

# 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: July 1st - 16th<sup>th</sup>, 2008

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

#### Hearings:

- A. Concept Plans: None
- B. Preliminary Plats – Major Subdivisions
- 1. **Tall Oaks Phase 4 off Pea Ridge Road by Arthur Gotts: 11 lots off of a proposed new county road section.**

Background: The Tall Oaks Planned Community is an existing mobile home community located on a tract of land containing 45 acres off of Pea Ridge Road. The original concept plan and preliminary plat illustrated 107 lots, common area inclusive of on-site sewer area, and future development area. The original preliminary plat was approved in October of 1998.

This Phase 4 request is the final phase of development and while on-site sewer is present, these lots are to be greater than 30,000 square feet and served by individual septic systems due to the fact that the sewer utility provider cannot accommodate these lots with the present on-site facilities.

#### Analysis:

Design of plat, plat description: The parcel is located within the R-1 zone and the proposed density is appropriate as all of the lots are greater than 30,000 square feet. The preliminary plat for Tall Oaks illustrates 11 small

lots. A new paved county road section with a cul-de-sac and a common driveway easement are planned to serve all of the lots. All of the proposed lots are to be served by individual septic systems and public water. All electric shall be underground.

The parcel is heavily wooded gently sloping terrain and the bulk of the drainage will be directed towards the existing drainage facilities constructed in previous phases. A portion of the parcel slopes towards an adjacent parcel containing a pond. Drainage on these lots is not planned to be redirected; special attention and control measures during all onsite construction shall be required. These lots shall all become part of the existing property owner's association and have maintenance responsibility of the drainage facilities. The parcel is currently vacant of any farming activity.

The proposed development has been reviewed inclusive of subdivision regulations for small lots along county roads with public water and individual septic systems.

Existing County Road(s): The county road list indicates that Pea Ridge Road is 18 feet wide with adequate ditches and shoulders. According to the highway department the proposed Phase 4 of Tall Oaks is appropriate for the existing road serving the development.

Coordination by the developer with the highway department in addressing damages to sections of county roadways that will serve this phase must be completed to the satisfaction of the highway department prior to any future final plat. Previous sections of the road and curbing within previous phases of the development have been damaged and must be fixed.

Septic, Sanitary Sewer: The developer has supplied a preliminary soil analysis with the preliminary plat. The soil scientist has indicated marginal soil conditions. The environmental health department has reviewed the proposed subdivision and has stated that the plat appears satisfactory for preliminary approval. Lot line modifications on the final plat may be required particularly with the small lots sizes and the common driveway to be constructed.

TWSI operates a sewer system within Tall Oaks Subdivision that accommodates all previous phases and lots with sanitary sewer. The utility has confirmed in writing that they do not have the on-site capacity to accommodate any other lots. The lot sizes indicated on the Phase 4 preliminary plat are all greater than 30,000 square feet for standard septic evaluation.

Drainage and Erosion Controls: The drainage plan indicates there are to be no new drainage basins to serve these lots in Phase 4. The parcel is gently sloping and the bulk of the drainage will be directed towards the existing drainage facilities. A portion of the parcel slopes towards an adjacent parcel containing a pond. Drainage on these lots is not planned to be redirected; special attention and control measures during all onsite construction shall be required. These lots shall all become part of the existing property owner's association and have maintenance responsibility of the drainage facilities.

*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 any future pre-construction meeting.*

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

It is the developer's responsibility to secure a Storm Water Pollution Prevention Plan (SWPPP) permit from the State of Tennessee for grading and clearing prior to commencing construction for the roads and drainage facilities. A copy of all applicable state and county grading permits shall be supplied prior to the pre-construction meeting with planning and engineering staff.

Any changes in the field shall require as-built information at final plat. A final certification letter from the project engineer shall be required after project completion. Adequate building sites for each lot must avoid drainage areas.

Proposed Road Plan: A road plan with profiles, cross section and proposed road layout has been submitted. As-built road plans or profiles may be required for this roadway prior to final plat.

The road cross section supplied illustrates an 18' wide roadway with 3 foot shoulders and ditches indicated. All conduit must be in place prior to binder surface application in order to reduce the short and long term damages to the county roads. All road work is to be coordinated between the developer and the highway department and only after a preconstruction meeting with staff.

The new road for these 11 lots shall be fully constructed with a full cul-de-sac turn-around and a common driveway prior to final plat approval. According to the road profile none of the road is greater than 13%.

The entire road and common drive shall be built on a compacted earth surface void of substandard soil conditions in the sub-grade. Prior to stone application the owner shall contact the subdivision inspector for sub-grade inspection.

For the county road section, the graded surface shall be a prepared crowned surface and be a minimum of 24 feet wide between ditches on both sides of the road (18 feet width for roadway and 3 foot ditches on either side). The gravel surface application shall be spread a minimum of 6 inches thick of pug-mix and rolled with a steel drum roller. A consistent depth of stone shall be achieved the entire length of the private road and on the cul-de-sac and along the shoulders. The binder course of asphalt shall be 2" thick and the top course of asphalt shall be 1" thick. The three foot shoulders on both sides shall also be compacted sub-grade and seeded and covered in straw as soon as the stone surface is applied.

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 completion the owner shall contact the subdivision inspector for inspection of the subgrade as mentioned above. 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.

In addition, 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 paving shall extend from the edge of the existing pavement in the new cul-de-sac to the edge of the right-of-way at a minimum.

*Public Water and Electric Utilities:* Public water and underground electric are proposed to serve all of the lots. All water and electric improvements shall be fully installed to each lot prior to final plat or a surety posted to the appropriate utility prior to final plat. Written verification shall be provided that a surety has been posted or the extension of services has been accommodated from the individual utilities prior to any final plat.

Property Owner's Association: The developer shall supply documentation for a Property Owner's Association for Tall Oaks Phase 4 for staff review prior to final plat inclusive of common drive maintenance, drainage facility maintenance, and open space considerations.

Construction of Improvements: As of this time there has been no construction of any improvements on site for Phase 4.

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

The developer shall contact the Highway Department to schedule a pre-construction meeting prior to any on-site construction. The comments of the Highway Department and Storm Water Coordinator are included in this staff analysis. Any and all modifications to roads, drainage and lot design shall be supplied to staff with an updated preliminary plat submission. In addition, the developer shall supply all required permits and/or road plan changes in writing and at the time of the preconstruction meeting.

