

Think Quality - Think Future

Blount County Planning Department

Blount County Courthouse - 327 Court Street

Maryville, TN 37804-5906

Tel (865) 273-5750 - FAX (865) 273-5759

e-mail - planning@blounttn.org

MEMORANDUM

TO: Members of the Blount County Planning Commission

FROM: Planning Department (Tel. 273-5750)

DATE: July 1st – July 19th, 2011

SUBJECT: Staff reports on items to be considered for the Thursday July 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
1. **Re-subdivision of Lot 9 Myers Property off Fox Hollow Road: 2 lots served off a previously platted 25' common driveway easement.**

This is a request for preliminary and final plat since the original preliminary has expired.

The preliminary was approved at the April 24th, 2008 regular meeting:

The Myers Property off Fox Hollow Road is a two lot preliminary plat; the proposed subdivision contains a total of 2.2 acres. Both of the lots are to be served by a previously platted common driveway easement of Fox Hollow Road (Private). The Original Myers Property Plat was approved in 2001 as a 6 lot plat with four lots served off of the common driveway easement, and two of the lots served off Fox Hollow Road. (See previous Myers Plat and The re-subdivision of Lot 9 attached).

In 2001 the common driveway was improved to meet the standards at the time and served lots 9, 10, 11, and 12. Since that time lot 3A, 12, and 11 were

combined into two lots, thus removing one lot from the use of the common driveway. In addition, none of the lots served by the common driveway were ever built upon and the common driveway was not maintained. In 2001, a maintenance agreement was supplied for the lots as numbered on the original Myers property plat. The maintenance agreement shall require an addendum to include the new lots to be served by the common driveway easement.

Analysis:

Design of plat, plat description: The proposed subdivision is satisfactory with the information supplied and subject to this staff analysis. The parcel is gently rolling terrain and there is a home located on lot 3A1 only, which does not access the common driveway easement. According to the preliminary plat these lots are to be served by public water, electric and individual septic systems. According the surveyor, none of the parcel is located in a floodplain although there is a large drainage easement that dissects these lots.

Septic, Sanitary Sewer: The soil scientist has identified marginal soil characteristics. The environmental health department has reviewed the re-subdivision and is prepared to sign the final plats.

Existing County Roads: Fox Hollow Road is a private road that measures 18-21 feet wide paved surface with adequate shoulders and ditches and is acceptable for this plat request. In addition, an original agreement dating back to when Fox Hollow Road was constructed to serve Stonegate Subdivision, the heirs of the Myers retained access to subdivide off of the private road with maintenance responsibilities for Fox Hollow Road as well.

From Staff Memo Dated July 18, 2001.

“When Stonegate Subdivision off of Myers Road was developed, Fox Hollow Road was constructed on an easement granted by Myers. The Myers retained the right to divide their property along this road section, which was acknowledged by the planning commission in June of 1996. The planning commission minutes state that there was “no restriction on further division by either the grantor or the grantee of the easement”. However the planning commission decided to limit the number of lots for Stonegate to 75 lots. No number of lots for Myers was established or restricted. Planning staff feels this proposed division is fair and does not over burden the easement and does follow the intent of the planning commission’s previous action.

An agreement between the Myers Heirs and the Stonegate Homeowner’s Association was supplied indicating the lots divided on the Myer’s plat would pay \$50.00 each per year once sold or developed by the Myers, for maintenance of Fox Hollow Road, and any damages would be paid by anyone who created such

damage to Fox Hollow Road. Since the net number of lots from the original Myers plat and the re-subdivision of lot 9 are the same staff is of the opinion that the agreement requires no addendum, modification or updating since the document never specified lot numbers and was a broader document covering several divisions of the Myers Estate along Fox Hollow Road and hence covers all lots of the Myers estate.

Utilities: Public water and electric are proposed to serve these lots and the water company has signed the final plat. The electric company has certified the plat.

Drainage and Erosion Controls: The engineering department has reviewed the preliminary and final plat and has not required any additional drainage information be supplied by the owner due to the topography of the site, size of the lots and the existing natural drainage.

Construction of Improvements: The Common driveway had fallen into disrepair and has since been brought back up to the common driveway standards from 2001 which included a ten foot wide driving surface, shoulders, 2 inches of stone surface and adequate drainage improvements, in addition to erosion control measures. The fence crossing the common driveway has been removed.

- 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 construction at 1-800-351-1111. The lot owners shall contact the building inspector for the necessary permits for any future construction of homes or other structures.

Administrative Considerations: The proposed Re-subdivision of Lot 9 of the Myers property preliminary and final plat was reviewed inclusive of subdivision regulations for small lots served by a common driveway along an existing private road with public water, electric and individual septic systems.

Outstanding items to be completed:

1. Updated Maintenance Agreement with proper lot numbering of the lots that are served off the common driveway easement.

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 approval subject to meeting all requirements, applying identified conditions, and addressing deficiencies

E. Preliminary and Final Plats - Minor Subdivisions:

Misc. Items:

1. Variance Request By John Adams and Sharon Fields for the Sharon Fields Property off of Disco Loop Road.

Upon further review in relation to an amendment to the subdivision regulations concerning common driveways established prior to 2006, staff finds that the common driveway was established in 2002 and the request for variance is not necessary. This item was published but has been pulled from the agenda.