

Blount County

Planning and Development Services

1221 McArthur Road
Maryville, TN 37804

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



MEMORANDUM

TO: Blount County Planning Commission

FROM: Cameron Buckner, Senior Planner

DATE: April 22, 2021

SUBJECT: Rezoning request from RAC (Rural Arterial Commercial District) to C (Commercial) for entire tract of land located at 3615 Tuckaleechee Pike, Blount County (Tax map 048 parcel 0139.00)

Attachments

1. Application
2. Survey
3. Legal Description
4. Location/Zoning Map

Applicant/Owner

Amanda Stone
Stonewash LLC

Land Use and Zoning

The subject property totals 1.46 acres and is zoned Rural Arterial Commercial (RAC). The existing land use is commercial and is developed with a car wash.

Adjacent Land Uses

Northeast—Single Family Dwelling; Zoned Suburbanizing (Map 048 and Parcel 133.00)
Northwest- Single Family Dwelling; Zoned Suburbanizing (Map 048 and Parcel 134.00)
East – Multi-family development; Zoned Suburbanizing (Map 048 and Parcel 140.01)
West – Single Family Dwelling; Zoned Suburbanizing; (Map 048 and Parcel 138.00)
South- E Lamar Alexander Pkwy right-of-way; Zoned C-Commercial

Summary

See maps attached. The request is to rezone the subject tract of land from RAC (Rural Arterial Commercial) into the C-(Commercial District).

The property was rezoned from S-Suburbanizing to RAC (Rural Arterial Commercial) in November of 2001. The current car wash was approved via Site Plan by the planning commission in June of 2004. If the property is rezoned to C-Commercial, the car wash will be a conforming use in that district.

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 C-Commercial District (Section 9.4 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.

Several exhibits have been attached for reference. The signed application, survey, and legal description are all attached. A current zoning and location map is attached, as well. This property is not within a FEMA flood hazard area.

The planning commission held the public hearing for this request at the March 25, 2021 meeting. No one spoke in favor or in opposition. The commission should now review the proposal and, by way of a motion, forward this request to the County Commission with a recommendation for approval or denial.

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

Section 9.4 C – Commercial District. It is the purpose and intent of this district to regulate commercial and other development of high to medium density around the cities of Alcoa and Maryville, 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.

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 veterinary 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:

(a) Pain Management Clinics, with the following requirements: clinic shall meet and maintain all licensing and permit requirements of the State of Tennessee, including but not limited to those in TCA 63-1-301, et seq .; clinic location shall be 1000 feet from any school, day care facility, park, or church measured from property line to property line; clinic location shall be 500 feet from any residential structure; clinic property abutting an S-Suburbanizing or R-1-Rural District 1 zoned property (not a public right-of-way) shall be secured from access across such abutting property lines by a fence no less than 6 feet in height; clinic location and access shall be on an arterial street as shown on the Major Road Plan for Blount County. (Resolution 12-08-003)

D. Uses Prohibited: In the C – Commercial District, all uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

E. Uses Requiring Site Plan Review: All uses permitted as special exception in subsections B and C above, and customary accessory structures. Permitted uses in subsection A above 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 9.1.F. All commercial lots shall be adequately sized to accommodate necessary parking requirements, setbacks, buffering, and soils requirements for any on-site septic disposal.

G. Setback Requirements: All uses permitted or permitted as special exception 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 30 feet from any road right-of-way or easement line, with the following exceptions: (a) the lot fronts on an arterial road as shown on the Major Road Plan of Blount County, in which case the front setback shall be 60 feet for principal arterial roads and 40 feet for major arterial roads, and (b) the lot has been previously platted on a plat registered with the Blount County Register of Deeds prior to the enactment of this Resolution in which case the minimum shall be no less than 20 feet or the platted setback, whichever is greater.

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, or greater as may be required by the Board of Zoning Appeals, for any non residential use or special exception 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, the maximum height of structures shall be no greater than: 1) 35 feet for single family and duplex residential structures; 2) 40 feet to eave and 50 feet to ridge for hip and gable roofs for other primary use structures; and 3) 40 feet for all other types of roofs for other primary use structures. All accessory structures shall be no greater than 35 feet in height. Notwithstanding the above, along highways designated as Scenic Highway under provisions of TCA 54-17-101 to 116, the maximum height of buildings shall be controlled by TCA 54-17-115, up to the maximum allowed in this subsection.