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 shall supply a copy of the Storm Water Pollution Prevention Plan permit (SWPPP) from TDEC 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 any of the internal roads in Tall Oaks.

- The developer shall coordinate with the Subdivision Inspector at 984-3421 to schedule inspections during construction.
- 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.

Administrative Considerations: The proposed Tall Oaks Phase 4 preliminary plat was reviewed inclusive of subdivision regulations for small lots along county roads with public water, underground electric and individual septic systems. As required, the preliminary plat was supplied with topographic information, road plan, drainage plan, calculations and preliminary soil information. No lot shall be advertised or offered for sale prior to recording of any final plat. The comments from the engineering 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. Repair of damage to previous road sections.
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:

1. **Amburn Estates, lots 3-29 off Nine Mile Road by Amburn Builders LLC: 23 lots to be served off a new county road.**

Background: The preliminary plat for Amburn Estates was approved at the June 28<sup>th</sup> 2007 regular meeting:

Lot 1 and Lot 2 indicated on the plat has been platted and recorded. Both lots shall have driveway access only off the new county road and not along Nine Mile Road. The developer is constructing driveway access to the new road for both lots at this time.

Design of plat, plat description: The parcel is located within the R-1 zone and the proposed density is appropriate as all of the lots are greater than 30,000 square feet. The preliminary plat for Amburn Estates illustrated 29 small lots. A new paved county road section with cul-de-sac is planned to serve all of the lots shown; 4 of the lots are to be served by a common driveway easement at the end of the cul-de-sac. This final plat does not include the common driveway section which will be a future final plat once construction of the common driveway is completed.

All of the proposed lots are to be served by individual septic systems and public water. All electric is underground.

The parcel is sloping terrain and all of the drainage will be directed towards the existing drainage swale that crosses the parcel; the existing pond and a new drainage basin located between lots 21 and 22. All drainage features including underground pipes outside the right-of-way shall become the responsibility of a property owner's association to maintain. The bulk of the parcel is open pasture and is void of any farming activity.

The proposed development has been reviewed inclusive of subdivision regulations for small lots along county roads with public water and individual septic systems. A full preliminary plat has been submitted including topographic information. In addition, a road plan with profiles, cross section and proposed road layouts, a drainage plan with calculations, and permits were submitted as required.

Existing County Roads: The county road list indicates that Nine Mile Road is 19 - 20 feet wide with adequate shoulders. According to the highway department the proposed Amburn Estates is appropriate for the existing road serving the development. Off-site collateral damage over the haul route is being coordinated between the developer and the highway department. Any comments by the highway department will be reported at the time of the meeting

Individual Septic Systems: The developer has supplied a preliminary soil analysis with the preliminary plat. The soil scientist has indicated natural drainage swales and some marginal soil conditions. The environmental health department has reviewed all the proposed lots for septic tanks, field lines, and duplication areas and has stated that the plat appears satisfactory for preliminary and final approval and is prepared to sign the final plats with limited modifications to the plat.

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 is underway and nearing completion.

The project engineer supplied a drainage plan and calculations with the preliminary plat. All of the road drainage culverts, tiles, ditches and detention facilities have been constructed for this phase of Amburn Estates. Some minor changes to the drainage plan have been employed during construction. As-built plans, including an as-built road profile shall be supplied and certified by the project engineer 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.

*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. As of this time both the water and electric utility are preparing to certify 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 for this phase of Amburn Estates.

The road grading, stone application, drive-over curbing and paved binder course of asphalt has been completed to county road standard. Backfilling is underway and the road contractor is preparing to pave the top coat of asphalt. The bulk of the drainage basin and drainage facilities outside of the public-right-of way have been completed. All of the on-site drainage facilities have been constructed for the entire development.

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 developer is working on finishing the project in short order; including top coat paving, backfilling, the completion of the drainage facilities (installing rip rap, re-grading the surface of the detention pond, etc) and erosion control measures to be completed by the time of the meeting or shortly thereafter.

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: Road signs shall be installed prior to releasing final plat. The common driveway section is to be completed for a future final plat and is not germane to this plat approval. The proposed four lots on that future phase have been accommodated for in the original drainage plan.

Property Owner's Association: The developer shall supply Property Owner's Association documentation for review for the maintenance responsibility for the drainage facilities for this phase of Amburn Estates. The signed and notarized originals must be recorded with the final plat.

Administrative Considerations: The proposed Amburn Estates 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 this phase of Amburn Estates.

- 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 top coat paving, backfilling, and drainage facilities (installing rip rap, re-grading the surface of the detention pond, etc) and erosion control measures.

2. Final drainage and road certification letter(s) upon completion of all road and drainage construction from the project engineer.
3. Final plats with all certifications including the environmental health department.
4. POA documentation to be supplied for review.
5. Installation of 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

**2. Overlook at Montvale Phase 2A amended and 2B off Happy Valley Road by Harmony Property Group: 2A amended to add three more future development areas; and 2B containing 26 lots to be served by new paved private roads contained in 50' private road easements.**

Background: The preliminary plat was approved by the Planning Commission at the May 2006 regular meeting and renewed at the March 2008 regular meeting. The preliminary plat for the Overlook at Montvale was approved as an 80 lot, clustered, Planned Unit Development (PUD). Phase 1 has already been approved and registered. Phase 2A was approved in March of 2008, and comes again as amended, adding three more "Future Development" areas.

The proposed Phase 2B final plat contains 26 lots on 43 acres with 22 acres of open space and 6 acres of road right-of-way.

This cluster development through Phase 1, Phase 2A and Phase 2B has an average density of 1 unit per 4.07 acres. (69 lots on 280.87 acres). This density is lower than the required 1 unit per 3 acres and is acceptable. Density may change as "Future Development" areas are platted into lots, but should be below the 1 unit per three acres maximum.

Analysis:

Design of plat, plat description: The entire Overlook property is 280 acres of mountain land located in the R-2 zone. The proposed preliminary plat indicated a total of 80 lots on 140 acres with 120 acres of open space and

20 acres of private road right-of-way. While the minimum lot size in the R-2 zone is 5 acres, cluster development with a commensurate amount of dedicated open space allows for lots to be a minimum of 1.5 acres each with a maximum average density of 1 unit per 3 acres. All of the lots shown for Phase 2B are at or greater than the minimum for cluster development.

