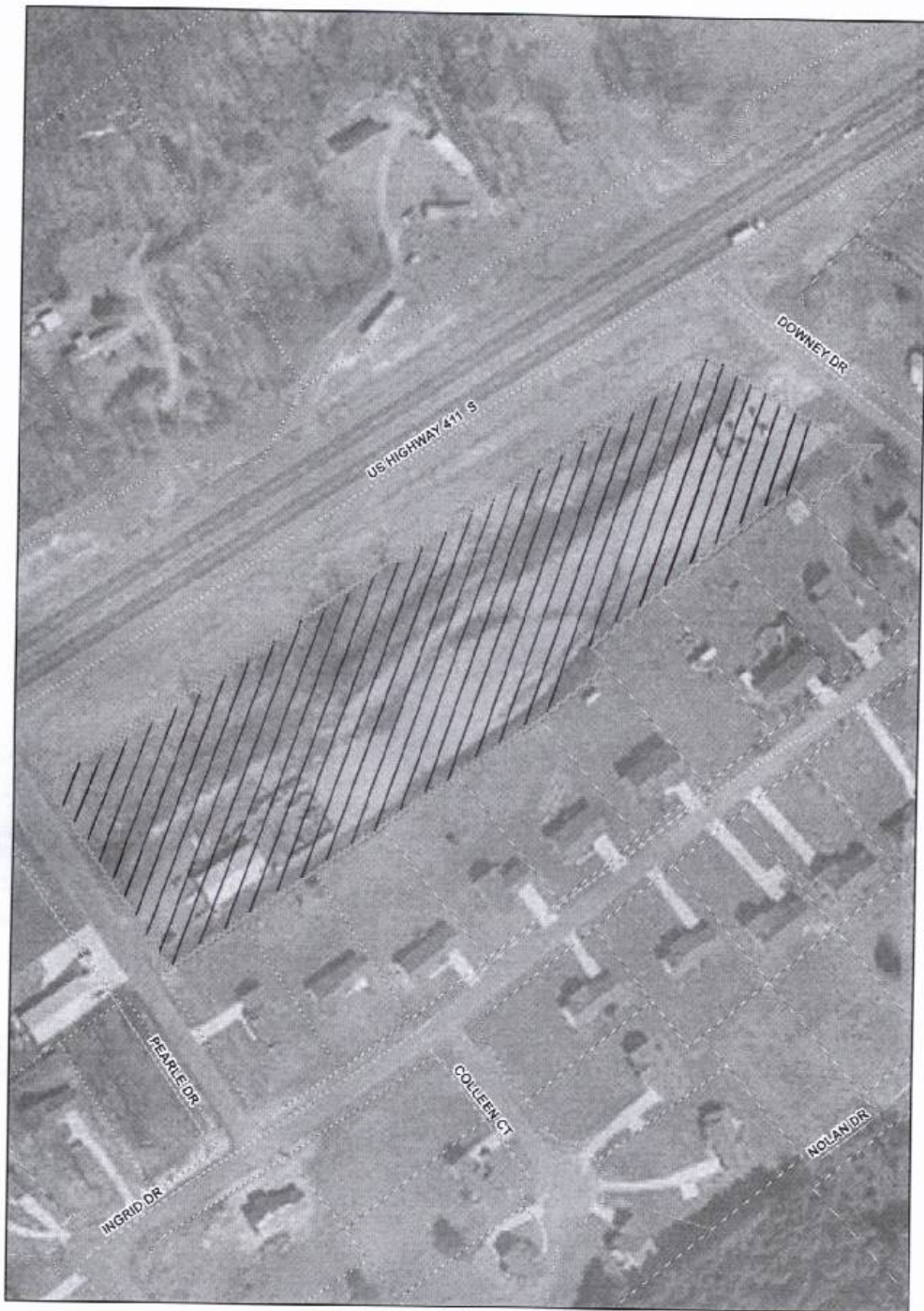


Memo

To: Blount County Planning Commission
From: Roger D. fields
CC: Other commission members and staff
Date: September 20, 2007
Re: Rezoning Request at 106 Pearl Drive.

