

# 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: September 1st - 16th, 2008

SUBJECT: Staff reports on agenda items for the *Thursday September 25th, 2008* regular meeting. 5:30 Hearings and Site Plans

#### Hearings:

- A. Concept Plans: None
- B. Preliminary Plats – Major Subdivisions
  - 1. **Lots 1-8 Hambleton Crossroads off Old Niles Ferry Pike by Ruth Kusiowski: 4 lots to be served exclusively by a 25' common driveway easement and 4 lots with county road frontage.**

Background: The preliminary plat for Hambleton Crossroads is a proposed 8 lot subdivision containing 6.9 acres. A 25' common driveway easement is planned to serve the proposed lots off of Old Niles Ferry Road. Lots 5, 6, 7 and 8 are served exclusively off the common driveway easement. Lot 2 and 3 will access the common driveway easement for safety purposes and to eliminate additional driveways along Old Niles Ferry Road. A note will be added to the final plat that lots 2 and 3 shall not have additional driveway access along the county road. Lot 1 has been approved as a one-lot subdivision and Lot 4 has an existing driveway. The proposed location of the common driveway easement is satisfactory and sight distance improvements have been completed.

Analysis:

Design of plat, plat description: The parcel is in the R-1 zone and is open pasture on rolling terrain. This proposed common driveway division can be

accommodated off of Old Niles Ferry Road at this location provided the special instructions in the staff analysis are completed prior to final plat for any of the lots served by the easement for access. 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, underground electric and individual septic systems.

Staff notes precedent to allowing six of the lots to utilize the common driveway for their exclusive vehicular access. This has been allowed before and is typical when additional lots adjoin either side of the common driveway and access restriction to a main road is desired.

A note shall be added to the final plat than none of the lots shall have any other driveway access along Old Niles Ferry Road. Per the proposed lot design, only lots 5, 6, 7, and 8 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 two lots (lots 2 and 3) shall access the easement for convenience and safety purposes.

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 Old Niles Ferry Road as being 19 feet wide with adequate ditches and shoulders for this subdivision.

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

Utilities: Public water and electric are proposed to serve all lots for the 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: Hambleton Crossroads contains an existing home on lot 4 that is served by a driveway that requires no additional improvements.

Any of the common driveway 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 to be contained within the easement. The common drive shall be built on a compacted earth surface void of substandard soil conditions in the sub-grade. Compaction of the sub-grade may be required. The graded surface shall be a prepared crowned surface that is a minimum of 16 feet wide between ditches on both sides of the driveway. The gravel surface application shall be spread a minimum of 4 inches thick of rolled pug-mix the entire length of the common driveway, and be a minimum of 10 feet wide (five feet on either side of crown in sub-grade). The three foot shoulders on both sides of the 10 foot wide gravel surface shall also be compacted and seeded and covered in straw as soon as the stone surface is applied.

The 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 Old Niles Ferry to the edge of the right-of-way at a minimum. A 40' turning radius shall be constructed at the entrance on both sides of the paved entrance. The entrance shall be 16 feet wide of paved surface (wide enough for two vehicles) and taper down to the ten foot gravel driveway.

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 submitted for this eight lot subdivision. The project engineer has indicated that no on-sight detention facilities will be required.

*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 if needed 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 Old Niles Ferry 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 or property owner's association prior to final plat inclusive of maintenance responsibilities for the common driveway and the sight distance easement.

Administrative Considerations: A note shall be added to the final plat that lots 2, 3, 5, 6, 7 and 8 shall have driveway access only off of the common driveway

The proposed Subdivision of Hambleton Crossroads was reviewed inclusive of subdivision regulations for small lots served by a common driveway easement with public water, underground electric and individual septic systems. As required, the preliminary plat was supplied with topographic information, drainage plan and calculations and preliminary soil information. The comments from the engineering department and storm water department are included in this staff analysis.

Outstanding items to be completed:

1. A note shall be added to the final plat that all lots shall have driveway access only off of the common driveway.
2. Copy of a Maintenance Agreement or Property Owner's Association documentation to be supplied to staff for review prior to final plat submission.
3. A preconstruction meeting is required prior to any 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.

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: None

D. Preliminary and Final Plats - Major Subdivisions:

1. **Serenity Meadows off Tuckaleechee Pike and Piney Level Road by Lamon and McDaniel Builders: 15 lots to be served off of two proposed common driveway easements.**

This is a revised preliminary plat and a Phase 1 final plat request.

