

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

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

November 15, 2012

7:00 p.m.

Members Present

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

Staff Present

Lynn Tully
Forrest Koder
Karen Combs
Ken Weems
Chris Alley

Members Absent

Dennis Ward, Chairman

Visitor’s List

Ann Compton
Michael Grigsby
Chandra Solafire
Ron Smith
Jerry Petzoldt
Danny Carr
Bob Winstead
Peter Hooven
Anna Hooven
Cynthia Kessler
Stephen Ellis
Mike McQueen

At 7:00 p.m., Vice-Chairman Colette George called the meeting to order, welcomed the audience, introduced the commissioners and staff, and summarized the meeting procedures. Director Tully noted that a comment card was received requesting an opportunity to speak during public comment. A motion was made by Mike McIntire seconded by George Coleman to amend the agenda to add public comment immediately following the consent agenda items. The motion was approved unanimously, 7-0.

The minutes of the Planning Commission work session held October 15, 2012 and the regular meeting held October 18, 2012 were presented for approval. A motion was made to approve the minutes as submitted by George Coleman seconded by Mike McIntire. The minutes were 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 November 12, 2012.

11-02 Polo Fields – McMurray Phase – Amended Final for 8 Units – (12-103-00007) – The Planning Commission considered a request to approve the amended subdivision plat for Polo Fields – McMurray Phase. The plat includes eight lots and is located inside the corporate limits of the City of Kingsport, 13th Civil District of Sullivan County off Rock Springs Road.

11-03 Chase Meadows – Phase 3 – Final Plat – (12-103-00006) – The Planning Commission heard a request to approve the final plan for Chase Meadows Subdivision Phase 3. The plan included 37 lots on approximately 7.43 acres located off Fall Creek Road inside the corporate limits of the City of Kingsport.

7th Civil District of Sullivan County. The request includes the extension and submittal of a bond in the amount of \$74,571.53.

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

PUBLIC COMMENT

Mr. Michael Grigsby requested to speak during public comment. Mr. Grigsby passed out a tax parcel map indicating the property to be discussed. Mr. Grigsby identified the parcel in question owned by Ms. Wanda Cox's Heirs off Cox Hollow Road. Mr. Grigsby presented argument that the subdivision plat requirements are not applicable to this property. Mr. Grigsby noted his discrepancy with staff regarding the requirements and asked for the Commission to conduct a ruling on whether or not the property is truly considered a subdivision. Mr. Grigsby stated that he believed that the Commission had the power to make such ruling based on their approval authority on all subdivisions within the Urban Growth Boundary. The Commission asked several questions regarding requirements of the subdivision regulations and the specific situation noted. Staff stated that this is an unusual situation in that this parcel was recently annexed into the City however, is and was within the Urban Growth Boundary. Based on the discussion occurring at that time the Commission questioned whether the requirements of subdivision could be appealed from staff's decision. Director Tully briefly reviewed the regulations and could not point definitively to an appeals process for the subdivision regulations other than variances which are specifically noted within the regulations. Staff stated that additional research would be done regarding the appeals process. After extensive discussion, the Commission noted that although there is some disagreement regarding the surveyor and the application of the current state law, the Commission did feel that the presentation warranted a subdivision plat. On consensus, based on the information shown by Mr. Grigsby, the Commission agreed that the parcel in question did constitute a subdivision however, the Commission noted that there is no ruling to be conducted at this time; it was simply for public comment.

NEW BUSINESS

11-01 St. Andrews Garth – Phase 1 – Irrevocable Letter of Credit (ILOC) – (11-103-00001) – The Planning Commission is requested to consider extension of an ILOC for St. Andrews Garth – Phase 1. Mr. Forrest Koder presented the project noting that the development located off Rock Springs Road has a bond outstanding in the amount of \$47,700. Staff noted that the extension is recommended as the final extension of the bond for this phase. The bond included an amount for sidewalks and completion of topping of the roadways within Phase I. There was some discussion regarding the length of the bond. With no additional questions, Mrs. George opened the item for public hearing. Mr. Danny Carr spoke in favor of the item noting that he was the representing surveyor for the property owner. No one spoke in opposition to the request. There being no additional discussion the hearing was closed. A motion was made Mike McIntire seconded by George Coleman to approve a one year extension of the St. Andrews Garth Phase I ILOC in the amount of \$47,700. The motion was approved, 7-0. A second motion was made by Mike McIntire seconded by Jim Lewis to call the bond in the amount of \$47,700 if neither the improvements have been made based on affidavit certification of noncompliance, nor no new bond is presented by December 15, 2012. The motion was approved unanimously, 7-0.

