

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: July 1st – July 14th, 2010

SUBJECT: Staff reports on agenda items for the **Thursday, July 22nd, 2010** regular meeting. 5:30 Hearings and Site Plans

I. Hearings:

- A. Concept Plans: None
- B. Preliminary Plats – Major Subdivisions:

1. **Patricia Pickens Subdivision off of Clover Hill Road: 5 lots; 1 with road frontage and 4 served exclusively by a 25 foot common driveway easement.**

Background: The preliminary plat for the Patricia Pickens subdivision is a proposed 5 lot subdivision containing 9 acres. A 25' common driveway easement is planned to serve the proposed lots off of Clover Hill Road. Lots 2, 3, 4 and 5 are to be served exclusively off the common driveway easement. There are three existing homes on the undivided parcel. The proposed location of the common driveway easement shall require sight distance improvements be made prior to final plat .

Analysis:

Design of plat, plat description: The parcel is in the R-1 zone and is gently rolling terrain. This proposed common driveway division can be accommodated off of Clover Hill Road at this location provided the sight distance improvements and 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, electric and individual septic systems.

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 preliminary plat is satisfactory.

Existing County Roads: The county road list shows Clover Hill Road as being 18-19 feet wide with adequate ditches and shoulders for this subdivision. The location of the proposed common driveway is marginal and sight distance is less than required in the regulations. Removal of trees and vegetation along Clover Hill Road will be necessary by the owner to improve sight distance at the proposed driveway location to meet the standards for sight distance. Staff shall make the area to be cleared by the owner and shall inspect and re-evaluate the sight distance.

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.

Construction of Improvements: The subdivision of the Patricia Pickens Property contains three existing homes that are served by a driveway that requires additional improvements. Two tiles shall be installed along the driveway and ditch improvement shall be made. In addition the driveway shall be yard-boxed and made smooth, additional stone may be required. The entire drive shall be a minimum ten feet wide with ditches.

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 re-constructed within a 25' easement. A T- turnaround shall be required on Lot 5 to be contained within the easement.

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 the county road 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.

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 not requested by the Engineering Department and Storm Water Coordinator for this subdivision since only 2 new home sites are being proposed and no on-site detention facilities are indicated.

*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. Any state erosion control permit(s) shall be supplied to staff prior to the pre-construction meeting. The owner is responsible for erosion control measures and an **Erosion Control Plan** as per Section 5.01.2(h) of the Subdivision Regulations. The Erosion Control Plan must be supplied by the time of the pre-construction meeting.*

Next, the owner shall comply with Section 8.02.1 prior to the removal of topsoil and install all erosion controlling devices as per the Erosion Control Plan submitted and in accordance with the Tennessee Erosion and Sediment Control Handbook, 2nd Edition. Staff shall inspect and approve on-site erosion controls prior to any earth moving activities. It is further the owner's responsibility to comply with Section 7.01.9 for all site improvements regarding seeding, matting, ditch treatments and other measures to re-establish vegetative cover on all disturbed areas. Staff shall inspect and approve all final site improvements prior to releasing any final plat.

Developer Notice:

- Any on-site construction prior to a pre-construction meeting with staff is at the risk of the owner.
- The owner shall contact the Planning Office at 273-5750 to schedule a pre-construction 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 Clover Hill 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.

Administrative Considerations: The proposed subdivision of the Patricia Pickens Property 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, and preliminary soil information. The comments from the environmental health department, engineering department and storm water department are included in this staff analysis.

Outstanding items to be completed:

1. Copy of a Maintenance Agreement or Property Owner's Association documentation to be supplied to staff for review prior to final plat submission.
2. A preconstruction meeting is required prior to any on-site work. All instructions in this staff analysis for the re-construction of the common driveway, sight distance improvements and 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: None
- E. Preliminary and Final Plats – Minor Subdivisions: None

Misc. Items: Request of Tammy and James Smith to allow division on a common driveway off of Turkey Pen Road.

See map below for reference to parcels. Cecil Willis, et al, owns a tract off of Turkey Pen Road (Parcel 10.12). The tax map shows the property as being 14.6 acres. However, preliminary field survey measurement shows the property to have only about 9.8 acres.

Tammy and James Smith entered into contract for deed for approximately six acres (5.58 acres based on preliminary field survey information) off of the property of Willis along a pre-existing 30 foot wide easement of access. Willis would own about 8.6 acres after transfer of property to Smith if the tax maps are referenced, but less than five acres based on preliminary field survey information

If the transfer would result in both parcels after the division being five acres or greater, the transfer to Smith would be exempt, being a transfer of greater than five acres without need of extension of roads or utilities, with remainder also greater than five acres. The preliminary field survey information calls this situation into question, and staff advised that a certification that the division was exempt could not be executed and a standard plat would be necessary.

Staff found that Willis recently transferred property less than five acres in 2008 without required plat (1.4 acres, - Willis, et al, to Hawn - Parcel 10.15 by quit claim deed registered in book 2183 page 1342). This was a violation of both State statutes and our subdivision regulations. Staff thus advised the Smiths that staff would not sign any documents related to the division of the land by Willis until the violation was rectified. The violation could be rectified if Willis would recombine the 1.4 acres into the original tract, or submit a plat for the 1.4 acres and gain approval of the lot. The Smiths reported that Willis could not arrange the recombination, and that the platting of the lot was outside their control.

The Smiths request approval of a plat for the proposed approximately 6 acre tract without any other requirements. See transcribed letter attached. Staff notes the violation of our subdivision regulations and requests guidance on further legal action the Planning Commission may wish to take in regards to the Willis 1.4 acre division. Staff also notes that approval of the Smith request would imply a remainder less than five acres and an unplatted lot that is usually required to be shown and approved on a plat.

Transcription of hand written letter from Tammy Smith dated July 7, 2010 via fax as follows:

On December 1, 2004 we, Smith family purchased property from Mr. Garrett and Mr. Willis on contract for deed. The property is at the back of this parcel measuring 352 feet wide and going back to the center of the existing creek, approx. 6 (six) acres.

In 2008 they sold 1.4 acres to Mr. Hawn from this parcel. This had left the remaining parcel in a situation that requires your attention, as well as assistance from the Planning Commission.

Mr. Garrett and Mr. Willis also own adjoining land to the parcel. Your authorization will present no problems to either party in the contract or in our area. This parcel remains bordered by Garrett/Willis and Smith families. There will be no further subdivision of this parcel.

We are requesting your authorization of this parcel with no variances. Survey will be completed by Sterling Engineering and plat filed immediately after survey. Two maps are attached for your reference. If you require further information or have questions please call me at <phone number deleted> . Thank you for your time and assistance. (Signed Tammy Smith)

Maps follow.

