

KINGSPORT REGIONAL PLANNING COMMISSION

TENTATIVE AGENDA

This meeting is an open and accessible meeting. If interested parties request special assistance or accommodations, please notify the Planning Department three (3) days in advance of the meeting.

November 20, 2014

7:00 p.m.

I. INTRODUCTION AND RECOGNITION OF VISITORS

II. APPROVAL OF THE AGENDA

III. APPROVAL OF THE REVISED MINUTES OF THE WORK SESSION HELD ON OCTOBER 13, 2014 AND THE REGULAR MEETING OCTOBER 16, 2014.

IV. CONSENT AGENDA – Consent items are those items that have previously been brought before the Planning Commission, which have been reviewed by the Planning Commission in previous meetings or work sessions, or are minor subdivisions and final plats not requiring any variances.

V. UNFINISHED BUSINESS

None

VI. NEW BUSINESS

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

The Planning Commission is requested to consider 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, 14th Civil District of Sullivan County. (Weems)

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

The Planning Commission is requested to consider 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, 11th Civil District of Sullivan County. (Weems)

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 to allow medical office (orthopedic office) use of the property. The property is located inside the corporate limits of the City of Kingsport, 11th Civil District of Sullivan County. (Weems)

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, 7th District of Hawkins County. (Shepherd)

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

The Planning Commission is requested to conduct 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. (Weems)

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

The Planning Commission is requested to reconsider amending the Kingsport Code of Ordinances to include vesting rights for preliminary zoning development plans. (Weems)

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

The Planning Commission is requested to consider 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. (Weems)

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

VIII. OTHER BUSINESS

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 Woodclift 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.

IX ADJOURNMENT

**MINUTES OF THE WORK SESSION OF THE
KINGSPORT REGIONAL PLANNING COMMISSION**

Jimmy Walker Conference Room
201 W. Market Street, Kingsport, TN 37660

October 13, 2014

12:00 p.m.

Members Present

Dennis Ward, Chairman
Buzzy Breeding
Dr. Heather Cook
Dr. Mike McIntire, Vice Mayor
John Moody
Beverly Perdue
Mark Selby
Dave Stauffer

Staff Present

Lynn Tully
Ken Weems
Corey Shepherd
Justin Steinmann
Hank Clabaugh
Michael Thompson

Members Absent

Hoyt Denton

Visitor's List

At 12:00 p.m., Administrator Weems called the meeting to order. Administrator Weems noted two changes to the tentative agenda in that both the Subdivision Vesting Text Amendment (14-801-00004) and the Downtown Master Plan Presentation (for informational purposes only) would not be included with the regular meeting agenda. Administrator Weems noted that the Subdivision Vesting Text Amendment would be reviewed for the work session as it closely relates to the Zoning Code Text Amendment being considered, however the item must be considered during the Commission's regular meeting in November due to the 30-day public hearing notification requirement required by state law for subdivision regulation changes. Subsequently, the agenda was set for the October 16, 2014 meeting. He then asked for any changes for the minutes of the work session held August 18, 2014 and the regular meeting held August 21, 2014. With no changes requested, the minutes will be presented at the regular meeting for approval.

CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

10-01 Bicycle Parking Ordinance - (13-101-00001)

The Planning Commission heard a presentation for establishing bicycle parking requirements in the city for certain business and related uses. Staff explained the details of the zoning text amendment proposal. Staff explained that some tweaking to the proposal had occurred since last review that will make the bike parking requirements more applicable

to the community and advantageous to developers. Staff explained that parcels that will require bicycle parking are proposed to be located within a 500 foot buffer of the streets identified as local and state bike routes, to include the Kingsport Greenbelt. Staff noted that the new scope of the proposal is different from the past in that previously it was proposed to be implemented city-wide. Staff explained that the proposed requirement for bicycle racks will be 5% of what is currently required for automobile parking spaces. Additionally, staff reviewed the proposed location and design standards for the racks. Mr. Weems explained a parking bonus feature of the proposal, which is applicable to all new structures where parking is required. The parking bonus offers a 1:1 reduction of automobile parking spots for each bicycle parking spot proposed, with a maximum reduction of automobile parking being no more than 10% of the total requirement. Mr. Weems stated that the trigger for requiring the new bike parking installation is new development. Vice Mayor McIntire asked if the Academic Village had bike parking and if different styles of bike racks were allowed. Staff confirmed that the Academic Village did already have bike racks and added that bike racks other than the minimum requirement of the inverted "U" shaped racks would be encouraged. Vice Mayor McIntire then asked why the location standards were set to within 50 feet of a main entrance. Staff explained that the close location to a main entrance of a building would be more enticing to those that need to ride bikes out of necessity as opposed to those that ride more for the benefit of exercise. There being no further discussion, no official action was taken.

10-02 Subdivision Vesting Text Amendment – (14-801-00004)

The Planning Commission heard a presentation for a subdivision vesting text amendment that would be very similar in composition to the vesting zoning text amendment that is the next item on the work session agenda. This amendment is in keeping with the new state law requirements to add vesting time periods to preliminary subdivision approvals. Currently, preliminary subdivision approvals last for two years, in which time a final subdivision plat must be approved. Staff explained the new vesting requirements, which offer a 10 year vesting period for single phase projects and a 15 year vesting period for multi-phase subdivisions. The vesting periods tie the development to the local standards in effect at the time of approval. Staff also reviewed the criteria, as set in the new state law, which cause a developer to lose vesting rights. Staff noted to the commission, as it was previously mentioned while amending the regular meeting agenda, that this item would come before the Commission during their regular meeting in November 2014 for approval. November 2014 regular meeting consideration would allow staff the appropriate time to advertise the necessary public hearing that the Commission is required to hold prior to amending its subdivision regulations. Chairman Ward asked if the developer loses vesting rights if he/she does not comply with an approved preliminary subdivision plan. Staff noted that the vesting rights will be lost in this case, but only after the developer is provided 90 days from notification of the violation to cure the violation. Staff explained that an electronic record of the local development standards, to include subdivision regulations, the city code, and engineering standards would be maintained to assist developers in finding their vested local standards should

it be necessary to research the appropriate standards for a particular development based off the date of approval. There being no further discussion, no official action was taken.

10-03 Vesting Zoning Text Amendment – (14-801-00005)

The Planning Commission heard a presentation for a zoning text amendment that adds vesting requirements to the city zoning code. Staff explained the details of the amendment, which complies with new state legislation that adds vesting rights for developers in regards to their preliminary zoning development plans. Mr. Weems outlined the timeline for the new vesting rights, which total ten years for single phase developments and 15 years for multi-phase developments. Additionally, Mr. Weems explained the situations, as dictated in state law, which cause a developer to lose vesting rights for their preliminary zoning development plans. Mr. Weems noted that preliminary zoning development plans are currently approved for a total of 24 months, at which time the Planning Commission can revoke approval of a preliminary zoning development plan if a final zoning development plan has not been submitted. Additionally, staff stated that if the Commission desired, it could add to the vesting period as deemed appropriate. Staff restated that both the vesting requirements and time periods for preliminary subdivision plats and preliminary zoning development plans are the same. There being no further discussion, no official action was taken.

10-04 Engineering Design Standards – (for informational purposes only)

The Planning Commission heard a presentation from the City Engineer, Mr. Hank Clabaugh pertaining to Engineering Design Standards for the City. Mr. Clabaugh explained that this is a design document applicable to technical specifications for development. Further, the document addresses development in instances when land is not being subdivided. Mr. Clabaugh stated that the document, which will be inclusive of all engineering standards, will provide more consistency across the city as it pertains to development. Mr. Clabaugh stated that Johnson City developed a similar document several years ago. Vice-Mayor McIntire asked what would happen if the state changes a standard. Director Tully advised that in such a situation the new state standard must be followed. Mr. Clabaugh added that the design standards document often references the “latest approved release,” which will assist in ensuring current state standards are adhered to. There being no further discussion, no official action was taken.

10-05 Downtown Master Plan Presentation – (for informational purposes only)

The Planning Commission heard a presentation from Mr. Steinmann on the Unified Downtown Master Plan progress. Mr. Steinmann noted the attributes of the plan and the planning process that would be followed through approval. It was noted that while constructing the Downtown Master Plan, that attention would be paid to the plans the City already has in place as well as take into consideration downtown’s historical architecture and character. Mr. Steinmann also noted how the plan, once completed, would recommend future uses in downtown and the possibility of different types of zoning that would assist in plan implementation. Commissioner Breeding expressed gratitude for this long-range planning work, noting how he had performed construction work in downtown in the past without regard to historical architecture. Commissioner Ward

asked that the Nolen Plan be considered while crafting the Downtown Master Plan. There being no further discussion, no official action was taken.

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

No speakers present for public comment.

OTHER BUSINESS

ADJOURNMENT

- 10-06** Receive a letter of resubdivision of the Summitt at Preston Park, on Preston Park Drive.
- 10-07** Receive a letter of resubdivision of the Barnes Property, on Center Street.
- 10-08** Receive a letter of resubdivision of the Bishop Property, on Island Road.
- 10-09** Receive a letter of resubdivision of the Ridgefields Lot 3R & 5R, on Ridgefields Road.
- 10-10** Receive a letter of resubdivision of the Gateway Commerce Park Replat, on Gateway Commerce Park Court.
- 10-11** Receive a letter of resubdivision of the Edinburgh Phase 3, Lot 3B, on Edinburgh Channel Road.
- 10-12** Receive a letter of resubdivision of the Snodgrass Property, on South River Drive.
- 10-13** Receive a letter of resubdivision of the Oak Hill Cemetery Plat, on Truxton Drive.
- 10-14** Receive a letter of resubdivision of Edinburgh Phase 5, on Calton Hill Road.
- 10-15** Receive a letter of resubdivision of the Anchor Pointe Lots 1 & 2, on Anchor Pointe Drive.
- 10-16** Receive, for informational purposes only, the New Business Report for August 2014 from Lynn Tully.
- 10-17** Receive, for informational purposes only, the August and September 2014 report from the Building Division.
- 10-18** Receive, for informational purposes only, the 3rd Quarter Comparison 2013-2014.
- 10-19** Receive, for informational purposes only, the August 2014 Development Services Focus.

Respectfully Submitted,

Ken Weems, AICP, Zoning Administrator

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

City Hall
225 W Center Street, Kingsport, TN 37660

October 16, 2014

7:00 p.m.

Members Present

Dennis Ward, Chairman
Buzzy Breeding
Dr. Heather Cook
Hoyt Denton, Vice Chairman
Dr. Mike McIntire, Vice Mayor
Beverly Perdue
Mark Selby
Dave Stauffer

Staff Present

Ken Weems
Justin Steinmann
Jacob Grieb

Members Absent

John Moody

Visitor's List

Christine Carroll
Emily Carroll

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 Perdue to approve the agenda as presented. The motion was approved unanimously 8-0. Chairman Ward asked for any changes to the minutes of the work session held August 18, 2014 and the regular meeting held August 21, 2014. A motion was made by Vice Mayor McIntire seconded by Commissioner Perdue to approve the minutes as presented. The motion was approved unanimously 8-0.

CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

10-01 Bicycle Parking Ordinance- (13-101-00001)

The Planning Commission considered a request for approval to establish bicycle parking requirements in the city for certain business and related uses. Staff explained the details of the zoning text amendment proposal. Parcels that will require bicycle parking are proposed to be located within a 500 foot buffer of the streets identified as local and state identified bike routes, to include the Kingsport Greenbelt. Staff explained that the proposed requirement for bicycle racks will be 5% of what is currently required for automobile parking spaces. Additionally, staff reviewed the proposed physical location and design standards for the racks. Mr. Weems explained a parking bonus feature of the proposal, which is applicable to all new structures where parking is required regardless of whether or not they are required to install bike racks. The parking bonus offers a 1:1

reduction of automobile parking spots for each bicycle parking spot proposed, with a maximum reduction of automobile parking being no more than 10% of the total requirement. Commissioner Denton asked if office uses were included in the list of entities that would fall into the category of business and related uses that would be required to install the bicycle parking. Mr. Weems stated that office uses are included. Vice Mayor McIntire asked if the parking requirement is defined by zone. Mr. Weems stated that the requirement is defined by use, which in this case typically defaults to a commercial zone. Mr. Weems stated that the zone most heavily impacted by the bike parking requirement is the B-3 zone. Mr. Weems added that this is due to the proliferation of B-3 zoning along many of the established bike routes. Vice Mayor McIntire stated that there is no question that the bonus feature of the ordinance will help people save money. Staff recommended sending a positive recommendation to the BMA to approve the bicycle parking zoning text amendment. There being no additional discussion, a motion to send a positive recommendation to the BMA was made by Commissioner Selby seconded by Commissioner Cook. The motion was approved unanimously 8-0.

10-03 Vesting Zoning Text Amendment – (14-801-00005)

The Planning Commission considered a request to approve a zoning text amendment that adds vesting requirements to the city zoning code. Staff explained the details of the amendment, which complies with new state legislation that adds vesting rights for developers in regards to their preliminary zoning development plans. Mr. Weems outlined the timeline for the new vesting rights, which total ten years for single phase developments and 15 years for multi-phase developments. Additionally, Mr. Weems explained the situations, as dictated in state law, which cause a developer to lose vesting rights for their preliminary zoning development plans. Mr. Weems noted that preliminary zoning development plans are currently approved for a total of 24 months, at which time the Planning Commission can revoke approval of a preliminary zoning development plan if a final zoning development plan has not been submitted. Commissioner Denton asked what Commissioner Stauffer thought of the amendment. Commissioner Stauffer commented that it will help developers, and that it was started because developers were asked to change an approved preliminary plan. Vice Mayor McIntire added that extending the time frame for preliminary approval is the intent of the legislation, and that many developers felt the impact of new requirements after they were financially forced to delay projects due to the great recession (during which time their preliminary approval had expired). Commissioner Denton stated that this legislation sounds pro-developer. Staff recommended sending a positive recommendation to the BMA to approve the zoning text amendment. There being no additional discussion, a motion to send a positive recommendation to the BMA was made by Commissioner Breeding seconded by Commissioner Perdue to approve. The motion was approved unanimously 8-0.

10-04 Engineering Design Standards – (for informational purposes only)

The Planning Commission received a presentation from Mr. Grieb of the City Engineering Department for informational purposes only. The presentation pertained to the Engineering Design Standards for the City. Mr. Grieb explained the proposal to the

Commission. Vice-Mayor McIntire asked if these standards would be reviewed on a regular basis. Mr. Grieb stated that these standards will be updated as needed. Mr. Grieb added that the engineering standards document compiles all of the existing engineering standards into one place. Commissioner Stauffer asked if stormwater standards are included in the document. Mr. Grieb explained that the stormwater standards would be included once they are updated in the near future. Commissioner Denton asked what the new stormwater regulations will require. Mr. Grieb stated that the most significant change is that new developments must be able to infiltrate the first inch of runoff on site. The Commission thanked Mr. Grieb for his presentation.

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

VIII. OTHER BUSINESS

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Kingsport Regional Planning Commission
October 16, 2014, Regular Meeting

Respectfully Submitted,

Ken Weems, AICP, Zoning Administrator

PROPERTY INFORMATION

| | |
|-------------------------|---|
| ADDRESS | 708 Beechwood Drive, Kingsport, TN 37663 |
| DISTRICT | 14 |
| OVERLAY DISTRICT | Not Applicable |
| EXISTING ZONING | R-1B (Single Family Residential) |
| PROPOSED ZONING | UAE (Urban Agriculture Estate) |
| ACRES | 6.9 +/- |
| EXISTING USE | Single Family |
| PROPOSED USE | Single Family with added agriculture-oriented accessory structures and use. |

PETITIONER

ADDRESS **4017 Lakewood Dr., Kingsport, TN 37663**

REPRESENTATIVE

PHONE **(423) 817-1053**

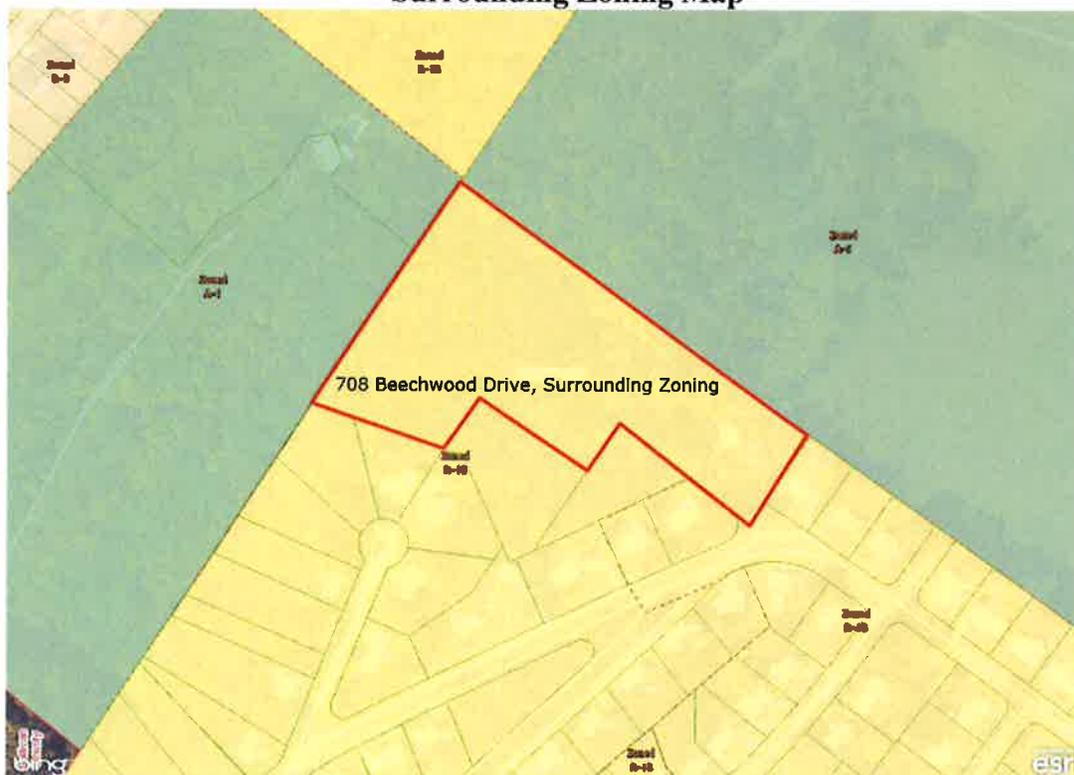
INTENT

To rezone from R-1B to UAE to allow construction of accessory structures consistent with mini-farm land use.

