

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

May 17, 2012

7:00 p.m.

Members Present

Dennis Ward, Chairman
Colette George, Vice-Chairman
Mike McIntire, Alderman
Andy Hall
George Coleman
Hoyt Denton
Dave Stauffer

Members Absent

Jim Lewis
"Buzzy" Breeding

Staff Present

Lynn Tully
Forrest Koder
Ken Weems
Jason Meredith

Visitors List

Diane Adams
Lisa Smith
John Rose
Scott Williams
Brent Moore

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 Dave Stauffer to approve the revised agenda as presented at the work session on May 14, 2012. The motion was approved unanimously, 6-0.

The minutes of the work session held April 16, 2012 and the regular meeting held on April 19, 2012 were discussed. There being no corrections, a motion was made by George Coleman, seconded by Mike McIntire to approve the minutes as presented. The motion was approved unanimously, 6-0.

CONSENT AGENDA

The secretary for The Commission read the Consent Agenda items as proposed.

Request Release of ILOC for Edinburgh phase 2-B (11-201-00053)-The Planning Commission considered releasing an irrevocable letter of credit for Edinburgh Phase 2B; the amount of \$159,400.00. The ILOC is drawn on First Community Bank and staff recommended the release. The Chairman asked if there were any speakers in favor or opposition to the item on the consent agenda. There being none, a motion was made by Mike McIntire, seconded by Dave Stauffer to approve the consent agenda item as proposed. The motion was approved unanimously, 6-0.

NEW BUSINESS

Request Extension for Chase Meadows Subdivision (10-103-00001)-The Planning Commission considered an extension to the irrevocable letter of credit for the Chase Meadows Development, located on Fall Creek Road originally approved during the June 14, 2011 meeting. The original amount of the bond included \$5,300.00 and is set to expire on June 14, 2012. Mr. Forrest Koder presented a revised report and recommendation for the bond in the same amount to construct pedestrian mobility pathways within the development. Mr. Koder confirmed that the infrastructure is not yet completed and discussions with the developer indicated intent to extend the bond, however one has not yet been received by our office. Due to the timing of the expiration of the bond, staff has requested to extend the bond with a contingency that submittal of the new bond in the appropriate amount is provided. Barring that submittal, staff has requested permission to call the bond by June 13, 2012 at 5pm in the amount of \$5,300.00 to complete the infrastructure as required by the original bond. Commissioner Stauffer asked why this bond was in such a small amount, staff responded stating although this is a small amount the developer has recently been dealing with other issues within the development and this has delayed his response time although the developer has assured staff the bond is forthcoming. The Chairman opened the item for public hearing. No one spoke in favor of the request, or in opposition to the request. There being no speakers the Chairman closed the hearing.

After some discussion by the Planning Commission a motion was made by Hoyt Denton, seconded by Dave Stauffer to approve the request for the extension of the bond with the contingencies as stated by staff if no new bond is received. The motion was approved unanimously, 6-0.

Edinburgh Subdivision Phase 2C-2 final plat (12-201-00025)-The Planning Commission considered granting final plat approval for the Edinburgh Subdivision, phase 2C-2 located adjacent to Bridge Forth Crossing. Mr. Forrest Koder presented the subdivision plat. Mr. Koder stated this is a major 8 lot subdivision with installation of public infrastructure being required for completion, a bond is currently in place which coincided with the previous subdivision phase approval. The total bond amount would therefore cover both phases. Staff stated the plat does meet the requirements of the subdivision regulations and has been recommended by staff. Chairman Ward asked for an explanation regarding the strip left for the pedestrian walkway indicated on the plat, Mr. Koder stated that the walkway is intended to be maintain and owned by the HOA at this time. Commissioner Denton asked if this section included extension of the cul-de-sac, to which staff responded that no extension is included on this phase but was included on the phase adjacent to this section, 2B-2. Commissioner Denton asked to get additional explanation regarding the walkways which continue throughout the subdivision. Mr. Koder stated a preliminary trail drawing was submitted within the last couple of years and is currently being revised for presentation to the Commission at a future date. Commissioner Denton asked if there were materials specified for this trail, staff deferred to the representative for the subdivision Mr. John Rose. Mr. Rose spoke indicating that the materials and details of the nature trail will be consistent with the existing nature trail in other phases. An updated conceptual plan with a full scope of the trails will be presented within the next 2 months. Mr. Ward opened the item for public hearing; with no other speakers in favor of or in opposition to the request. There being no speakers the chair closed the public hearing.

A motion was made by Colette George, seconded by Andy Hall to approve the subdivision as recommended by staff contingent on the bond currently being held for the previous phase. The motion was approved unanimously, 6-0.

Lynnview Ridge final plat (12-201-00018)-The Planning Commission considered granting final plat approval with a variance to section 4-1 (1.3), (J), dead end streets, for the Lynnview Ridge Subdivision located adjacent to Barnett Drive. Mr. Forrest Koder presented the item. Mr. Koder stated that the subdivision is proposed to accommodate a new apartment complex and is a 2 lot subdivision requiring infrastructure improvements. Those improvements include an extension to the end of Barnett Drive in order to serve the new parcel and the existing homes to the west of the site. The new lot includes approximately 15 acres. The plat includes a right of way dedication for the extension and a variance is being requested for the offset "T" turn-around. A bond has been requested in the amount of \$16,800.00 to cover all infrastructure improvements. The bond is currently in process and should be available soon; however staff currently does not have the bond in hand. Staff recommended the subdivision subject to receipt of a bond in the appropriate amount. Commissioner George asked if there was an easement included for the lots located at the rear of the property, staff stated the parcels are accessed by a driveway in existence but not a public roadway and deferred to the representative for the subdivision for easements. Mr. Scott Williams surveyor for the owner, spoke stating that those homes are accessed by a driveway and do have current easements in place which will remain with the property to provide access until other public accesses are constructed. Commissioner Denton asked if the current property owner is allowing or giving the right of way for dedication. Mr. Koder responded that they have approved the dedication of right-of-way for the subdivision. In fact this dedication allows for future extension of Barnett Drive should it become necessary.