All of the lots are to be served off of the internal private road system, Phase 2B contains the second loop road and last road section at the rear of the parcel containing a cul-de-sac. A turnaround has been incorporated into the design at the development entrance (in Phase 1) before a gate to allow for vehicles to turn around before entering the subdivision.

The developers have indicated that the entrance area will also contain a mail kiosk and other common facilities for the entire community. A lodge and cottage are also included in the entrance design. These features have not been constructed and are not germane to the final subdivision plat and may be completed at any time.

Throughout the previous phases the road has been paved with a baby binder course of asphalt. This temporary arrangement was agreed to by the planning commission to allow the project to be completed to the rear of the parcel without continually damaging the top course of asphalt. The final topping is to be added to the entire length of the roadway for the phase 2B final plat. In addition, concrete curbs are to be added to the center medians as well as all road topping is to be installed prior to releasing the final plat.

The parcel is rolling to steep terrain and has areas that are relatively flat as well. The parcel is heavily forested and the developers have included additional easements on each lot that contain tree covered buffers to preserve the undisturbed mountain sides. The parcel contains several drainage areas including some step grades that are all to have independent drainage controls and drainage easements.

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

Repair of off-site collateral damage over the haul route is being coordinated between the developer and the highway department for Phase 2B road construction to include the final road topping.

Individual Septic Systems: The environmental health department has reviewed all the proposed lots in Phase 2B for septic tanks, field lines, and duplication areas, natural swales and steeper terrain and has begun final

field evaluation. Some lot line adjustments were required from the preliminary plat design, but the overall design of approvable lots was maintained. Note that phase 2B contains a substantial amount of “Future Development” area that was not suitable for septic approvals at present (approximately 6 prospective lots). See discussions later in this memo on outstanding issues. All of the lots are to accommodate area for wells as per the subdivision regulations.

*Drainage Plan, Erosion Controls and Road Plan:* An erosion control plan, SWPPP, ARAP permits and county grading permits were supplied as required during Phase 1 and Phase 2A. 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.

Final construction including installing concrete curbs around medians, adding the topping course of asphalt to all of the internal roads, additional soil stabilization and erosion control measures is still underway.

The project engineer shall certify in writing that all of the road, drainage and detention facilities for Phase 2B 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 for Phase 2B.

*Water and Electric Utilities:* Public water is not available at this location. All of the lots are to be served by well.

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 shall be signed on the final plats or a surety posted to the electric utility prior to final plat. Written verification that a surety has been posted or the extension of services has been accommodated shall be supplied by the individual utilities prior to final plats being released should they not be in the ground.

*Construction of Improvements:* Staff instructions for the construction of the roads and utilities as listed in the preliminary staff analysis, in addition the approved road and drainage plans have been employed by the developer and the on-site construction is drawing closer to completion for Phase 2B. 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 consist of 6 inches of base stone, 3 inches of a baby binder course and are to have a 1 inch topping course applied prior to releasing the final plat. The Planning Commission previously accepted this road paving configuration for this private road for Phase 1 upon the recommendation of the Highway Superintendent provided the baby binder course was sealed properly.

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: Guard rails have been installed, as per the supplied guard rail plan for all phases of the Overlook. All road signs, and painting or reflectors (if applicable) shall be installed prior to releasing final plat for Phase 2B.

*Property Owner's Association:* The developer shall supply a copy of an addendum to Property Owner's Association for the Overlook at Montvale Phase 2B for the maintenance responsibility for the drainage facilities, private roads and other common elements including open space for staff review. This may also involve amendment of covenants to further specify Common Area and responsibility for maintenance. The signed and notarized originals must be recorded with the final plat.

*Administrative Considerations:* The proposed Overlook at Montvale Phase 2B was reviewed inclusive of subdivision regulations for cluster development lots along paved private roads without public water, with 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 the Phase 2B project.

There are two outstanding issues with the Overlook at Montvale plats that the Planning Commission should resolve as they consider action on the plats. First is the discontinuous "Future Development" land that at present cannot gain septic approval, and the second is acceptable proportion of required open space.

*Outstanding Issue 1:* In many platting situations, as more detailed soils information is submitted for final plat consideration, there is a possibility that lots identified on a preliminary plat may not pass approval for septic on a final plat. In most instances, the preliminary plat is amended in the

final plat by adjusting lot lines, combining lots, or incorporating preliminary lots into other design elements such as open space. In the past, the Planning Commission has also accepted reservation of lots for future development as a development progresses through phases, such that a lot is transitionally considered as part of a future phase, to be resolved at least by the last phase final plat. Staff recalls no instance where such future development lots were residual after the last phase final plat for a development.

In the instance of Overlook, there are several lots that were planned in the preliminary plat that could not gain approval for septic capability. The Phase 1 final plat contained one such lot, which was resolved prior to submission of Phase 2A. The Phase 2A final plat approved in March of 2008 (held for completion of conditions) accepted two "Future Development" lots. The final plat for Phase 2A that came for signature added three more lots for a total of five. This was an amendment of an approved final plat and has thus come before the Planning Commission again. Phase 2B final plat shows a large area of "Future Development" which encompassed about 6 lots shown on the preliminary plat. Phase 2B completes the construction of required infrastructure and the set aside of other design elements such as required open space. The developer wishes to retain the designated areas as "Future Development" in expectation that some solution will present itself to allow division with proper and acceptable septic disposal.

The effect of the road and other design elements is to divide the "Future Development" into several noncontiguous areas. In order to avoid confusion in the future, such areas need to be explicitly identified on the plats as being part of an undivided remainder that cannot be sold as separate parcels until approved on future plats. Staff suggests the following note be placed on the plats to be signed by the owner/developer:

The areas shown on this plat as "Future Development" are part of the undivided remainder of the Overlook at Montvale development and shall not be sold as separate parcels until such time as plats for future development lots are submitted to and approved by the Blount County Planning Commission.

Staff further suggests that the areas be shown as united on the plat by a hook-across symbol between the separate areas, drawn across intervening design elements or indicative survey lines.

Outstanding Issue 2: The assessment and accounting of required open space in clustered development in the R-2 zone has been a continuing problem. Note attached excerpt of a long range planning memo for the

May 25, 2006 regular meeting relating to issues encountered in the Homestead and Kinzel Springs subdivisions.

