

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

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

September 20, 2012

7:00 p.m.

Members Present

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

Staff Present

Lynn Tully
Forrest Koder
Jason Meredith
Ken Weems
Karen Combs

Members Absent

Visitor’s List

Sam Edmunds	Max Richardson
Jessica Edmunds	Roger Ball
Scarlett Edmunds	Ryan Rabah
Leon Jackson	Jessie Hensley
Alan Sadeghi	Shirley Rose
Trisha Mims	Ray Rose
Patricia Hamer	Christine Scarce
Jeff Weems	Janice Stewart
Murrell Weems	Sandra Wood
John Rose	Kim Strong
Amber Rose	Chris Strong
Caleb Rose	Chip Scarce

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 agenda as presented. The motion was approved unanimously, 7-0.

The minutes of the regular meeting held August 16, 2012 and work session held August 13, 2012 were presented for approval. A motion was made to approve the minutes as discussed in the September 17, 2012 work session. The motion was made by “Buzzy” Breeding and seconded by Dave Stauffer to approve the minutes as presented. The motion was approved unanimously, 7-0.

CONSENT AGENDA

The Planning Commission heard consent agenda items which were previously brought before the planning commission for presentation during their work session held September 17, 2012.

Edinburgh Subdivision – Phases 2c-1 and 2c-2 – Irrevocable Letter of Credit (ILOC) – (12-201-00012 and 12-201-00025) – The Planning Commission considered a request to release the ILOC for Edinburgh Phases 2c-1 and 2c-2 by the Edinburgh Group.

Alta Lamberth – Lamberth Street and Chestnut Hills Drive – Final Plat – (12-201-00046) – The Planning Commission considered a request to grant final plat approval for the Alta Lamberth Subdivision at Lamberth Street and Chestnut Hills Drive. The property is located inside and outside the corporate limits of the City of Kingsport, 10th Civil District of Sullivan County.

Lamberth Subdivision – Chestnut Ridge Road – Final Plat – (12-201-00047) – The Planning Commission considered a request to grant final plat approval for the Lamberth Subdivision located at Chestnut Ridge Road. The property is located outside the corporate limits of the City of Kingsport, 10th Civil District of Sullivan County.

Edinburgh Subdivision – Phase 2e – Final Plat – (12-201-00044 and 12-103-00004) – The Planning Commission considered granting final plat approval for the Edinburgh Subdivision, Phase 2e final plat located at Rock Springs and Edinburgh Channel Road contingent upon the submittal and approval of the bond for the remaining infrastructure to the Kingsport Regional Planning Commission. The property is located inside the corporate limits of the City of Kingsport, 15th Civil District of Sullivan County.

Edinburgh Subdivision – Phase 2f – Final Plat – (12-201-00045 and 12-103-00005) – The Planning Commission considered granting the final plat approval for the Edinburgh Subdivision, Phase 2f located at Rock Springs and Edinburgh Channel Road contingent upon the submittal and approval of the bond for the remaining infrastructure to the Kingsport Regional Planning Commission. The property is located inside the corporate limits of the City of Kingsport, 15th Civil District of Sullivan County.

Chairman Ward offered the consent agenda to the Planning Commission for approval and/or changes. There being no changes a motion was made by Alderman Mike McIntire seconded by George Coleman to approve the consent agenda as presented per staff recommendations. The motion was approved unanimously, 7-0.

UNFINISHED BUSINESS

None

NEW BUSINESS

Colonial Heights - Area 7 Part C – Annexation Report and Plan of Services – (12-301-00008) – The Planning Commission considered approving the annexation, zoning and plan of services for the Colonial Heights Area 7 Part C annexation area. The property is located outside the corporate limits of the City of Kingsport, 14th Civil District of Sullivan County. As per the Planning Commission's request, both Colonial Heights Area 7 Part C and Part D were presented together.

Colonial Heights – Area 7 Part D – Annexation Report and Plan of Services - (12-301-00009) – The Planning Commission considered recommending approval to the annexation, zoning and plan of services for the Colonial Heights Area 7 Part D annexation area. The property is located outside the corporate limits of the City of Kingsport, 14th Civil District of Sullivan County.