11-04 Harmony Ridge Subdivision - Irrevocable Letter of Credit (ILOC) – (10-201-00010) – The Planning Commission is requested to approve extension of the ILOC for Harmony Ridge Development for completion of improvements within the subdivision. Mr. Forrest Koder provided a new copy of the report and recommendation for the Harmony Ridge development at their desks. Mr. Koder presented the item noting that the bond extension has several issues one of which includes the length the bond has been outstanding. Mr. Koder did note that although the bond was extended this time last year, it was extended

with conditions. Those conditions have been only partially met at this time. Additionally, a new bond amount has been required by the Engineering department in order to ensure completion of the improvements as required. Mr. Koder noted that the recommendation according to the new report included a final extension for six months of the project with corrective action planned as noted on the report. Commissioner Stauffer asked if any work had been done on the items included with this project and bond. Staff member Chris Alley stated that several issues have been considered for corrective action and noted on the recommendation memo however, the work has not been done to date. Commissioner Lewis asked if there was a timeline for the corrections included. Mr. Alley informed them that timeframes have been outlined in the contingencies noted for extension of the bond. Additionally, the bond will be recommended for an extension for a six-month period versus a one-year period. Commissioner Stauffer asked if the scope of the work was the same as originally included. Staff noted that the scope of work is the same; however there has been change in the cost for installation of sidewalks based on current sidewalk bids versus quotes from the original four-year-old bond. Vice-Chairman George opened the item for public hearing. There was no one to speak in favor of or on opposition to the request. There being none, Commissioner George closed the item for public hearing. After little discussion, Commissioner Jim Lewis made a motion to grant the extension for a six month bond in the new amount of \$180,660 to be extended through July 19, 2013 with the contingencies as noted and recommended by staff. The motion was seconded by "Buzzy" Breeding and approved unanimously, 7-0. A second motion was made by Mike McIntire seconded by Dave Stauffer to call the bond in the amount of \$137,000 if no replacement bond has been received or the improvements not installed by December 15, 2012. The motion was approved, 7-0.

11-05 North Kingsport Area 1 – Annexation, Zoning, and Plan of Services – (12-301-00014) – The Planning Commission heard a request to approve and recommend to the Board of Mayor and Aldermen the annexation, zoning, and plan of services for North Kingsport Area 1 Annexation. This property is located outside the corporate limits of the City of Kingsport, 12th Civil District of Sullivan County. Mr. Ken Weems presented the annexation area summary with a new plan of services and cost estimate at their desks. He noted that there is a total of approximately 13.5 acres included with 5 parcels and 1,000 feet of public street. Mr. Weems stated that the City zoning is proposed as A-1 and R-1B zoning districts similar to the County zone of A-1. The discussion during the work session with the Commissioners prompted the petitioners to be contacted with regards to relaxing the date for the installation of sewer upgrades according to the plan of services as originally proposed. Staff noted the petitioners have been contacted and are in agreement with the revision to the sewer upgrade dates. Commissioner Denton asked why we are considering annexation within this area at this time. Mr. Ken Weems stated the property owners did request this annexation specifically for the attendance at City schools. George Coleman asked if there were future areas to be annexed within North Kingsport. Staff stated that per the February presentation, this is the first of several areas within the North Kingsport area expected to be included in the five-year timeframe. Commissioner Coleman noted that due to the change in the plan of services commitment, it may be several years before the City absorbs that area and now that the petitioner is in favor of holding off on installation of sewer until the rest of the area is served, he would be more in favor of this petition than he previously had expressed. Commissioner Denton asked if the City was very interested in annexation for this area. Planner Weems stated that the City is interested in this area and has already provided sewer to the area in many places and City schools area being provided for all the elementary-age children within the North Kingsport area at this time. The water service is also in place however, he did also note that new development potential is very limited within this area. Commissioner Selby asked if this agreement would be reflected in the deeds of the property and asked how a new property owner would know about the promise included in the plan of services. Staff stated that although it's not reflected on the deeds to the property, the plan of services is recorded in the County records. Commissioner George also noted that as part of the property's disclosure for real estate listing for sale the current property owner would be required to reveal that commitment and note that the property is currently served by septic systems although located within the City. There being no additional

