

**MINUTES OF THE REGULAR MEETING OF THE  
KINGSPORT REGIONAL PLANNING COMMISSION**

City Hall  
225 W. Center Street, Kingsport, TN 37660

May 16, 2013

7:00 p.m.

**Members Present**

Dennis Ward, Chairman  
Colette George, Vice-Chairman  
Alderman Mike McIntire  
“Buzzy” Breeding  
George Coleman  
Hoyt Denton  
David Stauffer  
Mark Selby

**Staff Present**

Lynn Tully  
Forrest Koder  
Ken Weems  
Corey Shepherd  
Chris Alley

**Members Absent**

Jim Lewis

**Visitor’s List**

Otis Bridwell  
Bill Crow  
Steve Jones  
Leland C. Leonard  
Deborah Gray  
June Gray  
Barbara Wilson  
James E. Crumley  
Jim Willis  
Steve K. Holtz  
John Rose  
Chris Thomas  
Carl Stanley  
David Pendleton  
Danny Karst

At 7:00 p.m., Chairman Dennis Ward called the meeting to order, welcomed the audience, introduced the commissioners and staff and summarized the meeting procedures. Chairman Ward asked for approval of the agenda. There being no changes to the agenda, a motion was made by Mike McIntire seconded by George Coleman to approve the agenda as presented. The motion was approved unanimously, 7-0. Chairman Ward asked for changes to the minutes for the work session held on April 15, 2013 and the regular meeting held April 18, 2013. There being none, a motion was made by Colette George seconded by “Buzzy” Breeding to approve the minutes as presented. The motion was approved unanimously, 7-0.

**CONSENT AGENDA**

**05-01 Irrevocable Letter of Credit (ILOC) – St. Andrews Garth – (11-103-00001 and 10-201-00005)**

The Planning Commission considered a request to release the ILOC for St. Andrews Garth Subdivision in the amount of \$47,700. The Engineering department has inspected all the infrastructure improvements required for the subdivision and has approved them as complete and installed per specifications. Staff recommended the release of the letter of credit to Ms. Cindy Gerber, developer of the St. Andrews Garth Subdivision.

**05-02 Bridwell Donation – Final Plat – (13-201-00023)** – The Planning Commission considered a request to approve the final plat for the Bridwell Donation Property on the east side of Sumpter Road.

The property is located inside the corporate limits of the City of Kingsport, 13<sup>th</sup> Civil District of Sullivan County. The property consists of 1.14 acres subdivided into four lots specifically noted as preservation for wildlife habitat on the plat. Although water is available and sanitary sewer would be available, the proposed lots are not intended for future development and have been deed restricted from development by the seller. Otherwise, the plat meets all the requirements of the subdivision regulations and staff recommends approval.

After little discussion, the chair asked if the public had comments or requests for any of the items to be removed from consent approval. There being none, a motion was made by Mike McIntire seconded by Dave Stauffer to approve the consent agenda items as read and recommended by staff. The motion was approved unanimously, 7-0.

### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

**05-03 Kingsport Land Use Plan-2030 – Amendment** – The Planning Commission considered a request to approve an amendment to the long range Land Use Plan with respect to properties off Snapps Ferry Road at Rock Springs Road, Ft. Henry Drive, across from the VFW, and Blakley Road north of Barnett Drive. Mr. Forrest Koder presented the item stating that the 2030 Land Use Plan was originally presented with the promise that updates would be necessary and vital as the document was not static and would reflect changes in the market and in the area.

The first area presented was property along Rock Springs Road near its intersection with Snapps Ferry Road. This property has recently been requested for subdivision for single family lots. In looking at residential demand within the area, it appears that although the property is shown as appropriate for commercial uses, there is more residential demand in this area than previously thought. Originally, it was considered as undesirable for residential use due to its proximity to the interstate. Based on this new demand as well as the reduced traffic in this area and successful development across the street, this property is being recommended to be changed on the future Land Use Plan to a single family residential use from the Snapps Ferry intersection west.