Vicinity Map



Surrounding Zoning Map



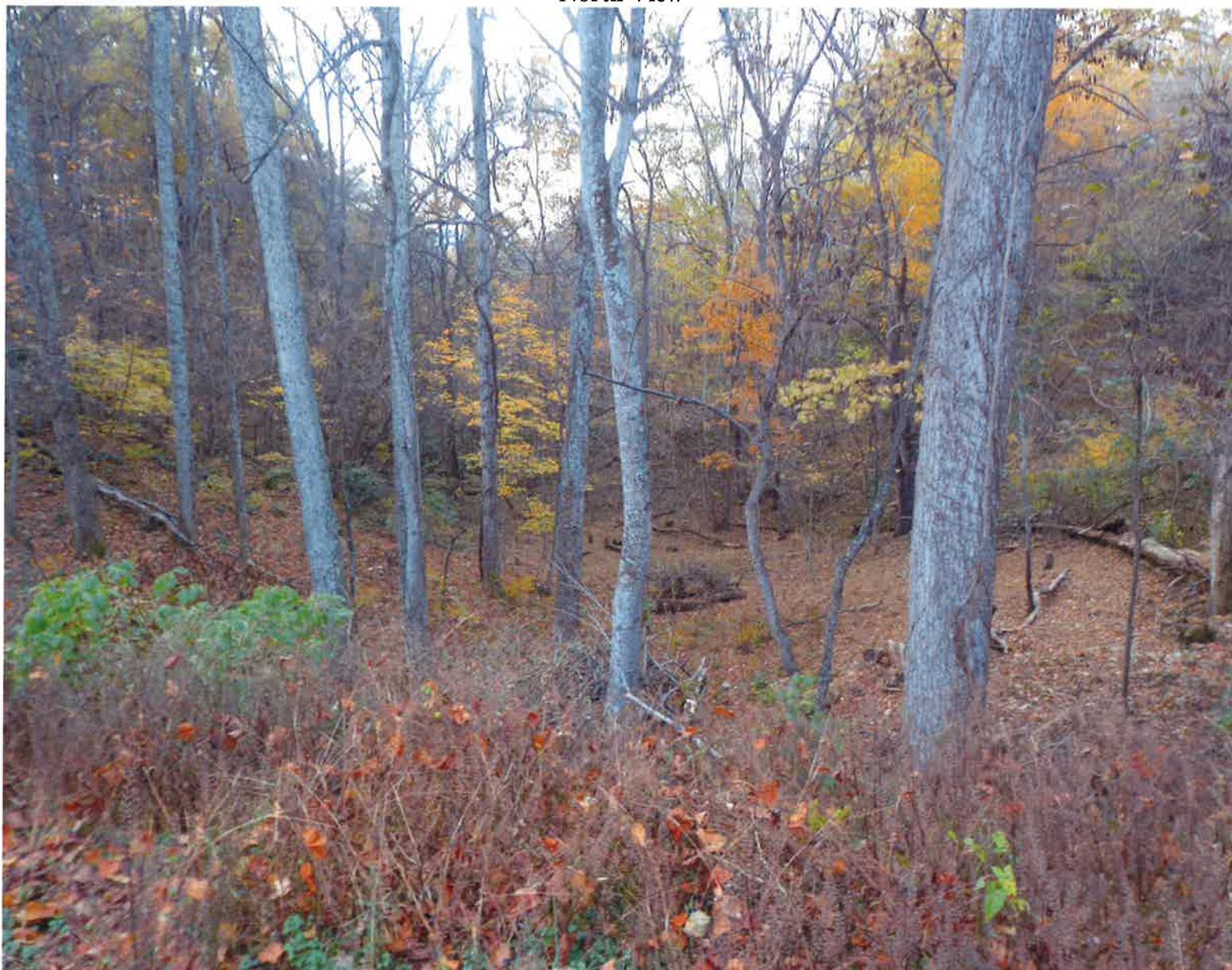
Future Land Use Plan 2030



Aerial



North View



East View



South View



West View



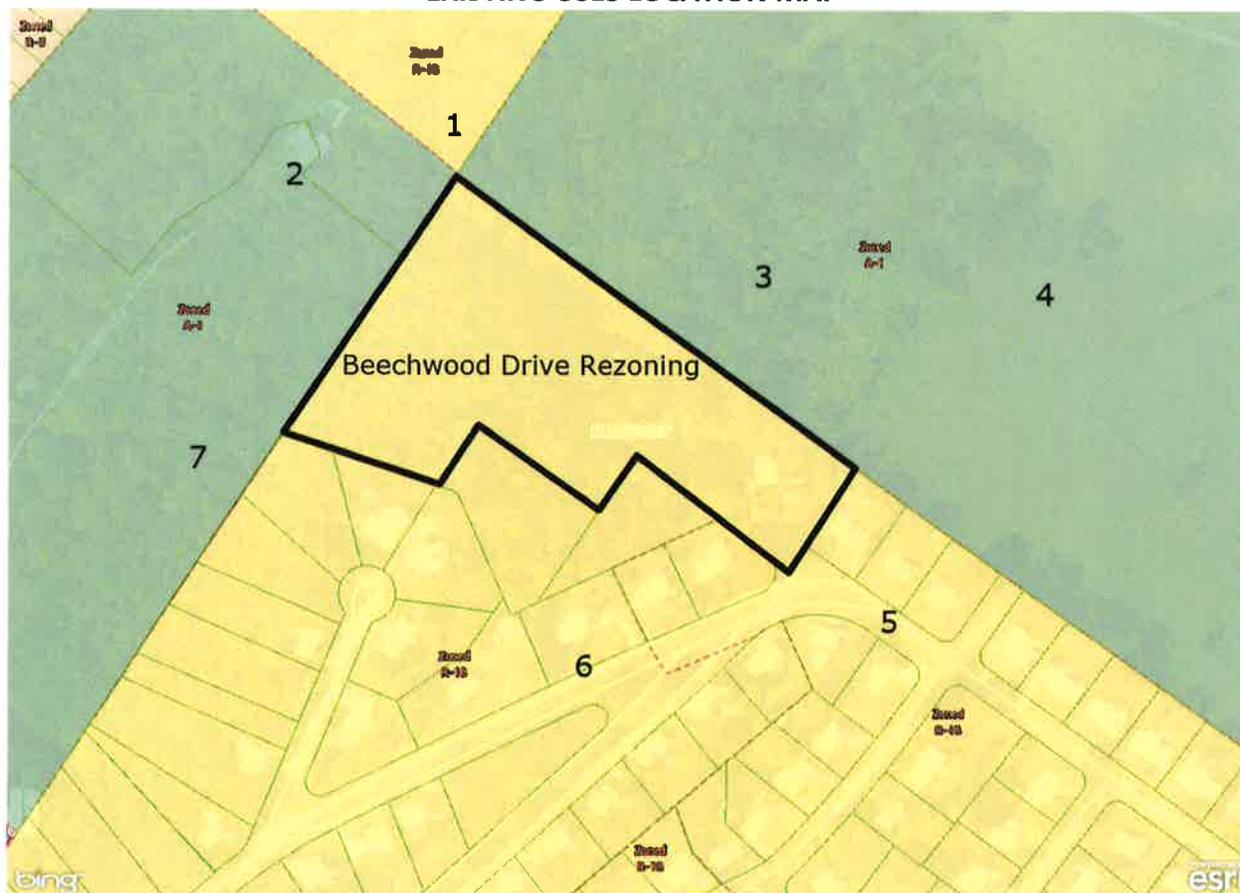
Kingsport Regional Planning Commission

Rezoning Report

File Number 14-101-00012

| Location | Parcel / Zoning Petition | Zoning / Name | History Zoning Action Variance Action |
|-----------------------------------|--------------------------|--|--|
| North, East, Northwest | 1 | <u>Zone: City R-1B</u> Use: vacant lot | n/a |
| Further North and Northwest | 2 | <u>Zone: City A-1</u> Use: Single Family | n/a |
| East | 3 | <u>Zone: City A-1</u> Use: agriculture/farm | Annexed in August of 2010 as part of the Colonial Heights Annexations |
| Further East | 4 | <u>Zone: City A-1</u> Use: agriculture/farm | Annexed in August of 2010 as part of the Colonial Heights Annexations |
| Southeast and South | 5 | <u>Zone: City R-1B</u> Use: Single Family | Annexed in December of 2011 as part of the Colonial Heights Annexations |
| Further South | 6 | <u>Zone: City R-1B</u> Use: Single Family | Annexed in December of 2011 as part of the Colonial Heights Annexations |
| West | 7 | <u>Zone: City A-1</u> Use: Single Family | n/a |

EXISTING USES LOCATION MAP



Standards of Review

Planning Staff shall, with respect to each zoning application, investigate and make a recommendation with respect to factors 1 through 10, below, as well as any other factors it may find relevant.

1. **Whether or not the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby Property?** The proposal will permit the same single family use designated currently, with the added ability of being able to construct accessory structures in the rear yard consistent with mini-farm use. In this case, a barn is proposed.
2. **Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property?** The adjacent and nearby property will not be adversely affected by the proposal. Adjacent property is zoned R-1B and A-1. The introduction of a UAE zone between these two existing zones will be a suitable transition for a parcel of this size.

3. **Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?** The property has a reasonable economic use as currently zoned. There is also a reasonable economic use for the proposed zone.
4. **Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?** The proposal will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. **Whether the proposal is in conformity with the policies and intent of the land use plan?**

Proposed use: Single Family with mini-farm accessory structures and use.

The Future Land Use Plan Map recommends single family use.

6. **Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the proposal?** The existing conditions support approval of the proposed rezoning. The relatively large size and location of the parcel requested for rezoning demonstrates a reasonable transition from the existing A-1 zones to the north and east to the existing R-1B residential zones to the south.
7. **Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of the City of Kingsport?** There are no adverse uses proposed. The zoning will permit uses consistent with both single family and agriculture use.
8. **Whether the change will create an isolated district unrelated to similar districts:** The proposal will not create an isolated district in that it is best described as a blend of both A-1 and R-1B (all of the surrounding zones).
9. **Whether the present district boundaries are illogically drawn in relation to existing conditions?** The present district boundaries are appropriately drawn as is. The proposed boundaries are logical too, in regards to the existing residential and agricultural zones of the area.

- 10. Whether the change will constitute a grant of special privilege to an individual as contrasted to the general welfare?** The change will not allow a special privilege to an individual as contrasted to the general welfare. A rezoning to a UAE district will act as a transition zone from agricultural use and zoning to the adjacent single family zoning.

CONCLUSION

Staff recommends APPROVAL to rezone from R-1B to UAE. The rezoning will act as an appropriate blend of both single family zoning and agricultural zoning which is appropriate due to the location of the rezoning site.

Kingsport Regional Planning Commission

Rezoning Report

File Number 14-101-00013

Downtown B-2 Rezoning

| | | | |
|---|------------------------|---|-------------------------|
| Property Information | | | |
| Address | | 625 East Main St., 645 East Main St., 750 East Main St., | |
| Tax Map, Group, Parcel | | 46A, 46B, 46P, 46O, and 61B; Parcels 8, 22, 23, 24, 24.01, 25, 25.01, and 25.10 | |
| Civil District | | 11 | |
| Overlay District | | Not applicable | |
| Land Use Designation | | Industrial & Retail | |
| Acres | | 6 acres +/- | |
| Existing Use | | Existing Zoning | M-1 & M-2 |
| Vacant warehouse and commercial | | | |
| Proposed Use | | Proposed Zoning | B-2 |
| same | | | |
| Owner /Applicant Information | | | |
| Name: City of Kingsport | | Intent: <i>To rezone from M-1 and M-2 to B-2 to accommodate existing and future commercial uses.</i> | |
| Address: 225 W. Center St. | | | |
| City: Kingsport | | | |
| State: TN | Zip Code: 37660 | | |
| Phone: (423) 229-9485 | | | |
| Planning Department Recommendation | | | |
| The Kingsport Planning Division recommends approval for the following reasons: | | | |
| <ul style="list-style-type: none"> • <i>The rezoning request is compliant with the site's designated land use intensity.</i> • <i>The zoning change is suitable for the area as a central business district use which is less land-use intensive than industrial uses. The Downtown Industrial Rezoning Plan addresses this area as appropriate for industrial use due to the existing rail wye that abuts the rezoning parcels and is encompassed in the rezoning site.</i> • <i>The rezoning effort conforms to the current trend of commercial businesses desiring to locate to the area.</i> | | | |
| Staff Field Notes and General Comments: | | | |
| <ul style="list-style-type: none"> • <i>The rezoning area contains a fitness business, office space, armed delivery service, retail business, and warehousing space.</i> • <i>Staff is currently evaluating several parking proposals that would help ease the lack of parking in the area and provide a definitive space for flow of traffic thru the area currently containing the rail wye. This area is the portion of public right-of-way on the northwest side of the wye.</i> • <i>Being a city-initiated rezoning, staff contacted all property owners in the rezoning area and made sure they understood the zoning change and were supportive of it prior to moving forward.</i> | | | |
| Planner: | Ken Weems | Date: | 3 November 2014 |
| Planning Commission Action | | Meeting Date: | 20 November 2014 |
| Approval: | | | |
| Denial: | | Reason for Denial: | |
| Deferred: | | Reason for Deferral: | |

PROPERTY INFORMATION

| | |
|-------------------------|---|
| ADDRESS | 625 East Main St., 645 East Main St., 750 East Main St. |
| DISTRICT | 11 |
| OVERLAY DISTRICT | Not Applicable |
| EXISTING ZONING | M-1 (Light Industrial) & M-2 (General Industrial) |
| PROPOSED ZONING | B-2 (Central Business District) |
| ACRES | 6 +/- |
| EXISTING USE | fitness business, office space, armed delivery service, retail, warehousing |
| PROPOSED USE | same |

PETITIONER

ADDRESS **225 W. Center St. Kingsport, TN 37660**

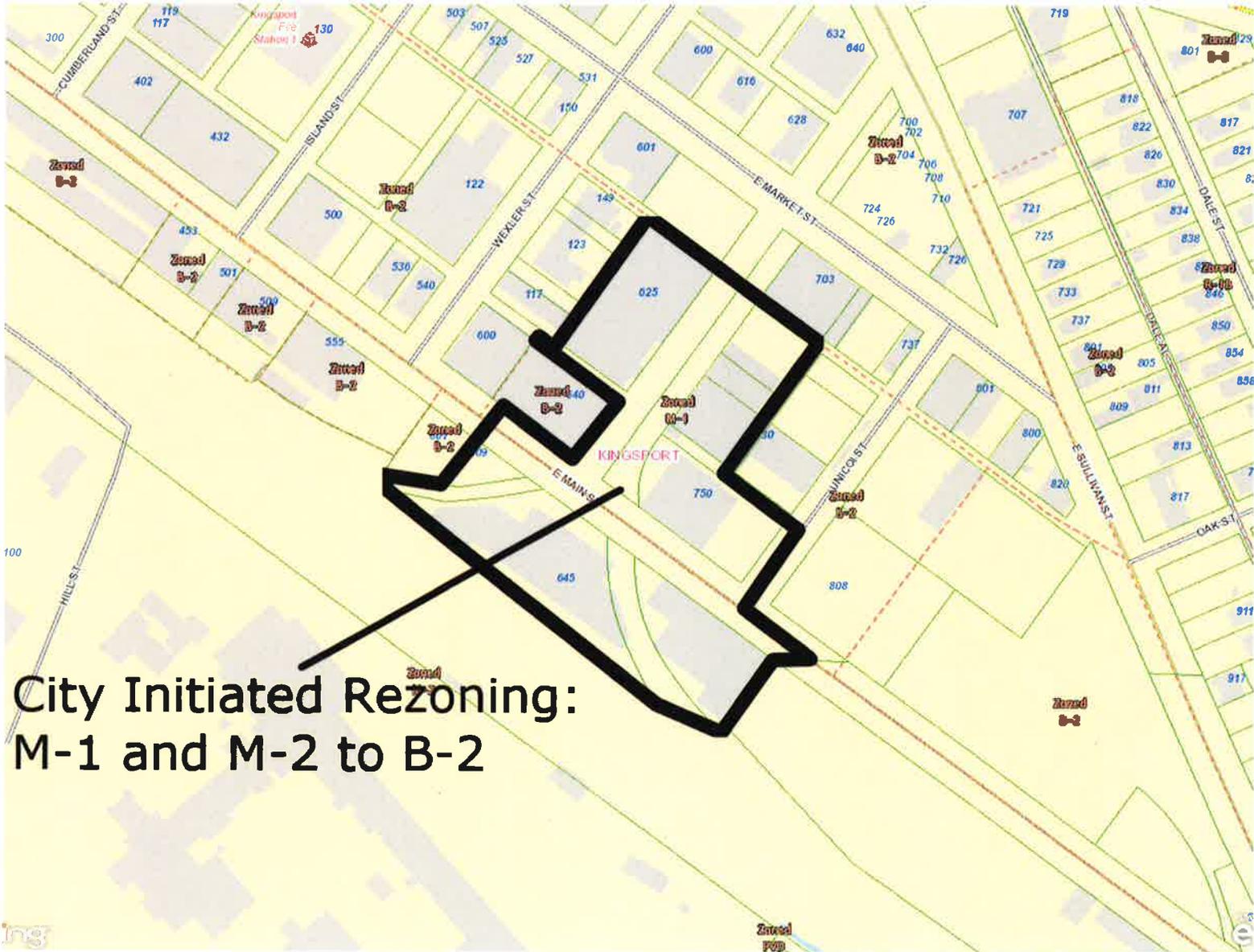
REPRESENTATIVE

PHONE **(423) 229-9368**

INTENT

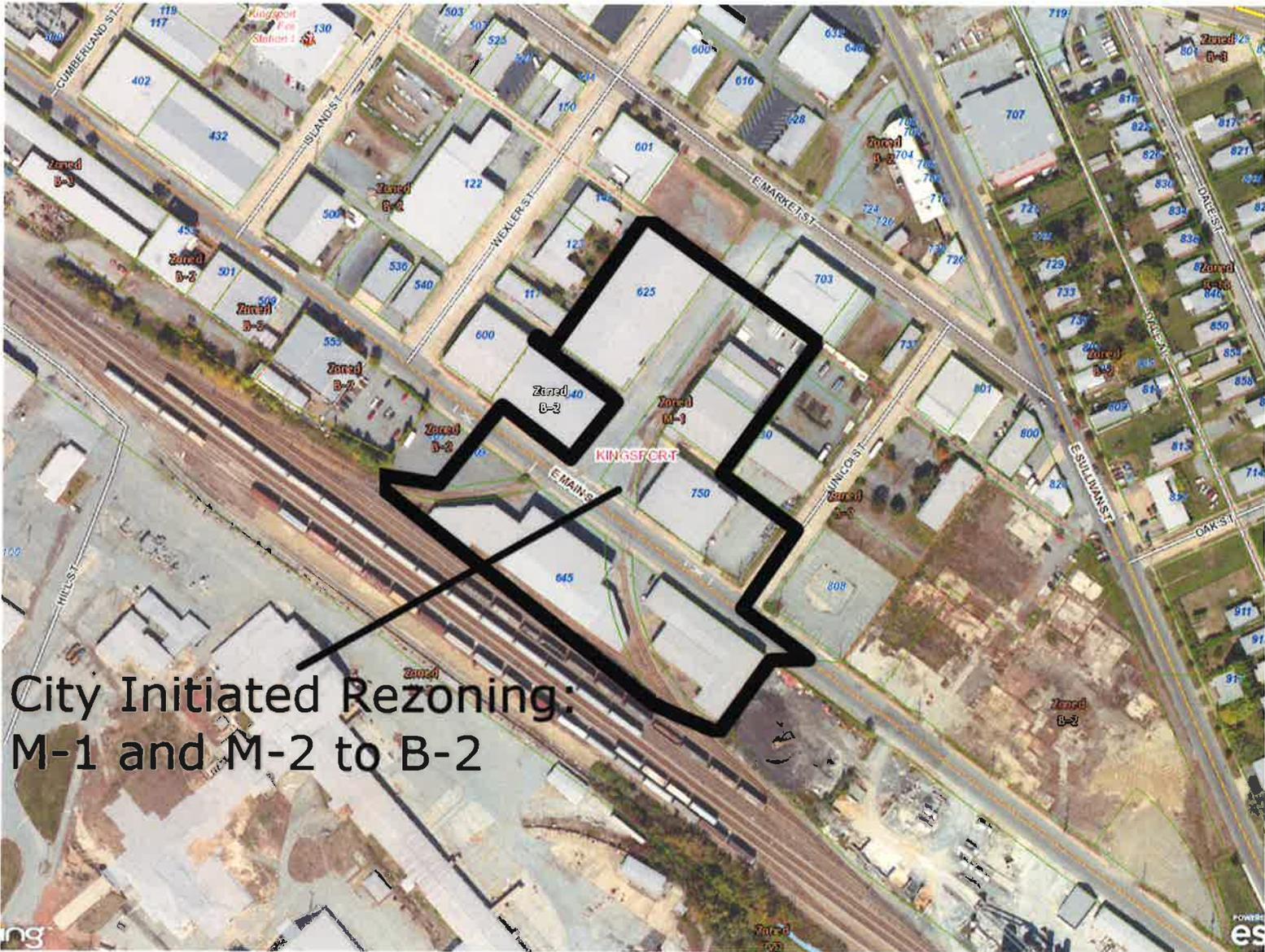
To rezone from M-1 and M-2 to B-2 to accommodate existing and future commercial uses.

Surrounding Zoning Map



City Initiated Rezoning:
M-1 and M-2 to B-2

Aerial



City Initiated Rezoning:
M-1 and M-2 to B-2

North View



East View



West View



South View



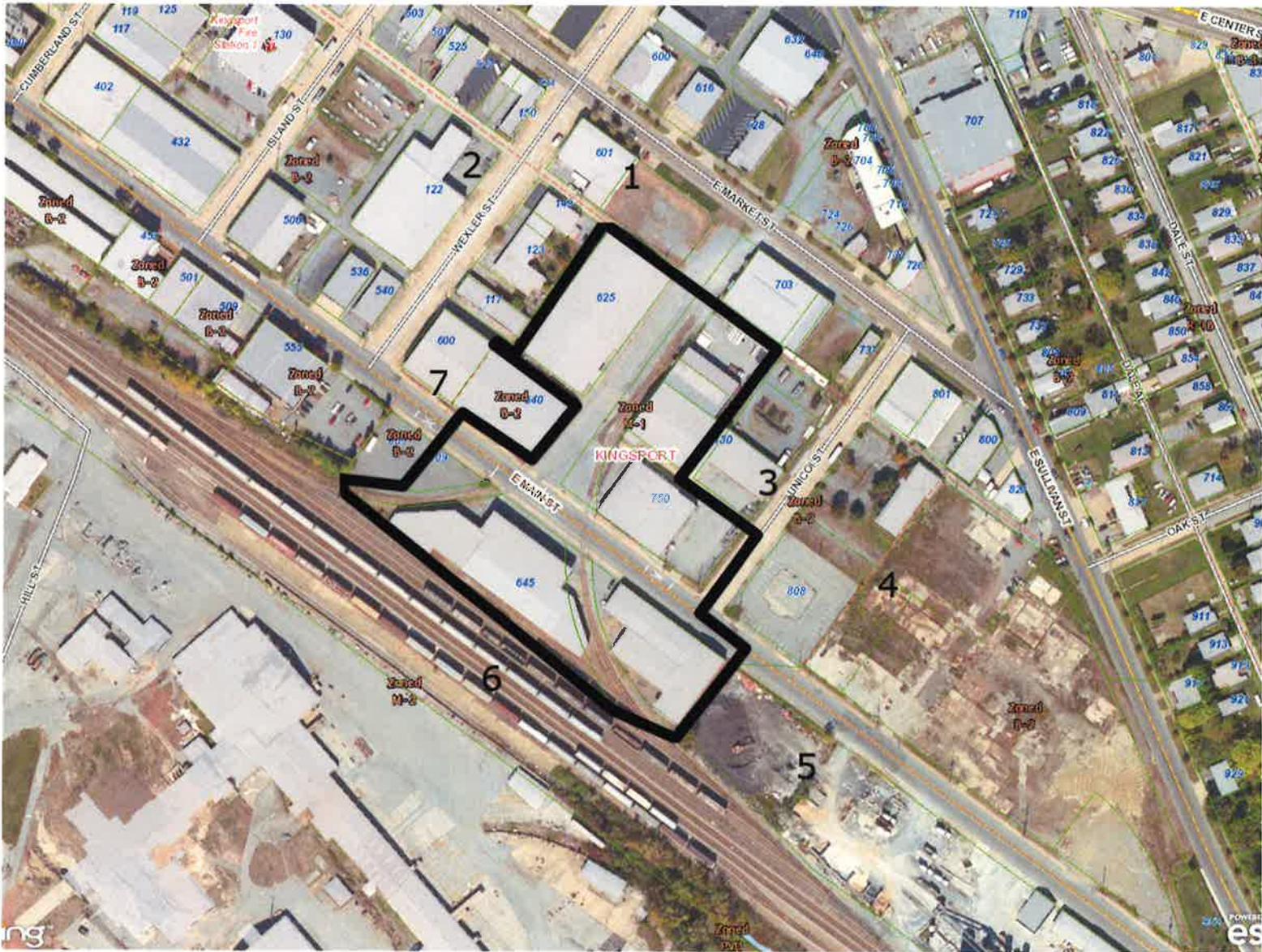
Kingsport Regional Planning Commission

Rezoning Report

File Number 14-101-00013

| Location | Parcel / Zoning Petition | Zoning / Name | History Zoning Action Variance Action |
|-----------------------------|--------------------------|---|---|
| North, East, Northwest | 1 | <u>Zone: City B-2</u> Use: office space | Rezoned from M-1 to B-2 as part of the Downtown Industrial Rezoning (2008) |
| Further North and Northwest | 2 | <u>Zone: City B-2</u> Use: Kendall Electric | Rezoned from M-1 to B-2 as part of the Downtown Industrial Rezoning (2008) |
| East | 3 | <u>Zone: City B-2</u> Use: warehousing | Rezoned from M-1 to B-2 as part of the Downtown Industrial Rezoning (2008) |
| Further East | 4 | <u>Zone: City B-2</u> Use: future site of new E-911 facility | Rezoned from M-1 to B-2 as part of the Downtown Industrial Rezoning (2008) |
| Southeast and South | 5 | <u>Zone: City M-2</u> Use: Concrete Manufacturing | Considered zoned appropriately for industrial use as part of the Downtown Industrial Rezoning Study (2008) |
| Further South | 6 | <u>Zone: City M-2</u> Use: CSX Railyard | n/a |
| West | 7 | <u>Zone: City B-2</u> Use: warehousing/ a portion of the indoor recreational center (TNT Sportsplex) | Rezoned from M-1 to B-2 as part of the Downtown Industrial Rezoning (2008); recent BZA parking reduction for area parcels |

EXISTING USES LOCATION MAP



Standards of Review

Planning Staff shall, with respect to each zoning application, investigate and make a recommendation with respect to factors 1 through 10, below, as well as any other factors it may find relevant.

