

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

December 15, 2011

7:00 p.m.

**Members Present**

Dennis Ward, Chairman  
Colette George, Vice-Chairman  
Mike McIntire, Alderman  
George Coleman  
Dave Stauffer  
Jim Lewis  
Andy Hall

**Members Absent**

“Buzzy” Breeding  
Hoyt Denton

**Staff Present**

Lynn Tully  
Ken Weems  
Karen Combs  
Jason Meredith

**Visitors List**

Jackie Hewitt

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. Staff noted that a rezoning submitted for the Sullivan County Commission was verbally withdrawn to staff according to the Kingsport Planning Commission By-Laws and had been removed from the Agenda. However, because the withdrawal was not made in writing the Sullivan County Commission requires the rezoning to continue to be heard, and staff requested that the Planning Commission add the Berry Rezoning to the Agenda. A motion was made by Jim Lewis, seconded by Mike McIntire, to add the Berry Rezoning as item 12-06 on the Agenda. This motion was approved unanimously, 6-0. Another motion was made by Colette George, seconded by George Coleman, to move the Maclean Rezoning request to the beginning of the Agenda under New Business. The motion was approved unanimously, 6-0.

The minutes of the Regular Meeting held on November 17, 2011, were discussed. There being no corrections, a motion was made by Mike McIntire, seconded by George Coleman, to approve the minutes as presented. This motion was approved unanimously, 6-0.

**CONSENT AGENDA**

**No items**

## **UNFINISHED BUSINESS**

**No items**

## **NEW BUSINESS**

**Maclean Rezoning Report (11-101-00010)** – The Planning Commission considered a request to rezone approximately 15.5-acres of property from TA, Tourist Accommodation District, to B-3, General Business District. The property is located along Airport Parkway and Jericho Drive, in the 7<sup>th</sup> Civil District of Sullivan County. A presentation was made by Jason Meredith including the zoning standards regarding the rezoning request. Maclean, Inc., the property owner, requested the rezoning to B-3. With regard to existing land use, trucks are parked on a portion of the property, which is mostly vacant. As for proposed land use, the property will be held for sale, with the possibility of a truck dealership locating on approximately 5 acres. The surrounding zoning is as follows- to the north: city B-3(storage units) and county B-3(vacant); to the south: Jericho Drive, city B-3(former Sam's Wholesale property); to the east: county PD (Waste Management, single family residential); to the west: Airport Parkway, city B-3 (Stower's Machinery Corp., Marsh Propane, Citgo), city TA (America's Best Value Inn). The request is in keeping with the City's 2030 Land Use Plan, which recommends Commercial/Retail for this area. Water and sanitary sewer are currently available to the property. The property is located along Airport Parkway, with approximately 425 feet of road frontage, and Jericho Drive, with approximately 1,470 feet of road frontage.

Staff noted that topography issues prevent access to Jericho Drive and an agreement has been reached with the property owner for a reduced number of driveways along Airport Parkway. The Chairman opened the item for discussion. Alderman McIntire asked if the parking lot for the adjoining property across Jericho Drive and the former Sam's location was currently zoned TA, Tourist Accommodation. Staff stated that the zoning maps did indicate the property zoned as TA with B-3, General Business, district adjoining. Staff recommended Option 1, that the Planning Commission approve the rezoning and send a favorable recommendation to the Board of Mayor and Aldermen. The Chairman opened the item for public hearing. There being no one to speak in favor or in opposition of the request, the item was closed. A motion was made by Mike McIntire, seconded by Colette George, to approve the request as presented. The motion was approved unanimously, 6-0.

**Request an Extension of Irrevocable Letter of Credit for St. Andrews Garth Subdivision (11-103-00001)** – The Planning Commission considered a request to extend an Irrevocable Letter of Credit (ILOC) for St. Andrews Garth Subdivision. A presentation was made by Karen Combs regarding the Irrevocable Letter of Credit. The Planning Commission held a Letter of Credit for St. Andrews Garth Subdivision (11-103-001) in the amount of \$47,700. The expiration date for this LOC was December 15, 2011. The City Engineer evaluated the improvements for this subdivision and determined that the appropriate action was to recommend the Planning Commission extend the bond amount of \$47,700 for one more year. Staff recommended to the Kingsport Regional Planning Commission to extend the letter of credit for the St. Andrews Garth in the amount of \$47,700 to ensure that infrastructure would be complete to serve the development.

