

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

City Hall  
225 W. Center Street, Kingsport, TN 37660

March 20, 2014

7:00 p.m.

**Members Present**

Hoyt Denton, Vice Chairman  
Dr. Mike McIntire, Vice Mayor  
"Buzzy" Breeding  
John Moody  
Beverley Perdue  
Mark Selby  
Dave Stauffer

**Staff Present**

Lynn Tully  
Forrest Koder  
Corey Shepherd  
Ken Weems  
Chris Alley

**Members Absent**

Dennis Ward, Chairman  
Dr. Heather Cook

**Visitor's List**

Randolph Cupp	Pam Evans
John Stewart	Bobbie Manning
Skip Norrell	Charlie Dotson
Debbie Waggoner	G. Keener Mallicote
Steve Jones	Vic Davis
Mary McNabb	Marsha Beeler
Jerry Petzoldt	

At 7:00 p.m., Vice Chairman Hoyt Denton called the meeting to order, welcomed the audience, introduced the commissioners and staff and summarized the meeting procedures. Vice Chairman Denton asked for approval of the agenda. A motion was made by Buzzy Breeding seconded by Mike McIntire to approve the agenda as presented. The motion was approved unanimously 5-0. Vice Chairman Denton asked for any changes for the minutes of the work session held February 17, 2014 and the regular meeting held February 20, 2014. There being no changes, a motion was made by Beverley Perdue seconded by Buzzy Breeding to approve the minutes as presented. The motion was approved unanimously 5-0.

**CONSENT AGENDA**

None

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

Dave Stauffer entered the meeting.

**03-01 Annexation Report– Diana Road 2 Annexation – (13-301-00012)**

The Planning Commission considered a request for approval and recommendation to the Board of Mayor and Aldermen the annexation by request of the subject parcels: 1917 Diana Rd., 1913 Diana Rd., and 1909 Diana Ave. The parcels are located within the corporate limits of the City of Kingsport, 13<sup>th</sup> Civil District of Sullivan County. Corey Shepherd presented the item including

the acreage of parcels and the request. The zoning is proposed as the closest approximate to the current county zoning. Mr. Shepherd stated the standard plan of services is provided with all city services included and sewer will be extended within the typical 5 year time frame. The annexation, zoning and plan of services was recommended by the staff. Mark Selby asked why is one address Diana Ave.? Staff stated the confusion came from E-911 addressing in the county. No public was present to speak in favor of or opposition to the request. There being no additional questions, a motion was made by Mike McIntire seconded by Buzzy Breeding to approve the request. The motion was approved unanimously, 5-0. Dave Stauffer abstained.

**03-03 Canal Street Rezoning - (14-101-00002)**

The Planning Commission considered a request for approval and recommendation to the Board of Mayor and Aldermen rezoning the area encompassed by Press, Clinchfield, Sullivan, and Clay Streets from B-4P to B-2 to allow for a commercial/residential mixed use development. The property is located within the corporate limits of the City of Kingsport, 11th Civil District of Sullivan County. Ken Weems presented the item stating that Canal Street includes the former "grocery store row" property. This is a staff initiated rezoning for 5 different property owners. The majority of the property included is owned by KEDB. B-2 zoning is consistent for multi-family and mixed use zoning. Mr. Weems stated the property is surrounded on three sides by B-2 zoning with a historic district immediately across the street. Mr. Weems noted additional transparency in the process offered by staff via additional notices sent to all Historic District residents, an extra public meeting held in the city offices and information/presentation of the action to the Historic Zoning Commission. From the public meeting some Park Hill residents expressed a request for additional overlay districts for this site prior to rezoning. Mr. Weems noted that staff is working towards some form-based zoning requirements in the B-2 District however they are not ready yet for formal presentation. Staff recommended the rezoning as presented noting that a Zoning Development Plan will be brought the Planning Commission with any proposal for development of the site. Hoyt Denton noted that there was additional discussion for this item during the work session and this was not the first time the item has been seen by the Commission. Vice Chairman Denton asked what differences were between B-4P and B-2? Mr. Weems answered it allows for residential mixed with retail and other uses. Buzzy Breeding stated he would like to see the area redeveloped from its existing uses. Mark Selby asked if the zoning site plan approval was required. Staff stated it will be required by staff for PC approval due to the sensitivity to the Historic District. Mr. Selby then asked about the H-2 zoning district? Mr. Weems replied it is Historic District zoning overlay which requires all exterior changes with some exceptions to be heard by HZC. Vice Chairman Denton then opened the item for Public Hearing:

John Stewart – 242 Hammond, stated he like mixed use zoning and form-based zoning, but wants it to be in parallel actions. He is concerned about what happens in the meantime. He stated this is a key entry for city and the Shelby Street Historic District is also nearby.

Randy Cupp – W. Wanola, echoed John's previous comments. He is concerned about a design overlay being in place prior to development or rezoning. He stated this is an opportunity to create a nice area.

Skip Norrell stated that B-4P only lacks residential. It has many good attributes however just needs to add residential. He believes the property is key to what happens in downtown.

