

# 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: May 1st - 14th<sup>th</sup>, 2008

SUBJECT: Staff reports on agenda items for the *Thursday May 22nd, 2008* regular meeting. 5:30 Hearings and Site Plans

#### Hearings:

- A. Concept Plans: None
- B. Preliminary Plats – Major Subdivisions - None
- C. Final Plats – Major Subdivisions:
  - 1. **Farmington View Subdivision Phase 1 by Chris McCall: 41 lots to be served by new county roads**

The Phase 1 final plat was deferred at the April 2008 regular meeting.

The preliminary plat was extended until April of 2009 with all previous approvals for and drainage for the original phase 1 preliminary to allow for the consistent and continued development of this project. Any future preliminary plats indicating any new roads, lots or watershed and drainage areas shall comply with the new regulations and road and curbing standards.

#### Analysis:

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 1<sup>st</sup> of April, staff granted Mr. McCall until the 11<sup>th</sup> of April to submit the proper documentation and have on-site construction items complete. While a great effort was made to make complete all the staff listed items, several items were still lacking by May 1<sup>st</sup> for the May submission. In addition staff met with Mr. McCall and gave him until May 9<sup>th</sup> to complete onsite construction items, supply drainage certification letter, and supply staff with written confirmation with the sewer provider. As of May 12<sup>th</sup>, a few of the outstanding items still had not been completed as advised by staff.

Staff requested road grade certification to accompany the final plat submission as required in Section 5.02.4 of the subdivision regulations.

NOTICE: On May 14<sup>th</sup>, staff was advised by the project engineer that a 150 foot section of Sagegrass Drive in Phase 1 of Farmington View is greater than the allowable 13% road grade. According to the project engineer, three sections of the profile were reported to have been built as follows: 13.57%, 14.70% and 14.22%. The original road profiles submitted during preliminary plat indicated that this section of road was to have a maximum design grade of 12.8%. This indicates a problem occurred during road grading and the design grades were not met.

The maximum allowable road grade is 13%. The subdivision regulations Section 6.02.3 (e) states the following:

“Variance shall only be considered to the road grade for physical limitations and only for short sections, less than 200 feet (total), and only to a maximum grade of 15% only when hillside development standards for mountain developments apply.

Farmington View does not meet the criteria of a mountain development nor was the plat reviewed or approved as such. There is no procedure specified in the subdivision regulations for granting a variance in this situation.

Staff has advised the developer again that the item was premature for final plat due to not supplying certain documentation and completion of construction items by the deadlines and extensions given by staff.

Outstanding Items to be completed:

1. Fix Broken Curb in Phase 1 cul-de-sac.
2. Fix all paving from hydraulic leaks throughout Phase 1.

Update- In progress, a Letter was supplied by Harrison Construction, that all the top surface asphalt would be milled out and a binder leveling surface and a new top coat would be installed prior to the May meeting date.

3. Finish front Detention Basin to finish quality (as per plan) Install weir device on front pond (or modify plan from engineer), fix outlet ditch and rip-rap in front ditch and re-mat front of pond. Pour invert and remove all standing water for mosquitoes to hatch. Remove all plastic wrapper under the matting.
4. Supply drainage certification letter from the project engineer for Phase 1 road and drainage basins. Complete with compaction rates on dams,
5. 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.

Update - A letter was supplied on April 11<sup>th</sup> that was unsatisfactory to the Director of Planning and did not include the Planning Department in the process or mention any secured funding. Director met with Mr. McCall and Mr. Durant of South Blount Utility, with Mr. Durant requesting copy of contract and sufficient letter of credit to insure completion. At last contact, Mr. Durant has not received the information and security he needs.

6. All milled asphalt must be manually removed from all catch basins and pipes.
7. Install pavement marking as per plan of engineering drawings.
8. Need letter of guarantee on all asphalt repairs: To include itemized list of repairs from APAC, and a two-year guarantee from developer.
9. Section of road grade in excess of maximum road grade, and no procedure for the planning commission to grant a variance under this circumstance.

This item is on the agenda only at the previous 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 items at the time of the meeting. There is a 60 day limit on action by the Planning Commission on final plats. The Commission should take action at the meeting.

