

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

MEMORANDUM

TO: Members of the Blount County Planning Commission

FROM: Planning Department (Tel. 273-5750)

DATE: Mat 1st – May 19th, 2010

SUBJECT: Staff reports on agenda items for the **Thursday, May 27th, 2010** regular meeting. 5:30 Hearings and Site Plans

I. Hearings:

A. Concept Plans: None

B. Preliminary Plats – Major Subdivisions:

1. **Re-plat of the Hibben, Garvey and Milsted lots off Christy Lane in Laurel Valley; 8 lots off of an existing private road.**

Background:

The concept plan for the Hibben, Garvey and Milsted lots was reviewed by the Planning Commission in March of 2010.

This re-plat is 1) to combine several of the lots and make them larger, one of the lots shall remain the same size and 2) to re-plat the easement for Christy Lane to the place the actual road was constructed previously.

According to the plat all five of the proposed lots are served by water from Tuckaleechee Utility District through a private water system owned by John Sparks. It is unclear what the long term relationship for maintenance and assurance of service will be between the individual lots and the private distribution system of Mr. Sparks. This is not a present issue with combination or reconfiguring of existing lots.

The subdivision regulations allow for lots to be served by well when public water is not available (as is technically the case here). In the R-1 zone the minimum lot size is 35,000 square feet.

A variance to the subdivision regulations is implied for lot 68R, 98R, and 188R1 as all three lots would still be less than the minimum 35,000 square foot required for lots on public water in the R-1 zone.

Analysis:

Design of plat, plat description: The Hibben, Garvey, and Milsted property is located on mountainous land in Laurel Valley off of Christy Lane. The proposed re-plat contains 8 lots all served by a private road easement containing a paved surface road with adequate shoulders and ditches. At the end of the private road, a T-turn-around shall be constructed by the owners.

Staff review of this plat is consistent with plat review as defined for major subdivisions to include private roads and mountain development standards. The parcel is in the R-1 zone and is wooded property on mountainous terrain. This proposed private road re-plat can be accommodated off of Christy Lane. According to the plat all these lots are to be served by well water (unless the owners wish to utilize the private water system owned by Mr. Sparks) and individual septic systems. None of the parcels is located in a floodplain.

Septic, Sanitary Sewer: The environmental health department is reviewing the preliminary plat and combination of lots. All of the lots are lots of record; typically combining smaller lots creates an improved situation for septic.

Mr. Ferguson has discussed the situation with staff and agreed in principle that a 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 all lots. Any additional soil information that may be requested by the environmental health department for final plat shall be supplied by the owner.

Existing County Roads: Christy Lane (Private) has adequate road width for this re-plat. No net new lots are being created.

Utilities: Public water is not available. As mentioned, a private water system owned by Mr. Sparks may provide water to these lots. Electric has been installed to these lots.

Construction of Improvements: The entire length of the private road (Christy Lane) has been constructed. The concept plan indicated a T-turnaround at the end of Christy Lane to be constructed in the easement. The owner's are aware of the necessity of the turnaround and have agreed to have it constructed prior to final plat release. A preconstruction meeting has already occurred.

The Laurel Valley Home Owner's Association (LVHOA) has agreed to maintain the new turnaround. All internal abandonment of old right-of-way between Laurel Valley and the owners shall be completed prior to releasing the final plat.

Drainage and Erosion Controls: Drainage information and calculations were not required for this plat. All road and driveway construction was completed several years ago and no current permits were required from the State or County. The storm water coordinator shall insure that proper erosion controls are in place during and after the construction of the turnaround. Final inspection of stabilization efforts by the storm water coordinator shall occur prior to releasing the final plat.

Property Owner's Association: The existing lots are all part of the LVHOA. An addendum to the property owner's association documentation shall be supplied indicating the New plat reference and new lot numbering and shall be recorded with a future final plat.

Any lot combinations for maintenance responsibilities and adjustments to the private road easements need to be verified by the Laurel Valley Home Owner's Association and provided in writing.

