

**Blount County**  
**Planning and Development Services**  
1221 McArthur Road  
Maryville, TN 37804-5906  
Phone: 865-681-9301 Fax: 865-681-9502

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**TO:** Blount County Board of Commissioners

**FROM:** Thomas A. Lloyd, AICP 

**DATE:** October 11, 2022

**SUBJECT:** Request to set public hearing on a resolution to amend the Zoning Map of Blount County Tennessee from R-1 (Rural District 1) to RAC (Rural Arterial Commercial District) for a 14.429 acre portion of a 17.276 acre parcel located at 5624 U.S. Highway 411S. The property is identified as part of tax map 100 parcel 005.00.

Attachments:

1. Planning Commission Report of Action
  2. Draft Resolution
  3. Memo and Packet for County Commission Consideration
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The Blount County Planning Commission held a public hearing on this item at their September 22, 2022 regular meeting. No one spoke on the item and the Planning Commission considered the request and voted unanimously to recommend approval by the County Commission. Prior to taking action on the amendment, the County Commission must hold a public hearing pursuant to TCA §13-7-105 and Section 12.2 of the Zoning Regulations of Blount County, Tennessee.

# Blount County Government

## Meeting Minutes

### Planning Commission

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5:30 PM

Blount County Courthouse, Room 430

Thursday, September 22, 2022

Live stream via <https://zoom.us/join>

Zoom Meeting ID: 841 9147 1881

The following is not approved minutes but only a report of action.

#### ROLL CALL: Secretary

**Present 11** - Commissioner Dyran Bledsoe, Commissioner Nick Bright, Commissioner John Giles, Commissioner Geneva Harrison, Commissioner Jessica Hannah, Commissioner Tom Hodge, Commissioner Bruce McClellan, Commissioner Ed Stucky, Commissioner Darrell Tipton, Commissioner Clifford Walker, and Commissioner David Wells

**Absent 1** - Commissioner Roy Gamble

#### PUBLIC HEARINGS:

Public hearing and possible action on a request to amend the zoning map of Blount County Tennessee, from R-1 (Rural District 1) to RAC (Rural Arterial Commercial) for a 14.429 acre portion of a 17.276 acre parcel located at 5624 U.S. Highway 411S. The property is identified as part of tax map 100 parcel 005.00.

No one spoke and the public hearing was closed. Members and staff discussed the rezoning.

A motion was made by Commissioner Bright, seconded by Commissioner Walker, to forward a favorable recommendation to County Commission for the rezoning from R-1 (Rural District 1) to RAC (Rural Arterial Commercial) for a 14.429 acre portion of a 17.276 acre parcel at 5624 U.S. Hwy 411S. An electronic vote was taken. The Chairman declared the motion to have passed by the following vote:

**Yes:** 11 - Harrison, Hodge, McClellan, Stucky, Tipton, Walker, Bledsoe, Bright, Giles, Hannah, and Wells

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**No:** 0

**Absent:** 1 - Gamble

**Abstain:** 0



**BE IT FURTHER RESOLVED THAT THIS RESOLUTION SHALL BE IN FORCE AND BECOME EFFECTIVE UPON ITS ADOPTION, THE PUBLIC WELFARE REQUIRING IT.**

**CERTIFICATION OF ACTION**

**ATTEST**

\_\_\_\_\_  
Commission Chairman

\_\_\_\_\_  
County Clerk

Approved: \_\_\_\_\_

Vetoed: \_\_\_\_\_

\_\_\_\_\_  
County Mayor

\_\_\_\_\_  
Date

DRAFT

# Blount County

## Planning and Development Services

1221 McArthur Road  
Maryville, TN 37804


Phone: 865-681-9301 Fax: 865-681-9502



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### MEMORANDUM

**TO:** Blount County Board of Commissioners

**FROM:** Cameron Buckner, Senior Planner 

**DATE:** October 11, 2022

**SUBJECT:** Rezoning request from R-1(Rural District 1) to RAC (Rural Arterial Commercial District) for a 14.4 acre portion of the tract of land located at 5624 US Hwy 411 S, Blount County (Tax map 100 parcel 005.00)

#### Attachments

1. Application
2. Survey
3. Location/Zoning Map
4. Recorded Plat

#### Applicant/Owner

Houston Murphy

#### Land Use and Zoning

The subject property totals 17.2 acres and is zoned R-1 (Rural District 1). The existing land use is vacant.

