

Blount County

Planning and Development Services

1221 McArthur Road

Maryville, TN 37804

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



MEMORANDUM

TO: Blount County Board of Zoning Appeals

FROM: Thomas A. Lloyd, AICP

DATE: June 4, 2026

SUBJECT: Special exception for multifamily development at 3652 US 411S, Maryville (map 090 parcels 018.00, 019.01, and 019.02)

Attachments

1. Location/Zoning Map
2. Site Plan
3. Building Elevations
4. Landscape Plan
5. Traffic impact study (executive summary)
6. Utility letters
7. Lighting plan
8. Master plan

Applicants

Issac & Janet Morton (property owner, parcel 018), Margaret Ann Farley Orr (parcel 019.01),
Ryan Rush dba Rush Hemp Farms (parcel 019.02)
Gross Residential(developer)
Lose Design (engineering/planning/design)
CEC (surveying)

Land Use and Zoning

The subject property is zoned C (Commercial) and S (Suburbanizing). The existing land use is residential and agricultural, with one single family dwelling.

Summary

The applicant is requesting approval of a 524 unit high density multifamily development across three tracts, totaling approximately 41.11 acres. In the Suburbanizing District, *Section 9.1.B*

(Suburbanizing) allows for high density multifamily *planned development* uses. Likewise, the Commercial District allows for the same in *Section 9.4.A* by reference to, “any use permitted or listed as permissible as a special exception in *Sections 9.1.A and 9.1.B.*” As a Planned Unit Development, high density multifamily is to be considered as a special exception in all districts. *Article 13, PLANNED UNIT DEVELOPMENT: A Planned Unit Development is one constructed on a tract of at least fifteen (15) acres under single ownership at the time of application, planned and developed as an integral unit, and consisting of a combination of residential and nonresidential uses on land found within the S, R-1, R-2, C (by reference to 9.1; Suburbanizing), and RAC (by reference to 9.2) districts. Planned Unit Developments are subject to review and approval by the Board of Zoning Appeals as Special Exception in any of these districts. Planned Unit Developments that are intended to be subdivided into separate lots are also subject to review and approval by the Planning Commission of any required plat(s).*

Conformance with Applicable Zoning Regulations

High density multifamily planned development requires conformance with a number of sections of the zoning regulations. Those are detailed below:

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 shall be reasonably designed and integrated into a large development. The following shall apply:*

- A. The minimum size of a planned unit development shall be fifteen acres under unified ownership prior to development.*
 - In compliance once sale is closed (~41.11 acres)
- B. A site plan shall be required as provided in Section 7.2.*
 - In compliance.
- C. The use regulations of the zone shall apply to any planned unit development, with additional appropriate nonresidential uses to be considered by special exceptions and integrated in the planned unit design.*
 - In compliance. See also *Sections 9.1.B. and 9.1.I* regarding high density multifamily planned development within the Suburbanizing District.
- D. Density, lot size and setback requirements.*
 - (1) *For other than R-2 zone provisions for development at .33 dwelling units per acre, the density, lot size and setback requirements of the district shall apply to any planned unit development, provided that such requirements may be varied under the following conditions and limitations: the overall required density of development by use is maintained; no subdivided lot is less than one-half the minimum applicable lot size by use within the district; setbacks on the perimeter*

of the planned unit development are maintained at the greater of district minimum or 20 feet with no variation; and no principal structure is located nearer than ten feet to any other principal structure if such structures are detached on an undivided parcel.

- *In compliance. See also Sections 9.1.F regarding high density multifamily planned development within the Suburbanizing District.*

- (2) *For R-2 zone developments allowed at .33 dwelling units per acre and not served by public utility water and/or public utility sewer, or served by private gravel roads, overall density of development shall be no greater than one dwelling unit per three acres, the minimum subdivided lot size shall be 1.5 acres, a minimum of 35 percent of gross land area for open space shall be provided exclusive of road right-of-way, setbacks on the perimeter of the planned unit development shall be maintained at the greater of district minimum or 20 feet with no variation, and no principal structure shall be located nearer than ten feet to any other principal structure if such structures are detached on an undivided parcel.*

