

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

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

August 15, 2013

7:00 p.m.

Members Present

Dennis Ward, Chairman
Hoyt Denton, Vice Chairman
Dr. Mike McIntire, Vice Mayor
“Buzzy” Breeding
Heather Cook
John Moody
Beverly Perdue
David Stauffer
Mark Selby

Members Absent

Staff Present

Lynn Tully
Karen Combs
Ken Weems
Corey Shepherd
Chris Alley

Visitor’s List

John Rose
Stephen Browning
Joe Mason
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, a motion was made by Mike McIntire seconded by “Buzzy” Breeding to approve the agenda. The motion was approved unanimously, 8-0. Chariman Ward asked for any changes to the minutes for the work session held July 15, 2013 and the regular meeting held July 18, 2013. There being no changes to the minutes, a motion was made by Mike McIntire seconded by Dave Stauffer to approve the minutes of both meetings as presented. The motion was approved unanimously, 8-0.

CONSENT AGENDA

Chairman Dennis Ward opened the consent agenda asking public in attendance if anyone wished to have any consent item pulled for additional discussion or hearing. He then brought the question to the Planning Commission. There being no requests for changes to the consent agenda the consent agenda was heard as follows:

08-01 Polo Fields Subdivision – Release of Irrevocable Letter of Credit (ILOC) – (12-301-00001)

The Planning Commission considered a request to release the ILOC for the Polo Fields Subdivision drawn on New People’s Bank for the amount of \$38,000. This item was presented at the work session and all infrastructure has been inspected and completed as required.

08-02 Jane Karst Subdivision – Final Subdivision Plat- (13-201-00013)

The Planning Commission considered the final subdivision approval for the Jane Karst Subdivision on Cooks Valley Road. The property is located inside the corporate limits of the City of Kingsport, in the 7th Civil District of Sullivan County. This item was presented at the work session indicating 4 lots for final subdivision plat approval.

08-03 Rose Garden at Windridge Subdivision – Final Subdivision Plat – (13-201-00033)

The Planning Commission considered approval of the final subdivision for the Rose Garden at Windridge Subdivision on Rose Garden Circle. The property is located inside the corporate limits of the City of Kingsport, in the 13th Civil District of Sullivan County. This item was presented at work session for final plat approval. All infrastructure has been installed and is complete, inspected and accepted by the Engineering Department. The plat includes approximately 19.35 acres subdivided into 38 lots.

All items were recommended by staff. Chairman Ward asked if anyone would like to speak in favor of or in opposition to any of the consent agenda items. There being no speakers, the public hearing for the consent items was closed. There being little discussion on the consent agenda items a motion was made by Mike McIntire seconded by “Buzzy” Breeding. The motion was approved unanimously 8-0.

UNFINISHED BUSINESS

08-04 Planned Development – Zoning Text Amendment – (13-801-00003)

The Planning Commission considered approval for an amendment to the Planned Development District zoning code. This amendment addresses issues such as enforcement, density calculations and redefinition of open space within the zoning text. This item was tabled at the April 2013 regular meeting. Mrs. Karen Combs presented the item. Mrs. Combs noted based on the Planning Commissioner’s request that this amendment has been revisited to address issues discussed at the work session held the previous Monday. The proposal includes clarification for the definitions of Planned Development stating that Planned Development or PD may include commercial, residential or a mixture of uses that gains approval of all the elements prior to construction. It further goes on to identify that the PD may utilize subdivision plat or horizontal property act for disposal of properties. Mrs. Combs noted several visual examples of possible Planned Developments in the presentation. She indicated that the changes looked at the issues of enforcement and density calculations as well as open space definitions. Further, she added that legal counsel has clarified that the City may not bond the amenities areas as previously discussed unless they are public infrastructure. However, the amenities may continue to be required to be built with the first phase of development or may be varied by the Planning Commission on a case by case basis. If the amenity is public it may be considered for a bond, an example would be a public park or other public amenity. Commissioner Denton asked how this was different from a PVD the Planned Village District in the zoning text. Mrs. Combs noted that the PVD is different in that it is a larger development with a commercial core and supporting residential uses. However, it does show many similarities. Alderman McIntire noted that typically a Planned Development is either residential or commercial and not necessarily both. Staff noted that enforcement of the plan will be handled internally with submittal of a house location plan for each building permit. Commissioner Denton asked about the definition of a qualified design professional. Staff stated that this would be considered as an architect, engineer, surveyor, or landscape architect. Commissioner Stauffer observed that this was similar to our current process and staff concurred. Staff presented the changes proposed for density calculations. She noted that there would be a ratio for added density to open space. The ratio begins at current levels and increases with the number of units per acre allowable. She further identified open space as area set aside for permanent protection and no less than 25 feet from all principle and accessory structures. The distance maximum insures additional access for all residents to open space. Further she provided a test case prepared by staff on an existing PD plan. Commissioner Breeding asked if the amenity is shown and the developer does not want to complete it within the first phase if they could ask for a variance. Staff stated

