

# Think Quality - Think Future

## Blount County Planning Department

Blount County Courthouse - 327 Court Street

Maryville, TN 37804-5906

Tel (865) 273-5750 - FAX (865) 273-5759

e-mail - [planning@blounttn.org](mailto:planning@blounttn.org)

### MEMORANDUM

TO: Members of the Blount County Planning Commission

FROM: Planning Department (Tel. 273-5750)

DATE: August 1st - 20th, 2008

SUBJECT: Staff reports on agenda items for the *Thursday August 28th, 2008* regular meeting. 5:30 Hearings and Site Plans

#### Hearings:

- A. Concept Plans: None
- B. Preliminary Plats – Major Subdivisions
  - 1. **Lots 4 – 7 Amburn Builders LLC Property off Peach Orchard Road by Amburn Builders LLC: 4 lots to be served by a 25' common driveway easement and a remainder.**

Background: The preliminary plat for the Amburn Builders Property is a proposed 4 lot subdivision containing 3.3 acres with a remainder greater than five acres. A 25' common driveway easement is planned to serve all of the proposed lots off of Peach Orchard Road. The Thomas Hughes Tract is served by the same common driveway easement. Lot 7 shown is a flag lot and contains the length of the easement. Lots 4, 5, 6 and the Hughes property are the four lots served exclusively off of the easement.

#### 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 Peach Orchard Road 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 and be completed prior to releasing the final plat.

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 Peach Orchard Road as being 17 -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 with some clearing of vegetation. 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 underground electric.

Construction of Improvements: The Hughes Property contains an existing home that is served by a driveway that requires additional improvements to meet common driveway standards to serve lots 4-7 of the Amburn Builders LLC Property. 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 driveway grade appear satisfactory.

The common driveway must be fully installed to each lot to be constructed within a 25' easement. A T- turnaround shall be required on Lot 7. 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 existing gravel surface shall be

improved were necessary to meet the minimum four inch thickness requirement. 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 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 be built to county road standards and the paving shall extend from the edge of the existing pavement along Peach Orchard Road to the edge of the right-of-way at a minimum. A 40' turning radius shall be constructed at the entrance. Vegetation restricting sight distance shall be cleared in either direction. A sight distance easement shall be added to the future final plat and maintained by the lot owners.

Prior to any on-site work 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 four-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 Peach Orchard Road.
- It is the responsibility of the developer and contractors to contact Tennessee One-Call to verify the location of all utilities at least 72 hours prior to any construction at 1-800-351-1111.

Maintenance agreement for common drive: The owner shall supply a Maintenance Agreement inclusive of maintenance responsibilities for the common driveway and sight distance easement.

Administrative Considerations: The proposed Subdivision of Lots 4 – 7 of the Amburn Builders LLC 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.
3. Supply copy of Maintenance Agreement to staff for review.

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.

**2. John C. Adler Subdivision off Flats Road by John Adler: 5 five acre tracts to be served off a 50' private road easement and two separate common driveway easements. Variance request to road grade.**

Background: The original concept plan was presented by Dr. Adler in February of 2000. In March of 2000 a preliminary plat was originally approved for a 108 small lots cluster development along proposed Private Road easements to be contained on over 550 acres of mountainous property. The preliminary plat was renewed for one year while Dr. Adler constructed a large portion of the private roadway that is indicated on the current plat shown. Lots 1 and 2 were previously recorded but never platted. This preliminary plat is intended to properly plat the existing lots 1 and 2 and to create three additional new lots, lots 3, 4 and 5.

Dr. Adler is requesting a variance to road grades in excess of 15% for portions of the previously constructed roadway as-built in the 50' private road easement indicated on the preliminary plat.

VARIANCE REQUEST: Staff was advised by the project engineer that several short sections of the proposed private road are greater than the allowable 13% road grade.

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

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

Attached to the final plat are road profiles provided by the project engineer. Staff has marked the plats to indicate all of the areas that are in excess of the 15%.

There is no specific procedure specified in the subdivision regulations for granting a variance in this situation. However, this may fall under general variance allowance, and the Planning Commission has accepted a similar road grade situation for Farmington View Subdivision for a section of road that was over 15%. Staff reports that the roadway as-is drives well and any additional disturbance is unnecessary.