Staff advised the Letter of Credit expires on December 15, 2011, however; a new extension had been presented to the Planning Commission and was available for the meeting. The Chairman opened the item for public hearing. There being no one present to speak in opposition to the request, the item was closed. A motion was made by Mike McIntire, seconded by George Coleman, to approve the request as presented. The motion passed unanimously, 6-0.

**Request to Call Irrevocable Letter of Credit for Villas at Netherland Subdivision (09-201-00076) –** The Planning Commission considered a request to call the Irrevocable Letter of Credit for the Villas at Netherland Development. A presentation was made by Karen Combs. The Planning Commission held a Letter of Credit for Villas at Netherland Subdivision (09-201-076) in the amount of \$78,700. The expiration date for this LOC is January 15, 2012. The City Engineer evaluated the improvements for this subdivision and determined that the appropriate action was to recommend to the Planning Commission to extend the bond amount of \$78,700 for one more year. Staff did note that after several attempts to contact the developer, Mr. Cox provided a new Letter of Credit (LOC) extension to staff prior to the meeting.

Staff stated that the recommendation had been changed due to receipt of the Letter of Credit from developer Mitch Cox. The new Letter of Credit was presented to the Commission, and did indicate that the Credit was extended to January 15, 2013. The Chairman opened the item up for public hearing. There being no one to speak in favor or in opposition to the request, the item was closed.

A motion was made by Jim Lewis, seconded by Dave Stauffer, to approve the request as submitted. The motion passed unanimously, 6-0.

**Request an Extension of Irrevocable Letter of Credit for Cook's Pointe Subdivision (08-201-00073) –** The Planning Commission considered a request to extend an Irrevocable Letter of Credit (ILOC) for Cook's Pointe Subdivision. A presentation was made by Lynn Tully. Staff noted that this item was added to the agenda during the Planning Commission work session earlier that week and the current report was presented to the Commission at their chairs. There is no change in the recommended amount of the Letter of Credit presented for extension. The staff recommended extension of the ILOC to last until October 20, 2012. The Chairman opened the item up for public hearing. There being no one to speak in favor or in opposition to the request, the item was closed.

A motion was made by Colette George, seconded by George Coleman, to approve the request as presented. The motion was approved unanimously, 6-0.

**Final Plat Approval for Duncan Property (11-201-00066) -** The Planning Commission considered a request to grant final subdivision plat approval for lots 1, 2, and 3 of the Duncan property. The property is located along Orebank Rd., in the 14<sup>th</sup> Civil District of Sullivan County. A presentation was made by Karen Combs. Staff stated that this is a minor subdivision in that it contains 3 lots which is less than 10 but still requires Planning Commission approval because this plat is divided into more than 2 lots. The property is located outside the corporate limits of the City of Kingsport, but within the Urban Growth Boundary. The property owners are Greg Duncan and Michael Burgess and the surveying firm of Carter, Carr and Associates prepared the subdivision plat. Staff stated that all properties are zoned R-1, Single Family Residential. Two lots are more than one acre while one lot is less than one acre in area. Water is available to the site and the plat has the required TDEC signatures regarding the septic system. This plat meets all subdivision regulations and has obtained all required staff signatures except for Secretary of Planning Commission.

The Chairman opened the item up for public hearing. There being no one to speak in favor or in opposition to the request, the item was closed.

A motion was made by Colette George, seconded by George Coleman, to approve the request as presented. The motion was approved unanimously, 6-0.

