

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

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

July 19, 2012

7:00 p.m.

**Members Present**

Dennis Ward, Chairman  
Colette George, Vice-Chairman  
Mike McIntire, Alderman  
"Buzzy" Breeding  
George Coleman  
Andy Hall  
Jim Lewis  
David Stauffer

**Members Absent**

Hoyt Denton

**Staff Present**

Lynn Tully  
Forrest Koder  
Jason Meredith  
Ken Weems  
Chris Alley

**Visitor's List**

Alain Sadeghi	Lynn Lawson
Leon Jackson	Rik Droke
Windy Henry	Paulette Droke
Chip Scarce	Verlin Droke
Christina Scarce	Chris Strong
Fred Meyer	Kim Strong
Shirley Rose	Pov Chih
Ray Rose	Glenn Wright
Sandra Wood	Ed Stewart
Trisha Mims	Janice Stewart
Wesley Harshbarger	June Collins
David Lawhead	John Rose
Bud Harsen	Caleb Rose
Billy Mims	Baxter Hood
Sam Edmunds	
Jess Edmunds	
Scarlett Edmunds	
Rhiannon Edmunds	
David R. Wood	
Mike Lawson	

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. A motion was made by Colette George seconded by Alderman Mike McIntire to approve the revised agenda as presented at the work session on July 16, 2012. The motion was approved unanimously, 7-0.

The minutes of the work session held on June 18, 2012 and a regular meeting held on June 21, 2012 was presented as revised during the previous work session. A motion was made to approve the revised minutes by Colette George seconded by Alderman Mike McIntire. The motion was approved unanimously, 7-0.

**CONSENT AGENDA**

The Planning Commission heard consent agenda items which were previously brought before the Planning Commission at their work session on June 16, 2012.

**The Birches – Amended Final Plat – (12-201-00029)** – The Planning Commission considered granting the final subdivision plat approval for the amended Birches replat, located off Manor Drive. The property is located inside the corporate limits of the City of Kingsport, 12<sup>th</sup> Civil District of Sullivan County.

**Final Zoning Development Plan Amendment: Murphy Oil USA, Inc. – (12-102-00002)** – The Planning Commission considered the final zoning development plan for Murphy Oil USA, Inc. The property is located inside the corporate limits of the City of Kingsport, 3100 Fort Henry Drive.

With no changes to the consent agenda items as previously discussed at the June 16, 2012 work session a motion was made by Dave Stauffer seconded by Andy Hall to approve those items listed on consent. The motion was approved unanimously, 7-0.

There being no unfinished business items the Planning Commission heard new business items.

## **NEW BUSINESS**

**Colonial Heights Area 7 Part A Annexation (12-301-00006)** – The Planning Commission considered the annexation, zoning and plan of services for property located outside the corporate limits of the City of Kingsport in the western quadrant of the Highway 36/ Interstate 81 intersection, 14th Civil District of Sullivan County.

**Colonial Heights Area 7 Part B Annexation (12-301-00007)** – The Planning Commission considered the annexation, zoning and plan of services for the property located outside the corporate limits of the City of Kingsport on the west side of Lebanon Road, between Meadow Lane and Interstate 81 in the 14th Civil District of Sullivan County.

Mr. Weems presented the Colonial Heights Area 7 Part A annexation and Part B annexation together for the convenience of the Commission. Mr. Weems indicated the location of areas A and B in relation to other anticipated Colonial Heights annexation areas. Included in the Part A area are approximately 109 parcels with 1.6 miles of public street and 110 parcels are included in Part B. Mr. Weems stated that the proposed zoning for Part A annexation included a majority R-1B city zoning district with 3 parcels at Fort Henry Drive proposed for zoning to City's B-4P zoning district. The zoning districts are based on their similarity to the current county zoning. Mr. Weems stated that the plan of services for both areas is the standard plan of services with one exception to the sewer installation timeframe which is proposed at a deadline of eight years. Approximately 25 children are included in both annexation areas with the option to attend tuition free beginning in August, 2012. Staff recommended approving of the annexation, zoning and plan of services for both areas A and B with the plan of services as presented. Commissioner George asked if there were upgrades to the water lines necessary for the Colonial Heights annexation areas. Staff stated that no, hydrant installation is all that would be required for these areas. Commissioner Stauffer asked if the middle school would still have county students in attendance although being included in the annexation area. Staff said yes, that the change was to the city limits only and does not change the student configuration or requirements. This would be similar to the situation at Sullivan North High School which is also inside the city limits. Commissioner George asked if the septic system fails for a citizen that it is included in this area with the eight-year timeframe would the city help to take care of their situation. Staff stated yes, emergency pumping would be provided if the citizens became sewer customers at that time. There being no additional questions, Chairman Ward opened the item for public hearing.