**2. Highland Springs Unit 2 off of Doc Norton Road by AC Properties  
GP: 29 proposed small lots along a proposed extension of a new county road (loop road).**

Background:

The Highland Springs Unit 2 preliminary plat was approved at the November 2006 regular meeting. Unit 2 has been designed as a loop road (Winding Creek Way) with independent drainage facilities. These lots shall be included in the overall maintenance responsibilities of the Property Owner's Association for this subdivision.

Analysis:

Design of plat, plat description:

The preliminary plat was originally approved (as Scenic View) at the May 2002 regular meeting. The Planning Commission approved the Unit 1 final plat as Highland Springs and renewed the preliminary plat at the June 2003 regular meeting and the preliminary expired in 2004.

The Unit 2 Preliminary Plat was submitted to the Planning Commission in April of 2006. Since the time of the first preliminary plat, the minimum lot sizes required in the subdivision regulations had been amended to 30,000 square feet outside of any area of development hindrance, and lots shall have 7,500 square feet of buildable area exclusive of setbacks in any area of a flood hazard zone. A portion of the lots on the lower end of the proposed Unit 2 are impacted by a floodplain and required a revision by the applicant. The Unit 2 preliminary plat was deferred at the April 2006 meeting pending the modification of the lots in the flood hazard area, and was resubmitted for approval in November of 2006.

The entire parcel for Unit 1 and Unit 2 contains 63+ acres and the original preliminary illustrated 60 lots total. The Unit 1 final plat contains 25 lots of record and the proposed 28 new lots for Unit 2 contain 30 acres and the entire development will have a total 53 lots once completed, pending health department approval of lots as shown.

The parcel is gently sloping terrain and the drainage will be directed towards the existing drainage facilities, a new drainage basin in Unit 2 and

the creek. Particular attention to road and drainage improvements to tie into the existing road and drainage facilities has been required.

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.

A full preliminary plat has been submitted for Unit 1 and for Unit 2 independently; including topographic information. In addition, a road plan with profiles, cross section and proposed road layouts, a drainage plan with calculations, and the required permits were submitted as required.

The number of proposed lots is satisfactory and meets with the original design plan, however the current minimum lot sizes and avoiding development hindrances suggests several of the lots may still require lot line modifications due to individual septic requirements of the Environmental Health Department.

Existing County Roads:

All of the Unit 2 lots are to be served off of the extension of Winding Creek Way. Highland Springs Subdivision is served off of Doc Norton Road which the county road list shows as 18' average in pavement width. Adding additional lots off of Winding Creek Way is appropriate and meets with the original design intent of the subdivision.

The Highway Department has stated that Doc Norton Road is acceptable for this project based on previous improvements made to the road as well and adequate shoulders. Off-site collateral damage over the haul route has been coordinated between the developer and the highway department.

Individual Septic Systems:

A preliminary soil map has been reviewed by the environmental health department with the understanding that several lot lines may be modified on the final plat to accommodate for the 30,000 square foot minimum lot size for non impacted lots and 30,000 square foot minimum lot size with at least 7,500 square feet of buildable area (exclusive of setbacks) outside of the flood hazard area identified on the plat.

Upon receiving the required high intensity soils map, the environmental health department indicated several percolation holes were to be dug in

order to determine if certain lots had adequate septic capability. The final review is underway.

Any lot combinations or lot line adjustments shall be indicated on the final plat. According to the Director of Environmental Health, one or more lots may be eliminated and combined with other lots. None of the lots shall contain any form of septic easements on or across other lots.

*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.

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

The project engineer supplied a drainage plan and calculations during Unit 1 preliminary plat and an updated drainage plan for the remainder of the subdivision. All of the road drainage culverts, tiles, ditches and detention facilities have been constructed for Unit 1 of Highland Springs. The project engineer certified that the detention facilities for Unit 1 were built in accordance with the project engineering plans and specifications as required. A copy of the Aquatic Resources Alteration Permit (ARAP) permit from the State of Tennessee was supplied to staff prior to construction for Unit 1 as required as well for the creek crossing along Doc Norton Road.

The project engineer shall certify that these new lots for Unit 2 have been accommodated in the original plan and the addendum to the drainage plan and that all the actual drainage facilities have been constructed for Unit 2 prior to releasing the final plat. All drainage facilities contained outside of the proposed right-of-way are to become the maintenance responsibility of the property owner's association. Adequate building sites for each lot must avoid drainage swales.