1. **Whether or not the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby Property?** The proposal will be suitable to the adjacent property. Being formerly surrounded by an industrial district, the proposal is a suitable transition to central business district oriented uses and zones.
2. **Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property?** The adjacent and nearby property will not be adversely affected by the proposal. The proposal will conform with all surrounding Central Business District (B-2) zoned property.
3. **Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?** The property has a reasonable economic use as currently zoned. There is also a reasonable economic use for the proposed zone, due to the proximity of the existing rail wye.
4. **Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?** The proposal could potentially add additional burden to the use of existing streets and transportation facilities. Additionally, the less industrial-oriented traffic will be generated over time as industrial uses are phased out of the area.
5. **Whether the proposal is in conformity with the policies and intent of the land use plan?**

Future Land Use Plan Map: proposed as appropriate for retail and industrial use

Proposed use/density: The proposed uses will remain the same

The Future Land Use Plan Map recommends retail and industrial use.

6. **Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the proposal?** The existing conditions support approval of the proposal as a commercially zoned area.

7. **Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of the City of Kingsport?** There are no adverse uses proposed.
8. **Whether the change will create an isolated district unrelated to similar districts:** The proposal will be a continuation of the abutting B-2 district which surrounds the rezoning site.
9. **Whether the present district boundaries are illogically drawn in relation to existing conditions?** The present district boundaries are appropriately drawn as is, especially in proximity to the existing rail wye. The proposed boundaries are logical too, in regards to the proposed building and transportation network characteristic of the rezoning site. The existing rail wye has not been used in many years, as evident from the disposition of the existing rails.
10. **Whether the change will constitute a grant of special privilege to an individual as contrasted to the general welfare?** The change will not allow a special privilege to an individual as contrasted to the general welfare. The rezoning area is one of the last portions of industrial zoning in the central business district.

CONCLUSION

Staff recommends APPROVAL to rezone from M-1 and M-2 to B-2 to to accommodate existing and future commercial uses.

Larry Neil Way Rezoning

| | | | |
|--|-----------|--|--------------------------|
| Property Information | | | |
| Address | | Larry Neil Way, Kingsport, TN 37660 | |
| Tax Map, Group, Parcel | | 46B, A, a portion of parcel 2.05 | |
| Civil District | | 11 | |
| Overlay District | | Not applicable | |
| Land Use Designation | | Single Family | |
| Acres | | 5.29 acres +/- | |
| Existing Use | | Existing Zoning | R-3 and A-1 |
| Proposed Use | | Proposed Zoning | B-3 |
| Owner /Applicant Information | | | |
| Name: Larry Neil Address: 834 Larry Neil Way City: Kingsport State: TN Zip Code: 37660 Email: laneil@embarqmail.com Phone Number: (423) 288-8465 | | Intent: <i>To rezone from R-3 and A-1 to B-3 to allow medical office (orthopedic office) use of the property.</i> | |
| Planning Department Recommendation | | | |
| The Kingsport Planning Division recommends approval for the following reasons: <ul style="list-style-type: none"> • A B-3 zone for this site is an appropriate extension of the B-3 zone and use to the south of the rezoning area. • The rezoning site is surrounded by R-3 zoning and use (multi-family) to the north and west, providing a suitable transition zone to accommodate the requested B-3 zoning. | | | |
| Staff Field Notes and General Comments: | | | |
| <ul style="list-style-type: none"> • The rezoning area consists of a portion of one parcel on the west side of Larry Neil Way that contains approximately 145' of rise from the southern end of the rezoning site to the northern end. • The planning office has received written endorsement for the rezoning effort from the property owner at 1000 Orbin Lane (located due east of the rezoning site) and 904 Bloomingdale Pike (Rub "A" Dub Car Wash located at the base of Larry Neil Way). | | | |
| Planner: | Ken Weems | Date: | November 4, 2014 |
| Planning Commission Action | | Meeting Date: | November 20, 2014 |
| Approval: | | | |
| Denial: | | Reason for Denial: | |
| Deferred: | | Reason for Deferral: | |

PROPERTY INFORMATION

| | |
|-------------------------|--|
| ADDRESS | Larry Neil Way, Kingsport, TN 37664 |
| DISTRICT | 11 |
| OVERLAY DISTRICT | Not Applicable |
| EXISTING ZONING | R-3 (Low Density Residential) and A-1 (Agricultural) |
| PROPOSED ZONING | B-3 (Highway Oriented Business District) |
| ACRES | 5.29 +/- |
| EXISTING USE | vacant land |
| PROPOSED USE | medical (orthopedic) office |

PETITIONER

ADDRESS **834 Larry Neil Way, Kingsport, TN 37664**

REPRESENTATIVE

PHONE **(423) 288-8465**

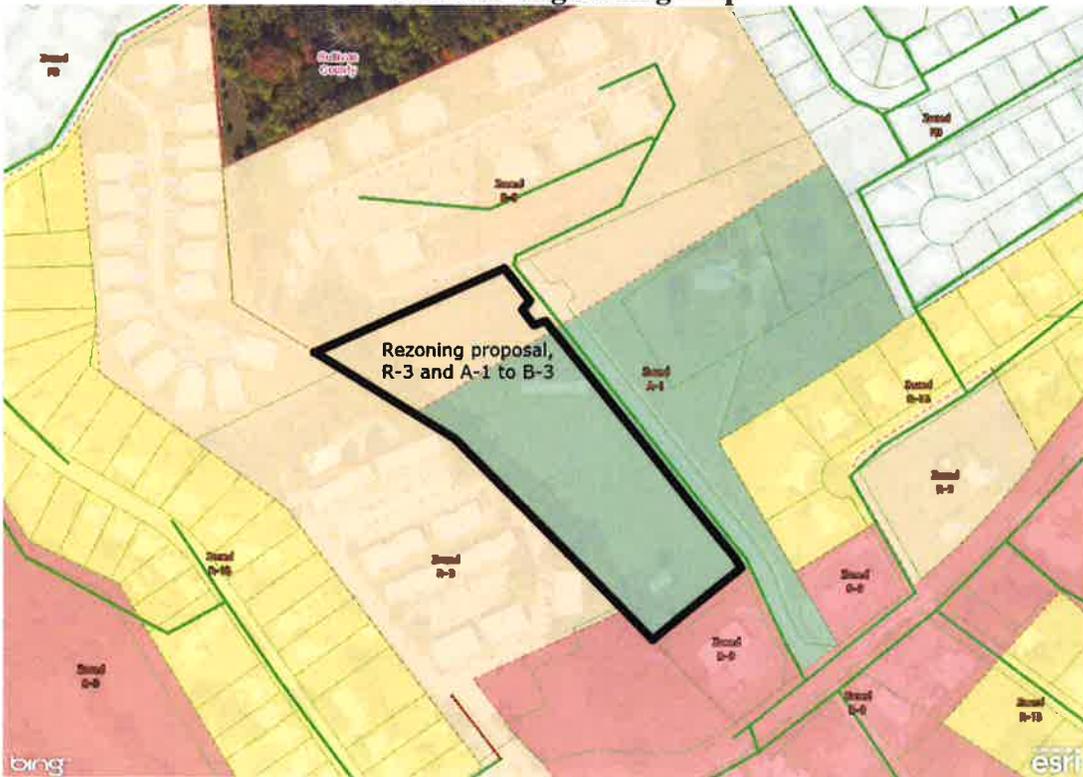
INTENT

To rezone from R-3 and A-1 to B-3 to allow medical office (orthopedic office) use of the property.

Vicinity Map



Surrounding Zoning Map



Future Land Use Plan 2030



Aerial



North View



East View



South View

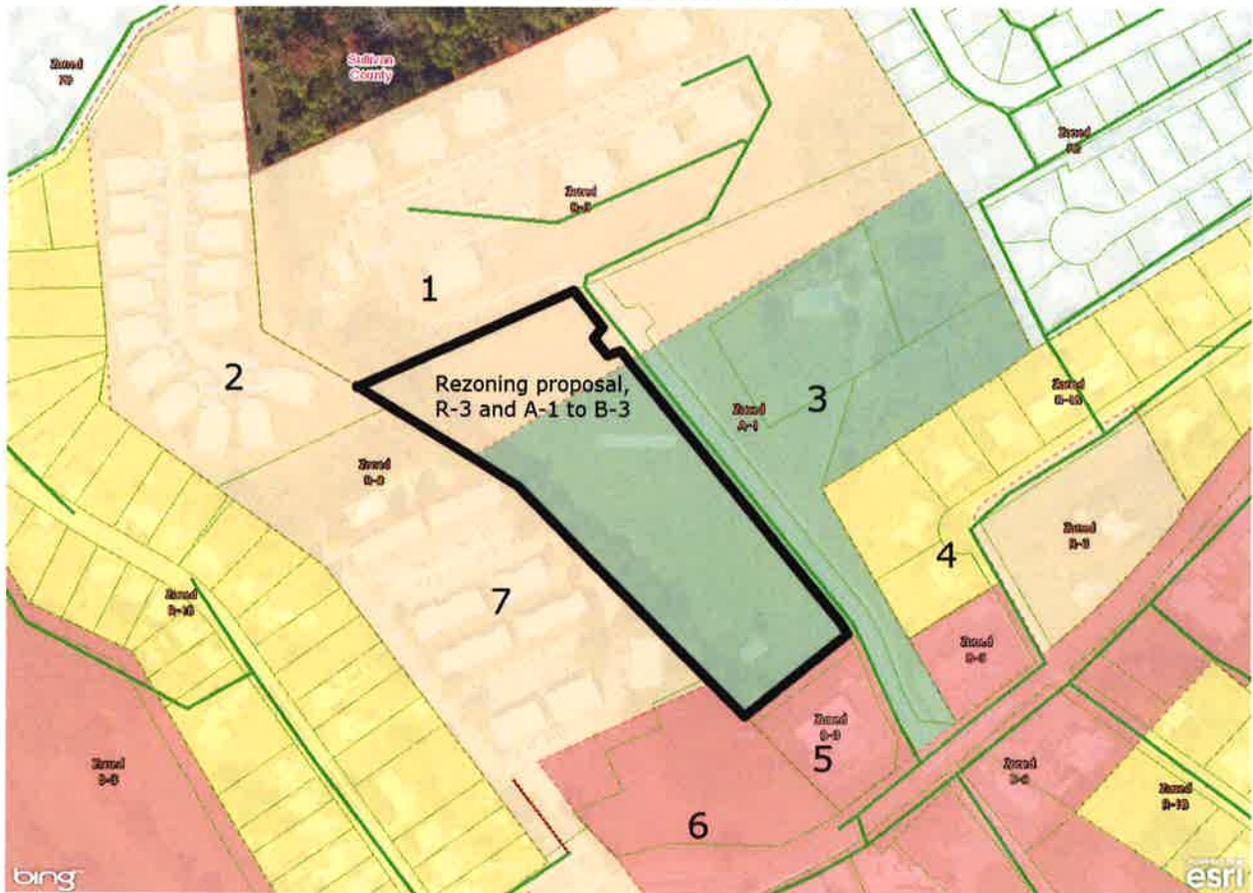


West View



| Location | Parcel / Zoning Petition | Zoning / Name | History Zoning Action Variance Action |
|-----------------------------|--------------------------|--|---|
| North, East, Northwest | 1 | <u>Zone: City R-3</u> Use: multifamily housing (King's View) | Apartments constructed in 2006 |
| Further North and Northwest | 2 | <u>Zone: City R-3</u> Use: multifamily housing (Cobblestone Place) | Development time frame for the portion abutting the rezoning site is mid to late 90's |
| East | 3 | <u>Zone: City A-1</u> Use: single family residence for the rezoning applicant, Mr. Neil | Rezoning applicant's home |
| Further East | 4 | <u>Zone: City R-1B</u> Use: single family | n/a |
| Southeast and South | 5 | <u>Zone: City B-3</u> Use: commercial | n/a |
| Further South | 6 | <u>Zone: City B-3</u> Use: vacant | n/a |
| West | 7 | <u>Zone: City R-3</u> Use: multifamily housing (Bloomingdale Terrace) | n/a |

EXISTING USES LOCATION MAP



Kingsport Regional Planning Commission**Rezoning Report****File Number 14-101-00014**

- Rear yard: 30 feet
- Lot coverage: 40%
- Parking for medical practitioner's office: 3 spaces per practitioner plus 1 space per employee

The ZDP indicates compliance with the development standards in a B-3 District

Parking Requirements

The site plan indicates a total of 104 parking spaces. The minimum requirement for the development is 43 parking spaces. This is based on a total of 6 practitioners (18 space requirement) and 25 total employees (25 spaces).

Property Features

The rezoning/development site lies on the western side of Larry Neil Way, between the existing commercial site to the south and the apartments located to the north. An approximate rise of 145 ft. is realized over approximately 780 ft. of road frontage, representing a challenging development consideration. An existing tree line buffer on the western border of the site is proposed to remain.

Kingsport Regional Planning Commission

Rezoning Report

File Number 14-101-00014

Two letters received from two adjacent property owners in response to the rezoning effort

Michael LANE
1000 ORBA

Dear Mr. and Mrs. Neil and
Others who might be interested:

Sept., 2014

I'm the owner of property at the base of Larry Neil Way where it intersects with
Bloomingdale Pike. I understand that a medical practice has approached you for the
purpose of buying the property you own on the left side of Larry Neil Way as you
start up the hill toward the top. See the attached photo of the site.

I would like to go on record as being in support of such an end use of the property
and any rezoning as needed to facilitate such a progressive venture. The site has
never been used before that I know of. I believe this is a positive project for our
community and also for the City. I support your efforts.

Sincerely



Kingsport Regional Planning Commission

Rezoning Report

File Number 14-101-00014

Dear Mr. and Mrs. Neil and
Others who might be interested:

Sept., 2014

I'm the owner of property at the base of Larry Neil Way where it intersects with
Bloomingdale Pike. I understand that a medical practice has approached you for the
purpose of buying the property you own on the left side of Larry Neil Way as you
start up the hill toward the top. See the attached photo of the site.

I would like to go on record as being in support of such an end use of the property
and any rezoning as needed to facilitate such a progressive venture. The site has
never been used before that I know of. I believe this is a positive project for our
community and also for the City. I support your efforts.

Sincerely

Jodie

423-367-8082

JODIE

Standards of Review

Planning Staff shall, with respect to each zoning application, investigate and make a recommendation with respect to factors 1 through 10, below, as well as any other factors it may find relevant.

1. **Whether or not the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby Property?** The proposal will permit commercial development that will be suitable in regards to abutting multi-family zones and uses.
2. **Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property?** The adjacent and nearby property will not be adversely affected by the proposal. Adjacent property is zoned R-3, which is a suitable transition zone from commercial zoning. The existing A-1 on the east side of Larry Neil Way from the rezoning site is owned by Mr. Larry Neil, the rezoning applicant.
3. **Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?** The property has a reasonable economic use as currently zoned. There is also a reasonable economic use for the proposed zone.
4. **Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?** The proposal will not cause a burdensome use of existing streets, transportation facilities, or schools. The traffic engineering department has reviewed the proposal favorably.
5. **Whether the proposal is in conformity with the policies and intent of the land use plan?**

Proposed use: The use of the rezoning site will be appropriate for medical office use in consideration of the existing surrounding zoning and multifamily uses.

The Future Land Use Plan Map recommends single family use.

6. **Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the proposal?** The existing conditions support approval of the proposed rezoning. The B-3 proposal for the rezoning site will be a suitable extension of the B-3 zone and use from the south. Additionally, the new B-3 zone will be appropriately buffered by the surrounding multifamily zoning to the west and north.
7. **Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of the**

City of Kingsport? There are no adverse uses proposed. The zoning will permit uses consistent with existing development.

8. **Whether the change will create an isolated district unrelated to similar districts:** The proposal will not create an isolated district. The rezoning will extend the existing B-3 zone from the south.
9. **Whether the present district boundaries are illogically drawn in relation to existing conditions?** The present district boundaries are appropriately drawn as is. The proposed boundaries are logical too, in regards to the existing B-3 use in the vicinity.
10. **Whether the change will constitute a grant of special privilege to an individual as contrasted to the general welfare?** The change will not allow a special privilege to an individual as contrasted to the general welfare. A rezoning to a B-3 district will only extend existing B-3 zone and use from the southern end of the rezoning site.

CONCLUSION

Staff recommends APPROVAL to rezone from R-3 and A-1 to B-3. The rezoning will act as an appropriate extension of the B-3 zone and use to the south of the rezoning area, while being buffered by existing multi-family zoning.

| | | | |
|--|--|--|--------------------------|
| Property Information | CVS Replat | | |
| Address | 4400 West Stone Drive, C.E. Brooks Way | | |
| Tax Map, Group, Parcel | 022 034.01, 022 033.03, 022 033.01 | | |
| Civil District | 7th Civil District | | |
| Overlay District | N/A | | |
| Land Use Designation | Commercial | | |
| Acres | 3.02 +/- | | |
| Major or Minor / #lots | Major - 3 | Concept Plan | |
| Two-lot sub | | Prelim/Final | Final |
| Owner /Applicant Information | | Surveyor Information | |
| Name: Harvey Brooks Address: 4400 W Stone Dr City: Kingsport State: TN Zip Code: 37660 Email: N/A Phone Number: | | Name: Carlson Consulting Engineers, INC Address: 7068 LedgeStone Commons City: Bartlett State: TN Zip Code: 336133 Email: Phone Number: (901) 384-0404 | |
| Planning Department Recommendation | | | |
| <p>(Approve, Deny, or Defer)</p> <p>The Kingsport Planning Division recommends Preliminary Subdivision Approval for the following reasons:</p> <ul style="list-style-type: none"> • The plat meets the City's minimum regulations for subdivisions. • No variances have been requested. <p>Staff Field Notes and General Comments: This survey replats and/or resubdivides a total of three lots and is subject to Planning Commission review. The survey meets all minimum regulations for subdivisions.</p> <p>Utilities: There is a utility/drainage easement present on the southern portion Lot 1 & Lot 2. City staff has reviewed the survey and sees no future use for the easement. This easement will be vacated with the approval of this plat.</p> | | | |
| Planner: | Shepherd | Date: 11/3/14 | |
| Planning Commission Action | | Meeting Date: | November 20, 2014 |
| Approval: | | | |
| Denial: | | Reason for Denial: | |
| Deferred: | | Reason for Deferral: | |

| | |
|-----------------------------|--|
| PROPERTY INFORMATION | CVS Replat |
| ADDRESS | 4400 W Stone Dr/C.E. Brooks Jr. Way |
| DISTRICT | 7th Civil District |
| OVERLAY DISTRICT | Not Applicable |
| EXISTING ZONING | B-3 |
| PROPOSED ZONING | No Change |
| ACRES | 3.02 – 3 lots |
| EXISTING USE | Commercial |
| PROPOSED USE | Commercial |

PETITIONER Brooks Family Partnership
ADDRESS

REPRESENTATIVE
PHONE

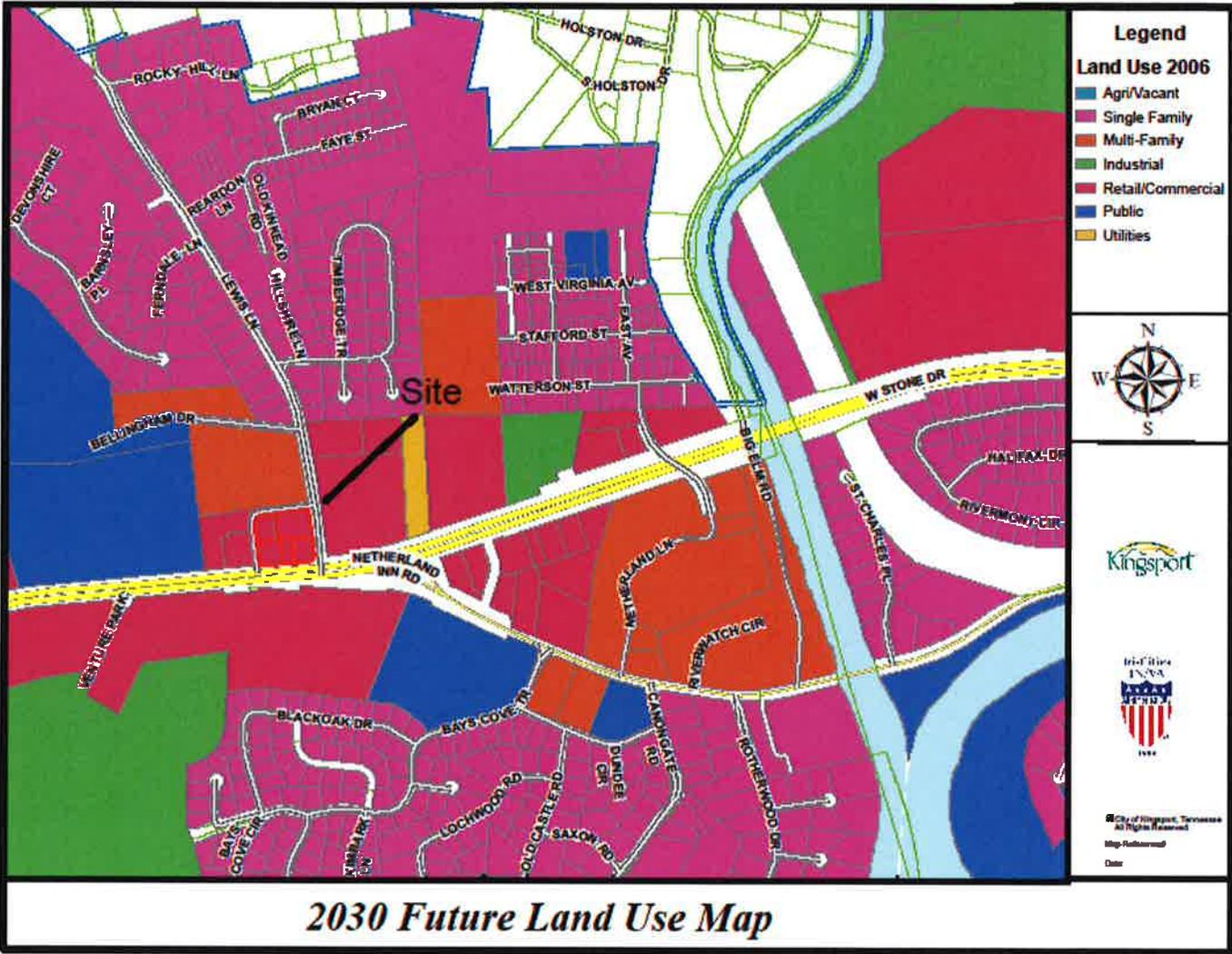
INTENT

The CVS 1st Addition Replat will combine 5 existing lots into 3 new lots. Lot 1 will facilitate the development of a proposed 11,945 square foot CVS/pharmacy. Lot 2 will be sold for future development. Lot 3 will encompass the existing Taco Bell and will adjust the eastern property line to align with the new CVS development. Existing 7.5' side drainage and utility easements that were created by a prior subdivision plat and are in conflict with the proposed CVS building will be relinquished by this replat.

