

# 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: August 1 – August 18th, 2010

SUBJECT: Staff reports on items to be added for the Thursday August 26th, 2010 regular meeting. 5:30 Hearings

#### Hearings:

- A. Concept Plans: None
- B. Preliminary Plats – Major Subdivisions:
  - 1. **Parks Ferry Cove on Fort Loudoun Lake by Charles Jones and Holly Scarlett off of Parks Ferry Road. 36 lots served by a new county road section, common driveways and the existing county road.**

#### Background:

The proposed Parks Ferry Cove on Fort Loudoun Lake subdivision is a 26.4 acre parcel containing 33 proposed new lots to be served by a new county road section off of Parks Ferry Road. The preliminary plat indicates that four lots will front Parks Ferry Road and several of the lots will be served by three common driveways off of the proposed new road and county road. The parcel is rolling pasture land and steeper forested land.

The proposed lots 2 and 9 will have driveway access only off of the common driveway easement shown and not off of Parks Ferry Road. Driveway access restrictions will be included on the final plat for all four of the lots along Parks Ferry Road.

Improvements shall be made during construction along Parks Ferry Road to insure adequate sight distance exists for the proposed common driveway and proposed new county road section. The owners intend to include a common area

for lake access to Fort Loudoun Lake. All of the proposed lots are to be served by individual septic systems, well water and underground electric.

Analysis:

Design of plat, plat description:

The parcel is located within the R-1 zone and the proposed density is appropriate as all of the lots are greater than 35,000 square feet (minimum lot size for well lots is 35,000 square feet).

The parcel is gently sloping to moderately sloping terrain and all of the drainage will be directed towards the existing drainage swales located though out the parcel and drain to Fort Loudoun Lake. There is a closed depression feature on lots 31, 32, and 33; this area will require special attention to drainage considerations including filling the area or providing engineering to indicate how this area is to drain.

Additionally some of the drainage will be directed towards the remainder of the parcel due the topography of the overall site. A drainage plan with drainage calculations has been supplied. A common area for lake access is also indicated on the preliminary plat. These drainage features and the common area shall become the responsibility of the property owners association to maintain.

The proposed preliminary plat has been submitted with preliminary soil information. The overall design is satisfactory and is in general conformity with the subdivision regulations. The proposed subdivision has been reviewed inclusive of the subdivision regulations for small lots along public roads and common driveways with well water, underground electric and individual septic systems.

Existing County Road(s):

The Highway Department has indicated that Parks Ferry Road and drainage facilities within the right-of-way are under the maintenance of the county. The Highway Department reports that Parks Ferry Road is an existing 12' -16' wide county road with substantial shoulders and ditches. From the location of the common driveway towards Disco Loop Road, the road width averages closer to 16'.

The subdivision regulations require all major subdivisions are to be served off of county roads with a minimum of 18' wide with 2' shoulders and ditches on both sides. The specific provisions applicable to this plat are the following:

Except upon recommendation of the County Road Superintendent, a minimum off-site road of eighteen (18) feet of paved width with two (2) foot

shoulders on either side shall be present from entrance to any subdivision or development to intersection with any road with same standard or better, for consideration of any major plat of five (5) lots or greater.

The Engineering Director for the Highway Department supplied a letter to the Planning Department indicating that the minimum improvements to Parks Ferry Road shall be 18' feet of paved road surface with 2' improved shoulders on both sides. Furthermore, adequate storm water drainage improvements shall be maintained along this stretch of roadway. There was no indication in the letter of suitable arrangements between Developer and Highway Department, or direct recommendation from the Highway Superintendent. (See attached letter from Mr. Abbott). The Highway Department may have further information at the meeting.

Septic, Sanitary Sewer:

Lots 1-33 of Parks Ferry Cove Subdivision are all to be served by individual septic systems. A preliminary soil map was supplied along with the preliminary plat as required. The Environmental Health Department has reviewed the soil information and has stated that marginal soils, drainage areas, and the closed depression may require lot line modifications on the future final plat and that some lots may be combined or field line areas may have to be delineated on some lots on the final plat. Lots 31, 32, and 33, will require additional information and observation by the environmental health department due to the closed depression on these lots and how much fill will be added in this area during road construction, these lots may require additional drainage engineering or be removed from the final plat if individual septic approvals cannot be accommodated.

