

# Think Quality - Think Future

## Blount County Planning Department

Blount County Courthouse - 327 Court Street

Maryville, TN 37804-5906

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### MEMORANDUM

TO: Members of the Blount County Planning Commission

FROM: Planning Department (Tel. 273-5750)

DATE: December 1<sup>st</sup> – December 13<sup>th</sup>, 2010

SUBJECT: Staff reports on items to be considered for the Tuesday December 21, 2010 regular meeting. 5:30 Hearings

#### Hearings:

- A. Concept Plans: None
- B. Preliminary Plats – Major Subdivisions:
  - 1. **Homestead West Subdivision, Phase 2 off Long Rifle Road (East Miller's Cove) by Earl Worsham (Previously owned by Naterra Land). 17 remaining of 37 lots on 114 acres along a county road previously approved in Phase 1.**

#### Background:

The preliminary plat for Phase 2 was approved by the Planning Commission at the August 23, 2007 regular meeting. The Phase 2 preliminary contained 37 proposed new lots.

A Phase 2A Final plat was recorded including 20 of the 37 lots for Phase 2. Phase 2A contained only lots where the drainage facilities had already been built when Long Rifle Road was originally constructed.

17 of the lots were not platted in the Phase 2A final plat as there was a boundary line agreement that had not been completed and the back drainage pond had not been constructed.

**The preliminary plat expired in August of 2009 about the time Naterra Land was no longer involved in the Homestead. Since that time the current owners of the Homestead property (Marshall and Ilse Corp of Milwaukee, Wisconsin) have contracted with Earl Worsham to purchase the property.**

**Mr. Worsham is requesting the Phase 2 preliminary plat be renewed. This would in effect be an approval of a new preliminary plat for the remaining 17 lots from the original preliminary approval. As such, this would constitute a new approval for two years. The boundary line dispute, subject of past delay in approving the 17 lots, has been resolved. Upon completion of the drainage pond, the developer intends to submit a Phase 2A-section II final plat for the remaining 17 lots (See Attachment 1).**

The Phase 2 preliminary plat was approved upon certification by the Highway Department Superintendent that suitable arrangements and agreements had been made between the developers and Highway Department to make improvements to East Millers Cove Road.

The Highway Department Superintendent informed the Planning Commission in August of 2007 that there would be three phases of road improvements along East Miller's Cove Road that the developers would participate in based on the sales of properties over time. The three-phased improvements to East Millers Cove Road were based on a traffic study and recommended improvements made by Barge, Waggoner, Sumner, and Cannon.

An "Agreement" (Attachment 2) between the prospective owner (Worsham) and the Highway Department is attached with respect to the Phase 1 East Millers Cove Road improvements and future phased development of the Homestead.

The Highway Superintendent will report at the time of the meeting the status of the agreement for road improvements to East Miller's Cove Road.

It is understood by the Highway Department, Planning Staff and the proponents that all of the lots in the Phase 2 preliminary plat for the Homestead West were included in the Phase 1 improvements to East Millers Cove Road.

The renewal of the preliminary plat remains consistent with the original preliminary plat for Phase 2 of the Homestead. All previous staff analysis and outstanding items to be completed shall apply.

Approval of this plat constitutes a 24 month preliminary plat approval. The developer will be responsible for all outstanding items to be completed and satisfying the conditions of the agreement with the Highway Department prior to releasing a final plat for the remaining lots in Phase 2.

Analysis:

Design of plat, plat description:

The entire Homestead West property is mountain land located in the R-2 zone. The proposed preliminary plat for Phase 2 indicated a total of 37 lots with open space along the previously constructed Long Rifle Road. While the minimum lot size in the R-2 zone is 5 acres, the cluster development with a commensurate amount of dedicated open space allows for lots to be a minimum of 1.5 acres each and a minimum average density requirement of 1 unit per 3 acres. All of the lots shown for Phase 2 are at or greater than the minimum for cluster development. All of the lots are to be served off of the internal road system.

The Phase 2 preliminary plat contains 37 proposed new lots along an existing county roadway. The total area of development for Phase 2 is 114 acres, with 59 acres of lot area and 55 acres of open space. Phase 2 has an average density of **1 unit per 3.0 acres**

The parcel is rolling to steep terrain and is heavily forested. The parcel contains several drainage areas including some step grades that are all to have independent drainage controls and drainage easements.

