

Think Quality - Think Future

Blount County Planning Department

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MEMORANDUM

TO: Blount County Planning Commission

FROM: John Lamb

DATE: December 12, 2006

SUBJECT: Rezoning items for public hearing December 19, 2006.

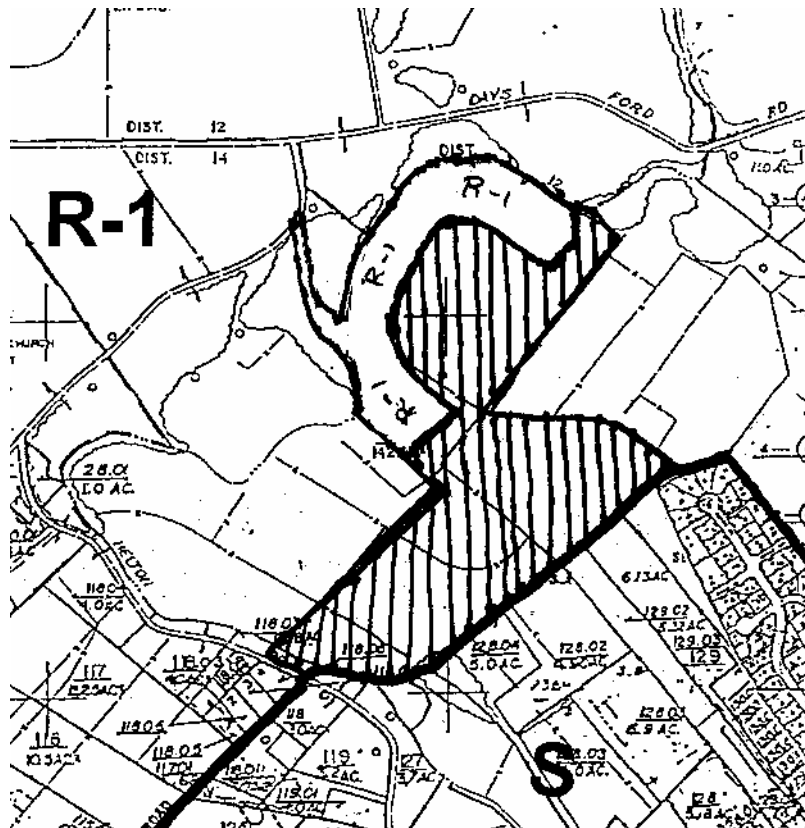
The following two rezoning requests will be subject of public hearing at the December 19, 2006 meeting.

1. Request by Greenleaf Properties Development, LLC for rezoning from R-1-Rural District 1 to S-Suburbanizing District for part of property (45.6 of 63.1 acres) located at Helton Road across from intersection with John Helton Road, Tax Map 48 Parcel 27.00, shown hatched on following map (next page).

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 were resolved and the rezoning was submitted for new consideration. The Planning Commission held public hearing on the item at their October meeting. The Planning Commission noted issues of substantial change in dimensions of request had not been addressed. The vote of the Planning Commission was split, with reported no recommendation for approval. The County Commission Intergovernmental Committee set public hearing for December 12, but the application was subsequently withdrawn.

