

Blount County
Planning and Development Services
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MEMORANDUM

TO: Blount County Board of Zoning Appeals

FROM: Cameron Buckner
Senior Planner

DATE: December 4, 2023

SUBJECT: Special exception request 2050 E Miller's Cove Rd.; (Map 063, parcels 002.00, 003.00, 003.03, and 003.08, and map 062I A Parcel 227.00)

Attachments:

1. Application
2. Zoning map
3. Site plan w/ proposed additions
4. Site plan illustrating existing conditions
5. Map of all parcels w/ trails delineated
6. Architectural building elevations of lodge
7. Applicant narrative
8. Letter from Highway Superintendent

Applicant

Owner– Ownership is noted as Hidden Oaks Farm LLC and other related LLC's, per the application and tax maps.
Engineer - C2RL

Land Use and Zoning

The subject properties are zoned R-2 (Rural District 2). The existing land use is mostly vacant, with the primary parcel (map 0063, parcel 002.00) containing the existing lodge.

Adjacent Land Uses

All adjacent parcels are zoned R-2. The majority of the adjacent parcels appear to be vacant, with some containing single family dwellings. There are 2 platted subdivisions on either side of the proposed development.

Background

The special exception request is for an off road training facility by Bronco Off-Road. The request also includes an addition to the existing lodge. See attached applicant narrative for details.

Conformance with Applicable Zoning Regulations

Section 9.3. R2-Rural District 2

Per section 9.3 of the zoning ordinance, the proposed use may be approved as a “tourist oriented recreation facility.” Since the term is not defined within the zoning ordinance, the board should interpret and apply the term, per Article 13 of the zoning ordinance. Additionally, the zoning ordinance requires any tourist oriented recreation facility within the R-2 zone to be approved via special exception by the Board of Zoning Appeals.

Lighting

A lighting plan compliant with section 7.15.D. was not submitted. To staff’s knowledge, no additional lighting is proposed. Additionally, due to the scale of the project, any additional lighting would have a negligible, if non-existent impact on the adjacent properties and rights of way.

Environmental Health

Blount County Environmental Health has reviewed the submitted soil map for the property as well as the proposed location of the new septic system and has given preliminary approval of the concept.

Stormwater

The site is located outside the urbanized area of the county, therefore no county grading permit will be required. It is, however, subject to all applicable Tennessee Department of Environment and Conservation (TDEC) stormwater regulations.

Highway Department

Please see the attached letter from the Blount County Highway Superintendent.

Possible Motions:

All actions by the Board (APPROVE or DENY) should note reason(s) why on the record:

- A motion to approve could be, “I make a motion to approve as, based on evidence and testimony, the request has been found to comply with Section 11.5.”
- A motion to deny should be more specific. “I make a motion to deny as, based on evidence and testimony, the request has been found to [state *specific* reason(s) from 11.5.G]”.

The Board may also condition an approval if necessary to meet the requirements of Section 11.5. Any such conditions would need to be included in the motion and recorded in the minutes.

Section 11.5 Special Exception included below for reference:

Section 11.5. Special Exceptions . Application for a special exception in relation to a specific part, parcel or parcels of land may be made as provided in this Resolution by owners of the land or their specified agents, those who have contracted to purchase or hold an interest in the land, or those who in some other definitive way have the legal authority to take action in regards to plans for the special exception. The Building Commissioner may require evidence of such applicant criteria at his discretion. The following shall be the general conditions and procedures for application and consideration of a special exception.

A. An application for a special exception shall include all information required by this Resolution, and shall be presented to the Building Commissioner at least fifteen working days prior to consideration by the Board. The Board may require additional information of the applicant in order to make a decision on the application.

B. The Chairman of the Board shall set a date and time for hearing on the application no later than 60 days after submission of the application, or alternatively, the Board may consider the application at any appropriate regular meeting. The Building Commissioner shall publish notice of the application and hearing time, date and place in a newspaper of general circulation within the county at least five days prior to the hearing, as well as due notice to the applicant.

