

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

City Hall  
225 W Center Street, Kingsport, TN 37660

November 20, 2014

7:00 p.m.

**Members Present**

Dennis Ward, Chairman  
Buzzy Breeding  
Hoyt Denton, Vice Chairman  
Dr. Mike McIntire, Vice Mayor  
John Moody  
Mark Selby  
Dave Stauffer

**Staff Present**

Lynn Tully  
Corey Shepherd  
Ken Weems  
Justin Steinmann  
Jacob Grieb

**Members Absent**

Heather Cook  
Beverley Perdue

**Visitor's List**

Matthew Pitts	Regina LaRosa
Bob McKissick	Josh Lashley
Marvin Silvia	Pamela Lashley
Charlie Dotson	Bob Winstead
David Taylor	
Debbie Taylor	
Joe LaRosa	

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. Chairman Ward asked for approval of the agenda. A motion was made by Vice Mayor McIntire seconded by Commissioner Breeding to approve the agenda as presented. The motion was approved unanimously 6-0. Chairman Ward asked for any changes to the minutes of the work session held October 13, 2014 and the regular meeting held October 16, 2014. A motion was made by Vice Mayor McIntire seconded by Commissioner Denton to approve the minutes as presented. The motion was approved unanimously 6-0.

**CONSENT AGENDA**

None

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**11-01 Beechwood Drive Rezoning - (14-101-00012)**

The Planning Commission considered a request to approve rezoning from R-1B to UAE to allow construction of accessory structures consistent with mini-farm land use. The property is located inside the corporate limits of the City of Kingsport, 14<sup>th</sup> Civil District of Sullivan County. Ken Weems presented the item stating approximately 7 acres are being requested for rezoning for the purpose of construction of a barn. The City Zoning is R-1B with adjoining A-1, Agricultural Zoning. Staff checked into County zoning in light of the recent annexation of this property and previous County zoning would have allowed all the requested uses without change. One neighbor did call staff to express opposition

to the rezoning based on his belief that the animals would not be taken care of sufficiently. Commissioner Denton asked if the owner had discussed the intent for future animals on the property. Mr. Weems answered the focus is on bees and hives currently with possibly an additional goat in the future. Commissioner Breeding asked if there are restrictions on the animals in UAE? Staff answered it does limit the numbers and fencing, etc. of the animals. Commissioner Selby asked what animals are allowed in R-1B? Mr. Weems stated R-1B doesn't specify, however the animal ordinance is the only regulating document other than nuisance codes. Staff stated the petitioner does not live at this address, but the use is requested for the renter. The renter intends to purchase the property in the future. Staff recommends the rezoning. With no more questions the public hearing was opened. No one in favor spoke. Joe LaRosa who is opposed is a neighbor and is aggravated by bees and stated they infringe on his ability to use his pool. The rear of the property is unusable. He stated goats have been tied to a tree and chickens in the yard. The rooster disturbs his sleep. He stated this is too close to other residences. Josh Lashley is opposed and an adjoining property owner. He stated goats are in a garage, along with chickens, pigs and dogs. His active young family and find the bees a nuisance. Bees fly straight out, with no barriers. He expected to live in city not on a farm. He stated he believes that this will diminish his ability to sell in the future. Debbie Taylor is opposed and has issues with the animals; however this rezoning appears to be much more restrictive on animals than the original zone. It was stated that the only thing that could be done would be to take the property renter to court to change the situation. She stated she is wondering if the new zoning would be better. Joe LaRosa stated the neighbors below him had dogs that barked and the neighbors were incensed to just buy more dogs once they were turned in to the police. There is no enforcement by animal control in their opinion. With no further comments the public hearing was closed. Mike McIntire stated that code enforcement has had a concerted effort to improve and that will continue, however we are hampered by limit on the fine amounts by state constitution. One of the reasons to create this zone is that it allows us to assert some control on the animal conditions. Buzzy Breeding stated the resident intends to build a structure that is currently allowed. Ken Weems answered he wants to store the bee hives inside the structure. Marvin Sylvia, the renter spoke in favor stating that he immediately moved or got rid of the animals once the complaint was received from his neighbors. The bee hives originally were dry hives. No animals or other agricultural uses will be in the front yard. The barn is intended to be located in the rear of the property and will house bees and process honey. He stated goats will not be located on the property. The original hives were located at the Southwest corner of the home. Joe LaRosa asked if it was approved whether we would be funding the uses via licenses. Josh Lashley asked what prevents goats and other animal from being in the front yard? Ken Weems stated that none of the housing for animals is allowed in the front yard. Debbie Taylor asked isn't this the only way we could call Code Enforcement? Mike McIntire asked if there was a barrier