Ms. Christina Scarce spoke in opposition to the application asking if electricity would continue to be provided by Johnson City Power Port. Staff stated that it would continue as is current. Mr. Fred Meyer

spoke in favor of the annexation stating that the annexation is overdue in this area. Mr. Baxter Hood spoke in opposition to the annexation stating that he was concerned about the provision of sewer service within the timeframe stated. Commissioner Ward responded that the five-year provision of service versus the eight-year provision has been discussed at length by the Planning Commission and Alderman McIntire stated that it is likely that these sewers would not be installed until after the five-year typical commitment. Mrs. Janice Stewart asked if the tap fee would be the same within the eight-year timeframe. Staff stated that you have the option to pay now at the \$1950 rate however, the tap fee has not changed for more than ten years. Commissioner Stauffer asked if the city would immediately begin to design the sewer for this area or if the city would wait until after that five-year timeframe to perform the design. Chris Alley responded that the design itself may begin quickly but the design would be shelved until cash flows allow the capital to begin bids for the construction of the sewer. Mr. David Lawhead spoke from the public in opposition to the request asking if it was possible for the owners to fix their septic tank if it fails within the eight-year time period. Staff stated that property owners could choose either to fix their septic system on their own or become a sewer customer and allow the city to provide needed pumping. Mr. Lawhead further stated that although he was not opposed to annexation he wasn't sure how the city would pay for the proposed sewers. Mr. Mike Lawson spoke in opposition to the annexation stating he had a letter exempting him from city annexation from many years back. He further stated that the police department, in his opinion, has not responded in a timely fashion to his complaints regarding "no parking" signs and blocking up his driveway currently. Mr. Chip Scarce spoke in opposition to the annexation asking why the city would consider this area for annexation. Staff responded citing the area is showing continued failing septic tanks and potential pollution of the waterways and ground water in the area. Commissioner Lewis asked the Chairman to explain the urban growth boundary for citizens in attendance to which Chairman Ward described the 2010 agreement for the annexation growth boundary area that was presented with county representatives and others at that time and was approved for a twenty-year time period. Staff stated that all services listed in the plan of services including police service would be provided on the effective date of the annexation. Commissioner Coleman stated that the city continues to budget monies in for provision of these services and have been putting into place certain services within that area anticipating the annexation of Colonial Heights. Mrs. Janice Stewart asked where the fire hydrants would be provided. Commissioner George responded that we would be adding 10 fire hydrants in the area according to the current cost analysis and that these are typically installed within the first 2-3 years of the annexation, but they are not guaranteed until the five-year timeframe. Mr. Fred Meyer spoke again stating that since he has moved to Colonial Heights, in several locations, he has continued to battle septic issues. He stated that many neighbors have had field bed problems in that area although he would prefer not to wait eight years for the sewer service. Commissioner Stauffer confirmed that in the past when Colonial Heights was originally developed there was little to no percolation testing done and systems were installed without the more stringent guidelines that are currently required. Mrs. Trish Mims spoke in opposition to the annexation asking what benefits she would receive within a year for the tax dollars that she would be paying prior to the sewer service being installed within eight years. She asked that Kingsport Area Transit System (KATS) service be changed to include that area. She felt like a clear plan was not being presented for services for her area. Commissioner Breeding stated that the commissioners are as concerned about how to pay for these services as any other citizen. Commissioner Coleman outlined some immediate benefits to the residents in Colonial Heights upon annexation stating the first is the reduction in water rates, second is trash pickup paid for by the city, and third that the taxes will not be due until November 2013. Ms. Jessica Edmunds spoke in opposition to the annexation asking