Analysis:

Design of plat, plat description:

The proposed John Adler Subdivision is located on steep mountainous land off of Flats Road and Tower Road. The proposed subdivision now simply contains 5 lots on 25 acres plus the acreage of the land contained in the 50 private road easement. None of the previous cluster development standards shall apply nor are required for these five tracts all of which are five acres each.

The proposed subdivision is located off of Flats Road. The five lot subdivision will be serviced by a 50' private road easement containing a gravel surfaced road (ranging from 18' wide to 22' wide plus adequate shoulders and ditches). At the end of the private road, a 25' common driveway easement will be utilized for lots 3, 4 and 5 and a separate 25 common driveway easement shall serve lots 1 and 2.

Staff review of this plat is consistent with plat review as defined for major subdivision in the Blount County Subdivision Regulations to include private roads and mountain development standards. The parcel is in the R-2 zone and is wooded property on rolling terrain. This proposed private road and common driveway division can be accommodated off of Flats Road. All of the physical common driveway and private road construction and installation of utilities shall be the responsibility of the owner and be completed prior to releasing the final plat. According to the plat all these lots are to be served by well water and individual septic systems. None of the parcel is located in a floodplain.

Septic, Sanitary Sewer: A soil letter was supplied for lots 3, 4 and 5 as required for lots of five acres in size or greater. Lots 1 and 2 have existing cabin homes constructed on them and have obtained septic permits.

Existing County Roads: Flats Road has adequate road width based on previous approvals for the previous 108 lot version of the Adler subdivision.

Utilities: Public water is not available. All 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. Lots 3, 4 and 5 shall be served by underground electric.

Construction of Improvements: The entire length of the private road and two common driveway easements have been constructed in accordance with the road width, ditching and stone surface application standards as specified in the subdivision regulations. Staff has inspected all sections of roadway that have been constructed between 2001 and 2002 and find that the roads are in very good condition and drive easily, no additional road

improvements are being requested by staff at this time other than seeding and strawing of sections of the ditches to be determined in the field by the Storm Water Coordinator. All soil stabilization must be in place and inspected by the Storm Water Coordinator prior to releasing the final plat.

Section 6.02.5 (a)(1) of the Subdivision Regulations requires all common driveway entrances to be paved for a short distance. Staff suggests this is not applicable since the private road serving the common driveways is also gravel. Staff recommends the common driveways to be approved as-built.

*Drainage and Erosion Controls:* Drainage information and calculations were not required for this plat. No drainage basins were required for the previous plats submitted according to the original drainage plan. All road and driveway construction was completed several years ago and no current permits were required from the State or County.

*Maintenance agreement for common drive:* The owner shall supply Property Owner's Association documentation for the common driveways (lot Specific) and the Private Road easement.

*Administrative Considerations:* The proposed John C. Adler Subdivision was reviewed inclusive of subdivision regulations for five acre tracts served by common driveway easements and a private road easement, with well water, electric and individual septic systems. As required, the preliminary plat was supplied with topographic information and a soil letter. The comments from the engineering department are included in this staff analysis

Outstanding items to be completed:

1. Consideration of variance request to road grade.
2. Surveyor to tie property to nearest intersection.
3. Supply copy of Property Owner's Association Documentation.
4. Completion of electric utility installation.
5. Signature plats with 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. **Homestead West Phase 2A off of East Millers Cove Road by Naterra Land. 20 lots to be served by Long Rifle Road previously approved in Phase 1.**

The preliminary plat for Phase 2 was approved by the Planning Commission at the August 23, 2007 regular meeting. The Phase 2 preliminary contained 37 proposed new lots. Phase 2A is a portion of the Phase 2 preliminary containing only lots where the drainage facilities have already been built when Long Rifle Road was originally constructed. Any future Phases may require additional drainage facilities to be constructed and updated drainage calculations and plans.

Background:

The Phase 2A final plat contains 20 proposed new lots along an existing county roadway. The total area of development for Phase 2A is 65.9 acres, with 34 acre of lot area (30 acres in Blount County and 4 acres in Sevier County) and 31 acres of open space. Phase 2A has an average density of **1 unit per 3.3 acres**.

Analysis:

Design of plat, plat description:

The entire Homestead West property is mountain land located in the R-2 zone. The proposed preliminary plat for Phase 2 indicated a total of 37 lots with open space along the previously constructed Long Rifle Road. While the minimum lot size in the R-2 zone is 5 acres, the cluster development with a commensurate amount of dedicated open space allows for lots to be a minimum of 1.5 acres each and a minimum average density requirement of 1 unit per 3 acres. All of the lots show for Phase 2A are at or greater than the minimum for cluster development. All lots have at least 35,000 square feet outside any development hindrance. All of the lots are to be served off of the internal road system.