Background:

The Planning Commission approved the preliminary plat in May of 2007. After a soil determination by the environmental health department the subdivision has been modified to accommodate all of the lots on the revised preliminary plat.

Staff previously noted that the presence of the drainage areas, closed depressions and marginal soils may require modifications to road and lot design for this proposed subdivision. The original two common driveway design has remained in tact; only lot lines were modified and lots combined in order for the proposed lots to be approved for individual septic systems for a three bedroom dwelling.

Revised Preliminary Plat 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 revised preliminary plat for Serenity Meadows illustrates 15 small lots. Two common driveways are planned to serve the bulk of the lots, one common drive off of Tuckaleechee Pike and the other off of Piney Level Road, the remainder of the lots will be road frontage lots. All of the proposed lots are to be served by individual septic systems, public water and all electric shall be underground.

The parcel is slightly sloping terrain and all of the drainage will be directed towards the existing drainage ways and the internal drainage basin that has been constructed on site. Particular attention to drainage across the center of the parcel that enters the adjacent subdivision will be required. In addition, the preliminary plat indicated closed depressions and the developer has indicated that contact with the state on the determination of the status of the closed depressions had occurred.

The bulk of the parcel is open pasture and is void of any farming activity. As mentioned, a drainage plan has been supplied and updated. All drainage features outside the right-of-way shall become the responsibility of a property owner's association to maintain. The proposed development has been reviewed inclusive of subdivision regulations for small lots along county roads with public water, underground electric and individual septic systems.

Existing County Road(s): The county road list indicates that Tuckaleechee Road is a collector status road and is 18.5 to 21 feet wide with adequate shoulders and according to the highway department this proposed subdivision is appropriate for the existing road serving the development. The location of the proposed entrance for the common driveway along Tuckaleechee Pike is marginal.

The regulations require lots along a collector road to have 100 feet of road frontage each. The revised design indicates Lot 1 has 99 feet of road frontage while lot 2 is a 25 foot flag-stem containing a common driveway easement to serve lots 3, 4, 14, and 15.

The subdivision regulations require 325-400 of safe stopping distance on a 45 MPH roadway. Staff measured approximately 350 feet; however the vertical and horizontal alignment of the northeast bound lane along Tuckaleechee Pike limits the sight distance for vehicle movements in and out at this location. Previously the "Out Parcel" with the home was part of the plat design. This lot has since been divided as a one-lot subdivision; staff had recommended shifting the common driveway down toward the "waterhole" located on Lot 1 (further away from the house) and rearranging the lot configuration, adding adequate turning radiuses and paving the entrance of the common driveway to improve this intersection, these modifications have been incorporated into the revised plat design.

Reducing the lot frontage for lot 1 to 99 feet shall require a variance being granted; however staff feels that the desire to not have multiple driveways along Tuckaleechee Pike provides an opportunity to improve safety at this location.

In addition, a permanent sight distance easement including sign and vegetation restrictions shall be added to any future final plat to preserve sight distance at the proposed location of the common driveway along Tuckaleechee Pike. A 30' dedication shall be indicated along Tuckaleechee Pike.

The county road list indicates that Piney Level Road is 12-14 feet wide and is adequate to serve four lots per year along this roadway. Since Piney Level is less than 18' wide, the remaining lots shall require 12 months before the planning commission can consider these lots in final plat form. All fencing and brush must be cleared for final driveway restrictions and inspection by staff prior to final plat submission for these lots off of Piney level Road. A 50' dedication shall be indicated, 25' for both sides of Piney Level Road. A permanent sight distance easement including sign and vegetation restrictions shall be added to the final plat to preserve sight distance at this location as well.

Septic, Sanitary Sewer: The developer has supplied a preliminary soil analysis with the preliminary plat. The soil scientist has indicated natural drainage swales and marginal and poor soil conditions as well as closed depressions on the property and two ponds. The environmental health department has reviewed all the proposed lots for septic tanks, field lines, and duplication areas and has made some major lot modifications, originally from 20 to 15 lots. Final soil evaluations may require some

additional lot line modifications and/or delineation of field line reserve areas on several lots. The environmental health department has made a favorable recommendation for the revised preliminary plat.

Drainage and Erosion Controls: A pre-construction meeting with staff has occurred and the bulk of the project is completed and staff is comfortable the remaining items can be completed in a timely fashion.