when public transportation might be provided in Colonial Heights. Staff stated that although KATS is not available in that area, paratransit is available. Staff further stated that the city continually reviews transit routes and as recently as within the last month have increased the number of routes provided by KATS. Therefore, it is likely anticipated that a Colonial Heights service line would be provided at some point in the future. Ms. Kim Strong spoke in opposition to the annexation stating that she simply did not want to be within the city. Mr. Wesley Harshbarger asked if the current zoning would stay approximately the same to which staff confirmed yes, no changes were proposed and all existing uses would currently be grandfathered. Ms. Paulette Droke spoke asking if the Greenbelt would still apply to the working farm she owns within that area. Staff confirmed that taxes are based on county assessments and therefore the Greenbelt option for tax relief would still be offered. There being no additional public comment, Chairman Ward closed the item for public hearing and opened the discussion amongst commissioners.

Alderman McIntire stated that he felt very conflicted regarding the annexation in this area considering the cost and timing for the sewer service debt and the overall area being within an area planned for annexation for some time. He felt we should have annexed this area many years ago when they first approached the city. Commissioner Lewis stated that the public's concern over a decline in police protection is unwarranted as the city has one of the best fire/police services within the state although he agreed that extending the plan of services for sewage to eight years is an issue in his opinion. Commissioner Hall spoke stating that he originally had some concern regarding a eight-year plan of services when he was initially appointed to the Planning Commission. Following that time, he has learned that the five-year mandate for services has been a self-imposed limit and is not required, and that a primary benefit of annexation, particularly in this area, is the additional city services are provided without any additional cost for sewer service until that service is available. He further stated that the most damaging outcome here could be that the city would not complete the annexation of this area as many subdivisions and neighborhoods are cut off from each other creating inefficiencies in service provision. Commissioner Coleman stated that he had issues with the eight-year service provision as the legal definition of what is reasonable provision of services has not yet been defined. This would constitute in his opinion, delay of an essential service to a city resident. He's further concerned about the anticipated cost for an eight-year future estimation. Commissioner Breeding spoke stating that nothing was being paid for before it was provided and there is a need for the city to obligate themselves to serve this area. Commissioner George stated that in her opinion the area needs sewer and that although it's not getting cheaper we should continue to commit ourselves to sewers for this area although she has real concerns with an eight-year plan of services she feels a commitment is better than none. Commissioner Lewis spoke stating that he has consistently voted for annexation however, the eight-year service is a stumbling block in his opinion. Additional discussion ensued regarding the debt timelines. Alderman McIntire spoke stating that although the area needs to be in the city, the Board of Mayor and Aldermen should wrestle with the financial liability. Additional discussion ensued regarding potential alternative financing the debt for capital improvements. Chairman Ward spoke reminding the Planning Commission of the joint meeting with the Board of Mayor and Aldermen which included a presentation of an annexation plan in February of this year. He stated that at that time both Planning Commission and Board of Mayor and Aldermen left understanding the issues and consent to this plan of action and timeline. Commissioner Stauffer spoke stating his opinion regarding the value of lots with sewer versus septic systems. He stated his support for the installation of sewer systems. There being no further discussion, a motion was made by Jim Lewis seconded by George Coleman to approve Area A annexation, zoning and plan of services

with the exception that the plan of services be revised for sewer from an eight-year timeline to a five-year timeline. The motion was approved, 5-2 with Andy Hall and "Buzzy" Breeding voting "no".

Based on the previous discussion, a motion was made for Area B annexation, zoning and plan of services with the revised plan of services for sewer provision from eight years to five years installation by Jim Lewis seconded by George Coleman. The motion was approved, 5-2 with Andy Hall and "Buzzy" Breeding voting "no".