The main problem is the difference in how the Subdivision Regulations address requirements for open space in Type III cluster subdivisions, and how the zoning regulations address required open space in clustered subdivisions generally. As a rule of thumb, “commensurate amount of common open space” required for cluster subdivision development under zoning in the R-2 zone has been defined by reference to the one-half of gross land area required for Type III cluster subdivisions under the subdivision regulations.

Note that Type III cluster subdivisions address divisions off of gravel roads, and give a density bonus from base one unit per five acres (.2 units per acre density) to average one unit per three acres (.33 units per acre density) on gravel roads if there is a set-aside of one half of gross land area. In the case of Overlook, the road has been designed to be paved to county subdivision regulation standards, and the full application of Type III cluster subdivision open space set-aside is not necessarily warranted.

Zoning regulations require that the minimum lot size for cluster subdivision in the R-2 zone be no less than one-half of the minimum lot size in the zone. This has been interpreted and applied in the past as one-half of the one unit per three acre cluster density, or 1.5 acres. The Overlook meets this requirement for minimum lot size with all lots being equal to or greater than 1.5 acres. In addition, the overall density of the Overlook development preliminary plat was 80 lots on 281.85 acres, or an average density of one unit per 3.53 acres, being less dense than the allowable one unit per three acres. The preliminary plat reported 121.3 acres in “Common Area” intended for open space, and 20.8 acres in private road right-of-way. In the past, road right of way was allowed to be accounted for open space. This accounted then for the one-half of gross land area to be in open space.

The final plat for Phase 1 showed ample amounts of open space in relation to the lots platted. Phase 2A indicated again an appropriate cumulative amount of open space given that more was to be accounted in the final phase. For the Phase 2A final plat, staff noted that full accounting would need to be provided upon submission of Phase 2B plat, considered at the time as the final infrastructure phase plat.

The following table contains the information provided by the developer for accounting the different required design elements relating to density and open space. The data is for 69 lots in the three phases to date, plus future development of up to 11 lots, not to exceed 80 lots total build out.

(Areas in acres)	Phase 1	Phase 2A	Phase 2B	TOTAL	% of Total
Lot (ex green space)	45.62	28.75	42.78	117.15	41.71
Green Space (pt of lots)	4.99	5.51	6.21	16.71	5.95
Common Area	71.50	12.87	16.13	100.50	35.78
Road ROW	8.10	5.92	6.07	20.09	7.15
Future Development	0.00	9.64	16.78	26.42	9.41
TOTAL	130.21	62.69	87.97	280.87	100.00

The above is different from the accounting in the preliminary plat, which it turns out combined “Common Area” and “Green Space” when reporting “common area” for meeting open space requirements. Staff was not aware of this at the time of preliminary plat review. Staff notes that “Green Space Area” is part of individual lots on both the preliminary plat and the final plats and may not be appropriate for accounting to open space. The developer contends otherwise, and notes that the covenants for the development mention in passing a provision for maintenance of “all Community green space and open space, including if applicable, Association pathways.” Staff finds this provision in the covenants to be vague, and not necessarily addressing “Green Space Area” shown on the plats since the “Green Space Areas” are part of lots owned by the lot owner, and not owned by the Association. If “Green Space Area” is to be part of a commonly enjoyed open space of the subdivision, the covenants need to be amended to specify such and also to specify how maintenance is related to Common Area. (Note also that staff also suggests a refinement of the terminology and provisions in the covenants for Common Area and associated elements of private roads and detention and drainage facilities to accomplish more consistency of terms between plats and covenants.)

The outstanding question relating to required open space for the cluster development is whether or not the present accounting of open space is acceptable to meet regulations. Staff finds that the Subdivision Regulations for Type III developments are not necessarily applicable since the road in Overlook is paved. Staff finds that there is not enough specificity in the Zoning regulations to precisely define an amount of land to be set aside for “commensurate amount of common open space,” and that the 35 percent indicated for all plats combined is a reasonable amount given that density of lots is less than the maximum allowed in the zone for cluster development.

Note: The problem of accounting for open space in cluster developments will continue to be an issue until the regulations are amended to specify appropriate requirements. Staff suggests that the Planning Commission consider amendment of the regulations in the near future. (Refer to attached memo excerpt for specific suggestions.)

Outstanding Items to be Completed:

1. Resolution of issues involving "Future Development" designation for areas within the plats, and resolution of overall required open space.
2. Completion of topping course of asphalt for all internal road sections; in addition to installing concrete curbing of entrance medians and collateral damage as per the highway department.
3. Final drainage and road certification letters upon completion of all road and drainage construction.
4. Final signature plats with all certifications, including the environmental health department modifications and electric (or a surety posted to the electric provider).
5. Addendum and possible amendment to the POA documentation to be recorded with plat.
6. Installation of all road signs, painting, and reflectors (as planned).
7. 40.00 per lot platting fee.

Note that action needs to be taken on both Phase 2A amended plat and Phase 2B final plat. Approval of Phase 2A final plat would not be limited by conditions for Phase 2B and only addresses the addition of three additional "future development" lots, with appropriate notation recommended above. Phase 2B could be approved with conditions noted above for that plat.

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

ATTACHMENT excerpt from Long Range Memo of for May 25, 2006 regular meeting

**Consideration of amendment to PUD requirements applicable to cluster PUD developments in the R-2 zone.**

Staff has noted practical difficulties in applying density and lot size requirements in the R-2 zone for cluster or Planned Unit Development (PUD) designs. In addition, the introduction of alternative public sewer into the design mix warrants a rethinking of lot size minimums in cluster or PUD designs. The following is presented as analysis and proposal:

- provisions in our Subdivision Regulations that allow density bonus for cluster subdivision,
- related provisions in our zoning regulations in the R-2 zone,
- difficulties in application of the regulations,
- intervening considerations of higher order design elements,
- alternatives to address the situation, and
- proposal for change to the zoning regulations for discussion.

Provisions in Subdivision Regulations and Plans.

It will be instructive to review provisions relating to density and lot size in our Subdivision Regulations and county plans, particularly relating to density bonus for clustering of lots with set aside of land for open space. The Subdivision Regulations were used as a template to formulate applicable zoning regulations. The 1101 growth plan and the Conceptual Land Use Plan also incorporated consideration of density criteria.