All state and county erosion control permits have been supplied to staff as required. The project engineer supplied a drainage plan and calculations for Serenity Meadows. Staff notes natural swales and a large drainage area for this project; special care was given to the drainage areas. In addition, the preliminary soils map indicates two closed depressions on the parcel and two ponds. However the Engineering plan indicated the central pond to be removed when the central drainage basin was constructed. The water hole was removed and the large drainage basin has been constructed per design.

Staff met with the proponents and project engineer regarding several drainage concerns. The drainage plan indicated that the front pond is to drain to a 24" tile located under Tuckaleechee Pike and cross a portion of the Webb Property. However, no such tile existed and the project engineer has discussed the possibility the owner may need to make some alternate arrangements with the neighboring parcels to construct an outlet for the front drainage pond and to cross under Tuckaleechee Pike with this tile. Another alternative was discussed to pump the drainage to the central basin. Finally, it was determined that by elimination of a paved roadway and the new lot design would not require this front pond to be utilized as any form of detention facility.

The central drainage basin on lots 2 and 3 will drain into the adjoining drainage basin located along Ronjo Road in the neighboring subdivision. Provided the basin and drainage facilities are properly constructed and the calculations are correct, this design should function according to plan.

Staff will require a certification letter and as-built plans for the overall drainage plan.

Typically all drainage facilities contained outside of the proposed right-of-way(s) shall be the maintenance responsibility of a property owner's association and this proposed subdivision. Adequate building sites for each lot must avoid drainage areas. All drainage facilities must be shown in easements on the final plat. The Storm Water Coordinator has required all erosion control measures be in place until permanent vegetation is established.

Proposed Road Plan: A revised preliminary plat with two common driveways has been supplied for Serenity Meadows. Due to the topography of the site profiles where not required for either common driveway. The entrance of the common driveways shall indicate radiuses on the plat. The common drive entrance along Tuckaleechee Pike shall be paved and contain 40' turning radiuses. The common driveway entrance along Piney Level shall be paved as well with 40' turning radiuses. Instructions for the construction of the common driveways are included below.

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 phased final plats. In addition the developer shall supply a letter from the water supplier that adequate pressure can be achieved for all the proposed lots.

Property Owner's Association: The Planning Commission shall require a Property Owner's Association for Serenity Meadows for all drainage facilities outside of the public right-of-way and for the sight distance easements along Tuckaleechee Pike and Piney Level Road.

Construction of Improvements: *The bulk of the improvements have been completed as of this time.*

The common driveways must be fully installed with T-turn arounds to be constructed within the easements shown. The common drives shall be built on a compacted earth surface void of substandard soil condition in the sub-grade. Prior to stone application the owner shall contact the subdivision inspector for inspection of the subgrade, tiles, and ditches. 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.

The tiles for the common driveways shall be sized by the project engineer hired by the owner. A note shall be added to the future final plat indicating individual lot driveway tiles as specified by the engineer. Additionally the slopes back into the county ditch line along Tuckaleechee Pike shall be

smooth and be built in accordance with the instructions of the Highway Department.

In addition, both common driveway entrances shall be paved as described in Section 6.02.5 (a)(1) of the Subdivision Regulations in order to improve turning movements in and out of the site, reduce wheel spin, keep gravel from migrating onto the county road, and to minimize damage to the existing paved edge of the county road. The paved surface shall contain 40' turning radiuses and be built to county road standards and the paving shall extend from the edge of the existing pavement along both roads to the edge of the right-of-way at a minimum.

Along Tuckaleechee Pike, staff notes precedent to allow lots 1, 2, 3, 4, 14, and 15 to utilize the common driveway for their exclusive vehicular access. Along Piney Level Road lots 5, 6, 7, 11, 12 and 13 shall utilize the common driveway for their exclusive vehicular access.

This has been allowed before and is typical when additional lots adjoin either side of the common driveway and access restriction to a main road is desired. A note shall be added to the final plat that lot 1 shall have no other driveway access along Tuckaleechee Pike.

Per the proposed lot design, only lots 4, 5, 15 and 16 are served exclusively off the common driveway along Tuckaleechee and lots 5, 6, 7 and 13 are served exclusively off the common driveway along Piney Level 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 shall access the easement for convenience and safety purposes.

