

Think Quality - Think Future

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TO: Blount County Planning Commission

FROM: John Lamb

DATE: July 23, 2009

SUBJECT: Recap of discussions at June 30 Long Range Work Sessions, status of information requested, and items for continuation of discussion on review and possible revision of the Land Use Plan.

The Planning Commission is presently reviewing the Conceptual Land Use Plan in preparation for possible revision of that document and related amendment of zoning provisions. This memo provides a recap of discussions at the June 30 Long Range Work Session (view at <http://www.blounttn.org/vararchive/browse.asp> and search for the Planning archive for June 30, 2009) as preparation for continued discussion at the July 30, 2009 Long Range Work Session. In addition, this memo provides some of the requested information from the June 30 meeting, and status of other requested information.

At the June 30 Work Session, the Planning Commission discussed:

1. The 1101 Growth Plan and its applicability to review of the Land Use Plan. The Planning Commission requested a map showing road names at the boundaries of Alcoa and Maryville Urban Growth Boundaries (UGB). Gathering information for the requested map is in process, and a map may be presented at the July 30 Workshop.
2. Discussed the importance of sewer in defining areas that may develop at greater density and intensity within the UGB, and requested information on sewer extension plans of Alcoa and Maryville, along with tap fees and water usage fees. Information requested has not yet been gathered.

3. Discussed three possibilities for addressing commercial use in the Suburbanizing and Rural 1 land use areas, and indicated that the three alternatives should be included in the Plan, as follows:

- Greater allowance for commercial uses as special exception along major roads
- Designation of “village” areas with allowable clustered commercial uses (HII)
- Creation of Low Impact Commercial zone for existing and prospective commercial uses

4. Discussed the need to change land use category boundaries to match the 1101 Growth Plan Boundaries in relation to Suburbanizing and Rural 1 land use categories. Also discussed need to make zoning map conforming to 1101 Growth Plan and Land Use Plan, which may require rezoning of relatively large areas of land. This may lead to practical difficulties in public notice under present zoning regulation requirements that go beyond minimum state requirements.

5. Discussed possibility of increasing density in the Suburbanizing zone from 1.2 units per acre (30,000 square foot lots) to 1.5 units per acre (25,000 square foot lots) on septic in consideration of assumption that sewer would be a reasonable expectation of city service in the Urban Growth Boundaries of Alcoa and Maryville. The conclusion was that sewer is not assured and that present density and minimum lot size should be retained if on septic fields.

6. Discussed possibility of increasing density in the Rural 1 zone from 1.2 units per acre (30,000 square foot lots) to 1.5 units per acre (25,000 square foot lots) if public utility sewer is provided in new developments. In this situation, larger lot size minimum to accommodate septic fields would not be an overriding consideration, and clustering at a higher density may be desirable to encourage open space. Density of 1.5 units per acre would be consistent with present Land Use Plan and the 1101 Growth Plan.

7. Discussed adding a rural commercial land use category for consistency with the RAC zone along the major highways in the County. There was general consensus to do this.

8. Discussed issues with commercial uses in rural areas in general, and possible need for a low impact commercial use category and zone. Also discussed applicability of adequate infrastructure provisions for any new low impact

commercial zone, including special exceptions and expansion of non-conforming uses. Planning Commission requested a comparison of commercial uses allowed in different zones. See provisions for commercial uses in the S, R-1, R-2, C, and RAC zones attached, including consideration of adequate infrastructure for special exceptions.

9. Discussed the issue of a new low impact commercial zone to accommodate neighborhood types of commercial uses, and to address outstanding issues with allowing grandfathered uses to transition to other commercial uses.

10. Briefly discussed the relationship between the Major Road Plan classifications of Arterial and Collector roads in relation to provisions for commercial special exceptions in the zoning regulations. The Planning Commission requested definitions of the terms arterial road, collector road, and local road. See separate memo enclosed with this memo.

Staff will present available requested information at the meeting, and will be prepared to continue review of the Conceptual Land Use Plan beginning with Rural 2 (mainly mountain area) uses, and continuing with consideration of commercial, industrial and other uses. Staff requests that the Commission refer to the slides reproduced for the last workshop. Staff also requests consideration of the attached section of the Policies Plan which details what should be considered as we review and revise the Conceptual Land Use Plan.

Provisions for commercial uses in S-Suburbanizing, R-1, R-2, C, and RAC zones

Section 9.1 S – Suburbanizing District.