Back Ground:

1. Mr. Maxwell is requesting his property at 106 Pearl Drive be rezoned from Rural District 1 to Rural Arterial Commercial. The property is located between Downey Drive and Pearl Drive along Hwy 411 South. The property is identified on tax map 89L group A parcel 24.
2. This request was made in 2002 and denied by the County Commission.
3. This property is 5.5 acres and has approximately 915 feet of frontage on Hwy 411 South.
4. The preliminary plat for Circle View shows this parcel being reserved for future commercial use. The final plat that was approved in February 1998 did not indicate that designation. I have included the plats and the memo from Mr. John Lamb's review at the time of the last rezoning request.
5. This property is approximately 250 feet deep from the 411 South right of way.



Think Quality - Think Future

Blount County Planning Department

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MEMORANDUM

TO: Members of the Blount County Commission

FROM: John Lamb

DATE: June 24, 2002

SUBJECT: Information on Tim Maxwell rezoning request at Hwy 411 south, Pearle Drive and Downey Drive bordered by Circle View Homes subdivision.

Mr. Maxwell owns 5.5 acres with frontage on Hwy 411 south, accessed off of Pearle Drive and Downey Drive. He has one business existing on the parcel. He requests rezoning from R-1-Rural District 1 to RAC-Rural Arterial Commercial. The Planning Commission recommended for the rezoning. The County Commission held public hearing on the request on June 11. There were several people from the adjoining subdivision against the rezoning. The following is additional information, and the basis for staff recommendation for the rezoning.

The property fronts along Hwy 411 south, and was part of Circle View Homes subdivision section 2, predating zoning. The preliminary plat of the subdivision indicated the 411 frontage tracts as being reserved for commercial use (see plat 1). The final plat (see plat 2) was approved in February of 1998, and did not indicate reserved commercial use, but this was not required on the final plat. An indication of use for parcel 26, part of area reserved for commercial on the preliminary plat, indicated septic evaluation for commercial use. Lot 25, the subject of present rezoning request, was greater than five acres and was not evaluated for septic, as was the standard procedure at the time.

Subdivision restrictions were registered with the plat. Miscellaneous F Book 150, pages 229-230 (February 18, 1998) indicated that all lots in subdivision were restricted to residential use. Amendment in Miscellaneous Record Book 151, page 440 (March 21, 1998) exempted lots 25 and 26 from restrictions, indicating future development but no intended use.

Lot 25 is presently in commercial use, as is lot 26. The other lots of Country View Homes subdivision bordering on the southeast are in residential use. Lot 25 is lower than the adjacent residential uses, and could be buffered.

The Land Use Plan indicates that all lands along major arterial roads, such as Hwy 411 south, are open for commercial development. The land use plan did not specify a separate use category, but indicated that land could be converted on a case by case basis.

The Zoning regulations predating adoption of the RAC zone allowed establishment of commercial uses along major arterial roads as special exception (case by case basis - only for specified use in a special exception application). Existing uses at the time were grandfathered and were allowed to expand as existing businesses, or to convert to uses of equal or lesser impact by special exception.

The Planning Commission recommended, and the County Commissioner approved, an amendment to the Zoning regulations to establish a general Rural Arterial Commercial zone allowing a wide range of commercial uses by right – without need for special exception consideration or limitation. The discussions during consideration of the RAC zone indicated a consideration of extended general commercial use on property fronting Hwy 411 and other major arterial roads. All existing businesses were again grandfathered without any need for rezoning, and were allowed to expand as existing businesses or convert to equal or lesser impact use. Properties fronting on major arterial roads were still allowed to pursue special exception for commercial use as an alternative to rezoning. All special exceptions could be required to have appropriate buffering. The RAC designation would require site plan review and also allow for buffering in relation to noncommercial uses.

The 1101 Growth Plan did not specify use, and low to moderate density commercial use could be accommodated in the Rural Area. The RAC

was created specifically to accommodate low to moderate density commercial use.

The rezoning request was reviewed in the light of the above information. Intent was shown for commercial use on the preliminary plat. The final plat indicated septic review for adjacent parcels of commercial property. The subdivision restrictions, as amended, that lots 25 and 26 were excluded from restrictions for residential use. The present use of the property is commercial. The request was consistent with the Land Use Plan, the intent of the Rural Arterial Commercial 1101 Growth Plan. Any new commercial uses would be subject to septic review, and appropriate buffering from residential uses could be provided.

Staff thus recommended for approval of the rezoning request.