

Think Quality - Think Future

Blount County Planning Department

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MEMORANDUM

TO: Blount County Planning Commission

FROM: John Lamb

DATE: January 17, 2007

SUBJECT: Staff report on items for long range planning agenda for the January 25, 2007 regular meeting.

1. Proposed 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 (note that the provision for schools was recently deleted from the Subdivision Regulations). 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 Planning Commission considered this issue at the December 19, 2006 meeting. See staff memo for the December 19 meeting for further background. The Planning Commission directed staff to bring a proposed amendment to the zoning regulations.

The following is a proposed amendment to the zoning regulations for discussion and possible recommendation to the County Commission. The amendment is based on provisions contained in the Blount County

Subdivision Regulations. The amendment was written to cover consideration of all special exceptions, and not just multi-family projects, in order to avoid discriminatory application.

PROPOSED AMENDMENT to the Zoning Resolution

That Section 11.5 Special Exceptions. subsection G.4 be amended to read as follows:

4. construction or establishment of the special exception will create impacts on public services or facilities 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, and which are beyond the immediate capacity of the County or any other governmental entity to address with public funds, particularly considering the following:

(a) In establishing the impacts of a proposed development of land on public infrastructure or the public health, safety and welfare, the Board 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 Board may require the applicant or developer to provide such studies and other information as part of special exception consideration. The following subsection(s) present specific criteria and procedures for consideration of special exceptions, but shall not limit consideration of other infrastructure issues under this section.

(b) Minimum off-site Road Standards as Criteria Precedent to Development. 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 proposed special exception development to intersection with any road with same standard or better, for consideration of any special exception which would generate expected traffic greater than 32 vehicle trips per day. Traffic trip generation shall be determined by standards contained in Trip Generation, 7th Ed., by the Institute of Transportation Engineers, 2003, or other professionally recognized trip generation standards acceptable to the County Road Superintendent. In determining the status of a proposed

special exception in relation to traffic trip generation, this section shall apply also to any combined phased development of the same property within one year of consideration of any special exception involving that property, and to overall development 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 Board may consider lesser pavement width and shoulder width upon submission of a traffic and roads condition study by the applicant or developer. 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 special exception 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 special exception 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 Board shall not approve a special exception development 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 Road Superintendent can increase minimum standards based on posted speed limits, ADT, usage, road characteristics, or reports as necessary.

2. Timeline and content of comprehensive planning process.

Staff briefly introduced this item at the November 2006 meeting. The Planning Commission briefly discussed this item at the December 2006 meeting, agreeing to consider meeting two times a month to accommodate the planning process timeline. The following is a detailed proposal for discussion of timing and content for a comprehensive planning process over about 18 months.

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 Reivew 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	Reivew of Roads Study, Major Roads Plan, Hll 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 Revue 2003 community consultation on Policies Plan
June	Public input meeting 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 Public input meeting on draft comprehensive plan
April	Finalize Comprehensive Plan for public hearing
May	Finalize Comprehensive Plan for public hearing
June	Public Hearing - possible adoption of plan
July	(overrun time - contingency)
August	(overrun time - contingency)
September	(overrun time - contingency)
October	(overrun time - contingency)

* EHAT = Enviroinmental 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

The assumed beginning date is January 2007, and will need to be adjusted to begin at least in February. Staff requests discussion and guidance.

Staff also requests discussion of adjustment of the content to bring rural highway corridor plans to the first of the process in order to address the frequent requests for commercial rezoning to RAC zone along Highway 411 South outside the Maryville Urban Growth Boundary, and also Highway 321 – East Lamar Alexander Parkway outside the Maryville Urban Growth Boundary to intersection with Foothills Parkway. Such studies may need to include the continuation of the highway corridors into the Urban Growth Boundaries.

3. Initial consideration of outdoor sports fields in R-1 zone.

Staff has been in discussion with Mr. Jerry Simmerly exploring possibility of allowing outdoor baseball sports fields in the rural areas of the county. The following is a letter from Mr. Simmerly requesting that outdoor recreation fields be added to the R-1 zone.

Mr. Lamb;

I am writing to request that Blount County add Outdoor Recreational Fields, i.e. Baseball, Softball, Soccer, etc. to its R-1 Zoning Regulations. Along with this addition of the fields themselves, it is also necessary to insure that all relevant complimentary facilities and structures be acceptable to the County to include but not be limited to concessions, souvenir stands, rest rooms, equipment storage, batting cages, dugouts, seating, parking, fencing, light poles and light, flag poles, indoor training facilities, and clubhouses which may include a small retail trade, restaurant/deli, etc similar to a Golf Clubhouse.

As additional information and for your review, I have attached photos of other Baseball and Softball facilities located in other communities throughout the Southeast.

Respectfully,
Jerry Simmerly

Staff has conducted initial research on how other jurisdictions address outdoor sports fields and offers the following for initial discussion. Staff requests discussion and guidance.

