

# Think Quality - Think Future

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## Blount County Planning Department

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### MEMORANDUM

**TO:** Blount County Planning Commission

**FROM:** John Lamb

**DATE:** December 12, 2006

**SUBJECT:** Staff report on items for long range planning agenda for the December 19, 2006 rescheduled regular meeting.

**1. Discussion of possible amendment to the zoning regulations to apply adequate infrastructure criteria to multi-family developments.**

The County Commission sent for discussion and consideration of the Planning Commission the issue of possible application of adequate infrastructure criteria to permits for multi-family developments through the zoning regulations. The Planning Commission has adopted specific criteria precedent to platting for the infrastructures of roads and schools through the Subdivision Regulations (note that the provision for schools is under consideration for deletion from the Subdivision Regulations at the time of this writing). There are no similar specific provisions in the zoning regulations, particularly for multi-family developments as special exception under Board of Zoning Appeals purview.

The following are the purposes of zoning contained in TCA 13-7-103 (underlined for emphasis).

Such regulations shall be designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the state and of its counties, including, among other things, lessening congestion on the

roads or reducing the wastes of excessive amount of roads; securing safety from fire and other dangers; promoting adequate light and air, including protecting and encouraging access to sunlight for solar energy systems; preventing, on the one hand, excessive concentrations of population and, on the other hand, excessive and wasteful scattering of population or settlement; promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, water flowage, water supply, drainage, sanitation, educational opportunity, recreation, soil fertility, food supply and the protection of both urban and nonurban development.

Note that the purposes of zoning include the general protection of public health, safety and welfare, the specific “lessening congestion on the roads,” and the specific “facilitate and conserve adequate provisions for transportation (and)... educational opportunity.” This is similar to the purposes of subdivision regulations which were the statutory bases for adopting provisions for adequate roads and schools precedent to platting. There is thus a statutory basis for considering roads and schools specifically in zoning decisions.

It would be helpful then to consider first how multi-family developments are considered under present zoning regulations, and second how specific criteria for roads and schools may be integrated into the zoning regulations. Presently, multi-family developments are considered as special exceptions under permit authority of the Board of Zoning Appeals. The zoning regulations specify procedures and criteria for consideration of special exceptions. The following is excerpt of the present criteria for considering multi-family developments as a subset of special exceptions (Board refers to the Board of Zoning Appeals):

**Section 11.5. Special Exceptions. ...**

...

F. Subject to subsection G. below, the Board shall approve and permit the special exception unless it finds and concludes, based upon the information submitted in the application or provided at the hearing, that one or more of the following conditions holds:

1. the requested special exception is not within its authority under provisions of this Resolution;

2. the application is incomplete;
3. the proposed special exception if constructed or established will not comply with one or more requirements of this Resolution.

G. Notwithstanding findings under subsection F. above, the Board may deny the application for special exception if it finds and concludes, based on the information submitted in the application or provided at the hearing, that one or more of the following conditions holds or will hold:

1. construction or establishment of the special exception will materially endanger the public health or safety;
2. construction or establishment of the special exception will substantially injure the value of adjoining or abutting property;
3. construction or establishment of the special exception will not be in conformity with the purposes, intents or goals of this Resolution;
4. construction or establishment of the special exception will create impacts on public services or facilities which are beyond the immediate capacity of the County or any other governmental entity to address with public funds.

Note particularly section H.4 immediately above, which addresses in general terms the adequacy of public facilities, and which reasonably could be argued to include roads and schools. This is similar to the general statement in the Subdivision Regulations that allows broad consideration of adequate infrastructure in consideration of plats. In the case of the Subdivision Regulations, it was felt necessary to specify criteria for the important infrastructures of roads and schools. Without such explicit criteria, each decision on a plat or development would have to build a record of consideration specific to that plat or development and the infrastructure of concern. Providing explicit criteria within regulatory text, with sound basis in fact and standards, allows a more consistent and efficient consideration of adequate infrastructure.

As reference and as initial basis for considering possible criteria for use in the zoning regulations, the following are the provisions for criteria precedent

to platting presently in the Subdivision Regulations for considering the infrastructures of roads and schools. With appropriate modification, something similar could be incorporated into the zoning regulations for special exceptions, including or specifying multi-family developments under zoning regulations Section 11.5.H. This item is open for discussion and direction to staff. If amendment to the zoning regulations is desired, staff requests guidance so that a formal amendment may be proposed at the January meeting.