Drainage and Erosion Controls:

*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. All required erosion control permits shall be supplied to staff prior to the pre-construction meeting.*

*No grubbing or earth moving shall occur prior to supplying Planning Staff with a copy of a State Approved SWPPP.*

The project engineer supplied a drainage plan and calculations as required for preliminary plat submission however the overall drainage plan may require modifications including more information regarding how the closed depression area is to be drained. The current drainage plan also indicates previous lot lines, thus the drainage plan shall be updated and supplied to staff.

The drainage plan indicates that that there are six main drainage areas with separate swales that all drain to Fort Loudoun Lake. The project engineer has

supplied drainage calculations and a letter stating that there is to be no permanent detention facilities constructed since all of the storm water is entering the lake. The project engineer has made provisions for two siltation ponds to be constructed during construction (to be in place until the entire project site is re-vegetated) for storm water pollution prevention measures. These two ponds are to be removed upon project completion.

*The developer shall supply a letter from the State of Tennessee, Department of Environment and Conservation, Ground Water Division that the closed depression can be used for the home sites or remove these lots prior to final plat.*

All of the road and common driveway drainage tiles, ditches and temporary detention facilities shall be constructed for any proposed future phased development for Parks Ferry Cove Subdivision.

For final plat, the project engineer will be required to certify that the temporary detention facilities and all permanent erosion and storm water controls for the proposed subdivision have been built in accordance with the project engineering plans and specifications. Adequate building sites for each lot must avoid drainage swales and the closed depression shown on the preliminary plat.

*Proposed Road Plan:*

A road plan with profiles, cross section and proposed road layouts and road drainage facilities have been submitted for Parks Ferry Cove. The road plan indicates a proposed new county road section with a cul-de-sac design to accommodate the bulk of the lots shown. Three separate common driveways will be constructed in addition to the county road section. The number of lots is appropriate for the road design off of the existing county road.

The proposed road section indicated on this plat does not exceed 13% grade and the road design does not require any variances to the regulations. Maximum road grade for a county road section is 13%. However a significant portion of the road has been designed right at 13% by the project engineer. It will be the responsibility of the developer to insure that the road is not constructed beyond 13% grade. The project engineer will be required to certify the road grades after construction and to supply this certification and as-built road profile to the planning department prior to final plat.

The proposed common driveways indicated on this plat do not exceed 15% grade and the road design does not require any variances to the regulations. Maximum common driveway grade is 15%. However a significant portion of two of the common driveways has been designed right at 15% by the project engineer. It will be the responsibility of the developer to insure that the drives are not constructed beyond 15% grade. The project engineer will be required to

certify the common driveway grades after construction and to supply this certification and as-built profiles to the planning department prior to final plat.

The road plan indicates the proposed new county road to be constructed 18-foot wide with 3 foot shoulders and ditches to accommodate all of the internal lots and built to country road and drainage standards as per the subdivision regulations.

The three common driveways must be fully installed to serve all of the proposed lots prior to final plat. It is understood that the developer intends to pave all three common driveways.

Due to the steepness of two of the drives, the planning commission has in the past required sections of common drive that are at 15% or greater to be paved. The planning commission has a pavement standard for the paved entrance to all common driveways which consists of 3" of baby binder paving, 6" of rolled pug-mix on a compacted earth surface. This standard is adequate for the common driveway paving.

The entire common driveway(s) shall be constructed on a prepared crowned base. The slope and transition back to the natural grade must also be smooth and not excessively steep. The graded surface shall be a prepared crowned surface a minimum of 16 feet wide between ditches on both sides of the driveway. The gravel surface application shall be spread a minimum of 6 inches thick the entire length of the common driveway and on the turn-around and be a minimum of 10 feet wide (five feet on either side of crown in sub-grade). The three foot shoulders on both sides of the 10 foot wide gravel surface shall also be compacted and seeded and covered in straw as soon as the stone surface is applied. The wearing surface consists of 3" of a baby binder on top of the stone surface. Staff is comfortable with this standard being applied the length of all three common driveways. Any drainage considerations shall be designed and sized by the project engineer and certified as being constructed per design by the project engineer prior to final plat.