Debbie Waggoner stated she has just purchased property on Sullivan St. and is looking forward to working on the site. She noted that several houses on the Park Hill side of Sullivan are not up to code. She is concerned that a developer may be dissuaded by the appearances of the homes that are owned by out of town landlords. She stated it would be a good idea to work with other property owners to improve the appearance. Vice Chair Denton closed the public hearing.

Beverly Perdue replied that KEDB has control of what the new development looks like. Also, the Planning Commission will also have another opportunity to review and approve proposed developments at the site plan stage. Mike McIntire noted that KEDB has a fiduciary responsibility to significantly control the appearance and quality of the development. He is also concerned about the housing across the street being run down and overall this new development will serve to increase the property values in the area.

With support of the commission, Vice Chairman Denton re-opened the Public Hearing.

Jerry Petzoldt asked if this zoning now will allow apartments? Staff answered yes.

Randy Cupp asked what enforcement issue is current? Mike McIntire stated that the maximum fine is \$50 for code violations so it is an overlooked item with little severity in enforcement. We continue to work towards a more proactive code enforcement.

The public hearing was closed. There being no additional discussion, a motion was made by Buzzy Breeding seconded by John Moody to approve the request. The motion was approved unanimously, 6-0.

**03-04 2405 East Stone Drive Rezoning - (14-801-00002)**

The Planning Commission considered a request for approval and recommendation to the Board of Mayor and Aldermen rezoning 2405 East Stone Drive from M-1R to B-3 to allow for operation of a car wash. The property is located within the corporate limits of the City of Kingsport, 11<sup>th</sup> Civil District of Sullivan County. Ken Weems presented the item stating the property owner requested the rezoning. Mr. Weems noted the site plan covers the subject parcel and the adjoining parcel with 1.2 acres included in the request the remaining portion of the plan is appropriately zoned. The Ingress/Egress is shown with a single driveway from E. Stone Drive. A property owner near the rezoning contacted staff with no objections and no other comments were received. Staff recommended the rezoning. Mike McIntire asked if the only part left M-1R was the old Paty Lumber site? Staff stated it is actually a functional car lot. Mike McIntire then asked if rezoning of the Industrial property was necessary? Staff stated this request could possibly be brought back by staff in the future. Forrest Koder is conducting a Land Use study for East Stone Dr. and will be bringing some requests following the conclusion of that study. Vice Chairman Hoyt Denton opened the public hearing. Jerry Petzoldt spoke in favor of the request, representing purchaser with Charlie Dotson representing land owner and stated this is the seventh location for this car wash concept. He noted a cost per construction site of \$2.8 million and that it will be a positive redevelopment in that area. There being no additional discussion the public hearing was closed, a motion was made by Mike McIntire seconded by Dave Stauffer to approve the request. The motion was approved unanimously, 6-0.

**03-05 The Summit at Preston Park Subdivision - Amended Preliminary Plat - (14-201-00015)**

The Planning Commission considered a request for approval of an Amended Preliminary Plat for the final phase of Preston Park Subdivision noting an increase in density from 20 lots to 27 lots. The property is located within the corporate limits of the City of Kingsport, 11<sup>th</sup> Civil District of Sullivan County. Forrest Koder presented the item stating it changes the approved design from 20 lots to 27 lots. The original approval prior to the last amended preliminary had 29 lots. Therefore this request is still a decrease from the original. Mr. Koder noted during this time of revisions there has been no request for final approvals and the developer will need to build or bond the infrastructure. Engineering staff has concurred that the proposed increase in lots is within the ability of the design to be accommodated. Vice Commissioner Denton opened the public hearing:

Judge Steven Jones spoke in opposition. He stated there were many past issues of flooding and erosion and concerns around the density. He stated residents were much happier with the previous density of 20 lots. Some precedent from Mr. Salyer who proposed walking trails, and amenities, but those were not completed. Mr. Davis has been much more cooperative in keeping the communications open. He asked to please reaffirm with city staff vigilance on the drainage and erosion control measures. Mr. Davis has a very difficult job in keeping up with this and past dynamiting has been an issue for Judge Jones. This was not the fault of the current developer. Mike McIntire stated that he is a neighbor too and is pleased that this developer is trying to complete development of the whole property versus pursuing in drawn out stages and phases. Staff stated stormwater staff is aware and keeping a close eye on the activities in this development. Staff also noted there will be some period of time in which construction is underway that the site may be a bit vulnerable. Laws have been amended to accommodate better enforcement and clearer options for design. Chris Alley spoke noting that there have been many meetings during design and construction regarding best practices for the site. Engineering staff has been pleased with the response of Mr. Davis on this site stating it is above and beyond the minimum requirements. Buzzy Breeding asked why it was reduced to 20 to begin with? Vic Davis answered it was the need for high end housing lots. The original conceptual design included 39 lots and this was reduced to attract folks to build at the \$600,000 market. Extreme lay of the land required preliminary grading to identify good housing sites. Economics for the site required the lots to be at more than 150K for 20 lots. By adding the 7 lots the price point is reduced to \$100,000 which is just more marketable while still maintaining appropriate housing pads. Detention was redesigned with staff approval. The public hearing was closed. Buzzy Breeding stated they are putting a lot of faith in construction and asked when does Mr. Davis bow out of the equation? Chris Alley stated Notice of Coverage is issued by TDEC until he files a notice of Termination. That requires 70% of ground cover being stabilized prior to approval of the termination. Someone will be on the hook for the detention until completion of the project. He stated they will be sowing grass on the slopes on Monday. Mark Selby asked who is responsible for the pond maintenance. Chris Alley noted that it is the responsibility of the property owner in which the pond is located. Sometimes it's in an easement for maintenance by the HOA or others. Mike McIntire stated new regulations address the issue of requirements and maintenance. There may still yet be issues in the future, but the Federal Government has mandated a certain amount of responsibility on the municipalities. Chris Alley noted there are a variety of solutions to drainage problems and the options are greatly increasing and many times we use modifications

