

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: April 20th, 2011

SUBJECT: Staff reports on items to be considered for the Thursday April 28th, 2011 regular meeting. 5:30 Hearings

Hearings:

- A. Concept Plans: None
- B. Preliminary Plats – Major Subdivisions: None
- C. Final Plats – Major Subdivisions: None
- D. Preliminary and Final Plats - Major Subdivisions: None
- E. Preliminary and Final Plats - Minor Subdivisions:
 - 1. **Re-plat of lots 11, 12 and 13 of the Clover Hill Subdivision off Clover Hill Ridge Road, Hopewell Road and Ardennes Drive by Richard Greene and David & Sandra Cochenour: 3 existing lots with county road frontage. Variance request to minimum lot size for lot 12R.**

The proposed re-plat has three existing lots as indicated on the plat. Greene owns lots 12 and 13, while lot 11 is owned by Cochenour. The re-plat shows a portion of lot 13R being added to 11R and a portion of 11R being added to 12R. The drainage easement and 25' access easement are shown in reference to previous platted items and are not affected by the proposed re-plat. All three of the lots were approved in 1996 on two separate plats for two different phases of the Clover Hill Subdivision. At that time the lots were within the Maryville Planning Region and were approved by the Maryville Planning Commission with their subdivision regulations standards. Since that time this area is now within the Blount County Planning Region.

All three of the lots have county road frontage, lots 11R and 12R already have driveways constructed while lot 13R is vacant.

As shown, lot 11R has a total of 35,487 square feet. The driveway easement on lot 11R contains a total of 1,310 square feet. After the proposed re-plat lot 11R will have a total of 34,177 square feet outside of area of development hindrance which is greater than the minimum 30,000 square feet required by the subdivision regulations.

As shown, lot 12R has a total of 33,932 square feet. The driveway easement on lot 12R contains a total of 4,874 square feet. After the proposed re-plat lot 12R will have a total of 29,058 square feet outside of area of development hindrance which is less than the minimum 30,000 square feet required by the subdivision regulations. While this lot is being made larger than when it was originally approved and lot sizes were smaller then and development hindrances were not a consideration at that time; a variance is indicated as the re-plat is shifting lot lines and requires review for current standards and health department approval.

Lot 13R has a total of 41,693 square feet. The drainage easement on lot 13R contains a total of 10,941 square feet. After the proposed re-plat lot 13R will have a total of 30,752 square feet outside of area of development hindrance which is greater than the minimum 30,000 square feet required by the subdivision regulations.

Site distance at this location appears satisfactory.

Analysis:

Design of plat, plat description: The proposed re-plat 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 is reviewing the proposed lot line changes and will make a report at the time of the meeting. The Director of Environmental Health has indicated that pending soiling conditions (marginal soils on lot 13R) and the required reserve area for each lot, the proposed re-plat may require further lot line modifications or may not be able to accommodate the proposed changes.

Existing County Roads: All three of the existing county roads have adequate shoulders and ditches and are acceptable for this re-plat.

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

Construction of Improvements: No construction is required for this plat

Administrative Considerations: The Re-plat for lots 11, 12 and 13 of the Clover Hill Subdivision was reviewed inclusive of subdivision regulations for small lots along the county road with public water, electric and individual septic systems.

Outstanding items to be completed:

1. Determination of variance request for lot 12R by the Planning Commission.
2. Signature plats with all certifications (no platting fee required).

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-subdivision of Tract 1R-1 Thomas Lowery Property off U.S. Highway 411 South by Randall and Patricia McCroskey: 3 lots and a tract greater than 5 acres.

The Re-subdivision of Tract 1R-1 is a 3 lot preliminary and final plat with a remainder greater than 5 acres. The proposed subdivision contains a total of 18.837 acres along Highway 411 South. Two of the lots and the remainder have road frontage along Highway 411; lot 1R-1C will have exclusive access only off of the 25' easement. All three of the lots and the remainder shall share 1 access point located on the plat as required by the subdivision regulations for lots along a major arterial. 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 RAC 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. An easement for the existing septic system is shown on the plat and appears satisfactory. Reserve area for each lot is available on each lot according to the Environmental Health Department

Existing County Roads: U.S. Highway 411 is a State Highway and is classified as a Major Arterial on the county road list. The plat indicates the existing right-of way of the highway and no additional dedication is required.