- A. Permitted Uses: ..., customary home occupations, ...
- B. Uses Permitted as Special Exceptions: multifamily dwellings including three or more of any dwelling units per lot (see also Section 7.6) and their associated sales or rental offices for the development, high density multifamily planned development (see also Subsections F and I below); family commercial enterprises (see Section 7.10), nursing homes, retirement homes, sanitariums, assisted care living facilities, and resident facilities with special services, treatment, or supervision; day care facilities commercial cemeteries not associated with a church or other place of worship; government and utility uses of a regional character necessary for providing service to the land and population within a broader region including the district; bed and breakfast accommodations; golf driving range; and accessory structures customarily associated with the above uses.
- C. Uses Permitted as Special Exceptions with Specific Limitations: Any commercial activity not specifically identified in sub-sections A or B above and which is allowed as a permitted use in the Commercial District in Section 9.4.A, provided that any such use shall be located only with access and frontage on an arterial or collector status road as specified on the Major Road Plan of any regional planning commission within the county as registered with the Register of Deeds office, and provided that any such use shall be conducted on a lot or tract of at least one acre, that any such use shall be housed in a structure with footprint no greater than 4,000 square feet and no greater than two stories, and that buffering of the use from surrounding residential land shall be constructed and maintained. Indoor Sport Shooting Range (subject to provisions and requirements in Section 7.13).

Section 9.2 R-1 – Rural District 1.

- A. Permitted Uses: ..., customary home occupations, ...
- B. Uses Permitted as Special Exceptions: multifamily dwellings including three or more of any dwelling units per lot (see also Section 7.6) and their associated sales or rental offices for the development, family commercial enterprises (see Section 7.10), nursing homes, retirement homes, sanitariums, assisted care living facilities, and resident facilities with special services, treatment, or supervision; day care facilities; commercial cemeteries not associated with a church or other place of worship; government and utility uses of a regional character necessary for providing service to the land and population within a broader region including the district; sawmills and associated lumberyards; bed and breakfast accommodations; golf driving range; vacation cabin rental (see also section 7.11); and accessory structures customarily associated with the above uses.
- C. Uses Permitted as Special Exceptions with Specific Limitations: Indoor Sport Shooting Range (Subject to provisions and requirements in Section 7.13); Outdoor Sport

Shooting Range (Subject to provisions and requirements in Section 7.13); Convenience Stores with vehicle fuel sales, provided that any such convenience stores with vehicle fuel sales shall be located only with access and frontage on an arterial or collector status road as specified on the Major Road Plan of any regional planning commission within the county as registered with the Register of Deeds office, and provided that any such use shall be conducted on a lot or tract of at least one acre, that any such use shall be housed in a structure with footprint no greater than 4,000 square feet, and that buffering of the use from surrounding residential land shall be constructed and maintained.

Section 9.3 R-2 – Rural District 2.

A. Permitted Uses: ..., customary home occupations, ...

B Uses Permitted as Special Exceptions: multifamily dwellings including three or more of any dwelling units per lot, and their associated sales or rental offices for the development (see also Section 7.6), family commercial enterprises (see Section 7.10), nursing homes, retirement homes, sanitariums, assisted care living facilities, and resident facilities with special services, treatment, or supervision; commercial camp grounds, *vacation cabin rental (see also section 7.11)*, tourist accommodations, bed and breakfast accommodations, tourist oriented recreation facilities; day care facilities; commercial cemeteries not associated with a church or other place of worship; government and utility uses of a regional character necessary for providing service to the land and population within a broader region including the district; sawmills and associated lumber yards; and accessory structures customarily associated with the above uses.

C. Uses Permitted as Special Exceptions with Specific Limitations: none.

Section 9.4 C – Commercial District.

A. Permitted Uses: General retail sales and rental of goods, merchandise, and equipment; Restaurants, taverns, drinking establishments, and nightclubs; Medical and general offices, e.g., dentists, physicians, attorneys, real estate, insurance, etc.; Automotive and marine craft sales and services; Hotels, motels, rooming and boarding houses, bed and breakfast, campgrounds; Social and fraternal clubs and lodges, union halls, and similar uses; Golf driving ranges, miniature golf courses, and similar uses; Service stations, motor vehicle repair and body shops; Convenience stores with vehicle fuel sales; Mobile home sales; Kennels and veterinarian services; Miscellaneous public and semi-public facilities including post offices; Dry cleaners and laundromats; Commercial greenhouses; Manufacturing, processing, creating, repairing, and assembly of goods, where all activities are conducted within a fully enclosed building; Hospitals, clinics, and other medical facilities; Churches, temples and similar places of worship with accessory structures, uses and cemeteries; Bowling alleys, skating rinks, indoor tennis and racquet ball courts, billiard halls, indoor athletic facilities; Public and private recreational activities conducted primarily outside enclosed buildings; Commercial

cemeteries not associated with any on-site place of worship; any use permitted or listed as permissible as a special exception in Sections 9.1.A and 9.1.B; adult oriented establishment as defined in TCA 7-51-1101 et seq., subject to requirements in Section 7.12.

B Uses Permitted as Special Exceptions: Scrap materials salvage and recycling, salvage yards, junkyards, automobile graveyards; any other commercial activity not listed in subsection A above. Indoor Sport Shooting Range (subject to provisions and requirements in Section 7.13)

C. Uses Permitted as Special Exceptions with Specific Limitations: none.

Section 9.10 RAC – Rural Arterial Commercial District.

