

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

January 19, 2012

7:00 p.m.

**Members Present**

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

**Members Absent**

None

**Staff Present**

Lynn Tully  
Ken Weems  
Karen Combs  
Jason Meredith

**Visitors List**

Robert Moyers  
Darrell Cox  
Mitzi Cox  
Mary Lou Wilson  
Larry Wilson  
Donnie Gamble  
Janice Gamble  
Donna Briggs  
Wanda Cox  
Mary Archer  
Tony Archer  
Jim Bledsoe  
Debbie Bledsoe

Michelle Jackson  
Jeffrey L. Cox  
Jonathan C. Bailey  
Tom Leatherman  
John Sharp  
Terry Harkleroad  
Terry Alexander  
Allen Smith  
Henry Greer  
Martin Hale  
David Hale  
Donna Walker

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 Mike McIntire, seconded by George Coleman, to approve the Agenda as submitted. This motion was approved unanimously, 8-0.

The minutes of the Regular Meeting held on December 15, 2011, were discussed. There being no corrections, a motion was made by Colette George, seconded by “Buzzy” Breeding, to approve the minutes as presented. This motion was approved unanimously, 8-0.

## **CONSENT AGENDA**

**No items**

## **UNFINISHED BUSINESS**

**No items**

## **NEW BUSINESS**

**Bailey Rezoning Request (11-101-00011)** – The Planning Commission considered a request to rezone approximately 3.5-acres of property from A-1, General Agricultural District, to B-4, Arterial Business Service District. The property is located at 4445 Sullivan Gardens Parkway, in the 15<sup>th</sup> Civil District, outside the City limits of Kingsport, but within the Urban Growth Boundary. A presentation was made by Karen Combs. The request is for a lot that includes two zones within the County, 3.5 acres of the 9 acres included has requested to be rezoned. There is an existing building currently on the property which is vacant, and is located within the floodway. Therefore, no physical exterior changes will be allowed without amending FEMA map. The State DOT did change the elevation of the lot since the creation of the FEMA maps with the reconstruction of Sullivan Gardens Parkway; however, the map has yet to be amended. Staff did contact the property owner regarding rezoning the entirety of the lot and the response from the property owner was not favorable to that suggestion. Commissioner Colette George asked if any part of the property was not in the floodway, to which staff responded that the floodway does cover about 90% of the lot with the remainder being primarily flood fringe area which stretches across Sullivan Gardens Parkway and to the adjoining properties to the north. Further Commissioners identified that the creek was located approximately midway through the center of the property. The question was asked what the existing building was originally used for. Staff responded that original use to the best of their knowledge was a feed store with minimal interior finish. Commissioner Hoyt Denton asked who would issue a building permit for this property since the building restrictions are from FEMA. Staff stated that they are enforced by the County Building Official. The Chairman opened the item for public hearing. Mr. Jonathan Bailey spoke in favor of the request and stated that his family has owned the property for many years and has been paying commercial assessed property taxes. There being no opposition of the request, the item was closed. A motion was made by Colette George, seconded by “Buzzy” Breeding, to approve the request as presented. The motion was approved unanimously, 8-0.

**Harris Rezoning Report (11-101-00012)** – The Planning Commission considered a request to rezone approximately 99.32-acres of property from R-1B, Single-family Residential District, to A-1, Agricultural District. The property is located at 252 Lebanon Road, in the 14<sup>th</sup> Civil District of Sullivan County. A presentation was made by Jason Meredith stating the existing use is Agricultural Land Use and the intent is to continue the farming use. Water and sewer are available to the property with access from Lebanon Rd. The future Land Use Map does indicate multi-family uses as appropriate for the property. However, the intended use is to continue farming agricultural uses with the existing cell tower as located presently. The Chairman opened the item for public hearing. There being no one present to speak in opposition to the request, the item was closed. A motion was made by Mike McIntire, seconded by Colette George, to approve the request as presented. The motion passed unanimously, 8-0.