Area Map



Future Land Use Map



2030 Future Land Use Map

South



West



North



East

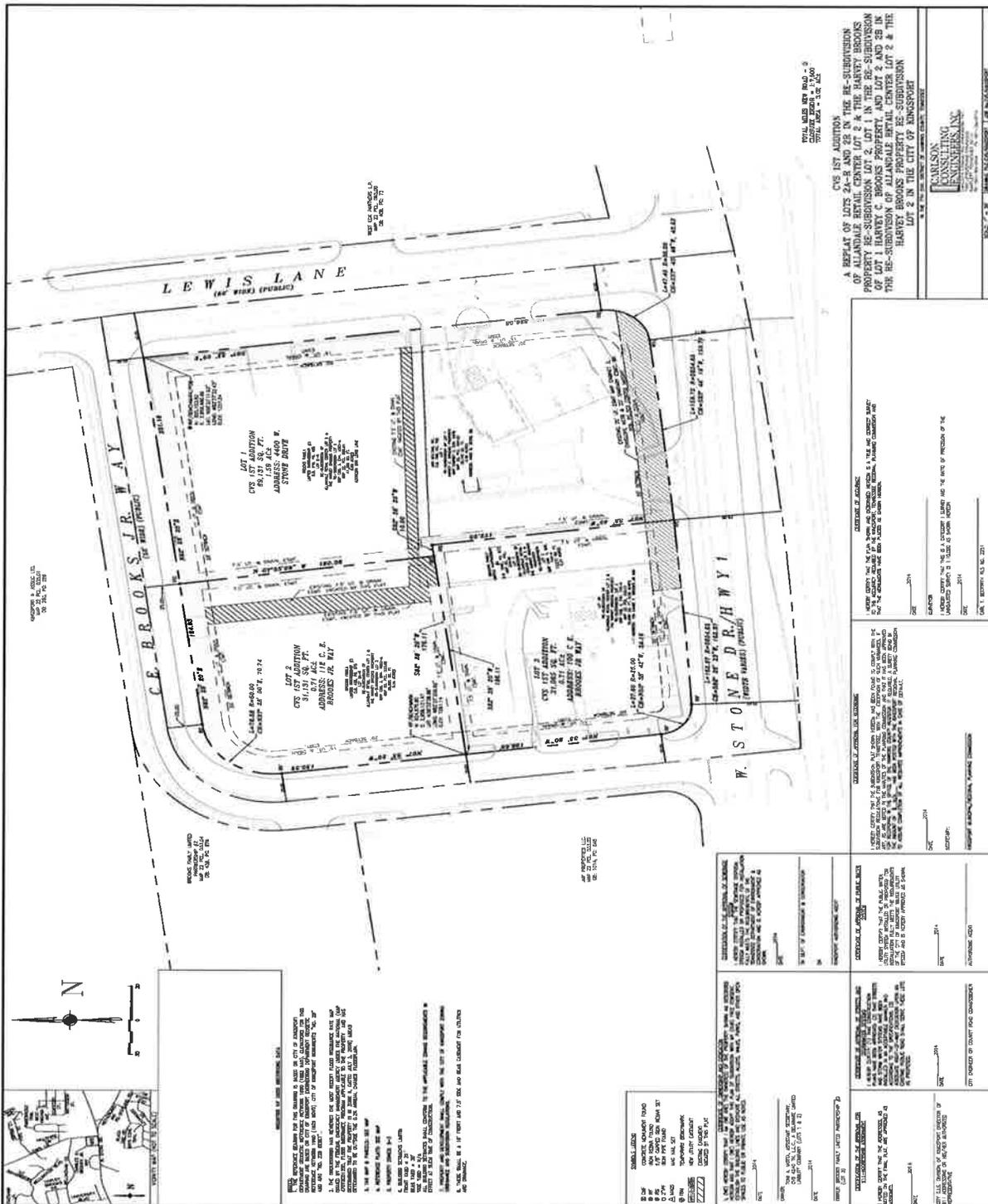


| Location | Parcel / Zoning Petition | Zoning / Name |
|-----------|--------------------------|--|
| West | 1 | Wendy's. Zoned B-3. Owned by JMF Properties LLC |
| North | 2 | Kingsport West Apartments. Zoned R-3. Owned by: Kingsport West & Associates |
| East | 3 | Allendale Marketplace. Zoned B-3. Owned by: West Eck Partners |
| South | 4 | Vacant. Former National Guard Armory. Zoned M-1R. Owned by: State of Tennessee |
| Southwest | 5 | Vacant. Zoned Split (M-1R/M2). Owned by: Holston Ordnance Works |

Proximity Map



Prepared by Kingsport Planning Department for the
Kingsport Regional Planning Commission Meeting on November 20, 2014



CONCLUSION

Prepared by Kingsport Planning Department for the
 Kingsport Regional Planning Commission Meeting on November 20, 2014

Staff recommends final plat approval of the CVS Replat as presented.

Introduction:

During their 2014 session, the Tennessee General Assembly passed vesting legislation that locks a developer in to the locally adopted development standards which are in effect on the date of a preliminary approval. Additionally, as provided for in T.C.A. Section 13-4-310, text is proposed for the Kingsport Subdivision Regulations that describes occurrences that cause a property to lose vesting rights.

Vesting rights, as provided for in the new vesting law are vested upon preliminary plat approval for up to ten years for single phase projects and up to fifteen years for multi-phase projects.

The notice of public hearing for this item was published in the Kingsport Times-News on October 17, 2014. This publication date satisfies the required notice of public hearing to be published a minimum of 30 days prior to changing the subdivision regulations.

Presentation:

The following recommendation first shows the current timeline requirement for the expiration of preliminary plat approval: This text is recommended to be removed:

~~5.4 Elapsed Time: Unless a time extension has been requested by the subdivider and granted by the Commission all final plats shall be submitted within twenty four (24) months of the approval date of the preliminary plat. Failure to meet this deadline will require resubmittal of the preliminary plat to the Planning Commission.~~

The following text, in accordance with the new state law as it pertains to vesting rights, is recommended for addition to the subdivision regulations, replacing the current section 5.4 as shown above:

5.4 Vesting rights shall be in accordance with T.C.A. section 13-3-413 or 13-4-310, whichever is applicable, and as amended from time to time.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that the Kingsport Regional Planning Commission will conduct a Public Hearing during its regular meeting on November 20, 2014 to consider amending the Minimum Regulations for Subdivision Development Within The Kingsport, Tennessee Planning Region by adding subdivision vesting requirements in accordance Tennessee Code Annotated 13-4-310 and 13-3-413. The regular meeting will begin at 7:00 p.m. in the Council Room located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

All interested persons are invited to attend this meeting and public hearing. A detailed description of the proposal is on file in the offices of the City Manager, Kingsport Library, and Planning Manager for inspection. Additional information concerning this proposal may be obtained by contacting the Kingsport Planning Division of the Development Services Department, telephone 423-229-9485.

CITY OF KINGSPORT

Angie Marshall, Deputy City Clerk

PIT: 10/17/14



State of Tennessee

PUBLIC CHAPTER NO. 686

SENATE BILL NO. 915

By Niceley, Green, Bowling, Campfield, Massey

Substituted for: House Bill No. 964

By Todd, Durham, Littleton, Evans, Rich, Casada, Curtis Johnson, Dennis, Faison, Matthew Hill, Pitts, Shepard, Hardaway, Timothy Hill, Rogers

AN ACT to amend Tennessee Code Annotated, Section 13-4-310 and Section 13-3-413, relative to development standards.

WHEREAS, the Tennessee General Assembly finds and declares that it is necessary and desirable, as a matter of public policy, to provide for the establishment of certain vested property rights in order to ensure reasonable certainty, stability, and fairness in the land development process, secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in the area of land-use planning and development; and

WHEREAS, the ability of a landowner to obtain a vested right at the time of approval of a development plan will preserve the prerogatives and authority of local elected officials with respect to land-use matters; and

WHEREAS, these provisions will strike an appropriate balance between private expectations and the public interest, while protecting the public health, safety, and welfare; and

WHEREAS, the Tennessee General Assembly hereby enacts the following sections which shall be known as the "Vested Property Rights Act of 2014"; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 13-3-413, is amended by designating the existing language as subsection (a) and by adding the following language as new subsections:

(b) A vested property right shall be established with respect to any property upon the approval, by the local government in which the property is situated, of a preliminary development plan or a final development plan where no preliminary development plan is required by ordinance or regulation or a building permit allowing construction of a building where there was no need for prior approval of a preliminary development plan for the property on which that building will be constructed. During the vesting period described in subsections (c) and (d), the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the date of approval of a building permit, as described by this subsection (b), shall remain the development standards applicable to that property or building during the vesting period.

(c) Unless an extension is granted by the local government, the vesting period applicable to an approved construction project for which a building permit has been issued shall begin on the date of issuance of the building permit by the local government and shall remain in effect for the time period authorized by the approved building permit, including any approved renewal obtained by the applicant prior to the expiration or termination of the permit to be renewed; provided, the applicant pursues with reasonable diligence site preparation, if applicable, and construction.

(d)(1) The vesting period applicable to a development plan shall be a period of three (3) years, beginning on the date of the local government's approval of the preliminary development plan; provided the applicant obtains local government approval of a final development plan, secures any necessary permits and commences site preparation within the vesting period. If the applicant obtains local government approval of a final development plan, secures any necessary permits, and commences site preparation within the vesting period, then the vesting period shall be extended an additional two (2) years to commence construction from the date of the expiration of the three-year

period. During the two-year period, the applicant shall commence construction and maintain any necessary permits to remain vested.

(2) If construction commences during the vesting period, the development standards applicable during the vesting period shall remain in effect until the local government has certified final completion of the development or project; provided, the total vesting period for the project shall not exceed ten (10) years from the date of the approval of the preliminary development plan unless the local government grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the ten-year period.

(3) In the case of developments which proceed in two (2) or more sections or phases as described in the development plan, there shall be a separate vesting period applicable to each section or phase. The development standards which are in effect on the date of approval of the preliminary development plan for the first section or phase of the development shall remain the development standards applicable to all subsequent sections or phases of the development; provided, the total vesting period for all phases shall not exceed fifteen (15) years from the date of the approval of the preliminary development plan for the first section or phase unless the local government grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the fifteen-year period.

(e) A local government may, by ordinance or resolution, specifically identify the type or types of development plans within the local government's jurisdiction that will cause property rights to vest; provided, that regardless of nomenclature used in the ordinance or resolution to describe a development plan, a plan which contains any of the information described in subdivision (k)(5) or (k)(6) shall be considered a development plan that will cause property rights to vest according to this section. Any such ordinance or resolution shall also specify what constitutes approval of a development plan within its jurisdiction. If a local government has not adopted an ordinance or resolution pursuant to this section specifying what constitutes a development plan that would trigger a vested property right, then rights shall vest upon the approval of any plan, plat, drawing, or sketch, however denominated, that is substantially similar to any plan, plat, drawing, or sketch described in subdivision (k)(5) or (k)(6).

(f)(1) During the vesting period described in subsections (c) and (d), the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the issuance of a building permit, whichever applies, shall remain the development standards applicable to the property described in such preliminary development plan or permit, except such rights shall terminate upon a written determination by the local government under the following circumstances pursuant to subdivision (f)(2):

(A) When the applicant violates the terms and conditions specified in the approved development plan or building permit; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the local government may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;

(B) When the applicant violates any of the terms and conditions specified in the local ordinance or resolution; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the local government may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;

(C) Upon a finding by the local government that the applicant intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or the approval of a development plan or intentionally and knowingly did not construct the development in accordance with the issued building permit or the approved development plan or an approved amendment for the building permit or the development plan; or

(D) Upon the enactment or promulgation of a state or federal law, regulation, rule, policy, corrective action or other governance, regardless of nomenclature, that is required to be enforced by the local government and that

precludes development as contemplated in the approved development plan or building permit, unless modifications to the development plan or building permit can be made by the applicant, within ninety (90) days of notification of the new requirement, which will allow the applicant to comply with the new requirement.

(2) A written determination by the local government of the occurrence of any of the circumstances provided in subdivision (f)(1) shall cause the vested property rights to terminate; provided, however, a local government may allow a property right to remain vested despite such a determined occurrence when a written determination is made that such continuation is in the best interest of the community.

(g)(1) A vested development standard shall not preclude local government enforcement of any development standard when:

(A) The local government obtains the written consent of the applicant or owner;

(B) The local government determines, in writing, that a compelling, countervailing interest exists relating specifically to the development plan or property which is the subject of the building permit that seriously threatens the public health, safety or welfare of the community and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the local government, by the applicant using vested property rights;

(C) Upon the written determination by the local government of the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, not identified in the development plan or building permit, and which hazard, if uncorrected, would pose a serious threat to the public health, safety, or welfare and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the local government, by the applicant using vested property rights;

(D) A development standard is required by federal or state law, rule, regulation, policy, corrective action, order or other type of governance that is required to be enforced by local governments, regardless of nomenclature; or

(E) A local government is undertaking an action initiated or measure instituted in order to comply with a newly enacted federal or state law, rule, regulation, policy, corrective action, permit, order or other type of governance, regardless of nomenclature.

(2) A vested property right does not preclude, change, amend, alter or impair the authority of a local government to exercise its eminent domain powers as provided by law.

(3) This section shall not preclude, change, amend, alter or impair the authority of a local government to exercise its zoning authority, except a vested property right, once established as provided for in this section, precludes the effect of any zoning action by a local government which would change, alter, impair, prevent, diminish, or otherwise delay the development of the property, while vested, as described in an approved development plan or building permit.

(4) In the event the local government enacts a moratorium on development or construction, the vesting period authorized pursuant to this section shall be tolled during the moratorium period.

(h)(1) An amendment to an approved development plan by the developer must be approved by the local government to retain the protections of the vested property right. An amendment may be denied based upon a written finding by the local government that the amendment:

(A) Alters the proposed use;

(B) Increases the overall area of the development;

(C) Alters the size of any nonresidential structures included in the development plan;

(D) Increases the density of the development so as to affect traffic, noise or other environmental impacts; or

(E) Increases any local government expenditure necessary to implement or sustain the proposed use.

(2) If an amendment is denied by the local government based upon such a written finding, then the applicant may either proceed under the prior approved plan with the associated vested property right or, alternatively, allow the vested property right to terminate and submit a new application under this section. Notwithstanding this subsection (h), a vested property right shall not terminate if the local government determines, in writing, that it is in the best interest of the community to allow the development to proceed under the amended plan without terminating the vested property right.

(i) A local government shall not require an applicant to waive the applicant's vested rights as a condition of approval or as a consideration of approval of a development plan or the issuance of a building permit.

(j) A vested property right shall attach to and run with the applicable property and shall confer upon the applicant the right to undertake and complete the development and use such property under the terms and conditions of a development plan, including any amendments thereto or under the terms and conditions of any building permit that has been issued with respect to the property.

(k) As used in this section:

(1) "Applicant" means a landowner or developer who is responsible for filing with the local government an application for a building permit, a development plan or application for a permit requisite to a development plan, or the representatives, assigns, successors, transferees, heirs or agents of such landowner or developer;

(2) "Construction" means the erection of construction materials in a permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun prior to rebuilding, such excavation, demolition or removal shall be deemed to be construction; provided, that work shall be carried on diligently and complies with all applicable requirements;

(3) "Development plan" means both a preliminary development plan and a final development plan;

(4) "Development standards":

(A) Means all locally adopted or enforced standards, regulations or guidelines applicable to the development of property, including, but not limited to, planning; local storm water requirements, layout, design; local construction standards for buildings, streets, alleys, curbs, sidewalks; zoning as provided for in subsection (g); lot size; lot configuration; yard dimensions; and off-site improvements, including public or private infrastructure, in which an applicant may acquire vested rights or vested property rights according to this section; and

(B) Does not include standards required by federal or state law; or building construction safety standards which are adopted pursuant to authority granted under § 68-120-101;

(5)(A) "Final development plan" means a plan which has been submitted by an applicant and approved by a local government describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals:

(i) A planned unit development plan;

(ii) A subdivision plat;

(iii) General development plan;

(iv) Subdivision infrastructure construction plan;

(v) Final engineered site plan; or

(vi) Any other land-use approval designation as may be utilized by a local government.

(B) Unless otherwise expressly provided by the local government, such a plan shall include the boundaries of the site; significant topographical and other natural features affecting development of the site; the location on the site of the proposed buildings, structures, and other improvements; the dimensions, including height, of the proposed buildings and other structures or a building envelope; and the location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. A variance shall not constitute a final development plan, and approval of a final development plan with the condition that a variance be obtained shall not confer a vested property right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type of use, the intensity of use, and the ability to be served with essential utilities and road infrastructure for a specified parcel or parcels of property may constitute a final development plan;

(6) "Preliminary development plan" means a plan which has been submitted by an applicant and that depicts a single-phased or multi-phased planned development typically used to facilitate initial public feedback and secure preliminary approvals from local governments. Examples of information found on development plans include proposed land uses, density and intensity of development, public utilities, road networks, general location of off-street parking, building location, number of buildable lots, emergency access, open space, and other environmentally sensitive areas such as lakes, streams, hillsides, and view sheds. An approved preliminary development plan serves as a guide for all future improvements within defined boundaries; and

(7) "Site preparation" means excavating, grading, demolition, removing excess debris to allow for proper grading, or providing a surface for a proper foundation, drainage, and settling for a development project, and physical improvements including, but not limited to, water and sanitary sewer lines, footings, or foundations installed on the site for which construction permits are required.

SECTION 2. Tennessee Code Annotated, Section 13-4-310, is amended by designating the existing language as subsection (a) and by adding the following language as new subsections:

(b) A vested property right shall be established with respect to any property upon the approval, by the local government in which the property is situated, of a preliminary development plan or a final development plan where no preliminary development plan is required by ordinance or regulation or a building permit allowing construction of a building where there was no need for prior approval of a preliminary development plan for the property on which that building will be constructed. During the vesting period described in subsections (c) and (d), the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the date of approval of a building permit, as described by this subsection (b), shall remain the development standards applicable to that property or building during the vesting period.

(c) Unless an extension is granted by the local government, the vesting period applicable to an approved construction project for which a building permit has been issued shall begin on the date of issuance of the building permit by the local government and shall remain in effect for the time period authorized by the approved building permit, including any approved renewal obtained by the applicant prior to the expiration or termination of the permit to be renewed; provided, the applicant pursues with reasonable diligence site preparation, if applicable, and construction.

(d)(1) The vesting period applicable to a development plan shall be a period of three (3) years, beginning on the date of the local government's approval of the preliminary development plan; provided the applicant obtains local government approval of a final development plan, secures any necessary permits and commences site preparation within the vesting period. If the applicant obtains local government approval of a final development plan, secures any necessary permits, and commences site preparation within the vesting period, then the vesting period shall be extended an additional two (2) years to commence construction from the date of the expiration of the three-year

period. During the two-year period, the applicant shall commence construction and maintain any necessary permits to remain vested.

