

# 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: June 1st - 18th<sup>th</sup>, 2008

SUBJECT: Staff reports on agenda items for the *Thursday June 26th, 2008* regular meeting. 5:30 Hearings and Site Plans

#### Hearings:

- A. Concept Plans: None
- B. Preliminary Plats – Major Subdivisions
- 1. **Re-subdivision of the James and Donna Watson Property off Thomas Circle: 3 lots, 2 served off a common driveway easement.**

Background: The preliminary plat for the Re-Subdivision of the James and Donna Watson Property is a proposed 3 lot subdivision from two existing lots containing 6.9 acres total with a forked 25' common driveway easement off of Thomas Circle. All three of the lots will have access only off the proposed common driveway.

Analysis:

*Design of plat, plat description:* The parcel is in the R-1 zone and is wooded property on rolling terrain. This proposed common driveway division can be accommodated off of Thomas Circle provided the special instructions in the 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. None of the parcel is located in a floodplain. The proposed subdivision has been reviewed inclusive of subdivision

regulations for small lots served by a common driveway easement with public water, electric and individual septic systems.

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 plat is satisfactory and has already signed the plats with no modifications.

Existing County Roads: The county road list shows Thomas Circle as being 17 feet wide with adequate ditches and shoulders for this subdivision.

The location of the proposed common driveway is satisfactory, as is sight distance in either direction. Staff instructions, per the subdivision regulations regarding the required improvements to the common driveway are listed below.

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 final plat. 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. This three-lot plat does not require that electric be underground.

Construction of Improvements: The existing home is served by a driveway that requires additional improvements to meet common driveway standards to serve two lots. Any improvements that are made prior to a pre-construction meeting with staff are at the risk of the owner. The location of the entrance and the road grades appear satisfactory.

The common driveway must be fully installed to each lot to be constructed within a 25' easement. No turnarounds are required since each section of the drive only serves one-lot. The common drive shall be built on a compacted earth surface void of substandard soil conditions in the sub-grade. 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 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. The existing section from the county road to the home should be left in-tact other than the paving of the entrance; all improvements shall be for the new sections to serve the two new lots.

The driveway entrance shall be paved as described in Section 6.02.5 (a)(1) of the Subdivision Regulations in order to improve turning movements in and out of the site, reduce wheel spin, keep gravel from migrating onto the county road, and to minimize damage to the existing paved edge of the county road. The paved surface shall contain 50' turning radiuses and be built to county road standards and the paving shall extend from the edge of the existing pavement along Thomas Circle to the edge of the right-of-way at a minimum.

The highway department shall determine if a tile is necessary at this location. Prior to completion the owner shall contact the subdivision inspector for inspection of the sub-grade, tiles (if any), and ditches.

*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 this permit is required for this project and supply staff with a copy of the SWPPP plan and permit as soon as possible.

The owner shall also apply for and secure a grading permit from the Blount County Storm Water Coordinator.

*Developer Notice:*

- Any on-site 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 preconstruction 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 Thomas Circle.
- 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.

Maintenance agreement for common drive: The owner has supplied a Maintenance Agreement inclusive of maintenance responsibilities for the common driveway.

Administrative Considerations: The proposed Re-Subdivision of the James and Donna Watson Property was reviewed inclusive of subdivision regulations for small lots served by a common driveway easement with public water, electric and individual septic systems. As required, the preliminary plat was supplied with topographic information and preliminary soil information. The comments from the engineering department are included in this staff analysis

Outstanding items to be completed:

1. A preconstruction meeting prior to any additional on-site work. All required permits to staff. All instructions in this staff analysis for the construction of the common driveway, paving of entrance, and construction of all utility improvements. .
2. Surveyor to tie property to nearest intersection.

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:

1. **Jimenez Property off Nails Creek Road by Coral and Douglas Jimenez: 3 lots served by a common driveway easement and a remainder greater than 5 acres.**

Background: The Preliminary plat was approved at the December 2007 regular meeting with 3 proposed new lots served off of the common driveway.

Analysis:

Design of plat, plat description: The parcel is in the R-1 zone and is open pasture on rolling terrain. The parcel is currently vacant. This proposed common driveway division can be accommodated off of Nails Creek Road. All of the physical common driveway construction and installation of utilities have been completed. All of these lots are to be served by public water and individual septic systems. None of the parcel is located in a floodplain.

Existing County Road: Nails Creek Road is a collector status road requiring a 30' right-of-way dedication from center line of road to be shown on the final plat. The county road list shows Nails Creek Road as being 18 feet wide with adequate ditches and shoulders for this subdivision. The location of the proposed common driveway is satisfactory as is sight distance in either direction

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.

Drainage Plan, Erosion Controls and Road Plan: An erosion control plan and SWPPP were not required by the State and confirmed by Division of Water Pollution Control. A county grading permit was required and secured by the owner.

Planning staff has inspected all on-site erosion control measures on a regular basis and has confirmed they are satisfactory. Some final ditch work, additional soil stabilization and erosion control measures are still underway.

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. Final field inspections will be required prior to releasing the final plat.

