

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

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

October 17, 2013

7:00 p.m.

Members Present

Dr. Mike McIntire, Vice Mayor
"Buzzy" Breeding
Dr. Heather Cook
John Moody
Beverley Perdue
David Stauffer
Mark Selby

Members Absent

Dennis Ward, Chairman
Hoyt Denton, Vice Chairman

Staff Present

Lynn Tully
Forrest Koder
Ken Weems
Corey Shepherd
Chris Alley

Visitor's List

Don Billings
Mary Billings
Rodney Pierson
Roger Kerns
John Rose
Aaron Rose
Tim Crowder
June Crowder
Sarah Greer

In the absence of both the Chair and Vice-Chairman of the Commission the Chair previously requested that Vice Mayor McIntire chair the Planning Commission meeting. At 7:00 p.m., Vice Mayor Mike McIntire called the meeting to order, welcomed the audience, introduced the commissioners and staff and summarized the meeting procedures. Vice Mayor McIntire asked for approval of the agenda as presented. A motion was made by Dave Stauffer and seconded by Buzzy Breeding to approve the agenda as presented. The motion was approved unanimously 6-0. Vice Mayor McIntire asked for any changes for the work session held September 16, 2013 and the regular meeting held September 19, 2013. There being no changes a motion was made by Buzzy Breeding seconded by Dave Stauffer to approve the minutes as presented. The motion was approved unanimously 6-0.

CONSENT AGENDA

Vice Mayor McIntire opened the consent agenda asking the public in attendance if anyone wished to have any consent item pulled for additional discussion or hearing. There being none, he then brought the question to the Planning Commission. There being no changes to the consent agenda the consent agenda was heard as follows:

10-01 Ridgefield's Subdivision – Final Subdivision – (12-201-00067)

The Planning Commission considered a request for final subdivision approval for the Ridgefield's Subdivision on Pendragon Road. The property is located inside the corporate limits of the City of Kingsport, in the 12th Civil District of Sullivan County.

10-02 Barnett Drive Extension – Release of Irrevocable Letter of Credit (ILOC) – (12-201-00018)

The Planning Commission considered a request to release the ILOC for a minor extension of Barnett Drive in the amount of \$16,800 held by CAN Surety.

10-03 Harmony Ridge Development – Release of Irrevocable Letter of Credit (ILOC) – (13-201-00012) The Planning Commission considered a request to release the ILOC for the Harmony Ridge Development in the amount of \$180,660 held by Fidelity & Deposit Company of Maryland.

All items on the consent agenda were recommended by staff and previously discussed at work session. Vice Mayor McIntire asked if anyone would like to speak in favor of or opposition to any of the consent agenda items. There being no speakers the public hearing for the consent agenda was closed. Vice Mayor McIntire stated these items were discussed at work session and were recommended by staff and asked if there was any additional discussion. There being none, a motion was made for approval of all items by Buzzy Breeding seconded by Dave Stauffer. The motion was approved unanimously 6-0.

UNFINISHED BUSINESS

None

NEW BUSINESS

10-04 3408 East Stone Drive Rezoning – (13-101-00008)

The Planning Commission considered a request for the rezoning of 3408 East Stone Drive from M-1R to B-3 to allow for the operation of a used car lot and related vehicle repair shop on this property. This property is located inside the corporate limits of the City of Kingsport, in the 10th Civil District of Sullivan County. Mr. Ken Weems presented the item indicating the location of the property at the intersection of Arcadia Drive and Stone Drive. The proposed use for the site is for used car sales and vehicle repair. Mr. Weems noted the site location is surrounded by M-1R zoning with some county R-1 zoning and B-3 business zoning along Stone Drive. This is one parcel being split zoned to allow the back area to remain in the current M-1R zoning district and the front portion being requested for zoning to B-3 Highway Business District Zoning. Mr. Weems stated the site does meet the zoning development plan standards with appropriate parking being shown on the plan. There were no calls received from nearby property owners who were notified in the area and the staff recommended approval of the rezoning as it is compliant with the future land use plan and meets all other requirements. Vice Mayor McIntire asked for questions and further discussion. Mark Selby asked if car sales were allowable under the M-1R district. Staff responded that no retail sales are allowed in M-1R other than the incidental sales of on-site manufactured items. This use therefore spurred the request for rezoning. There was no other discussion from the commission. Vice Mayor McIntire asked for speakers in favor of or opposition against the request. There being no additional speakers from the floor Vice Mayor McIntire closed the item for public hearing. The commission expressed that during the work session there was some discussion regarding the overall appearance of the site. It was stated that they would be hopeful that with any approval for rezoning that the site would be made more attractive as a gateway into the city. Commissioner Breeding asked if this change would have any effect on the City being able to control the appearance of the site. Staff responded that this would not change the City's control in this case. Any vehicle storage in an M-1R area would require construction of a fence. There being no discussion a motion was made by Dave Stauffer seconded by John Moody to approve the rezoning as requested. The motion was approved unanimously 6-0.

