

# Think Quality - Think Future

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## Blount County Planning Department

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**TO:** Blount County Planning Commission

**FROM:** John Lamb

**DATE:** October 15, 2008

**SUBJECT:** Long range agenda items for the October 23, 2008 regular meeting.

**1. Proposal to amend zoning regulations to allow medical offices in the RAC zone.**

At the September regular meeting, the Planning Commission briefly discussed this item and requested that a proposal be developed for the October meeting. The following is the proposal forwarded by Roger Fields.

That Section 9.10.A Uses Permitted in the RAC-Rural Arterial Commercial zone be amended by addition of the following wording to present text: office of a physician, dentist, or other similar medical professional.

**2. Discussion on common driveway easement notification procedure for subdivision.**

This item was briefly discussed at the June meeting in relation to issues with a plat under consideration. The Planning Commission requested that the item be placed on the agenda for July for further discussion, and deferred further discussion to the October meeting. The following is a brief summary of present operating procedure and history from previous staff analysis,

present Subdivision Regulations on common driveway developments, followed by staff suggestions for amendment.

Present Operating Procedure. There is no requirement in the Subdivision Regulations for notification of other parties subject to a common driveway easement when division is proposed off of such easement. However, the Planning Commission in the past has requested that all parties to a common driveway easement be notified of the limitation of subdivision on such an easement. This is done as a courtesy and to allow consideration of equity in application of the regulations to all parties.

The Subdivision Regulations allow no more than four lots maximum having exclusive access on a common driveway easement. As a general rule, if there are no objections from all parties concerned, a proposed division can proceed. If there is an objection from one of the parties subject to the common driveway easement, then the Planning Commission hears and resolves any issues in the plat approval process. In the past, the resolution has taken several different forms.

If the objecting party has no capability for further division (e.g., lot too small), then the proposed subdivision has been approved, there being no net effect of lot limitations on the objecting party. If the objecting party has capability for further division off of the common driveway (e.g., lot large enough for further division), the Planning Commission has either considered the plat before them to be “first come – first served” or has allowed for more than the four lot maximum divisions on the common driveway. At the last meeting (June meeting), the Planning Commission addressed the issue by allowing a plat to proceed with one less lot than requested to allow the objecting party to have potential for one lot in the future.

Present Type 1 common driveway provisions. For reference, the following are present provisions in the Subdivision Regulations for common driveway developments in Section 6.02.5(a)(1):

- 1) Type 1 - Common Driveway Development: A Type 1 development consists of no more than four lots served exclusively by the common driveway easement. The lot sizes are restricted only by the minimum area standards established by the Subdivision Regulations and the Health Department. Access may be provided by a private easement or right-of-way twenty-five feet in width. Access shall be for vehicles as well as utilities to be contained within this easement. Drainage improvements

shall be required, as necessary, and the driveway itself shall consist of compacted gravel 4" deep of rolled "pug-mix" gravel, at least ten (10) feet in width, upon a prepared subgrade with a crown. Compacted shoulders three (3) feet wide on both sides shall be slightly lower than the road surface. These shoulders shall be sown in grass and covered in straw to facilitate germination and to stabilize the shoulders. Ditches on both sides (outside the shoulders) shall run the length of the common driveway (when applicable) and rip-rap or other energy dissipaters may be required. Turnouts may be required by the Planning Commission depending upon the length and alignment of the drive. A T- or Y - turnaround shall be contained within the easement at the end of the common drive. The common driveway shall be constructed to the last (furthest) lot to be served. All common driveways entrances located on collector streets or greater shall be paved from the edge of the existing pavement to the edge of the right-of way to promote safety and keep loose gravel off of the county road. The paved entrance shall contain 50 foot turning radiuses and the paved surface shall be on a prepared gravel surface and built to the same specifications as a county road. Common driveways serving more than one parcel must be maintained by a maintenance agreement for all lots served by the common driveway. The maintenance agreement must accompany the final plat and be recorded in the Register of Deeds Office along with the final plat and referenced in the deeds for separate lots. The plat and deed(s) shall note the restriction that no more than four lots may be served by a Type 1 drive. The maximum grade for a common driveway shall not exceed fifteen (15) percent. Preliminary Plats of 3 or more lots served by a Common Driveway shall be submitted as a Major Plat and shall be submitted first as a Preliminary Plat with at least One Month before submission of a Final Plat. Any construction prior to pre construction meeting with staff and any required permits is at the sole risk of the developer.

Suggestion. Staff suggests codifying past operating procedure as an amendment to the Subdivision Regulations under Type 1 development on common driveways by adding to present Section 6.02.5(a)(1) the following or similar wording:

For addition of lots to an existing common driveway, the following shall apply:

- A. For a prospective subdivision of one lot into two or more lots on an existing common driveway, owners of all lots having access to or containing the common driveway easement shall be notified in writing that no more than four lots maximum are allowed with exclusive access on the common driveway, that their lot along with

any other lots sharing the common driveway already account for part of that four lot maximum, and that the prospective subdivision will add a lot or lots to the common driveway easement and reduce or close the capability for further subdivision in the future. The notification in writing shall request that present lot owners signify their understanding of the limitation on number of lots and either agree or object to allowing the prospective subdivision to occur. If the owner of the prospective subdivision gains agreement in writing from all other property owners on the common driveway easement, then the subdivision may proceed in normal procedure. If one or more property owners on the common driveway easement objects or does not agree in writing, then the Planning Commission will hold hearing on the objection or non-agreement and make determination on the prospective subdivision. In a situation where an objection or non-agreement occurs, the Planning Commission may resolve the issue of number of lots on the easement in one of the following manners:

- i) The prospective subdivision may be considered and approved as first come first served if there are no clear plans by other objecting property owners for division in the near future.
- ii) The prospective subdivision may be approved if there is no likelihood of subdivision of the lots owned by objecting lot owners due to limited size or other limitation to further division.
- iii) The prospective subdivision may be approved with fewer lots than requested to allow for future plans of others on the easement.
- iv) The total number of lots allowed exclusively on the easement may be increased by no more than two to allow for equitable distribution of present proposed subdivision and future plans by other lots on the easement.

For an existing common driveway with a formal maintenance agreement in place, any addition of lots to that common driveway shall require an addendum to the maintenance agreement for the added lots. For an existing common driveway with no formal maintenance agreement in place, any addition of lots to that common driveway shall have placed on the plat of such lots a

notice that the additional lots shall share equitably in the maintenance of the common driveway.

### **3. Discussion of cluster development and open space requirements.**

This item comes after discussions in the July and August meetings and a workshop held prior to the regular meeting in September. The following is excerpt of staff suggestion for amendment of regulations from previous staff memo on the subject.

That Section 7.3 D of the zoning regulations 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.]

**4. Update on green infrastructure planning process.**

Staff will provide an update of the five scheduled green infrastructure workshops held to date of the meeting, and the schedule of the three other workshops to the end of October.

**5. Staff reports and looking ahead.**

The November regular meeting will be rescheduled to Tuesday, November 25 due to the holidays.

The Planning Commission will hold a called workshop at 5:00 PM, 30 minutes before the rescheduled regular meeting November 25 to discuss ridge-top and hillside development standards. This will be a continuation of discussions from the September 30 workshop.

At the November 25 rescheduled regular meeting, the Planning Commission will discuss issues of campground developments.

After the November 25 rescheduled regular meeting, the ad hoc committee on junk cars and junk will hold a meeting.

The December regular meeting will be rescheduled to Tuesday, December 23 due to the holidays.

Staff may make other reports at the meeting.