(2) If construction commences during the vesting period, the development standards applicable during the vesting period shall remain in effect until the local government has certified final completion of the development or project; provided, the total vesting period for the project shall not exceed ten (10) years from the date of the approval of the preliminary development plan unless the local government grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the ten-year period.

(3) In the case of developments which proceed in two (2) or more sections or phases as described in the development plan, there shall be a separate vesting period applicable to each section or phase. The development standards which are in effect on the date of approval of the preliminary development plan for the first section or phase of the development shall remain the development standards applicable to all subsequent sections or phases of the development; provided, the total vesting period for all phases shall not exceed fifteen (15) years from the date of the approval of the preliminary development plan for the first section or phase unless the local government grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the fifteen-year period.

(e) A local government may, by ordinance or resolution, specifically identify the type or types of development plans within the local government's jurisdiction that will cause property rights to vest; provided, that regardless of nomenclature used in the ordinance or resolution to describe a development plan, a plan which contains any of the information described in subdivision (k)(5) or (k)(6) shall be considered a development plan that will cause property rights to vest according to this section. Any such ordinance or resolution shall also specify what constitutes approval of a development plan within its jurisdiction. If a local government has not adopted an ordinance or resolution pursuant to this section specifying what constitutes a development plan that would trigger a vested property right, then rights shall vest upon the approval of any plan, plat, drawing, or sketch, however denominated, that is substantially similar to any plan, plat, drawing, or sketch described in subdivision (k)(5) or (k)(6).

(f)(1) During the vesting period described in subsections (c) and (d), the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the issuance of a building permit, whichever applies, shall remain the development standards applicable to the property described in such preliminary development plan or permit, except such rights shall terminate upon a written determination by the local government under the following circumstances pursuant to subdivision (f)(2):

(A) When the applicant violates the terms and conditions specified in the approved development plan or building permit; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the local government may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;

(B) When the applicant violates any of the terms and conditions specified in the local ordinance or resolution; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the local government may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;

(C) Upon a finding by the local government that the applicant intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or the approval of a development plan or intentionally and knowingly did not construct the development in accordance with the issued building permit or the approved development plan or an approved amendment for the building permit or the development plan; or

(D) Upon the enactment or promulgation of a state or federal law, regulation, rule, policy, corrective action or other governance, regardless of nomenclature, that is required to be enforced by the local government and that

precludes development as contemplated in the approved development plan or building permit, unless modifications to the development plan or building permit can be made by the applicant, within ninety (90) days of notification of the new requirement, which will allow the applicant to comply with the new requirement.

(2) A written determination by the local government of the occurrence of any of the circumstances provided in subdivision (f)(1) shall cause the vested property rights to terminate; provided, however, a local government may allow a property right to remain vested despite such a determined occurrence when a written determination is made that such continuation is in the best interest of the community.

(g)(1) A vested development standard shall not preclude local government enforcement of any development standard when:

(A) The local government obtains the written consent of the applicant or owner;

(B) The local government determines, in writing, that a compelling, countervailing interest exists relating specifically to the development plan or property which is the subject of the building permit that seriously threatens the public health, safety or welfare of the community and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the local government, by the applicant using vested property rights;

(C) Upon the written determination by the local government of the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, not identified in the development plan or building permit, and which hazard, if uncorrected, would pose a serious threat to the public health, safety, or welfare and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the local government, by the applicant using vested property rights;

(D) A development standard is required by federal or state law, rule, regulation, policy, corrective action, order or other type of governance that is required to be enforced by local governments, regardless of nomenclature; or

(E) A local government is undertaking an action initiated or measure instituted in order to comply with a newly enacted federal or state law, rule, regulation, policy, corrective action, permit, order or other type of governance, regardless of nomenclature.

(2) A vested property right does not preclude, change, amend, alter or impair the authority of a local government to exercise its eminent domain powers as provided by law.

(3) This section shall not preclude, change, amend, alter or impair the authority of a local government to exercise its zoning authority, except a vested property right, once established as provided for in this section, precludes the effect of any zoning action by a local government which would change, alter, impair, prevent, diminish, or otherwise delay the development of the property, while vested, as described in an approved development plan or building permit.

(4) In the event the local government enacts a moratorium on development or construction, the vesting period authorized pursuant to this section shall be tolled during the moratorium period.

(h)(1) An amendment to an approved development plan by the developer must be approved by the local government to retain the protections of the vested property right. An amendment may be denied based upon a written finding by the local government that the amendment:

(A) Alters the proposed use;

(B) Increases the overall area of the development;

(C) Alters the size of any nonresidential structures included in the development plan;

(D) Increases the density of the development so as to affect traffic, noise or other environmental impacts; or

(E) Increases any local government expenditure necessary to implement or sustain the proposed use.

(2) If an amendment is denied by the local government based upon such a written finding, then the applicant may either proceed under the prior approved plan with the associated vested property right or, alternatively, allow the vested property right to terminate and submit a new application under this section. Notwithstanding this subsection (h), a vested property right shall not terminate if the local government determines, in writing, that it is in the best interest of the community to allow the development to proceed under the amended plan without terminating the vested property right.

(i) A local government shall not require an applicant to waive the applicant's vested rights as a condition of approval or as a consideration of approval of a development plan or the issuance of a building permit.

(j) A vested property right shall attach to and run with the applicable property and shall confer upon the applicant the right to undertake and complete the development and use such property under the terms and conditions of a development plan, including any amendments thereto or under the terms and conditions of any building permit that has been issued with respect to the property.

(k) As used in this section:

(1) "Applicant" means a landowner or developer who is responsible for filing with the local government an application for a building permit, a development plan or application for a permit requisite to a development plan, or the representatives, assigns, successors, transferees, heirs or agents of such landowner or developer;

(2) "Construction" means the erection of construction materials in a permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun prior to rebuilding, such excavation, demolition or removal shall be deemed to be construction; provided, that work shall be carried on diligently and complies with all applicable requirements;

(3) "Development plan" means both a preliminary development plan and a final development plan;

(4) "Development standards":

(A) Means all locally adopted or enforced standards, regulations or guidelines applicable to the development of property, including, but not limited to, planning; local storm water requirements, layout, design; local construction standards for buildings, streets, alleys, curbs, sidewalks; zoning as provided for in subsection (g); lot size; lot configuration; yard dimensions; and off-site improvements, including public or private infrastructure, in which an applicant may acquire vested rights or vested property rights according to this section; and

(B) Does not include standards required by federal or state law; or building construction safety standards which are adopted pursuant to authority granted under § 68-120-101;

(5)(A) "Final development plan" means a plan which has been submitted by an applicant and approved by a local government describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals:

(i) A planned unit development plan;

(ii) A subdivision plat;

(iii) General development plan;

(iv) Subdivision infrastructure construction plan;

(v) Final engineered site plan; or

(vi) Any other land-use approval designation as may be utilized by a local government.

(B) Unless otherwise expressly provided by the local government, such a plan shall include the boundaries of the site; significant topographical and other natural features affecting development of the site; the location on the site of the proposed buildings, structures, and other improvements; the dimensions, including height, of the proposed buildings and other structures or a building envelope; and the location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. A variance shall not constitute a final development plan, and approval of a final development plan with the condition that a variance be obtained shall not confer a vested property right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type of use, the intensity of use, and the ability to be served with essential utilities and road infrastructure for a specified parcel or parcels of property may constitute a final development plan;

(6) "Preliminary development plan" means a plan which has been submitted by an applicant and that depicts a single-phased or multi-phased planned development typically used to facilitate initial public feedback and secure preliminary approvals from local governments. Examples of information found on development plans include proposed land uses, density and intensity of development, public utilities, road networks, general location of off-street parking, building location, number of buildable lots, emergency access, open space, and other environmentally sensitive areas such as lakes, streams, hillsides, and view sheds. An approved preliminary development plan serves as a guide for all future improvements within defined boundaries; and

(7) "Site preparation" means excavating, grading, demolition, removing excess debris to allow for proper grading, or providing a surface for a proper foundation, drainage, and settling for a development project, and physical improvements including, but not limited to, water and sanitary sewer lines, footings, or foundations installed on the site for which construction permits are required.

SECTION 3. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 4. For purposes of local government adoption of a vested property rights ordinance or resolution, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on January 1, 2015.

SENATE BILL NO. 915

PASSED: April 2, 2014



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 15th day of April 2014



BILL HASLAM, GOVERNOR

Introduction:

During their 2014 session, the Tennessee General Assembly passed vesting legislation that locks a developer in to the locally adopted development standards which are in effect on the date of a preliminary approval. Additionally, as provided for in T.C.A. Section 13-4-310, text is proposed for the Kingsport Code of Ordinances that describes occurrences that cause a property to lose vesting rights.

Vesting rights, as provided for in the new vesting law are vested upon preliminary development plan approval for up to ten years for single phase projects and up to fifteen years for multi-phase projects.

Presentation:

The following recommendation first shows the current timeline requirement for the expiration of preliminary zoning development plan approval: This text is recommended to be removed:

Sec. 114-106. Procedures.

~~(a)(2) Approval of the preliminary plan shall be for a period of 24 months, during which time a final development plan shall be filed~~

The following text, in accordance with the new state law as it pertains to vesting rights, is recommended for addition to the Kingsport Code of Ordinances, subsequently replacing the current section (a)(2) as shown above:

(a)(2) Vesting rights shall be in accordance with T.C.A. section 13-3-413 or 13-4-310, whichever is applicable, and as amended from time to time.

The existing Sec. 114-106 is recommended for removal from the zoning code, as it would conflict with the changes above:

~~Sec. 114-106. Procedures.~~

~~(b) Final development plan. Procedures for submission of the final development plan shall be as follows:~~

~~—————(1) Final development plans shall be submitted within 24 months of the approval of the zoning map amendment by the appropriate legislative body. The commission shall take action on the final development plan for the subject property with such conditions as are found necessary to comply with this chapter, if any, within 90 days after the applicant has submitted the required plan. If the required plans have not been submitted in accordance with requirements or if construction has not been completed, the planning commission may institute~~

~~action for rezoning of the property to its previous classification or other appropriate classification.~~

~~—————(2) Approval of the final plan shall be for a period of 24 months, after which time the commission may require submission of a new final zoning development plan~~

The other section of the code that addresses the preliminary zoning development plan is contained in Division 6, Planned Development District. The same vesting legislation is applied here as seen below:

DIVISION 6. – PLANNED DEVELOPMENT DISTRICT

Sec. 114-305. - Procedure for development plans.

Portion recommended for removal from the Code of Ordinances:

~~**Sec. 114-305. – Procedure for development plans.**~~

~~(a) — Preliminary development plan. Approval of the preliminary plan of a planned development shall be for a period of 24 months, during which time a final development plan shall be filed. If the development plan and zoning map amendment are disapproved by the commission and the zoning map amendment is subsequently approved by the board of mayor and aldermen, the commission shall take timely action to consider a preliminary development plan for the subject property.~~

~~(b) — Final development plan. The final development plan required in this division shall be submitted to the planning commission within 24 months of the approval of the zoning map amendment by the board of mayor and aldermen, and the commission shall approve a final development plan for the subject property with such conditions as are found necessary. If construction plans have not been submitted in accordance with requirements of this division, the planning commission may institute action for rezoning the property to its previous classification or any other appropriate classification.~~

The replacement language for the above is provided below:

Sec. 114-305. – Vested Rights

Vesting rights shall be in accordance with T.C.A. section 13-3-413 or 13-4-310, whichever is applicable, and as amended from time to time.



State of Tennessee

PUBLIC CHAPTER NO. 686

SENATE BILL NO. 915

By Niceley, Green, Bowling, Campfield, Massey

Substituted for: House Bill No. 964

By Todd, Durham, Littleton, Evans, Rich, Casada, Curtis Johnson, Dennis, Faison, Matthew Hill, Pitts, Shepard, Hardaway, Timothy Hill, Rogers

AN ACT to amend Tennessee Code Annotated, Section 13-4-310 and Section 13-3-413, relative to development standards.

WHEREAS, the Tennessee General Assembly finds and declares that it is necessary and desirable, as a matter of public policy, to provide for the establishment of certain vested property rights in order to ensure reasonable certainty, stability, and fairness in the land development process, secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in the area of land-use planning and development; and

WHEREAS, the ability of a landowner to obtain a vested right at the time of approval of a development plan will preserve the prerogatives and authority of local elected officials with respect to land-use matters; and

WHEREAS, these provisions will strike an appropriate balance between private expectations and the public interest, while protecting the public health, safety, and welfare; and

WHEREAS, the Tennessee General Assembly hereby enacts the following sections which shall be known as the "Vested Property Rights Act of 2014"; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 13-3-413, is amended by designating the existing language as subsection (a) and by adding the following language as new subsections:

(b) A vested property right shall be established with respect to any property upon the approval, by the local government in which the property is situated, of a preliminary development plan or a final development plan where no preliminary development plan is required by ordinance or regulation or a building permit allowing construction of a building where there was no need for prior approval of a preliminary development plan for the property on which that building will be constructed. During the vesting period described in subsections (c) and (d), the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the date of approval of a building permit, as described by this subsection (b), shall remain the development standards applicable to that property or building during the vesting period.

(c) Unless an extension is granted by the local government, the vesting period applicable to an approved construction project for which a building permit has been issued shall begin on the date of issuance of the building permit by the local government and shall remain in effect for the time period authorized by the approved building permit, including any approved renewal obtained by the applicant prior to the expiration or termination of the permit to be renewed; provided, the applicant pursues with reasonable diligence site preparation, if applicable, and construction.

(d)(1) The vesting period applicable to a development plan shall be a period of three (3) years, beginning on the date of the local government's approval of the preliminary development plan; provided the applicant obtains local government approval of a final development plan, secures any necessary permits and commences site preparation within the vesting period. If the applicant obtains local government approval of a final development plan, secures any necessary permits, and commences site preparation within the vesting period, then the vesting period shall be extended an additional two (2) years to commence construction from the date of the expiration of the three-year

period. During the two-year period, the applicant shall commence construction and maintain any necessary permits to remain vested.

(2) If construction commences during the vesting period, the development standards applicable during the vesting period shall remain in effect until the local government has certified final completion of the development or project; provided, the total vesting period for the project shall not exceed ten (10) years from the date of the approval of the preliminary development plan unless the local government grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the ten-year period.

(3) In the case of developments which proceed in two (2) or more sections or phases as described in the development plan, there shall be a separate vesting period applicable to each section or phase. The development standards which are in effect on the date of approval of the preliminary development plan for the first section or phase of the development shall remain the development standards applicable to all subsequent sections or phases of the development; provided, the total vesting period for all phases shall not exceed fifteen (15) years from the date of the approval of the preliminary development plan for the first section or phase unless the local government grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the fifteen-year period.

(e) A local government may, by ordinance or resolution, specifically identify the type or types of development plans within the local government's jurisdiction that will cause property rights to vest; provided, that regardless of nomenclature used in the ordinance or resolution to describe a development plan, a plan which contains any of the information described in subdivision (k)(5) or (k)(6) shall be considered a development plan that will cause property rights to vest according to this section. Any such ordinance or resolution shall also specify what constitutes approval of a development plan within its jurisdiction. If a local government has not adopted an ordinance or resolution pursuant to this section specifying what constitutes a development plan that would trigger a vested property right, then rights shall vest upon the approval of any plan, plat, drawing, or sketch, however denominated, that is substantially similar to any plan, plat, drawing, or sketch described in subdivision (k)(5) or (k)(6).

(f)(1) During the vesting period described in subsections (c) and (d), the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the issuance of a building permit, whichever applies, shall remain the development standards applicable to the property described in such preliminary development plan or permit, except such rights shall terminate upon a written determination by the local government under the following circumstances pursuant to subdivision (f)(2):

(A) When the applicant violates the terms and conditions specified in the approved development plan or building permit; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the local government may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;

(B) When the applicant violates any of the terms and conditions specified in the local ordinance or resolution; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the local government may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;

(C) Upon a finding by the local government that the applicant intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or the approval of a development plan or intentionally and knowingly did not construct the development in accordance with the issued building permit or the approved development plan or an approved amendment for the building permit or the development plan; or

(D) Upon the enactment or promulgation of a state or federal law, regulation, rule, policy, corrective action or other governance, regardless of nomenclature, that is required to be enforced by the local government and that

precludes development as contemplated in the approved development plan or building permit, unless modifications to the development plan or building permit can be made by the applicant, within ninety (90) days of notification of the new requirement, which will allow the applicant to comply with the new requirement.

(2) A written determination by the local government of the occurrence of any of the circumstances provided in subdivision (f)(1) shall cause the vested property rights to terminate; provided, however, a local government may allow a property right to remain vested despite such a determined occurrence when a written determination is made that such continuation is in the best interest of the community.

(g)(1) A vested development standard shall not preclude local government enforcement of any development standard when:

(A) The local government obtains the written consent of the applicant or owner;

(B) The local government determines, in writing, that a compelling, countervailing interest exists relating specifically to the development plan or property which is the subject of the building permit that seriously threatens the public health, safety or welfare of the community and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the local government, by the applicant using vested property rights;

(C) Upon the written determination by the local government of the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, not identified in the development plan or building permit, and which hazard, if uncorrected, would pose a serious threat to the public health, safety, or welfare and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the local government, by the applicant using vested property rights;

(D) A development standard is required by federal or state law, rule, regulation, policy, corrective action, order or other type of governance that is required to be enforced by local governments, regardless of nomenclature; or

(E) A local government is undertaking an action initiated or measure instituted in order to comply with a newly enacted federal or state law, rule, regulation, policy, corrective action, permit, order or other type of governance, regardless of nomenclature.

(2) A vested property right does not preclude, change, amend, alter or impair the authority of a local government to exercise its eminent domain powers as provided by law.

(3) This section shall not preclude, change, amend, alter or impair the authority of a local government to exercise its zoning authority, except a vested property right, once established as provided for in this section, precludes the effect of any zoning action by a local government which would change, alter, impair, prevent, diminish, or otherwise delay the development of the property, while vested, as described in an approved development plan or building permit.

(4) In the event the local government enacts a moratorium on development or construction, the vesting period authorized pursuant to this section shall be tolled during the moratorium period.

(h)(1) An amendment to an approved development plan by the developer must be approved by the local government to retain the protections of the vested property right. An amendment may be denied based upon a written finding by the local government that the amendment:

(A) Alters the proposed use;

(B) Increases the overall area of the development;

(C) Alters the size of any nonresidential structures included in the development plan;

(D) Increases the density of the development so as to affect traffic, noise or other environmental impacts; or

(E) Increases any local government expenditure necessary to implement or sustain the proposed use.

(2) If an amendment is denied by the local government based upon such a written finding, then the applicant may either proceed under the prior approved plan with the associated vested property right or, alternatively, allow the vested property right to terminate and submit a new application under this section. Notwithstanding this subsection (h), a vested property right shall not terminate if the local government determines, in writing, that it is in the best interest of the community to allow the development to proceed under the amended plan without terminating the vested property right.

(i) A local government shall not require an applicant to waive the applicant's vested rights as a condition of approval or as a consideration of approval of a development plan or the issuance of a building permit.

(j) A vested property right shall attach to and run with the applicable property and shall confer upon the applicant the right to undertake and complete the development and use such property under the terms and conditions of a development plan, including any amendments thereto or under the terms and conditions of any building permit that has been issued with respect to the property.

(k) As used in this section:

(1) "Applicant" means a landowner or developer who is responsible for filing with the local government an application for a building permit, a development plan or application for a permit requisite to a development plan, or the representatives, assigns, successors, transferees, heirs or agents of such landowner or developer;

(2) "Construction" means the erection of construction materials in a permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun prior to rebuilding, such excavation, demolition or removal shall be deemed to be construction; provided, that work shall be carried on diligently and complies with all applicable requirements;

(3) "Development plan" means both a preliminary development plan and a final development plan;

(4) "Development standards":

(A) Means all locally adopted or enforced standards, regulations or guidelines applicable to the development of property, including, but not limited to, planning; local storm water requirements, layout, design; local construction standards for buildings, streets, alleys, curbs, sidewalks; zoning as provided for in subsection (g); lot size; lot configuration; yard dimensions; and off-site improvements, including public or private infrastructure, in which an applicant may acquire vested rights or vested property rights according to this section; and

(B) Does not include standards required by federal or state law; or building construction safety standards which are adopted pursuant to authority granted under § 68-120-101;

(5)(A) "Final development plan" means a plan which has been submitted by an applicant and approved by a local government describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals:

(i) A planned unit development plan;

(ii) A subdivision plat;

(iii) General development plan;

(iv) Subdivision infrastructure construction plan;

(v) Final engineered site plan; or

(vi) Any other land-use approval designation as may be utilized by a local government.

(B) Unless otherwise expressly provided by the local government, such a plan shall include the boundaries of the site; significant topographical and other natural features affecting development of the site; the location on the site of the proposed buildings, structures, and other improvements; the dimensions, including height, of the proposed buildings and other structures or a building envelope; and the location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. A variance shall not constitute a final development plan, and approval of a final development plan with the condition that a variance be obtained shall not confer a vested property right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type of use, the intensity of use, and the ability to be served with essential utilities and road infrastructure for a specified parcel or parcels of property may constitute a final development plan;

(6) "Preliminary development plan" means a plan which has been submitted by an applicant and that depicts a single-phased or multi-phased planned development typically used to facilitate initial public feedback and secure preliminary approvals from local governments. Examples of information found on development plans include proposed land uses, density and intensity of development, public utilities, road networks, general location of off-street parking, building location, number of buildable lots, emergency access, open space, and other environmentally sensitive areas such as lakes, streams, hillsides, and view sheds. An approved preliminary development plan serves as a guide for all future improvements within defined boundaries; and

(7) "Site preparation" means excavating, grading, demolition, removing excess debris to allow for proper grading, or providing a surface for a proper foundation, drainage, and settling for a development project, and physical improvements including, but not limited to, water and sanitary sewer lines, footings, or foundations installed on the site for which construction permits are required.