**Berry Rezoning Report (11-101-00009)** – The Planning Commission is requested to consider a rezoning of approximately 1.1 acres of property from R-1 to R-3-MHP, Manufactured Home Park District. The property is located on Leeland Drive in Sullivan County. A presentation was made by Karen Combs. Staff stated that this property contains a non-conforming mobile home park having never received Planning Commission approval and is therefore a pre-existing non-conforming use. Mr. Berry asked to rezone this property to bring his park into compliance. However, due to the loss of expansion ability under the “grandfathered” clause even if this property were to be rezoned, the property would still be out of compliance with the zoning ordinance. Consequently, rezoning of the property would not be beneficial to Mr. Berry. Staff stated that on 11/29/11 at 2:24 pm, Mr. Berry withdrew his request verbally to City staff. However, the County will only withdraw an item from their agenda if the request to withdraw is written; a verbal withdrawal is not acceptable. To date and after repeated requests from staff, Mr. Berry has not submitted a written request to withdraw. Staff recommended that the Kingsport Regional Planning Commission send a negative recommendation to the County Commission based on the following rationale:

1. Mr. Berry verbally withdrew his application on 11/29/11.
2. This request is not compatible and in keeping with the existing surrounding zoning and land uses.
3. The Sullivan County Land Use plan calls for this property to remain R-1, Single Family.
4. A rezoning will not bring the property into compliance and in essence will create a further non-conforming lot because the lot is only 1.1 acres and is served by septic with no public sewer.
5. The intention to place another trailer on this lot after rezoning is impossible in that the property will maintain a density ratio not allowable in the R-3, Manufactured Home Park District.

Staff advised that the grandfather opportunity was lost due to the amount of time lapsing from removal of the last mobile home from the park. The Chairman opened the item for public hearing. There being no one to speak in favor or in opposition to the request, the item was closed.

A motion was made by Colette George, seconded by Andy Hall, to deny the application as requested. The motion was approved unanimously, 6-0.

## **OTHER BUSINESS**

Staff noted as a point of interest that a Plan of Services Amendment for the McKee Annexation is being presented to the Board of Mayor and Aldermen for their consideration. Commissioner Dave Stauffer questioned if the annexation is tied to the subdivision at the top of the hill. Ken Weems stated that the subdivision is not tied to the area at this time, although design for future development does include that option.

The Planning Commission received, for informational purpose only, a report of permits issued by the Building Division for the period of November 1-30, 2011.

The Planning Commission received, for informational purpose only, a report of New Businesses as provided by Jeff Fleming.

The Planning Commission received the following minor subdivisions, letters, and maps approved in-house by the Planning Manager:

- Replat of Lot 2, Caron Lee Cassell Subdivision (Gerald W. Begley, Jr. Property)
- Lot 9, Hunts Crossing-Phase Two  
Replat of Lots 16 & 17, Block 1, Meadowview Subdivision.
- Replat of the Henry Keys Farm Subdivision, Tract #5, and a portion of the Kenneth Murray Property
- Replat of Lot 1, Edinburgh Homes, LLC

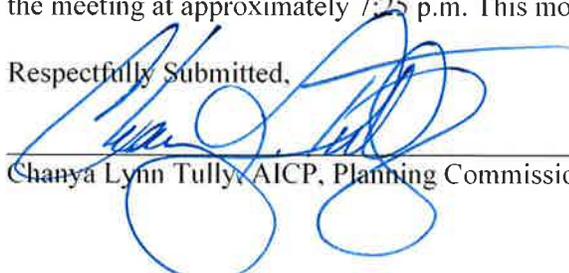
Karen Combs announced the public meeting being scheduled to discuss the potential Golf Course Zoning District. The meeting is anticipated for January 12, 2012, at the Ridgefield s Country Club.

Lynn Tully further announced the Subdivision Regulations public meeting for developers and surveyors is scheduled January 10-12, 2012, is to be held in the Jimmy Walker Conf. Room. Commissioner Stauffer requested that copies of the proposed subdivision regulations be sent to the Homebuilders Association for additional comment.

#### **ADJOURNMENT**

There being no further business, a motion was made by Mike McIntire, seconded by George Coleman, to adjourn the meeting at approximately 7:25 p.m. This motion passed unanimously, 6-0.

Respectfully Submitted,



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Chanya Lynn Tully, AICP, Planning Commission Secretary