Section 6.3(3)(e) of the Subdivision Regulations has two provisions that were commonly applied prior to zoning to subdivision of land in the more mountainous areas of the county. For the most part, such subdivisions were developed on gravel roads. Type II (“Low Density” Development) required tracts of no less than five acres if on

private gravel roads. Type III (“Cluster” Development) provided an alternative to Type II development as follows:

Type III (“Cluster” Development) – A Type III development allows for the clustering of building sites and the permanent preservation of significant open space. The preservation of open space is a public benefit, even when the land remains in private ownership. Agricultural preservation, numerous environmental factors, scenic quality, and the preservation of the character of an area are among the items advanced by the conservation of open space. Furthermore, clustered development fosters cost-effective construction and efficient provision of public services.

Type III subdivisions may be developed at an overall density of three acres per dwelling unit, with the stipulation that at least one-half of the gross land area be preserved as open space. The restrictions governing the open space shall be appropriate for each specific development and must be approved by the Planning Commission and referred to on the plat. The minimum road standards are the same as those set forth for Type II (“Low Density”) Developments.

Note that Type III development gave a density bonus (from one dwelling unit per five acres to one dwelling unit per three acres) in return for setting aside at least one-half of land area for open space. Note also that there was no set minimum lot size indicated, but such lot size was determined by other sections of the Subdivision Regulations (generally now 30,000 square feet if on septic with public utility water, or 35,000 square feet if without utility water).

The above provisions of the Subdivision Regulations were used as a template in formulating zoning regulations for the R-2 zone. In particular, the five acre minimum lot size for Type II developments was chosen as the base minimum lot size for the R-2 zone, with provision that density could be up to one dwelling unit per three acres for Planned Unit Developments with set aside of land for open space consistent with provisions for Type III development.

One dwelling unit per three acre density was also carried over into concurrent discussions on the 1101 growth plan (January 11, 1999 memo to coordinating committee) and incorporated into the Conceptual Land Use Plan (adopted March 23, 2000). The Land Use Plan identified a rural 2 land used category applicable to mountainous areas as follows:

The rural 2 land use category identifies areas in the county where land development is highly constrained by natural factors and infrastructure, and where low density development is expected. The majority of development in the area is expected to be residential at densities less than .33 units per acre, or one unit per three acres on average.

Again, plan provisions were based on provisions in the Subdivision Regulations for Type II and Type III developments. Adoption of the Conceptual Land Use Plan was part of the process of formulating the zoning regulations and provides a plan basis for regulations.

#### Present Zoning Regulations.

The R-2 zone is specifically applicable to rural areas with expected low density development. As a practical matter, the R-2 zone is predominantly oriented to the mountainous or steeply sloping lands of the county. Low density is defined in the Conceptual Land Use Plan as one dwelling unit per three acres or less, and in application is defined in the R-2 regulations as follows:

F. Minimum Lot Size and Density: unless otherwise explicitly required in subsections above, the minimum lot size per unit for development shall be five acres. For other than one unit per lot, or for planned unit development, the density shall be no greater than 0.2 units per gross acre, provided that density may be up to 0.33 units per gross acre in planned unit developments with a commensurate amount of common open space permanently set aside and maintained. (Underline added for emphasis)

Note that the base lot size in the zone is five acres, but with design flexibility for planned unit development to a density of .33 units per acre which translates to a density of one unit per three acres. Note also that density and lot size are related, but are not the same. Lot size can define maximum density by setting a minimum lot area, but density is more generally the relationship between dwelling units (not necessarily lots) and land area.

In applying the density requirement to PUD designs, Section 7.3 of the zoning regulations provides guidance on density and minimum lot size as follows:

Section 7.3. Planned Unit Development. The purposes of these provisions for planned unit development are to allow flexibility in design of a large development, and to allow mixed use where such mixed use may be reasonably designed and integrated into a large development. The following shall apply: ...

D. The density, lot size and setback requirements of the district shall apply to any planned unit development, provided that such requirements may be varied under the following conditions and limitations: the overall required density of development by use is maintained; no lot is less than one-half the minimum applicable lot size by use within the district; setbacks on the perimeter of the planned unit development are maintained at district minimum or greater with no variation; and no principal structure is located nearer than ten feet to any other principal structure if such structures are detached. (underlined for emphasis)

The provision to cluster at a higher density is conditioned on review as a Planned Unit Development (PUD) with set aside of “commensurate” open space. This is consistent with provisions in the Subdivision Regulations for Type III cluster developments with required set aside of one-half of the land for open space and an average density of one unit per three acres. The R-2 zone implies a nominal lot size in cluster development of three acres (.33 units per acre). The PUD provisions allow one half of minimum lot size for clustering, thus application of 1.5 acres minimum area per lot. The application of 1.5 acre minimum lot size to cluster development has

most notably been documented in consideration of the Homestead development as a Planned Unit Development in the R-2 zone (staff memo of February 25, 2003).

“Commensurate” open space is not clearly defined in the zoning regulations. However, Subdivision Regulations for Type III development provides a standard of one half of gross development area. With 1.5 acres per lot, this would translate to 1.5 acres of open space per lot on average, thus leading back to the three acre standard and density of .33 units per acre.

#### Difficulty in Application.

The main difficulty in application of present zoning provisions for PUD in the R-2 zone is the setting of a minimum lot size at one half the applicable minimum in the zone.

If the stated minimum lot size of five acres is used, the minimum lot size in a PUD design would be 2.5 acres. To allow for overall density of one lot per three acres, only 0.5 acres would be left over for open space. Given that road right-of-ways are not counted in lot area and can account for up to 15 percent of overall land area, the requirement for “commensurate” open space is trivialized. This would not approach the concept of clustering in the precedent Type III subdivisions with one-half of land set aside for open space.

In precedent application to the Homestead development, a nominal lot size of three acres, based on one lot per three acres density, was used as a base, along with Type III provisions for open space set aside as a guide for considering “commensurate” open space. Using this approach, the minimum lot size would be 1.5 acres, with the remainder of the land, 1.5 acres per lot, being considered as “commensurate” open space. Note that the remainder of the land would also include road right-of-way and any other functional set aside not included in the area platted as lots. This method of calculating minimum lot size results in substantial set aside of open space, which was the basis of the provision for density bonus from minimum five acre lots to one unit per three acre density in the Subdivision Regulations.

