

Think Quality - Think Future

Blount County Planning Department

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MEMORANDUM

TO: Blount County Planning Commission

FROM: John Lamb

DATE: October 17, 2006

SUBJECT: Public Hearings on rezoning requests for the October 26, 2006 regular meeting.

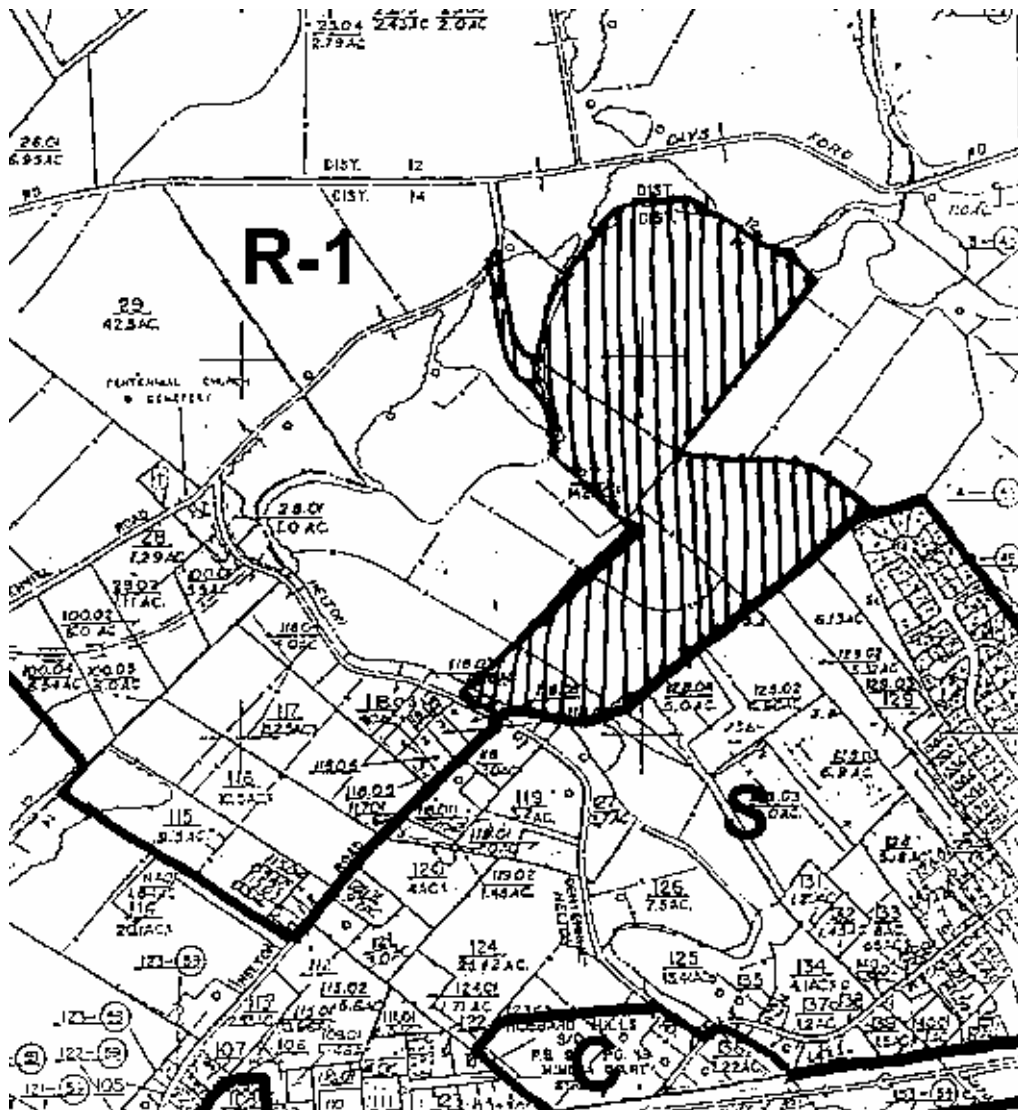
The following five rezoning requests were published for public hearing in the Daily Times on October 13, 2006, and posted on the property for required 10 days notice. The items are for public hearing and recommendation by the Planning Commission.

1. Request by Greenleaf Properties Development LLC for rezoning from R-1-Rural District 1 to S-Suburbanizing District for property located at Helton Road across from intersection with John Helton Road, Tax Map 48 Parcel 27.00, shown hatched on following map (next page).