The property being considered for change on Ft. Henry Drive includes property shown on the south side of Ft. Henry Drive between the Clinchfield Railroad right-of-way and near Kendrick's Creek. Staff stated that original expectations for this property indicated that although it was currently used for commercial businesses, the proximity to the creek, flood plain, as well as other topographical issues limit the property as more appropriate for single family residential uses. In fact, the commercial uses were expected to slowly move to other areas for expansion at some future point. However, we have seen a trend that not only indicates the properties will continue to be viable as commercial uses but are shown to be expanding commercial uses. Further, there has been no indication of repetitive loss of these properties due to its location within the flood area. Based on those items, staff supports amending the area to a commercial land use designation for the future.

Finally, the property located on Blakley Road north of Barnett Drive is currently shown on the Land Use Plan as appropriate for single family residential development. Based on development pressures as well as the need to provide appropriate transitional area from the higher density mobile home park nearby, the commercial uses within the area indicated as residential on the Land Use Plan, and also from other developed single family subdivisions such as Hunter's Crossing, this area would be more appropriate as a mix of multi-family uses and the existing commercial use. Further indicated on the Land Use Plan was

the current use of a church on Rock Springs Road and a removed water tank site on Westfield. Those changes will be indicated as well noting that the church would be shown as public use and the water tank site as single family residential as it has recently been surplus. Also indicated in the handout from staff is an area of apartment construction as well as the current state-funded Welcome Center construction near Barnett Drive. Please note that the location of the Welcome Center bisects the property and therefore would require a public use and a single family use to the north of the existing apartment construction. This change is based on the fact that there is very little infrastructure currently available to support of the properties located at the northern tip of this proposal. Mr. Mark Selby made mention that there is an additional church located on Westfield Road that is not indicated on the Land Use Plan. Staff did verify this as correct and that was also recommended to be changed to a public use.

There being no further questions or comments, the chair opened the item for public hearing. There were no speakers in favor of or opposition to the proposed changes to the 2030 Land Use Plan. A motion was made by Mike McIntire seconded by "Buzzy" Breeding to accept the changes as presented with the exception of adding the public use of the church on Westfield Drive to the Land Use Plan. The motion was approved unanimously, 7-0.

**05-04 Higher Ground Baptist Church – Sign Amendment – (13-102-00002)** – The Planning Commission considered a request to approve a sign amendment for Higher Ground Baptist Church located in a B-4P zoning district at 1625 Lynn Garden Drive. The property is located inside the corporate limits of the City of Kingsport, 12<sup>th</sup> Civil District of Sullivan County. Mr. Ken Weems presented the request for signage indicating that the sign proposed is approximately 150 square feet per side. The electronic message board request allows for fifty percent of the total signed area square footage to be permitted as an electronic message board. The requested change only amounts to approximately twenty percent of the total current sign face. Mr. Weems presented pictures of the proposed change to the signage and staff recommended the requested change. Chairman Ward opened the item for public hearing and there were no speakers in favor of or opposition to the request. The public hearing was then closed. There being no additional discussion, a motion was made by Hoyt Denton seconded by George Coleman to approve the sign request as presented. The motion was approved unanimously, 7-0.

**05-05 Edinburgh South – Rezoning – (13-101-00003)** – The Planning Commission considered a request to approve the rezoning of Edinburgh South, 2705 and 2697 Rock Springs Road from B-4P, Planned Commercial District, to R-1B, Single Family Residential District. The property is located inside the corporate limits of the City of Kingsport, 14<sup>th</sup> Civil District of Sullivan County. Mr. Ken Weems presented the item. Mr. Weems stated that the request is to provide for a single family subdivision development. The request includes the proposed subdivision property as well as a portion of property not requested for rezoning. Mr. Weems stated that staff had attempted several times to contact the additional property owner with little success. Staff noted that across the street several new houses have been completed with others under construction and the Land Use Plan change approval does support the request for subdivision and for rezoning. Staff recommended the rezoning as requested. Chairman Ward opened the item for questions. Commissioner Selby asked about the house at the far corner of the request. Staff noted that this represents the edge and end of the Urban Growth Boundary and is appropriately zoned as currently shown. Staff also noted that a large portion of the property that was not requested but included in the rezoning is also covered by a power line easement and is undevelopable for commercial uses. There being no further questions or comments, the Chair opened the item for public hearing. Mr. John Rose spoke in favor of the request. Mr. Rose also noted that the property owner, that staff attempted to contact, did speak with him specifically and asked him to relay that he is in favor of the request. Mr. Rose also noted that he has contracts for construction of two homes pending completion of the development. There being no other speakers in favor of or opposition to the request, the public hearing was closed. A motion was made by Colette George seconded by "Buzzy" Breeding to approve the rezoning request as presented. The motion was unanimously approved, 7-0.

