Think Quality - Think Future

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MEMORANDUM

TO: Blount County Planning Commission

FROM: John Lamb

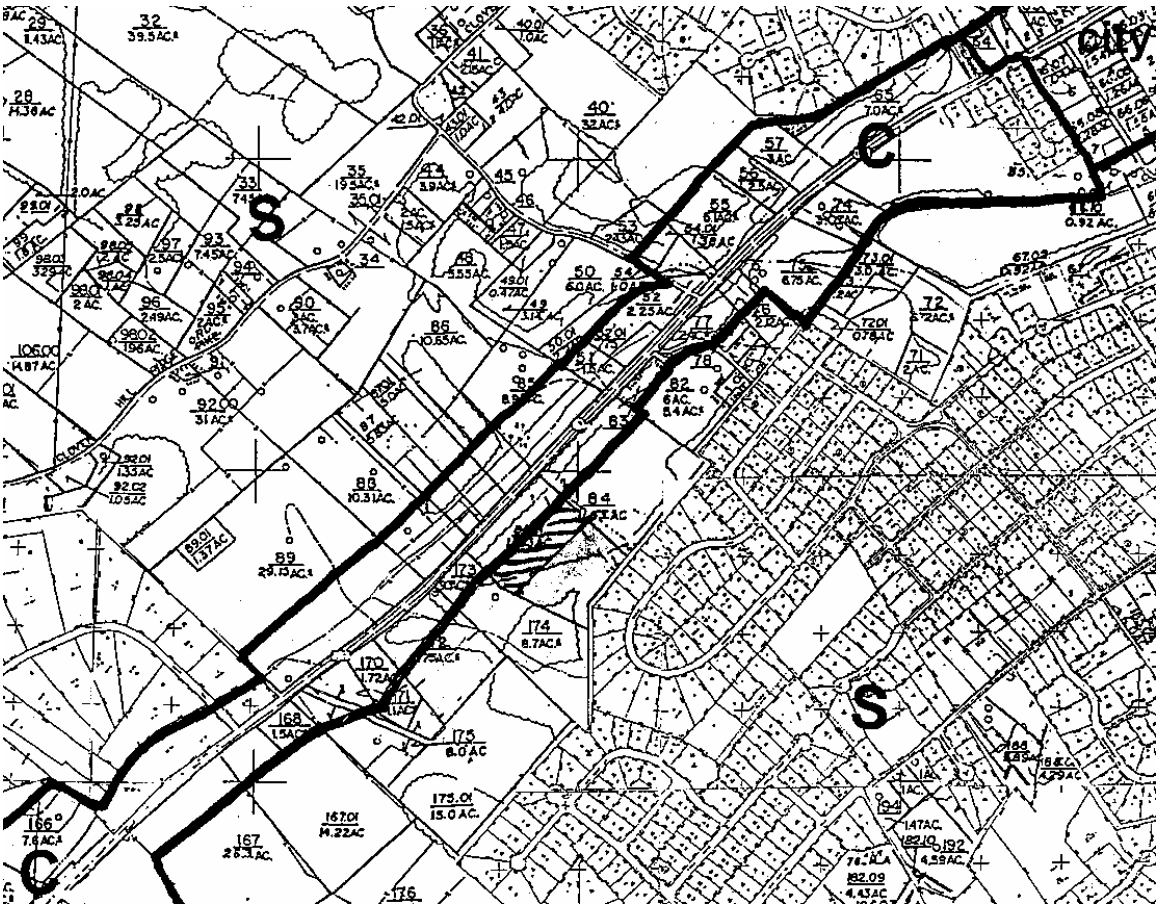
DATE: November 13, 2006

SUBJECT: Public Hearings on rezoning requests for the November 21, 2006 rescheduled regular meeting.

The following two rezoning requests were published for public hearing in the Daily Times on November 9, 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 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, to 400 feet total depth off of Hwy 411 right-of-way shown hatched on following map (next page).

Background. The property was subject of public hearing by the Planning Commission on May 25, 2006, was forwarded to the County Commission without recommendation, was recommended for approval by the Maryville Planning Commission, and was subsequently denied approval by the County Commission at a requested depth of 500 feet. This property was again subject of public hearing October 26, 2006 for a requested depth of 490 feet. The Planning Commission indicated at the time that the 490 feet requested was not substantially different from the original request. The agent for the owners then withdrew the request.



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). The present application is for 400 feet of total depth off of Hwy 411 right-of-way, or an additional 200 feet.

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 400 feet of total depth of C-Commercial zone off of Hwy 411 South, whereas the previous request was for 500 feet. Applicant notes that across Hwy 411, property is already zoned C-Commercial for a depth of about 400 feet, consistent with present request.

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 400 total feet for the C-Commercial zone would be effectively buffered by trees, slope and 400 feet of distance from any residential use to the rear.