Background. This rezoning was considered under different applicant on May 26, 2005, with the Planning Commission recommending against the application due to issues with access onto Helton Road. The rezoning was considered by the County Commission July 21, 2005, and not approved (failed due to lack of any motion on the item). The substantial issues of access have now been resolved and the rezoning comes again for new consideration.

In April 2005, the County Commission adopted a limitation on resubmission of rezoning application as follows:

Section 12.3. Time limit on reapplication for a denied request to amend the Zoning Map. *If an application to amend the Zoning Map (rezoning) for a property is denied by the County Commission, then no other application for rezoning of the same property shall be considered for a period of two (2) years, provided that a new application may be considered if there is a substantial change in the application constituting a different zone requested or different dimensions (area or depth) requested*



Analysis. The Planning Commission, and ultimately the County Commission, will need to determine if the new application is substantially different than the previous application since the amendment of the zoning regulations was in effect at the time of first consideration. Staff is of the opinion that the new application addresses the issues of access onto Helton Road, and that this is a substantial change. However, the substantial change is not directly related to change in zone requested or dimensions. To address

the issue of change in application, the Planning Commission may wish to consider the parcel indicated minus the connection across Crooked Creek (finger of land) toward Helton Road to the north.

The land lays outside but adjacent to the area designated for moderate to high density development on the Land Use Plan, and is adjacent to land already zoned S-Suburbanizing. The land is within the Urban Growth Boundary of Maryville, generally considered under the county 1101 Growth Plan for high density development. Sewer access to the land is available. The predominant land use in the area is a mix of residential and farming.

The lack of conformity with the Land Use Plan does not necessarily limit consideration of the request, particularly in the light of the newer Urban Growth Boundary designation. The request may be seen as an extension of an adjacent higher density zoning classification which would be consistent with the 1101 Growth Plan, supported also by the presence of sewer that would accommodate the higher density of development intended.

The property has frontage on Helton Road at two points, one at the southern boundary of the property along Crooked Creek, and the other via a land extension fronting on Helton Road near intersection with Davis Ford Road. Both of these access points have constraints. Most of Helton Road is not of a capacity to accommodate high density development.

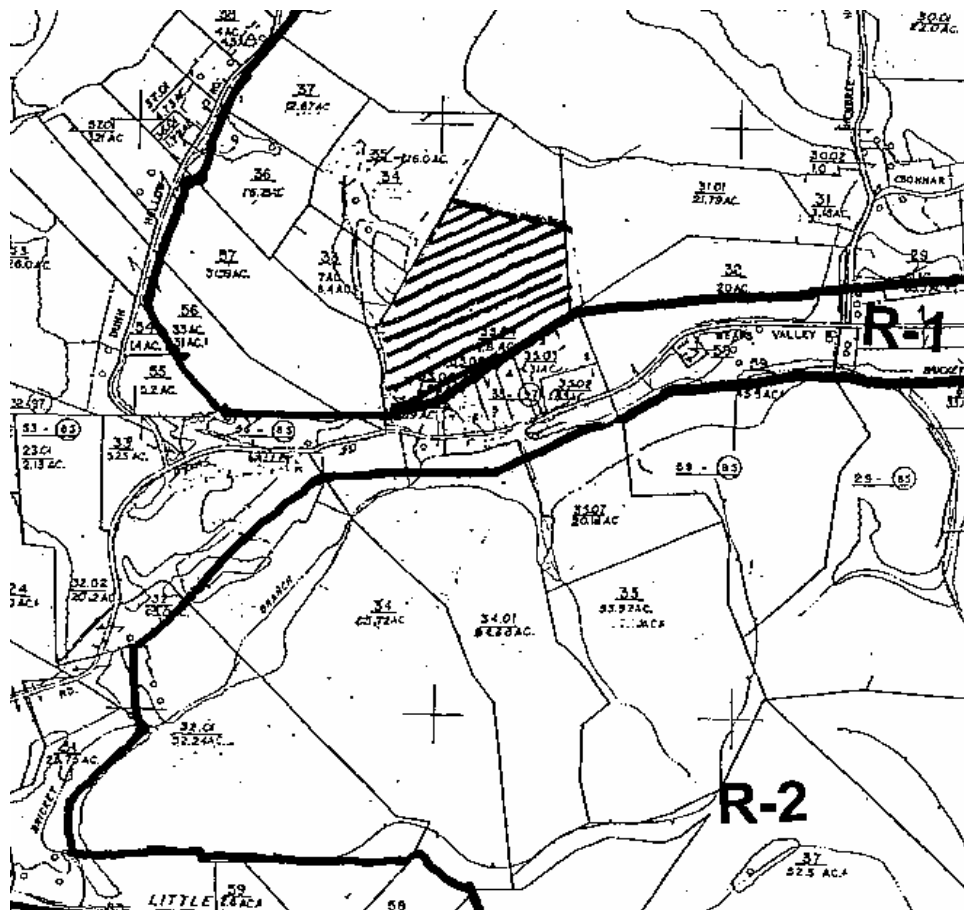
The southern frontage across Crooked Creek is within the flood plain. Observation on March 19, 2002 revealed that a recent flood was still present across the road one day after the rain had stopped, and that the debris line of the flood indicated a depth of about 3 to 4 feet in several places approaching the property. The entrance to the property over Crooked Creek was still under water, and showed evidence of an impassibly high water mark for the flood plain.