Both water and electric shall be completely installed to serve these lots prior to releasing the final plat for any lots and to avoid unnecessary disturbance of the driveways after completed.

The comments of the Highway Department, Storm Water Coordinator, and Environmental Health Department 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.

*Developer Notice:*

- The owner shall contact the Planning Office at 273-5750 to schedule a pre-construction meeting. (completed)

- 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. (completed)
- The owner must supply a copy of the Storm Water Pollution Prevention Plan permit (SWPPP) from TDEC for this project prior to the preconstruction meeting. (completed)
- 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 either county 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.

Outstanding items to be completed:

1. A Property Owner's Association shall be required for the storm drainage facilities and the sight distance easements. A permanent sight distance easement shall be placed on the plat for the common driveway easement along Tuckaleechee Pike and another along Piney Level Road.
2. All revised drainage plans and certification letter to be submitted. Including the as-built drainage plan and updated calculations.
3. Variance to Lot 1 minimum road frontage being granted. (from 100 feet to 99 feet).

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.

Phase 1 Final Plat:

Status of Completion: Common driveway, drainage facilities and utility construction are in progress and nearing completion at this time. Sight distance improvements have been made along Piney Level Road.

Paving of both driveway entrances has not been completed and improvements to the adjacent “out parcel” along Tuckaleechee Pike have not been completed.

Written verification shall be provided that a surety has been posted or the extension of services has been accommodated from the individual utilities for both water and electric.

Erosion control measures shall be employed on all exposed areas from road, drainage and sight distance improvements. All exposed earth shall be covered in seed and straw.

A certification letter and as-built plans for the overall drainage plan must be supplied prior to releasing the phase 1 final plat.

Administrative Considerations:

The revised Serenity Meadows 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 and preliminary soil information. No lot shall be advertised or offered for sale prior to recording of any final plat.

Marginal and poor soil conditions indicate that several lot line modifications and reserve areas identified on the future final plat may be required.

A permanent sight distance easement shall be placed on the plat for the common driveway easement along Tuckaleechee Pike and another along Piney Level Road.

Outstanding items to be completed:

1. Approval of revised preliminary plat.
2. Completion of all common driveway, drainage, utility improvements and erosion control measures.
3. Property Owner’s Association documentation for the storm drainage facilities and the sight distance easements.
4. Revised drainage plans and certification letter to be submitted. Including the as-built drainage plan and updated calculations.

5. Signature plats including Water and Electric certification that both utilities are completed or a surety posted.
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.

E. Preliminary and Final Plats - Minor Subdivisions: None

**1. Lot 117 Jones and Sparks Property off Christy Lane in Laurel Valley by John Sparks and John Jones.**

Background:

The proposed Lot 117 is a portion of John Sparks property and a portion of the John Jones Property. The proposed lot is to have access off of Christy Lane which is a paved private road that is owned and maintained by the Laurel Valley Property Owners Association (LVPOA).

The parcel shown on the attached plat was previously submitted in other form as a part of the preliminary plat for Sparks Mountain View Hideaway which was to contain 17 small lots along paved private roadways which were to become part of the Laurel Valley Home Owners Association.

Staff understands that Mr. Sparks no longer intends to develop the Sparks Mountain View Hideaway as a small lot subdivision, but rather to establish a private road easement off of Christy Lane and to divide large tracts of five acres or more beyond this proposed parcel.

Access off of Christy Lane for this one-lot and the possibility of future large tracts is contingent upon approval of the LVPOA to allow for any new lots to become part of the LVPOA and to accept any new roads for permanent maintenance by the association. Additionally Lot 117 has to meet the requirements for subdivision under the current regulations which includes driveway access considerations. The previously approved preliminary plat for Sparks Mountain View Hideaway included Mr. Sparks making sight distance improvements at the propose intersection with Christy Lane and to include a permanent sight distance easement on the plat and to include the maintenance responsibility for that sight distance easement into the new private covenants along with road and drainage maintenance.

Furthermore as mentioned, it is understood the future intent is to divide additional large tracts or 5 acres or greater tracts beyond this proposed lot 117 and to establish an easement to serve the future tracts. The attached plat submitted by the surveyor indicates that the easement is existing and is 40' wide. Inspection shows that improvements within the easement are not to standards for a common driveway or road.

