

# 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:** Thomas A. Lloyd, AICP 

**DATE:** September 21, 2017

**SUBJECT:** Rezoning request at 120 Eleanor Davis Drive, Maryville.

#### Attachments

- (1) Application/Survey
- (2) Location/Zoning Map
- (3) Aerial
- (4) Tax map (w/ flood)
- (5) Official zoning map (hardcopy)

#### Applicant/Owner

Billie Sue Hitson/Davis Lumber & Supply Company

#### Land Use and Zoning

The subject property is 15.5 acres and is zoned Commercial (C). The existing land use is a mixture of commercial (formerly the site of Davis Lumber Company) and residential (several single family homes built in the 1940's-50's).

#### Adjacent Land Uses

North— (across E. Lamar Alexander), residential multifamily; Zoned S  
East — (across Eleanor Davis Drive), commercial/residential; Zoned C and S  
South — residential single family; Zoned S  
West — residential single family; Zoned S

#### Summary

This request would effectively “down zone” a portion of this tract from Commercial to Suburbanizing (residential) so as to accommodate future subdivision into single family residential lots.

Several exhibits have been attached for reference. The first is the signed application and a survey submitted with the request. The second shows the current zoning districts and relative location of the property. Third is an aerial view of the property. Fourth is from the property assessor's online tax maps that also shows the Flood Hazard Areas. The final map is a copy of the original zoning map in hard copy form with the approximate area to be rezoned hatched in red.

While the parent property is located with frontage on E. Lamar Alexander Parkway, the portion proposed for rezoning would be accessible only off Eleanor Davis Drive. Further, the portion proposed for rezoning is bounded on all other sides by the Suburbanizing zone.

Since the property is located within Maryville's Urban Growth Boundary, the City's Planning Commission will also need to review and make a formal recommendation concerning the request, prior to any action by the County Commission. Given the available access and the lowered potential impact on the surrounding properties, staff recommends approval as it will allow for appropriate use of the rear of property while still maintaining the commercial corridor at the front.

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

**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.

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 (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); 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; 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; bed and breakfast accommodations; golf driving range; and accessory structures customarily associated with the above uses.

C. Uses Permitted as Special Exceptions with Specific Limitations: Indoor Sport Shooting Range (subject to provisions and requirements in Section 7.13); ***commercial campgrounds and recreational vehicle parks (see also section 7.18)***; Any commercial activity not specifically identified in sub-sections A or B above and which is allowed as a permitted use in the Commercial District in Section 9.4.A, provided that any such use shall be located only with access and frontage on an arterial or collector status road as specified on the Major Road Plan of any regional planning commission within the county as registered with the Register of Deeds office, and provided that any such use shall be conducted on a lot or tract of at least one acre, that any such use shall be housed in a structure with footprint no greater than 4,000 square feet and no greater than two stories, and that buffering of the use from surrounding residential land shall be constructed and maintained.

D. Uses Prohibited: In the S - Suburbanizing District, 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.

E. Uses Requiring Site Plan Review: All uses permitted as special exception in sub- sections B and C above. Permitted uses in subsection A above requiring land greater than three acres, 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 30,000 square feet if septic tank and field line is utilized, or 7,000 square feet 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 utility sewer is utilized, provided that for high density multifamily planned development the maximum density shall be thirteen (13) units per acre (see also Subsection I below).

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 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, 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.

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.

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

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.

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.

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.

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.

**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.

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 sub- sections 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.

# Zoning Request Application

## Under the Blount County Zoning Regulations



Department of the Building Commissioner

1221 McArthur Road Maryville, TN 37804

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

Tax Map/Parcel: 059 036.00 Site Address: ELEANOR DAVIS DRIVE

Name of Owner Applicant: BILLIE SUE HITSON

Mailing Address: 2924 E. LAMAR ALEXANDER PKWY  
Street address  
MARYVILLE, TN 37804  
City State Zip code

Phone #: \_\_\_\_\_

Type of Permit: Appeal \_\_\_\_\_ Rezoning ☒ Special Exception \_\_\_\_\_ Variance \_\_\_\_\_

Zone: COMMERCIAL (CURRENT) Size of lot: TOTAL = 15.555  
FOR REZONING = 11.879

Notes: REQUEST RE-ZONING OF A PORTION OF TAX MAP 59  
PARCEL 36.00 FROM COMMERCIAL TO SUBURBANIZING, TO  
ALLOW FOR SINGLE FAMILY RESIDENTIAL DEVELOPMENT.

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.