6.01.2 Land Unsuitably Located for Subdivision:

*The Planning Commission shall not approve what it considers to be scattered or premature subdivision of land which would endanger health, safety or property because of lack of or adverse effect on water supply, schools, proper drainage, good transportation, other public services or public funds for the supply or maintenance of such services.*

(a) In establishing the impacts of subdivision of land on public infrastructure or the public health, safety and welfare, the Planning Commission shall require studies of such potential impact to establish a factual basis for decision, shall refer to expert opinion and professional standards for infrastructure service, shall require cost estimates for any needed improvements to overcome deficiencies, and shall establish a record for each decision under this section. The Planning Commission may require the developer or subdivider to provide such studies and other information as part of subdivision plat consideration. The following subsection(s) present specific criteria and procedures for land suitability or infrastructure of concern, but shall not limit consideration of other issues of land suitability under this section.

(b) Minimum off-site Road Standards as Criteria Precedent to Platting. Except upon recommendation of the County Road Superintendent, a minimum off-site road of eighteen (18) feet of paved width with two (2) foot shoulders on either side shall be present from entrance to any subdivision or development to intersection with any road with same standard or better, for consideration of any major plat of five (5) lots or greater. In determining the status of a proposed subdivision as a major plat, this section shall apply also to any combined division of the same property within one year of

consideration of any plat involving that property, and to overall platting of any land in phases.

For the purpose of determining paved width of roads, the roads list maintained by the Blount County Highway Department showing road pavement width shall be the basis for determination, provided that direct measurement showing roads of greater width than listed may be considered.

For the purpose of this section, shoulder shall mean an area outside of two nine (9) foot paved travel lanes (18 foot total travel surface) with the following characteristics:

- i) two feet of unobstructed and well drained width at outside of travel lanes,
- ii) no more than eight (8) percent slope from outside edge of travel lanes, and in no instance more than seven (7) percent maximum algebraic difference in slope between travel lane and shoulder grades, and
- iii) surface treatment of hard pavement, gravel or compacted earth, flush with the surface of travel lanes.

The traffic and roads condition study shall be done by a qualified engineer licensed in the State of Tennessee and acceptable to the County Road Superintendent.

The traffic and roads condition study shall at a minimum contain present road and shoulder width of off-site roads measured at intervals of no greater than one-tenth (0.1) miles, present and expected future ADT (average daily traffic), and specific impact of the proposed subdivision or development on the safety of traffic on off-site roads. Upon determination and recommendation by the County Road Superintendent or his designee, the study shall also assess road geometry (vertical and horizontal curves, etc), sight distances, bridges, and roadside hazards as part of determining safe and acceptable road conditions. The study shall also include estimates of cost to improve the existing roads to safe and acceptable conditions.

The traffic and roads condition study shall assess whether or not existing road width and shoulder width and other design factors of

off-site roads would be sufficient to protect the public health, safety and welfare of existing and future county residents in relation to additional traffic generated by a proposed subdivision or development. Engineering standards and practices acceptable to the County Road Superintendent or his designee shall be the basis for determining traffic generation from the proposed subdivision or development and assessing traffic impact and acceptable road conditions, such standards and practices to include: A Policy on Geometric Design of Highways and Streets, published by American Association of State Highway and Transportation Officials (AASHTO), 2001; and Designing Safer Roads: Practices for Resurfacing, Restoration, and Rehabilitation, Special Report 214, by Transportation Research Board of the National Research Council, 1987.

In considering lesser pavement width and shoulder width under this subsection, the Planning Commission shall not approve a major subdivision which has ingress and egress on off-site road(s) with pavement width less than sixteen (16) feet; provided that any such off-site road(s) with less than two hundred (200) ADT (average daily traffic) may have distances of fifty (50) feet or less with pavement width between fourteen (14) and sixteen (16) feet if there are warning signs and adequate approach sight distances as approved by the County Road Superintendent or his designee. The Blount County Highway Superintendent can increase minimum standards based on posted speed limits, ADT, usage, road characteristics, or reports as necessary.

(c) Standard of School Capacity as Criteria Precedent to Platting. Except in accordance with provisions below, no major plat of five (5) lots or greater shall be approved for subdivision if the school capacity of the elementary school, middle school or high school serving a proposed subdivision is classified “intolerable”. Such classification “intolerable” shall be based on yearly November study and report from the Blount County Board of Education, initial report for the purposes of this Section being dated November 5, 2004 and received at the November 23, 2004 regular meeting of the Blount County Planning Commission, in files of the Blount County Planning Department. In determining the status of a proposed subdivision as a major plat, this section shall apply also to any combined division of the same property within one year of consideration of any plat involving that property, and to overall platting of any land in phases.