- *N/A.*

- (3) *For R-2 zone developments allowed at .33 dwelling units per acre and served by public utility water and public utility sewer and roads paved to design standards of the Subdivision Regulations, overall density of development shall be no greater than one dwelling unit per three acres, the minimum subdivided lot size shall be 30,000 square feet (0.69 acre), a minimum of 35 percent of open space shall be provided exclusive of road right-of-way, setbacks on the perimeter of the planned unit development shall be maintained at the greater of district minimum or 20 feet with no variation, and no principal structure shall be located nearer than ten feet to any other principal structure if such structures are detached on an undivided parcel.*

- *N/A.*

- D. *Any common elements and/or any common areas shall be maintained by a property owners association to be formed at the time of planned unit development approval, or by the owner or management authority of the planned unit development if such development does not involve separate ownership of lots or structures.*

- *In compliance. Final maintenance agreement approved as to form by the County Attorney will be required prior to issuance of any building permits.*

Section 7.6. Design Standards for Manufactured Home Parks and Multifamily Uses. *It is the intent of this Resolution that manufactured home parks and multifamily uses are acceptable housing options in the County, provided that minimum design requirements are followed to mitigate impact on surrounding properties and public infrastructure, and a*

minimum of internal design standards are incorporated. In this regard, the following shall apply.

A. Manufactured home parks and multifamily uses shall have constructed and maintained a buffer along the perimeter of the park development to consist of a minimum building setback of no less than 40 feet from all side and rear property lines, and either a solid non-metallic fence of at least 6 feet in height or an evergreen hedge with ultimate height of 12 feet and a planted height of at least four feet and a depth of at least eight feet along side and rear property lines. Notwithstanding the above, accessory structures to the residential units may be placed within the required 40 foot setback buffer but no closer than 10 feet to any side or rear property line, provided that such accessory structures shall be no higher than 12 feet and be used only by residents in the developments.

- Landscape Plan (attached) demonstrates compliance.

B. All private drives or streets within the development shall be paved at least 16 feet wide, with minimum six inches of stone base and a minimum two-and-one-half inches asphalt pavement. Alternative pavement such as concrete may be allowed by the Board of Zoning Appeals as part of special exception approval, provided that the overall structural carrying capacity is the same or greater than for an asphalt drive or street.

- Site Plan (attached) demonstrates compliance.

C. All parking within the development shall be off of the paved drives or streets on prepared paved surfaces.

- Site Plan (attached) demonstrates compliance.

D. Any development with more than four units, or with land area greater than three acres, shall provide a drainage plan as part of special exception application.

- In compliance.

E. Common open space shall be provided as part of the plan for any development, such open space to include at least one contiguous identifiable and functional space of area at least five percent of the total area of the development, provided that if such open space area is greater than 20,000 square feet, the total of such area may be divided into separate areas throughout the development at the discretion of the Board of Zoning Appeals.

- In compliance. Note that high density multifamily planned development open space standards and requirements are significantly greater. These are further detailed below.

F. Any site plan shall also address provision for fire service with fire hydrants, and adequate access for emergency vehicles within the development.

- In compliance.

G. Any site plan shall also address garbage service, particularly if common receptacles are used in which case screening of receptacles shall be required.

- In compliance.

Section 9.1 S – Suburbanizing District. *It is the purpose and intent of this district to regulate suburbanizing development of expected high to moderate 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.*

[...]

*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); ...*

- In compliance.

[...]

*E. Minimum Lot Size and Density: unless otherwise explicitly required in subsections above, the minimum lot size per unit for development shall be 32,670 square feet (.75 acres) if septic tank and field line is utilized or 21,780 square feet (.50 acres) if public utility sewer is utilized. For other than one unit per lot, or for planned unit development, the density shall be no greater than 1.2 units per gross acre if septic tank and field line is utilized or 6.2 units per gross acre if public sewer utility is utilized, **provided that for high density multi-family planned development the maximum density shall be 13 units per acre.** (See also subsection I below.)*

In compliance. The maximum allowable density for high density multifamily development in these Districts is 13 units/acre (9.1.F) when developed in accordance with Subsection I (specific regulations for high density multifamily planned development). At 41.112 acres, a maximum of 534 units could be permitted. With 524 proposed units, this request is just under the 13 units/acre threshold (~12.99 units/acre).