On May 5<sup>th</sup> staff observed a potential problem with the outlet end of the drainage pipe that empties into the detention basin. Staff advised the project engineer. The project engineer has inspecting the long stretch of underground pipe to the detention pond to determine if the pipe is satisfactory. Mr. Campbell had indicated a section of the pipe indeed was improperly installed and had given instruction to the contractors to remove and replace the pipe sections by May 15<sup>th</sup> prior to supplying staff with a

drainage certification letter. Mr. Campbell and staff will both independently re-inspect the outlet end of pipe once completed.

*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. Both utilities shall certify the final plats or indicate that an agreement is in place to ensure the utility shall supply electricity/water to each lot.

*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.

The developer is working on finishing the project in short order; including the replacement of pipe mentioned above 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 to tie these lots into the Unit 1 POA. 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 Highland Springs Unit 2 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 Unit 2.

- 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. Reinstallation of pipe section as indicated by staff and the project engineer, re-inspection and final drainage and road certification letter(s) upon completion of all road and drainage construction from the project engineer.
2. Final soil evaluation by the environmental health department, inclusive of any rearrangement of lot lines, removal of proposed lots or lot combinations. Modification of plats as necessary and certification.
3. Final 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. **Re-plat of Lot 4 and Lot 2R of the Wilda Stott Property off Pineview Road: 3 lots with road frontage.**

This is a three lot preliminary and final plat. The proposed subdivision contains a total of 6.2 acres along Pineview Road. All three of the lots have direct road frontage along the county road. Lot 3 indicated on the plat is a lot of record and not part of this re-plat.

Analysis:

Design of plat, plat description: The proposed re-plat is satisfactory with the information supplied and subject to this staff analysis. The parcel is relatively flat and has homes and other structures on the property.

Septic, Sanitary Sewer: The environmental health department has signed the final plats.

Existing County Roads: The road list for the county shows Pineview Road with an average 18.5' – 19.5' paved surface with adequate shoulders and ditches and is acceptable for this preliminary and final re-plat request.

Utilities: Both the water and electric have signed the final plat.

Construction of Improvements: No construction is required for this re-plat as all of the driveways are in place and well established.

- 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 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. Request for variances to allow combination of substandard lots of record resulting in substandard Lot 2R of Kinzel Springs Retreat subdivision along Old Walland Highway by Mark Payne.**

Lots 2 and 3 of Kinzel Springs Retreat were created on plat in file 403A in 1967, and are thus lots of record. There was no Planning Commission review or approval. Both lots are substandard in size, as is the proposed combination of lots into Lot 2R with 0.17 acres or approximately 7,405 square feet. There is no indication of septic capability on original plat or present proposed plat. The lots are between Old Walland Highway and the Little River, with original plat showing extension into the river itself. Present plat shows lots ending at river bank. The lots are totally within the 100 year floodplain of the Little River. The proposed plat references a 1965 flood profile. The proposed plat at minimum should reference current floodplain maps and elevations, and indicate that Lot 2R is totally within the floodplain.

The proposed combination of two lots of record into one substandard lot indicates several variances as follows: variance of requirement that a buildable area be available outside the floodplain, variance of lot size, and implied variance of septic capability of the lot. Staff notes precedent in granting blanket variance to allow combination of lots with assumption that a combination would result in an improved situation. Approval of the combination with variances may be appropriate in this case. To insure full disclosure of lot situation, approval could be with condition that the plat show updated flood information, that the plat indicate explicitly all the area of the lot is within the 100 year floodplain, and that either the Environmental Department certify septic capability for the lot or a note be placed on the plat that there is no septic capability for residential or any other use.

### **2. Determination of condition on approval of Nelson Property off of Hwy 411 South.**

The Replat of lots 1 & 2 into Lots 1R, 1R-1, 2R and 2R-1 of the Nelson Property off of a common driveway easement was approved by the Planning Commission at the April 2008 meeting, with one condition being no objection by adjoining

property owner on division off of the easement. The owner of record, James P. Hill, sent letter that he objected to the division. The plat comes again for determination of the condition by the Planning Commission. Staff is continuing contact with Mr. Hill to see if the objection can be resolved prior to the meeting.