C. The land or site of the special exception shall be posted by a sign set by the Building Commissioner along a fronting or adjacent public road notifying neighboring property owners of the application for special exception, date, time and place of hearing, and telephone number of the Building Commissioner for further information. Such sign shall be posted at least ten days prior to the date of the hearing (Resolution 10-01-005).

D. The Building Commissioner shall forward to the Board copies of all records relating to the application, along with his or her analysis and recommendation on the application.

E. The Board shall act on the application within 60 days of the hearing, unless the applicant requests an extension of time. Upon hearing, any party or parties in interest may appear in person or by agent or attorney.

F. Subject to subsection G. below, the Board shall approve and permit the special exception unless it finds and concludes, based upon the information submitted in the application or provided at the hearing, that one or more of the following conditions holds:

1. the requested special exception is not within its authority under provisions of this Resolution;
2. the application is incomplete;
3. the proposed special exception if constructed or established will not comply with one or more requirements of this Resolution.

G. Notwithstanding findings under subsection F. above, the Board may deny the application for special exception if it finds and concludes, based on the information submitted in the application or provided at the hearing, that one or more of the following conditions

holds or will hold:

1. construction or establishment of the special exception will materially endanger the public health or safety;
2. construction or establishment of the special exception will substantially injure the value of adjoining or abutting property;
3. construction or establishment of the special exception will not be in conformity with the purposes, intents or goals of this Resolution;
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.

H. The Board may condition any approval for a special exception with limits on duration of validity of the approval in the absence of actions to construct or establish the special exception. Where no action is taken to construct or establish the special exception within the time of such duration of validity, a new application shall be required.

I. All conditions and requirements set by the Board shall be entered on the minutes of the hearing, and the Building Commissioner shall notify the applicant of such conditions and requirements by written letter. All conditions and requirements set by the Board shall be enforceable in the same manner and to the same extent as any other provision or requirement of this Resolution.

J. Approval of a special exception runs with the land and is transferable to new owners. However, so long as the land and/or structures or any portion thereof covered under an approval for special exception continues to be used as approved by the Board, then the following shall hold:

1. No person, including successors, assigns or designees of the person who obtained the approval for special exception, may make use of the land or structures covered under such approval for the purposes and use other than in accordance with all the terms, conditions and requirements of such approval.

2. The terms, conditions and requirement of an approval for a special exception apply to and restrict the use of land or structures covered under such approval, not only with respect to all persons having any interest in the property at the time of such approval, but also with respect to all persons who subsequently obtain any interest in all or part of the property covered by such approval.

Section 9.3 R-2 – Rural District 2. It is the purpose and intent of this district to regulate rural development of expected low density within 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. 41

A. Permitted Uses: one or two single family dwellings or manufactured home dwellings on a single lot, duplex dwellings, customary home occupations, group homes as provided in Tennessee Code Annotated Section 13-24-101, et seq; churches, temples and other places of worship, cemeteries associated with churches and other places of worship; local, state and federal government and utility uses necessary for providing services to land or population within the district; and accessory structures customarily associated with the above uses.

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; 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: commercial campgrounds and recreational vehicle parks (see also section 7.18). (Resolution 14-08-016)

D. Uses Prohibited: In the R-2-Rural District 2, adult oriented establishments as defined in TCA 7-51-1101 et seq., and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals. (Resolution 12-08-003)

E. Uses Requiring Site Plan Review: All uses permitted as special exception in subsections B and C above. Permitted uses in subsection A above, 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: unless otherwise explicitly required in subsections above, the minimum lot size per unit for development shall be five acres. For other than one unit per lot, or for planned unit development, the density shall be no greater than 0.2 units per gross acre, provided that density may be up to 0.33 units per gross acre in planned unit developments with a commensurate amount of common open space permanently set aside and maintained.

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 42 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 as shown on the registered plat.

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 special exception.

3. Side Setback: the minimum building setback from the side property line shall be ten (10) feet, provided that the side setback shall be 20 feet, or greater as may be required by the Board of Zoning Appeals, for any special exception.

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.