discussion, Vice-Chairman George opened the item for public hearing. Mr. Mike McQueen spoke in favor of the request stating that he was one of the property owners and the land has been in his family for more than a century. The property is expected to stay in family hands for the foreseeable future. There being no one to speak in opposition to the request, the public hearing was closed. Commissioner Selby asked if the City police and fire currently service the area. Staff stated that although the property is currently under County service requirements, mutual aide agreements are in place such that City responders may be called upon to provide those services in this area already. There being no additional discussion, a motion was made by Hoyt Denton seconded by Dave Stauffer to approve the annexation area, zoning, and plan of services for North Kingsport Area 1 Annexation. The motion was approved, 6-1, with Jim Lewis voting "no."

11-06 Tourist Accommodation (TA) Districts along Union Street (TM-45D, G-K, P-1.15) – Rezoning – (12-101-00010) – The Planning Commission considered a request to approve and recommend to the Board of Mayor and Aldermen rezoning TA Districts along Union Street from split zoning R-3, Multi Family Residential, and TA, Tourist Accommodation, to R-3, Multi Family Residential. This property is located inside the corporate limits of the City of Kingsport, 12th Civil District of Sullivan County. Mrs. Karen Combs presented the item noting that the next three items are City initiated rezoning to TA Districts. In this particular case the parcels are split zoned and this recommended change will correct the zoning to the current use. The property is now nonconforming within the TA District based on the recent changes to the zoning text. After some discussion, Commission Hoyt Denton asked if we had contacted the owners regarding the change. Mrs. Combs stated that letters have been sent to the property owners however, no responses have been received to date. Some calls were received from adjoining property owners within 300' of the request who also received notification; however, none were in opposition to the proposal. Vice-Chairman George opened the item for public hearing. There being no speakers Vice-Chairman George closed the item for hearing. There being no additional discussion, a motion was made by Mike McIntire seconded by George Coleman to approve the rezoning and to recommend to the Board of Mayor and Aldermen the rezoning along Union Street to TA District. The motion was approved unanimously, 7-0.

11-07 Tourist Accommodation (TA) Districts along Union Street (TM-45C, G-A, P-1.00 & 1.05) – Rezoning - (12-201-00011) – The Planning Commission considered a request to approve and recommend to the Board of Mayor and Aldermen rezoning TA Districts along Union Street from TA, Tourist Accommodation, to B-3, General Business District. This property is located inside the corporate limits of the City of Kingsport, 12th Civil District of Sullivan County. Mrs. Combs presented the parcels at the Union Street and Stone Drive intersection for consideration. The property is currently used as a single restaurant with the adjoining property being vacant. The parcels are currently nonconforming in size and do not meet the TA zoning district as it is currently written. Staff noted the proposed district, B-3, General Business District, allow the current uses as primary uses and would clean up the zoning discrepancies. There being no further discussion, Vice-Chairman George opened the item for public hearing. Mr. Bob Winstead spoke asking why the properties were originally zoned Tourist Accommodation. Staff noted that the properties were zoned in 1981 but the development did not follow the intent of the original TA District. There being no further speakers, the public hearing was closed. After little additional discussion, a motion was made by Hoyt Denton seconded by Mike McIntire to approve and recommend the rezoning to the Board of Mayor and Aldermen per staff's recommendation. The motion was approved unanimously, 7-0.

11-08 Tourist Accommodation (TA) Districts at W. Stone Drive / Lynn Garden Intersection – Rezoning – (12-101-00012) – The Planning Commission heard a request to approve and recommend to the Board of Mayor and Aldermen the rezoning TA Districts at W. Stone Drive / Lynn Garden Intersection from TA, Tourist Accommodation, to B-3, General Business District. This property is located inside the corporate limits of the City of Kingsport, 11th Civil District of Sullivan County.