yes they could apply for a variance but we hoped to handle the majority of this approval by staff prior to bringing the item to the Commission. Commissioner Selby asked about the definition for open space. Would that include a gravel lot as open space? Staff noted that possibly this could be considered however only with the approval of the Planning Commission on the zoning development plan. Alderman McIntire discussed in depth with staff previously regarding verbiage changes and specifically the removal of a height limit on a Planned Development. Commissioner Moody asked if wetlands are used would they be available to cover 100% of the open space requirement. Staff replied wetlands may only be partially applied to open space unless the area remains unsaturated for half of the year or more. Commissioner Denton asked if the height limit had been removed. Staff answered yes it had. Commissioner Denton then asked about staff's biggest concerns with the changes. Staff noted that all these items had been discussed with developers and some were in the audience waiting to speak. At that point the Chairman opened the item for public hearing for those in favor of, and opposition to the request. Mr. John Rose spoke in favor of the request noting he liked the majority of the changes as proposed although he did state a concern about some of the changes. He appreciated the change in the requirement for the construction of commercial facilities to be from 25% occupied to 25% constructed. However he also noted this would still need several years on a large development to trigger the 25% rule. Additionally, he noted the access within 25 feet of each structure might be easier to look as a platted lot line. He also stated that the amenity development is a concern specifically, for requiring it to be constructed with the first phase would unintentionally drive up the HOA fees and the price of the homes may also be driven higher. It would be difficult for a developer to get a variance for this based on the fact as most of the issues caused were financial hardship. Mr. Rose also noted that as a developer he liked the height restriction as it set a standard for the development. The Commission asked the developer when it was decided that the original clubhouse on their current development was going to be a financial hardship. Mr. Rose stated that today they would not have even shown a clubhouse on the plan in order to be more flexible. Mr. Danny Karst also spoke of in favor of the request although he did note his concerns regarding the commercial requirements in fact stating that in some developments the commercial would be necessary in order to recoup their investment for construction of new homes. He also questioned whether a structural height limit was necessary and if a variance would be required for each variation. Alderman McIntire noted that there may be some areas where a Planned Development would be located that the limit may not be high enough. Commissioner Breeding asked if it had been difficult to work with Commission or Staff with development for their current properties. Mr. Karst responded that Staff and Commission have always been gracious and forward looking. Mr. Karst proposed additional discussion on his concerns. Alderman McIntire noted that the request to take out the height limit was to allow for more flexible interpretation and he would like to see any future developments be compatible with their context. Commission posed the question to the developer of whether or not they would like to see a cap on the height. The developer stated no if it would require variances. Staff then noted that the developer may also amend the master plan to change the amenities as necessary. Commission noted that many times a development is sold based on amenities and if amenities have been not been provided the board typically hears from those residents. There being no additional discussion, the hearing was closed by Chairman Dennis Ward. The Commission discussed additional aspects of the commercial requirement although Staff was not recommending any changes to its existing configuration. Some Commissioners expressed a desire to have the commercial development built before the residential occurs in some cases. Staff noted that the commercial limit within a residential PD could also be relaxed by the BZA through a variance request. There being additional discussion on this item a motion was made by Hoyt Denton seconded by Dave Stauffer to defer action on this item for further discussion. The motion was approved unanimously, 8-0.