*Well Water and Electric Utilities:*

All of the proposed lots are to be served by individual wells. The lots sizes have been increased to over 35,000 square feet each to accommodate for well lots. Underground electric is proposed to serve all of the lots. 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. Written verification that a surety has been posted or the extension of services has been accommodated from the electric utility prior to any phased final plats.

*Property Owner's Association:*

The developer shall supply a copy of a Property Owner's Association for Parks Ferry Cove on Fort Loudoun Lake for the maintenance responsibility for the drainage facilities, common area, and common driveways for staff review prior to any final plat submission.

Construction of Improvements:

There has been no construction of improvements on site. The road plan must be modified to reflect the exact location of the updated lot lines and supplied to staff.

The proposed new road shall be built according to the project engineering plans and according to county road standards. All electric shall be completely installed to serve these lots prior to final plat for any lots and to avoid unnecessary disturbance to the roadway or drives after completed. Should a surety be posted for the electric utility prior to final plat, certification of said surety shall be required in addition to insuring that conduit has been installed for all road and driveway crossings prior to binder surface paving.

The developer shall contact the Highway Department to schedule a pre-construction meeting prior to any on-site construction for any phase of Parks Ferry Cove subdivisions. County Engineering Department staff has reviewed the profiles, road plan, calculations and drainage plan submitted for the proposed Parks Ferry Cove as shown. The comments of the Highway Department, Storm Water Department and Environmental Health Department are included in this staff analysis. Any and all modifications to roads, drainage and lot design shall be supplied to staff with an updated preliminary plat submission. In addition, the developer shall supply all required permits and/or road plan changes in writing.

Developer Notice:

- 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 Parks Ferry Road.
- 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.

Administrative Considerations:

*All road construction and utility construction shall be completed prior to releasing any phased final plat.*

The proposed Parks Ferry Cove On Fort Loudoun Lake preliminary plat was reviewed inclusive of subdivision regulations for small lots along a county road, with a new county road, common driveways with well water, underground electric, and individual septic systems. As required, the preliminary plat was supplied with topographic information, road plan, drainage plan and calculations and preliminary soil information.

No lot shall be advertised or offered for sale prior to recording of any final plat.

Outstanding Items to be completed:

1. All instructions in this staff analysis including pre-construction meeting, SWPPP permit, revised engineering plans and construction of all improvements including road, drainage and utilities.
2. Clarification from the Highway Department and Road Superintendent on status of plans for Parks Ferry Road, if any.
3. A Property Owner's Association shall be required for all common features and supplied to staff prior to final plat.
4. The proposed lots 2 and 9 shall have driveway access only off of the common driveway easement shown and not off of Parks Ferry Road and noted as such on the final plat.
5. The developer shall also supply a letter from the State of Tennessee, Department of Environment and Conservation, Ground Water Division that the closed depression can be used for the home sites or remove these lots 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.

- 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.**

This item was deferred from the July meeting to allow contact with Cecil Willis, et al. Staff sent certified letter as follows:

August 4, 2010

Cecil Willis, et al  
c/o Jennifer Willis  
2737 Turkey Pen Road  
Maryville, TN 37803

Dear Cecil Willis, et al:

According to records in the Blount County Register of Deeds and Blount County Assessor Office, you are owners of a tract off of Turkey Pen Road (Parcel 10.12 on map attached). The tax map shows the property as being 14.6 acres. However, preliminary field survey measurement done for a proposed division of the land for Tammy and James Smith shows the property to have only about 9.8 acres.