Mrs. Combs presented the parcels noting that the properties appeared to be again out of compliance with the new TA zoning district and size and location while the B-3 zoning district would be in accordance with current uses and sizes of the properties. Mrs. Combs noted the existing uses and conditions on the sites and recommended the change in order to bring the properties into compliance with current zoning regulations. Staff noted that of the three City-initiated rezoning of the Tourist Accommodation Districts, this particular project had the most telephone traffic however, nearby property owners appeared to be in support of the rezoning request. Staff noted that water and sewer are provided on all lots which include service to hotels, offices, restaurant, and bars. Vice-Chairman George opened the item for public hearing. There being no one to speak in favor of or in opposition to the request, the hearing was closed. A motion was made by Jim Lewis seconded by "Buzzy" Breeding to approve and recommend the rezoning request of the TA Districts to B-3. The motion was approved unanimously, 7-0.

11-09 Stewart Taylor Properties – Rezoning – (12-101-00009) – The Planning Commission considered a request to approve and recommend to the Board of Mayor and Aldermen the rezoning of the Stewart Taylor Properties from B-3, B-4P, R-3, and A-1 to TA/C, Tourist Accommodation/Commerce District. This property is located inside the corporate limits of the City of Kingsport, 14th Civil District of Sullivan County. Mr. Koder noted that approximately 80 acres on the north side of Interstate 81 and 260 acres on the south side of Interstate 81 are being considered for the change in zoning. The property includes several different zoning districts to be consolidated into the new TA/C zone. The future land use plan shows commercial uses as appropriate for the property. Staff noted that improvements include a new Fordtown Road under construction as well as some minor changes to the existing Fordtown Road. Commissioner Denton asked why some parcels were excluded from the request. Mr. Koder noted that the property not included was outside the scope of Mr. Taylor's ownership. Staff further noted that the TA zoning district does require a zoning development plan and therefore it would be necessary for rezoning of those additional parcels. Mr. Ken Weems presented the potential zoning development plan for approval for the Taylor properties. This plan is considered a guide and is included as a guide for the development and is included for all the properties being considered under this rezoning request. He noted that the transportation network on the north side is to remain primarily the same as exists currently, however the southern portion will include the improvements previously stated for Ford Town Road and its feeder roadways. The property includes development at just under 1,000,000 square feet of retail and a mix of hotel and restaurant uses as well. The signage for the proposal that is included introduces a signage package for the entire development. Staff has been working with the developer regarding the use and sizes of signage for the development. New TA sign regulations are forthcoming however, have not currently been adopted at this time. Mr. Weems noted the Gateway guidelines do apply to the property as well and additional review would be required from the Gateway Review Commission upon development of the individual buildings. Commissioner Lewis asked where the Riggs property was located in relation to this development. Staff noted the location of the Riggs property on the map. After no further questions from the Commission, Vice-Chairman George opened the item for public hearing. There being no speakers the public hearing was closed. A motion was made by Mike McIntire seconded by George Coleman to approve and recommend the zoning request to TA/C zone as presented. The motion was approved unanimously, 7-0. A second motion was made by Jim Lewis seconded by Mike McIntire to approved and accept the concept zoning development plan for this site. The motion was approved unanimously, 7-0.

11-10 Edinburgh Subdivision – Phase 4 – Preliminary Plan – (12-201-00053) – The Planning Commission considered a request to approve the preliminary plan for Edinburgh Subdivision, Phase 4. This property is located inside the corporate limits of the City of Kingsport, 15th Civil District of Sullivan County. Mr. Forrest Koder presented the item noting that almost ten acres of property is included in Phase 4 of the Edinburgh development. This phase proposes 31 lots with a 50' right-of-way on the Bridgeforth Crossing and a 40' right-of-way on an unnamed cul-de-sac. Mr. Koder noted that the construction documents have been submitted and are currently under review by the engineering staff.

