

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 15th, 2011

SUBJECT: Staff reports on items to be considered for the Thursday June 23rd, 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. **Buchanan Property by Rita Buchanan off West Millers Cove Road: 3 lots with county road frontage.**

Background: The Buchanan Property off of West Millers Cove Road contains 3 lots on 5.5 acres. Lots 1 and 2 will meet the current minimum lot size of 30,000 square feet while lot 3 is the remainder and hooks across West Millers Cove Road. All three lots have road frontage along the county road. The two Buchanan parcels on the southern boundary are both lots of record and both are served by the existing easement across lot 3; no improvements to the easement are required for this plat. Sight distance for these proposed lots appears satisfactory.

Design of plat, plat description: The proposed preliminary and final plat is satisfactory with the information supplied and subject to this staff analysis. The

parcel is rolling land and is not in the floodplain. 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 preliminary and final soil information and has stated that the soil information provided appears satisfactory.

Existing County Roads: The road list for the county indicates that West Millers Cove Road is 17 - 20 feet wide with adequate ditches and shoulders. The subdivision regulations allow for a minor subdivision on road sections less than 18 feet wide.

Utilities: Both water and electric utilities are in place along West Millers Cove Road.

Administrative Considerations: The proposed 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. The final plat will be conditioned on execution of a lot line adjustment with an adjacent tract.

Outstanding items to be completed:

1. Signature plats and a \$20 per lot platting fee.
2. Execution of a lot line adjustment with adjacent tract.

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. Variance request by Ronald and Patricia Phillips off North Union Grove Road. Request to add additional lot to existing common driveway easement.**

Background:

The Phillips property was originally a ten acre parcel served off a 50' private road easement (The road easement appears on the Gibson plat from 1994). One

small lot was divided in 2002, making a 2.5 acre lot and a 7.5 acre lot. The Phillips property was again re-platted in 2007 making two five acre tracts.

The Gibson property (noted above) is adjacent to the Phillips property and was originally a 9.9 acre parcel served by the same 50' private road easement. In 1994 the Gibson parcel was divided into two tracts served off of the existing easement.

The 50' easement also crosses two additional parcels including a 4.1 acre parcel belonging to Terry Tucker and a 7.9 acre parcel owned by Evelyn Presley.

The 1994 plat signed by the planning commission secretary indicates the 50 foot easement was a private road, however the Planning Commission approved the division of the Phillips property in 2002 with the following note on the recorded plat:

Subdivision of lots having exclusive access along the joint permanent easement (common driveway) is limited to no more than four lots maximum.

The owners of lots _____ having access along the joint permanent easement (common driveway) shall be jointly responsible for the perpetual maintenance of the joint permanent easement, and all deeds for said lots shall specify such responsibility and mechanisms for maintenance

This notice constitutes prior notice for the division and was added at that time since the minimum lot size was less than 5 acres, thus acknowledging the easement as a "common driveway" standard and not a "private road" standard. The subdivision regulations require all lots along a private road to be greater than five acres each. In addition, private road standards require 18' wide gravel road surface. The driveway is only constructed 15' wide and thus only meets common driveway standards.

Since the 2002 plat established the common driveway on the plat, the number of lots served exclusively off of the easement is officially limited to 4. Adding lots to a shared common driveway for safety purposes and limiting additional driveways along a county road has been approved by the planning commission for more than the four lot maximum, but has generally not been extended to other types of divisions.

The 4.1 acre parcel of Terry Tucker is served off of a separate driveway (although this owner has the right to use the easement). And the Evelyn Presley property has road frontage along North Union Grove Road. Therefore neither of these parcels was counted as part of the four lot total.

Ronald and Patricia Phillips have supplied a letter to the Planning Commission requesting a variance to the subdivision regulations Section 6.02.5a (1) for Common Driveway Development.

The request is to allow an additional lot be divided off of the common driveway in excess of the four lot maximum. The Phillips wish to re-divide Tract 1 of the Phillips Property into two lots in order to separate the two existing homes onto separate lots. (See Attached Sketch).

The condition of the existing common driveway is very good and there are no sight distance issues.

Standard operating procedure by staff is to have the owner requesting a division to notify the other lot owners and see if there are any objections.

Staff reminds the Planning Commission that the notification of other properties subject to a common driveway easement is not a requirement of the Subdivision Regulations. The notification is done to allow others subject to the easement to first be informed of the limitation of division on a common driveway, and second to allow the other property owners opportunity to address the Planning Commission.

The three other owners that share the use of the easement, Gibson, Overly, and Baker have all acknowledged they do not have any objections to the division of the Phillips Property. The Baker and Overly parcels both have businesses located on them and the existing gravel driveway serves as the access to both businesses.

Tucker and Presley have not been notified at this time, however Ms. Phillips will report at the time of the meeting whether she was able to contact these owners.