Existing County Roads:

This proposed development is serviced off of East Millers Cove Road. The Preliminary Plat was approved with a variance to Section 6.01.2 concerning land unsuitably located for subdivision, particularly subsection (b) on adequacy of road infrastructure. As part of the variance process, Naterra (previous owner) agreed to improve portions of East Millers Cove Road, and entered into a contract with the Highway Department to accomplish the improvements in 3 stages as the Homestead Subdivision developed.

According to Tony Abbott of the Highway Department, Naterra participated partially in the Phase 1 improvements by purchasing bridge decking materials to be utilized by the highway department for bridge replacement. Furthermore payment was made by Naterra for road signage, guard rails and delineators

At the time of preliminary approval in August of 2007, Mr. Abbott reported that the participation by Naterra in making improvements to East Millers Cove Road was on track and satisfactory. Additionally, the Highway Superintendent stated he was satisfied with the participation by Naterra for the Phase 2A final plat since there has been no appreciable additional traffic. As of December 2010 there is only one residence established and three under construction.

It is understood by the Highway Department, Planning Staff and the proponents that all of the lots in the Phase 2 preliminary plat for the Homestead West were included in the Phase 1 improvements to East Millers Cove Road.

Any collateral damage to Long Rifle Road during construction of the new drainage pond shall be coordinated by the developer and the Highway Department prior to releasing the next final plat.

Previous collateral damage and slippage along Long Rifle Road is addressed in The "Agreement" (Attachment 2 between Mr. Worsham and the Highway Department.

*Individual Septic Systems:*

The environmental health department has reviewed all the proposed lots in Phase 2 for septic tanks, field lines, and duplication areas, natural swales and steeper terrain and has completed field evaluations. Some lot line adjustments were required from preliminary plat design, but the overall design was maintained. All of the lots are to accommodate area for wells as per the subdivision regulations. The environment health department has stated that preliminary soil information for Phase 2 is satisfactory.

*Drainage Plan, Erosion Controls and Road Plan:*

The project engineer is in the process of determining is an erosion control plan and SWPPP plan are required for the minor earth work involved with the construction of the drainage pond. No county grading permits are required

A road plan with profiles, cross section and proposed road layout and road drainage facilities were previously submitted for Phase 1 and Phase 2 Preliminary plats.

The project engineer shall certify in writing that all of the road, drainage and detention facilities for the upcoming final plat for Phase 2A-Section II have been built in accordance with the project engineering plans and specifications; and that all of the storm water drainage for the 17 lots shown is accommodated for in the drainage facilities.

*Water and Electric Utilities:*

Public water is not available at this location. All of the lots are to be served by well.

Underground electric conduit has been installed to serve all of the lots. All electric improvements shall be fully installed to each lot and the plat certification shall be signed on the final plats or a surety posted to the electric utility prior to final plat. Written verification that a surety has been posted or the extension of services has been accommodated shall be supplied by the individual utilities prior to final plats being released should they not be in the ground.

Construction of Improvements:

The drainage basin planned for this final section of Phase 2 has not been completed.

Staff instructions for all construction activities as listed in the subdivision regulations shall be employed by the developer. The developer shall meet with staff prior to any additional onsite work for the required pre-construction meeting to include the owner, project engineer and all contractors that are to work on-site.

Property Owner's Association:

The developer shall supply an addendum to Property Owner's Association for the upcoming final plat for Homestead West Phase 2A-Section II for the maintenance responsibility for the drainage facilities and other common elements including open space, for staff review. The signed and notarized originals must be recorded with the final plat.

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 (if applicable).
- 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 Long Rifle 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:

The proposed Homestead West Phase 2 preliminary plat was once again reviewed inclusive of subdivision regulations for cluster development lots along paved county roads without public water, with underground electric, and individual septic systems. The comments from the Highway Engineering Department and Environmental Health Department are included in this staff analysis.

Staff field inspections during these final phases of work and planning administrative functions should allow for the timely completion of the Phase 2 project.