The parcel is rolling to steep terrain and is heavily forested. The parcel contains several drainage areas including some step grades that are all to have independent drainage controls and drainage easements.

Existing County Roads:

This proposed development is serviced off of East Millers Cove Road. The Preliminary Plat was approved with a variance to Section 6.01.2 concerning land unsuitably located for subdivision, particularly subsection (b) on adequacy of road infrastructure. As part of the variance process, Naterra agreed to improve portions of East Millers Cove Road, and entered into a contract with the Highway Department to accomplish the improvements in stages as the Homestead Subdivision developed.

According to Tony Abbott of the Highway Department, Naterra has participated by purchasing bridge decking materials to be utilized by the highway department in the future for bridge replacement. Road Signage, guard rails and delineators are to be forthcoming pending determination by the Highway department of increased traffic along East Millers Cove Road. According to Mr. Abbott, the participation by Naterra in making improvements to East Millers Cove Road are on track and satisfactory even though the phasing mentioned by Mr. Dunlap is not occurring in the same order. The Highway Superintendent is satisfied with the participation by Naterra for this Phase 2A final plat since there has been no appreciable additional traffic and there are no residents living in Homestead West in Blount County at this time.

Collateral damage along Long Rifle Road is being coordinated between the developer and the highway department at this time for Phase 2A and shall be completed prior to releasing the Phase 2A final plat.

*Individual Septic Systems:*

The environmental health department has reviewed all the proposed lots in Phase 2A for septic tanks, field lines, and duplication areas, natural swales and steeper terrain and has completed final field evaluation and has signed the final plats. Some lot line adjustments were required from preliminary plat design, but the overall design was maintained. 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 and ARAP permits and county grading permits were not required for Phase 2A since no new construction occurred

Erosion controls were and are still being employed for post construction. The Storm Water Coordinator has inspected all on-site erosion control measures on a regular and has confirmed they are satisfactory and comply with the original SWPPP permit.

Some final construction shall occur with regard to completion of collateral damages along Long Rifle Road. The developer shall contact the Storm Water Coordinator to insure that any necessary permits are obtained.

A road plan with profiles, cross section and proposed road layout and road drainage facilities were previously submitted for Phase 1 and Phase 2 Preliminary plats.

The project engineer shall certify in writing that all of the road, drainage and detention facilities for Phase 2A have been built in accordance with the project engineering plans and specifications; and that all of the storm water drainage for the 20 lots shown is accommodated for in the existing drainage facilities.

*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 previously approved road and drainage plans have been employed by the developer.

The developer is working on fixing the damages to Long Rifle Road in short order; by the time of the meeting or shortly thereafter to wrap up construction, cleanup the construction areas and administrative items with the signature plats.

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

*Property Owner's Association:*

The developer shall supply an addendum to Property Owner's Association for the Homestead West Phase 2A for the maintenance responsibility for the drainage facilities and other common elements including open space for staff review. The signed and notarized originals must be recorded with the final plat.

Administrative Considerations:

The proposed Homestead West Phase 2A final plat was reviewed inclusive of subdivision regulations for cluster development lots along paved county 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 2A project.

Outstanding Items to be Completed:

- All road drainage and detention facilities must be certified as being built in accordance with the project engineering plans and specifications prior to final plat submittal for Phase 2A.
- Fixing of all collateral damages along Long Rifle Road to the satisfaction of the Highway Superintendent.
- Property Owner's Association addendum to be supplied for review and consultation with Attorney for the County Mayor, as necessary.
- Final signature plats.
- Payment of the \$40.00 per lot platting fee due with final 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

D. Preliminary and Final Plats - Major Subdivisions: None

E. Preliminary and Final Plats - Minor Subdivisions:

1. **Jerry Cardin Property off Ratledge Road (Previous request for variance).**

A variance was granted to Jerry Cardin at the July 2008 regular meeting allowing Mr. Cardin to divide his property as indicated on the attached

parcel, allowing for six lots to be served by the common driveway easement with the understanding that the duplex lot (lot 3) contain 1.67 acres to meet the density requirement of the zoning regulations for multifamily dwellings in the R-1 zone.