**Rezoning 101 Tall Oaks Court (12-101-00003)** – The Planning Commission considered a rezoning from R-1B, Residential District to P-1, Professional Office District; to change the use from vacant, single family home, to a professional office within the existing structure. The property is located inside the corporate limits of the City of Kingsport, 14th Civil District of Sullivan County. Mr. Jason Meredith presented the item stating that the property included approximately 1.65 acres being requested for a P-1 zone. The staff stated the permitted uses within professional offices would allow for medical and dental offices, real estate offices, law offices, etc. and does not include higher-intensity uses. It is anticipated that there is minimal foot traffic to the proposed business. Staff further stated that across the street are existing B-3 zoning districts and heavy retail uses. The Land and Use plan does indicate the property as appropriate for commercial use and the Fort Henry corridor studies have consistently recommended commercial uses along Fort Henry Drive. Staff did contact the county regarding whether the property is included within the subdivision covenants and confirmed that the property in question is not included within those covenants. Staff did recommend the rezoning from R-1B, Residential District to P-1, Professional Office District to the Commission. Commissioner Coleman stated that in the past the Commission required more detailed site plans within this corridor particularly as it transitions to commercial uses within areas that are being surrounded by existing neighborhoods. He further stated that this request was made in the work session and asked if staff had any success in this discussion with the applicant. Staff deferred to the property applicant Mr. Alain Sadeghi.

Chairman Ward opened the item for public hearing. Mr. Sadeghi spoke in favor of the rezoning stating that his business is a security business and has been renting in that area for some time and has been looking to put a free-standing office on the site. Typically his business includes no public entry, only the three employees who are currently involved in the business. Mr. Sadeghi proposed the existing structure to be retained on the exterior with the interior be demolished and to include significant renovation. Mr. Sadeghi stated that his preference was that he wanted to continue to have his business remain inside the City of Kingsport. Ms. Windy Henry spoke in favor of the rezoning request stating that a detailed site plan has not been provided due to the possibility of not having the rezoning in place. The company felt it more beneficial to have the rezoning in place prior to securing funding for the renovations and site plan. She further expressed concern regarding who and what discipline would be required to prepare the plan. Commissioner Coleman stated that he would be more comfortable if the property had a detailed site plan. It appears that this is a very professional operation that could be a good transition to the residential neighborhood. His concern lied with the future operations of a different business that would not be necessarily tied to a zoning development plan. Alderman McIntire also stated he felt a surveyed site plan indicating the exterior changes and improvements would be warranted in this case. Commissioner George asked if requirements for landscaping were currently in place to which staff affirmed that they were. Commissioner Stauffer stated that although the business could work within the existing structure additional site improvements might be required to meet the P-1 standards. Commissioner Lewis stated

that it was his intent that the Commission be consistent with previous similar approvals. Commissioner Hall reminded the Commission that previous approvals, which include site plans, also had concerns that there was not enough physical space for the proposed use and its required parking and other features. After additional discussion, Mr. David Wood spoke in opposition to the rezoning request. His concerns included the property not being a part of the existing subdivision and whether access would be maintained on Tall Oaks Court versus Fort Henry Drive. Staff stated that the owners had previously agreed to provide an access off Fort Henry Drive if it is granted by Tennessee Department of Transportation (TDOT). Ms. Christina Scarce spoke in opposition to the request asking why the subdivision covenants did not apply to this lot. Chairman Ward responded that the city does not enforce covenants however, the covenants do speak to the requirements within the subdivision and this specific lot was removed from that requirement. Ms. Trish Mims spoke in opposition to the rezoning request stating that the property is currently grown up and has materials being stored within the yard and she felt like there might be an issue of future condition of the property should another business be located there in the future. She also asked if there were any breach in his security business if there was the possibility that this may become a safety issue for the community. Mr. Ray Rose spoke in opposition to the rezoning stating that he was concerned about the safety of the children on the street and is concerned about the fact that this is a one way in and one way out access to a very quiet neighborhood currently. Mr. Billy Mims spoke in opposition to the rezoning request stating that the P-1 zoning would allow potentially more intense uses such as therapists, dentist offices, etc. in the future which may increase traffic along the street. He also expressed concern for safety of the children along Tall Oaks Drive. Mr. Ed Stewart spoke in opposition to the rezoning request stating that this rezoning would force the neighborhood into a lawsuit regarding the subdivision restrictions. There being no further public discussion, Chairman Ward closed the public comment.