The width of this easement is germane to the potential number of future tracts over five acres that could be divided and the type of road standards that would apply. For example the 40' wide easement is appropriate and does meet Section 9.01, Hillside Development Standards of the Subdivision Regulations for a paved public or private roadway in a mountain development when a variance to right-of-way width is granted. In such instances the regulations allow up to 20 lots off of roadways constructed off of a reduced right-of-way.

A 25' access easement would indicate that the shared access would be by way of a common driveway which would limit the number of potential tracts to four served exclusively off of that easement. It should be noted that a 40' easement could also be considered a common driveway easement if indicated as such.

The LVPOA has supplied a list of 6 items to be completed by Mr. Sparks in order to allow use of and access across Laurel Valley Road (see attached letter from Kizer and Black Attorneys on following two pages) for this proposed lot 117 and any proposed additional lots.

The attached letter states that Mr. Sparks must construct a private drive beginning at Christy Lane and going to three existing lots that access Mt Luke Road. In addition these lots are to extinguish their access to Mt. Luke and use Laurel Valley Roads and Mr. Sparks would be required to close Mt. Luke and provide LVPOA access to the new road to maintain the closed road for safety purposes to Laurel Valley which is a gated community, thus not creating a cut-through situation. Additional conditions are also imposed by the LVPOA. The proposed length of the private drive has not been determined by Mr. Sparks or the LVPOA. In addition the LVPOA does not establish any standards for what type of "private drive" they are requiring.

Attachment begin

KIZER & BLACK, ATTORNEYS, PLLC

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September 12, 2008

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Mr. John Lamb  
Blount County Planning Department  
327 Court Street  
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Dear John:

I am writing this letter on behalf of my client, Laurel Valley Property Owners Association, Inc. ("LVPOA"). I understand that John "Tater" Sparks wishes to change his subdivision plan as relates to an approximate 18 acre tract adjacent to Laurel Valley. I further understand that Tater has now decided to divide this land into lots of five (5) acres or more. He desires to access these lots over the private system of roadways owned by the LVPOA.

The Laurel Valley Property Owners Association would agree to allow Tater and his successors and assigns access for these five (5) acre lots over Laurel Valley roads on the following conditions:

1. The lots must be bound by the restrictions of record for Laurel Valley.
2. The access issue over Mt. Luke Road must be addressed and Mt. Luke Road must be closed from direct access from a public road so that the lots at issue would only be able accessible over Laurel Valley roads and security within Laurel Valley would not be breached.
3. Third party owners of at least three (3) lots adjacent to Tater's property would need to sign on to an agreement extinguishing their easement rights over Mt. Luke Road and agree to access their property instead over Laurel Valley roads and by a private driveway as applicable to be constructed by Tater.
4. Tater must construct a private drive beginning at Christy Lane and going to the affected lots which will be maintained by the owners of these lots.
5. The Laurel Valley Property Owners Association would further expect to have a right of access over this private road as needed to attend to the barrier that will be in place on Mt. Luke Road and to do routine inspections to ensure that the restrictions are being complied with by property

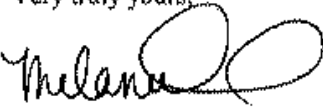
owners.

- 6. The LVPOA must be provided the final plat to o.k. prior to Tater's submission for Planning Commission final approval so that it can check the property contemplated for access over its roads based on a signed and proper survey.

If all of these conditions are met and an appropriate document can be signed by all of the relevant parties and recorded, the LVPOA will agree to the desired access.

Please let me know if you have any questions.

With kindest regards, I remain

Very truly yours,  
  
 Melanie E. Davis

MED:ps

cc: Laurel Valley Property Owners Association, Inc.

End Attachment

Field review indicated that the easement shown across the proposed lot 177 contains an old road bed and that the road bed has been gated at Christy Lane. There are no substantial road improvements, ditches, drainage improvements or bank stabilization other than a roughed-in road bed. The road grade along this section to the three homes served by Mt. Luke Road is relatively gentle and doesn't appear to present any particular future grade issues.

Which physical improvements are required for use of the 40' easement is subject to determination of the following:

- Is the easement to contain a Private Road that meets the standards of the subdivision regulations for Hillside Development or a Common Driveway which would limit the number of future lots or tracts beyond lot 117 to 4.
- What type of private drive is acceptable to the LVPOA and would a gravel common drive that meets subdivision standards be appropriate.