SECTION 2. Tennessee Code Annotated, Section 13-4-310, is amended by designating the existing language as subsection (a) and by adding the following language as new subsections:

(b) A vested property right shall be established with respect to any property upon the approval, by the local government in which the property is situated, of a preliminary development plan or a final development plan where no preliminary development plan is required by ordinance or regulation or a building permit allowing construction of a building where there was no need for prior approval of a preliminary development plan for the property on which that building will be constructed. During the vesting period described in subsections (c) and (d), the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the date of approval of a building permit, as described by this subsection (b), shall remain the development standards applicable to that property or building during the vesting period.

(c) Unless an extension is granted by the local government, the vesting period applicable to an approved construction project for which a building permit has been issued shall begin on the date of issuance of the building permit by the local government and shall remain in effect for the time period authorized by the approved building permit, including any approved renewal obtained by the applicant prior to the expiration or termination of the permit to be renewed; provided, the applicant pursues with reasonable diligence site preparation, if applicable, and construction.

(d)(1) The vesting period applicable to a development plan shall be a period of three (3) years, beginning on the date of the local government's approval of the preliminary development plan; provided the applicant obtains local government approval of a final development plan, secures any necessary permits and commences site preparation within the vesting period. If the applicant obtains local government approval of a final development plan, secures any necessary permits, and commences site preparation within the vesting period, then the vesting period shall be extended an additional two (2) years to commence construction from the date of the expiration of the three-year

period. During the two-year period, the applicant shall commence construction and maintain any necessary permits to remain vested.

(2) If construction commences during the vesting period, the development standards applicable during the vesting period shall remain in effect until the local government has certified final completion of the development or project; provided, the total vesting period for the project shall not exceed ten (10) years from the date of the approval of the preliminary development plan unless the local government grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the ten-year period.

(3) In the case of developments which proceed in two (2) or more sections or phases as described in the development plan, there shall be a separate vesting period applicable to each section or phase. The development standards which are in effect on the date of approval of the preliminary development plan for the first section or phase of the development shall remain the development standards applicable to all subsequent sections or phases of the development; provided, the total vesting period for all phases shall not exceed fifteen (15) years from the date of the approval of the preliminary development plan for the first section or phase unless the local government grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the fifteen-year period.

(e) A local government may, by ordinance or resolution, specifically identify the type or types of development plans within the local government's jurisdiction that will cause property rights to vest; provided, that regardless of nomenclature used in the ordinance or resolution to describe a development plan, a plan which contains any of the information described in subdivision (k)(5) or (k)(6) shall be considered a development plan that will cause property rights to vest according to this section. Any such ordinance or resolution shall also specify what constitutes approval of a development plan within its jurisdiction. If a local government has not adopted an ordinance or resolution pursuant to this section specifying what constitutes a development plan that would trigger a vested property right, then rights shall vest upon the approval of any plan, plat, drawing, or sketch, however denominated, that is substantially similar to any plan, plat, drawing, or sketch described in subdivision (k)(5) or (k)(6).

(f)(1) During the vesting period described in subsections (c) and (d), the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the issuance of a building permit, whichever applies, shall remain the development standards applicable to the property described in such preliminary development plan or permit, except such rights shall terminate upon a written determination by the local government under the following circumstances pursuant to subdivision (f)(2):

(A) When the applicant violates the terms and conditions specified in the approved development plan or building permit; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the local government may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;

(B) When the applicant violates any of the terms and conditions specified in the local ordinance or resolution; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the local government may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;

(C) Upon a finding by the local government that the applicant intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or the approval of a development plan or intentionally and knowingly did not construct the development in accordance with the issued building permit or the approved development plan or an approved amendment for the building permit or the development plan; or

(D) Upon the enactment or promulgation of a state or federal law, regulation, rule, policy, corrective action or other governance, regardless of nomenclature, that is required to be enforced by the local government and that

precludes development as contemplated in the approved development plan or building permit, unless modifications to the development plan or building permit can be made by the applicant, within ninety (90) days of notification of the new requirement, which will allow the applicant to comply with the new requirement.

(2) A written determination by the local government of the occurrence of any of the circumstances provided in subdivision (f)(1) shall cause the vested property rights to terminate; provided, however, a local government may allow a property right to remain vested despite such a determined occurrence when a written determination is made that such continuation is in the best interest of the community.

(g)(1) A vested development standard shall not preclude local government enforcement of any development standard when:

(A) The local government obtains the written consent of the applicant or owner;

(B) The local government determines, in writing, that a compelling, countervailing interest exists relating specifically to the development plan or property which is the subject of the building permit that seriously threatens the public health, safety or welfare of the community and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the local government, by the applicant using vested property rights;

(C) Upon the written determination by the local government of the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, not identified in the development plan or building permit, and which hazard, if uncorrected, would pose a serious threat to the public health, safety, or welfare and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the local government, by the applicant using vested property rights;

(D) A development standard is required by federal or state law, rule, regulation, policy, corrective action, order or other type of governance that is required to be enforced by local governments, regardless of nomenclature; or

(E) A local government is undertaking an action initiated or measure instituted in order to comply with a newly enacted federal or state law, rule, regulation, policy, corrective action, permit, order or other type of governance, regardless of nomenclature.

(2) A vested property right does not preclude, change, amend, alter or impair the authority of a local government to exercise its eminent domain powers as provided by law.

(3) This section shall not preclude, change, amend, alter or impair the authority of a local government to exercise its zoning authority, except a vested property right, once established as provided for in this section, precludes the effect of any zoning action by a local government which would change, alter, impair, prevent, diminish, or otherwise delay the development of the property, while vested, as described in an approved development plan or building permit.

(4) In the event the local government enacts a moratorium on development or construction, the vesting period authorized pursuant to this section shall be tolled during the moratorium period.

(h)(1) An amendment to an approved development plan by the developer must be approved by the local government to retain the protections of the vested property right. An amendment may be denied based upon a written finding by the local government that the amendment:

(A) Alters the proposed use;

(B) Increases the overall area of the development;

(C) Alters the size of any nonresidential structures included in the development plan;

(D) Increases the density of the development so as to affect traffic, noise or other environmental impacts; or

(E) Increases any local government expenditure necessary to implement or sustain the proposed use.

(2) If an amendment is denied by the local government based upon such a written finding, then the applicant may either proceed under the prior approved plan with the associated vested property right or, alternatively, allow the vested property right to terminate and submit a new application under this section. Notwithstanding this subsection (h), a vested property right shall not terminate if the local government determines, in writing, that it is in the best interest of the community to allow the development to proceed under the amended plan without terminating the vested property right.

(i) A local government shall not require an applicant to waive the applicant's vested rights as a condition of approval or as a consideration of approval of a development plan or the issuance of a building permit.

(j) A vested property right shall attach to and run with the applicable property and shall confer upon the applicant the right to undertake and complete the development and use such property under the terms and conditions of a development plan, including any amendments thereto or under the terms and conditions of any building permit that has been issued with respect to the property.

(k) As used in this section:

(1) "Applicant" means a landowner or developer who is responsible for filing with the local government an application for a building permit, a development plan or application for a permit requisite to a development plan, or the representatives, assigns, successors, transferees, heirs or agents of such landowner or developer;

(2) "Construction" means the erection of construction materials in a permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun prior to rebuilding, such excavation, demolition or removal shall be deemed to be construction; provided, that work shall be carried on diligently and complies with all applicable requirements;

(3) "Development plan" means both a preliminary development plan and a final development plan;

(4) "Development standards":

(A) Means all locally adopted or enforced standards, regulations or guidelines applicable to the development of property, including, but not limited to, planning; local storm water requirements, layout, design; local construction standards for buildings, streets, alleys, curbs, sidewalks; zoning as provided for in subsection (g); lot size; lot configuration; yard dimensions; and off-site improvements, including public or private infrastructure, in which an applicant may acquire vested rights or vested property rights according to this section; and

(B) Does not include standards required by federal or state law; or building construction safety standards which are adopted pursuant to authority granted under § 68-120-101;

(5)(A) "Final development plan" means a plan which has been submitted by an applicant and approved by a local government describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals:

(i) A planned unit development plan;

(ii) A subdivision plat;

(iii) General development plan;

(iv) Subdivision infrastructure construction plan;

(v) Final engineered site plan; or

(vi) Any other land-use approval designation as may be utilized by a local government.

(B) Unless otherwise expressly provided by the local government, such a plan shall include the boundaries of the site; significant topographical and other natural features affecting development of the site; the location on the site of the proposed buildings, structures, and other improvements; the dimensions, including height, of the proposed buildings and other structures or a building envelope; and the location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. A variance shall not constitute a final development plan, and approval of a final development plan with the condition that a variance be obtained shall not confer a vested property right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type of use, the intensity of use, and the ability to be served with essential utilities and road infrastructure for a specified parcel or parcels of property may constitute a final development plan;

(6) "Preliminary development plan" means a plan which has been submitted by an applicant and that depicts a single-phased or multi-phased planned development typically used to facilitate initial public feedback and secure preliminary approvals from local governments. Examples of information found on development plans include proposed land uses, density and intensity of development, public utilities, road networks, general location of off-street parking, building location, number of buildable lots, emergency access, open space, and other environmentally sensitive areas such as lakes, streams, hillsides, and view sheds. An approved preliminary development plan serves as a guide for all future improvements within defined boundaries; and

(7) "Site preparation" means excavating, grading, demolition, removing excess debris to allow for proper grading, or providing a surface for a proper foundation, drainage, and settling for a development project, and physical improvements including, but not limited to, water and sanitary sewer lines, footings, or foundations installed on the site for which construction permits are required.

SECTION 3. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 4. For purposes of local government adoption of a vested property rights ordinance or resolution, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on January 1, 2015.

SENATE BILL NO. 915

PASSED: April 2, 2014



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 15th day of April 2014



BILL HASLAM, GOVERNOR

Introduction:

This zoning text amendment clarifies a long-established practice followed by all development occurring in B-4P zones in the City. The amendment clarifies that the 30-foot development-free periphery yard requirement in B-4P zones does not apply to the portions of the development that abut a public street. Evidence of this practice abounds in all existing B-4P zones in the City. Some examples include East Stone Commons, The HMG Property, The Riverbend Property, and multiple examples along South John B. Dennis Highway in the vicinity of Kingsgate Crossing and Stewball Circle. The aforementioned properties constitute the largest B-4P districts in the City, all of which have developed without regard to a 30-foot development-free periphery yard along public streets.

The intent of the 30-foot development-free periphery yard is to provide a buffer from uses surrounding a B-4P District. This aspect of the 30-foot development-free periphery yard is adhered to in our current B-4P districts and will still be intact with this zoning text amendment. It is important to note that while this amendment will clarify an existing practice, the landscaping ordinance will still require a 10-foot landscaping strip along all public streets. This is the same requirement that is applied in our B-3 district.

Presentation:

Staff recommends the following change in the form of an addition to part c. of the B-4P Design Standards (Sec. 114-230) in the zoning code:

Sec. 114-230. - Design standards.

(c) Periphery yard. The B-4P district shall have a 30-foot landscaped development-free periphery yard. The periphery yard shall be measured from the property lines around the district, **excluding property lines which abut a public street**. Structures including parking areas shall not be permitted within the periphery yard. However, transit stops, transit shelters, and other public uses may be located in the periphery yard.



CITY OF KINGSPORT, TENNESSEE

October 10, 2014,

Mr. Dennis Ward, Chairman
Kingsport Regional Planning Commission
225 W. Center Street
Kingsport, TN 37660

Dear Mr. Ward:

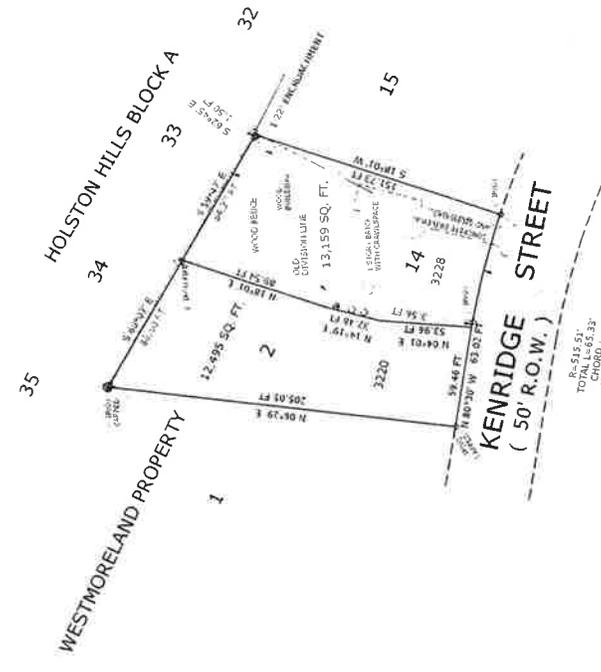
This letter is to inform you that I, as Secretary for the Kingsport Regional Planning Commission, certify that resubdivision of the Westmoreland Property, on Kenridge Street, surveyed by Carter, Carr, and Associates, RLS, meets the Minimum Standards for Subdivision Development of Major Subdivision Within the Kingsport Planning Region. The staff certifies the plat is acceptable to be signed by the Secretary of the Planning Commission for recording purposes.

Sincerely,

Lynn Tully
Development Services Director

C: Kingsport Regional Planning Commission





RECORDING DATA
 PROPERTY SHOWN AS LOT 2, WESTMORELAND PROPERTY, KENRIDGE STREET, WESTMORELAND PROPERTY, AND IS SHOWN ON TAX MAP 771, GROUP B, PARCEL 23.00
 PROPERTY SHOWN AS LOT 14, BLOCK A, HOLSTON HILLS PROPERTY, AND IS SHOWN ON TAX MAP 771, GROUP B, PARCEL 23.00
 PROPERTY SHOWN AS LOT 15, BLOCK A, HOLSTON HILLS PROPERTY, AND IS SHOWN ON TAX MAP 771, GROUP B, PARCEL 23.00

ABBREVIATIONS AND SYMBOLS
 DBS = DEED BOOK
 IP(O) = IRON PIN OLD AND FOUND, SIZE AS NOTED
 IP(N) = 1/2" IRON PIN NEW AND SET
 IP(S) = 3/4" IRON PIN SET
 PG = PAGE
 --- = PROPERTY LINE
 --- = UNKINGED ADDRESS LINES
 --- = UNKINGED UTILITY POLE
 --- = UTILITY POLE

FLOOD CERTIFICATION
 THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL ADMINISTRATION FLOOD HAZARD BOUNDARY MAPS AND FOUND THAT THE PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA.

FIRM MAP # 47183C0045D
 SULLIVAN COUNTY, TENNESSEE AND INCORPORATED AREAS
 EFFECTIVE DATE: SEPTEMBER 21, 2009

ZONING
 SETBACKS TO CONFORM WITH ALL CURRENT APPLICABLE ZONING RESTRICTIONS.
 PROPERTY IS CURRENTLY ZONED CITY OF KINGSPORT R15
 SETBACKS: 30' FRONT/8' SIDE/30' REAR

MONUMENTATION
 ALL CORNERS ARE MARKED BY OLD EXISTING MONUMENTATION OR NEW MONUMENTS AS SHOWN ON THIS PLAT. UNMARKED CORNERS UNLESS OTHERWISE NOTED.

911 ADDRESSING
 3220 - KINGSPORT GIS EXISTING ADDRESS ASSIGNMENT

RE-PLAT OF
LOT 2 WESTMORELAND PROPERTY- KENRIDGE STREET & LOT 14, BLOCK A, HOLSTON HILLS SUBDIVISION
11th CIVIL DISTRICT
SULLIVAN COUNTY, TENNESSEE
KINGSPORT REGIONAL PLANNING COMMISSION

TOTAL ACRES 9.589 ACRES ±
 ACRES NEW ROAD 0
 MILES NEW ROAD 0

OWNER: BERTHELENE, CARL B. ASSOC.
 SURVEYOR: CARTER, CARL B. ASSOC.

CLOSEURE ERROR: 1:10000
 SCALE: 1" = 50'

CARTER, CARL B. ASSOCIATES
 5615 LONE STAR ROAD KINGSPORT, TENNESSEE 37660
 TELEPHONE: (623) 349-6920 FAX: (623) 349-5107
 EMAIL: carterc@carlberter.net

CERTIFICATE OF ACCURACY
 I HEREBY CERTIFY THAT I HAVE REVIEWED THE ORIGINAL SURVEY RECORDS AND THE PLAT AND AM SATISFIED AS TO THE ACCURACY OF THE INFORMATION SHOWN THEREON.

CERTIFICATE OF APPROVAL FOR RECORDING
 I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON HAS BEEN REVIEWED AND APPROVED FOR RECORDING IN THE PUBLIC RECORDS OF THE COUNTY OF SULLIVAN, TENNESSEE.

CERTIFICATE OF APPROVAL FOR RECORDING
 I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON HAS BEEN REVIEWED AND APPROVED FOR RECORDING IN THE PUBLIC RECORDS OF THE COUNTY OF SULLIVAN, TENNESSEE.

CERTIFICATION OF APPROVAL OF PUBLIC WATER SYSTEM
 I HEREBY CERTIFY THAT THE PUBLIC WATER UTILITY SYSTEM SHOWN ON THIS PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE PUBLIC WATER UTILITY SYSTEM ACT AND IS SUBJECT TO THE REGULATIONS OF THE TENNESSEE DEPARTMENT OF REVENUE.

CERTIFICATION OF APPROVAL OF SEWERAGE SYSTEM
 I HEREBY CERTIFY THAT THE SEWERAGE SYSTEM SHOWN ON THIS PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE SEWERAGE SYSTEM ACT AND IS SUBJECT TO THE REGULATIONS OF THE TENNESSEE DEPARTMENT OF REVENUE.

CERTIFICATION OF APPROVAL OF STREET LIGHTING SYSTEM
 I HEREBY CERTIFY THAT THE STREET LIGHTING SYSTEM SHOWN ON THIS PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE STREET LIGHTING SYSTEM ACT AND IS SUBJECT TO THE REGULATIONS OF THE TENNESSEE DEPARTMENT OF REVENUE.

CERTIFICATION OF APPROVAL OF STORM WATER SYSTEMS
 I HEREBY CERTIFY THAT THE STORM WATER SYSTEMS SHOWN ON THIS PLAT ARE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STORM WATER SYSTEMS ACT AND IS SUBJECT TO THE REGULATIONS OF THE TENNESSEE DEPARTMENT OF REVENUE.

CERTIFICATE OF OWNERSHIP AND DEDICATION
 I HEREBY CERTIFY THAT I HAVE REVIEWED THE ORIGINAL SURVEY RECORDS AND THE PLAT AND AM SATISFIED AS TO THE ACCURACY OF THE INFORMATION SHOWN THEREON.

CERTIFICATE OF ACCURACY
 I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON HAS BEEN REVIEWED AND APPROVED FOR RECORDING IN THE PUBLIC RECORDS OF THE COUNTY OF SULLIVAN, TENNESSEE.

CERTIFICATION OF APPROVAL OF STREET LIGHTING SYSTEM
 I HEREBY CERTIFY THAT THE STREET LIGHTING SYSTEM SHOWN ON THIS PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE STREET LIGHTING SYSTEM ACT AND IS SUBJECT TO THE REGULATIONS OF THE TENNESSEE DEPARTMENT OF REVENUE.

CERTIFICATION OF APPROVAL OF SEWERAGE SYSTEM
 I HEREBY CERTIFY THAT THE SEWERAGE SYSTEM SHOWN ON THIS PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE SEWERAGE SYSTEM ACT AND IS SUBJECT TO THE REGULATIONS OF THE TENNESSEE DEPARTMENT OF REVENUE.



CITY OF KINGSPORT, TENNESSEE

October 10, 2014,

Mr. Dennis Ward, Chairman
Kingsport Regional Planning Commission
225 W. Center Street
Kingsport, TN 37660

Dear Mr. Ward:

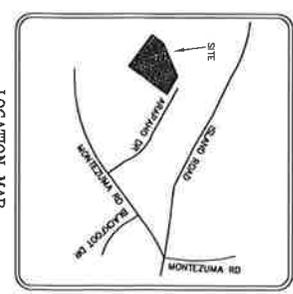
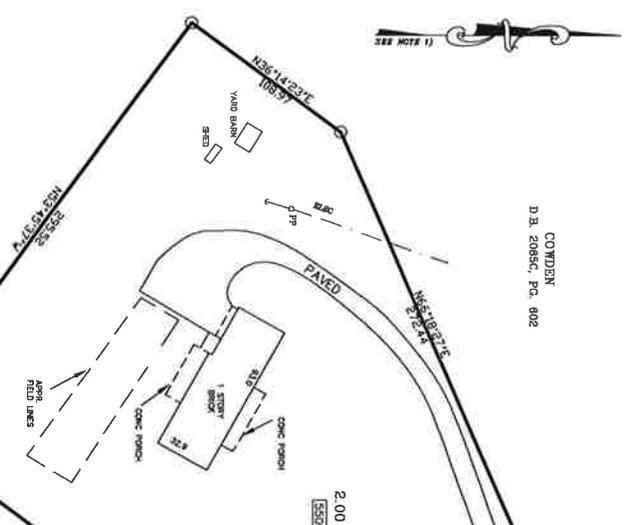
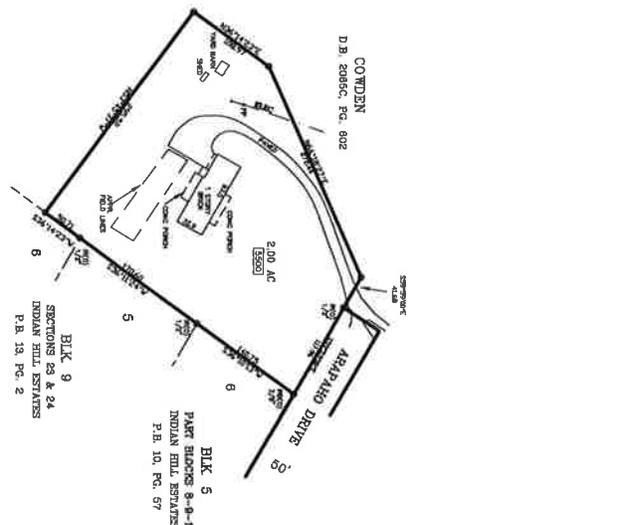
This letter is to inform you that I, as Secretary for the Kingsport Regional Planning Commission, certify that resubdivision of the Cowden Property, on Arapahoe Drive, surveyed by Tim Lingerfelt of Alley and Associates, RLS, meets the Minimum Standards for Subdivision Development of Major Subdivision Within the Kingsport Planning Region. The staff certifies the plat is acceptable to be signed by the Secretary of the Planning Commission for recording purposes.