Commissioner Hall asked if other properties were designated on the Land-use plan as residential to which Mr. Meredith responded that on the Land-use plan this was not indicated but the situation could change based on future requests. Commission asked for the approximate timeframe for the annexation of this property to which staff responded that property has been annexed for quite some time and was requested for annexation by the property owner of the time. Commissioner Coleman reinforced that Commission has tried to be sensitive to the restrictions and covenants at the time a Land-use plan was prepared, but truly cannot enforce these covenants. Commissioner Stauffer stated his concern regarding commercial use with residential all around it creating a potential future problem if no plan is prepared and presented to the Commission and neighborhood. Commissioner George stated that the residential use is currently severely diminished due to its frontage on the heavily trafficked Fort Henry Drive thoroughfare.

A motion was made by Colette George seconded by David Stauffer to approve the rezoning as presented. Discussion ensued regarding the need for a site plan which closes the entrance on Tall Oaks Drive as well as other site planning details for protection of the adjoining neighborhood. Commissioner George asked if TDOT would approve a driveway on Fort Henry Drive to which staff responded that a recommendation and review from the city is required prior to TDOT approval and that there was a distinct possibility that they would allow it as there is a precedent for driveways being allow along Fort Henry Drive in that area. The driveway potentially could be restricted to a right-in right-out due to its distance or proximity to Tall Oaks Drive. After additional discussion, the motion failed 2-5 with Andy Hall, "Buzzy" Breeding, Jim Lewis, Dave Stauffer, and George Coleman voting "no".

A motion was made by George Coleman seconded by Jim Lewis to deny the rezoning request as presented without a site development plan. At that time, Alderman McIntire asked if the Commission would allow the applicant to remove or withdraw the item prior to the vote. Mr. Sadeghi did ask to withdraw the application. The motion and second were withdrawn by both George Coleman and Jim Lewis. The item was withdrawn from consideration of the Commission.

**Polo Fields, Final Plat as Amended (Old Slemph Phase) – (12-201-00028, 12-103-00001)** – The Planning Commission considered granting a final plat amendment for the Polo Fields development. The property is located inside the corporate limits of the City of Kingsport, 13th Civil District of Sullivan County. The project was presented by Mr. Forrest Koder who stated that as per the work session, the two lots mentioned previously as being constructed on and having existing homes are still left out of the current plat and property owners have not indicated a wish to sign the plat. Sidewalks will be located in the public right-of-way with the exception of the two lots currently owned and occupied. There is a transmission easement located along the property and a bond is being provided for sidewalks in the amount of \$38,000. The applicant has continued to contact the two property owners in question and has received no response. Chairman Ward opened the item for public comment. There being none, the Chairman closed the item for public comment. A motion was made by Colette George seconded by Mike McIntire to approve the final plat as amended per staff recommendation. The motion was approved unanimously, 7-0.

**The Edinburgh Concept Plan (12-103-00002)** – The Planning Commission considered amendment of the previously approved concept plan for the Edinburgh Subdivision. The property is located inside the corporate limits of the City of Kingsport, 15th Civil District of Sullivan County. Mr. Forrest Koder presented the concept plan indicating the differences between the 2012 concept plan and the previously approved 2009 plan. Mr. Koder stated that the developer did prepare a new plan which increased slightly the Greenspace provided, and continues to meet the minimum requirements for the Greenspace and includes city park areas. Chairman Ward opened the item for public comment. There being none, the Chairman then closed the item for additional comment. Mike McIntire seconded by Jim Lewis made a motion to approve the item as presented. The motion was approved unanimously, 7-0.