10-05 711 West Stone Drive Rezoning – (13-101-00009)

The Planning Commission considered a request of rezoning of 711 West Stone Drive from B-1 to B-3 to allow for the operation of a retail firearms store. The property is located within the corporate limits of the City of Kingsport, in the 11th Civil District of Sullivan County. Mr. Ken Weems presented the item indicating the location of the rezoning request with nearby landmarks. Mr. Weems stated that Paul Bellamy is the property owner and has made the request to B-3 Highway Business District for this property on Stone Drive. The intended use is as a firearm sales store to be managed by Mr. Pierson. The site is surrounded by B-3 and B-1 Neighborhood Business Zoning Districts. Additionally, across Donnelson Street the zoning is indicated as R-1B with Jackson Elementary School being the current use. On the property the current building is a semi-vacant strip commercial center complex. All parking and other site items are to remain as existing. Staff has had considerable contact with the City Attorney and the ATF with regards to location of the store in proximity to the school. All entities have indicated that this site is appropriate for this use and is not in violation of any state or local codes. Staff reiterated that the site is not being redeveloped at this time and is appropriate as a highway commercial site as currently developed. There is some B-1 zoning still located to the south of the site which provides a transition to the higher intensity B-3 located along Stone Drive. Staff stated that no calls have been received nor any comments to staff made regarding the rezoning at this time. Staff recommended the rezoning as it is compliant with the future land use plan and meets all other zoning regulations. Vice Mayor McIntire opened the item for public hearing, there being no speakers in favor of or in opposition to the request the public hearing was closed. There was little additional discussion from the commission. A motion was made by Dave Stauffer seconded by Buzzy Breeding to approve the rezoning request as presented. The motion was approved unanimously 6-0.

10-06 Edinburgh Subdivision Phase 4 – Final Plat – (12-201-00069)

The Planning Commission considered a request to approve a final plat for the Edinburgh Subdivision Phase 4 located on Rock Springs Road and Edinburgh Channel Road. The Property is located inside the corporate limits of the City of Kingsport, in the 15th Civil District of Sullivan County. Mr. Forrest Koder presented the item indicating the location of the current subdivision and the proposed extension of roadways for Phase 4. He noted the discussion from the work session included some concerns for final approval and the completion of infrastructure for this site. Staff noted that state law requires surety for completion of infrastructure. The plat includes approximately 9.90 acres with 0.258 miles of new street. A total of 31 lots are being created with this plat. The estimate for completion of the work is just over \$26,000 as the construction for the infrastructure is almost complete and includes only the remainder topcoat for paving. Staff indicated that a new recommendation was being offered with these requirements in mind which states that staff “recommends approval of the final plat of the Edinburgh Subdivision Phase 4 contingent upon submittal of a cashier’s check in an amount established by the engineering division to complete any remaining infrastructure within 5 days following the meeting. The cashier’s check should be submitted to the Planning Department to hold for safe keeping for a period of 30 days in order to complete the infrastructure, wherein after the 30 day period the check should be returned to the developer should all required infrastructure pass inspection by the engineering division. Failure to complete the infrastructure within the 30 day period will require the City to present the cashier’s check to the bank for payment to complete the installation of the infrastructure.” The anticipation is that the work will be actually be completed by Monday or Tuesday of next week and would be within the 5 day timeframe for receipt of the cashier’s check. The plat would not be recorded until either completion or staff is in receipt of the cashier’s check in the specified amount. Vice Mayor McIntire asked for speakers in favor of or in opposition against the request, Mr. John Rose spoke in favor of the request stating he was thrilled with the solution and the flexibility of staff particularly as several sales are pending upon recording of this final plat. After some discussion among the commission a motion was made by Dave Stauffer seconded by Dr. Heather Cook to approve the final plat as per staff’s revised recommendation. The motion was approved unanimously 6-0.

10-07 Airport Parkway South Area 1 – Annexation, Zoning, and Plan of Services – (13-301-00009)

The Planning Commission considered a request to approve and recommend the Airport Parkway South Area 1 annexation, zoning and plan of services to the Board of Mayor and Alderman. The property is located outside the corporate limits of the City of Kingsport, in the 7th Civil District of Sullivan County. Mr. Corey Shepherd presented the item indicating 1551 and 1554 Shipley Ferry Road parcels are being presented for annexation approval. Mr. Shepherd identified the location of approximately 14.5 acres proposed for annexation, zoning, and plan of services. Staff indicated that Southeastern Freight and Lamar Advertising are the commercial uses currently existing on these properties at this time. There is adequate water service with a minor sewer extension to the proposed annexation area. The current annexation moratorium is satisfied with this proposal as both parcels are used for commercial purposes at this time. The current zoning is M-1 with a proposed city zoning of M-1 manufacturing district as well. Staff stated that having spoken with representatives for both parcels, he has received no significant concerns for the annexation as proposed. The plan of services has all typical services included for commercial properties. Staff did recommend annexation, zoning, and plan of services to the Planning Commission for recommendation to the Board of Mayor and Alderman. There being little discussion among the board, Vice Mayor McIntire opened the item for public hearing. No speakers spoke in favor of or in opposition to the request and the public hearing was closed. A motion was made by Dave Stauffer seconded by Beverly Perdue to approve recommending the annexation, zoning and plan of services to the Board of Mayor and Alderman at the next available meeting. The motion was approved unanimously, 6-0.

