

**MINUTES OF THE REGULAR MEETING OF THE KINGSPORT GATEWAY  
REVIEW COMMISSION**

April 20, 2012

10:00 a.m.

**Members Present**

Vivian Crymble, Co-Chairman  
Jim Wright, Co-Chairman  
Lynn Tully, Planning Director  
Debra Bridwell  
Lee Ellen Fish

**Members Absent**

Valerie Joh, Alderman  
Todd Miller

**Staff Present**

Forrest Koder

**Visitor's List**

Mr. Dave Clark

Vivian Crymble called the meeting to order at 10:05 a.m. The Minutes of the February 17, 2012 meeting were approved unanimously by a vote of 5-0 by the Commission with Commissioner Tully making the motion and Commissioner Bridwell seconding the motion. The meeting was then turned over to staff for the first item on the agenda.

**OLD BUSINESS**

None

**NEW BUSINESS**

At 10:08 a.m., Commissioner Lee Fish joined the meeting.

**Project #12-105-00001: Consider granting a request by Mr. Dave Clark for the final design and issuance of a Certificate of Appropriateness for the proposed Professional Office Building on S. Wilcox Drive.**

Staff stated that Mr. Clark was requesting a final for all design requirements and issuance of a Certificate of Appropriateness for the proposed Professional Office Building to be located on South Wilcox Drive. Staff stated the proposed development included one building approximately 4,800 sq. ft. of area on the main level and a lower level approximately 2,400 sq. ft. in area to be used for storage. Staff stated the building met the required setbacks for the B-3 zoning district and the parking exceeded the code requirements with one van accessible handi-cap parking space. The parking lot surfacing material would be asphalt.

Staff stated the architectural design of the building was colonial with a front portico and columns covering the main entrance off S. Wilcox Dr. The building would be dark red brick veneer with architectural asphalt/fiberglass shingles on the combination gable and hip roof.

Staff stated a secondary submittal indicating the landscaping and lighting for the project was submitted after the agenda's were mailed out and a supplement to the agenda had been handed out to the Commission. The lighting plan indicated shoebox fixtures that would illuminate the parking lot and these were 15 feet tall and bronze in color. The lights on the building were wall lights indicated as either W1 or W2 fixtures. Staff stated the W2 lights were not an issue as these were only 100 watt metal halide bulbs and lighted the sidewalk to the front entry. Staff stated concern for the W1 wall lights on the back of the building because of the intensity of the 400 watt high pressure sodium bulbs illuminating the adjacent properties. Staff informed the Commission it had found the website of the company furnishing the lights and could not obtain the light spillage in footcandles as they were all noted in lumens. Staff called the company and inquired as to a photometric layout for the particular fixture and was told they would look into sending one if it could be located. Additionally staff was told there was no formula for converting lumens into footcandles. Mr. Clark volunteered to obtain the information and forward it to staff for review.

The landscaping plan was reviewed by staff and presented to the Commission. Staff stated they had forwarded the plan on to the City Landscape Specialist for review and approval. The Landscape Specialist responded it was not possible to figure square footages of requires planting beds. Staff requested Mr. Clark obtain the square footages of all planting beds from his landscaper and forward these figure on to staff. Mr. Clark agreed to do this.

Staff stated the sign would require separate submittal and review by the Commission as there was no submittal at this time. Staff stated it was requesting the site layout be approved along with the colors and materials, but to withhold landscaping and lighting until further submittals were reviewed and approved. Staff offered as a secondary approval to allow the Landscaping and lighting to be approved conditioned upon receiving the additional information and reporting to the Commission at their next meeting. Mr. Clark stated he would prefer this alternative.

Commissioner Bridwell questioned staff concerning the setback requirement for the front yard in a B-3 district. The Commissioner asked if the gateway didn't requirement a greater front yard setback than the underlying district. Staff stated this was true, the underlying district required a twenty foot setback while the overlay district required a fifty foot setback. Staff acknowledged this was a mistake and apologized for the mistake and that Mr. Clark would be required to go before the BZA for a front yard setback variance. Discussion ensued among the Commission members concerning the likelihood the property would be unusable without the variance. Staff stated it was a triangular piece of property surrounded on all sides by street right-of-way and there was no opportunity to obtain any additional property to meet this requirement. Mr. Clark was instructed to seek a variance to the front yard setback. Mr. Clark left the meeting to see Mrs. Combs, the staff liaison to the BZA.

At this point the Commission agreed to send a letter of support for the variance to the BZA along with staff support. Commissioner Wright was concerned about the precedent this would set and the any motion had to be very specific to this property and each request should be heard on a case by case basis. Staff stated it could support a motion that would make approval contingent upon favorable recommendation from the BZA for

the front yard variance, and that additional information would be submitted and reviewed concerning landscaping, and the wall lights. Staff would then report back to the Commission its findings at the next Commission meeting.

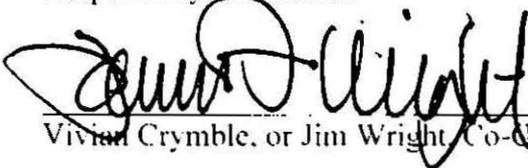
Before the motion could be seconded, Mrs. Combs interrupted the meeting with Mr. Clark and stated she felt that Mr. Clark did not have to go before the BZA, but that it had always been the interpretation of the Zoning Administrator that the Gateway Commission could grant a variance to regulations specifically written for the overlay district but that the underlying district requirements would require BZA approval. She requested some time to address this and verify it with the Zoning Administrator. When she returned, she verified that the Zoning Administrator, Mr. Mike Freeman's interpretation was as she thought. The Gateway Commission had the authority to grant a variance to requirements specific to Gateway, but not to the underlying zoning district. Any underlying zoning district requirement would have to go before the Board of Zoning Appeals.

Chairman Crymble requested a motion. With this new information the Commission made a motion to grant the 30 foot variance for front yard setback based on the property being completely surrounded by street right-of-way eliminating the possibility of obtaining additional property and that without the variance the property would be unusable for any purpose. Additionally the Commission concluded that final approval would be granted for items except signage and contingent upon submittal, review and approval by staff of additional items as required for lighting and landscaping. The entire Commission seconded the motion and it was approved with a unanimous vote of 5-0.

#### **OTHER BUSINESS**

There being no further business, the Commission adjourned at 10:52 a.m.

Respectfully Submitted,

  
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Vivian Crymble, or Jim Wright, Co-Chairpersons