Billie Sue Hitson  
Applicant signature

8-24-17  
Date

Fee: 350.00

Cash / Check #: 8586

Receipt #: 257004



AREA-  
7804 SF  
0.179 ACRES

**AREA -**  
**1.968 ACRES**

**AREA-  
15.555 ACRES**

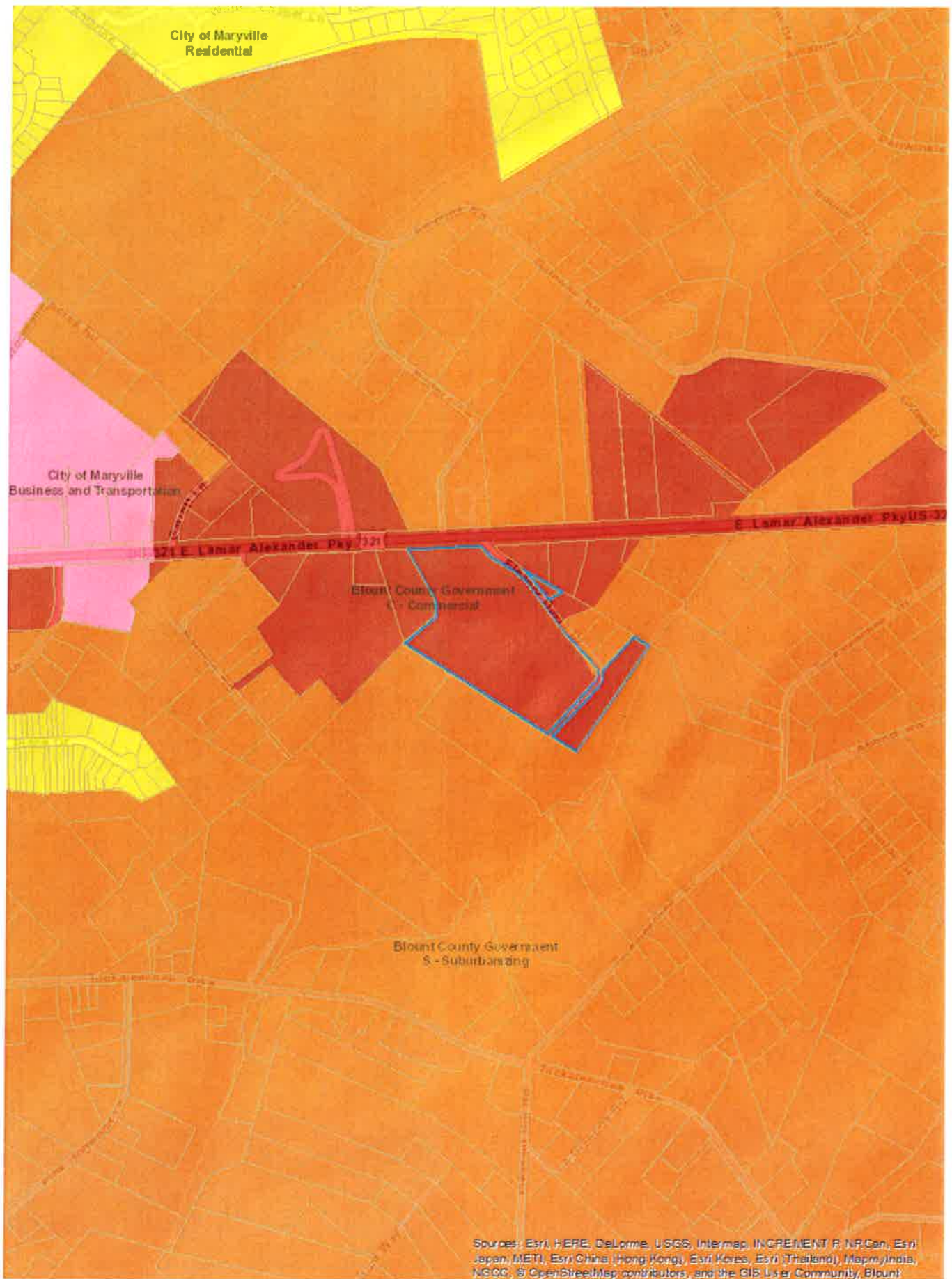
11-57-11

50201  
 IIP - EXISTING IRON PIN  
 PE - IRON PIN SET  
 LIST - 100 MARKS

REQUEST REZONING OF  
HIGHLIGHTED AREA (1.879ac)  
FROM COMMERCIAL TO  
SUBURBANIZING ZONE







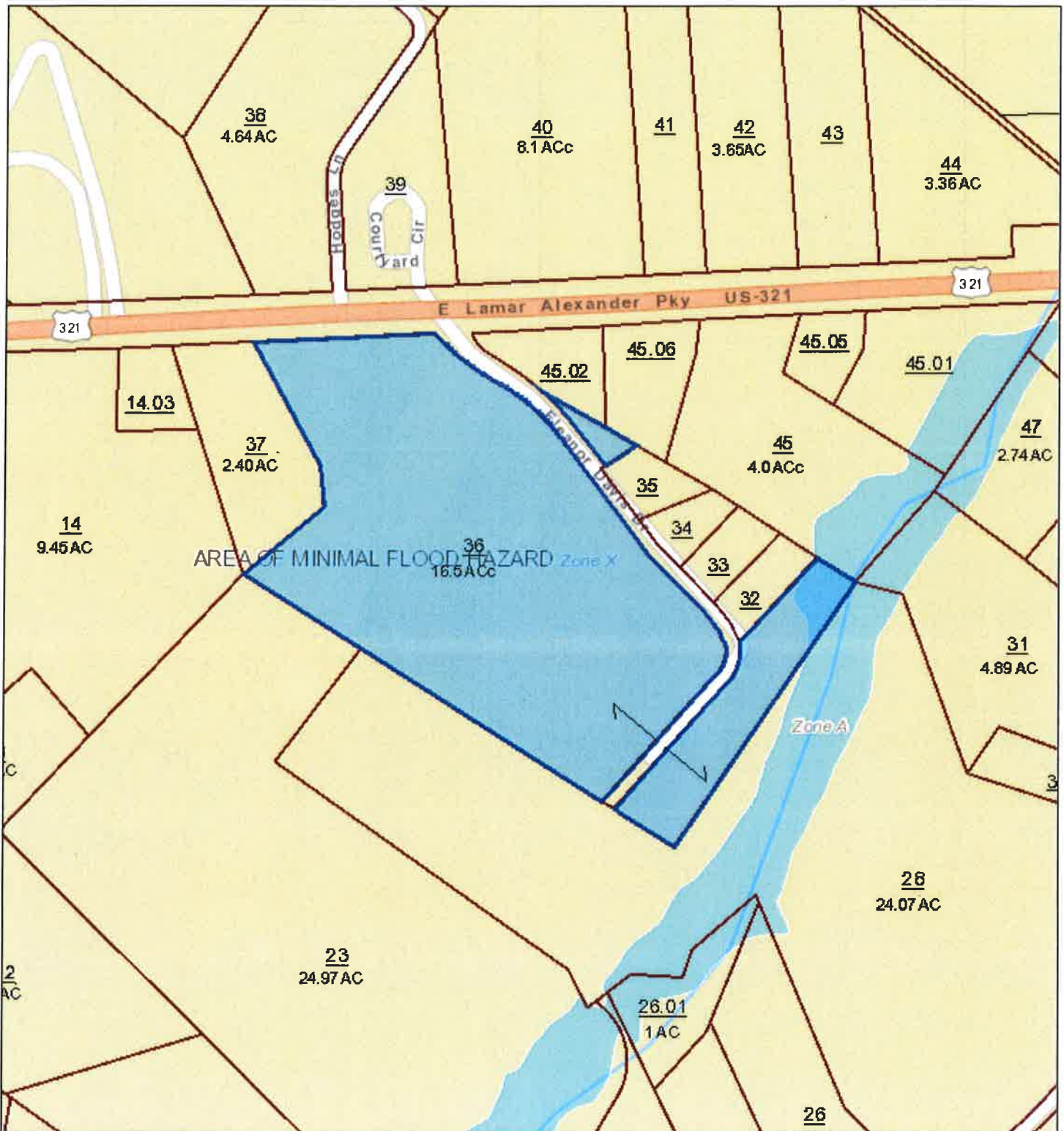




Blount County 911, Blount County Property Assessors Office, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS,



# Blount County - Parcel: 059 036.00



Date: September 20, 2017

County: Blount

Owner: DAVIS LUMBER & SUPPLY COMPANY

Address: E LAMAR ALEX 155 PKWY 118 120

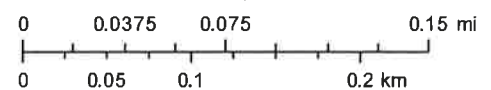
Parcel Number: 059 036.00

Deeded Acreage: 0

Calculated Acreage: 15.5

Date of Imagery: 2011

1:4,514



TN Comptroller - OLG

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.