**05-06 Blakley Drive – Rezoning – (13-101-00004)** – The Planning Commission considered a request to approve the rezoning of 320 Blakley Drive from R-1B, Residential District, to PD, Planned Development District. The property is located inside the corporate limits of the City of Kingsport, 13<sup>th</sup> Civil District of Sullivan County. Mr. Ken Weems presented the item noting that the request for Planned Development District is for a future condominium development. The developer is seeking at least 42 units on the property however the plan is still to be determined. This would be allowable only under the new Planned Development regulations which were presented last month and await Board of Mayor and Aldermen hearing. There are several additional steps required for this approval to be finalized including a Board of Mayor and Aldermen hearing and approval as well as site plan preparation. Among those included Land Use Plan update approval, rezoning approval, the completion of the update to the Planned Development regulations which are pending, and final site plan approval. Staff noted that many letters were sent for notifications and six calls were received asking what uses the Planned Development regulations allow. Many seemed pleased that the current mobile homes on the site will be removed according to staff discussion with the property owner. Staff recommended the rezoning from R-1B to PD to provide an appropriate buffer to the Hunt's Crossing Subdivision as well as to provide an additional public hearing on the development. Commissioner George asked if additional trailers can be placed on the property to which staff replied that yes, double-wide trailers could be placed on the property however, not single-wide trailers, based on the size of the property. Further, she asked if the rezoning required the removal of those trailers. Staff replied that no, the rezoning would not require removal of those however the developer has stated that the removal would be required to construct a road-way for future condominium unit access. Commissioner Denton stated that typically removal of single-wide trailers is allowable if replaced within 30 days, but no expansion could occur. Commissioner Selby noted that he interpreted this request to be the best case scenario in that the Planned Development regulations have complete control of the plan so that nothing could happen without additional public approvals for the development. Commissioner Denton asked if there were any disadvantages to this request. Staff noted that they could only see advantages in this particular case due to the guaranteed open space and buffers of the Planned Development regulations the closest similar development is one near Edinburgh developed as St. Andrews Garth development. There being no further questions, Chairman Ward opened the item for public hearing. Mr. Bill Crow spoke asking for a clarification on the request for 42 units. Mr. Weems noted that the current density allowed by the Planned Development District would give only 34 units. The developer is anticipating the adoption of the newly proposed regulations which would allow 42 units. Mr. Jim Willis spoke in favor of the request noting that he proposes to build only up to the tree line with open space being proposed for the rear of the property due to its deep topography. Mr. Crow asked if this plan would hold for the future. Staff noted that this plan would be in place once completed with final approval for the lifetime of the property until a new plan or a different plan is proposed to the Planning Commission. At that time, additional public hearing would be required. Ms. June Gray spoke regarding traffic concerns on Blakley Road. She stated that she owned six acres to the West of the property in question and is concerned about additional units next door to her property. Mr. Carl Stanley spoke asking if there was a proposal for any improvements to Rock Springs or Blakley Roads. He stated that once the apartments are built this could be an issue. Staff noted that the portion of Rock Springs Road at its intersection with Blakley was a State road and there are proposals for improvements to a "super two lane road" as indicated by the engineers, but there are no improvements planned for Blakley Road at this time. There are also no traffic signals in the plan at this time. Mr. David Pendleton spoke noting that the large apartment developing currently under construction will increase traffic and there may be a need in the future. A combination of this proposal and the apartment development may compound the issue. Mr. Carl Stanley asked about the removal or replacement of trailers in the mobile home park. Ms. June Gray asked for clarification on the new Planned Development requirements and what was included. Staff noted that the primary change is the density bonus allowable for publicly accessible open space as well as additional open space being required. There's also an allowance and encouragement for clustering of the developments housing units. All the uses however, stay the same. Mr. Bill Crow asked if the current zoning will allow approximately four units per acre. Staff responded that that was correct, however, the