Administrative Considerations: The proposed re-plat was reviewed inclusive of subdivision regulations for small lots served by a private road easement, with well water, electric and individual septic systems. As required, the preliminary plat was supplied with topographic information. The comments from the engineering department, environmental health department and storm water coordinator are included in this staff analysis.

Variance Consideration: A variance to the subdivision regulations is implied for lot 68R, 98R, and 188R1 as all three lots would still be less than the minimum 35,000 square foot required for lots on well water in the R-1 zone.

Staff notes precedent in granting variances to minimum lot sizes to allow the combination of lots with assumption that this would improve an existing situation (the water situation also exists). Approval of a re-plat with variances for the lots less than 35,000 square feet may be

appropriate in this case with the understanding that Lot 188R1 is existing and not being modified and lot 68R and lot 98R are being made larger.

To insure full disclosure of lot situation, approval could be with condition that the plat include Environmental Department certification of primary and reserve septic capability for the lots.

Note: Staff has been made aware that one of the owners and the LVHOA has some outstanding items with regard to annual dues. Any unresolved issues shall be corrected prior to releasing the final plat.

Outstanding items to be completed:

1. Consideration of variance request to lot sizes. Planning staff has no comment on the setbacks, minimum lot sizes and density requirements as per zoning. Any zoning variances for these matters should be determined by the Building Commissioner and addressed to the Board of Zoning Appeals if needed.
2. Construction of T-turnaround as specified by staff. Erosion control measures to be approved by the Storm Water Coordinator.
3. Verification in writing from LVPOA for acceptance of re-plat of private road easement and lot combination for maintenance responsibilities.
4. Addendum to property owner's association to be supplied prior to final plat with new lot numbering.
5. Transfer of unused existing road right-of-way to appropriate adjacent property owners.
6. Resolution of dues to the LVPOA prior to final plat.

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. Renewal of Preliminary plat for Tall Oaks Phase 4 off Pea Ridge Road by Arthur Gotts: 11 lots off of a proposed new county road section.

The preliminary plat for Tall Oaks Phase 4 was approved at the July 2008 regular meeting until July of 2010.

Prior to beginning work and preparing for Phase 4 final plat the owner is requesting the preliminary plat be approved with the same stipulations and outstanding items to be completed as before to allow for the plat to be current. The owner shall also have a pre-construction meeting with staff and supply any necessary permits prior to on-site construction.

This plat comes for routine renewal until July 2011 subject to all previous conditions contained in the July 2008 Staff Analysis including the following:

Developer Notice: Any construction prior to a pre-construction meeting with staff or required permits is at the risk of the owner.

- The owner shall contact the Planning Office at 273-5750 to schedule a pre-construction meeting.
- All erosion controls must be fully installed and inspected by the Storm Water Coordinator prior to any on-site construction activities.
- The owner shall supply a copy of the Storm Water Pollution Prevention Plan permit (SWPPP) from TDEC prior to the preconstruction meeting.
- Prior to any on-site construction the developer shall contact the Utility Inspector of the Blount Highway Department at 982-4652 regarding any utility construction to be done within the county right-of-way along any of the internal roads in Tall Oaks.
- The developer shall coordinate with the Subdivision Inspector at 984-3421 to schedule inspections during construction.
- It is the responsibility of the developer and contractors to contact Tennessee One-Call to verify the location of all utilities at least 72 hours prior to any construction at 1-800-351-1111 or 811.

Outstanding Items to Be Completed:

1. All instructions in this staff analysis, including pre-construction meeting, permits and construction of all improvements. Repair of damage to previous curb sections.
2. Copy of POA/Maintenance Agreement documentation to be supplied to staff for review prior to final plat submission.

In accordance with past actions of the Planning Commission in similar situations, the Planning Commission has options to 1) deny the renewal of preliminary plat due to identified deficiencies, 2) defer renewal of the

preliminary plat approval until deficiencies are addressed, or 3) grant renewal of preliminary plat approval subject to meeting all requirements, applying identified conditions, and addressing deficiencies.