Sincerely,

Lynn Tully
Development Services Director

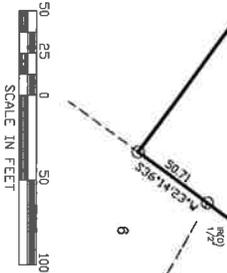
C: Kingsport Regional Planning Commission





LEGEND

(H/O) IRON ROD BENT (OLD)
 (R/O) IRON ROD (OLD)
 (R/N) IRON ROD (NEW)
 ELEC ELECTRIC
 PAGE DEED BOOK
 D.B. NOT TO SCALE
 N.T.S. 911 ADDRESS
 [123] ACRES
 P.B. PLAT BOOK
 PP POWER POLE
 APPR APPROXIMATE
 BLK BLOCK
 CONC CONCRETE



NOTES:

- 1) NORTH BASED ON S89-59-00E AS SHOWN ON P.B. 10, PG. 57. PROPERTY IS ZONED R-1
- 2) SETBACKS: FRONT 30', REAR 30', SIDE 12'
- 3) THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD INSURANCE ADMINISTRATION BOUNDARY MAP 471630D070D DATED SEPTEMBER 29, 2006 AND FOUND THAT THE ABOVE PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
- 4) JOB NO. 14-9840 CONDOMENING
- 5) FIELD INFORMATION ELECTRONIC DATA COLLECTED
- 6) TAX MAP 49 PART OF PARCEL 16.00
- 7) DEED REFERENCE: P.B. 2065C, PG. 602
- 8) 5/8" IRON ROD SET ON ALL CORNERS UNLESS OTHERWISE SHOWN.
- 9) INGRESS AND EGRESS EASEMENT ALONG EXISTING PAVED DRIVEWAY FROM THE TERMINUS OF ARAPAHO DRIVE IS INCLUDED WITH THIS LOT.
- 10)



DIVISION OF CONDOMEN PROPERTY

CITY OF KINGSPORT

KINGSPORT REGIONAL PLANNING COMMISSION

TOTAL ACRES 2.00 TOTAL LOTS 1

ADDRESS NEW ROAD 0 MILES NEW ROAD 0

OWNER BLK CONDOMEN CIVIL DISTRICT 7TH

SUBDIVIDER ALLEY & ASSOCIATES, INC. CLASSED ERROR 141000

SCALE 1" = SEE ABOVE

| | | | | |
|--|--|--|---|---|
| <p>CERTIFICATE OF SUPERVISOR AND SUPERVISOR</p> <p>I HEREBY CERTIFY THAT I AM NOT AWARE OF THE CONVICTION OF THE SUPERVISOR OR SUPERVISORS WITHIN THE PAST FIVE YEARS AND THAT THE SUPERVISOR OR SUPERVISORS ARE NOT ELIGIBLE TO BE SUPERVISORS OR SUPERVISORS UNDER THE PROVISIONS OF THE TENNESSEE CONDOMENING ACT.</p> <p>DATE _____</p> | <p>CERTIFICATE OF APPROVAL</p> <p>I HEREBY CERTIFY THAT THE PLAN SHOWS AND DESCRIBES THE PLAN OF SUBDIVISION WITHIN THE PAST FIVE YEARS AND THAT THE SUPERVISOR OR SUPERVISORS ARE NOT ELIGIBLE TO BE SUPERVISORS OR SUPERVISORS UNDER THE PROVISIONS OF THE TENNESSEE CONDOMENING ACT.</p> <p>DATE _____</p> | <p>CERTIFICATE OF APPROVAL OF STREET LIGHTING SYSTEM</p> <p>I HEREBY CERTIFY THAT THE STREET LIGHT SYSTEM ASSIGNED FOR THE PROJECT IS IN ACCORDANCE WITH THE CITY OF KINGSPORT, TENNESSEE STREET LIGHTING SYSTEM STANDARDS AND THAT THE SUPERVISOR HAS BEEN ADVISED OF THE SUBDIVISION RELATIONS.</p> <p>DATE _____</p> | <p>CERTIFICATE OF APPROVAL OF TRAFFIC ENGINEERING ANALYSIS</p> <p>I HEREBY CERTIFY THAT THE TRAFFIC ENGINEERING ANALYSIS HAS BEEN REVIEWED BY AN ACCEPTABLE ENGINEER AND THAT THE ANALYSIS IS IN ACCORDANCE WITH THE CITY OF KINGSPORT, TENNESSEE TRAFFIC ENGINEERING STANDARDS AND THAT THE SUPERVISOR HAS BEEN ADVISED OF THE SUBDIVISION RELATIONS.</p> <p>DATE _____</p> | <p>CERTIFICATE OF APPROVAL FOR RECORDING</p> <p>I HEREBY CERTIFY THAT THE SUBDIVISION PLAN IS IN ACCORDANCE WITH THE CITY OF KINGSPORT, TENNESSEE RECORDING STANDARDS AND THAT THE SUPERVISOR HAS BEEN ADVISED OF THE SUBDIVISION RELATIONS.</p> <p>DATE _____</p> |
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| <p>CERTIFICATE OF APPROVAL FOR RECORDING</p> <p>I HEREBY CERTIFY THAT THE SUBDIVISION PLAN IS IN ACCORDANCE WITH THE CITY OF KINGSPORT, TENNESSEE RECORDING STANDARDS AND THAT THE SUPERVISOR HAS BEEN ADVISED OF THE SUBDIVISION RELATIONS.</p> <p>DATE _____</p> | <p>CERTIFICATE OF APPROVAL OF TRAFFIC ENGINEERING ANALYSIS</p> <p>I HEREBY CERTIFY THAT THE TRAFFIC ENGINEERING ANALYSIS HAS BEEN REVIEWED BY AN ACCEPTABLE ENGINEER AND THAT THE ANALYSIS IS IN ACCORDANCE WITH THE CITY OF KINGSPORT, TENNESSEE TRAFFIC ENGINEERING STANDARDS AND THAT THE SUPERVISOR HAS BEEN ADVISED OF THE SUBDIVISION RELATIONS.</p> <p>DATE _____</p> | <p>CERTIFICATE OF APPROVAL OF STREET LIGHTING SYSTEM</p> <p>I HEREBY CERTIFY THAT THE STREET LIGHT SYSTEM ASSIGNED FOR THE PROJECT IS IN ACCORDANCE WITH THE CITY OF KINGSPORT, TENNESSEE STREET LIGHTING SYSTEM STANDARDS AND THAT THE SUPERVISOR HAS BEEN ADVISED OF THE SUBDIVISION RELATIONS.</p> <p>DATE _____</p> | <p>CERTIFICATE OF APPROVAL OF TRAFFIC ENGINEERING ANALYSIS</p> <p>I HEREBY CERTIFY THAT THE TRAFFIC ENGINEERING ANALYSIS HAS BEEN REVIEWED BY AN ACCEPTABLE ENGINEER AND THAT THE ANALYSIS IS IN ACCORDANCE WITH THE CITY OF KINGSPORT, TENNESSEE TRAFFIC ENGINEERING STANDARDS AND THAT THE SUPERVISOR HAS BEEN ADVISED OF THE SUBDIVISION RELATIONS.</p> <p>DATE _____</p> | <p>CERTIFICATE OF APPROVAL FOR RECORDING</p> <p>I HEREBY CERTIFY THAT THE SUBDIVISION PLAN IS IN ACCORDANCE WITH THE CITY OF KINGSPORT, TENNESSEE RECORDING STANDARDS AND THAT THE SUPERVISOR HAS BEEN ADVISED OF THE SUBDIVISION RELATIONS.</p> <p>DATE _____</p> |
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|---|---|--|---|---|



CITY OF KINGSPORT, TENNESSEE

October 22, 2014,

Mr. Dennis Ward, Chairman
Kingsport Regional Planning Commission
225 W. Center Street
Kingsport, TN 37660

Dear Mr. Ward:

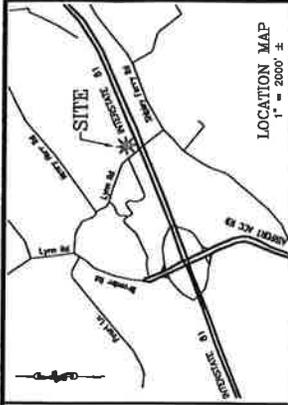
This letter is to inform you that I, as Secretary for the Kingsport Regional Planning Commission, certify that resubdivision of the Carroll & Barnett Property, on Lynn Road, surveyed by Glenn Allen Shelnett of Glenn Allen Shelnett, RLS, meets the Minimum Standards for Subdivision Development of Major Subdivision Within the Kingsport Planning Region. The staff certifies the plat is acceptable to be signed by the Secretary of the Planning Commission for recording purposes.

Sincerely,

Lynn Tully
Development Services Director

C: Kingsport Regional Planning Commission

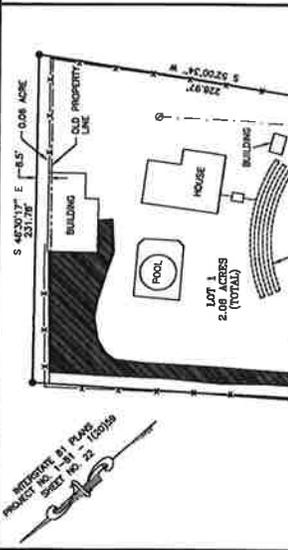




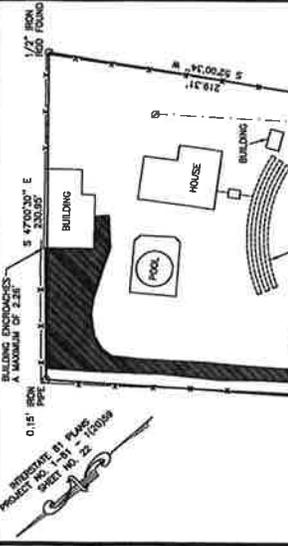
REGISTER OF DEEDS



REGISTER OF DEEDS



REGISTER OF DEEDS



REGISTER OF DEEDS



HEREBY CERTIFY THAT THIS IS A CORRECT AND TRUE COPY OF THE ORIGINAL SURVEY AND THAT THE DATE OF COMPLETION OF THE UNREGISTERED SURVEY IS NOT LESS THAN 11/10/00

REGISTER OF DEEDS

REGISTER OF DEEDS

REGISTER OF DEEDS

REGISTER OF DEEDS

REPLAT OF THE CARROLL AND BARNETT PROPERTY
 KINGSFORD REGIONAL PLANNING COMMISSION

TOTAL ACRES 3.10 TOTAL LOTS 2
 ACRES NEW ROAD 0.00 MILES NEW ROAD 0.00
 OWNER SEE GENERAL NOTES CIVIL DISTRICT 7TH
 SURVEYOR GLENN ALLEN SHELHUTT CLOSURE ERROR 1:10,000

SCALE 1" = 60'

CERTIFICATE OF APPROVAL FOR 811-ADDRESSING ASSIGNMENT

I, SURVEYOR GLENN ALLEN SHELHUTT, HEREBY CERTIFY THAT THE ADDRESSING AS SET FORTH ON THE FINAL PLAT, ARE APPROVED AS REQUESTED.

DATE _____

CITY CLERK DIVISION OF SULLYVA COUNTY, DIRECTOR OF 811 ADDRESSING OR DESIGNATED AUTHORITY

CERTIFICATE OF APPROVAL OF PUBLIC WATER SYSTEM

I, SURVEYOR GLENN ALLEN SHELHUTT, HEREBY CERTIFY THAT THE PUBLIC WATER UTILITY SYSTEM SHOWN ON THE FINAL PLAT, IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE PUBLIC WATER UTILITY SYSTEM ACT AND IS HEREBY APPROVED AS SHOWN.

DATE _____

AUTHORIZING AGENCY

CERTIFICATE OF ACCURACY

I, SURVEYOR GLENN ALLEN SHELHUTT, HEREBY CERTIFY THAT THE PLAT, SHOWING AND DESCRIBED HEREON IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY AND THAT THE DATE OF COMPLETION OF THE UNREGISTERED SURVEY IS NOT LESS THAN 11/10/00.

DATE _____

SURVEYOR

CERTIFICATE OF OWNERSHIP AND DEDICATION

| OWNER | DATE |
|-------|------|
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REGISTER OF DEEDS



CITY OF KINGSPORT, TENNESSEE

October 22, 2014,

Mr. Dennis Ward, Chairman
Kingsport Regional Planning Commission
225 W. Center Street
Kingsport, TN 37660

Dear Mr. Ward:

This letter is to inform you that I, as Secretary for the Kingsport Regional Planning Commission, certify that resubdivision of the Jericho Property, on Jericho Drive, surveyed by Bill Phillips of Bill Phillips, RLS, meets the Minimum Standards for Subdivision Development of Major Subdivision Within the Kingsport Planning Region. The staff certifies the plat is acceptable to be signed by the Secretary of the Planning Commission for recording purposes.

Sincerely,

Lynn Tully
Development Services Director

C: Kingsport Regional Planning Commission



1. THESE ARE THE PROPERTY LINES AND BOUNDARIES OF THE PROPERTY AS SHOWN ON THE RECORD MAPS AND PLATS.
2. THE PROPERTY LINES AND BOUNDARIES OF THE PROPERTY AS SHOWN ON THE RECORD MAPS AND PLATS ARE TO BE CONSIDERED AS THE PROPERTY LINES AND BOUNDARIES OF THE PROPERTY AS SHOWN ON THE RECORD MAPS AND PLATS.
3. THE PROPERTY LINES AND BOUNDARIES OF THE PROPERTY AS SHOWN ON THE RECORD MAPS AND PLATS ARE TO BE CONSIDERED AS THE PROPERTY LINES AND BOUNDARIES OF THE PROPERTY AS SHOWN ON THE RECORD MAPS AND PLATS.
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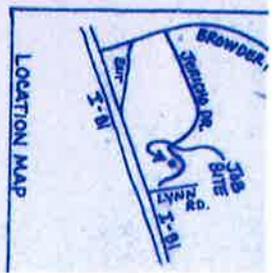
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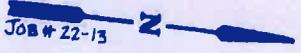
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| 1705A PLAT | 648C-738Z | | | | | | | | |
| PLAT BOOK: P&S | | | | | | | | | |
| PAGE: 525-525 | | | | | | | | | |
| <table border="1"> <tr> <td>REG. FEE</td> <td>16.00</td> </tr> <tr> <td>REP. FEE</td> <td>2.00</td> </tr> <tr> <td>STAMP</td> <td>0.00</td> </tr> <tr> <td>TOTAL</td> <td>18.00</td> </tr> </table> | | REG. FEE | 16.00 | REP. FEE | 2.00 | STAMP | 0.00 | TOTAL | 18.00 |
| REG. FEE | 16.00 | | | | | | | | |
| REP. FEE | 2.00 | | | | | | | | |
| STAMP | 0.00 | | | | | | | | |
| TOTAL | 18.00 | | | | | | | | |
| STATE OF ILLINOIS - DEPARTMENT OF REVENUE | | | | | | | | | |
| SHEENA R. THINLEY | | | | | | | | | |
| SUPERVISOR OF TAXES | | | | | | | | | |



I hereby certify that this is a correct and true copy of the original map and plan as shown on the record maps and plats.

Billy S. Phillips
Surveyor

Time: P.M. '07

COMBINATION PLAT - P&S 53 RE-PLAT & D.B. 175-C-175-217

REPORT OF LOT 2 OF PIERCE-HARVEST SUBDIVISION

KINGSPOOK REGIONAL PLANNING COMMISSION

TOTAL ACRES: 25.37 AC.

OWNER: JERICO PROPERTY INC.

SURVEYOR: BILLY S. PHILLIPS

SCALE: 1" = 100'

CERTIFICATION OF THE ADDRESSING ASSIGNMENT

Addressing assignment is based on the map and is subject to change.

Addressing Assignments: 19

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CITY OF KINGSPORT, TENNESSEE

October 24, 2014,

Mr. Dennis Ward, Chairman
Kingsport Regional Planning Commission
225 W. Center Street
Kingsport, TN 37660

Dear Mr. Ward:

This letter is to inform you that I, as Secretary for the Kingsport Regional Planning Commission, certify that resubdivision of the Donovan Property, on Ridgeway Drive, surveyed by Tim Lingerfelt of Alley and Associates, RLS, meets the Minimum Standards for Subdivision Development of Major Subdivision Within the Kingsport Planning Region. The staff certifies the plat is acceptable to be signed by the Secretary of the Planning Commission for recording purposes.

Sincerely,

Lynn Tully
Development Services Director

C: Kingsport Regional Planning Commission





CITY OF KINGSPORT, TENNESSEE

October 24, 2014,

Mr. Dennis Ward, Chairman
Kingsport Regional Planning Commission
225 W. Center Street
Kingsport, TN 37660

Dear Mr. Ward:

This letter is to inform you that I, as Secretary for the Kingsport Regional Planning Commission, certify that resubdivision of the Barker Property, on Woodclift Dr, surveyed by Dan Saxon, RLS, meets the Minimum Standards for Subdivision Development of Major Subdivision Within the Kingsport Planning Region. The staff certifies the plat is acceptable to be signed by the Secretary of the Planning Commission for recording purposes.

Sincerely,

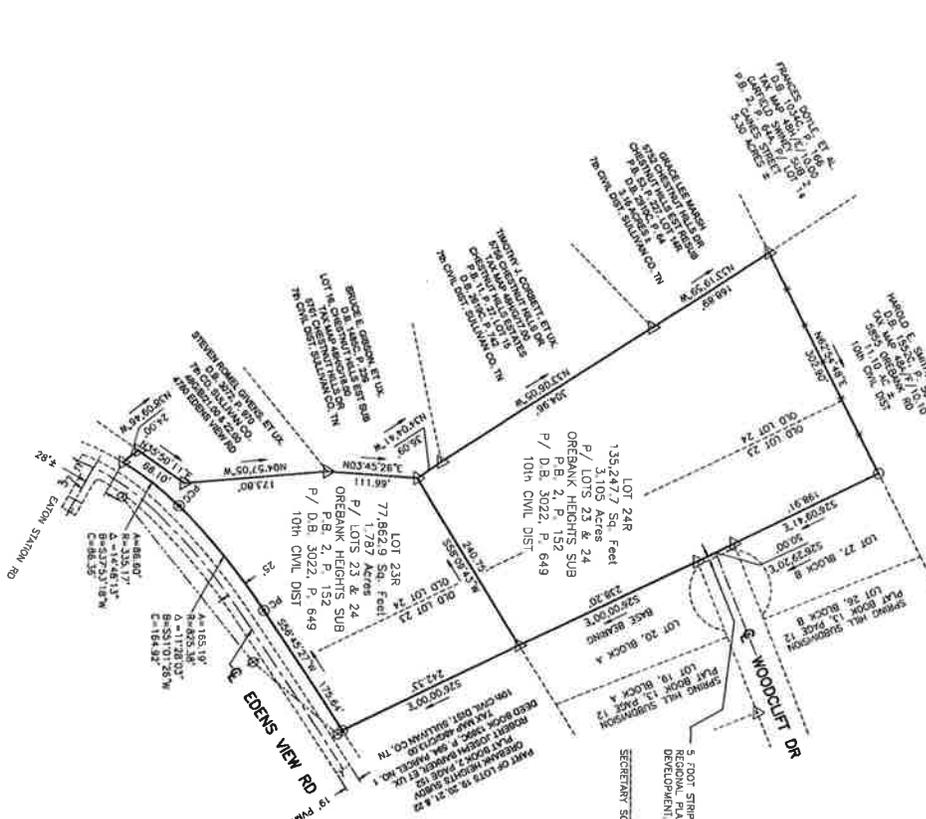
Lynn Tully
Development Services Director

C: Kingsport Regional Planning Commission

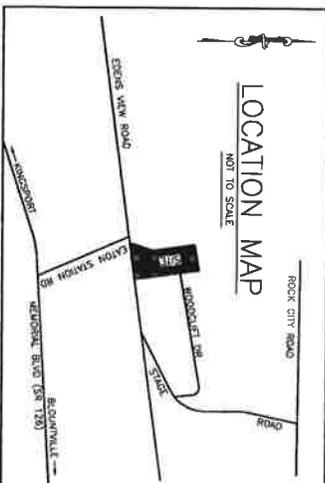


Saxon & Associates
 129 Otter Drive
 Kingsport, TN 37664-5200
 PHONE: (423) 245-9926
 FAX: (423) 245-0931

- GENERAL NOTES:
1. THIS SURVEY IS SUBJECT TO ALL APPLICABLE ORDINANCES, REGULATIONS, AND ORDINANCES OF THE CITY OF KINGSPORT, TENNESSEE, AND ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.
 2. UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE IN FEET AND INCHES.
 3. UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.
 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
 5. THIS SURVEY IS SUBJECT TO ALL APPLICABLE ORDINANCES, REGULATIONS, AND ORDINANCES OF THE CITY OF KINGSPORT, TENNESSEE, AND ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.
 6. NO WARRANTY IS MADE BY THE SURVEYOR AS TO THE ACCURACY OF THE INFORMATION PROVIDED HEREON.
 7. THE SURVEYOR'S LIABILITY IS LIMITED TO THE COST OF THE SURVEY.
 8. THE SURVEYOR'S LIABILITY IS LIMITED TO THE COST OF THE SURVEY.
 9. THE SURVEYOR'S LIABILITY IS LIMITED TO THE COST OF THE SURVEY.