The access on Helton Road near Davis Ford Road was constrained by slope. The narrow portion of land running from the curve in Helton Road down to Crooked Creek may result in a slope greater than allowed for public road. In addition, the road would need to cross Crooked Creek and contend with the flood plain. This constraint may be overcome with engineering, and recent approval of a preliminary plat by the Maryville Planning Commission would indicate that such constraint has been sufficiently addressed.

The issue of access has been most directly addressed in the development proposal (see attached) by provision of road connection to adjacent property to the southeast leading to Tuckaleechee Pike. The southern frontage to Helton Road across from John Helton Road is not utilized for access. The frontage to the northwest to Helton Road leading to Davis Ford Road is adequate as alternate access to potential large development.

Recommendation. Staff recommends for approval of the rezoning request minus the finger of land across Crooked Creek toward Helton Road, subject to determination of substantial change in the application. This request will also need to be reviewed by the Maryville Planning Commission since the property is within their planning region.

2. Request by William and Alda Bricky Trustee through their agent Fox Ridge LLC for rezoning from R-2-Rural District 2 to R-1-Rural District 1 for property located at 608 Wears Valley Road, Tax Map 97, part of Parcel 34.01, shown hatched on following map.



Background. Fox Ridge LLC has presented a concept proposal to the County Commission, copy of which is also enclosed with this memo. The proposal is for condominiums at higher density than present R-2 zoning would allow. Fox Ridge LLC thus requests rezoning to R-1 of part of the property they are considering to accommodate the desired higher density.