density bonus would allow greater than four units per acre up to 42 units with the requirement for additional oversight and hearing for the plan and its open space requirement. Ms. Barbara Lane asked if the development would be mobile homes or if the units could be rented or would require them to be owned. Staff noted that the new condominium units proposed could be either rented or owned. The Planning Commission noted that they could not regulate whether the units were held for rental or individual ownership. There being no further questions from the public and no additional opposition or recommendation, Chairman Ward closed the item for public hearing. Commissioner Breeding asked if this plan could be different from the one currently indicated by the written proposal. Staff stated yes, however a new plan would be required to undergo similar public hearing standards. Commissioner George stated that the developer is not obligated to build the proposal as written until a site plan is approved, with Planned Developments if the plan meets our current standards the Planning Commission does not have the authority to require a certain price point or ownership model. Mr. David Pendleton spoke from the crowd asking if there was any other zone that would give the Planning Commission additional control. Staff responded that this was our most closely scrutinized residential zone. Mr. Danny Karst approached the podium. The Chair recognized Mr. Karst and he stated that his company owned a home at 388 Hunter's crossing and that he was in support of the request even though the request may be a direct competitor to his development and market. There being no additional discussion and no other presenters, the Planning Commission heard a motion made by Colette George seconded by Dave Stauffer to approve the rezoning as presented. The motion was approved unanimously, 7-0.

**05-07 Edinburgh South Subdivision – Final Plat – (13-201-00022)** – The Planning Commission considered a request for the final subdivision plat for Edinburgh South Subdivision on Rock Springs Road. The property is located inside the corporate limits of the City of Kingsport, 14<sup>th</sup> Civil District of Sullivan County. Mr. Forrest Koder presented the item. Staff noted the surrounding zoning is single family residential and the request is for 4.67 acres to be subdivided into six new lots with one variance. The six lots are located off of Rock Springs Road which is a collector. The subdivision regulations note that when a tract fronts on an arterial street, the Planning Commission may require an internal access road. This road will be required on a case by case basis as per the Planning Commission's review. Staff noted that this is similar to a request received about two months ago with a similar condition. At the time, staff did recommend denial for that site based on the subdivision regulations requirement for internal access. However, it was important to note that the property being considered tonight does not have the traffic or site distance issues or the topography issues of the previous request. Although staff is recommending denial of the Edinburgh South subdivision based on this request, staff does recognize the different characteristics of this request from the previous request other than the presence of arterial street frontage. Staff noted that the amended Land Use Plan and rezoning heard just prior to this request are in concert with development of the property as a single family residential subdivision. Additionally, there are several existing residential units in the area and new construction immediately across the street. Commissioner Colette George asked if the internal frontage road were constructed would the development lose lots. Staff noted that although the previous request did lose lots once an internal road was shown on the property, this particular request is a more standard shaped area and actually indicates that there may be more lots available however the housing would be closer to the interstate than under the current request. Commissioner Coleman asked if we approved the lots across the street with direct access on Rock Springs Road. Staff said they were approved through the Planning Commission but it was prior to the change in the Subdivision Regulations which include the hearing for marginal access streets. Discussion ensued among the Commission indicating that the developments off Cooks Valley Road were some of those that prompted the need for this contingency in the subdivision regulations. Commissioner Coleman noted that you could see that there is not a traffic visibility issue on this site as there was on the previous hearing. Commissioner Denton asked if we could contact the last developer again based on our decision on this request. Staff noted that this was already discussed with the surveyor under a redesigned plan. Commissioner Stauffer asked if the homes across the street had room on their lots for cars to turn around in their driveway and get a head out exit from their homes. Seeing response from the crowd, the