Tammy and James Smith state that they entered into contract with you for transfer of approximately six acres (5.58 acres based on preliminary field survey information) off of your property along a pre-existing 30 foot wide easement of access. You would own less than five acres after the transfer to the Smiths based on preliminary field survey information. In accordance with State statutes and the Blount County Subdivision Regulations, to accomplish the proposed division and transfer to the Smiths a plat is required for approval by the Planning Commission and registration in the Register of Deeds.

In a related matter, you 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 Blount County Subdivision Regulations. The violation could be corrected if you submit a plat for the 1.4 acres and gain approval of the lot through the Planning Commission, and then register the plat with the Register of Deeds. This violation complicates the proposed division of your property for transfer to the Smiths, and may form the basis for future action by the Planning Commission.

This matter has been reviewed by the Blount County Planning Commission as a request for variance by the Smiths. The Planning Commission is holding action on this matter pending response from you on your intentions for proper division of your property. The Planning Commission has requested your attendance at their next regular meeting at 5:30 PM on Thursday, August 26, 2010 in Room 430 of the Blount County Courthouse.

If you have any questions or wish to discuss possibilities for properly addressing division of your property, please feel free to call me at 273-5750 or visit my office in room 327 of the Courthouse.

Sincerely,

John Lamb  
Director, Blount County Planning Department  
Secretary, Blount County Planning Commission

Mr. Willis contacted staff August 18, and discussed alternatives for resolving the issues. Three alternatives were discussed: 1) prepare and submit a plat for the three parcels ultimately involved; 2) combine the 1.4 acre tract with existing property and pursue exempt division for two properties greater than five acres; or 3) add to existing property in order to reach exempt division for remainder of Smith transfer and address the 1.4 acre division separately. Mr. Willis requested some time to consider the alternatives and discuss with the Smiths.

The following is from the July memo as background.

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:

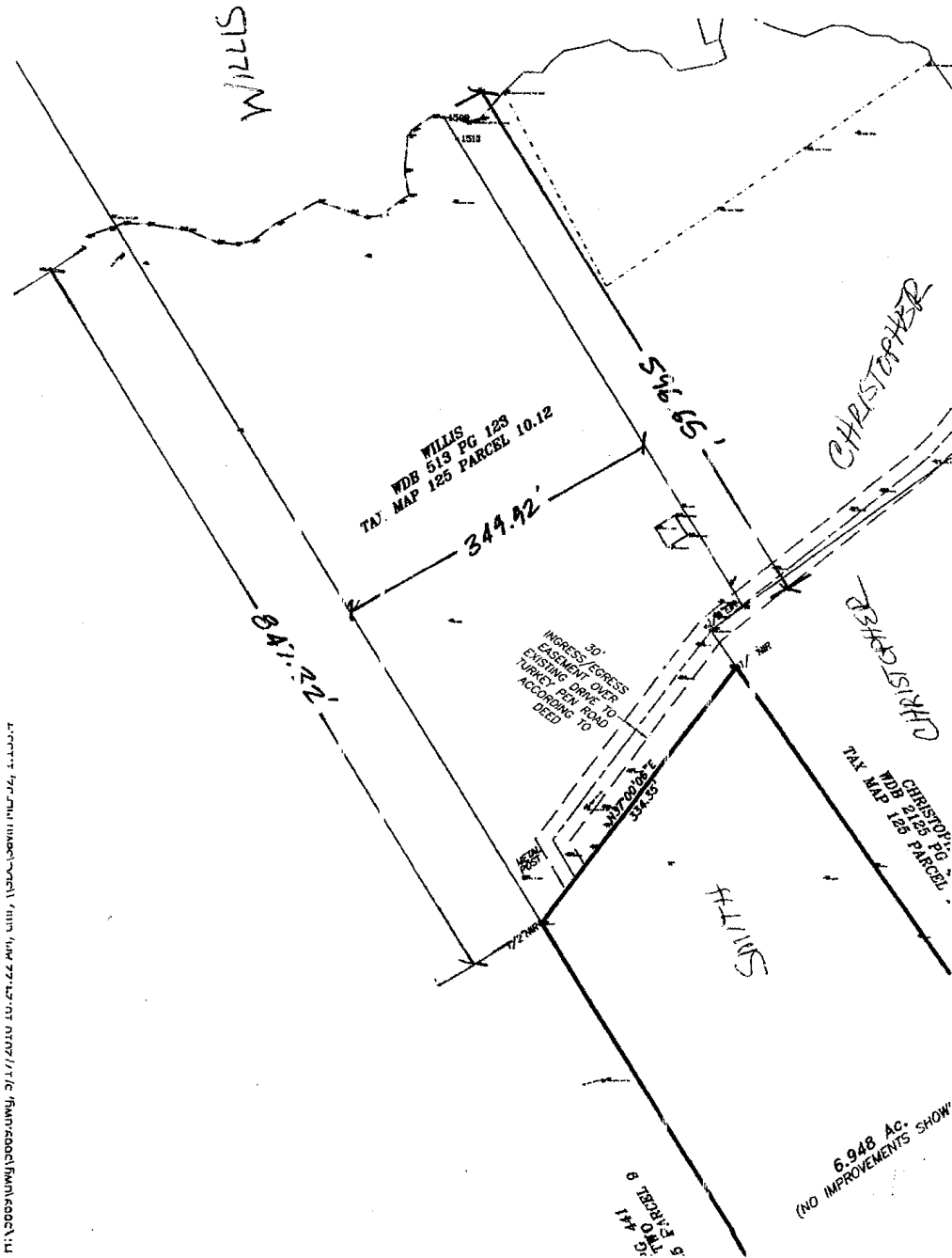
On December 1, 2004 we, Smith family purchased property from Mr. Garrett and Mr. Willis on contract for deed. The property is at the back of this parcel measuring 352 feet wide and going back to the center of the existing creek, approx. 6 (six) acres.