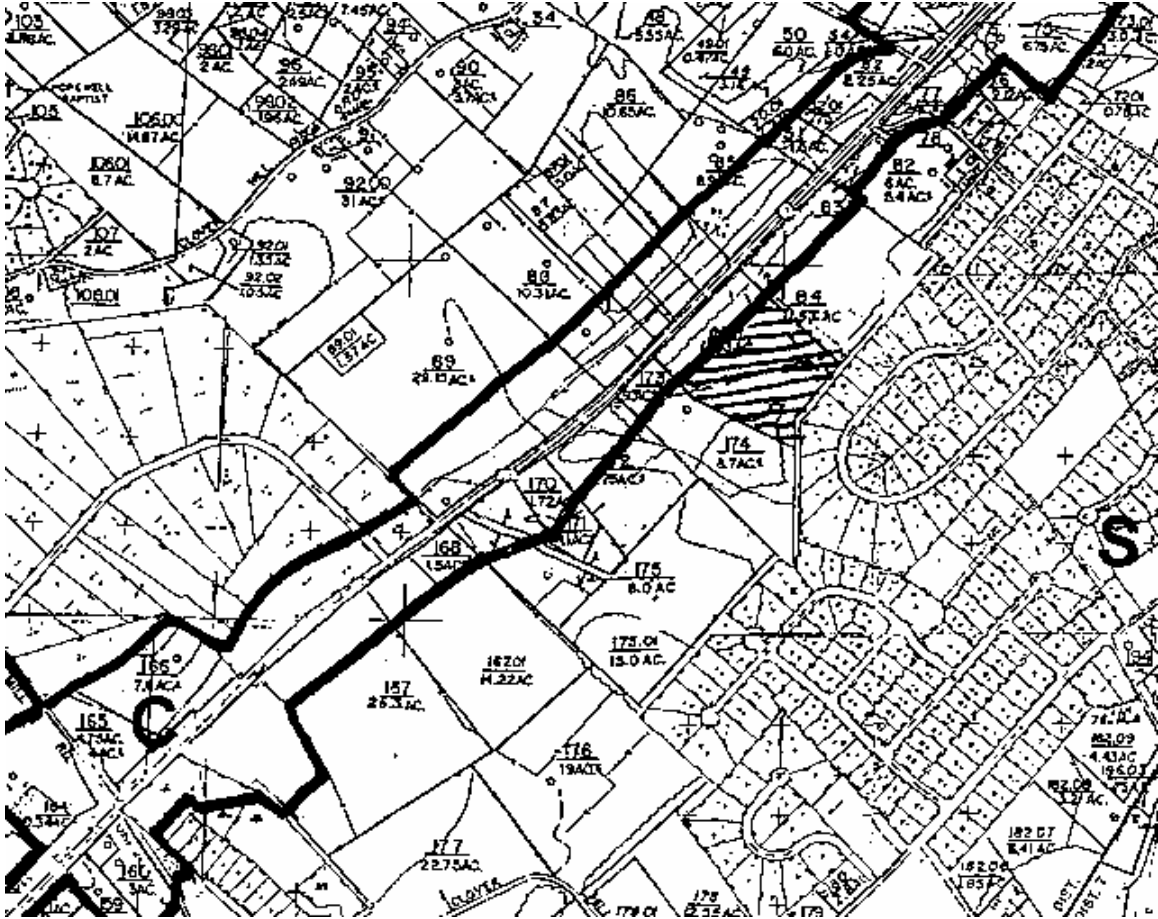
Analysis. The front portion of the property is already zoned R-1 for irregular depth of about 100 to 400 feet. The present R-2 zone for the remainder of the property north of Wears Valley Road allows up to one unit per three acres with cluster PUD design. The requested R-1 zone would allow development density up to 1.2 units per acre. Staff notes that the printed proposal assumes mistakenly a density of 1.5 units per acre and should be corrected when formal proposal for development is presented.

The Conceptual Land Use Plan shows the area along Wears Valley Road in low to moderate density designation, with the remainder of the property in low density designation. There is no definitive indication of depth for the low to moderate density designation. The 1101 Growth Plan classifies the area as Rural, consistent with both the R-2 and R-1 zoning classifications. The requested rezoning will also be an extension of an existing R-1 zone already on the property.

In the past, the Planning Commission has favorably viewed land of 30 percent slope or less for rezoning to R-1 classification. The prospective developer has provided a topographical map (in the development proposal) showing a dividing line between the portion of the property which is greater than and less than 30 percent slope. Staff has confirmed this through reference to USGS quad sheet and a slope map of the County provided by the Metropolitan Planning Commission of Knoxville and Knox County. The map provided by the Developer may be considered as an acceptable boundary for the requested rezoning.

Recommendation. Staff recommends for approval of the rezoning.

3. Request by James and Judy Keith for rezoning from S-Suburbanizing to C-Commercial for property at 3132 Highway 411 South, Tax Map 78, Parcel 84.01, shown hatched on following map.



Background. This item has been subject of public hearing recently on May 25, 2006. The zoning regulations were amended April 2005 to require the following:

Section 12.3. Time limit on reapplication for a denied request to amend the Zoning Map. *If an application to amend the Zoning Map (rezoning) for a property is denied by the County Commission, then no other application for rezoning of the same property shall be considered for a period of two (2) years, provided that a new application may be considered if there is a substantial change in the application constituting a different zone requested or different dimensions (area or depth) requested.*

James and Judy Keith own an 11.53 acre parcel at 3132 Hwy 411 South within the Maryville Urban Growth Boundary. Present zoning of the property is C-Commercial for a distance of approximately 200 feet off of Hwy 411 South right-of-way, with remainder in S-Suburbanizing zone. The

previous application indicated a total zone depth after rezoning of 500 feet (additional 300 feet rezoned). On the face of the present application, the requested rezoning is for the whole property, a substantial change in depth. However, letter from Larry Henry acting as agent of the Keiths indicates that the present request is for a total depth of 490 feet after rezoning (additional 290 feet rezoned).