Chairman Ward opened the item for public hearing, there being no other speakers in favor and no speakers in opposition, Chairman Ward closed the hearing. A motion was made by Hoyt Denton, seconded by Mike McIntire to approve the subdivision with contingencies as recommended by staff. The motion was approved unanimously, 6-0.

John B. Dennis Highway Annexation (11-301-00023)-The Planning Commission considered the annexation, zoning and plan of services for property located on the east side of John B. Dennis Highway north of Sullivan North High School adjacent to the corporate limits of the City of Kingsport, and 10th and 11th civil districts of Sullivan County. Mr. Ken Weems presented the annexation area report. Mr. Weems stated that a public meeting had been held for this annexation area with approximately one half of the property owners in attendance at that time. The area includes approximately 16 parcels and 18 acres with the majority of parcels being served by Bloomingdale Utility District and the rest served by City of Kingsport Water and Sewer Services. The proposed city zoning is similar to the current county zoning districts and staff does recommend the annexation, zoning and plan of services to the Planning Commission. Commissioner Hall asked if the northerly parcel was a single family home, staff stated that the parcel is not at this time but is currently a garage or car lot. Commissioner George asked if this rezoning would make this a non conforming use. Staff stated that the property is currently zoned residential and would therefore continue as a non conforming use. Commissioner Coleman asked if there was a tax advantage to zoning this property commercial at this time. Staff stated there is no tax advantage now based on the method of assessment by the county assessors. Additionally Director Tully stated that there are current safe guards in place in state law for existing non-conforming uses and that it may continue to expand within the bounds of the existing zoning under the current state law. There being no further discussion, Dennis Ward opened the item for public hearing. Ms. Diane Adams spoke in favor of the annexation, however expressed a concern regarding the requirement for food service in

order to serve alcohol by the drink. She stated that her building is currently a bar on John B. Dennis Highway and the building is very old. Due to its current state, in order to build a commercial kitchen to serve food the cost would be extremely prohibitive. She further asked if they could operate the food service in a different way either by having it catered or otherwise warmed and served. Director Tully responded, she would check into the requirements and see what flexibility there is. There is a grace period in order to obtain a city beverage permit, however the requirement of food is included as a minimum for service of alcoholic beverages inside the city. Therefore there maybe some additional issues that we may need to address for this specific use. Commissioner Coleman stated, he has a very large concern about bringing in a business with new regulations that would result in potentially putting them out of business. He reminded the commission of a time in the past where there was an alcohol service business that was not annexed specifically for that reason. Ms. Adams stated she would appreciate being on sewer, however remains concerned about the requirements for food service for her beverage permit. Commissioner George asked if this property could be left out of the annexation area logically. Staff stated that this property could be excluded with minimal impact to the annexation area.

There being no further speakers in favor or against the proposed annexation area Chairman Ward closed the public hearing. Commissioner George made a motion to recommend the annexation, zoning and plan of services for the John B. Dennis Highway annexation area with the exclusion of Ms. Adams property. The motion was seconded by George Coleman. The motion was approved unanimously, 6-0.

OTHER BUSINESS

Director Tully announced the availability of training for Planning Commissioners through a Livable Regions and Communities in Appalachia Workshop. Interested commissioners are to contact the office for registration.

The Planning Commission received for informational purposes only a report of permits issued by the Building Division issued April 1st-30th. 2012.

The Planning Commission received for information purposes only a report of new businesses as provided by Jeff Fleming.

Receive, for informational purpose only, the minutes of the Regular Meeting of the Board of Zoning Appeals held April 5, 2012.

Receive minor subdivision letter and map for the Resubdivision of the Celebration Church, Lot 1 & Lot 8 of Emory Jones Subdivision.

Receive minor subdivision letter and map for the Resubdivision of Quail Creek Replat, Lots 1 & 2 on Countryshire Drive.

Receive minor subdivision letter and map for the Resubdivision of Country Shore Replat, Lot 1 on Cooks Valley Road.

Receive minor subdivision letter and map for the Resubdivision of the City of Kingsport, Lots E & F on Tennessee Street.

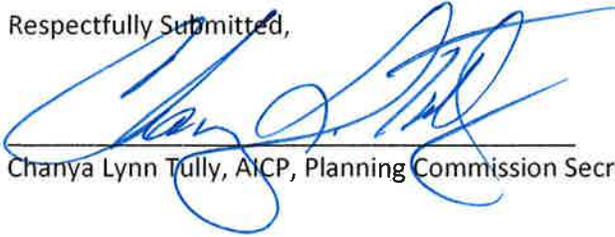
Receive minor subdivision letter and map for the Resubdivision of Ivan and Peggy Smith Property,
Located along High Ridge Drive.

Receive minor subdivision letter and map for the Resubdivision of the Timothy L. Cloud Subdivision on
Brookhaven Drive.

ADJOURNMENT

There being no further business, a motion was made by Mike McIntire, seconded by George Coleman
to adjourn the meeting at approximately 7:42 p.m. This motion passed unanimously, 6-0.

Respectfully Submitted,



Chanya Lynn Tully, AICP, Planning Commission Secretary