

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 R-1(Rural District 1) to RAC (Rural Arterial Commercial District) for a 3.19 acre portion of a 5.01 acre tract of land located 5212 US Hwy 411 S, Blount County, TN (Tax map 100 parcel 009.02)

Attachments

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

Applicant/Owner

Allstate Enterprises LLC

Land Use and Zoning

The subject property totals 5.01 acres and is zoned R-1 (Rural District 1). The existing land use is vacant.

Adjacent Land Uses

North– RAC (map 100 parcels 008.01 and 012.06)

East – R-1 (map 100, parcel 009.03)

West – R-1 (map 100, parcel 009.00)

South- R-1 (map 100, parcel 066.00)

Summary

Please see attachments. The RAC (rural arterial commercial) district allows only the first 500 ft from the right of way to be rezoned into that district, as is shown on the attached survey/exhibit. In light of that restriction, only 3.19 acres of the 5.01 acre parcel will be rezoned into the RAC

district. The remaining portion in the rear of the parcel will remain in the R-1 zone. 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/exhibit, legal description, tax map and zoning map are attached for reference. This property is not within a FEMA flood hazard area.

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 9.10. 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.