required for the zoning regulations. Mark Selby stated he was not comfortable with the information differentiating the zoning districts and asked if we can table? It was noted that the heart of the problem is whether or not there is irresponsible animal ownership. There being no additional comments the public hearing was closed. A motion was made by Hoyt Denton seconded by Mike McIntire to approve the request. The motion was approved 4-1-1 with Buzzy Breeding voting "no" and Mark Selby abstaining.

**11-02 Downtown B-2 Rezoning-- (14-101-00013)**

The Planning Commission considered a request to approve rezoning from M-1 and M-2 to B-2 to accommodate existing and future commercial uses. The property is located inside the corporate limits of the City of Kingsport, 11<sup>th</sup> Civil District of Sullivan County. Ken Weems presented the item stating the City initiated request for properties on Main Street from M-1 & M-2 to B-2. The City is trying to create more marketable property for future uses. Staff reported one owner called and is in support of the rezoning request. Staff recommended the rezoning. The public hearing was opened. No speakers were present so the public hearing was closed. Hoyt Denton questioned if someone else other than the property owner could request rezoning. Staff stated only the City could initiate without the direct consent of the property owner. There being no additional questions, a motion was made by Mark Selby seconded by John Moody to approve the request. The motion was unanimously approved, 6-0.

**11-03 Larry Neil Rezoning – (14-101-00014)**

The Planning Commission is requested to consider rezoning from R-3 and A-1 to B-3 certain property to allow medical office (orthopedic office) use of the property. The property is located inside the corporate limits of the City of Kingsport, 11<sup>th</sup> Civil District of Sullivan County. Ken Weems presented the item stating the property owner requested the rezoning for a proposed medical office. A small portion of the property is currently zoned B-3 with adjoining property being zoned R-3 and A-1 as well as B-3. Mr. Weems stated the site plan meets the standards for development as shown. He noted that there is a considerable steep grade and you move northward on the property. Staff mentioned there was one call from an adjacent property owner in Cobblestone and they were simply asking questions regarding the request. There was a letter from other property owners in favor of the rezoning request. Staff recommends the request. Public hearing was opened and there were no speakers. The public hearing was then closed. There being no comments, a motion was made by Mike McIntire seconded by Buzzy Breeding to approve the request. The motion was unanimously approved, 6-0.

**11-04 CVS Replat - (14-201-00075)**

The Planning Commission is requested to consider recommendation for Preliminary Subdivision Approval at 4400 West Stone Dr. and C.E. Brooks Way. The property is

located inside the corporate limits of the City of Kingsport, 7<sup>th</sup> District of Hawkins County. Corey Shepherd presented the item stating the request is by Carlson Consulting Engineers with 3 lots shown. This will facilitate the use of a new development of a CVS retail store. Mr. Shepherd stated one lot was to be sold for future development and another to continue to house Taco Bell. One easement is to be vacated on the site. Plat meets the requirements for subdivision approval and Staff recommends the subdivision. The Public Hearing was opened and Matt Pitts engineer for the request spoke in favor. After no further comments, the public hearing was closed. A motion was made by Hoyt Denton seconded by Mike McIntire to approve the request. The motion was unanimously approved, 6-0.