The Planning Commission may consider a plat of five or more lots under this Section under the following conditions:

- i. The Blount County Board of Education certifies that classification of “intolerable” for affected schools will be reasonably changed in the future based upon redistricting of school district areas; or
- ii. The Blount County Board of Education certifies that classification of “intolerable” for affected schools will be reasonably changed in the future based upon assured funding, design, siting and contract approval of new or expanded school facilities affecting subject schools; or
- iii. The Blount County Board of Education submits an amendment to its yearly report changing the classification of an “intolerable” school to a lesser classification; or
- iv. The subdivider or developer agrees to limit final plating of lots to no more than four (4) lots per twelve (12) month period; or
- v. The subdivider or developer submits compelling evidence accepted by the Planning Commission, that the proposed subdivision will not generate substantial school aged children that would impact capacity of schools affected by the proposal.

The provisions of this Section shall not apply if the plat under consideration is in part or in whole a final plat of a current preliminary plat approved on or prior to January 27, 2005 for Subsection (b) and March 24, 2005 for Subsection (c).

## **2. Continued discussion on long range comprehensive planning process for the new year.**

Staff briefly introduced this item at the November meeting. The following is a more detailed proposal for discussion of timing and content for a comprehensive planning process over about 18 months. The assumed beginning date is January 2007. Staff requests discussion and guidance.

Planning Commission - prospective schedule of plans review/comprehensive planning process  
 Comprehensive Plan timeline 18 months from January 2007 to June 2008 (with contingency overrun)

2007 (assuming two meetings a month from January to October)

January	Review of County and Cities Growth Strategies/plans and Smart Growth Review of 1999 Policies Plan and Conceptual Land Use Plan
February	Review of 1101 Growth Plan Review of Water Quality Plan and Little River Watershed study/plan
March	Review of Roads Study, Major Roads Plan, Hill roads Tech Memo, and TPO plans Review of Land Use and Policies Plan (1977) - physical aspects of county
April	Review of Comprehensive Parks and Recreation Master Plan - and preservation efforts Review of Mountain Area Plan, Tuckaleechee Cove plans, EHAT* and FOQG* work
May	Presentation of analysis on population, economy and growth Review 2003 community consultation on Policies Plan
June	<b>Public input meeting</b> on goals and policies Commission work session - goals and policies - organization into committees **
July	Committee work sessions Commission work session - report of committees - identifying connections
August	Committee work sessions Commission work session - report of committees - identifying priorities
September	Committee work sessions Commission work session - report of committees - mapping results
October	Committee work sessions Commission work session - report of committees - implementation agenda
Nov. Dec.	(no scheduled session due to holidays - staff summarizes preceding process)

2008 (assuming two meetings a month from January to March)

January	Commission work session - initial adjustments and tying it all together Commission work session - initial adjustments and tying it all together
February	Review of Comprehensive Plan draft for revisions Review of Comprehensive Plan draft for revisions
March	Set Comprehensive Plan Draft for 15 day public review <b>Public input meeting</b> on draft comprehensive plan
April	Finalize Comprehensive Plan for public hearing
May	Finalize Comprehensive Plan for public hearing
June	<b>Public Hearing</b> - possible adoption of plan
July	(overrun time - contingency)
August	(overrun time - contingency)
September	(overrun time - contingency)
October	(overrun time - contingency)

\* EHAT = Environmental Health Action Team; FOQG = Friends of Quality Growth (regional group)

\*\* Committees: 1-land use, 2-transportation and utilities, 3-public facilities, 4-air, water and environment

### **3. Update on regional conference “Plain Talk on Quality Growth”.**

A regional conference to be chaired by Congressman John Duncan is being planned for March 29 and 30 of 2007. The conference is themed “Plain Talk on Quality Growth”. The Howard Baker Center at UT, and Maryville College Center for Strong Communities are helping to support the conference.

Present plans for the conference include a keynote speaker and panel discussion for the general public on the evening of Thursday, March 29, followed by a full day conference for invited decision makers, including especially planning commissioners. The full day conference on Friday will continue a regional dialogue on growth that was started in the Nine-Counties-One-Vision process, and extended to planning commissions in the region with direct consultation by the Friends of Quality Growth.

The morning of the full day conference will include a keynote speaker, presentation of the regional growth situation, and a facilitated consultation on growth with all participants (continuation of dialogue). Lunch will be provided to accompany a panel discussion by state and federal political leaders and agency heads.

The afternoon will include a breakout of four concurrent panel sessions on selected topics of growth to include markets and development, environment and community character, transportation and land use, and sustainable building design. After summary presentation of panel sessions to all participants, the facilitated regional dialogue will continue to specify priority issues, choices and next steps.

At present, the plan is to have a small registration fee for the full day conference to help cover meals (continental breakfast and lunch) and break snacks. Conference organizers are trying to get sponsors to cover the cost of planning commission member attendance.

Please mark your calendars and reserve the evening of March 29 and all day March 30 for this important continuation of our regional dialogue on growth.

### **4. Staff reports.** Staff may report on other activities at the meeting.