Outdoor sports fields should be considered as special exception to allow proper review of impact and integration into surrounding rural context. Such fields may be considered as separate fields, or as part of a complex of

multiple fields. The following indicate how such uses may be integrated as special exception.

Outdoor sports field for practicing or playing or training for baseball, softball, football, soccer, and similar field sports, along with associated bleachers, team enclosures such as dugouts, equipment storage facilities, bathroom facilities, and parking, subject to design standards contained in Section 7.xx;

Outdoor sports complex that may include multiple outdoor sports fields and additional associated uses such as administrative offices, minor retail sales of sports equipment and related sports items and memorabilia, food concessions and concession stands, batting cages, and areas and structures and buildings for sports training, subject to design standards contained in Section 7.xx.

Section 7.xx to include design standards for buffering, lighting, seating, restroom facilities and other design issues related to construction and operation of sports fields. Developing such design standards will need reference to recognized professional publications if available, and may need input from professionals experienced in such sports field and complex designs.

Hours of operation may need to be integrated into regulations somehow in order to address the issues of noise and lighting impact on adjacent residential areas. Special consideration of lighting will need to be addressed, particularly since field sports usually require taller lighting structures than the maximum height of 35 feet allowed for most structures in the R-1 zone, and such lighting is of high intensity and may adversely affect surrounding properties.

4. Issues of incompatible zoning in Urban Growth Boundary and Rural Areas.

The following is body of staff memo to the County Mayor forwarded to the Maryor's Attorney Rob Goddard:

A proponent for a project in the County zoning jurisdiction has raised a question about the applicability of the S-Suburbanizing zone in the Rural Area defined in the 1101 Growth Plan. The immediate cause for the question was conflicting interpretations given by the Director

of Planning (myself) and Building Commissioner Roger Fields. After conferring with Roger, we both agree that this matter needs legal review and consistent guidance.

TCA regarding the 1101 Growth Plan states the following:

After a growth plan is so approved, all land use decisions made by the legislative body and the municipality's or county's planning commission shall be consistent with the growth plan. (TCA 6-58-107)

The requirement for consistency leads to the question at hand. The question is whether or not the S-Suburbanizing zone provisions for high density development are applicable within the Rural Area of the County defined by the 1101 Growth Plan for low to moderate density development.

As background, the County and the six Cities approved, via arbitration, a Growth Plan for the County, which contained Urban Growth Boundaries, Planned Growth Areas, and Rural Areas. The Cities identified their Urban Growth Boundaries, which became the Planning Regions for the Cities of Alcoa and Maryville. The Urban Growth Boundaries by definition were to identify areas with expected high density development.

The County had proposed Planned Growth Areas. However, with exception of the Airport, such areas were deleted from the final plan. The Planned Growth Areas by definition were to identify areas with expected moderate to high density development.

The remainder of the County outside the Urban Growth Boundaries and city limits was declared Rural Area. The Rural Area by definition was to identify area with expected low to moderate density development.

Although not explicitly defined in the 1101 Growth Plan, the breakpoint between moderate and high density development was considered to be the density that would be allowed on public sewer. Lower (moderate) density would be required if on individual septic systems. As a rule at the time of deliberation on the 1101 Growth Plan, the density break was at 1.5 units per acre allowed then on individual septic systems, with high density approaching and possibly exceeding 6.2 units per acre.

The zoning regulations of the County were based on the County proposal for the 1101 Growth Plan, which included Planned Growth Areas outside the Urban Growth Boundaries of the Cities. The proposed Planned Growth Areas, along with Urban Growth Boundaries of the Cities, were translated into the S-Suburbanizing zone for the County (applicable both inside and outside Alcoa and Maryville Urban Growth Boundaries but outside the city limits). The S-Suburbanizing zone allowed for high density development up to 6.2 units per acre on public sewer. In contrast, the R-1-Rural District 1 zone allowed only 1.5 units per acre considered to be the upper limit for moderate density development.

Subsequent to formal proposal and adoption of the County zoning regulations, the 1101 Growth Plan was finalized. The final Growth Plan did not contain Planned Growth Areas (except for the Airport). This led to a disjoint between the previously proposed Planned Growth Areas used as basis for S-Suburbanizing zone with higher density development, and the final adopted plan that identified the same areas as Rural Area for lower density development.

This leads to the question at hand. Given the disjoint between the S-Suburbanizing zone established prior to final approval of the 1101 Growth Plan, and the subsequent identification of part of that zone area as Rural Area under the final 1101 Growth Plan, can the County approve projects of high density development consistent with S-Suburbanizing zone in the 1101 Growth Plan Rural Area of the County?

The Director of Planning has advised the Planning Commission that their land use decisions, including decisions on specific development proposals, should be consistent with the 1101 Growth Plan, that the TCA language is mandatory, and that such requirement overrides any contrary zoning designation. This has been applied to subdivision of land outside the Urban Growth Boundaries of the Cities. Note that subdivision plat approval is under the authority of the Planning Commission.