**\*The Planning Commission considered the Border Regions Annexation Areas 1, 2, & 3. However, all three items were presented together.**

**Border Regions Area 1 Annexation (11-301-00019)** – The Planning Commission considered the annexation, zoning, and plan of services for property located east of the southern portion of Eastern Star Road, along Mitchell Road, and within the vicinity of Tri-Cities Crossing exit . The property is located in the 14<sup>th</sup> Civil District of Sullivan County. Ken Weems presented all areas together. Staff stated the Public Meeting was held in December with many property owners of participating. Staff noted that sewer and water upgrades are necessary to serve the annexation areas. Further, most properties are being proposed for A-1 zoning with some M-1 zoning being proposed in areas where county manufacturing zones exist. The proposal was being recommended with a standard Plan of Services with the exception of sewer installation which is included at an approximate 8 years for location of design installation. Staff did recommend a positive recommendation to the Board of Mayor and Aldermen. Commissioner Colette George asked whether Area 1 was shown as being all zoned M-1 with exception of one lot. This was confirmed by staff. The singled out lot is proposed to be zoned A-1. Commissioner Jim Lewis asked Chairman Dennis Ward to explain annexation of this area as Border Regions. Chairman Dennis Ward explained the Border Regions Law and the impact of annexation within the Border Regions area as it relates to sales tax and incentives for future development. He further stated that development is currently being proposed at the interchange between I -81 and I-26 now. Alderman Mike McIntire added that this region allows for competitive advantage to cities within 12 miles of the state border where sales taxes would be redistributed locally for future incentives to retail development specifically. The Chairman opened the item up for public hearing for those speaking in favor. No one spoke in favor. The item was then opened for public hearing for those speaking in opposition. Mr. Larry Wilson (“Liberty Larry”) spoke in opposition stating the annexation law in his opinion was unconstitutional. Mr. Wilson stated that the City did not offer him any services that he was specifically in need of. He further stated that a former school building named Fink Pickens School is located on his property and is currently listed on the National Register. He does not intend to sell the property, and no one has offered to buy the property. He feels he is being taxed out of ownership. Next person to speak in opposition was Mitzi Cox who stated she feels that her heritage was being robbed as her families children will not be able to enjoy farming on the property in the future. She further went on to discuss her concern about high banks on Cox Hollow Road and natural springs that would be difficult to maintain and to develop around with the current flooding that happens in that area. Additionally, she submitted for the Planning Commission’s review pictures of the area. It was her position should not annex properties that do not want to be in the City. Mr. Martin Hale spoke in opposition, and stated his appreciation of the ability to continue to speak and address the Commission in a constructive manner. He felt the additional tax for his farm use was excessive for his particular situation. He did feel like he was a victim of circumstance in that location, although he did not want to be annexed. Mr. Jim Bledsoe spoke in opposition to the annexation. Stating that he moved about 3 years ago and did not expect the city in that vicinity. Mr. David Hale spoke in opposition to the annexation. He stated that the City didn’t offer any services that he felt he needed, and although his children would be eligible for city schools he doesn’t expect a bus to come out to that area for transportation. Ms. Wanda Cox spoke in opposition to the annexation. She stated that her desire is to leave the property to her children and her lack of need for any city services. Further, she stated this tax would put a hardship on her as a property owner. Ms. Janice Gamble spoke in opposition to the annexation. She stated the only advantage to her would be the free trash service for her property. She felt that the development potential is going to be detrimental to her and to that community as a whole. Mr. Bill Gillenwater spoke concerning County Permits he currently held for construction, and wanted to be assured that he would be able to continue to complete the construction and no new circumstances due to the annexation would diminish his right to complete the construction. Staff did stated to Mr. Gillenwater through the Commission that all existing county permits would continue to be honored and there would be no change in those codes. Ms. Mitzi Cox requested an explanation on the difference between the County A-1 zoning and the City A-1 zoning districts. Staff stated that the effective rules for the subdivision are similar between the city and the county particularly for the A-1 zoning districts as both are agricultural. The property is located within the Urban Growth Boundary. Mr. Larry Wilson asked the Commission about the impact of new development in this area on Kingsport’s Town Centre development,

and if there would be any draws from that business to relocate to that fringe of the city. Commissioner Dennis Ward stated that the Taylor property is looking to attract a different retail market and customers. Although, there may be some competition but would be more no more than in other various parts of town. Commission Hoyt Denton stated his feeling that is an ideal place for future development and that it can not occur without water and sewer. He further stated that the tax revenues received due to the Border Regions Law will help all the residents. Commissioner "Buzzy" Breeding stated that although the annexation may go through there is no requirement for these individual property owners to sell their property, although it should improve the value of their ownership. Commissioner Jim Lewis further stated that this process is not intended to be adversarial in anyway; however, it is an attempt to make prudent decisions. A large part of this an opportunity for Kingsport to compete with Virginia for sales tax dollars. There being no one else to speak in opposition or in favor to the request, the Chairman closed the item for public hearing.