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

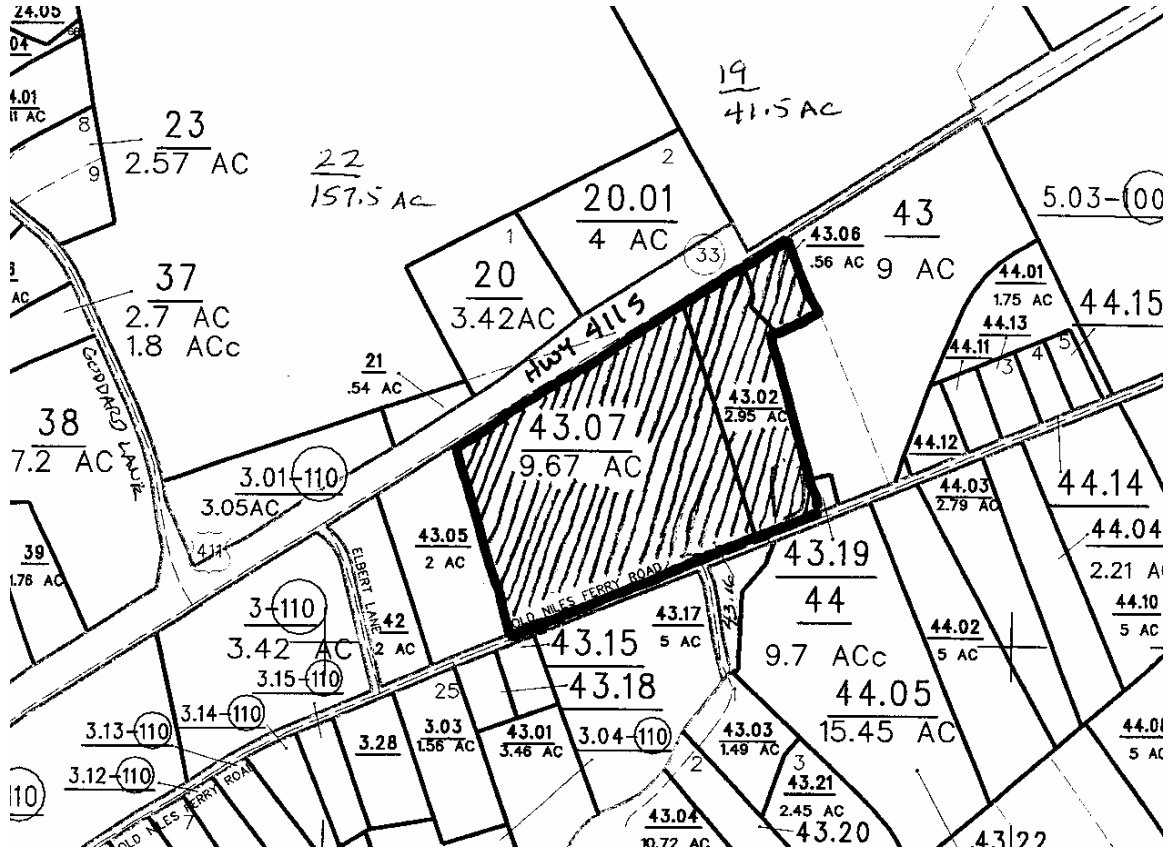
Section 12.3. Time limit on reapplication for a denied request to amend the Zoning Map. *If an application to amend the Zoning Map (rezoning) for a property is denied by the County Commission, then no other application for rezoning of the same property shall be considered for a period of two (2) years, 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*



The new application comes with substantial change in dimensions of request, from previous 63.1 acres to present 45.6 acres. The land to be retained in the present R-1 zone borders Crooked Creek and is highly impacted by flood plain. Staff considers this to be a substantial change, along with substantial resolution of access problems, to warrant reconsideration of the rezoning request. This item has also been forwarded to the Maryville Planning Commission for their review and recommendation since the property is within the Maryville planning region.

Recommendation. Staff recommends for approval of the rezoning request.

2. Request by Estate of Edward Tate Pierce, Susan Fredericks Pierce executor, for rezoning from R-1-Rural District 1 to RAC-Rural Arterial Commercial for property located at 5732 Hwy 411 South, Tax Map 99, contiguous parcels 43.02, 43.06 and 43.07, shown hatched on following map.



The subject parcels 43.02 and 43.07 are presently in farming or vacant with access on both Hwy 411 South and Old Niles Ferry Road. Subject parcel 43.06 is presently taxed residential with “Botanical Bliss Massage & Wellness” advertised as a business in front of an old residential house (formerly Country Treasures Gift Shop), with sole access to Hwy 411. The depth of proposed rezoning is approximately 570 feet at boundary with adjacent parcel 43.05, approximately 750 feet at boundary with adjacent parcel 43, and the approximately 240 feet of depth for subject parcel 43.06. The total acreage of the proposed rezoning is 13.18 acres.