C. Final Plats – Major Subdivisions:

1. **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.**

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. The plat was re-approved at the August 28th 2008 regular meeting and the plat is current until August of 2010.

Lots 1 and 2 were previously recorded but never platted. This plat is intended to properly plat the existing lots 1 and 2, create three additional new lots, lots 3, 4 and 5, and to plat the road.

A variance to road grades in excess of 15% for portions of the constructed roadway in the 50' private road easement was approved in August of 2008.

Analysis:

Design of plat, plat description:

The proposed John C. Adler Subdivision is located on mountainous land off of Flats Road and Tower Road. The proposed subdivision 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 five lot subdivision will be serviced by a 50' private road easement containing a gravel surfaced road (ranging from 18' wide to 20' 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 subdivisions 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. According to the plat all these lots are to be served by well water and individual septic systems. None of the parcels are 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. The soil scientist has indicated that lots 3, 4 and 5 have adequate room for a three bedroom home on each. Since each lot is over five acres and the soil letter was supplied, the environmental health department is not required to sign the final plat. Should the owner desire to have health department approval of lots, 3, 4 and 5 on the final plat, additional soil information (high intensity soil map) would need to be supplied to Mr. Ferguson. Staff has adequate information in order for the planning commission to approve the final plat with the soil scientist letter.

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. Underground electric improvements have been installed to lots 3, 4 and 5. The electric utility is prepared to sign the final plat.

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 good condition and drive easily.

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. Surveyor to tie property to nearest intersection.
2. Supply copy of Property Owner's Association Documentation.
3. Signature plats and a \$40 per lot platting fee

In accordance with past actions of the Planning Commission in similar situations, the Planning Commission has options to 1) deny final plat due to identified deficiencies, 2) defer final plat approval until deficiencies are addressed, or 3) grant final plat approval subject to meeting all requirements, applying identified conditions, and addressing deficiencies.

D. Preliminary and Final Plats - Major Subdivisions: None

E. Preliminary and Final Plats – Minor Subdivisions:

Glenn Harrelson is checking the FEMA maps to see if any portion of these lots is in the floodplain.

- 1. Dailey Property off Thompson Bridge Road by Douglas Dailey: 3 lots with county road frontage and a remainder greater than 5 acres.**

The Dailey Property is a 3 lot preliminary and final plat. The proposed subdivision contains a total of 2.7 acres along Thompson Bridge Road. All three of the lots have direct road frontage along the county road. Site distance at this location appears satisfactory.

Analysis:

Design of plat, plat description: The proposed subdivision is satisfactory with the information supplied and subject to this staff analysis. The parcel is in the R-1 zone and the density and lots sizes are appropriate.

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

Existing County Roads: Thompson Bridge Road is a local status road and the plat indicates a 25' right-of-way dedication as required. According to the road list Thompson Bridge Road is 18 - 20 feet wide and has adequate shoulders and ditches and is acceptable for this preliminary and final plat request.

Utilities: The water utility and electric utility are prepared to sign the final plat.

Construction of Improvements: No construction is required for this three lot subdivision of the Dailey Property.

- It is the responsibility of the lot owners and contractors to contact Tennessee One-Call to verify the location of all utilities at least 72 hours prior to any driveway or home construction at 1-800-351-1111 or 811.
- The lot owners shall contact the storm water coordinator and building inspector for the necessary permits for any future construction of homes or other structures at 681-9301.

Administrative Considerations: The proposed Dailey Property preliminary and final plat was reviewed inclusive of subdivision regulations for small lots along the existing county road with public water, existing electric and individual septic systems.

Outstanding items to be completed:

1. Signature plats with all certifications.
2. \$20.00 per lot platting fee

In accordance with past actions of the Planning Commission in similar situations, the Planning Commission has options to 1) deny preliminary and final plat due to identified deficiencies, 2) defer preliminary and final plat approval until deficiencies are addressed, or 3) grant preliminary and final plat approval subject to meeting all requirements, applying identified conditions, and addressing deficiencies.