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

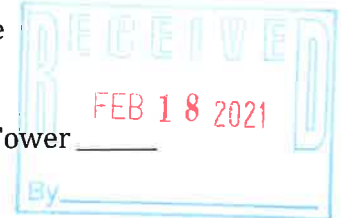


Department of Development Services
1221 McArthur Road Maryville, TN 37804
Phone: 865-681-9301 Fax: 865-681-9502

Tax Map/Parcel: 048 139.00 Site Address: 3615 Tuckaleechee Pike M 37803
Owner: Stonewash, LLC (Michael: Amende Stone) Phone: 865-388-4417
Mailing Address: Po Box 5731
Maryville TN 37802
City State Zip Code

Type of Permit:

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



Notes: Request to rezone 1.463 acres from RAC to C district.

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.

Amende Stone
Owner Signature

2-18-2021
Date

Fee: <u>1,000⁰⁰</u>	Receipt #: <u>263842</u>
Approval Signature: _____	Date: <u>2/18/2021</u>

EXHIBIT A

SITUATE in District 14, County of Blount, State of Tennessee, and being all of Lot 2, of BCDT PROPERTY, as shown by map of the same of record in Map File 2265A in the Register's Office for Blount County, Tennessee, to which map specific reference is hereby made for a more particular description thereof.

THIS conveyance is made subject to any applicable restrictions, easements, driveway access restrictions, conditions, including, but not limited to, those of record in Map File 2265A, Misc. Book 49, Page 196, Misc. Book 6, Page 443, Misc. Book 14, Page 283 and Record Book 2080, Page 133 in the Register's Office for Blount County, Tennessee.

BEING the same property conveyed to Stonewash, LLC, a Tennessee limited liability company, from BCDT Enterprises, LLC, a Tennessee limited liability company, by Warranty Deed dated April 18, 2008, of record in Record Book 2195, Page 456 at the Register's Office for Blount County, Tennessee.

Tax Map: 048, Parcel: 139.00, Parcel 139.00 001

File No. 190544-NON

AFFIDAVIT OF PUBLICATION

MARCH 25 MEETING

STATE OF TENNESSEE
COUNTY OF BLOUNT

ACCOUNT NAME:
BLOUNT CO. PLANNING &
DEVELOPMENT

BLOUNT CO. PLANNING &
DEVELOPMENT
1221 McArthur Rd
Maryville, TN 378042685

ACCT. NUMBER:
TDT192614

COST OF PUBLICATION:
\$118.30

NOTICE OF PUBLIC HEARING

The Blount County Planning Commission will convene and hold a public hearing on March 25th, beginning at 4:30 P.M., by electronic means, for the following proposed amendment to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010, and specifically the Zoning Map of Blount County, Tennessee.

A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY TENNESSEE, from RAC (Rural Arterial Commercial) to C (Commercial) for a 1.46 acre parcel located at 3615 Tuckaleechee Pike. The property is identified on tax map 048 parcels 139.00.

In accordance with Governor Lee's Executive Order Nos. 16, 34, 51, 60, 63, 65, 71, and 78 regarding limiting gatherings to prevent the further spread of COVID-19 and allowing public meetings to be conducted by electronic means. THESE MEETINGS WILL BE CONDUCTED WITH COMMISSIONERS AND BOARD MEMBERS PARTICIPATING ELECTRONICALLY via Zoom and can be viewed by members of the public at: https://zoom.us/join Webinar ID: 994 5846 1273 Public comment will be permitted in-person at the Blount County Courthouse Commission Meeting Room 430 in Maryville, TN. Meeting electronically and limiting public access to the meeting is necessary to protect the public health, safety, and welfare in light of COVID-19. We hope to return to in-person meetings as soon as possible.

Blount County does not discriminate based on race, color or national origin in federal or state sponsored programs, pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d). March 10, 2021

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared Robin Cardwell who being first duly sworn, deposes and says: that he (she) is Accounts Receivable (Publisher or other officer or employee authorized to make affidavit) of ADAMS PUBLISHING GROUP, LLC, engaged in the publication of a newspaper known as The Daily Times, published, issued, and entered as periodicals class mail in the city of MARYVILLE in said County and State of Tennessee, that he (she) is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in The Daily Times on the following dates:

03/10/2021

THE DAILY TIMES

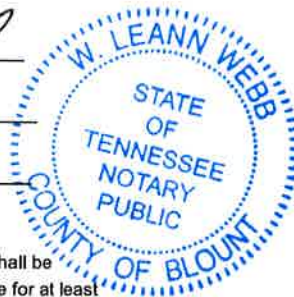
307 E. HARPER AVE., MARYVILLE, TN 37804
865-981-1100

Subscribed and sworn to before me on this 11th day of March, 2021

Newspaper Representative: Robin Cardwell

Notary Public: W. Leann Webb

My Commission Expires: 4.29.23



The referenced publication of notice has been posted (1) On the newspaper's website, where it shall be published contemporaneously with the notice's first print publication and will remain on the website for at least as long as the notice appears in the newspaper; and (2) On a statewide website established and maintained as an initiative and service of the Tennessee Press Association as a repository for such notices.