

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

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

December 20, 2012

7:00 p.m.

Members Present

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

Staff Present

Lynn Tully
Forrest Koder
Ken Weems
Karen Combs

Members Absent

Jim Lewis

Visitor’s List

Carolyn Hicks
Mary Ann King
Michael Grigsby
Danny Carr
Kay Pierce Cassell
Darrell Davis
Randy Allen

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.

Director Tully noted that a comment card was received requesting an opportunity to speak during Public Comment. She further noted that the agenda has been amended as per the work session discussion to include a “Public Comment” section in the agenda following “New Business.” A motion was made to approve the agenda as presented by “Buzzy” Breeding seconded by Mike McIntire. The motion was approved unanimously, 7-0. The minutes for the work session held November 12, 2012 and the regular meeting held on November 15, 2012 were presented for approval. A motion was made to approve the minutes as submitted by George Coleman seconded by Dave Stauffer. 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 December 17, 2012.

12-01 Edinburgh Subdivision – Irrevocable Letter of Credit (ILOC) – Credit Reduction (08-201-00068) – The Planning Commission considered a request to reduce the ILOC outstanding for Edinburgh Subdivision Phase 2f. The reduced amount for the ILOC is to be \$133,590 per bond estimate provided by the City’s engineering department. This reduction is from the previously approved amount of \$251,600 for infrastructure improvements within the subdivision phase 2f.

12-02 Intersection of Fordtown Road and Lebanon Road – County Subdivision Final Plat (12-201-00071) – The Planning Commission considered a request to approve the final plat of property located at the intersection of Fordtown Road and Lebanon Road. The property is located outside the corporate limits of the City Kingsport, 14th Civil District of Sullivan County.

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

UNFINISHED BUSINESS

There was no unfinished business to discuss.

NEW BUSINESS

12-03 Lamberth Street – Annexation, Zoning, and Plan of Services (12-301-00013) – The Planning Commission considered a request to approve and recommend to the Board of Mayor and Aldermen the Lamberth Street annexation, zoning, and plan of services. The property is located outside the corporate limits of the City of Kingsport, 10th Civil District of Sullivan County. Mr. Ken Weems presented the item noting approximately 12 acres of property with six parcels are included in the request. Mr. Weems further noted that these parcels have portions that are currently included within the City limits. No new streets are included in the annexation area and all services typically provided by the City are currently provided to the parcels. Commissioner Selby asked if this property was a requested annexation. Staff stated that the owner has requested this annexation by her legal agent. Commissioner George asked why the current city limits only included a portion of those properties. Staff noted that initially it was annexed possibly to accommodate other subdivisions. Alderman McIntire stated that his memory included this annexation being done to accommodate sewer for Chestnut Hills Subdivision. Commissioner George asked if this was still one parcel to which staff responded that has recently been subdivided for six parcels. There being no further questions, Chairman Ward opened the item for public hearing. There being no speakers in favor of, or opposition to the request, the public hearing was then closed. A motion was made by Mike McIntire seconded by “Buzzy” Breeding to approve and recommend the Lamberth Street area annexation, zoning, and plan of services as recommended by staff. The motion was approved unanimously, 7-0.

12-04 Netherland Villas Development - Irrevocable Letter of Credit (ILOC) – Final Extension (06-201-00055) – The Planning Commission considered a request to approve an ILOC extension for Netherland Villas Development to install required infrastructure. Mr. Forrest Koder presented the item noting that the bond amount has been increased based on a new estimate from the City’s engineering department. The increase includes a total of approximately \$84,840 of infrastructure work to be installed. Staff further noted that this new bond would be recommended for only a six-month timeframe versus a typical year due to the extended period of previous bonds. Staff noted that the developer’s office has been in contact with staff and stated that they do intend to produce the bond in the new amount as per the new timeline. However, two motions would be required for this item, one to call the bond should no new bond be received prior to the expiration date of January 15, 2013 and another for the extension. Commissioner Breeding asked why development has been so slow to install the required infrastructure. Staff noted that development overall has been slow and this is our oldest bond outstanding within the office. Commissioner Stauffer asked what infrastructure was still left to be installed. Staff noted that sidewalks and top-coating is still required and has not currently been provided as well as as-built drawings for the development. There being no further questions, Chairman Ward opened the item for public hearing. No speakers spoke in favor of, or opposition to the request and the hearing was closed. Commissioner George made a motion seconded by Dave Stauffer to extend the bond per the staff’s

recommendation for a duration of six months at the new bond amount of \$84,840. The new bond expiration date shall be no later than July 15, 2013. The motion was approved unanimously, 7-0. A secondary motion was made by Colette George seconded by “Buzzy” Breeding to call the existing bond in the amount of \$78,800 issued by First Bank and Trust Company should the developer fail to submit a new ILOC prior to the expiration date of January 15, 2013. Said bond would be called on January 14, 2013 if no new bond is produced. The motion was approved unanimously, 7-0.