As per Planning Commission request, both items were presented together with Mr. Ken Weems presenting. Mr. Weems stated that Colonial Heights Areas A and B annexation were previously considered and passed by the Board of Mayor and Aldermen. Areas C and D are being presented together including 76 parcels in Area C and approximately 54 single-family homes in Area D. A public meeting was held on September 13, 2012 with approximately 40 persons in attendance. Both Areas C and D include public street mileage as well as similar zoning requests being recommended for both annexation areas. The proposed city zoning is comparable to the current county zoning district. All plans of services are being considered for the typical timeframe with sewers being installed within a five year limit. School children include approximately 49

children enrolled in county schools which will be eligible to attend Dobyys-Bennett High School, John Adams Elementary School and Robinson Middle School upon annexation. Commission Denton asked about calculating the average assessment value. Mr. Weems responded that the average is based on the entirety of the group from information taken from the county tax assessment. There being no additional questions Chairman Ward opened the item for public comment. Ms. Kim Strong spoke against the annexation. With no one else speaking in favor or opposition to the annexation the public hearing was closed. There being no further discussion among the Planning Commission a motion was made by Alderman Mike McIntire seconded by "Buzzy" Breeding to recommend the Colonial Heights Area 7 Part C annexation, zoning and plan of services to the Board of Mayor and Aldermen for approval. The motion was approved unanimously, 7-0.

A motion was made by Alderman Mike McIntire seconded by Dave Stauffer to recommend the Colonial Heights Area 7 Part D annexation, zoning and plan of services to the Board of Mayor and Aldermen for approval. The motion was approved unanimously, 7-0.

101 Tall Oak Court – Rezoning – (12-101-00003) – The Planning Commission considered the rezoning of 101 Tall Oak Court from R-1B, Residential District to P-1, Professional Offices District; to change the use from vacant, single family home to 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. Planner Jason Meredith presented the item for hearing. Staff stated that the property must be rezoned to accommodate this small security business. The current Land Use Plan does indicate a retail use as appropriate for this site. Mr. Meredith noted that the offices proposed are somewhat of a less intensive use than the retail potential use shown on the Land Use Plan. He further noted that a site plan has been prepared to indicate the potential development of the parcel and layout as requested by the Planning Commission at the last hearing approximately two months ago. After additional presentation Alderman McIntire asked if the recommendation for zoning was contingent on TDOT approval to which staff stated that no it would not be contingent on their approval, however an entrance off Ft. Henry would require those approvals. Commissioner Denton asked if an entrance was proposed on Tall Oak Drive. To which staff answered no entrance is indicated by the site plan. Commissioner George asked if the site plan proposed could be changed without hearing from the Planning Commission. Staff indicated that minor approvals would be allowable under the current zoning development plan approvals; however any major approvals would require an additional hearing from the Planning Commission. Staff noted that in discussions with the city traffic engineering staff there was an expectation that typical TDOT approval would include a right-in/right-out approval only for entrances on Ft. Henry Drive at this site. There being no additional questions for staff, Chairman Ward opened the item for public comment. Mr. Ray Rose spoke in opposition to the rezoning stating that he has significant concerns of additional traffic on the cul-de-sac road. Further, he stated his concern regarding any reductions to the value of his property on Tall Oak. Mr. Rose additionally stated the property is in very poor condition and somewhat unrepairable in his opinion. He also stated that is was part of the subdivision covenants. Ms. Christina Scarce spoke in opposition to the request stating her concern regarding the number of businesses to be allowed on this lot as well as the potential increase in traffic. Ms. Scarce added that most families in the subdivision have children or grandchildren. Commissioner George asked staff to state the specific uses allowed. Staff read those uses from the current zoning ordinance. A question was asked whether the approval could be conditioned, to which staff responded that the zoning cannot be conditioned, however the site plans could be conditioned as far as access to the site specifically. Commissioner Coleman added that he felt the Planning Commission has been very sensitive to this area and that the applicant has made a good-faith effort to follow through with their request. Mrs. Trish Mims spoke in opposition to the request stating that the traffic from construction workers has been extreme. Further, she stated the structure is falling apart and asked if commercial sewer would be required for this site. Ms. Jessica Edmonds stated her opposition indicating that when she spoke with a realtor they felt the property was in such poor condition that it was unsuitable for renovation. Commissioner Breeding asked if all of the construction equipment was accessing property from Tall Oak to which the property owners

