

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

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

October 18, 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

Members Absent

Staff Present

Lynn Tully
Forrest Koder
Karen Combs
Ken Weems
Chris Alley

Visitor’s List

Jeff Mull
Ron Morrison
Bobby Hamilton
Jeff McLain
Todd Carpenter
Richard Kitzmiller
Rick English
Tim Lingerfelt

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 Hoyt Denton seconded by “Buzzy” Breeding to make changes to the agenda. The changes included in the motion were to move items 10-02 and 10-03 to the consent agenda. Those items were pertaining to surplus properties. After little discussion, the motion was approved unanimously, 7-0.

The minutes of the work session held September 17, 2012 and the regular meeting held September 20, 2012 were presented for approval. A motion was made to approve the minutes as submitted by Dave Stauffer seconded by 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 for presentation during their work session held October 15, 2012.

10-02 Westfield Drive - Surplus Property – (12-601-00002) – The Planning Commission considered recommendation to the Board of Mayor and Aldermen that the property located between 340 and 368 Westfield Drive to be officially designated as surplus property. The property is located inside the corporate limits of the City of Kingsport, 13th Civil District of Sullivan County.

10-03 Cherokee Village Drive – Surplus Property – (12-601-00003) – The Planning Commission considered recommending to the Board of Mayor and Alderman that the property located at 323 Cherokee Village Drive be officially designated as surplus property. The property is located inside the corporate limits of the City of Kingsport, 11th Civil District of Sullivan County.

After little discussion a motion was made by Mike McIntire seconded by Colette George to approve the consent agenda items as presented. The motion was approved unanimously, 7-0.

UNFINISHED BUSINESS

None

NEW BUSINESS

10-01 Colonial Heights Area 7 Part E – Annexation, Zoning, and Plan of Services – (12-301-00010) – The Planning Commission considered recommending approval of the continued annexation, zoning, and plan of services for Colonial Heights Area 7 Part E to the Board of Mayor and Aldermen. The property is located outside the corporate limits of the City of Kingsport, 14th Civil District of Sullivan County. Planner Ken Weems presented the item indicating this to be the final annexation area in the two-year period of annexations for this portion of the Colonial Heights community. The Chesterfield Subdivision makes up the bulk of the 48 acre area included within the annexation. This includes a 10 foot outlet county property excluded from previous annexations. The area includes 66 parcels and portions of 35 additional parcels. The property is currently zoned residential by the County and is being considered for R-1B, Single Family Residential, and A-1 zoning within the city zoning districts. This would allow the Horse Creek Farms property to remain A-1 as the rest of the farm included with the City is currently zoned. Mr. Weems presented an average property owner financial impact study for the area. Additionally, a total of 28 children are included in the annexation area which will be allowed to enter John Adams Elementary School, Robinson Middle School and Dobyons-Bennett High School on annexation. A public meeting was held on October 4, 2012 with 18 guests in attendance. Mr. Weems stated that he has recently received a petition submitted for the Planning Commission to consider denial of the annexation area. A copy of the petition was made available. Within the petition, approximately 39 properties are represented within the Chesterfield Subdivision. Commissioner Denton asked Planner Weems to indicate the geographic area of the two-year annexation effort within this community. Planner Weems noted on the map that the areas included annexations from Ashley Oaks to the current property being considered. Commissioner Denton asked if any streets or alleys had been excluded within that area. Staff stated that none have been excluded at this time and this completes the area as originally planned. Chairman Ward asked when the taxes will be assessed for these properties. Staff stated that these property taxes would be due November 2013 and although the accrual begins in January 2013. Commissioner McIntire asked about the current sewer availability. Planner Weems stated that parts 1 through 4 do have sewer service currently, but areas 5 through 7 have been obligated for a five year implementation of installation for sewer according to their plan of services. Commissioner Breeding asked the number of residents in the area that are not currently on sewer but are within a plan of services agreement. Staff estimated approximately 1,100 citizens were within that area. Commissioner Coleman verified that the 7E area being considered tonight completes the areas with the exception of areas C and D that are currently under consideration by the Board of Mayor and Aldermen. There being no further questions, Chairman Ward opened the item for public hearing. Mr. Todd Carpenter spoke indicating his opposition to the annexation area stating he felt there was some dishonesty in the presentation. Mr. Carpenter took exception with the annexation process itself indicating his opposition to all annexation by any other means than referendum. He indicated that although he had researched the laws, the City is within its rights to annex, he is still opposed. Mr. Carpenter stated at length his opposition to the law and the process for annexation as well as the plan of services and installation of sewer specifically.

Chairman Ward noted that the process was followed within the guidelines of the law specifically with representation for annexation during the discussions of the Urban Growth Boundary Committee in 2000 prior to the adoption by the City and County as well as the cities of Bluff City and Johnson City. In this committee there were appointed representatives from all those areas. Of particular note was the moratorium extended to Colonial Heights for ten years barring any annexations within that area. That moratorium has since expired. Commissioner McIntire stated that although sewer service is expensive, it is necessary for the growth of the City in the future. This particular area is urbanized and prime for service at this time. The recuperation of the sewer expenditures may take many years however, it is felt that this is beneficial for the City overall. Mr. Carpenter asked why Bloomingdale had not been annexed at this time. Commissioner George stated that the last large area for annexation was Lynn Garden prior to the Colonial Heights area. Mr. Stauffer pointed out that houses on septic systems have much greater risk than those on sewer, and are valued accordingly. Mr. Jeff McLain stated his opposition to the annexation area and submitted the petition with 41 signatures. He further stated that the signatures he didn't receive included three who indicated a need for sewers although they have pools in their backyards and have used their septic area and what would be any back-up area for providing a pool for their houses. He felt that they did not need additional city services including brush pick up and said that they would likely sell their homes. There being no further speakers, the public hearing was closed. After some additional discussion, a motion was made by Colette George seconded by Dave Stauffer to recommend the annexation, zoning and plan of services to the Board of Mayor and Aldermen. The motion was approved unanimously, 7-0.