To recap, the difficulty in application of present zoning regulations in the R-2 zone is the lack of explicitly defined minimum lot size in a PUD design, lack of explicit parameters for “commensurate” open space, and the mathematical difficulties of meeting overall cluster density requirements without assuming at least a minimum lot size of 1.5 acres. Though providing some flexibility in design of cluster development with open space, the present zoning regulations do not match the flexibility in design allowed in the Subdivision Regulations for Type III developments.

#### Intervening Considerations.

For the most part, Type II and Type III subdivisions were platted in the past on gravel roads, with individual lot by lot septic systems, often with lack of public utility water. Such conditions warranted larger lot sizes. More recent development proposals, most notably Kinzel Springs development, have introduced paved streets, public utility water, and most importantly public utility sewer. Such new conditions may warrant consideration of smaller minimum lot sizes.

The provision of higher level of services addresses some of the concerns about development constraints in the mountains. Particularly, paved roads are generally more stable on slopes, public water addresses concerns about the need for greater lot size for provision of well water, and public sewer addresses concerns about the need for greater lot size to accommodate on-site septic disposal. The provision of paved road, and public utility water and sewer warrant a reconsideration of regulations to allow appropriate flexibility in design of a PUD development in the R-2 zone.

#### Alternatives for Change.

There are two main alternatives for considering change in our regulations. First would be to create greater design flexibility with provision of higher level of services (roads, water and sewer) by letting lot size vary unrestricted within a PUD, with overall density requirements remaining constant. Second would be to create greater design flexibility by setting a more reasonable minimum lot size with provision of higher level of services. For both alternatives, setting

some determinable amount of required “commensurate” open space is needed while maintaining overall density in the zone.

*Alternative 1.* Under the first alternative, minimum lot size would be practically set by minimum lot size requirements in the Subdivision Regulations, basically 35,000 square feet if on individual septic and well water (about 0.8 acre or greater to meet minimum septic approval standards), 30,000 square feet if on individual septic with public utility water (about .69 acre or greater to meet minimum septic approval standards), or 7,500 square feet if on public water and public utility sewer (about .17 acre). The benefit of this alternative is that it would allow greater flexibility in design. Consideration may be needed for preserving overall character of the low density zone if the smallest lot size of 7,500 square feet is considered, with a larger minimum lot size indicated to keep in character with other rural area development.

*Alternative 2.* Under the second alternative, some definable minimum lot size would be set. Given that setting a nominal minimum of 1.5 acre has proven difficult in application, a lesser minimum is indicated. For discussion, staff suggests the minimum in the next greater density R-1 zone which is most commonly 30,000 square feet (0.69 acre), with provision that lot size may be greater as required to meet minimum standards for septic approval. The benefit of this alternative is that a minimum lot size has a floor that is more characteristic of development in rural areas elsewhere in the county.

*Open Space.* To address required open space, staff suggests that open space be defined exclusive of road right-of-way, and set at a more reasonable minimum of 35 percent of total cluster developed area. This gives a generous accounting of 15 percent of total area in roads, and still meets the intent of providing substantial “commensurate” open space.

*Density.* Density would remain the same for cluster developments, at .33 units per acre or one unit per three acres.

Proposed Amendment.

For discussion purposes, staff proposes the following amendment based on Alternative 2 above.

That Section 7.3 D be amended to read as follows:

D. Density, lot size and setback requirements.

(1) For other than R-2 zone provisions for development at .33 dwelling units per acre, the density, lot size and setback requirements of the district shall apply to any planned unit development, provided that such requirements may be varied under the following conditions and limitations: the overall required density of development by use is maintained; no subdivided lot is less than one-half the minimum applicable lot size by use within the district; setbacks on the perimeter of the planned unit development are maintained at district minimum or greater with no variation; and no principal structure is located nearer than ten feet to any other principal structure if such structures are detached on an undivided parcel.

(2) For R-2 zone developments allowed at .33 dwelling units per acre and not served by public utility water and/or public utility sewer, or served by private gravel roads, overall density of development shall be no greater than one dwelling unit per three acres, the minimum subdivided lot size shall be 1.5 acres, a minimum of 35 percent of gross land area for open space shall be provided exclusive of road right-of-way, setbacks on the perimeter of the planned unit development shall be maintained at district minimum or greater with no variation, and no principal structure shall be located nearer than ten feet to any other principal structure if such structures are detached on an undivided parcel.

(3) For R-2 zone developments allowed at .33 dwelling units per acre and served by public utility water and public utility sewer and roads paved to design standards of the Subdivision Regulations, overall density of development shall be no greater than one dwelling unit per three acres, the minimum subdivided lot size shall be 30,000 square feet (0.69 acre), a minimum of 35 percent of open space shall be provided exclusive of road right-of-way, setbacks on the perimeter of the planned unit development shall be maintained at district minimum or greater with no variation, and no principal structure shall

be located nearer than ten feet to any other principal structure if such structures are detached on an undivided parcel.

[NOTE that subsection 2 above in effect would require application of Type III development standards for cluster development on private gravel roads as provided in the Subdivision Regulations.]

**3. Putter's Green by Ed Shore off Lee Shirley Road: 7 lots; 4 to be served exclusively along a proposed 50' common driveway easement and 3 lots with county road frontage.**

Background:

The Planning Commission approved the 7 lot preliminary plat at the April 26th, 2007 regular meeting. At that time the owner was Green Communities. Currently the property and proposed subdivision has been purchased by Mr. Shore. The preliminary plat is still active and the new owner is requesting final plat approval subject to outstanding items to be completed. This plat in some configuration has been before the planning commission for nearly a decade. The original owner K.R. Properties got preliminary plat approval for Lili Marlene Subdivision in March of 1999, In 2005 Green Communities acquired the property. The current owner would like to actually make all of the final required improvements in a timely fashion and record a final plat upon completion by the end of July.

Previously a paved surface private road was proposed to serve the lots. However the previous owner Green Communities had modified the plan to contain a common driveway on a 50' permanent easement. Some construction has occurred on site but this project was not completed. This version of the Putter's Green preliminary plat now contains 7 lots.