#### Adjacent Land Uses

North—Single Family Dwelling (Parent Tract); Zoned R-1 (Map 100 and Parcel 005.00)

East – Single Family Dwelling; Zoned R-1 (Map 099 and Parcel 043.24)

West – Single Family Dwelling; Zoned R-1; (Map 100 and Parcel 072.06)

South- 10 tracts; Single family dwellings; Zoned R-1 (Map 100P A and Parcel(s) 1.00-10.00)

#### Summary

The Blount County Planning Commission held a public hearing on this item at their September 22, 2022 regular meeting. No one spoke on the item and the Planning Commission considered the request and voted unanimously to recommend approval by the County Commission. Prior to taking action on the amendment, the County Commission must hold a public hearing pursuant to TCA §13-7-105 and Section 12.2 of the Zoning Regulations of Blount County, Tennessee.

See maps attached. Since section 9.10 states that the RAC district may only extend 500 ft from the right of way line of the delineated highway, the request is to rezone a 14.4 acre portion of the 17.2 acre tract of land from R-1 into the RAC District (see attached exhibit). The current 17.2 acre tract was recently subdivided from the 185 acre parent tract. The remaining 167 acre tract across US Hwy 411 S. This rezoning request is consistent with Blount County's adopted land use plan.

As with all rezoning requests, the Commission must review this request on its own merits, with no specific development plan in mind by considering all potential uses in the RAC- Rural Arterial Commercial District (Section 9.10 included below). Any future commercial development would be subject to review and approval by either the planning commission for a site plan or the Board of Zoning appeals for special exception, as appropriate.

The signed application, survey, a current zoning and location map, and the recorded plat are attached for reference. This property is not within a FEMA flood hazard area.

*Applicable code sections regarding the districts are included below for reference:*

**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, with any related commercial uses subject to site plan and design standards in Section 7.2; stand-alone uses not associated with a residential use (family commercial enterprise) as listed in Section 7.10.C and subject to full site plan requirements and commercial design standards in Sections 7.2 and 7.15.(Resolution 17-01-002)

B. Uses permitted as special exception: Motorcycle safety training facilities.

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

D. Uses Prohibited: In the RAC – Rural Arterial Commercial District: pain management clinics. All other uses are prohibited except those uses permitted or permitted as special exception specifically above. (Resolution 12-08-003)

E. Uses Requiring Site Plan Review: All uses and customary accessory structures, except one or two single family or manufactured home dwelling on a single lot, duplex dwelling on separate lot, and customary accessory structures to such excepted uses.

F. Minimum Lot Size and Density: For residential structures as required in Section 9.2.F. For all other uses: minimum lot size shall be one (1) acre, and maximum lot coverage of all buildings shall be no more twenty five (25) percent provided that both primary and duplicate area for septic field purposes are maintained unhindered by any structure, parking, drainage or other design element of the site which may impact septic functioning (Resolution 10-11-003)

G. Setback Requirements: All uses shall comply with the following setback requirements, except as otherwise provided for in Articles 3 and 5 for lots of record and nonconforming situations.

1. Front Setback: the minimum depth of the front building setback shall be 60 feet from any road right-of-way or easement line.

2. Rear Setback: the minimum building setback from the rear property line shall be 20 feet for the principal structure, and five feet for any accessory structure, provided that the rear setback shall be 40 feet for any non residential use with a rear property line abutting a residential use lot, or abutting a lot in the S, R-1 or R-2 zone.

3. Side Setback: For any commercial use under Permitted Uses abutting another commercial use or land zoned C-Commercial or I-Industrial or RAC-Rural Arterial Commercial, the minimum building setback from the side property line shall be ten (10) feet. For any commercial use under Permitted Uses abutting a residential lot or land zoned S, R-1 or R-2, the minimum building setback from the side property line shall be 20 feet. For any special exception, the minimum building setback from the side property line shall be 20 feet, or greater as may be required by the Board of Zoning Appeals. For any residential use the minimum building setback from the side property line shall be ten (10) feet.

H. Maximum Height of Structures: Unless otherwise explicitly allowed in other articles of this Resolution, all structures shall be no greater than 35 feet higher than the highest natural grade immediately adjacent to the structure.