A motion was made by Colette George, seconded by Dave Stauffer, to recommend the Border Regions Area 1 annexation, zoning, and plan of services to the Board of Mayor and Aldermen for their public hearing on January 24<sup>th</sup>. The motion passed unanimously, 8-0.

**Border Regions Area 2 Annexation (11-301-00020)** - The Planning Commission considered the annexation, zoning, and plan of services for property located along Mitchell Road. The property is located in the 14<sup>th</sup> Civil District of Sullivan County. A presentation was made by Ken Weems. After some discussion by Alderman Mike McIntire regarding the need for annexation to plan ahead for long term growth. A motion was made by Mike McIntire, seconded by "Buzzy" Breeding, to recommend the Border Regions Area 2 annexation, zoning, and plan of services to the Board of Mayor and Aldermen for their public hearing on January 24<sup>th</sup>. The motion was approved unanimously, 7-1, with Colette George voting no.

**Border Regions Area 3 Annexation (11-301-00021)** - The Planning Commission considered the annexation, zoning, and plan of services for property located in the vicinity of the Tri-Cities Crossing Exit. The property is located in the 14<sup>th</sup> Civil District of Sullivan County. A presentation was made by Ken Weems. There being no further discussion a motion was made by Mike McIntire, seconded by Hoyt Denton, to recommend the Border Regions Area 3 annexation, zoning, and plan of services to the Board of Mayor and Aldermen for their public hearing on January 24<sup>th</sup>. The motion was approved unanimously, 7-1, with Colette George voting no.

**Old Mill Annexation (11-301-00022)** - The Planning Commission considered the annexation, zoning, and plan of services for property located northeast of the Warrior Falls Subdivision, along Fall Creek Road. The property is located in the 7<sup>th</sup> Civil District of Sullivan County. A presentation was made by Ken Weems. The annexation includes approximately 70 acres of land in 87 parcels including Rosemary Villas. The proposed zoning is comparable to county zones including B-1, A-1, R-3, and R-1B. The proposed Plan of Services are standard plan of services with five year extensions and upgrades to water and sewer services as necessary. Staff did recommend to the Planning Commission a positive recommendation for the Board of Mayor and Aldermen. Commissioner Hoyt Denton asked questions regarding the utility upgrades for the area. Staff stated hydrants and some small sewer improvements were included in the upgrades. There being no further discussion, the Chairman opened the item for public hearing. No one spoke in favor of the request. Mr. Terry Alexander spoke in opposition to the request stating the annexations along the Fall Creek Rd. right-of-way seem to be creating unusual city limits. He further questioned when fire hydrants and city lighting would go in and when transportation via the KATS service would be available. Additionally, he stated that he was retired and moved to keep from paying additional state income tax. Alderman Mike McIntire responded that street maintenance and snow removal will be available as well as school buses and all other city services on the effective date. Staff advised that property taxes would be due in 2013. Additionally, there is a tuition program available for

the citizens of Kingsport, as well as the county residents to the North East State Community College through the Educate and Grow Program. Mr. Alan Smith spoke in opposition to the request stating that he appreciated being able to learn about the process by coming to this meeting. He also appreciated that Colette George voted in opposition for the Border Regions annexation. He further stated that his personal water and sewer usage was minimal. He also stated he would not benefit by coming into the city and that county services were more than adequate to fit his needs. He further stated that fixed income folks will be detrimentally effected by city taxes. Chairman Dennis Ward responded that city services have been very valuable in his personal experience and that complete answers have been given to participants in the public meetings to the best of their abilities. Commissioner George Coleman stated that the Urban Growth Boundary was defined in 2000 ensuring the ability to annex by cities and was voted on by representatives of cities and counties alike. Additionally, the Planning Commission discussed the ability of the city to provide sewer services typically within 5 years, while only recouping those expenses over a much longer time period. Additional discussion ensued regarding the planning of annexation areas and timing thereof in order to budge for completion of the improvements necessary by our Plan of Services. Sullivan County Commissioner Terry Harker spoke on behalf of Mr. Moyers, the property owner within the Old Mill annexation area. Mr. Moyer's is requesting special circumstances for his property and staff did discuss some of his concerns with Mr. Moyer and will continue that discussion. Mr. Harker further stated that he would like to see additional coordination between the city and county for brush pickup within the city limits. Commissioner Andy Hall stated that one of the biggest benefits of city is the education system and the facilities of the city schools. He additionally stated that his property is adjoining this annexation and he would like his property to be included in the next annexation area. There being no further discussion and no further speakers in favor or in opposition the Chairman closed the public hearing. There being no further discussion among the Commissioners, a motion was made by Colette George, seconded by Dave Stauffer, to recommend approval of the Old Mill annexation to the Board of Mayor and Aldermen. The motion was approved unanimously, 8-0.