Analysis. The Planning Commission, and ultimately the County Commission, will need to determine if the new application is substantially different than the previous application since the amendment of the zoning regulations was in effect at the time of first consideration. To reiterate, the present request is for 490 feet of depth of C-Commercial zone off of Hwy 411 South, whereas the previous request was for 500 feet.

The property is presently vacant except for a barn. Present access is by an informal drive with no defined curb cut. The property slopes up substantially from Hwy 411, then transitions into a less steep slope after about the first 150 feet of depth, and then transitions to relatively flat topography in the rear, over a total depth of about 800 feet. The property is bounded to the rear by established lots with houses in Westmorland Heights subdivision. Existing trees provide a buffer between the property and the subdivision lots at present, and the topography lends an additional buffer between the lower portion of the parcel and the subdivision lots (the lots cannot see the lower portion of the tract). The proposed limit of 490 total feet for the C-Commercial zone would be effectively buffered by trees, slope and 310 feet of distance from any residential use to the rear.

To the north along the same side of Hwy 411, parcel 84 is vacant and Parcel 82 is in residential use, with both parcels having C-Commercial zone for about the first 200 feet of depth. To the south along the same side of Hwy 411, parcel 172 is in residential use, and 173 is vacant, both with 200 to 300 feet in depth of C-Commercial zone. Interior parcel 174 (now in two parcels) is in residential use, and parcel 175.01 vacant. Across Hwy 411, the parcels are zoned C-Commercial for a depth of about 400 feet, with mix of residential and agricultural use.

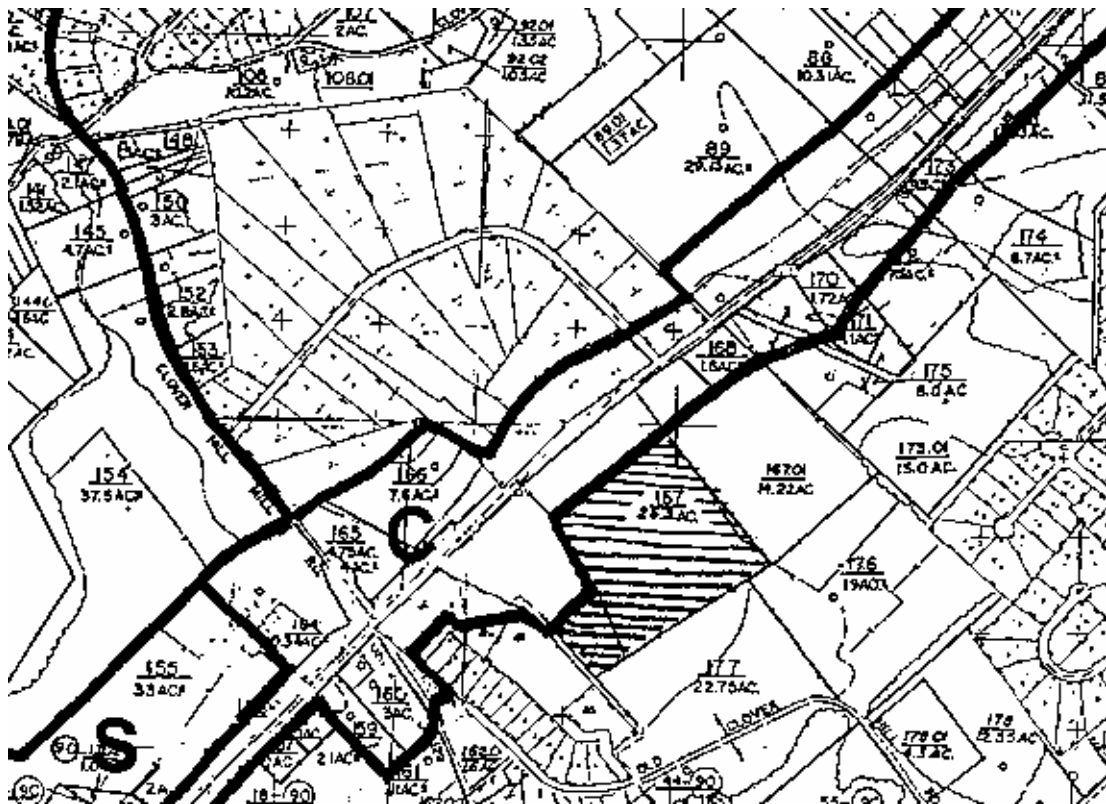
The property lies within the Maryville Urban Growth Boundary, and the proposed rezoning is consistent with expected high density or intensity of use. The proposed rezoning is also consistent with the Conceptual Land Use Plan which shows expected commercial use along Hwy 411 South. The

proposed rezoning would be an adjustment of an existing zone boundary consistent with depth of zone in similar situations nearby.