This section of 411 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 Lowery 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 building inspector for the necessary permits for any future construction of homes or other structures at 681-9301.
- The lot owners shall contact the building commissioner for zoning compliance for any future construction of homes or other structures at 681-9301

Administrative Considerations: The proposed Re-subdivision of Tract 1R-1 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.

Maintenance Agreement or Property Owner's Association: The developer shall supply a Maintenance Agreement for review for the maintenance responsibility for the common driveway. The signed and notarized originals must be recorded with the final plat.

Outstanding items to be completed:

1. Signature plats with all certifications.
2. The owner shall supply a Maintenance Agreement for review and the signed agreement shall be recorded with 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.

Misc. Items:

1. Next to Heaven Lot 1 re-subdivision off of Wears Valley Road by HHP Enterprises LLC represented by Don Heil, with request for possible variance of right-of-way width requirement.

This item was deferred at the March regular meeting to allow the proponent to more accurately portray the situation on the ground and to correct for lot size.

See plat attached. The original lot 1 was created prior to zoning, with road classification at the time of Minor Arterial for Wears Valley Road. Road right-of-way requirement at the time was 30 feet off of centerline. The original plat of Lot 1 was thus in conformity with Subdivision Regulations in 1997 when it was created. The revised plat shows a 60 foot right-of-way for Wears Valley.

The road classification of Wears Valley Road was changed to Major Arterial with the recent amended of the Major Road Plan. The new right-of-way dedication requirement is 40 feet off centerline. The plat still reflects the older right-of-way width. Note that some of the design elements of the original plat relied on the old 30 foot right-of-way off centerline, particularly the entrance and private drive. In addition, some of the structures shown on the plat are either crowding the right-of-way or over the right-of-way line. Mr. Heil requests consideration of previous plat requirement of 30 foot right-of-way (60 foot total shown on plat).

The property is in the R-2 zone with minimum five acre lot size. The plat shows two lots, each with less than five acres. Recent amendment of the zoning regulations allows for division of properties in such situation as follows:

7.18 Division of land into substandard lots: Notwithstanding any other provision in this resolution concerning minimum lot size in any zone for a single family residential structure, in instances where two single family residential structures exist on an undivided parcel of land, and where such structures were in existence prior to September 2000, and where a division of the parcel to accommodate the residential structures on separate lots is proposed, and where such division would result in a lot or lots with less than minimum lot size, then the minimum lot size for the zone shall be waived without need for variance under this resolution, provided the following conditions are met:

1. the lots created shall accommodate sufficient land to provide suitable septic disposal as determined by the Blount County Environmental Department and noted as such on any plat of division;
2. the division of land shall create lots with proportions of original tract as equal as practicable;

3. the division of the original parcel into two does not result in a third lot or remainder of land.

Staff confirms that the office and house structures shown on the plat were also shown on the original division plat in 1997, thus predating zoning. Roger Fields confirms that the two structures could be considered as single family dwelling units, although the office on Lot 1B is also used as an office for a horse riding business. Gary Ferguson approved septic situation on the previous plat and will need to evaluate the effect of amended lot line between the lots. From the impact of the easements and the septic reserve situation, staff finds that the division meets requirements in item 2. There is no residual from the division (item 3).

The questions before the Planning Commission result in essentially three options: 1) approval of the plat as is with variance of road right-of-way subject to approval of Gary Ferguson for septic; 2) denial of plat with instructions to show dedication of required new right-of-way and resubmission of plat (with possible variance at present drive easement); or 3) denial of plat as not meeting requirements. This plat should not be deferred again given the requirement of 60 days for action by the Planning Commission.