**Proposed Amendment to the Business Conference Center Sign Regulations (11-801-00005)** – The Planning Commission considered a request to amend Section 114-467(9) *Signs* of Division 9, Business Conference Center District in the City of Kingsport Code. A presentation was made by Lynn Tully. During the presentation staff stated that the changes included the addition of Business Complex signage for interstate signage for individual businesses within the BC district located on the same parcel. This would primarily apply to the MeadowView Conference Center. However, it would have limited application to several other smaller parcels. Staff further stated that additional monument signage would also be allowed for each business located on a single parcel in this district and additional minor changes to traffic and directional signage have been included in the proposed amendment. Staff did recommend approval. The Chairman opened the item for public hearing. There being no one to speak in favor or in opposition to the request, the item was then closed for public hearing. Upon discussion by the Planning Commission, a motion was made by Colette George, seconded by Mike McIntire, to recommend the amendment to the Business Conference Center Sign regulations to the Board of Mayor and Aldermen. The motion was approved unanimously, 8-0.

**Golf Course Community Zoning Text Amendment (11-801-00004)** – The Planning Commission considered a request to recommend the addition to the City Zoning Code of the Golf Course Community District (GC District) to the Kingsport Board of Mayor and Aldermen. Mrs. Karen Combs presented the item which included a two step fix to create a usable district within the golf course communities, particularly within the Ridgefield neighborhood while maintaining the integrity of the existing golf course community of Ridgefields.

The Commission questioned who would be the preparer of the master plan in this particular instance. Staff stated that the City would provide the master plan for this area based on existing parcel lines and ariels. The Commission questioned whether the amendments could be made to the master plan, to which

staff replied that they could, but those amendments would have to abide by the notification procedures for rezonings. Staff further stated that the course and golf club owner is in favor of the changes as proposed. After additional discussion Commissioner "Buzzy" Breeding stated that as a resident of that area he felt that this would be positive change to the current provisions in that area. Staff recommended proposal of the request. There being no additional discussion, the Chairman opened the item for public hearing. There being no one to speak in favor or in opposition to the request, the item was closed for public hearing.

A motion was made by George Coleman, seconded by Jim Lewis, to approve the change in the zoning regulations as proposed. The motion was approved unanimously, 8-0.

## **OTHER BUSINESS**

Staff did note, as a reminder, that there would be a January 26<sup>th</sup> Called Work Session for review of the amendments to the Subdivision Regulations at 12:00 Noon in the Jimmy Walker Conference Room.

Receive, for informational purpose only, the minutes of the Regular Meeting of the Board of Zoning Appeals held December 1, 2011.

The Planning Commission received, for informational purpose only, a report of permits issued by the Building Division for the period of December 1-31, 2011.

The Planning Commission received, for informational purpose only, a report of New Businesses as provided by Jeff Fleming.

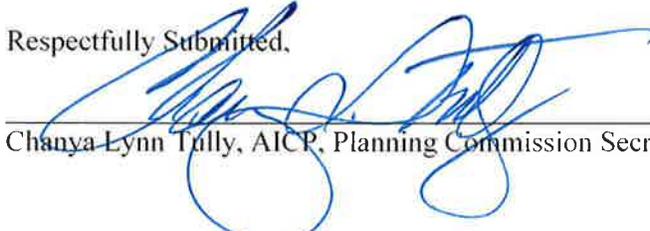
The Planning Commission received the following minor subdivisions, letters, and maps approved in-house by the Planning Manager:

- Resubdivision of Lots 20 and 21 of Woodhaven Subdivision on Wood View Court.
- Resubdivision of Lot 39 of Edinburgh Subdivision on Edinburgh Channel Road.
- Resubdivision of Lot 1R of Old Island Subdivision on Golf Ridge Road.
- Resubdivision of the Ridgefields Subdivision, Lots 15 and 16 on Longreen Road.
- Subdivision of Lot 1 and 2 of the Jimmie Lee Greene Property, located along Cedar Branch Road.
- Subdivision of 570 Henry Harr Road
- Resubdivision of the Cassell Subdivision on Reservoir Road

## **ADJOURNMENT**

There being no further business, a motion was made by Hoyt Denton, seconded by Andy Hall, to adjourn the meeting at approximately 9:01 p.m. This motion passed unanimously, 8-0.

Respectfully Submitted,

  
Chanya Lynn Tully, AICP, Planning Commission Secretary