10-08 Kingsport Zoning Code – City Wide – Zoning Text Amendment – (13-801-00006)

The Planning Commission considered a request to approve a Zoning Text Amendment for Article IV of the Kingsport Zoning Code to allow electronic message board signs for public schools and churches. Mr. Ken Weems presented the item noting an increase in requests for electronic message board signs for schools and churches. The most recent request was from a church in a B-4P district and approved during the commission in the last few months. Mr. Weems stated that this change is based on a recent change to the state law specifically addressing church and religious uses. Staff has crafted an outline to better conform to the state law and the anticipated demand for the signs among those two protected groups. The sign ordinance currently permits electronic message boards in specific zones. This change proposes an allowance for churches and schools specifically as they may need additional protection in residential zones on streets that are higher in traffic. It is intended that these signs are only allowed on minor arterial roadways. Therefore, there are specific standards for churches and schools located in these areas. It requires a minimum of 150 ft road frontage before there is consideration for an electronic message board. The electronic message board is limited to only 50% of the total sign area available. With that sign area being allowed at approximately 50 square feet per side. Electronic message board hours of operation are restricted from sunrise to 10 pm and the message board must be oriented to be located and viewed along the minor arterial street. Mr. Weems noted a change from the presentation from the work session included a specific size sign for approval, that change being 50 square feet per side. Mr. Weems cited studies regarding distraction time and size of signs and copy for legibility. The electronic message boards should be safely visible from the minor arterial street at a low rate of speed. He further noted that this proposal is still half of the allowable sign size in what would be allowable in a commercial zone. Commissioner Perdue asked about the requirement for no off premise advertising. Staff noted that this would address advertising for sales on other properties or businesses on other properties however it is not expected to interfere with any display of member celebrations such as birthdays and anniversaries. Those public messages would typically be allowable. Vice Mayor McIntire asked would this still not apply to schools. Staff noted that potentially schools may elect to go outside this guideline as they are not strictly controlled by local zoning. However, this provides the framework for any request in the future. Commissioner Breeding asked who brought the situation to our attention. Staff noted that it was brought from the outside however; the requests from other churches for this type of signage has made this worthy of addressing in our text. The ever reducing cost of this type of signage has made them more available to other businesses

not originally expected to advertise on this type sign. The City attorney was aware of the change to state law related to religious uses however no one had made it a basis for a rezoning request. After additional discussion among the commission a motion was made by Dave Stauffer seconded by Mark Selby to recommend the Zoning Text Amendment as revised and recommended by staff. The motion was approved unanimously.

OTHER BUSINESS

- 10-09 Receive a letter of resubdivision on the Osborn Subdivision on Cox Hollow Road.
- 10-10 Receive a letter of resubdivision of the Crockett Subdivision on Bloomingdale Road.
- 10-11 Receive a letter of resubdivision of the City of Kingsport Subdivision on Roller Street.
- 10-12 Receive a letter of replat of the Scott and Cindy Carver Property on Tarkington Street.
- 10-13 Receive, for informational purposes only, the September 5, 2013 minutes for the Board of Zoning and Appeals.
- 10-14 Receive, for informational purposes only, a report of New Businesses as provided by Jeff Fleming.
- 10-15 Receive, for informational purposes only, the September 2013 report from the Building Division.
- 10-16 Receive, for informational purposes only, the 3rd quarter report from the Building Division.

ADJOURNMENT

Prior to adjournment Mr. David Stauffer asked to present an item of interest. He noted that the Tennessee Homebuilders Association is holding their State Conference in our hometown at the Meadowview Convention Center from October 31st to November 2nd. Mr. Stauffer will be inducted as the State President of the Homebuilders Association at the conference. He invited all commissioners to the banquet on November 2nd. A silent auction and live auction for student scholarships in the building trades will be held as well as speakers from the National Homebuilding Association will be heard. This is expected to be a nice event for all and he additionally noted his wife Paula Stauffer will be installed as the local Homebuilders President for this upcoming year. The commission congratulated Mr. and Mrs. Stauffer for their accomplishments for this year.

There being no further business, a motion was made by John Moody and seconded by Dave Stauffer to adjourn the meeting at approximately 7:46 pm. This motion passed unanimously, 6-0.

Kingsport Regional Planning Commission
October 17, 2013, Regular Meeting

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be 'Chanya Lynn Tully', written over a horizontal line.

Chanya Lynn Tully, AICP, Planning Commission Secretary