Analysis:

Design of plat, plat description:

The parcel is in the R-1 zone. The final plat for Putter's Green with the proposed common driveway proposal is satisfactory with the information previously supplied during preliminary plat and subject to staff analysis. The parcel is gently rolling pasture land on a mild grade to slightly steeper grade along the front portion of the parcel that drains towards Lee Shirley Road. The parcel is currently vacant of any farming or other use.

According to the preliminary plat all these lots are to be served by public water and individual septic systems. According the surveyor, none of the

parcel is located in a floodplain. The proposed development has been reviewed inclusive of subdivision regulations for small lots with a common driveway, public water, electric and individual septic systems.

Septic, Sanitary Sewer:

A preliminary soil map was supplied along with the previous preliminary plat for Lili Marlene proposal as required. The soil scientist had identified marginal soil characteristics. The environmental health department has given a favorable preliminary recommendation and has signed the final plat for the 7 lot version of Putter's Green

Existing County Roads:

Minor Subdivisions of four lots or less are acceptable as per the Subdivision Regulations with respect to road criteria. The road list for the county shows the county section of Lee Shirley Road has an average 16'-18' paved surface. From the location of the proposed subdivision the road is 18' or wider all the way to Russell Hollow Road at the Loudon County line. The Highway Department has indicated that Lee Shirley Road is satisfactory for this plat request.

Utilities:

Public water and electric are proposed to serve all lots for the proposed Putter's Green Subdivision. The Electric utility has signed the final plat. The Water utility has signed the final plat indicating that lots 2-5 are served by water. Lots 1, 6 and 7 all have road frontage and shall be metered at the county road and do not require service line extensions for final plat. A six inch public water line has recently been constructed along Lee Shirley Road according to Mr. Schultz of the Tellico Area Services System to connect the TASS system with South Blount Utility District and serve these proposed lots.

Drainage and Erosion Controls:

A drainage plan with calculations was supplied as a 13 lot subdivision. Due to the topography of the site, and the possibility for additional future division, the previous developer Green Communities has opted to include an overall drainage plan and had constructed the designed drainage structures for this seven lot subdivision which would actually accommodate the 13 lot proposal. The drainage plan has been amended and two detention facilities were included on the front and one basin in the rear of the parcel. The parcel is gently rolling land and a portion of drainage will be directed towards Lee Shirley Road. Staff requested the drainage be re-evaluated based on drainage calculations due to the

topography of the site and the fact that the drainage will be directed towards the county road and towards properties that are below this tract.

As of July 15<sup>th</sup>, Derick Jones of Sterling Engineering had confirmed that Sterling Engineering was prepared to certify the final plat previously but had not been requested by the previous owner to supply that letter to staff previously. Once arrangements are made between the current owner and Sterling Engineering, a final evaluation will be made by Sterling and a certification letter will be supplied to planning staff.

All three detention ponds must be maintained and surge stone needs to be installed at all outlet pipes to act as an energy dissipater. All three ponds need to be reseeded and covered in straw as a condition of plat approval according the storm water coordinator.

Drainage areas have been identified on the final plat in easements as requested by staff. All permits had been supplied as required for this project including the Storm Water Pollution Prevention Plan (SWPPP) permit from the State of Tennessee. The currency of the SWPPP shall be verified by the current owner and erosion control measures must be in place until the SWPPP is released by the State.

*Construction of Improvements:*

The bulk of the improvements have been completed almost a year ago. Since that time the parcel has grown and the drive and drainage facilities have fallen into disrepair. The current owner is planning the have the project brought back to a completed stage by the end of July and is planning to re-grade the road and bush hog the parcel the week of the Planning Commission meeting. The drainage improvements are to be addressed at the same time. The only other outstanding item that was ever completed by the previous owner was the paving of the entrance of the common driveway as per staff instructions. The current owner intends to have the entrance paved as soon as the road has been re-graded and before the end of July.

The common drive has been built on a compacted earth surface void of substandard soil condition in the sub-grade. The graded surface is a prepared crowned surface a minimum of 16 feet wide between ditches on both sides of the driveway. The gravel surface application has been spread the entire length of the common driveway, and the drive is 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 have also been completed. The tiles for the common driveway have been sized by the project engineer.

*Note that the updated standard on a common driveway is 4" of rolled pug-mix. However the stone has been applied to this driveway some time ago and it would serve no functional purpose to add 2 more inches of pug mix and try and compact it on a gravel surface road bed.*

As approved for preliminary plat: For safety purposes staff is requiring all 7 lots to access the parcel off the common driveway easement only. Due to the number of lots to be served by the use of the common driveway and for safety and maintenance purposes the driveway entrance shall be paved. The paving standard is 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 Lee Shirley Road to the end of the right-of-way at a minimum. This paving the entrance recommendation was previously noted in the prior preliminary plat approval as well with four lots and a remainder.

Staff notes precedent to paving the entrance and 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 the main road is desired. The preliminary plat was approved with the above 7 lots to access the common driveway.

A note shall be added to the final plat than none of the lots shall have any other driveway access along Lee Shirley Road. Per the proposed lot design, only lots 2, 3, 4 and 5 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 lots ( 1, 6 and 7) shall access the easement for driveway safety purposes.

*Property Owner's Association:*

The new owner shall supply documentation for a Property Owner's Association inclusive of maintenance responsibilities for the common driveway and drainage detention facilities for staff review prior to final plat. Any future use of the 50' common driveway easement, or temporary situation for potential future road construction should be included in the private covenants as well. The current owner is having this document prepared at this time.

*Administrative Considerations:*

The proposed Putter's Green was reviewed inclusive of subdivision regulations for small lots served by a common driveway easement with public water and individual septic systems. As required, the preliminary plat was supplied with topographic information and preliminary soil information, in addition to a road profile and drainage plan. The comments from the engineering department are included in this staff analysis.

The design of the lots conforms to the requirements for the subdivision regulations for small lots with public water. The currently proposed lots sizes are in accordance with the Blount County Subdivision Regulations for small lots with public water and individual septic systems.

This plat is being re-submitted as a final plat with the bulk of the construction of the common driveway, drainage facilities and erosion control measures in place.

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.

The final plats for this 7 lot Putter's Green subdivision contain all certifications except for the Planning Commission Secretary pending completion of the following.