Staff notes that any designs for commercial use will need to be particularly sensitive to access onto Hwy 411 given the slope of the land at entrance to the property. Such issues will need to be addressed in any site plan review and approval. This is not a critical issue for consideration of the proposed rezoning given the existing C-Commercial zone at the entrance for depth of 200 feet.

Recommendation. Staff recommends for approval of the rezoning request, subject to determination of substantial change in the application. This request will also need to be reviewed by the Maryville Planning Commission since the property is within their planning region.

4. Request by Mark and Pam Brooks for rezoning from S-Suburbanizing to C-Commercial for property at 3334 Highway 411 South, Tax Map 78, Parcel 167, shown hatched on following map.



Background. The Brooks own 26.38 acres with frontage on Highway 411 South. Part of the property is already zoned C-Commercial, being about 650 feet of depth off of Hwy 411 along the south side boundary of the property out of a depth of about 1000 feet at that point, and about 250 to 300 feet for the remainder of the frontage along Hwy 411 out of a depth of about 1150 feet along the north side boundary. The remainder of the land is zoned S-Suburbanizing. On the face of the application, the request is for the whole of the remainder of the property. However, Larry Henry acting as agent indicated in a separate letter that the depth of 650 feet for the original zone along the south side boundary may also be acceptable.

Analysis. Subject parcel 167 is in farming (or vacant). Adjacent parcel 167.01 is owned by the Brooks and is residential (one house and a duplex). The Brooks also own parcel 168 which is zoned commercial with a car lot. The irregular parcel to the south along Hwy 411 at intersection with Calderwood Hwy is zoned commercial and contains a small strip mall of mixed commercial use. To the east side of the property is a set of irregularly shaped lots with residential use. To the rear of the property on what is shown as Parcel 177 is now a set of nine residential use lots at the crest of the hill elevated just above the subject property. Parcel 176 at the far eastern back corner is in farming use and is also owned by the Brooks.

Across Hwy 411 is a mix of commercial use and vacant land. The general character of the area is strong transition to commercial use centering on the Calderwood/Hwy 411 intersection.

Subject parcel 167 generally slopes up from Hwy 411, with exception of a depression at the far western corner fronting along Hwy 411 (low wet area at time of inspection and part of the area with greatest depth of present C-Commercial zoning). The residential uses to the rear of the property extend over the crest of the hill at the rear boundary of parcel 167 and would be directly impacted by a full rezoning of the property. This would indicate that the alternative of 650 feet in depth may be more appropriate for consideration of rezoning, thus leaving approximately 350 to 500 feet of S-Suburbanizing buffer between the proposed rezoning and the residential uses.