Staff did recommend approval of the subdivision Phase 4 preliminary plan contingent on naming the streets and address assignment based on those street names. Commissioner Stauffer asked when the lots will begin to be taxed to which staff replied that the taxation would be determined by the County Tax Assessor however, once the lot is recorded it is typically considered taxable. There being no further questions, Vice-Chairman George opened the item for public hearing. There being no one to speak in favor of or opposition to the request, the hearing was closed. A motion was made by Hoyt Denton seconded by Mike McIntire to approve the Edinburgh Subdivision Phase 4 Preliminary Plan per staff's recommendation. The motion was approved, 7-0.

11-11 Corner of Millennium Drive & Shipley Ferry Road – Surplus Property – (12-601-00007) –

The Planning Commission considered a request to approve and recommend to the Board of Mayor and Aldermen that the property located at the corner of Millennium Drive and Shipley Ferry Road currently owned by the City be placed back into the private sector for development. This property is located inside the corporate limits of the City of Kingsport, 7th Civil District of Sullivan County. Mrs. Karen Combs presented the item noting that the property to be declared surplus is based on a lack of need for future services by the City. The property was originally purchased as a fire station lot however other stations are currently servicing this area of the City. Staff noted that the property is relatively easily developed with level topography and utility services currently being provided. All City departments were notified and requested for comment regarding the disposal of this property. Specifically, the fire department was asked for verification. Commissioner Denton asked if the zoning would be changed on the property once it is surplus. Staff noted that the property is currently zoned B-3, General Business District, and the zoning is not requested to be changed at this time. Vice-Chairman George opened the item for public hearing. There being no one to speak in favor of or opposition to the request, the public hearing was closed. After little discussion, a motion was made by Mike McIntire seconded by George Coleman to approve the request and recommend to the Board of Mayor and Aldermen that the property be declared surplus. The motion was approved unanimously, 7-0.

Commissioner George Coleman noted that recently the Planning Commission had received a letter from Dr. Ailshie, Superintendent of Kingsport City Schools, representing the School Board, regarding the request for first consideration of surplus properties within the Dobyns-Bennett High School area. Mr. Coleman asked if the Chair would send a response to that letter. Staff stated that we would craft a response for the Chair's signature as per Planning Commission request.

Staff asked if there was any additional discussion or any additional consideration from the Planning Commission regarding the request from Ms. Torbett, Sullivan County Planning Dept. The request by letter was to consider a text amendment to allow some non-conformities to remain in subdivision plats. After some additional discussion, there was a consensus of the Commission that no action be taken regarding the request for a text change at this time; although the request was appreciated by the Commission from the County.

OTHER BUSINESS

11-12 Receive a letter of subdivision of the Dewey Bracken property.

11-13 Receive a letter of subdivision of Shekinah Church.

11-14 Receive a letter of resubdivision of the Edinburgh Subdivision on, Lott 66 property.

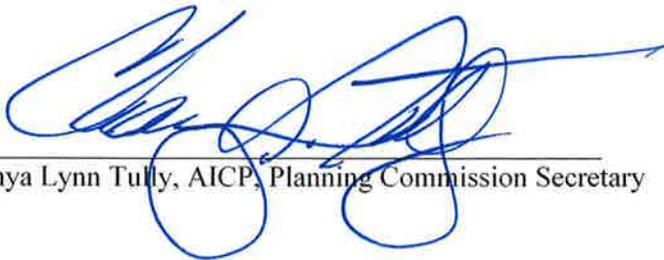
11-15 Receive a letter of resubdivision of the Edinburgh Subdivision, Lot 82 property.

- 11-16** Receive, for informational purposes only, the minutes of the Board of Zoning Appeals Called Meeting on August 23, 2012 and the Regular Meeting on September 6, 2012.
- 11-17** Receive, for informational purposes only, a report of New Businesses for October 2012 as provided by Jeff Fleming.

ADJOURNMENT

There being no further business, a motion was made by George Coleman seconded by “Buzzy” Breeding to adjourn the meeting at approximately 8:28 p.m. This motion was approved unanimously, 6-0.

Respectfully Submitted,



Chanya Lynn Tully, AICP, Planning Commission Secretary