Outstanding items to be completed:

1. Completion of common driveway (re-grading), bush hogging, completion of drainage basins as noted in the staff analysis, paving of the entrance and reseeding any exposed areas.
2. A note shall be added to the final plat that all lots shall have driveway access only off of the common driveway.
3. Driveway and drainage certification letter from the project engineer.
4. Copy of POA/Maintenance Agreement documentation to be supplied.
5. \$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. Tomlinson Property off Lail Lane by Donald Tomlinson: 3 lots served by a 25' permanent easement.**

This proposal was previously before the planning commission for consideration of a rezoning request from R-2, to R-1 to allow for the division of the four cabins onto four individual lots. The Planning Commission acted to send the request onto the County Commission with a favorable recommendation. The County Commission approved the rezoning request. This proposal returns to the Planning Commission now in the form of the subdivision of the parcel.

This is a three lot preliminary and final plat. The proposed subdivision contains a total of 3.3 acres at the end of Lail Lane. Lot 2 shown on the plat was divided as a one-lot plat previously. All three of the lots are to have access to Lail Lane along the proposed common driveway easement. Site distance at this location is not an issue.

Analysis:

Design of plat, plat description: The proposed subdivision of the Tomlinson Property is satisfactory with the information supplied and subject to this staff analysis. The parcel is gently rolling and has four cabin homes on the property.

Note: The parcel is now in the R-1 zone and the density and lots sizes are appropriate.

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

Existing County Roads: Lail Lane is a minor status road and the road list for the county shows Lail Lane with an average 15' paved surface with adequate shoulders and ditches and is acceptable for this preliminary and final plat request.

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

Construction of Improvements: No construction is required for this three lot subdivision. The existing common driveway is well established. Any additional grading or widening would be counterproductive. A portion of the entrance already contains some paving beyond the end of the county roadway as is satisfactory as is. There are no sight distance issues as this drive is at the end of the county roadway. No permits or erosion controls were required since no construction was indicated. This three lot plat did not require any drainage plan and meets all of the criteria for division as established for common driveway development.

- 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 a proposed common driveway easement with an existing common driveway, with available public water, existing electric and individual septic systems.

Property Owners' Association/ Maintenance Agreement: The owner shall supply a copy of the maintenance agreement or property owner's association for the perpetual maintenance responsibility of each lot to main the common driveway easement. Lot 2 that was previously recorded also needs to be included.

Outstanding items to be completed:

1. All certifications on the final plats.
2. Maintenance Agreement documentation to be recorded with the final plats.
3. \$20.00 per lot platting fee

**2. Re-subdivision of Tract 1 of the Ronnie Ratledge Property off Big Gulley Road by Mary Culp.**

Ms. Culp is requesting the re-subdivision of Tract 1 of the Ronnie Ratledge Property into Lots 1R-1 and 1R-2 off of the common driveway easement which will be the fourth and last lot to be served of the common driveway easement.

The original Ronnie Ratledge plat was approved as a 3 lot subdivision served by a common driveway easement in January of 2002. The final recorded plat contains the common driveway notification as follows:

Subdivision of lots having exclusive access along the joint permanent easement (common driveway) is limited to no more than four lots maximum.

The owners of lots \_\_\_\_\_ having access along the joint permanent easement (common driveway) shall be jointly responsible for the perpetual maintenance of the joint permanent easement, and all deeds for said lots shall specify such responsibility and mechanisms for maintenance.

No other notes were added to the final plat indicating that one particular lot was to be allowed to re-divide.

Standard operating procedures by staff is to have the owner requesting the final lot to notify the other lot owners and see if there are any objections.

Previous precedent was first-come first serve with the notification procedure regardless of objection.

This long standing precedent was modified at the previous meeting in June 2008 when a similar request for the Nelson Property was approved that that the person objecting be allowed to get one future lot and the Nelsons the other. In this instance there is only one remaining lot available.

Both other owners (Willocks and Judd) along the common driveway easement have objected to the re-subdivision of Tract 1 by Ms. Culp.

Representatives for all interested parties are planning to address the planning commission at the meeting.

## **II. Misc. Items:**

### **1. Jerry Cardin Property off Ratledge Road request for variance.**

Items Attached: Variance Request Letter from Jerry Cardin dated July 2, 2008.

Cardin Property S/D approved in August of 2006.

Background from August 2006 staff memo: The preliminary and final plat for the Cardin Property was an approved 5 lot subdivision containing 3 acres along a 25' common driveway easement off Jerry Cardin Lane (common drive). The 5 lots encompass all existing residential structures. The common driveway is existing and in good repair to serve all of the lots and homes shown. One tract at the rear of the parcel (Hatcher) is served by the common driveway easement for a total of 4 lots total served exclusively off the easement which is appropriate.

Mr. Cardin has supplied a letter to the Planning Commission requesting a variance to the subdivision regulations Section 6.02.5a (1) For Common Driveway Development.

The request is to allow for a fifth lot to be divided off of the common driveway. Mr. Cardin wishes to re-divide Lot 3 of the Cardin Property into two lots. (See Plat Attached).

The Subdivision Regulations allow for four lots to be served exclusively off of a common driveway easement.

The Cardin plat shows four lots served by the common driveway easement (Lots 2, 3 5 and the Hatcher property at the end of the driveway easement). Lot 4 is a flag-lot to the county road and is not counted as one of the four lots.

The planning commission has allowed more than four lots to be served off of a common driveway easement for purposes of safety in cases where lots accessed the easement while having road frontage as well but this is not the case for this request.

Note: that the Cardin Property S/D plat was recorded with the following notation:

Subdivision of lots having exclusive access along the joint permanent easement (common driveway) is limited to no more than four lots maximum.

The owners of lots \_\_\_\_\_ having access along the joint permanent easement (common driveway) shall be jointly responsible for the perpetual maintenance of the joint permanent easement, and all deeds for said lots shall specify such responsibility and mechanisms for maintenance.

Should the re-division of lot 3 be approved, the Zoning regulations would require that the duplex lot be a minimum of 1.67 acres to meet the density requirement for multiple units on one lot.

The condition of the existing common driveway is very good and there are no sight distance issues.

Staff had suggested removing a lot line between two of the lots (between 3 and 5) and then dividing lot 3 in order to maintain the four lots on the common driveway as a possible option. Staff also advised Mr. Cardin there is no precedent or basis for the variance as requested.

