

# 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: June 1st – June 16th, 2010

SUBJECT: Staff reports on agenda items for the **Thursday, June 24th, 2010** regular meeting. 5:30 Hearings and Site Plans

#### I. Hearings:

- A. Concept Plans: None
- B. Preliminary Plats – Major Subdivisions: None
- C. Final 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 preliminary plat for the Hibben, Garvey and Milsted lots was approved 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 was approved with the preliminary plat for lot 68R, 98R, and 188R1 as all three lots will 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 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 is being constructed.

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. 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 preparing to sign the final plats. All of the lots are lots of record; typically combining smaller lots creates an improved situation for septic.

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 at a later time. Electric has been installed to these lots and the Electric utility is prepared to sign the final plat.

Construction of Improvements: The entire length of the private road (Christy Lane) has been constructed. The T-turnaround at the end of Christy Lane is currently under construction and nearing completion. Staff will hold the final plat until the turnaround and bank stabilization efforts have been inspected and approved.

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. The storm water coordinator shall inspect final erosion controls for post- construction of the turnaround. Final inspection by the storm water coordinator of the stabilization efforts 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.

Outstanding items to be completed:

1. Completion of construction of T-turnaround as specified by staff. Erosion control measures to be approved by the Storm Water Coordinator.
2. Verification in writing from LVPOA for acceptance of re-plat of private road easement and lot combination for maintenance responsibilities.
3. Addendum to property owner's association to be supplied prior to final plat with new lot numbering.
4. Transfer of unused existing road right-of-way to appropriate adjacent property owners.
5. Signature plats and 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:

**1. Waters Property. Re-plat of tracts 2 and 3 located off of Old Tuckaleechee Road. 2 lots served by a 50' private right-of-way.**

**The Re-plat of tracts 2 and 3 (Waters Property) was granted a variance by the Board of Zoning Appeals at the May 6<sup>th</sup>, 2010 meeting for adding a cabin to lot 2R.**

The Re-plat of tracts 2 and 3 (Waters Property) is a 2 lot preliminary and final plat. The proposed subdivision contains a total of 6.9 acres off of Old Tuckaleechee Road. Both lots are to be served by a 50' private easement. Site distance at this location appears satisfactory.

This plat is to record two previously unrecorded parcels and also shows the relocation of the 50' right-of way easement to the existing location of the private drive.

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 with the approved variance from the BZA.

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

Existing County Roads: Old Tuckaleechee Road is a collector status road. According to the road list Old Tuckaleechee is 17 - 22 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 re-plat of the Waters Property. The driveway will require some re-grading with a yard box and possibly some additional stone. Staff will inspect prior to releasing final plat.

Administrative Considerations: The re-plat for tracts 2 and 3 (preliminary and final plat) was reviewed inclusive of subdivision regulations for small

lots along a private easement with public water, existing electric and individual septic systems.

Outstanding items to be completed:

1. Re-grading of drive to remove rills and redistribute stone, to be inspected by staff prior to releasing plat.
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.

**2. Lowell Woods property off of Winston Drive: 1 lot served off of a 50' common driveway easement and a remainder greater than five acres.**

This is a 1 lot subdivision with a remainder greater than 5 acres off of Winston Road.

The common drive is already extended across the Lowell Woods property to an adjacent tract also owned by Mr. Woods that is in Sevier County that contains several rental homes. There is one existing home on Lot 1 and one home on the 13 acre remainder. The condition of the existing driveway is satisfactory.

The proposed subdivision of Lot 1 is to utilize the common driveway easement. The subdivision regulations allow for up to four lots to be served exclusively off of a shared common driveway easement.

In this case, the number of lots served is not at issue. However, procedure to divide requires that all other owners who have access and rights along an easement acknowledge their acceptance of any new division in writing and the limitation from their ability to perhaps divide in the future.

A form is typically supplied to the proponent and returned with signatures of acknowledgement from the other lots owners. In this case, there has been no acknowledgment from supplied by the proponent. There is no evidence that the proponent has contacted other property owners on the easement to notify them of pending proposed division. Furthermore, there has previously been legal action between the neighbors over the use of this easement.

In this case the two parcels adjacent to the flag stem; Breeding and Marrero, have rights along the easement and neither has acknowledged they accept Mr. Woods proposed division.

The planning commission in the past has allowed for divisions off of an existing easement when the other owners do not object or do not comment. In instances where an owner has objected, the commission has also approved variances for more than four lots on the basis the other owners wanted to divide as well in the future. In other instances, the commission has considered divisions on a first come first served basis.

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: According to the road list Winston Drive is 25 feet wide 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 re-plat of the Lowell Woods Property.

Administrative Considerations: The Lowell Woods preliminary and final plat was reviewed inclusive of subdivision regulations for small lots along a private easement with public water, existing electric and individual septic systems. There has been no submission of comments by other owners on the easement.

Outstanding items to be completed:

1. Determination of the probable objections by other property owners on the easement.
2. Signature plats with all certifications and a \$20.00 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**