- If a common drive is the consideration and Mr. Sparks cuts 1 five acre or greater tract beyond this lot 117, and meets the criteria specified by the LVPOA, and with the three homes/lots served by Mt. Luke Road, then essentially the common driveway easement would be maxed out for one tract and an exceptionally long common driveway with much improvement would be needed to meet standards
- State law provides that “divisions where the resulting tracts are all five (5) acres or more, all have frontage on an existing road and where no extension of utility lines are required, other than direct utility connections to individual lots” is not “subdivision” and therefore not subject to Planning Commission review or approval. Determination of whether any of the future tracts meet the criteria for exemption may require a legal opinion considering the situation with the LVPOA.

Any divisions including that for lot 117 shown that fall within the jurisdiction of the planning commission and the standards of the subdivision regulations shall contain the following items:

1. Sight distance improvements at the entrance off of Christy Lane should be completed. A sight distance note and easement should be added to the plat and should be noted within the private covenants for maintenance considerations.
2. Any proposed private road should meet the construction and road standards of the subdivision regulations for a private roadway including drainage considerations. A road engineering plan should be submitted prior to construction and all state and county permits shall be required; acceptance of such private road by the LVPOA to the 3 lots served by Mt. Luke Road.
3. Any proposed common driveway should meet the construction and road standards of the subdivision regulations for a gravel common driveway with a paved entrance including drainage considerations. All state and county permits shall be required; acceptance of such common driveway by the LVPOA to the 3 lots served by Mt. Luke Road.
4. Meeting the 6 items listed by the LVPOA.

Staff notes that agreement between Mr. Sparks, LVPOA and other properties concerned had not been finalized at the time of this review.

**Misc. Items:**

**1. Extension of Preliminary Plat for Agape Woods Subdivision on Laurel Road in Laurel Valley by Roland Hayes.**

The Agape Woods preliminary plat was approved at the regular meeting of the Planning Commission in September of 2005. The Preliminary plat was extended at the September 2006 regular meeting until September of 2007. Mr. Hayes requested a second extension which was granted until September of 2008.

The Developer requests an additional one year extension. This is the third request for extension of the preliminary plat. This request is for the same approval of the plat including the staff analysis and standards of the planning commission as applied to the plat in September of 2005 with the original approval. Minimal on-site work has begun including road grading. The request for the extension is to allow more time to get the project completed.

The current regulations allow for 24 months currency of preliminary plat with a 12 month extension. This request falls outside the 36 month time frame and with the new rules for preliminary plat currency. However, extension of preliminary plat approval is at the discretion of the Planning Commission. There is no indication in the Subdivision Regulations that there is a vested right to an extension. There is no indication of specific time limit of extension, other than that set by the Planning Commission at its discretion. Past practice has allowed preliminary plats to be approved beyond two or more years when construction was underway, when phased development occurred over several years, and when unforeseen circumstances have slowed the progress towards project initiation or completion.

Mr. Hayes is requesting a 12 month extension.

**2. Reba Vananda and Jerome Vananda off Old Cades Cove Road, Variance Request. Variances to minimum lot size for Lot 1.**

Lot 1 and lot 2 of Reba Vananda and Jerome Vananda properties are both lots of record with existing structures with existing septic systems on both lots. Lot 2 is being reduced in size and added to lot 1. The purpose of adding a small portion of lot 2 to lot 1 is to allow the driveway serving lot 1 to be contained on that lot entirely.

According to the survey, lot 2 once reduced will contain 30,988 square feet which is greater than the 30,000 square foot minimum lot size for lots with public water in the R-1 zone.

Lot 1 is to be enlarged but will contain a total of 28,747 square feet, thus the proponents are requesting a variance to the minimum lot size of 30,000 square feet.

Staff notes precedent in granting the variance to allow the re-subdivision of lots with assumption that this would result in an improved situation. Approval of the re-subdivision with variance may be appropriate in this case. To insure full disclosure of lot situation, approval could be with condition that the plat indicates that the Environmental Department certifies that there will be no adverse effect on septic capability for the two lots.

Mr. Ferguson had discussed the situation with staff, and staff had agreed in principle that if a lot were a lot of record, a minor adjustment of lot line that did not result in any net detriment to the property would be acceptable subject to approval of the Planning Commission. Given the assumption that the plat was for a lot of record, Mr. Ferguson could sign approval for existing systems with approval of the plat with variances from the Planning Commission.

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

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