If approved; this lot shall be included in the maintenance agreement for the common driveway.

Any variances should be conditional on the approval of the Environmental Health Department. Mr. Ferguson has discussed the situation with staff, and agreed in principle that a subdivision that did not result in any net detriment to the property would be acceptable subject to approval of the Planning Commission.

Outstanding items to be completed:

1. Consideration of variance request by the planning commission.
2. Copy of owners signatures not objecting to addition of lot to common driveway.

3. Copy of Maintenance Agreement documentation to be supplied for the additional lot.
4. Submission of a plat with certifications including Environmental Health Department Approval.

2. Variance request by Kathy Adams for Lot 2 of the Phillip Hood Subdivision off Sevierville Road. Request to add additional lot to existing common driveway easement (aka Destiny Lane).

Background:

The Phillip Hood subdivision was approved by the Planning Commission in 1997 with a 25' common driveway easement serving 5 lots, 4 exclusively off of the easement. Tract 1 (Phillip Hood's lot) has frontage along Sevierville road, while lots 2, 3, 4 and 5 are served by the easement.

The Planning Commission approved the division of the Phillip Hood property with the following note on the recorded plat:

Subdivision of lots having exclusive access along the joint permanent easement (common driveway) is limited to no more than four lots maximum.

The owners of lots _____ having access along the joint permanent easement (common driveway) shall be jointly responsible for the perpetual maintenance of the joint permanent easement, and all deeds for said lots shall specify such responsibility and mechanisms for maintenance

This notice constitutes prior notice on the limitation that the number of lots served exclusively off of the easement is officially limited to 4. Adding lots to a shared common driveway for safety purposes and limiting additional driveways along a county road has been approved by the planning commission for more than the four lot maximum, but has generally not been extended to other types of divisions.

Kathy Adams has supplied a letter to the Planning Commission requesting a variance to the subdivision regulations Section 6.02.5a (1) for Common Driveway Development.

The request is to allow an additional lot be divided off of the common driveway in excess of the four lots maximum. Ms. Adams would like to re-divide Lot 2 into two lots in order to separate the two existing homes onto separate lots. (See Attached Sketch/Plat).

The condition of the existing common driveway is good and there are no sight distance issues.

Standard operating procedure by staff is to have the owner requesting a division to notify the other lot owners and see if there are any objections.

Staff reminds the Planning Commission that the notification of other properties subject to a common driveway easement is not a requirement of the Subdivision Regulations. The notification is done to allow others subject to the easement to first be informed of the limitation of division on a common driveway, and second to allow the other property owners opportunity to address the Planning Commission.

The three other owners that share the use of the easement; Mouser, Hamilton and Deaderick have all acknowledged they do not have any objections to the division of the Phillips Property.

Phillip Hood who is on Lot 1 with road frontage did not object to the re-division but simply stated he did not want to be involved in this matter.

If approved; this lot shall be included in the maintenance agreement for the common driveway.

Any variances should be conditional on the approval of the Environmental Health Department. Mr. Ferguson has discussed the situation with staff, and agreed in principle that a subdivision that did not result in any net detriment to the property would be acceptable subject to approval of the Planning Commission.

Outstanding items to be completed:

1. Consideration of variance request by the planning commission.
2. Copy of Maintenance Agreement documentation to be supplied for the additional lot.
3. Submission of a plat with certifications including Environmental Health Department Approval

3. Renewal of Preliminary plat for Tall Oaks Phase 4 off Pea Ridge Road by Arthur Gotts: 11 lots off of a proposed new county road section.

The preliminary plat for Tall Oaks Phase 4 was approved at the July 2008 regular meeting until July of 2010. The preliminary plat was extended at the July 2010 meeting for 12 months (until July of 2011).

The owner is requesting an extension of the preliminary plat for an additional 12 months - until July of 2012.

Prior to beginning work and preparing for Phase 4 final plat the owner is requesting the preliminary plat be approved with the same stipulations and outstanding items to be completed as before to allow for the plat to be current. The owner shall also have a pre-construction meeting with staff and supply any necessary permits prior to on-site construction.

This plat comes for routine renewal until July 2012 subject to all previous conditions contained in the July 2008 Staff Analysis including the following:

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.
- 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 any of the internal roads in Tall Oaks.
- 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 or 811.

Outstanding Items to Be Completed:

1. All instructions in this staff analysis, including pre-construction meeting, permits and construction of all improvements. Repair of damage to previous curb sections.
2. Copy of POA/Maintenance Agreement documentation to be supplied to staff for review prior to final plat submission.

In accordance with past actions of the Planning Commission in similar situations, the Planning Commission has options to 1) deny the renewal of preliminary plat due to identified deficiencies, 2) defer renewal of the preliminary plat approval until deficiencies are addressed, or 3) grant renewal of preliminary plat approval subject to meeting all requirements, applying identified conditions, and addressing deficiencies.