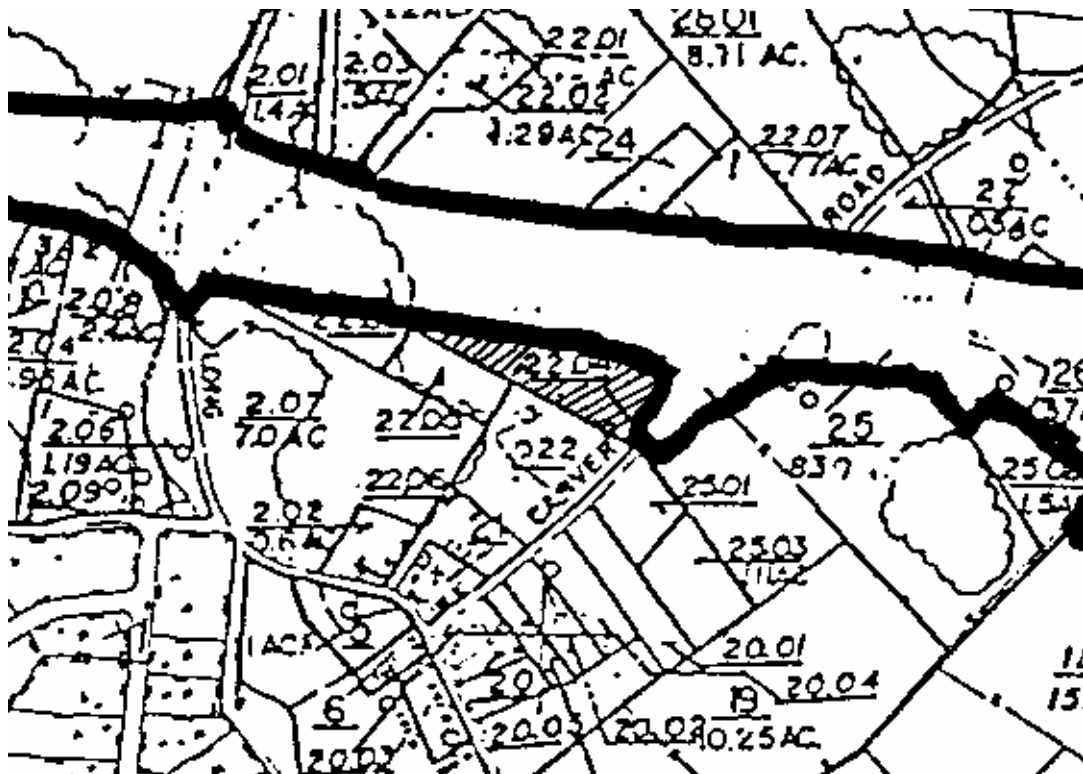
The 650 feet of total C-Commercial zone after rezoning would be generally consistent with the Conceptual Land Use Plan which envisioned commercial use along Hwy 411 South, and would be generally consistent with the Maryville Urban Growth Boundary of the 1101 Growth Plan which

envisioned high density or intensity of use. The 650 feet of depth would be consistent with present depth of C-Commercial zone in the immediate area, and would be an extension of an existing C-Commercial zone.

Staff notes potential problems with sight distance for access to the property, with a crest in Hwy 411 about midway along the frontage. The potential access to the property in this area varies from steep, to moderate slope, to an area impacted by a depression below Hwy 411. Probable most appropriate access would be at the crest in Hwy 411 near the center of the property, and should be addressed in detail in any site plan review and approval.

Recommendation. Staff recommends for approval of the rezoning request for a depth of 650 feet total from Hwy 411 South right-of-way line. This request will also need to be reviewed by the Maryville Planning Commission since the property is within their planning region.

5. Request by Mike Bennett of B&B Investment LLC for rezoning from S-Suburbanizing to C-Commercial for property located at 2526 South Carver Road corner to Hwy 321, Tax Map 56, Parcel 22.04, shown hatched on following map.



Background. Mr. Bennett owns a 1.73 acre parcel at the corner of South Carver Road and Hwy 321 west of Maryville. He presently has a garage on the property which is taxed commercial, and wishes to rezone the property to C-Commercial to accommodate commercial use.

Analysis. Subject parcel 22.04 is presently vacant, with a structure which seems to have been constructed for commercial use (reportedly a garage predating County zoning). The parcel was created in the division of the “Flossie Harvey Estate” in 2001. Adjacent two parcels on same side of South Carver are in residential use. Adjacent to that is a church on parcel 21. Across South Carver is residential on large parcel 25 also fronting on Hwy 321, and a church on parcel 25.01. Adjacent parcel 22.05 with nominal frontage on Hwy 321 is vacant, and next to that is a parcel containing a residential use.

The subject parcel 22.04 slopes up severely from frontage on Hwy 321, and has direct access on South Carver Road along improved portion of that road. This access would be preferred for any commercial use since it lines up with existing median cut on Hwy 321.

The proposed rezoning is consistent with the Conceptual Land Use Plan which envisioned commercial use along Hwy 321, and is consistent with the Urban Growth Boundary of Maryville of the 1101 Growth Plan which envisioned high density or intensity of urban development.

Staff notes potential use conflict with adjacent residential use, but finds that the proposed rezoning is consistent with preexisting commercial taxation and reported past commercial use of the garage.

Recommendation. Staff recommends for the rezoning. This request will also need to be reviewed by the Maryville Planning Commission since the property is within their planning region.