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.



14-07-07 17:21:11 (MORNING) 1510, 1508, 1506, 1504, 1502, 1500, 1498, 1496, 1494, 1492, 1490, 1488, 1486, 1484, 1482, 1480, 1478, 1476, 1474, 1472, 1470, 1468, 1466, 1464, 1462, 1460, 1458, 1456, 1454, 1452, 1450, 1448, 1446, 1444, 1442, 1440, 1438, 1436, 1434, 1432, 1430, 1428, 1426, 1424, 1422, 1420, 1418, 1416, 1414, 1412, 1410, 1408, 1406, 1404, 1402, 1400, 1398, 1396, 1394, 1392, 1390, 1388, 1386, 1384, 1382, 1380, 1378, 1376, 1374, 1372, 1370, 1368, 1366, 1364, 1362, 1360, 1358, 1356, 1354, 1352, 1350, 1348, 1346, 1344, 1342, 1340, 1338, 1336, 1334, 1332, 1330, 1328, 1326, 1324, 1322, 1320, 1318, 1316, 1314, 1312, 1310, 1308, 1306, 1304, 1302, 1300, 1298, 1296, 1294, 1292, 1290, 1288, 1286, 1284, 1282, 1280, 1278, 1276, 1274, 1272, 1270, 1268, 1266, 1264, 1262, 1260, 1258, 1256, 1254, 1252, 1250, 1248, 1246, 1244, 1242, 1240, 1238, 1236, 1234, 1232, 1230, 1228, 1226, 1224, 1222, 1220, 1218, 1216, 1214, 1212, 1210, 1208, 1206, 1204, 1202, 1200, 1198, 1196, 1194, 1192, 1190, 1188, 1186, 1184, 1182, 1180, 1178, 1176, 1174, 1172, 1170, 1168, 1166, 1164, 1162, 1160, 1158, 1156, 1154, 1152, 1150, 1148, 1146, 1144, 1142, 1140, 1138, 1136, 1134, 1132, 1130, 1128, 1126, 1124, 1122, 1120, 1118, 1116, 1114, 1112, 1110, 1108, 1106, 1104, 1102, 1100, 1098, 1096, 1094, 1092, 1090, 1088, 1086, 1084, 1082, 1080, 1078, 1076, 1074, 1072, 1070, 1068, 1066, 1064, 1062, 1060, 1058, 1056, 1054, 1052, 1050, 1048, 1046, 1044, 1042, 1040, 1038, 1036, 1034, 1032, 1030, 1028, 1026, 1024, 1022, 1020, 1018, 1016, 1014, 1012, 1010, 1008, 1006, 1004, 1002, 1000, 998, 996, 994, 992, 990, 988, 986, 984, 982, 980, 978, 976, 974, 972, 970, 968, 966, 964, 962, 960, 958, 956, 954, 952, 950, 948, 946, 944, 942, 940, 938, 936, 934, 932, 930, 928, 926, 924, 922, 920, 918, 916, 914, 912, 910, 908, 906, 904, 902, 900, 898, 896, 894, 892, 890, 888, 886, 884, 882, 880, 878, 876, 874, 872, 870, 868, 866, 864, 862, 860, 858, 856, 854, 852, 850, 848, 846, 844, 842, 840, 838, 836, 