**11-05 Subdivision Vesting Text Amendment – (14-801-00004)**

The Planning Commission conducted a public hearing in consideration of amending the Minimum Regulations for Subdivision Development within the Kingsport, Tennessee Planning Region to include vesting rights for preliminary plats. Ken Weems presented the item stating this effects preliminary plat approvals and adjusts vesting periods as per the new vesting legislation enacted by the state. The single phase is approval for 10 years with multi-phase approval allowable for 15 years. Vesting includes all development standards, engineering standards, zoning codes, design regulations etc. There are some limitations for vesting rights if they violate the provisions. They do have time to redress the violation. Ken Weems stated that this protects the developer for a specified period once they receive approval. The public hearing was opened for questions. Bob Winstead asked why this was instituted. Mike McIntire stated it came about at the end of this recession due to empty or abandoned subdivisions to continue to pick up where they left off several years ago once development returned. Bob Winstead questioned does the city have any choice in this? Staff stated no. The public hearing was closed. There being no further comments, a motion was made by Hoyt Denton and seconded by mike McIntire to approve the request. The motion was unanimously approved, 6-0.

**11-06 Vesting Zoning Text Amendment – (14-801-00005)**

The Planning Commission considered a request to amending the Kingsport Code of Ordinances to include vesting rights for preliminary zoning development plans. Ken Weems presented the item stating it is the same as previous item with changes being applied to preliminary zoning development plans and PD plans. The public hearing was opened. Bob Winstead asked what is PD? Staff answered explaining the Planned Development zoning designation. The Public Hearing was closed. There being no further questions, a motion was made by Hoyt Denton seconded by Mike McIntire to approve the request. The motion was unanimously approved, 6-0.

**11-07 B-4P Periphery Yard Zoning Text Amendment – (14-801-000007)**

The Planning Commission considered a request for amending Division 3 of Kingsport's Zoning Code to clarify elimination of the 30-foot development-free periphery yard requirement along public streets in B-4P districts. Ken Weems presented the item stating it amends the B-4P District to match what traditional practice included. Thereby clarifying any more stringent interpretations. He stated it adds text to the district which indicates an exemption of the requirement along public streets. He noted that all other landscaping requirements shall remain in effect. Staff recommends the changes. Public hearing was opened and there were no questions and no speakers. There being no comments, a motion was made by Hoyt Denton seconded by John Moody. The motion was unanimously approved, 6-0.

**VII. PUBLIC COMMENT (Speakers are limited to 5 minutes per item.)**

**VIII. OTHER BUSINESS**

**IX. ADJOURNMENT**

- 11-08** Receive a letter of resubdivision of the Westmoreland Property, on Kenridge St.
- 11-09** Receive a letter of resubdivision of the Cowden Property, on Arapahoe Drive.
- 11-10** Receive a letter of resubdivision of the Carroll & Barnett Property, on Lynn Road.
- 11-11** Receive a letter of resubdivision of the Jericho Property, on Jericho Drive.
- 11-12** Receive a letter of resubdivision of the Donovan Property, on Ridgeway Drive.
- 11-13** Receive a letter of resubdivision of the Barker Property, on Woodcliff Drive.
- 11-14** Receive a letter of resubdivision of the Copas Property, on Sumpter and Snapps Ferry Roads.
- 11-15** Receive, for informational purposes only, the New Business Report for October 2014 from Lynn Tully.
- 11-16** Receive, for informational purposes only, the October 2014 report from the Building Division.
- 11-17** Receive for informational purposes only, the September 2014 Development Services Focus.

Training is available on Robert's Rules of Order on December 5 at the KCHE. Alison will send notice to PC and BZA for additional response. All PC Members are current on training hours. The Christmas Luncheon will be held at Vito's on Main Street on December 12. Alison will send notice out via email. There being no further business, a motion was made by Hoyt Denton and seconded by Mike McIntire to adjourn the meeting at approximately 8:05 pm. This motion passed unanimously, 6-0.

Respectfully Submitted,



Chanya Lynn Tully, AICP, Planning Commission Secretary