PLAT BOOK 13, PAGE 12



- LEGEND:
- 1. \triangle = 1/2" REBAR FOUND
 - 2. \circ = 1/2" REBAR SET W/ CAP
 - 3. \otimes = IRON PIPE FOUND
 - 4. \ominus = UTILITY POLE FOUND
 - 5. $\omin�$ = UTILITY POLE FOUND
 - 6. --- = FENCE ON OR NEAR LINE

THIS PROPERTY IS LOCATED ON FIRM COMMUNITY PANEL NO. 470184 00650, DATED 29 SEP 2006, AND IS IN A ZONE "X" (OUTSIDE 100 YR FLOOD) ALL BUILDING SETBACKS SHALL CONFORM TO THE APPLICABLE ZONING REQUIREMENTS IN EFFECT AT SUCH TIME OF CONSTRUCTION THERE IS A 10' DRAINAGE & UTILITY EASEMENT ON ALL SIDE AND REAR PROPERTY LINES OF EACH LOT

CERTIFICATE OF THE SURVEYOR AND DRAINAGE

STATE OF TENNESSEE, COUNTY OF KINGSPORT, PLAT NO. 13, PAGE 12

DATE: 29

BY: DANIEL L. SAMPSON, SURVEYOR

CERTIFICATE OF THE APPROVAL OF THE CITY OF KINGSPORT

1. I HEREBY CERTIFY THAT THE PLAT SHOWS AND DESCRIBES THE PLAT PROPERTY AND THE PLAT PROPERTY IS IN ACCORDANCE WITH THE CITY OF KINGSPORT ZONING ORDINANCES AND ALL APPLICABLE ORDINANCES, REGULATIONS, AND ORDINANCES OF THE CITY OF KINGSPORT, TENNESSEE, AND ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.

DATE: 29

BY: DANIEL L. SAMPSON, SURVEYOR

CERTIFICATE OF THE APPROVAL OF THE TENNESSEE REGIONAL PLANNING COMMISSION

1. I HEREBY CERTIFY THAT THE PLAT SHOWS AND DESCRIBES THE PLAT PROPERTY AND THE PLAT PROPERTY IS IN ACCORDANCE WITH THE TENNESSEE REGIONAL PLANNING COMMISSION ZONING ORDINANCES AND ALL APPLICABLE ORDINANCES, REGULATIONS, AND ORDINANCES OF THE TENNESSEE REGIONAL PLANNING COMMISSION, AND ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.

DATE: 29

BY: DANIEL L. SAMPSON, SURVEYOR

CERTIFICATE OF THE APPROVAL OF THE TENNESSEE REGIONAL PLANNING COMMISSION

1. I HEREBY CERTIFY THAT THE PLAT SHOWS AND DESCRIBES THE PLAT PROPERTY AND THE PLAT PROPERTY IS IN ACCORDANCE WITH THE TENNESSEE REGIONAL PLANNING COMMISSION ZONING ORDINANCES AND ALL APPLICABLE ORDINANCES, REGULATIONS, AND ORDINANCES OF THE TENNESSEE REGIONAL PLANNING COMMISSION, AND ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.

DATE: 29

BY: DANIEL L. SAMPSON, SURVEYOR

RESUBDIVISION OF LOTS 23 & 24 IN OREBANK HEIGHTS SUBDIVISION

KINGSBURY, TENNESSEE REGIONAL PLANNING COMMISSION

TOTAL ACRES: 4.882

ACRES NEW ROAD: NONE

OWNER: ROBERT & SANDRA SANDERS

DATE: 29

SCALE: 1" = 100'

I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY; THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:310,000 AS SHOWN HEREON AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS SURVEY CONFORMS TO THE TENNESSEE STANDARD OF PRACTICE





CITY OF KINGSPORT, TENNESSEE

November 7, 2014,

Mr. Dennis Ward, Chairman
Kingsport Regional Planning Commission
225 W. Center Street
Kingsport, TN 37660

Dear Mr. Ward:

This letter is to inform you that I, as Secretary for the Kingsport Regional Planning Commission, certify that desubdivision of the Copas Property, on Sumpter and Snapps Ferry Roads, surveyed by Tim Lingerfelt of Alley and Associates, RLS, meets the Minimum Standards for Subdivision Development of Major Subdivision Within the Kingsport Planning Region. The staff certifies the plat is acceptable to be signed by the Secretary of the Planning Commission for recording purposes.

Sincerely,

Lynn Tully
Development Services Director

C: Kingsport Regional Planning Commission



New Businesses - City of Kingsport, Tennessee

| Business Name | Address | Owner Name | Address 1 | Address 2 | City | State | Zip | Area Code | Phone # | License Date |
|----------------------------------|--------------------------|----------------------------|--------------------------------|-------------------------------|----------------|-------|-------|-----------|---------|--------------|
| EAST TENNESSEE DETAILZ | 2002 BROOKSIDE LN | %CHRIS BERNARD | %CHRIS BERNARD | 2002 BROOKSIDE LN | KINGSPO | TN | 37664 | 423 | 2926609 | 141031 |
| CHAD HORTON CONSTRUCTION | 600 DICKERSON ST | HORTON, CHAD | 600 DICKERSON ST | | KINGSPO | TN | 37665 | 423 | 8631336 | 141030 |
| JIM ISLEY CONSTRUCTION & HOME | 1900 SWEETBRIAR RD | ISLEY III, JAMES H | %JAMES HOWARD ISLEY III | 1900 SWEETBRIAR RD | KINGSPO | TN | 37665 | 423 | 2924220 | 141029 |
| FRESH COAT | 1912 FLANDERS ST | GARRETT, FENNY LEON REUBEN | 1912 FLANDERS ST | | KINGSPO | TN | 37665 | 423 | 3948829 | 141028 |
| GLADE CONSTRUCTION CO INC | 3712 OUT OF TOWN ADDRESS | TALLEY, GUY E | 19294 LEE HWY | | ABINGDON | VA | 24210 | 276 | 6764264 | 141027 |
| JAMES MOTTEN CONSTRUCTION | BTA OUT OF TOWN ADDRESS | MOTTEN, JAMES | 306 PEACHTREE ST | | JOHNSON CITY | TN | 37604 | 423 | 7912083 | 141027 |
| UNDERSTANDING APPLIES PRESS | 1009 YADKIN ST | MOORE, JASON SCOTT | 1009 YADKIN ST | | KINGSPO | TN | 37660 | 423 | 7656327 | 141027 |
| ACCESS ROOFING LLC | BTA OUT OF TOWN ADDRESS | TARVER, AARON SLOANNE | 134 SPIGLASS WAY | | HENDERSONVILLE | TN | 37075 | 615 | 8037291 | 141024 |
| GOODMAN DECORATING CO., INC | BTA OUT OF TOWN ADDRESS | | 3400 ATLANTA INDUSTRIAL PKY NW | | ATLANTA | GA | 30331 | 404 | 9658626 | 141024 |
| MID-AMERICA MILLING CO., LLC | BTA OUT OF TOWN ADDRESS | | 6200 E HIGHWAY 62 | BLDG 2501, SUITE 400 | JEFFERSONVILLE | IN | 47130 | 812 | 2822751 | 141024 |
| CREATIVE STRUCTURES, INC | BTA OUT OF TOWN ADDRESS | | 3208 TAZAWELL PINE, STE 103 | | KNOXVILLE | TN | 37918 | 865 | 6881335 | 141021 |
| HILLBILLYS PAINTING | BTA OUT OF TOWN ADDRESS | LINKOUS, STEVEN | 108 CHRISTIANA DR | | ROGERSVILLE | TN | 37857 | 423 | 7549769 | 141021 |
| LILYBILLYS STUDIOS | 325 COMMERCE ST | ALLEN, BRIANNA | 325 COMMERCE ST | | KINGSPO | TN | 37660 | 423 | 3842076 | 141020 |
| OZARK MOUNTAINS BREWING SUPPL | 215 COMMERCE ST STE 100 | | 215 COMMERCE ST STE 100 | | KINGSPO | TN | 37660 | 423 | 2797000 | 141019 |
| EASY MONEY | 1526 E STONE DR | | %BUCKEYE CHECK CASHING OF TN | 6785 BOBCAT WAY, SUITE 200 | DUBLIN | OH | 43016 | 614 | 7602617 | 141019 |
| D. & P ELECTRICAL | 217 EMORY LN | BROWN, MICHAEL L | 217 EMORY LN | | DUBLIN | OH | 43016 | 614 | 7602617 | 141019 |
| SENSIBLE ROOFING SOLUTIONS INC | BTA OUT OF TOWN ADDRESS | | 2514 WESLEY ST STE 103 | | KINGSPO | TN | 37660 | 423 | 4163330 | 141017 |
| WIRED RIGHT ELECTRIC | BTA OUT OF TOWN ADDRESS | MCDONALD, SCOTT | 127 EBBING FLOWING SPRINGS RD | | ROGERSVILLE | TN | 37857 | 423 | 7545663 | 141017 |
| RULE CONSTRUCTION CO. | BTA OUT OF TOWN ADDRESS | | 1140 TOPSIDE RD, STE 4 | | LOUISVILLE | TN | 37777 | 865 | 9703038 | 141015 |
| BRAD THOMAS CONSTRUCTION | BTA OUT OF TOWN ADDRESS | THOMAS, BRAD | 2420 SOUTHVIEW DR | | MARYVILLE | TN | 37803 | 865 | 6602555 | 141014 |
| MEDICAL PLAZA CAFE | 105 W STONE DR | | %MAY HOSPITALITY SERVICES, LLC | 11124 KINGSTON PK STE 119-248 | KNOXVILLE | TN | 37934 | 423 | 3079933 | 141014 |
| D.H. GRIFFIN WRECKING COMPANY, | BTA OUT OF TOWN ADDRESS | GRIFFIN FR, DAVID | 4716 HILLTOP RD | | GREENSBORO | NC | 27407 | 336 | 3895420 | 141013 |
| RAM JACK EASTERN TENNESSEE | BTA OUT OF TOWN ADDRESS | | RAM JACK | 2075 US HWY 21 S | RIDGEWAY | SC | 29130 | 423 | 8427888 | 141013 |
| BRADFORD PLACE RENTALS | 1337 KONNAROCK RD | GRECO, ROSARIO | PO BOX 3448 | | KINGSPO | TN | 37664 | 423 | 8636716 | 141011 |
| CASCO SIGNS, INC. | BTA OUT OF TOWN ADDRESS | CRUTCHFIELD, CHERYL | PO BOX 1349 | | CONCORD | NC | 28026 | 704 | 7889055 | 141011 |
| BISHOP ROOFING | BTA OUT OF TOWN ADDRESS | BISHOP SR, HAROLD R | 1731 E MAIN ST | | JOHNSON CITY | TN | 37604 | 423 | 9264106 | 141009 |
| KINGSPO TIGER ROCK MARTIAL A | 1400 BRIDGEWATER LN | RUEFFER, SHAWN | 1400 BRIDGEWATER LN | | KINGSPO | TN | 37660 | 423 | 7910100 | 141009 |
| MOUNTAIN EMPIRE MEDICAL TRANSP | 320 ABBEY RD | ROSE, DR STEPHANIE L | 320 ABBEY RD | | KINGSPO | TN | 37663 | 843 | 5133515 | 141008 |
| DUCH G'BAWG WORKING DOGS | 3909 ROCKY HILL LN | CREASY, BILL | 3909 ROCKY HILL LN | | KINGSPO | TN | 37660 | 423 | 3785840 | 141007 |
| TONYA'S TOTIS CHILD CARE & LEARN | 252 WESTFIELD DR | ADKINS, TONYA | 309 EVERGREEN ST | | CHURCH HILL | TN | 37642 | 423 | 3498295 | 141006 |
| SIMPLE MAN MOWING & LANDSCAPIN | BTA OUT OF TOWN ADDRESS | POWERS, RODNEY | %RODNEY POWERS | PO BOX 756 | GATE CITY | VA | 24251 | 276 | 2986457 | 141003 |
| PLANTBOD LANDSCAPE MGMT INC | BTA OUT OF TOWN ADDRESS | MOORE, JOHN | 948 MORELAND DR | | KINGSPO | TN | 37664 | 423 | 2475288 | 141002 |
| ADVANCED SYSTEMS, INC | BTA OUT OF TOWN ADDRESS | | 6627 COMMERCE PKWY | | WOODSTOCK | GA | 30189 | 770 | 5914655 | 141001 |
| AMERICAN EAGLE USA T & T COMPA | BTA OUT OF TOWN ADDRESS | TAYLOR, WYMAN | 4050 WELCH RD | | COOKEVILLE | TN | 38506 | 931 | 5287555 | 141001 |
| BELLE FONTAINE | 128 E MARKET ST | FONTAINE, LYNDA | %LYNDA FONTAINE | 217 BROAD ST, LOFT 204 | KINGSPO | TN | 37660 | 423 | 9679410 | 141001 |
| C & R TRANSPORTATION | 800 STONEGATE RD #4 | | 800 STONEGATE RD STE A | | KINGSPO | TN | 37660 | 423 | 7912194 | 141001 |
| J&B AUTOWORKS | 2020 BROOKSIDE LN | ARNOLD, JON A | %JON A. ARNOLD | 276 POST OAK DR | KINGSPO | TN | 37660 | 423 | 8172371 | 141001 |
| JUNKNY TREASURES | 880 LYNN GARDEN DR | CONNER, CHERIE | 880 B LYNN GARDEN DR | | KINGSPO | TN | 37665 | 423 | 4803302 | 141001 |
| MONTIE'S SPORTS LLC | 2101 FORT HENRY DR | MONTGOMERY, DON | %DON MONTGOMERY | 425 WAYNERIDGE RD | WAYNESBORO | VA | 22980 | 540 | 4700021 | 141001 |
| MAIL-ART | 1425 E STONE DR #3 | NGUYEN, UYEN | 1425 E STONE DR #3 | | KINGSPO | TN | 37660 | 423 | 2452425 | 141001 |
| PETROCHOICE | 920 EASTERN STAR RD | TRI COUNTY HOLDINGS | %ANDERSON LUBRICANTS, INC. | 3301 JAMES DAY AVE | SUPERIOR | WI | 54880 | 715 | 9922733 | 141001 |

Building Division Monthly Report
October 2014

11-16

| <u>RESIDENTIAL PERMITS</u> | COUNT | CONSTRUCTION COST |
|---|------------|---------------------|
| ACCESSORY STRUCTURES | 12 | \$489,347 |
| ADDITIONS | 2 | \$42,000 |
| ALTERATIONS | 8 | \$70,500 |
| NEW CONDO | | |
| NEW DUPLEX | | |
| NEW GROUP HOME | | |
| NEW MULTI-FAMILY | | |
| NEW SINGLE-FAMILY | 5 | \$1,123,015 |
| RESIDENTIAL ROOF | 168 | \$1,631,230 |
| <u>COMMERCIAL PERMITS</u> | | |
| ADDITIONS | | |
| ALTERATIONS | 8 | \$552,472 |
| CHURCH RENOVATIONS | | |
| SCHOOL RENOVATIONS | | |
| NEW CHURCH/RELIGIOUS BUILDINGS | | |
| COMMUNICATION TOWER | | |
| NEW HOSPITAL/INSTITUTION/NURSING HOME | | |
| NEW HOTEL/MOTEL | | |
| NEW INDUSTRIAL | | |
| NEW JAILS/POST OFFICE/BARNS | | |
| NEW PARKING GARAGE | | |
| NEW PARKS/POOLS/DOCKS | | |
| NEW PROFESSIONAL/MEDICAL/BANK | | |
| NEW PUBLIC WORKS/UTILITY | | |
| NEW RETAIL/RESTAURANT/MALL | | |
| NEW SERVICE STATION | | |
| NEW SOCIAL/RECREATIONAL | | |
| NEW SCHOOL/LIBRARY/MUSEUM | | |
| NEW OTHER NON-HOUSEKEEPING SHELTERS | | |
| GRADING | 2 | \$130,400 |
| FOUNDATION ONLY | 1 | \$4,543 |
| COMMERCIAL ROOF | 6 | \$187,611 |
| TOTAL | 212 | \$4,231,118 |
| <u>OTHER MISC PERMITS</u> | | |
| BANNERS | | |
| DEMOLITIONS | 1 | |
| MOVE STRUCTURE | | |
| SIGNS | 8 | |
| TENTS | 2 | |
| TOTAL PERMITS ISSUED | 223 | |
| ESTIMATED CONSTRUCTION COST YEAR-TO-DATE | | \$65,282,340 |



▶ RESIDENTIAL PERMITS
NUMBER..... 302
TOTAL VALUE.....\$7.30M
NEW HOMES..... 13

○ SEPTEMBER | ○ BMA | ○ 2014



▶ COMMERCIAL PERMITS
NUMBER..... 13
TOTAL VALUE.....\$10.03M



▶ INSPECTIONS.....736
PERMITS TO NOTE:

- REMODEL CHIK-FIL-A
W. STONE DR.
- CONSTRUCTION FOR 3
MINUTE CARWASH
- KINGSPORT
CAROUSEL

Development

Services

focus

ADDRESSING THE NEEDS OF DEVELOPMENT AND PLANTING THE SEEDS FOR A VIBRANT FUTURE.

Each year the American Planning Association, its members, chapters, divisions, and professional institute sponsor National Community Planning Month to raise the visibility of the important role of planners and planning in communities across the U.S.

Celebrate Community Planning! OCTOBER 23, 2014

9:00 am – 4:00 pm
Downtown Kingsport

Come out to our new parklet at Broad and Market Streets to kick-off an enjoyable day of events recognizing the history and current positive impact of urban planning in Kingsport.

Ribbon Cutting Broad & Market
9:00AM

TDOT Presentation
9:30AM

Downtown Walking and Loft Tour
10:45AM

Bicycle Safety Presentation
1:15PM

Refreshments at DKA Office



TEAMWORK

ALSO FEATURED AT PLANNING DAY:

The John Nolen Plan – Displayed by Engage Kingsport at the Flying Pig Gallery
"I Want Kingsport To Be..." Public Chalkboard on Market – Displayed by Kingsport FunFest

Intersection Bulbout and Parklet Displays – Displayed by DKA/Kingsport MPO/Development Services

Rain Garden Displays – Prepared by Kingsport Storm Water/Development Services

- planning*
- economic development*
- geographic information services*
- codes enforcement*
- sustainability*
- cdbg funds*
- building permits and inspections*

Development Services

focus

PLANNING & Zoning

Items of interest include:

- Dozens of single lot subdivisions with many more pending
- 4 active right-of-way vacatings and street dedications
- Work on several Zoning Text Amendments for next month's introduction
- Single Family Permit issued of over\$800,000 value in Northeast Kingsport
- One Multi-family apartment permit issued for 16 units



UPCOMING Plans/Studies

- Presentation of Downtown consolidated plan to DKA Executive Committee
- Review of Economic Corridors Plan (with Transportation Planning-MPO)
- Working on completion of the Plan Inventory
- Visual communication items prepared for Bray Site development
- Preparing updated Annexation Fiscal Analysis for future use

Economic Dev.

| | |
|--|----|
| ▶ ACTIVE PROSPECTS | |
| NUMBER..... | 10 |
| LOCATED KPT BUSINESS YR. TO DATE..... | 3 |
| ▶ BUSINESS RETENTION EXPANSION | |
| BUSINESS VISITS..... | 2 |
| ACTION ITEMS..... | 0 |
| REFERRAL ITEMS..... | 2 |
| ▶ BUSINESS VISIT COMMENTS | |
| FORD SYSTEMS - "RECENT EXPANSION TO INCLUDE OFF-SITE WAREHOUSE SPACE WAS A PLEASANT EXPERIENCE WITH CITY PERSONNEL" | |
| HAJOCA - CUSTOMER SERVICE SURVEY RESULTS INDICATED A HIGHER THAN AVERAGE SATISFACTION WITH CITY SCHOOLS, EMERGENCY SERVICES, AIRPORT FACILITIES, CULTURAL AMENITIES AND PARKS & RECREATION OPPORTUNITIES. | |

PARTNERSHIPS

- Prepared various zoning text amendments for the Town of Mount Carmel
- Working with potential lessees for appropriateness review and negotiation on city-owned surplus properties
- Working with Public Works on updates to the Sidewalk Dining regulations
- Working with Engineering to approve design standards for development
- Coordinated with DKA for Main street economic study with Todd Barman

GIS Mapping

| | |
|---|----|
| ▶ WORK ORDERS | |
| NUMBER..... | 63 |
| DEPARTMENTS SERVED..... | 14 |
| ▶ INTERDEPARTMENTAL USES | |
| CARTEGRAPH NEW SOFTWARE INTEGRATION IN WATER, SEWER AND STORM WATER | |

Neighborhood Sustainability & CODES

- Housing Conference sparked new alternative tools for redevelopment
- Processing Codes Enforcement complaints within the Development Services office – **80** new cases in September with **115** cases closed
- Codes downtown sweep and E. Stone Drive completed – Dilapidation hearings set on 4 residential buildings with 1 dilapidation in compliance by request
- Sign Sweeps on E. & W. Stone Drive with follow up via coordinated Building and Zoning and Codes Enforcement personnel