and combine practices. There being no additional questions, a motion was made by Mike McIntire seconded by Beverly Perdue to approve the request. The motion was approved unanimously, 6-0.

**03-06 Cherokee Street Surplus Request – (14-601-00001)**

The Planning Commission considered a request for approval and recommendation to the Kingsport Board of Mayor and Alderman that property located at 123 Cherokee Street be officially designated as surplus property. This property is located within the corporate limits of the City of Kingsport, 11<sup>th</sup> Civil District of Sullivan County. Corey Shepherd presented the item stating the property is declared of no use by all department heads and leadership staff and therefore the property is eligible for surplus designation. Although declared there is no obligation to sell the property. Hoyt Denton asked if the property is vacant? Staff stated yes it was previously occupied by the Traffic engineering department. There being no additional discussion, a motion was made by Beverly Perdue seconded by Mark Selby to approve the request. The motion was approved unanimously, 6-0.

**03-02 Proposed Zoning District – Urban Agricultural District (UAE) – (13-801-00008)**

The Planning Commission considered a request for approval and recommendation to the Board of Mayor and Aldermen a new zoning district per request specifically for a gentlemen farm/mini-estate. The purpose and intent of this district is to provide an area permitting uses and activities that are more rural in nature than is practical in a more urbanized setting. Forrest Koder presented the item stating research was interesting in an estate or mini-farm. Some studies have indicated that cows and horses need only ½ ac. with goats needing only 15 sq. ft. Since that could have a deleterious effect in smaller acreages there were some boundaries set for number of animals. This district is anticipated for use by neighborhoods with larger homes including an allowance for caretaker homes. The district provides a transition farm between rural housing and full agricultural uses. Mr. Koder stated they anticipate this district would be useful in areas where annexation has happened that have agricultural uses with some limitations in topography or soils. No exotic species are allowed in the district, and no pigs. Many other livestock and poultry boundaries were set and also those for beekeeping. The district has similar setbacks, parking and other dimensional requirements to A-1 with the exception of lot sizes starting at 2 acres. Mike McIntire asked how would we implement? Mr. Koder answered it would need to be a requested rezoning or a zoning implemented at time of annexation. There are some out there that would qualify currently. Mike McIntire then asked would this be a candidate for spot zoning? Mr. Koder stated no we would look at each request individually. Vice Commissioner Denton asked why exclude exotic species? Staff noted from mostly noise and issues of complaint. There being no additional questions and no one present to speak from the public, a motion was made by Mike McIntire seconded by Buzzy Breeding to approve the request. The motion was approved unanimously, 6-0.

**OTHER BUSINESS**

03-07 Receive a letter of resubdivision of the Edinburgh Subdivision, Lots 95 & 97, on Calton Hill.

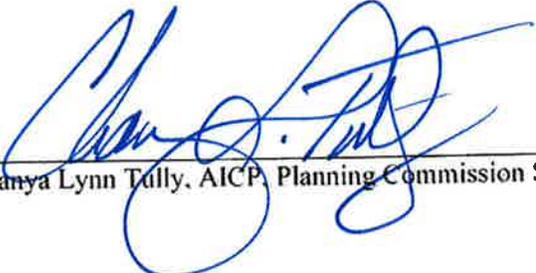
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- 03-08 Receive a letter of resubdivision of the Frontier Health Property, on Midland Drive.
- 03-09 Receive, for informational purposes only, the March 1, 2013 – February 28, 2014 New Businesses Report prepared by Jeff Fleming.
- 03-10 Receive, for informational purposes only, the February 2014 report from the Building Division.

**ADJOURNMENT**

The Planning Commission was given an annexation legislation update and information on the vesting bill legislation HB 960. There being no further business, a motion was made by Buzzy Breeding and seconded by Beverly Perdue to adjourn the meeting at approximately 8:26 pm. This motion passed unanimously, 6-0.

Respectfully Submitted,



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Chanya Lynn Tully, AICP, Planning Commission Secretary