A condition of the variance being granted was that Mr. Cardin present the plat back to the Planning Commission; and that a Maintenance Agreement be supplied inclusive of all lots along the common driveway with the exception of the Second Perkins Lot and the Hatcher lot at the rear of the parcel, since both of these parcels had previous access along the easement.

Background: The Cardin plat shows five lots served by the common driveway easement (Lots 2, 3, 5, and 6 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 Perkins Tract contains two lots, one of which makes for the sixth lot served exclusively off of the common driveway easement.

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

The Plat supplied meets the conditions of the Planning Commission from the previous meeting and approval of the request for Variance for Mr. Cardin.

Approval of the plat (attached to staff memo) would be to accept the plat shown with previous variance, require final plats with all certifications by the appropriate agencies, require the owner to supply a maintenance agreement for lots 2, 3, 4, 5 and 6 and require a \$20 platting fee for the one additional lot.

**Misc. Items:**

**1. Request for variances to allow combination of substandard lots of record resulting in substandard Lot 28R of Lookmont Section Top of the World along Smokerock Circle by Ronald Campbell.**

Lots 28 and 29 of Lookmont Section Top of the World were created on plat in file 359B and 392B, and are lots of record. Both lots are substandard in size, as is the proposed combination of lots into Lot 28R with 0.55 acres or approximately 24,147 square feet. There is no indication of septic capability on original plat or present proposed plat.

The proposed combination of two lots of record into one substandard lot indicates several 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 either the Environmental Department certify septic capability for the lot or a note be placed on the plat that there is no septic capability for residential or any other use.

**2. Re-request for variance to setbacks for the Re-plat of lot 116 Mt. Luke Subdivision off Laurel Road.**

Lot 116 is being re-divided into lots 116R1 and 116R2 according to the attached plat. Lot 116R1 is 1.09 acres and Lot 116R2 is 1.58 acres. Both lots meet the minimum lot size for lots in Laurel Valley which is in the R-1 zone that allows for lots to be a minimum of 30,000 square feet.

The re-plat indicated implies that the 10 front setback that was previously recorded with the plat be applied to the new plat. However the re-subdivision of the tract requires that current setbacks be met and indicated on the plat or a variance be granted to allow for the 10 foot setbacks. The current front setback requirement is 30 feet.

The Planning Commission has routinely acknowledged previously platted setbacks as the current standard or a grandfathered situation. This situation is particularly common in mountainous developments and has been approved on a regular basis for Laurel Valley where many of the homes are located near the front property lines due to physical constraints to the property (steepness of the lots suggests that building closer to the road is advantageous and less development impact to the lot in question).

The previous plat referenced on Map File 2213A was recorded with a 30 front setback in 2004.

In order to re-divide the Environmental Health Department had hatched in an area to be used exclusively for subsurface sewage disposal. Lot 116R1 actually has a maximum building envelope for a potential home located on the plat. By re-dividing the parcel the septic capacity has been reduced to allow for two homes instead of one, This limitation suggests that reducing the setbacks also be a consideration in order to allow for as much buildable space on either lot as possible.

Approval of a variance would still require the owner to supply signature plats and pay a platting fee. Granting of a variance to the Subdivision Regulations will not cover any required variances under Zoning. The owner should contact Roger Fields for any required zoning variances.

**3. CM Best Property off Ramsey Road: Variance Request for Encroachment into the right-of-way.**

The CM Best property along Ramsey Road illustrates a structure located on Lot 2 to be encroaching into the right-of-way to be dedicated by 4.4 feet. In order to subdivide the parcel into the two lots indicated a 25' dedication of right-of-way is required according to the subdivision regulations. The encroachment into the right-of way requires a variance to the subdivision regulations for right of way dedication and a variance for the encroachment into the front setback. While approving the variance requests is not automatic in this case, the undivided situation does not require any dedication of right-of way along Ramsey Road, nor does it acknowledge the encroachment in a platted situation.

If the variance is granted a note should be added to the final plat to indicate that should the structure be removed that it cannot be re-constructed in the same location and must meet the current setbacks.

A reduced right-of-way or jogging a lot line around an older structure has been accommodated before with the variance being granted and the encroachment note being noted on the plat to be recorded.

Sstaff has visually inspected the site and has noted that the reduced right-of way –dedication from 25 feet at this location to about 20 feet for the short distance of the building presents no discernible problems for maintenance of the right-of-way. In addition the structure present no sight distance concerns and another building on a nearby tract is much closer to the county road.

---

---