NEW BUSINESS

08-05 Thompson Family Property – Final Zoning Development Plan – (13-102-00005)

The Planning Commission considered approval for the final zoning development plan for the Thompson Family property located at 428 Riverport Road. The property is located within the corporate limits of the

City of Kingsport, 12th Civil District of Sullivan County. Mr. Ken Weems presented the item noting the location near the south fork of the Holston River. This plan would allow multiple principle structures on a single lot. The new structure is intended for a snow plow fabrication and installation facility and meets the requirement for the uses located within that zoning district. The plan itself meets requirements for zoning development plans within the ordinance. Commissioner Selby asked if the proposed use could change on the additional principle structure. Staff answered yes the use could change as these were leased buildings. There being no additional discussion Chairman opened the item for public hearing. Mr. Stephen Browning noted that he was the engineer of record on case and he was available for any question. There being no other discussion or questions the hearing was closed. There being no further discussion a motion was made by Alderman McIntire seconded by Dave Stauffer to approve the Thompson Family Development Plan as presented. The motion passed unanimously, 8-0.

08-06 Osborn Property – Annexation Plan of Services Amendment – (08-301-00010)

The Planning Commission considered approval for an amendment to the annexation plan of services for the Osborn Property located at 612 and 720 Cox Hollow Road. The property is inside the corporate limits of the City of Kingsport, 14th Civil District of Sullivan County. Mr. Corey Shepherd presented the item noting its location off Cox Hollow Road with an effective date on the original annexation of 10/16/08. All plan of service items will be due in 2013. The indication at the time of annexation was for additional development to occur on that property and since that time there has been no additional residential development. The street lights have been requested to be removed from the plan of services based upon neighbor request and the property owner has approved such a request. The property owner is asking for approval of the Planning Commission and Board of Mayor and Alderman. Commissioners clarified which owners did not want the street lights. Staff noted that these were the ones along the street corridor between the two parcels. This was identified based on previous discussions with the Traffic Department. Alderman McIntire asked if street lights could be installed as development occurs. To which staff responded in the affirmative. There being no additional questions Chairman Ward opened the item for public hearing. There being no speakers in favor of or in opposition to, this item the public hearing was closed. A motion was made by Hoyt Denton seconded by John Moody to approve the annexation plan of services amendment and to send to the Board of Mayor and Alderman. The motion was approved unanimously, 8-0.

08-07 Christ Fellowship Church – Annexation, Zoning and Plan of services (13-301-00008)

The Planning Commission considered approval and recommendation to the Board of Mayor and Alderman of the annexation, zoning and plan of services for Christ Fellowship Church on Victory Lane. The property is located outside the corporate limits of the City of Kingsport, in the 13th Civil District of Sullivan County. Mr. Corey Shepherd presented the item noting its proposed city R-1A zoning district based on its current county zoning as R-1. The annexation includes approximately 114 acres located off Victory Lane. Mr. Shepherd identified a ten foot strip that will be left as an outlet for the single county lot located along Rock Springs Road not within the annexation request. The cost estimates were presented for the Commission's perusal as well and Mr. Shepherd noted the reduced rate is for water /sewer service only. The Commission asked what the impetus was for the annexation of this church. At that point Chairman Ward opened the item for public hearing and asked for speakers in favor of, or opposition to the request. Mr. Joe Mason spoke in favor of the request stating currently the church has access on Victory Road and has purchased these properties to make additional access available via Rock Springs Road and Westfield. This would allow better access for the church and provide potential home sites along the back of the property. At the current time a small access road will be available for staff and the house at Rock Springs will be used as offices for the church. The housing portion of the concept is proposed to be developed under a separate corporation from the church which will not be tax exempt. After additional discussion amongst the Commission the Chairman closed the public hearing. Commissioner Selby asked about the advantage to the city cost wise for the annexation of this church property. Staff noted that the revenues are negligible at this time in its undeveloped state and costs are only shown for the installation