I. Additional Site Plan Requirements: In addition to site plan requirements in Section 7.2, site plans for any commercial use permit under this Section shall be drawn by a qualified professional, and shall include front elevation of any proposed structure.

J. Additional design requirements: All site plans shall be accompanied by a stormwater drainage plan prepared by a qualified engineer, and shall address the need for detention, if necessary, and pollution control. All uses permitted under this Section shall provide a

vegetative landscape buffer, to be determined by the Planning Commission during site plan review, between the use/buildings on the commercial site, and any parcel or lot zoned other than RAC or C. Such buffering shall apply to rear lot lines of the commercial site, and also to side lot lines behind the minimum front building setback lines, except where there is an immediately adjacent residential use that would require screening within the minimum front building setback line. All uses permitted under this Section shall provide a front building elevation that meets the design requirements in Section 7.15-C-3 . All external lighting shall be directed away from or screened from land zoned other than RAC or C, and away from any public right-of-way. Where noise is determined to be a probable off-site impact of a proposed use, a noise mitigation barrier of solid structure or earth berm, in addition to vegetative buffer, shall be designed as part of the site plan and constructed. (Resolution 10-10-011).

K. Review on change of use.

1. For any change of use to special exception use under provisions for change of use requiring Board of Zoning Appeals approval, the Board of Zoning Appeals shall have permit and review authority under provisions of these regulations.

2. For other change of use, excluding change to uses allowed in Section 9.2.A, a permit application for zoning compliance shall be submitted, to be reviewed by the Building Commissioner for conformity to requirements for the zone and any previously approved site plan. The Building Commissioner shall require information on the application sufficient for determination of zoning compliance, and certification of zoning compliance in writing shall be considered as approval of the permit for change of use.

3. Notwithstanding subsection 2 above, upon determination by the Building Commissioner that a use will be of greater impact or will require new or changed site design elements upon change of use, the Building Commissioner shall require a new permit application and site plan to be reviewed by the Planning Commission as a new permit for that change of use.

4. All changes of use under this subsection shall require new permit application and charged fees as such.

# Zoning Request Application

## Under the Blount County Zoning Regulations



Department of Development Services  
1221 McArthur Road Maryville, TN 37804  
Phone: 865-681-9301 Fax: 865-681-9502

Tax Map/Parcel: 100 005.00 Site Address: 5615 US Hwy 411 S  
Owner: Houston Murphy Phone: 865-254-8641  
Mailing Address: 5615 US Hwy 411 S  
Maryville TN 37801  
City State Zip Code

### Type of Permit:

Appeal  Rezoning  Special Exception  Variance  Co-Locate  Tower   
Zone \_\_\_\_\_ Size of lot \_\_\_\_\_

Notes:

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I, the undersigned being the owner of the property described above, affirm the accuracy of the above information about the property and any proposed structures and uses described. I further acknowledge that it is my responsibility to ensure that such requirements are met during construction of any proposed structure. By my signature, I also give permission for inspection of the property by an authorized agent of Blount County Government for the purpose of enforcing the Zoning Regulations set forth by the Blount County Commission.

Houston Murphy  
Owner Signature

8-4-2022  
Date

Fee: <u>\$1000</u>	Receipt #: <u>22-001268</u>
Approval Signature: _____	Date: _____





18x24

NOTES:

- 1) EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY AS FURTHER EVIDENCE OF INTERESTS AND ENCUMBRANCES. WHERE NECESSARY, THESE HAVE BEEN RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF BLOUNT, TENNESSEE.
- 2) AS PER THE LEGAL REQUIREMENTS, THIS MAP NUMBER, 0000000000, IS THE EFFECTIVE DATE, SEPTEMBER 15, 2007. THIS PROPERTY IS WITHIN ZONE 2A, R-1 (RURAL DISTRICT 1). SEE BLOUNT COUNTY ZONING REGULATIONS FOR SETBACK REQUIREMENTS.
- 3) THIS PROPERTY IS CURRENTLY ZONED, R-1 (RURAL DISTRICT 1). SEE BLOUNT COUNTY ZONING REGULATIONS FOR SETBACK REQUIREMENTS.
- 4) IRON ROD SET AT EACH CORNER, UNLESS OTHERWISE SHOWN HEREON.
- 5) THIS SURVEY WAS CONDUCTED BY THE SURVEYOR IN ACCORDANCE WITH THE TENNESSEE SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF THE COUNTY OF BLOUNT, TENNESSEE, AND HAS FOUND NO OTHER RECORDS THAT AFFECT THIS SURVEY.
- 6) THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE TENNESSEE SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF THE COUNTY OF BLOUNT, TENNESSEE, AND HAS FOUND NO OTHER RECORDS THAT AFFECT THIS SURVEY.