Chair opened the item for public hearing. Mr. John Rose spoke in favor of the request and noted that the housing across the street, currently being built by his development company, have room on their lots to turn around on some of the units however not all of the units. There were concerns expressed amongst the Commissioners about traffic pulling out directly onto the travel way. Mr. Rose noted that staff was correct and that there could be a frontage road on those lots, however, he currently has a contract pending subdivision approval on two of those lots. The same builder intends to buy all of those lots. If they had included a frontage road on those lots not only would the lots be smaller but the houses would be closer to the interstate and therefore less marketable. Mr. Danny Karst spoke in favor of the request noting that this property is being developed at the end of the Urban Growth Boundary and there's very little available acreage for additional development. Staff further noted that the lots themselves are relatively flat and the homes could be placed far enough back on the lots to allow for plenty of room in the driveway for a turn around. Mr. Karst stated that if the property remained as a B-4P commercial use, then there may have been a lot more traffic from the proposal than what is being produced from the requested subdivision. There being no further speakers in favor of or opposition to the request, the public hearing was closed by the Chair. There was additional discussion amongst the Commission regarding the previous denial and the differences of that request to the current request. Particularly noted was the basis for the current staff denial. The Director stated that although staff has recommended denial based on the regulations, this is a case by case call by the Planning Commission. This case is very different from the one previously heard and therefore could be considered differently if the Commission so chooses. There being no additional discussion, a motion was made by "Buzzy" Breeding seconded by Dave Stauffer to approve the request for subdivision as presented. The motion was approved 6-1, with Colette George voting "no."

**05-08 Irrevocable Letter of Credit (ILOC) – Harmony Ridge Subdivision – (10-201-00010)** – The Planning Commission considered a request to call the ILOC in the amount of \$180,660 for the Harmony Ridge Development should the remaining improvements remain in non-compliance prior to the expiration date of June 16, 2013. Mr. Forrest Koder presented the item stating that two votes were required for each bond. Mr. Koder noted that at the last request for extension the Planning Commission allowed extension of the bond for a six-month period with a stipulation that fifty percent of the sidewalks should be completed with all other infrastructure work also completed. He also noted that if that contingency was satisfied, another six month extension would be allowed by the Planning Commission based on the previous approval. Staff also noted that in most recent inspections it appeared that although some work has been done the fifty percent requirement had not yet been met, however, there was additional time for the developer to meet that requirement. Due to the expiration date on the bond, the hearing for extension had to be included in the May 2013 Planning Commission meeting. There being no discussion, Chairman Ward opened the item for public hearing. There were no speakers in favor of or opposition to the request and therefore the hearing was closed. Chris Alley spoke stating that there are engineering crews inspecting both bond sites regularly and that Harmony Ridge is currently completing some storm water issues. He also confirmed that if the work was done to 50% complete the engineering department would recommend a 6 month extension. A motion was made by Colette George seconded by Mike McIntire to call the bond in the amount of \$180,660 for the Harmony Ridge Development issued by Fidelity and Deposit Company of Maryland with an expiration date of June 16, 2013 if the required infrastructure has not been completed by at least fifty percent. Commissioner Coleman asked to reconsider the completion date to call the bond based on June 16, 2013 being a weekend day. Mrs. George amended her motion to call the bond on June 14, 2013 prior to the expiration date of June 16, 2013. The amendment was accepted by the seconder and the motion was approved, 6-0 with Dave Stauffer abstaining. A second motion was made Colette George seconded by George Coleman stating that if one hundred percent of the infrastructure has been complete and inspected and approved by the Engineering Dept. then the bond is allowed to be released prior to the expiration date of June 16, 2013. The motion was approved unanimously, 7-0.