12-05 TA Districts South John B. Dennis Highway – City Initiated Rezoning (12-101-00013) – The Planning Commission considered a request to approve and recommend to the Board of Mayor and Aldermen rezoning property from TA, Tourist Accommodation District, to BC, Business Conference District, in order to meet the new TA development regulations. The property is located inside the corporate limits of the City of Kingsport, 13th Civil District of Sullivan County. Mrs. Karen Combs presented the item noting that this was one of several items being brought to the Planning Commission to clean up those properties that don’t closely follow the new TA zoning district regulations. The property does include the Pierce farm which is split-zoned. Properties to the south of the proposed site includes one vacant lot and one single family dwelling. The properties don’t currently meet the requirements for the new TA zoning based on their location and size. They are surrounded by BC zoning districts and other retail districts. Commissioner Denton asked about the differences between the TA zoning districts and the BC, Business Conference Center district. Staff noted that the new TA district requires a much larger size development and those developments must be located adjoining an interstate. The uses are similar; however, they are more suited to the BC Center district at this location. Staff further noted that the Gateway design guidelines still apply to this property. Commissioner Breeding noted that there would be little to no effect on uses of the land for BC. Commissioner Denton asked if this was staff initiated to which staff responded, yes. Commissioner Denton also asked if the new zoning district was compatible with other zoning districts in the area. Staff noted that this does create a logical boundary for the zoning line for BC district in the area. The request was opened for public hearing by Chairman Ward. Ms. Kay Cassell spoke in favor of the request and asked if the zoning request affected any of the existing entrances. Staff stated that it did not change any of those entrances and the zoning does fall within the long-range plan for the area. Commissioner Selby asked about the B-3 (General Business District) district shown on the zoning map was that is in the vicinity of the parcels being proposed. Staff noted that these are currently developed as restaurants, South Gate Shopping Center, and other smaller retail uses. There being no other speakers in favor of, or opposition to the request, the public hearing was closed. A motion was made by “Buzzy” Breeding seconded by George Coleman to approve and recommend the rezoning as per the staff recommendation. The motion was approved unanimously, 7-0.

12-06 TA Districts Along Fort Henry Drive – City Initiated Rezoning (12-101-00014) – The Planning Commission considered approving and recommending to the Board of Mayor and Aldermen rezoning from TA, Tourist Accommodation, to B-3, General Business District, properties on Fort Henry Drive in order to meet the new TA development regulations. The properties are located inside the corporate limits of the City of Kingsport, 14th Civil District of Sullivan County. Mrs. Karen Combs presented the item noting its similar nature to the previous zoning request. She outlined the current development on the site including the Perkins Restaurant and a hotel. Staff further recommended this area to be zoned B-3 as a logical boundary for the current B-3 uses. Staff noted that the uses are compatible with the existing developed properties. Commissioner Selby asked if the current B-4P zoning district shown in the vicinity currently has access only from Fairlane Drive to which staff noted that the Fairlane access is the only access for that property and the drive is only partially built within the right-of-way with the extended portion being a paper street. Commissioner Denton asked if staff had received any comments from the public, to which staff noted that there had only been one comment from across the street with no objections. Commissioner George noted that her office is next door to this request and she has no objection however, she will abstain from the vote. Chairman Ward opened the item for public hearing. Mr. Randy Allen spoke in favor of the request representing Perkins Restaurant and noted that as long as

there were no affects on their current landscaping or taxes, then they were in favor of the request. Staff noted that no changes to either would be required by this rezoning. There being no further speakers, the public hearing was closed. A motion was made by Hoyt Denton seconded by Dave Stauffer to approve the rezoning request as presented and recommend to the Board of Mayor and Aldermen. The motion was approved, 6-0, with Commissioner George abstaining.