answered “yes”, heavy equipment being brought up and down the road has made it very difficult for them to enjoy their yards. Ms. Janice Stewart spoke in opposition to the request as well, stating her concern regarding the construction traffic on the street as well as how the property is going to be accessed from Ft. Henry. Mr. Chip Scarce spoke in opposition to the request stating his concern for the future use of the property knowing that as the property owner may change the potential for adverse businesses is heightened. Mr. Scarce stated that although he may assume an increase in property value by annexation, the zoning change may negate that increase. Mr. Scarce also noted that his concern regarding a lack of spacing between the entrances. There being no further speakers the public hearing was closed. After some additional discussion by the Planning Commission, Ms. Colette George made a motion to approve the rezoning request to P-1 as recommended by staff. The motion was seconded by Dave Stauffer. Mr. Jim Lewis proposed an amendment to condition the site plan to the current plan with no major changes. Dave Stauffer seconded the amendment; however Commissioner George did not accept the amendment. The amendment was then withdrawn. With the motion standing as originally stated, the motion was approved, 6-1 with “Buzzy” Breeding voting no.

Indian Trail Drive – KBM Properties - Rezoning – (12-101-00005) – The Planning Commission considered the request to rezone a portion of Indian Trail Drive – KBM Properties from M-1R, Light Industrial District to B-3, General Business District; to change the use from vacant to retail, restaurant and entertainment within a new structure. The property is located inside the corporate limits of the City of Kingsport, 11th Civil District of Sullivan County. New revised site plans were available to all Commissioners at their desk. Mr. Jason Meredith presented the request. Director Tully stated for the record that staff was in receipt of a letter from an attorney indicating concern with the hearing of the zoning request based on a lack of traffic impact study and the tardiness of the application receipt. Staff stated that the traffic impact study is currently being conducted with the Board of Mayor and Aldermen hearing being held until receipt of the traffic impact study. Applications are taken based on staff’s ability to complete a thorough report regarding each application. There is posted an application deadline in order to ensure that staff has appropriate time to review and report on their findings. In this particular case staff was able to complete a thorough review within the timeframe from receipt of the application. Mr. Meredith went on to present the item noting the rezoning includes portions of two parcels being rezoned to B-3 in the request. The request is in keeping with the Land Use Plan 2030 and the traffic impact study is to be included prior to final hearing of the Board of Mayor and Aldermen. Mr. Meredith noted the adjoining zoning districts as well as access to the site from Indian Trail Drive. Staff stated that numerous phone calls have been received in the office in opposition to the request. Mr. Ken Weems presented the zoning development site plan review including the theatre and outparcels. Mr. Weems stated that the landscaping does meet all requirements and all other zoning development plan requirements have been met with the exception of two items, the relocation of a loading space and a change to the typical road section as shown on the current plan. Chairman Ward asked which neighborhoods the opposition appeared to be concentrated in. To which staff noted that it did not appear that there was a single area that was limited to these opposition calls and all the addresses have not been received, and in fact, when some callers were contacted they apparently did not realize that they had called the city. Their concerns when contacted seemed to center around traffic along Stone Drive in concerns of adding additional traffic to Stone Drive. Commissioner George asked if the proposed road would need to meet the commercial standard which staff affirmed that the commercial standard would be required whether the road were public or private. Planner Weems noted that in order to extend the road fully to American Way additional discussion must be completed between the property owners along that proposed roadway. Both Commissioner George and Commissioner Coleman asked if changes could be accommodated in-house to which staff responded that within the B-3 zone final approval can be granted in-house, however any major changes including any variances would be required to be reviewed again by the Planning Commission. There being no additional discussion from the Commission, the item was open for public comment by Chairman Ward. Mr. Roger Ball spoke in favor of the application noting that various traffic studies had been completed prior to this development with the intention that the entire property would be developed in the future. Mr. Ryan Rabah spoke in favor of the development noting that the potential