**05-09 Irrevocable Letter of Credit (ILOC) – Chase Meadows Subdivision – (10-201-00001)** – The Planning Commission considered a request to call the ILOC for Chase Meadows Subdivision in the amount of \$5,300 contingent on noncompliance with the remaining improvements prior to the expiration date of June 14, 2013. Mr. Forrest Koder presented the item noting that a minimal amount of work is left to be done on the mobility trail in the Chase Meadows Subdivision. However, this bond has been outstanding for quite some time. Mr. Chris Alley noted that the inspection crews have been on the site and the forms are up for the sidewalks and could be completed within a week if there is good weather. Staff also noted that there has been a tremendous amount of rain lately and assuming good weather breaks this could be completed. This item was opened for public hearing. There being no speakers in favor of, or opposition to the request, the Chairman closed the public hearing. Discussion ensued amongst the Commission regarding this very small amount of bond work and completion of the infrastructure. Commissioner Stauffer noted that this seemed punitive on this development for such a small amount. Staff also stated that although it is a very small amount, there is an additional phase of construction for this development and we anticipate the work will be done and feels confident that the work can be done very quickly. A motion was made by Colette George seconded by George Coleman to call the bond in the amount of \$5,300 for Chase Meadows Subdivision issued by the Bank of Tennessee with an expiration date of June 14, 2013 if the work is not completed by that time. The motion was approved 6-1, with Dave Stauffer voting “no.” A second motion was made by Colette George seconded by George Coleman to release the bond if all work is completed, inspected and approved by the Engineering Dept. prior to the expiration date of June 14, 2013. The motion was approved unanimously, 7-0.

**05-10 Appointment to Historic Zoning Commission** – The Planning Commission considered recommending Commissioner Hoyt Denton to serve on the Historic Zoning Commission as the Planning Commission member for the duration of his Planning Commission term or as reappointed in place of Commissioner Jim Lewis. There being no discussion on the item, a motion was made by Mike McIntire seconded by Dennis Ward to approve the appointment. The motion was approved unanimously, 6-0.

#### **PUBLIC COMMENT**

Mr. Bridwell asked if his plat had been approved to which staff replied that it had at this time. Mr. Danny Karst spoke during public comment thanking the Commission and staff for their continued hard work and flexibility with development and developers.

#### **OTHER BUSINESS**

**05-11** Receive a letter of resubdivision of the Gibson Subdivision, Lot 30R on Robertson Street.

**05-12** Receive a letter of resubdivision of the Ft. Henry Lake Subdivision, Lots 10R and 11R on Lakeside Drive.

**05-13** Receive a letter of resubdivision of Lots 1 and 2 of Boyd and Jeter Property on Chippendale Extension Road.

**05-14** Receive a letter of resubdivision of the Edinburgh Subdivision, Lot 45 on Edinburgh Channel Road.

**05-15** Receive a letter of resubdivision of the Clearwater Subdivision, Lot 4 on Clearwater Drive.

**05-16** Receive a letter of resubdivision of the Quillen Subdivision on Blakley Drive.

Kingsport Regional Planning Commission  
May 16, 2013, Regular Meeting

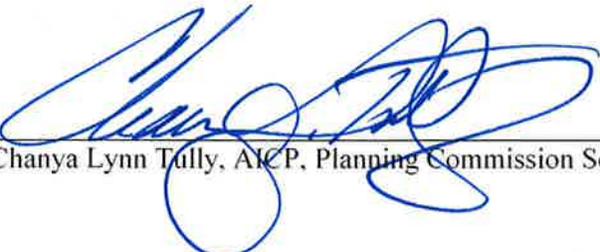
**05-17** Receive, for informational purposes only, minutes from the April 4, 2013 regular meeting of the Board of Zoning Appeals.

**05-18** Receive, for informational purposes only, the April 2013 Building Division monthly report.

#### **ADJOURNMENT**

There being no further business, a motion was made by Mike McIntire and seconded by Colette George to adjourn the meeting at approximately 8:21 p.m. The motion was approved unanimously, 7-0.

Respectfully Submitted,



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Chanya Lynn Tully, AICP, Planning Commission Secretary