12-07 264 Moreland Drive – County Rezoning (12-101-00015) – The Planning Commission considered a request to approve the rezoning from County R-1, Single Family, to County B-1, Neighborhood Business District. The property is located outside the corporate limits of the City of Kingsport, 13th Civil District of Sullivan County and within the Urban Growth Boundary. Mrs. Karen Combs presented the item noting that the property currently exists on Moreland Drive for rezoning and is vacant. The County B-1 zoning district allows the property to be used for commercial and/or duplex uses in the County zoning ordinance. Current commercial and manufacturing uses are located on adjoining and nearby properties. The Future Land Use Plan does indicate that the property is most appropriate for manufacturing uses in the very long term. As a transitional use, staff stated that the B-1 zone would be appropriate for this site. This would allow the current residents some protection and buffer from the encroaching manufacturing uses during the anticipated lifetime of the neighborhood. There is water provided to the site however the property does not have sewer services. Commissioner Coleman asked if the current businesses located to the East are properly zoned. Staff stated that they would have to identify those more closely within the current County zoning however, the properties would be more closely aligned with the City’s B-3 zoning district which would be a similar district to what is being proposed for the property in question. Commissioner Denton asked if this was the final approval to which staff stated that additional approval must be given by the County Commission during their hearing. There being no further questions, Chairman Ward opened the item for public hearing. Ms. MaryAnn King from 246 Moreland Drive asked if sewer would be available in the future to this site. Staff stated that there were no plans to extend sewer at this time. There being no other speakers in favor of, or opposition to the request, the public hearing was closed. A motion was made by Hoyt Denton seconded by “Buzzy” Breeding recommend the request to the County Commission as per staff’s recommendation. The motion was approved unanimously, 7-0.

PUBLIC COMMENT

Mr. Michael Grigsby asked to speak during “Public Comment.” Mr. Grigsby reintroduced the original tax map shown at last month’s meeting followed by the old boundary lines noted by him previously. Mr. Grigsby stated that there was no ruling on whether the property is a subdivision and stated that interpretation must be made by the Planning Commission, in his opinion. He further stated that the Planning Commission must define subdivisions and that staff misrepresented the fact that at some time someone built a road across the property. Mr. Grigsby recalled the old deeds for transfer recorded for the properties and stated that there is a separate chain of title for all the deeds. Chairman Ward asked what the purpose of the boundary survey was that Mr. Grigsby would be preparing. He stated that the property is intended for sale for future farming. Commissioner Coleman asked if the property had been legally split in order to be shown as a new tax parcel and paying new taxes. Combination for tax purposes may be done without a plat. Mr. Grigsby noted that property would be required to be dedicated for additional right-of-way should the property be platted as a subdivision. He further noted his disagreement with the planners regarding the investigation behind the history of the property. There were several questions from the Commission regarding the original condition of the properties to the surveyor. Commissioner George asked whether there was an attorney at closing requiring the plat. Mr. Grigsby stated that they can’t close until they get a ruling from the Planning Commission. Commissioner Coleman then asked whether the attorney was asking for a ruling from the Planning Commission for a subdivision plat. Mr. Grigsby stated that the attorney is requiring the plat because the planners said it was required. Additional discussion ensued. Commissioner Coleman made a motion to support the Planning staff

regarding the definition of subdivision as noted in our subdivision regulations and the interpretation thereof requiring a plat for this property. The motion was seconded by Mike McIntire and approved unanimously, 7-0.

The Planning Commission received other items of business as listed below.

OTHER BUSINESS

12-08 Receive a letter of resubdivision of the Anna Marie McCann, Lots 1 and 2 on Emory Church Road.

12-09 Receive a letter of resubdivision of the Vaughn property located along Fordtown Road.

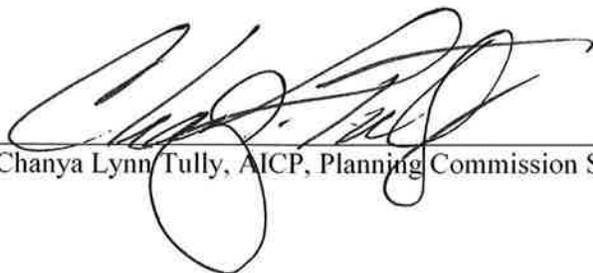
12-10 Receive a letter of resubdivision of the AEP-Wells Subdivision on Mill Creek Road.

12-11 Receive a letter of resubdivision of the Ebenezer Church property located at 1026 Maple Street.

ADJOURNMENT

There being no further business, a motion was made by Mike McIntire seconded by George Coleman to adjourn the meeting at approximately 8:01 p.m. The motion was approved unanimously, 7-0.

Respectfully Submitted,



Chanya Lynn Tully, AICP, Planning Commission Secretary