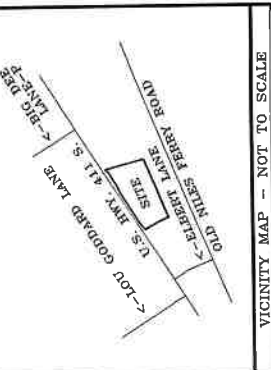
**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 I (we) hereby certify that I am (we are) the owner(s) of the property herein described and that I (we) have no other interest in the property except in as herein stated with my (our) true consent.

8-24-2022  
 Date  
 Houston Murphy  
 Signature

ACCORDING TO TENNESSEE CODE ANNOTATED SECTION 13-3-401(4) THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF THE COUNTY OF BLOUNT, TENNESSEE, AND HAS FOUND NO OTHER RECORDS THAT AFFECT THIS SURVEY. THIS SURVEY IS A "SUBDIVISION" THAT MUST BE PLANNED AND APPROVED BY THE BLOUNT COUNTY PLANNING AND ZONING COMMISSION.

KEVIN E. PATTS - PLS NO. E3824

This owner and/or developer of any lot, in developing the lot into building, whether primary structure or accessory structure, or conducting any development, shall be responsible for determining the appropriate setbacks and other requirements for the lot. The owner and/or developer shall be responsible for determining the appropriate setbacks and other requirements for the lot. The owner and/or developer shall be responsible for determining the appropriate setbacks and other requirements for the lot.



VICINITY MAP - NOT TO SCALE

PHYLIS J. COLE, REGISTERED SURVEYOR  
 No. 61: 628658  
 No. 62: 628659  
 No. 63: 628660  
 No. 64: 628661  
 No. 65: 628662  
 No. 66: 628663  
 No. 67: 628664  
 No. 68: 628665  
 No. 69: 628666  
 No. 70: 628667  
 No. 71: 628668  
 No. 72: 628669  
 No. 73: 628670  
 No. 74: 628671  
 No. 75: 628672  
 No. 76: 628673  
 No. 77: 628674  
 No. 78: 628675  
 No. 79: 628676  
 No. 80: 628677  
 No. 81: 628678  
 No. 82: 628679  
 No. 83: 628680  
 No. 84: 628681  
 No. 85: 628682  
 No. 86: 628683  
 No. 87: 628684  
 No. 88: 628685  
 No. 89: 628686  
 No. 90: 628687  
 No. 91: 628688  
 No. 92: 628689  
 No. 93: 628690  
 No. 94: 628691  
 No. 95: 628692  
 No. 96: 628693  
 No. 97: 628694  
 No. 98: 628695  
 No. 99: 628696  
 No. 100: 628697



**SURVEY OF A PORTION OF THE HOUSTON MURPHY PROPERTY**  
 DISTRICT 1, BLOUNT COUNTY, TENNESSEE  
 REP.: R.B. 2501-794 - TRACT ONE  
 TOTAL AREA = 17.278 AC.  
 OWNER: HOUSTON MURPHY  
 5255 HWY. 411 S. #77001  
 MARYVILLE, TN 37701