10-04 Preston Park – Subdivision – Concept Phase Amended – (12-201-00050) – The Planning Commission considered a request to approve the amended concept phase for Preston Park Subdivision. The property is located inside the corporate limits of the City of Kingsport, 11th Civil District of Sullivan County. A presentation was made by Mr. Forrest Koder. Planner Koder noted the long history of the Preston Park Subdivision from 1993 in phases 1 and 2 to present. He noted the final phase had no current construction documents at that time. Different variances have been granted in the past for construction of the subdivision regarding sidewalks and length of cul-de-sacs. An area of split-zoning was found on a portion of the rear of some of the lots that adjoined Pendleton Place Subdivision. This happened as part of the land was added after the initial development of Pendleton Place. Staff researched additional information regarding the sidewalk variances previously granted but none has currently been found. Staff stated that the intent of the previous variances will be honored as far as was granted. The Commission previously requested an emergency exit for the end of the subdivision and this has been shown on the current phase being considered. Staff does recommend the concept plan approval. Preliminary approval would be granted with construction documents and brought before the Commission separately. Commissioner Denton asked if the cost of the initial installation was not paid by the developer can they now pay for it and get the benefit of the variance. Commissioner McIntire felt strongly that the costs have been accounted for and remembered specifically the steepness of sidewalk and the Planning Commission's concern at that time for the trail in connection to Exchange Place. Chairman Ward noted that there has been a history of drainage issues within the area and asked staff to be diligent in preparing the engineering department as well as the applicant for the anticipated issues and obstacles. Further, he asked the developer to consider discussing the plans with the adjoining neighborhood prior to beginning any additional grading work due to the past history of violations. Staff member Chris Alley stated that the rules have changed significantly since the original approval for the subdivision regarding TDEC and erosion control. Now there are many new steps in the process. They have stabilized the site currently however and limited many of the previous drainage issues. There being no further comments, Chairman Ward opened the item up for public hearing. There being no one to speak in favor of or opposition to the item, the public hearing was then closed. A motion was made by Colette George seconded by "Buzzy" Breeding to approve the concept plan as presented. The motion was approved unanimously, 7-0.

10-05 The Estate of Golan Cox English – Subdivision – Final with Variance Requested – (12-201-00054) – Page one of the subdivision report was revised and provided to the Planning Commission at the beginning of the meeting. The Planning Commission considered a request to approve the final subdivision with requested variance for The Estate of Golan Cox English. The property is located outside the corporate limits of the City of Kingsport but within the Urban Growth Boundary, 13th Civil District of Sullivan County. Mrs. Karen Combs presented the item stating that the proposal is to subdivide the property into two lots of 1.5 and .79 acres respectively. The lots contain road frontage with one having only 25 feet of road frontage. The property is currently non-conforming with two principle structures on one lot and the proposal, although not totally conforming, would clean up the lot with a variance to the road frontage. There being no additional questions, Chairman Ward opened the item for public hearing. Mr. Richard Kitzmiller spoke in favor of the item representing his wife and her brother to separate the property to meet the needs of the children and the wishes of the deceased in this case. Mr. Kitzmiller noted that it had informally been subdivided by the family previously and this proposal is to clean up the lines as shown. Mrs. Combs noted a shared driveway currently for both lots. There being no additional speakers, the public hearing was closed. After no additional discussion, a motion was made by Mike McIntire seconded by Jim Lewis to approve the item as presented. The motion was approved unanimously, 7-0.

OTHER BUSINESS

10-06 Receive a letter of subdivision of the Marvena Birdwell Estate Property.

10-07 Receive a letter of subdivision of the Patricia Hamer Property.

10-08 Receive a letter of subdivision of Lot 13, Blk L Quail Creek Estates, Sec 3 and Lot 14, Blk L Quail Creek Estates, Sec 5.

10-09 Receive, for informational purposes only, the Building Division monthly report, September 2012.

10-10 Receive, for informational purposes only, New Businesses report, September 2012.

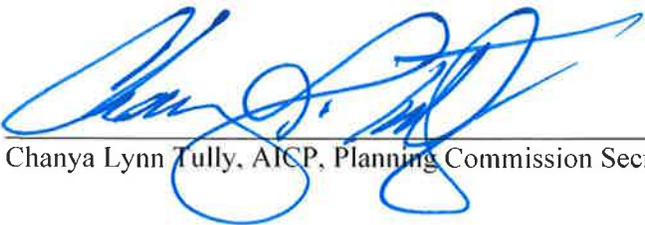
10-11 Receive, for informational purposes only, Building Permits report, 3rd quarter, 2012.

10-12 Receive, for informational purposed only, Building report, 3rd quarter, 2012.

ADJOURNMENT

There being no further business, a motion was made by Mike McIntire seconded by George Coleman to adjourn the meeting at approximately 8.03 p.m. This motion approved unanimously, 7-0.

Respectfully Submitted,



Chanya Lynn Tully, AICP, Planning Commission Secretary