2. Re-plat of the Ragain Property off of Morganton Road: 2 lots served off of a common driveway easement and a remainder greater than five acres.

Background: This plat was approved by the Planning Commission at the April 2010 meeting (See attached plat item D-2A). The previous plat shows a lot line adjustment in addition to the creation of a new lot. The lot

line adjustment was to allow the work shop structure to be contained on lot 1R-1 and not sit across a lot line. The current plat (Attached item D-2B) goes back to the existing lot line with the encroachment of the structure to remain as it is. It is understood by staff that the reason for going back to the previous lot line is that one of the owners of the remaining land cannot be found to sign the final plat and acknowledge the lot line adjustment.

This is a 2 lot subdivision. The proposed subdivision contains 5.0 acres off of Morganton Road.

The common drive is already extended to Lot 1R1. Lot 1R2 is being added to the common driveway for access. The regulations state that a one-lot subdivision with an easement does not require the easement to be improved. The condition of the existing driveway is satisfactory.

Analysis: All of the previous staff comments and analysis remain the same (see staff memo from April 2010).

Outstanding items to be completed:

1. Maintenance agreement for common driveway.
2. All certifications on the final plats. **Add an encroachment note on the final plat.**
3. \$20.00 per lot platting fee

In accordance with past actions of the Planning Commission in similar situations, the Planning Commission has options to 1) deny preliminary and final plat due to identified deficiencies, 2) defer preliminary and final plat approval until deficiencies are addressed, or 3) grant preliminary and final plat approval subject to meeting all requirements, applying identified conditions, and addressing deficiencies.

3. Resubdivision of lots 1R and 1R2 of the Cynthia D. Cantell Property off of Keener Road. 1 lot and a remainder greater than 5 acres with Variance Request.

The Cantell Property is a 1 lot preliminary and final plat with a remainder greater than 5 acres. The proposed re-plat is intended to make lot 1RR2 larger and to create a 25 foot "fee simple" flag stem to the county road. Lot 1RR2 is currently accessed by an easement across a 50' flag stem serving tract 1RR1.

The new flag lot and the remainder are both to have road frontage along Keener road.

Site distance at this location was improved previously for plat approval and appears satisfactory.

The creation of the 25' flag stem to lot 1RR2 leaves a 25' flag stem to lot 1RR1.

With the proposed division, there will be two 25' flag stems side by side. The subdivision regulations require that flag stems be spaced at least 150 feet apart. The owner is requesting a variance for the plat.

Staff is of the opinion this is a variance situation created by giving lot 1RR2 fee simple access. It is however possible for the existing 50' easement to have two separate driveways constructed on it anyway which in essence would create the same scenario of stacking flag stems.

Analysis:

Design of plat, plat description: The proposed subdivision is satisfactory with the information supplied and subject to this staff analysis. The parcel is relatively flat and neither lot is in the floodplain. The parcel is in the R-1 zone and the density and lots sizes are appropriate.

Septic, Sanitary Sewer: The environmental health department is reviewing the plat. Both lots have existing systems and the proposed re-plat appear satisfactory.

Existing County Roads: Keener Road is a local status road and the plat indicates a 25' right-of-way dedication as required. According to the road list, Keener Road has adequate shoulders and ditches and is acceptable for this preliminary and final plat request.

Utilities: The water utility and electric utility are prepared to sign the final plat.

Construction of Improvements: No construction is required for this three lot subdivision of the Cantell Property.

Administrative Considerations: The proposed Cantell Property preliminary and final plat was reviewed inclusive of subdivision regulations for small lots along the existing county road with public water, existing electric and individual septic systems.

Outstanding items to be completed:

1. Determination of variance request.

2. Signature plats with all certifications.
3. \$20.00 per lot platting fee

In accordance with past actions of the Planning Commission in similar situations, the Planning Commission has options to 1) deny preliminary and final plat due to identified deficiencies, 2) defer preliminary and final plat approval until deficiencies are addressed, or 3) grant preliminary and final plat approval subject to meeting all requirements, applying identified conditions, and addressing deficiencies.

II. Misc. Items: None