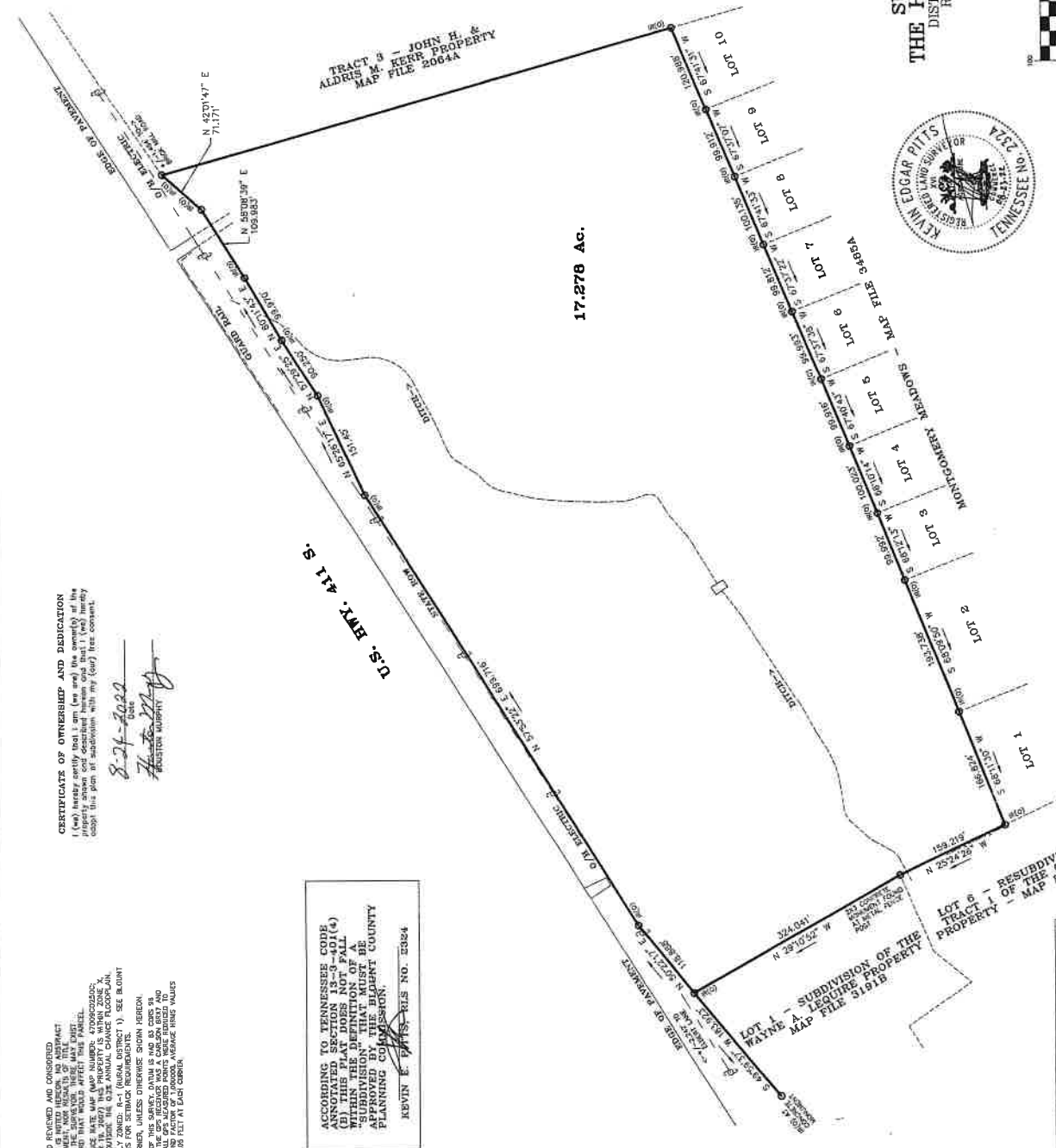


( IN FEET )  
 1 Inch = 100 Ft.

DATE	09-20-22
PROJECT	BLOUNT SURVEYS, INC.
MAP NO.	100
PARCEL NO.	000000
GROUP	000000
OWNER	HOUSTON MURPHY
ADDRESS	5255 HWY. 411 S. #77001
CITY	MARYVILLE, TN 37701
PHONE	(663) 985-0494
FAX	(663) 985-0494



**CERTIFICATE**  
 I, KEVIN EDGAR PITTS, REGISTERED SURVEYOR, STATE OF TENNESSEE, DO HEREBY CERTIFY THAT I HAVE PERSONALLY CONDUCTED THIS SURVEY AND THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE TENNESSEE SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING. I HAVE REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF THE COUNTY OF BLOUNT, TENNESSEE, AND HAVE FOUND NO OTHER RECORDS THAT AFFECT THIS SURVEY.



4341A