**Amendment to the TA – Tourist Accommodation Ordinance (12-801-00001)** – The Planning Commission considered an amendment to the TA-Tourist Accommodation Zoning District as presented by Mr. Forrest Koder. Staff stated that the TA draft changes permissible uses and allows additional commercial uses particularly those with a regional appeal. Changes to the definitions will be forthcoming and include a definition for “franchised auto dealerships” as presented at the work session earlier this week. Chairman Ward opened the item for public hearing, and there being none, the Chairman then closed the hearing. A motion was made by Colette George seconded by “Buzzy” Breeding to approve the zoning text changes as presented. The motion was approved unanimously, 7-0.

**Amendment to the Minimum Subdivision Regulations as it pertains to Residential Sidewalks** – The Planning Commission considered an amendment to Article V, Section 5-1, 1.8 of the Minimum Regulations for Subdivision Development within the Kingsport Tennessee Planning Region. Director Tully presented the item indicating the changes to the sidewalk portion of the subdivision regulations as it relates to residential sidewalks. She reminded the Commission of the request during their June 2012 regular meeting for options to installation of sidewalks, particularly on one side of the road for residential

streets of 50-foot wide right-of-way. Therefore, staff prepared additional research and has presented a recommendation for changes to lanes, residential streets at 50-foot of right-of-way, and local streets at 50-foot right-of-way all within residential developments. Those changes include allowing two options for sidewalks within the required lane street. The first option would include a sidewalk with a 2-foot grass median with the second including a sidewalk with no median but a transitional area to include the depth of the mailbox structure along that street. The residential streets were presented with an option for sidewalks on either both sides of the street or on one side only with a 6 foot clear width for sidewalks and a transitional area to include depth of the mailbox structure. Local streets were identified and recommended by the staff to have 5-foot sidewalks on both sides of the street with the minimum 2-foot wide grass median. After little discussion, a motion was made to approve the amendment by George Coleman seconded by Mike McIntire and approved 6-1 with Colette George voting "no".

**Election of Officers** - The Planning Commission heard from the nominating committee for the positions for the 2012-2013 term. The nominating committee put forward Dennis Ward as Chair of the Planning Commission, Colette George as Vice-Chair of the Planning Commission and Lynn Tully as Secretary of the Planning Commission. The motion was made by Mike McIntire seconded by "Buzzy" Breeding to accept the nominations of the committee as presented. The motion was approved unanimously, 7-0.

#### **OTHER BUSINESS**

Receive, for informational purpose only, a report of permits issued by the Building Division for the period of June 1-30, 2012.

Receive, for informational purpose only, a report of New Businesses as provided by Jeff Fleming.

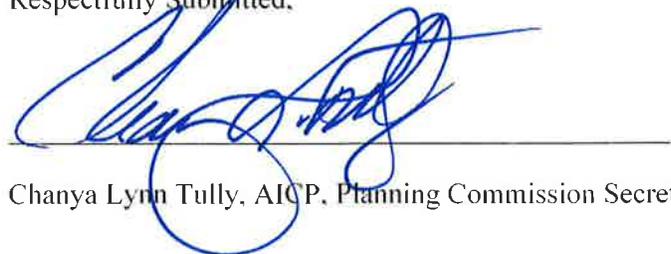
Receive a minor subdivision letter and map for the resubdivision of the Old Island, Lots 12 and 15 Golf Ridge Road.

Receive a minor subdivision letter and map for the resubdivision of Lots 1 and 2 of the Pierce-Harvest Subdivision on Jericho Drive.

#### **ADJOURNMENT**

There being no further business, a motion was made by Andy Hall and seconded by Mike McIntire to adjourn the meeting at approximately 10:39 pm. The motion was approved unanimously, 7-0.

Respectfully Submitted,



Chanya Lynn Tully, AICP, Planning Commission Secretary