of a fire hydrant and a small extension of sewer across Rock Springs Rd. Mr. Shepherd stated that there is a request by the church to only serve water/sewer to the Rock Springs Road parcel. The plan of services is configured to meet that request. The church is currently on well water and septic disposal. There being little discussion, a motion was made by Alderman McIntire seconded by Dave Stauffer to approve the request and recommend to the BMA the annexation, zoning and plan of services for the Christ Fellowship Church Annexation. The motion was approved unanimously, 8-0.

08-08 Konnarock Road – Surplus Property – (13-601-00001)

The Planning Commission considered approval of the property at 1113 Konnarock Road as surplus. The property is located within the corporate limits of the City of Kingsport, 11th Civil District of Sullivan County. Mrs. Combs presented the item noting this was the old PET Dairy site. The lot has already been subdivided from the original purchase by the city. This lot has been requested as surplus based upon a lack of need by other City departments. A review was made by those City departments and all are in favor of surplus at this time. A motion was made by Mark Selby and seconded Heather Cook. The motion was approved unanimously, 8-0.

08-09 Zoning Development Plan – Zoning Text Amendment – (13-801-00004)

The Planning Commission considered a zoning text amendment for Chapter 11-103(2) and 114-131(4) of the Kingsport Zoning Code. This text amendment would allow the planning director approval authority for in house zoning development plans containing multiple principle structures in certain zoning districts. Mrs. Combs presented the item noting the issue is to attempt to expedite development for these zones. This had specifically come up in areas that are currently zoned appropriately for the use and would not require a rezoning. Currently the Planning Commission hears any planned developments that have more than one principle structure or are part of a rezoning. They further hear plans within specific zoning districts for example planned developments, business conference and others. The proposal does not change any of those currently heard by the Planning Commission but asks for staff to approve those in other zoning districts if they meet the other development regulations. This request is similar to the allowance and approval authority currently provided in the B-3 zoning district. Further, Mrs. Combs noted that had this text amendment been in place the Thompson Family Development Plan could have been approved under the in house approval process. There being little discussion Chairman opened the item for public hearing. There were no speakers in favor of, or in opposition to the item and it was closed for public hearing. There being no additional discussion a motion was made by Hoyt Denton seconded by “Buzzy” Breeding to approve the text amendment as proposed. The motion was approved unanimously, 8-0.

OTHER BUSINESS

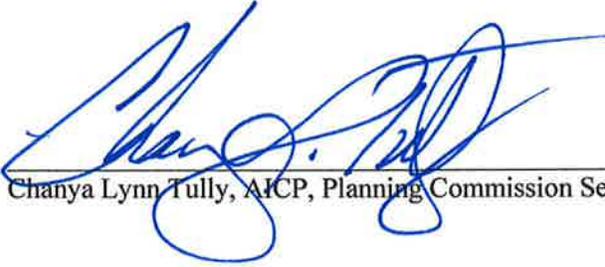
- 08-10 Receive a letter of subdivision of the McCarty Subdivision on Ft. Henry Drive.
- 08-11 Receive a letter of replat of the Moody heirs and Eddie and Darlene King Property along Emory Church Road.
- 08-12 Receive a letter of resubdivision of the Shekinah Church Subdivision on Buttermilk Road.
- 08-13 Receive, for informational purposes only, the June 6, 2013 minutes of the Board of Zoning Appeals.
- 08-14 Receive, for informational purposes only, the July 2013 report from the Building Division.

Kingsport Regional Planning Commission
Date, Regular Meeting

ADJOURNMENT

There being no further business, a motion was made by Mark Selby and seconded by "Buzzy" Breeding to adjourn the meeting at approximately 8:36 PM. This motion passed unanimously, 8-0.

Respectfully Submitted,



Chanya Lynn Tully, AICP, Planning Commission Secretary