The subject parcels and all surrounding parcels are zoned R-1-Rural District 1. Request for subject parcels is for rezoning to RAC-Rural Arterial Commercial. The change would be from a residential zone that allows very

limited home occupation or family home enterprise commercial uses, to a zone that would allow a wider range of commercial uses. Note that the RAC zoning provisions for permitted uses and uses permitted as special exception was substantially reduced to the following by amendment.

A. Permitted Uses: General retail sales and rental of goods and merchandise; Restaurants; bed and breakfast, campgrounds; Golf driving ranges, miniature golf courses, and similar uses; Kennels and veterinarian services; Miscellaneous public and semi-public facilities including post offices; Commercial greenhouses; Churches, temples and similar places of worship with accessory structures, uses and cemeteries; Golf courses; Commercial cemeteries not associated with any on-site place of worship; any use permitted or listed as permissible as a special exception in Sections 9.2.A and 9.2.B.

B. Uses permitted as special exception: None.

C. Uses permitted as special exception with specific limitations: None.

D. Uses Prohibited: In the RAC – Rural Arterial Commercial District: all uses are prohibited except those uses permitted or permitted as special exception specifically above.

The new RAC zone provisions also contain considerations of location and depth of potential rezoning as follows:

It is the purpose and intent of this district to regulate commercial and other development of low to medium density adjacent to major four or more lane arterial roads in the county, consistent with the overall purposes of this Resolution contained in Article 3, consistent with provisions in Public Chapter 1101 of 1998 (Tennessee Code Annotated Section 6-58-101, et seq), and consistent with plans adopted by Blount County. It is further the policy of the County Commission that the RAC district and this section should have applicability only to land adjacent to Highway 411 South outside the Maryville urban growth boundary, and to Highway 321 – East Lamar Alexander Parkway outside the Maryville urban growth to intersection with Foothills Parkway, and that amendments to the Zoning Map should extend no more than 500 feet away from the right-of-way lines of the above delineated highways. This section does not amend the

Zoning Map, nor zone nor rezone any land to RAC, but only identifies limits to location for any land that may in the future be zoned RAC.

Adjacent parcel 43 contains Ultra Marine boat manufacturing with access to both Hwy 411 and Old Niles Ferry. On the other side, adjacent parcel 43.05 contains Viper Custom manufacturing (listed on tax card as Pritchard Custom Woodworking Corporation) with access to both Hwy 411 and Old Niles Ferry, and with extended access across Parcel 42 to Elbert Lane. Parcel 42 also contains a residential structure oriented to Old Niles Ferry. Across Elbert Lane is a mix of commercial and residential uses on parcel 3 (index map 110) being Eastern Propane, Area Storage (mini-storage) and several manufactured homes.

Across Hwy 411 at corner to Goddard Lane is a commercial use junk yard with a newer commercial building on Parcel 3.01. Parcels 20 and 21 contain residential uses. Parcel 20.01 is vacant. Parcels 19 and 22 are farms.

Across Old Niles Ferry from the subject parcels is mixed commercial and residential, including a commercial tack shop, a repair shop, a commercial mobile home park, and a church.

Low to moderate density or intensity of commercial use would be consistent with the 1101 Growth Plan for Rural Areas. The Conceptual Land Use Plan indicates that limited commercial use is expected at low to moderate density along Hwy 411 in the vicinity of the subject parcels. However, past actions denying rezoning to RAC along Hwy 411 would indicate that such consideration for commercial use does not generally extend to a separate zoning classification. In addition, the County Commission amended the R-1 zoning provisions to exclude special exception consideration of general commercial uses.

The Growth Strategy (Hunter Interests study) indicates a need for further planning of the land uses along major arterials, and a strategy of clustering of commercial use. Such planning has not commenced, and no guidance is presently available to apply as a strategy for identifying appropriate sites for commercial cluster.

Staff finds that the rezoning request does not meet the specific limitation of 500 feet of depth off of Hwy 411 South. Staff finds that past denials of RAC rezoning would indicate a need for consistency in application to the present rezoning request. Staff further finds that there are outstanding unresolved

issues of commercial use along major highways in the rural areas, and thus the planning basis for considering the proposed rezoning is questionable at present.

Recommendation. Staff recommends against the rezoning request.