Outstanding Items to be Completed:

1. All instructions in this staff analysis, including pre-construction meeting, permits and construction of all improvements; drainage and utilities (if necessary).
2. A Property Owner's Association for the future Phase 2A-Section II final plat shall be supplied for review for the storm drainage facilities and common areas of the Homestead.
3. Confirmation of the "Agreement" (Attachment 2) between the Highway Department and the Developer with regard to the Phasing of improvements to East Millers Cove Road and collateral damage and slippage along Long Rifle Road.
4. All road drainage and detention facilities must be certified as being built in accordance with the project engineering plans and specifications prior to final plat submittal for Phase 2A-Section II.

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.

Attachment 1

December 1, 2010  
File 32862-27

Mr. Doug Hancock  
BLOUNT COUNTY PLANNING DEPARTMENT  
327 Court Street  
Maryville, Tennessee 37804-5906

**RE: Homestead West - Phase 2A-Section II**

Dear Doug:

We would like to resubmit the original Phase 2 Preliminary Plat as Phase 2A - Section II in the name of the new developers.

The new developers are Joe Smallman and Earl Worsham. The following is their contact information:

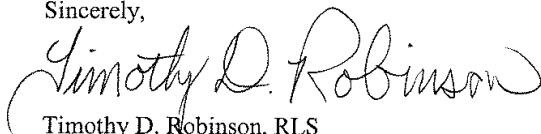
Earl Worsham  
484 Norton Creek Road  
Gatlinburg, Tennessee 37738  
Telephone: 865.368.5477

Joe Smallman  
Telephone: 865.259.4466

The original Phase 2 Preliminary Plat included 37 lots. The Phase 2A Final Plat was recorded with 20 lots of the 37 approved by the Preliminary Plat. Of the 37 lots originally approved, 17 of these were not included due to a boundary line issue and the installation of a drainage pond. The original owners were unable to complete the Phase 2 changes in the time frame of the preliminary plat. This Phase 2A - Section II Preliminary Plat is intended to complete the Phase 2 lots and improvements to Homestead West. As we understand all Phase 1 improvements to East Millers Cove Road have been completed and include these 17 lots.

Please feel free to call me if you have any questions or comments, my direct dial is 865.934.4142.

Sincerely,



Timothy D. Robinson, RLS

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Enclosure

cc: Joe Smallman

bargewaggoner.com  
Equal Opportunity Employer/Affirmative Action Employer

10133 Sherrill Boulevard, Suite 200  
Knoxville, Tennessee 37932

865.637.2810  
865.673.8554 fax

**AGREEMENT**

**THIS AGREEMENT** is made and entered into as of the \_\_\_\_\_ day of December, 2010, by and between **Earl Worsham**, his heirs, successors and assigns, hereinafter referred to as “Worsham”, whose address for the receipt of notices hereunder is 484 Norton Creek Road, Gatlinburg, Tennessee 37738 and **Blount County, Tennessee** hereinafter referred to as “Blount County”, whose address for the receipt of notices hereunder is **Blount County Courthouse, 345 Court Street, Maryville, Tennessee 37804**.

**W I T N E S S E T H:**

**WHEREAS**, Worsham has contracted to acquire from Marshall and Ilsely Corp of Milwaukee, Wisconsin property previously owned by Naterra Land Inc. located in Blount County, Tennessee and sometimes known as the Homestead West Development hereinafter referred to herein as the “Property”; and

**WHEREAS**, Naterra had previously entered into an Agreement dated October 15, 2007 with Blount County regarding the development of the Property and certain improvements to be made to portions of East Millers Cove Road said Agreement being attached hereto as Exhibit A and which for convenience may hereinafter be referred to as the “Naterra Agreement”; and

**WHEREAS**, Worsham and Blount County desire to enter into an agreement governing the future development of the Property and improvements to East Millers Cove Road and certain repairs to Long Rifle Road; and

**WHEREAS**, Blount County and Worsham agree that Blount County has completed and fulfilled its obligation to perform road improvement for Phase I described in Paragraph 1 of the Naterra Agreement and that Naterra has paid for these improvements in accord with Paragraphs 2, 3, 4 and 5 of the Naterra Agreement; and

**WHEREAS**, Blount County and Worsham agree that Worsham is entitled to have approved and recorded a plat for Phase 2 A II of the Property all as set forth in the Naterra Agreement; and

**WHEREAS**, Worsham and Blount County have agreed subject to Worsham’s acquisition of the Naterra property that the provisions of Paragraph 6 of the Naterra Agreement will be reaffirmed and will be the agreement of the parties for the further development of the Property; and

**WHEREAS**, that the parties desire to proceed memorialize their agreements concerning the future development of the Property and the responsibility of each to the other for road improvements.