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.

A. Permitted Uses: General retail sales and rental of goods and merchandise; Restaurants; bed and breakfast, office of a physician, dentist, or other similar medical professional; 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: Motorcycle safety training facilities.

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

Other related provisions for commercial uses.

Article 13 - Definition of Home Occupation

HOME OCCUPATION: An activity conducted for financial gain or support which:

- a. Is conducted by a person within the dwelling unit where such person is a full time resident, and
- b. Is insubstantial, incidental, subordinate to the residential use, and is not commonly associated with the residential use as to be regarded as an accessory use, but that can be conducted without any significantly adverse impact on the surrounding neighborhood.

The following is a non-exhaustive list of examples of enterprises that may be home occupations if they meet the foregoing definitional criteria:

- a. The office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher, or similar professional;
- b. Workshops, greenhouses, or kilns;
- c. Dressmaking or hairdressing studios;
- d. Similar or like use as determined by the Board of Zoning Appeals upon appeal.

Section 7.10. Family Commercial Enterprises. In addition to requirements for special exceptions, the following shall be requirements for family commercial enterprises:

- ...
- C. Family commercial enterprises shall be limited to the following uses: rug cleaning and repair services; photographic services; beauty and barber services; apparel repair and alterations; shoe repair and alterations; nursery schools, family day care homes, group day care homes, and day care centers; window cleaning services; automobile repair services (including truck and farm machinery); radio and television repair services; watch, clock and jewelry repair services; gun repair services; legal services; surveying, engineering and architectural services; accounting, auditing, and bookkeeping services; office or studio of a physician, dentist, artist, musician, or other similar professional; plumbing, heating and air conditioning services; painting, paper hanging and decorating services; electrical services; masonry, stonework, tile setting, and plastering services; carpentry, wood flooring; cabinet making, roofing, guttering and siding services; machine shops; pet grooming; water drilling services; greenhouses; kilns and pottery making; computer and computer peripherals repair, computer programming, data processing, computer desk-top publishing, and other computer related services.
- ...
- E. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or commercial activity located and conducted elsewhere.
- ...
- G. The commercial enterprise shall be subordinate to the residential use of the lot or parcel.

Section 7.3. Planned Unit Development. The purposes of these provisions for planned unit development are to allow flexibility in design of a large development, and to allow mixed use where such mixed use may be reasonably designed and integrated into a large development.

Section 11.5 Special Exceptions. Subsection G.4 concerning basis for denial of a special exception based on lack of infrastructure, particularly roads:

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 offsite road(s) with pavement width less than sixteen (16) feet; provided that any such offsite 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.

2A Implementation Strategy (1). *Update and expand the Conceptual Land Use Plan and incorporate it into a Comprehensive Plan.*

- Integrate and update the analysis sections of the 1976 Plan.
- *Update the present land use map to show existing geographical structure of development in the county.*
- *Integrate road and transportation considerations into the land use plan.*
- *Integrate and possibly expand the following land use concepts in any land use plan update:*
 - *Suburbanizing Land Use – high to medium density development – mainly residential – commercial by special exception along major roads, allowing also home and family occupations – part of area expected to be annexed by cities as high density growth occurs – needs amendment of map to be consistent with 1101 Growth Plan.*
 - *Rural 1 Land Use – medium to low density development (1.5 units per acre or less) – mainly residential – limited commercial by special exception along major roads, allowing also home and family occupations – not expected to be subject to annexation by cities – needs amendment of map to be consistent with 1101 Growth Plan.*
 - *Rural 2 Land Use – low density development (0.33 units per acre, average 3 acres per dwelling unit) – limited commercial by special exception, mainly tourism and recreation, allowing also home and family occupations – applies mainly to mountain areas with inherent constraints to development.*
 - *Special consideration of land use issues as follows: flood plain areas; the Great Smoky Mountains National Park as a national and regional tourism area; McGhee-Tyson Airport and related uses as a regional transportation resource; areas around the McGhee-Tyson airport with issues of noise and flight path safety and security; allowing mixed use; allowing cluster development; signs and communication towers; allowing manufactured home parks and multi-family developments.*
- *Include as part of land use plan update consideration of the following:*
 - *Open space standards and required dedication of open space in new developments.*
 - *Intergovernmental agreements to encourage compact development through zoning and collaborative funding of sewer extensions.*
 - *Concentration of commercial land uses at key intersections and designated development nodes.*
 - *Traditional town centers and village and hamlet designs.*
 - *Planned mix of residential and commercial uses.*
 - *Encouragement of urban development concentration, and discouragement of rural development dispersion.*
 - *Air quality impacts of development patterns and designs.*
 - *Water quality impacts of development patterns and designs.*
 - *Provision of pedestrian and bicycle linkages within developments, and between residential and commercial areas.*
 - *Preservation of tree cover.*