834, 832, 830, 828, 826, 824, 822, 820, 818, 816, 814, 812, 810, 808, 806, 804, 802, 800, 798, 796, 794, 792, 790, 788, 786, 784, 782, 780, 778, 776, 774, 772, 770, 768, 766, 764, 762, 760, 758, 756, 754, 752, 750, 748, 746, 744, 742, 740, 738, 736, 734, 732, 730, 728, 726, 724, 722, 720, 718, 716, 714, 712, 710, 708, 706, 704, 702, 700, 698, 696, 694, 692, 690, 688, 686, 684, 682, 680, 678, 676, 674, 672, 670, 668, 666, 664, 662, 660, 658, 656, 654, 652, 650, 648, 646, 644, 642, 640, 638, 636, 634, 632, 630, 628, 626, 624, 622, 620, 618, 616, 614, 612, 610, 608, 606, 604, 602, 600, 598, 596, 594, 592, 590, 588, 586, 584, 582, 580, 578, 576, 574, 572, 570, 568, 566, 564, 562, 560, 558, 556, 554, 552, 550, 548, 546, 544, 542, 540, 538, 536, 534, 532, 530, 528, 526, 524, 522, 520, 518, 516, 514, 512, 510, 508, 506, 504, 502, 500, 498, 496, 494, 492, 490, 488, 486, 484, 482, 480, 478, 476, 474, 472, 470, 468, 466, 464, 462, 460, 458, 456, 454, 452, 450, 448, 446, 444, 442, 440, 438, 436, 434, 432, 430, 428, 426, 424, 422, 420, 418, 416, 414, 412, 410, 408, 406, 404, 402, 400, 398, 396, 394, 392, 390, 388, 386, 384, 382, 380, 378, 376, 374, 372, 370, 368, 366, 364, 362, 360, 358, 356, 354, 352, 350, 348, 346, 344, 342, 340, 338, 336, 334, 332, 330, 328, 326, 324, 322, 320, 318, 316, 314, 312, 310, 308, 306, 304, 302, 300, 298, 296, 294, 292, 290, 288, 286, 284, 282, 280, 278, 276, 274, 272, 270, 268, 266, 264, 262, 260, 258, 256, 254, 252, 250, 248, 246, 244, 242, 240, 238, 236, 234, 232, 230, 228, 226, 224, 222, 220, 218, 216, 214, 212, 210, 208, 206, 204, 202, 200, 198, 196, 194, 192, 190, 188, 186, 184, 182, 180, 178, 176, 174, 172, 170, 168, 166, 164, 162, 160, 158, 156, 154, 152, 150, 148, 146, 144, 142, 140, 138, 136, 134, 132, 130, 128, 126, 124, 122, 120, 118, 116, 114, 112, 110, 108, 106, 104, 102, 100, 98, 96, 94, 92, 90, 88, 86, 84, 82, 80, 78, 76, 74, 72, 70, 68, 66, 64, 62, 60, 58, 56, 54, 52, 50, 48, 46, 44, 42, 40, 38, 36, 34, 32, 30, 28, 26, 24, 22, 20, 18, 16, 14, 12, 10, 8, 6, 4, 2, 0