*Water and Electric Utilities:* Public water and electric are to serve all lots for the proposed subdivision and 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.

*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 site is re-vegetated.

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. In addition the tile needs to be cleaned out and the bottom of the long ditch running the length of the road must be stabilized with sod.

The owner 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 owner 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.

*Maintenance agreement for common driveway:* 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 Jimenez Property 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. Copy of POA/Maintenance Agreement documentation to be supplied to staff prior to final plat submission.
2. Completion of all on-site improvements items including ditches and erosion controls, as noted in this staff analysis. In addition the tile needs to be cleaned out and the bottom of the long ditch running the length of the road must be stabilized with sod.
3. 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).
4. \$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 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:

1. **Re-subdivision of Lots 52-56 Overlook at Montvale, Phase 1 by Harmony Property Group off Happy Valley Road.**

This is a five lot preliminary and final plat. The proposed re-subdivision contains a total of 8.2 acres. All of the lots have direct road frontage along a private road easement approved on previous 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 mountain terrain and contains no structures. Open space has been accommodated for on the Phase 1 final plat that has been recorded

previously. The property is in the R-2 Zone and the lot size and density are appropriate for cluster development.

Septic, Sanitary Sewer: The environmental health department is reviewing the final soil information and is preparing to sign the final plats.

Existing County Roads: This development is located off of Happy Valley Road which has been determined to be adequate to serve the overall project.

Utilities: Public water is not available at this location. The electric utility is prepared the final plat.

Construction of Improvements: No construction is required for this plat.

- 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 driveway or home 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 cluster development lots along a private road easement with electric and individual septic systems.

Outstanding items to be completed:

1. All certifications on the final plats.
2. \$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 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.

E. Preliminary and Final Plats - Minor Subdivisions:

1. **Lela G. Wilson Property off Morganton Road c/o Janice Williams: 3 lots along the existing county road.**

This is a three lot preliminary and final plat. The proposed subdivision contains a total of 8.8 acres along Morganton Road. All three of the lots have direct road frontage along the county road. Site distance at this location is satisfactory.

*Note: Clearing of the fence row and removing the fence would be beneficial but not required should these lots be built upon.*

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 no homes on the property. The parcel is in the R-1 zone and the density and lots sizes are appropriate. The tract is currently used to graze a few horses and contains a small barn.

Septic, Sanitary Sewer: The environmental health department has reviewed the soil information and is preparing to sign the final plats.

Existing County Roads: Morganton Road is a collector status road and the plat indicates a 30' right-of-way dedication as required. The road list for the county shows Morganton Road with an average 21' paved surface with adequate shoulders and ditches and is acceptable for this preliminary and final re-plat request.

Utilities: Both the water and electric are preparing to sign the final plats.

Construction of Improvements: No construction is required for this three lot subdivision.

- 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 driveway or home 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. Deal Property off Pineview Road by Eugene Deal. Variance request to subdivide off an exiting 20' driveway easement.**

The proposed Deal plat indicates one lot to be divided off of an existing 20' common driveway easement. The remainder of the Deal Property is greater than 5 acres and has access off of Old McGinley Road.

The 20' common driveway is a platted easement and has a gravel driveway that is in very good condition, requiring no improvements.

A variance is required for the 20' easement; the subdivision regulations require 25' feet for a common driveway easement.

Additionally, a condition of plat approval would require the owner to contact all of the other owners along the easement and secure in writing that there are no objections. This proposed lot would be the last allowable lot of the common driveway easement. Additionally, approval of the variance and plat would also require the owner to supply legal documentation to be recorded along with the plat for maintenance responsibility of the shared driveway.

**2. Request for variances to allow combination of substandard lots of record resulting in substandard Lot 36R Tepee Village along Keepsake Drive in Top of the World by Hale Craig.**

Lots 36 and 37 of Tepee Village were created on plat in plat book 7 page 83, 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 36R with 0.16 acres or approximately 6,969 square feet. There is no indication of septic capability on original plat or

present proposed plat. The lots are along Keepsake Drive and Sharon Lane.

The proposed combination of these two lots of record into one substandard lot indicates variances as follows: 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 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.

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

The re-plat 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 the adjoining property owner on division off of the easement. Staff at the time noted that the plat would come back to the Planning Commission if the adjoining property owner objected. The owner of record of the adjoining property, James P. Hill, sent letter that he objected to the division. The plat was returned to the Planning Commission for determination of condition at the May 2008 meeting, with no resolution. The Planning Commission deferred the determination to the June meeting. The plat comes again for determination of the condition by the Planning Commission.

Staff is still trying to contact Mr. Hill to see if the objection can be resolved prior to the meeting.

Staff reminds the Planning Commission that the notification of other properties subject to a common driveway easement is just a standard operating procedure, and is not a requirement of the Subdivision Regulations. The notification is done to allow others subject to the easement to first be informed of the limitation of division on a common driveway, and second to allow the other property owners opportunity to address the Planning Commission.

The plat as submitted meets the requirement of the Subdivision Regulations for a common driveway easement, being no more than four lots maximum exclusively off the easement. There is nothing in the record to indicate that the property is otherwise restricted from division by being on an easement.

