Water Coordinator issued a stop work order on February 26th which was removed only this Monday April, 14th, 2008.

Under the County Stop Work Order the only on-site work that was to be done onsite was for erosion control not the other construction items such as on-site sewer or drainage improvements that would allow the developer to actually complete all the items necessary to get on the agenda for the Planning Commission.

Planning staff, the storm water coordinator, and the subdivision inspector prepared the following list(s) of outstanding items to be completed: Staff will review the project in the field and also documentation that was to be supplied before the meeting, and update the Planning Commission at that time.

Outstanding Items to be completed:

Planning Department List:

1. Flush out all Storm Pipes and Catch Basins.
2. Remove Matting in front ditch, re-align ditch for positive drainage, remove silt and replace seed and matting.
3. Fix Broken Curb in Phase 1 cul-de-sac.
4. Fix all rills in Phase 1, including rills under matting, replace matting and seed.
5. Fix all paving from hydraulic leaks throughout Phase 1.
6. Fix Low area (holding water) next to cul-de-sac.
7. Fix lower ditch and clean out pipes by cul-de-sac.
8. Finish both Detention Basins to finish quality (as per plan) Install weir device on front pond (or modify plan from engineer). Backfill around the headwalls at outlet structures, fix outlet ditch and rip-rap in front ditch and rip rap at inlet pipe inside the pond. Fix pipe in the dam for Pond 1. (This item was referred to the project engineer to determine if there is a pipe breach in the dam since water appears to be leaking out from under the outlet structure in Pond 1). Re-mud the pipes.
9. Supply a letter from the developer assuring all asphalt will be repaired to the satisfaction of the Highway Department. (A letter was supplied on April 11th that was not satisfactory to the Highway Department).
10. Supply drainage certification letter from the project engineer for Phase 1 road and drainage basins. Complete with compaction rates on dams,

Basin 2 is holding water -fix basin. (No certification letter has been supplied as of this time. Both basins require finish quality work to be completed including removing rills, headwalls, and the possible pipe breach as referred to the project engineer).

11. Supply Letter from South Blount Utility District that a contract is in place for the sewer system and that the developer has paid for (secured) the sewer. (A letter was supplied on April 11th that was unsatisfactory to the Director of Planning and did not include the Planning Department in the process or mention any secured funding).
12. Fix all rilling behind curbs in Phase 1
13. Seed and Straw silt piles
14. Clean out all silt along Miser Station in ditch. (This item is completed)

Storm Water Coordinator List:

1. Flush out all storm sewer and catch basins.
2. Stabilization and rip-rap is needed at the inlets/outlets of the 2 detention ponds.
3. Construct a ditch with proper outlet protection at front detention pond draining into ditch along Miser Station Road.
4. Remove matting, clean out collected sediment within the ditch along Miser Station Road, and re-stabilize.
5. Fix all rills and re-stabilize within Phase 1, including existing rills located under matting.
6. Backfill and stabilize any washed areas around headwalls.
7. Correct ponding within detention ponds.
8. Seed and straw sediment piles removed from sediment pond.
9. Ensure that the ditch along Miser Station has positive drainage after collected sediment has been removed and stabilized.
10. Construct outlet structure on front detention pond as per engineered plans.

Highway Department List:

1. Repair Broken Curb with new curb.
2. Clean ditch along entrance of decel lane.
3. Install pavement marking as per plan of engineering drawings.
4. Install street name signs.
5. Install all stop signs.
6. Need letter of guarantee on all asphalt repairs: To include itemized list of repairs from APAC, and a two-year guarantee from developer.
7. Flush and clean out all storm sewers in relation to Phase 1.

Note again that staff did not place this item on as a regular plat item due to the number and magnitude of deficiencies. This item is on the agenda only as a miscellaneous item at the specific request of the developer so that he can directly address the Planning Commission. Staff is still of the opinion that final plat consideration is premature. Staff will report on any progress on the above lists at the time of the meeting.