[...]

I. Specific regulations for high density multifamily planned development: Notwithstanding other regulations in this resolution, high density multifamily planned development shall be considered as a Planned Unit Development under provisions of Section 7.3, shall require a site plan under Section 7.2, shall apply all requirements of a multifamily development under Section 7.6, and shall meet the following additional criteria and regulations:

1. *High density multifamily developments shall be located with direct frontage and have primary access onto Highway 321, Highway 411 South, or William Blount Drive, within the Urban Growth Boundary of Maryville and Alcoa set by the 1101 Growth Plan, and on land serviced by city sewer. Any secondary roads providing alternate access to a high density multifamily development shall be 18 feet of paved width with 2 foot shoulders on each side of the pavement, consistent with definitions and usage in the Subdivision Regulations of the Blount County Regional Planning Commission. Developments within 1000 feet of Highways 321 and 411 South, designated as Scenic Highways, shall meet additional height design requirements contained in TCA 54-17-115.*

- Site Plan (attached) demonstrates compliance, with access exclusively from US Hwy 411S.

2. *The total developed footprint area of all primary and accessory structures shall not exceed 40% of the total site area.*

- Site Plan (attached) demonstrates compliance. Total footprint of all structures is approximately 15%.

3. *A total of fifteen percent (15%) of total site area shall be set aside and developed for useable recreation area for all residents of the high density multifamily planned development. Enclosed sauna and exercise rooms, meeting or activity rooms, and clubhouses are recreational areas that shall not satisfy the open space requirements. Unenclosed recreational facilities such as tennis courts, racquet ball courts, play grounds, and swimming pools are uses that will satisfy this requirement. No active recreation areas shall be located within required perimeter setbacks.*

- Site Plan and landscape plan (attached) demonstrate compliance.

4. *All open space, common areas, and required recreation areas shall be maintained by one of the following methods: (a) by the developer or management authority of the development, or (b) by a Homeowner's Association. Documents to accomplish such maintenance shall be submitted with required site plans in form and content acceptable to the legal advisor of county government.*

- In compliance. Draft provided, however final maintenance agreement approved as to form by the County Attorney will be required prior to issuance of any building permits.

5. *If deemed necessary by the Board of Zoning Appeals, a detailed analysis and study of the public and private infrastructure serving the parcel shall be performed by the developer's engineer and consultants prior to final approval of any site plans or permits.*

- Traffic impact study was provided by the applicant as a part of the application. Utility letters (attached) were also provided.

6. *If the development has more than 40 dwelling units, and abuts two or more public roads, the development shall provide access to at least two of the*

roads, with main entrance and exit being oriented to the major arterial road .If the development has more than 40 dwelling units and only abuts one public road, the access roads interior to the project shall be looped to provide two entrances onto the public road.

- Site Plan (attached) demonstrates compliance. All access will be from US Hwy 411 S, with internal looping to provide two points of ingress/egress.

Design

No specific design standards are required for residential uses. Elevations have, however, been provided and are attached, as have lighting plans.

Environmental Health

This development will be served by Maryville sewer.

Stormwater

The Engineering and Stormwater Departments have preliminarily reviewed the plans for compliance. Full review, coordination, and approval will be required prior to the issuance of any permits. The project will also require all necessary TDEC permits regarding grading, storm water, and erosion control.

Transportation

Access will be exclusively from US 411S with internal looping to provide for two points of ingress/egress. A traffic study (summary attached) was prepared by the applicant and provided to the Highway Department and TDOT for review. US 411S is a State Route, with access controlled by TDOT and any construction or improvements within their ROW subject to their final approval and permitting.

Recommendation

As a special exception, staff recommends approval, provided the Board finds and concludes, based upon the information submitted in the application or provided at the hearing, that the project complies with the provisions of 11.5F and 11.5.G. This approval is subject to any/all applicable County and TDOT permitting as well as TDEC permitting regarding stormwater, erosion, and grading. Prior to issuance of any building permits, the three tracts must be platted into one and a preconstruction meeting will be required.

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.