traffic increase could be much more intense if developed as currently zoned than as presented for rezoning. There being no additional speakers in favor of or in opposition to the item, the item was then closed for public hearing. A motion was made by Jim Lewis seconded by "Buzzy" Breeding to recommend the zoning to the Board of Mayor and Aldermen as per the staff recommendation. The motion was approved, 7-0. A motion was then made by Jim Lewis seconded by Colette George to approve the preliminary zoning development plan with the stipulations as noted by staff. Motion was approved, 7-0.

Cook's Pointe Subdivision - Irrevocable Letter of Credit (ILOC) – (08-201-00073) – The Planning Commission was requested to consider an extension of ILOC for Cook's Pointe Subdivision from staff. Mr. Forrest Koder presented the request for extension. Planner Koder noted that the current bond expires in October 2012 and that the new subdivision regulations allow a review of bonds for changes to the cost allocation. As this bond is five years old the engineering department has requested an additional cost increment for the bond amount to total a new cost of \$19,512. Further the engineering staff has asked that this be the last extension to the bond. Based on the Engineering department's recommendation staff has recommended that the bond be extended for the last time in the amount of \$19,512. After some discussion Commissioner George asked what the longest term of any bond has been. Director Tully answered that there is no typical length however this is the oldest bond the outstanding bond listing that the City currently holds. Commissioner Coleman asked if this bond would have to come back if it were extended and not performed on. Staff stated that yes the Planning Commission must call the bond by motion if not performed on. Commissioner Stauffer expressed his concern that there must be a time limit although the Planning Commission has been very flexible during the economic downturn with developers. Commissioner George expressed her concern about setting a precedent for a time limit or an expectation of a time limit for bonds. Commissioner Lewis noted that the builder did attempt to take care of the property and expressed his appreciation regarding the Planning Commission's indulgence on continued extensions to this date. There was no one to speak in favor of or in opposition to the request. A motion was made by Alderman Mike McIntire seconded by Jim Lewis to approve extension of the bond in the new amount with the contingency that this be the last extension of bond. The motion was approved unanimously, 7-0. Another motion was made by Alderman Mike McIntire seconded by Dave Stauffer that in the event no new bond is posted the Commission is to call the bond in the original amount of \$17,843 to ensure the infrastructure will be installed as required and direct the city treasure to submit a request to State of Franklin Savings Bank on or before October 18, 2012. The motion was approved unanimously, 7-0.

OTHER BUSINESS

Receive a letter of resubdivision of the Sullivan Heights Subdivision on Rock Springs Drive.

Receive a letter of subdivision of the remainder of Lot 19, Block 134 of the City of Kingsport.

Receive a letter of subdivision of the Paul F. Barrett Heirs Property.

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

Receive, for informational purposes only, the minutes of the Regular Meeting of the Board of Zoning Appeals held June 7, 2012.

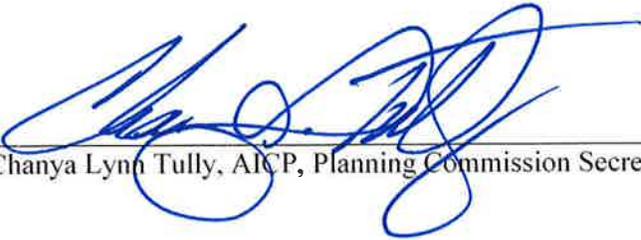
Receive, for informational purposes only, the August 2012 monthly report, Building Division.

Planning Director reminded the Commission of the public meeting for Colonial Heights area E annexation. Planner Weems provided the details for date, time and location for attendance.

ADJOURNMENT

There being no further business, a motion was made by Alderman Mike McIntire seconded by George Coleman to adjourn the meeting at approximately 8:30 p.m. The motion was approved unanimously, 7-0.

Respectfully Submitted,



Chanya Lynn Tully, AICP, Planning Commission Secretary