

# Blount County

## Planning and Development Services

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### MEMORANDUM

**TO:** Blount County Planning Commission

**FROM:** Cameron Buckner, Senior Planner

**DATE:** July 25, 2024

**SUBJECT:** Rezoning request from S-Suburbanizing to C-Commercial for a 34.8 acre tract of land located at 3652 US Hwy 411 S, Blount County, TN (Tax map 090 parcel 018.00)

#### Attachments

1. Application
2. Survey
3. Legal Description
4. Tax Map
5. Zoning Map

#### Applicant/Owner

Isaac and Janet Morton

#### Land Use and Zoning

The subject property totals 34.8 acres and is zoned S-Suburbanizing. The existing land use is residential and is occupied with one single family dwelling.

#### Adjacent Land Uses

North– State right of way (zoned C-Commercial)

North East – Suburbanizing (map 078 parcels 157.00 and 158.00) and C-Commercial (map 078 map 159.00)

East- Suburbanizing (map 078 parcel 161.00) and (map 090 parcel 039.00)

West – State right of way (zoned C-Commercial)

Southeast- Suburbanizing (map 090 parcels 019.01 and 019.02)

South- R-1 (map 090 parcel 080.00)

## Summary

Please see attachments. The entirety of the 34 acre parcel is requested to be rezoned to the C-Commercial 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.

The signed application, survey, legal description, tax map and zoning map are attached for reference. This property is not within a FEMA flood hazard area.

The County's Land Use Plan notes that, "Commercial land use is expected to be concentrated in and around the two larger cities of Alcoa and Maryville, particularly along the major road corridors of Highway 321 east and west, Alcoa Highway, Old Knoxville Highway, *Highway 411 south*, and William Blount Drive." Further, the parcel adjoins an existing commercial district to the northeast. Finally, the parcel fronts on the US 411S ROW which, in this area, is commercially zoned both in the County and the City of Maryville. As such, this request could be found consistent with the plan.

The commission should 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 district 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 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:

(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.