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: Cameron Buckner Senior Planner
- **DATE:** November 7, 2019
- **SUBJECT:** Site Plan review for Special Exception at 1947 Calderwood Hwy, Map 111, Parcel 067.01, by Terry McAmis

Attachments

- 1. Location/Zoning Map
- 2. Proposed Exempt Plat
- 3. Site Plan
- 4. Elevations
- 5. Application
- 6. Supplementary materials provided by applicant

Project Description

The subject property is 46 acres and is zoned R-1 (Rural District 1). The existing land use is agricultural and is developed with a single-family home and agricultural structures. The proposed use is that of a resident facility for abused children and will be situated on a 15-acre tract to be divided from the parent parcel. The proposed use is an allowed use in the R-1 zoning district subject to the issuance of a special exception by the BZA.

The proposed structure, as shown on the attached site plan, will be located towards the back portion of the property, and will be setback approximately 1,400 feet from state route 129, which is Calderwood Hwy. The structure will also be over 600 feet from Rolling Acres Way, a private road to the southwest. The intent of the location is to minimize visibility from any ROW so as to preserve privacy for the facility and its residents. The applicant will be required to consult with TDOT regarding the driveway connection to state route 129.

Additionally, per the attached building elevations and project description provided by the applicant, the structure will appear as a "modern day farmhouse," or a typical "two-story single-family dwelling," which will be akin to other common residential structures in the R-1 district.

To further mitigate potential impacts on the surrounding properties, the Board may consider placing conditions on the project should it decide to approve the special exception. These conditions, for example, could limit the number of residents at any one time (for example, not to exceed 10, as per the request). The Board may also consider a condition that limits the hours of operation by mandating a lights out and/or specific quiet time (10:00PM is proposed by the applicants). Failure to abide by any conditions associated with the special exception could result in the revocation of the approval.

The applicants have provided a detailed narrative that describes the project and attempts to address potential concerns. That document is attached.

I. <u>Conformance with Applicable Zoning Regulations</u>

Section 9.2. Rural District 1.

B. Uses Permitted as Special Exceptions

Per the zoning ordinance, the use is permitted as a special exception under "resident facilities with special services, treatment, or supervision." A site plan is required for all uses permitted in sub-sections B and C of section 9.2.

Section 7.15. Design Requirements for Commercial and Industrial Developments

Site plan submissions must also demonstrate compliance with the design standards found in section 7.15. of the zoning ordinance. Though the structure is located strategically in an effort to be minimize visibility from any ROW, it does meet the design requirements per the applicable section(s).

Landscaping

The proposed development is encompassed by existing, dense vegetation on all sides. The applicant does, however, intend to increase the vegetative buffer directly behind the development. The proposed landscaping can be found in the application materials included in the packet. The applicant has also noted that the lot will be professionally landscaped and maintained.

Lighting

A lighting plan that demonstrates compliance with section 7.15.D. has been requested. Staff will review to ensure compliance prior to the issuance of a building permit.

II. <u>Environmental Health</u>

Proposed septic location is shown on the site plan. The applicant is currently obtaining a soils map. Environmental health coordinator will determine if soil is adequate at the proposed site. Septic will be approved prior to issuance of building permit.

III. <u>Stormwater</u>

The development is outside of the urbanized area and will not require a county grading permit. Stormwater coordinator will determine if a state grading permit is required prior to the issuance a building permit.

IV. <u>Recommendation</u>

Staff has found that the submitted site plan complies with all applicable sections of the zoning regulations and recommends approval subject to the issuance of all applicable State and County permits if the Board finds based on evidence and testimony that the request complies with the special exception provisions of Section 11.5. Any motion made will need to reference that section.

[...]

Applicable code sections included below for reference

Section 9.2 R-1 – Rural District 1. It is the purpose and intent of this district to regulate rural development of expected moderate to 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.

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, 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; sawmills and associated lumberyards; bed and breakfast accommodations; golf driving range; vacation cabin rental (see also section 7.11); *private non-commercial airstrips*; and accessory structures customarily associated with the above uses.

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.

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.

1947 Calderwood Hwy











Zoning Request Application





Department of Development Services 1221 McArthur Road Maryville, TN 37804 Phone: 865-681-9301 Fax: 865-681-9502

Tax Map/Parcel: 067.01 Site Address	: 1947 4	alderwood Hu	Нл
Owner: Terrie McAmis	Phone:	865-216-0100	45
Mailing Address: 1947 Calderwood H	wy		
Maryuille, TN		37801	
City	State	Zip Code	
Type of Permit:			
Appeal Rezoning Special Exception 🖉 Va	ariance Co-L	ocate	
Zone Size of lot			
Notes:			
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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.

Owner Signature

<u>9-30-2019</u> Date

Fee: 100.00	Receipt #: 260836
Approval Signature:	Date: 9/30/19

Updated 08/09/2017

Description of Project

To provide a safe place for child victims of abuse to feel safe, cared for and loved as they seek to heal from past trauma in a therapeutic and rural setting.

Exterior of the House

This modern day farmhouse will serve as a long-term home to child victims of abuse. This ten bed home will sit on 15 acres of land and will appear as a two-story single family dwelling.

Landscape

The home will be professionally landscaped and well maintained.

<u>Noise</u>

There is a low concern for noise. Trees will be planted around parts of the perimeter to reduce any noise from typical outdoor activities such as, shooting basketball, working in the garden or playing on a swing-set.

<u>Lights</u>

On a typical day, the lights out policy for the children will be no later than 10 PM.

<u>Traffic</u>

Daily traffic would consist of staff and volunteers arriving and leaving for work. Usual daily errands as any home would experience.

<u>Parking</u>

Normal parking in driveway. Extra parking is hidden out of sight from the road. There will be no paved parking lots.

<u> Staff + Children</u>

Max capacity is 10 children. This home will be staffed 24 hours a day by staff working 12 hour shifts. Night staff remain awake during the night.

<u>Security</u>

Because this home is for children, the location of the home is undisclosed to the general population and all staff and volunteers must pass background checks before they are given the address of our home.

Visitations

Most, if not all of the family visits will be held off-site.

<u>Privacy</u>

The house will be set back on the property from Calderwood Highway road frontage approximately 1400 feet, and will be minimally visible from the road.

Trees will be planted at various perimeter sites to give added privacy to both the home and neighbors.

Other distances: Back of the home to the new tree line is approximately 52 feet

The nearest neighbor's house to the home is approximately 350 feet

The property line closest to Rolling Acres Way to the home is approximately 460 feet.

Property Owner

Terrie McAmis / 1947 Calderwood Highway



A Proposed: East Tennessee Farmhouse to Serve as a Safe House for Children

Public Zoning Meeting

07 November 2019

Existing Barn

Proposed Trees

Proposed Farmhouse Style Safe House

Proposed Driveway

STUDIO FOUR DESIGN ARCHITECTURE & INTERIORS



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