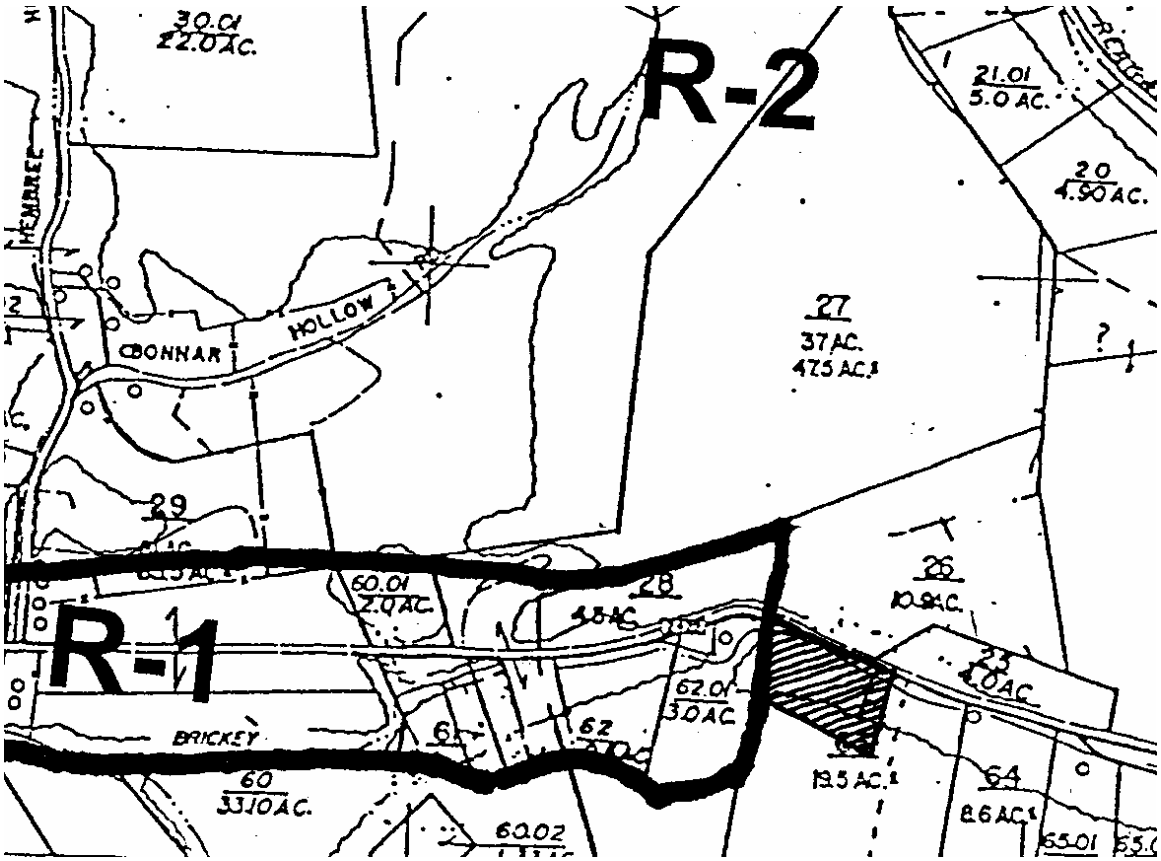
To the north along the same side of Hwy 411, parcel 84 is vacant and Parcel 82 is in residential use, with both parcels having C-Commercial zone for about the first 200 feet of depth. To the south along the same side of Hwy 411, parcel 172 is in residential use, and 173 is vacant, both with 200 to 300 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.

2. Request by Carmon Sellers for rezoning from R-2-Rural District 2 to R-1-Rural District 1 for property at 914 Wears Valley Road, Tax Map 85, Parcel 63.01, front three acres shown hatched on following map.



Background. Mr. Carmon Sellers owns 8.35 acres of land fronting for about 475 feet on Wears Valley Road (Hwy 321). He requests that the first three acres, for a depth of about 275 feet off of Wears Valley Road, be rezoned from R-2-Rural District 2 to R-1-Rural District 1.

Analysis. The R-2 zone would allow as a base density one unit per five acres (.2 units per acre). The R-2 zone is geared mainly to the mountainous

areas of the county. The R-1 zone would allow density of 1.2 units per acre on public water, and is geared to land of level to moderate slope.

The subject land is adjacent to an R-1 zone, and the request would be an extension of an existing zone. The front three acres for a depth of about 275 feet off of Wears Valley Road is in a small valley with relatively flat relief. The remainder of the 8.35 acre property has more pronounced slope. The request would be consistent with slope criteria for the R-1 zone.

The request is generally consistent with the Conceptual Land Use Plan and the 1101 Growth Plan, still retaining low to moderate density in the proposed R-1 zone. The rezoning would be consistent with surrounding uses and nearby lot size densities.

Recommendation. Staff recommends for the rezoning to a depth of 275 feet off of Wears Valley Road right-of-way.