The Building Commissioner has given other advice applied to questions about multi-family development proposals in the S-Suburbanizing zone, not taking into consideration 1101 Growth Plan designation. The Building Commissioner has referred only to the

zoning regulations and the allowance for high density multifamily development in the S-Suburbanizing zone. He notes that the provisions for multi-family use specify that decisions are as special exception under authority of the Board of Zoning Appeals.

Both Roger and I request legal opinion on the matters above so that we may better and more consistently advise project proponents.

I also note that our Zoning Map may need to be amended to consistently reflect the final 1101 Growth Plan, or alternately, the 1101 Growth Plan may need to be amended to better reflect the original County proposal for Planned Growth Areas.

The following is the body of letter in response by the Mayor's attorney Rob Goddard:

You have requested in Memorandum dated October 23, 2006, that I answer the following question:

Whether or not the S-Suburbanizing Zone provisions for High Density Development are applicable within the rural area of the County defined by the 1101 Growth Plan for Low to Moderate Density Development.

I believe this question is addressed by Attorney General Opinions No. 00-184 and No. 00-022 which I have previously sent to you. The Attorney General has opined that T.C.A. §6-58-107, which requires "all land use decisions made by the Legislative Body and the County's Planning Commission shall be consistent with the Growth Plan" does not include or affect zoning ordinances that were already in place at the time of the approval of the 1101 Growth Plan. It is my understanding the County approved a comprehensive zoning plan prior to the approval of the 1101 Growth Plan. Therefore the zoning plan and zoning designations contained in the plan which were in effect as of the date of the adoption of the 1101 Growth Plan would remain in effect and would not be affected in any manner by the adoption of the 1101 Growth Plan. This would be true even if a particular property owner discontinues using his property in a manner contemplated by the S-Suburbanizing Zone. In other words the S-Suburbanizing Zone designation for that piece of property if it were in effect at the time the 1101 Growth Plan was adopted would remain in effect regardless of use.

The more difficult question as pointed out by both Attorney General Opinions is whether a property owner may request and the County may grant a change in zoning where the zoning change would be inconsistent with the classifications as defined under the 1101 Growth Plan. Attorney General Opinion No. 00-022 opines that T.C.A. §6-58-107 “would probably prohibit zoning changes” by the County governmental bodies that are inconsistent with the 1101 Growth Plan. Attorney General Opinion No. 00-184 echoes this Opinion by saying that the ordinance zoning property inconsistent with the Growth Plan “could be nullified if it is inconsistent with the County’s Growth Plan.” And again, Attorney General Opinion No. 00-022 states inconsistency with a growth plan “could be” grounds for overturning the decision to re-zone property inconsistent with the countywide growth plan. Neither of these two Attorney General Opinions reach any concrete conclusion concerning the re-zoning of property inconsistent with the Growth Plan by the County Legislative Body.

Staff notes the following from the above: 1) previous zoning takes precedence over latter 1101 growth plan designation; 2) proposals consistent with the S-Suburbanizing zone should be considered on their merits in relation to S zone requirements, and high density development may be allowed in Rural Areas zoned S-Suburbanizing if on public sewer.

Staff notes also that there is a continuing disjoint between the 1101 Growth Plan and portions of the County zoned S-Suburbanizing in Rural Areas, and conversely also zoned R-1-Rural District 1 in Urban Growth Boundary. One possibility for addressing the disjoint is to rezone the areas where zoning is inconsistent with the 1101 Growth Plan. This would require a major undertaking of posting of properties, hearings, and notification by mail. An alternative would be to amend the S-Suburbanizing and R-1-Rural District 1 provisions in the zoning text, to specifically address restriction on high density development in Rural Areas zoned S-Suburbanizing, and to allow higher density development in Urban Growth Boundary area zoned R-1-Rural District 1.

Staff will present maps in support of above at the meeting. Staff can prepare a proposed zoning text amendment for consideration at the next meeting if desired. Staff requests discussion and guidance.

5. Amendment to flood plain zoning regulations to incorporate new FEMA flood plain maps.

See attached amendment recommended by the Local Planning Assistance Office of the State of Tennessee (State coordination agency for floodplain compliance). The amendment incorporates adoption of new FEMA flood plain maps, now under review prior to formal adoption by FEMA. Copies of the new maps for review are in the Planning Department. This item is for information only at present to allow adequate time for Commission review prior to formal action to recommend to the County Commission at a future date. Any amendment would not be effective until the new maps are adopted by FEMA, presently expected within a few months. Staff is trying to nail down the expected date FEMA adoption of the new maps with the Local Planning Assistance Office.

6. Principles of acceleration and deceleration lanes.

This issue was discussed briefly at the December 2006 meeting, with staff to develop a short presentation on principles used in requiring acceleration and deceleration lanes for new subdivision developments. Due to holidays and other pressing matters, such presentation was not complete at time of this memo. Staff may make a presentation at the meeting, or may request that this item be deferred.

7. Staff reports. Staff may report on other activities at the meeting.