Now, therefore for and in consideration of the mutual covenants contained herein Worsham and Blount County agree as follows:

1. That Naterra and Blount County have both complied with Paragraphs 1, 2, 3, 4 and 5 of the Naterra Agreement and Worsham is entitled to have approved by the Blount County Planning Commission a plat for the seventeen (17) lots designated as Phase 2 A II of the Homestead West Development and to record the same in the Register's Office for Blount County; and

2. That Blount County has raised issues regarding the construction and maintenance of Long Rifle Road which has been accepted by Blount County as a public road and is usable as such; and

3. That upon purchase of the Property Worsham will deposit in escrow with Tennessee Valley Title Company the sum of \$100,000.00 which upon approval by the Blount County Planning Commission of the 17 lots designated as Phase 2 A II in Paragraph 3 of the Naterra Agreement and the final platting and recording thereof in the Register's Office for Blount County, Tennessee shall be released by the escrow agent to Blount County to be used by it for repairs and necessary reconstruction of Long Rifle Road with the remainder to be applied by Blount County to improvements to East Millers Cove Road as set forth in Paragraph 6 of the Naterra Agreement;

4. That future development of the Property shall be governed by Paragraph 6 of the Naterra Agreement.

This agreement will become binding upon the parties upon approval by the Blount County Commission.

**WITNESS** the execution hereof as of the date first above written.

\_\_\_\_\_  
Earl Worsham

Blount County  
By \_\_\_\_\_  
Its \_\_\_\_\_

C. Final Plats – Major Subdivisions: None

D. Preliminary and Final Plats - Major Subdivisions: None

E. Preliminary and Final Plats - Minor Subdivisions:

**1. Edwin McCammon property 333 Prospect Road – three lots along existing road with one lot substandard.**

This miscellaneous request was brought to the Planning Commission without a plat at the November, 2010 regular meeting. At that time, the owner was requesting a variance to three substandard lots. The attached GIS Map and proposed lot lines indicated all three lots are less than the required minimum lot size of 30,000 as square feet. A survey was not prepared as of that time.

The following analysis was presented:

Edwin McCammon through Melinda Kelley requests variance of lot size and possible septic requirements to divide three existing houses onto separate lots at 333 Prospect Road. The County Commission recently amended the zoning regulations to allow such divisions at less than minimum lot sizes without the need for variance so long as the lots could sustain septic capability. The present request has not gone through Environmental Department review and any approval should be conditioned on appropriate review. See concept plan attached.

The three lots show practical division based on terrain. The 19,794 square foot lot to the north includes a triangular portion of land across Prospect Road, and follows an existing drainage ditch diagonally across the main tract. The 19,310 lot to the south follows the line of the driveway on the adjacent proposed lot with 27,738 square feet. All lots thus created do not meet minimum lot size requirements and would need variance under the subdivision regulations. All houses are reported to have separate septic systems, and any plat approval should contain condition of Environmental Department approval for the existing systems and houses. Since only a concept plan was submitted, the Planning Commission may wish to consider the variance request and await a full plat for approval at a later meeting.

233 Prospect Rd, Walland, TN 37886

19,794 SF

27,738 SF

19,310 SF

The attached surveyed plat indicates that both lot 1 and 2 meet minimum lot size requirements as both are larger than 30,000 square feet. The survey for lot 3 indicates this lot is actually 21,679 square feet and not 19,300 square feet.

All of the above conditions for the request for the variance remains the same, however a variance is only required for lot 3.

Staff has no reservations about the survey or the variance being granted again to correct the record and indicate that a variance for lot 3 is all that is required for preliminary and final plat approval of McCammon Property.

Outstanding items to be completed:

1. Variance being amended to reflect only lot 3 does not meet the minimum lot size requirement and variance being granted by the planning commission.
2. Signature plats with correct certifications and a \$20.00 per lot platting fee.

**Misc. Items: None**