

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: November 1st -17th, 2008

SUBJECT: Staff reports on agenda items for the Tuesday November 25th, 2008 regular meeting. 5:30 Hearings

Hearings:

A. Concept Plans:

1. Homestead West Master Plan off East Millers Cove Road by Naterra Land Inc.

Background: The Master Plan attached is a slightly modified design plan compared to one supplied by Naterra Land in 2000 for the entire 1000 plus acre proposal for the Homestead West in Blount County.

The concept plan has been submitted to illustrate the overall proposed development plan with the proposed open space for the remainder of the project.

The concept plan illustrates the proposed future development phases. Phase 1 was approved by the Planning Commission in 2006 and recorded in October of that year. The Final plat for Phase 2A was approved subject to completion and has not been recorded as of November of 2008. Both Phase 1 and Phase 2A have 50 percent of land in development and 50 percent of the land in permanent open space which is inclusive of road right-of-way. Past precedence for cluster development has allowed for road right-of-way and common areas to be calculated in the open space requirements.

Phase 3 has been completed however all of the lots are in Sevier County and access Long Rifle Road in Blount County. Open space in Phase 3 has no bearing on Blount County requirements. The lots labeled as “The Peaks” were all five acre tracts along an existing county road and thus were exempt from planning commission approval. In addition since these lots were exempt, there is no open space requirement for “The Peaks” phase.

The remaining phases illustrated include Phase 2B, 2C, 4 and “Future Phases” (Blount and Sevier Counties). The proposed open space to development ratio will remain consistent with 50% or more of the land to be in open space for Phases 2B, 2C, 4 and “Future Phases” as indicated on the Master Plan. All future phases have a relatively small amount of right-of way considered in the open space calculations with the bulk of the open space being undeveloped land only. The overall master plan is consistent with the original design plan and with open space requirements for cluster development.

The developer wishes to get indication that adjustment of Phase 2 open space by exclusion of “8.16 acres possible disposition parcel” at the bottom of the plan off of Carr Road may be appropriate. This is a pending agreement to settle a boundary line dispute with an adjoining owner. Staff finds that this does not materially affect the requirement of “commensurate open space” in the regulations for either Phase 2A or overall development.

The developer also wishes to get indication that use of land across the Foothills Parkway and south of Carr Creek Road may be used to account for open space in the development. Part of the area is indicated as open space for Phase 2A, in compensation for the adjustment indicated in paragraph above. The other part of the area is accounted to Phase 2B. Staff finds no problem with using the area as open space, but notes that the area is not adjacent to the main development, and not functionally integrated into the development design for lots. In addition, staff does not find that it is critical to account the area as “commensurate open space” for the development. Staff notes that past precedent for a similar type of development (Overlook at Montvale) accepted “commensurate open space” as 35 percent of gross land area for a cluster development (exclusive of area in roads). The present concept plan falls within that standard.

This review is not inclusive of any engineering for roads or drainage, and does not include evaluation for septic capability. Staff notes that prior agreement with the Highway Department requires by mutual consent improvements to East Millers Cove Road as phases of the development progress, and such is not part of this concept plan review.

- B. Preliminary Plats – Major Subdivisions: None
- C. Final Plats – Major Subdivisions: None
- D. Preliminary and Final Plats - Major Subdivisions: None
- E. Preliminary and Final Plats - Minor Subdivisions: None

Misc. Items:

1. Variance requests for the Hatcher Property off of Hwy 411 North and Temple Road.

The Hatcher property currently consists of six mobile homes, one frame house and three accessory structures on one parcel of land. The owner wishes to subdivide the parcel to separate the frame home and garage from the mobile homes.

In order to do so the owner is requesting the following variance to be granted.

- Variance request to the Subdivision Regulations for minimum lot size for lot 1 from 43,000 square feet to 22,080 square feet, and minimum front setback along Hwy 411.
- An implied variance request to the Zoning Ordinance for minimum lot size less than 30,000 square feet and minimum front setback in the R-1 zone. This should be considered by the BZA if needed.
- A variance request to the Subdivision Regulations to the right-of-way (ROW) to be dedicated along Highway 411 North. Highway 411 North is a Major Arterial and the required ROW is 40 feet from center line. The front of the existing home is approximately 35 feet from the proposed new front property line along 411 North shown on the plat.
- A zoning variance request for density for lot 2 is implied. The required density in the R-1 zone is 1.2 units per acre. The proposed parcel indicates that the six mobile homes on 97,274 square feet is

equal to 3.7 units per acre. Note that this is an existing situation. This should be considered by the BZA if needed.

- In addition any approval of the proposed subdivision would require an encroachment note for the exiting accessory structure on Lot 2 that encroaches onto the Emert tract.

Staff Notes that the existing home on the proposed lot 1 is of long standing. Sight distance appears satisfactory at the intersection of Temple and 411 North as the home appears to present no particular sight distance problems. Increasing the ROW to 40 feet as required along Hwy 411 would not appreciably affect the existing structure, but would reduce the proposed lot area further and may reduce the reserve septic capability. In addition, increasing the ROW would decrease the actual setback of the house even further below the minimum 40 feet required in the subdivision regulations. The plat as presented shows about 35 foot setback which is also below the 40 foot setback required in both subdivision regulations and zoning along Hwy 411.

All of the structures are existing on the undivided parcel, and the entire parcel is considered to be grandfathered. The home on the proposed lot 1 and the six mobile homes on the proposed lot 2 are existing. The minimum lot size for lot 1 is 43,000 square feet under the subdivision regulations and 30,000 square feet under zoning regulations. The proposal without additional ROW along Hwy 411 (see paragraph above) is 22,080 square feet. Any variances should be conditional on the approval of the Environmental Health Department to ensure that there are no septic field lines crossing the proposed property line. In addition, the Environmental Health Department should be able to approve both lots to be able to stand alone and have adequate duplication areas.

Planning staff has no comment on the setback, minimum lot sizes and density requirements as per zoning. Any zoning variances for these matters should be addressed to the Board of Zoning Appeals.

Staff notes precedent in granting variances to allow the subdivision of lots with assumption that this would accommodate an existing constructed situation. Approval of the subdivision with variances may be appropriate in this case. To insure full disclosure of lot situation, approval could be with condition that the plat include Environmental Department certification of reserve septic capability for the two lots.

Mr. Ferguson has discussed the situation with staff, and agreed in principle subdivision that did not result in any net detriment to the property would be acceptable subject to approval of the Planning Commission and the Board of Zoning Appeals for both lots.



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