KINGSPORT REGIONAL PLANNING COMMISSION

TENTATIVE AGENDA

City Hall – Boardroom

415 Broad Street

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.

July 22, 2021 5:30 p.m.

I. INTRODUCTION AND RECOGNITION OF VISITORS

II. APPROVAL OF THE AGENDA

III. APPROVAL OF THE MINUTES OF THE WORK SESSION MEETING ON JUNE 14, 2021 AND THE REGULAR MEETING ON JUNE 17, 2021.

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

VI. NEW BUSINESS

07-01 Lakeway Christian Schools Annexation – (21-301-00002)
The Kingsport Regional Planning Commission is requested to send a positive recommendation to the Kingsport Board of Mayor and Aldermen to approve the annexation, zoning, and plan of services for the Lakeway Christian Schools annexation. The property is located in the 14th Civil District of Sullivan County. (Rowe)

07-02 Construction Materials Zoning Text Amendment (21-801-00001)
The Kingsport Regional Planning Commission is requested to send a positive recommendation to the Kingsport Board of Mayor and Aldermen to approve the text amendment. The impacted property is located inside the Gateway District Overlay and B-2/ B-2E zones of the City of Kingsport. THE PROPOSED ORDINANCE REQUIRES CERTAIN MATERIALS TO BE RESTRICTED IN THE CONSTRUCTION OF BUILDINGS. (Weems)

VIII. OTHER BUSINESS

07-03 Discussion of Multiple Principal Structures in the PD Zone

07-04 Conduct 2021 Officer Elections for both Chairman and Vice Chairman

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

IX. ADJOURNMENT

MINUTES OF THE WORK SESSION OF THE

KINGSPORT REGIONAL PLANNING COMMISSION

Kingsport City Hall, Council Room
225 West Center Street, Kingsport, TN 37660

June 14, 2021 12:00 noon

Members Present
Sam Booher, Chairman
Pat Breeding
Sharon Duncan
John Moody
Beverley Perdue
Phil Rickman
Brad Blackwell
Paula Stauffer

Members Absent
James Phillips

Staff Present
Ken Weems, AICP
Savannah Garland

Visitors
none

At 12:00 p.m., Secretary Weems called the meeting to order. Mr. Weems inquired as to whether anyone on the Commission identified any necessary changes to the minutes from the May 2021 work session or regular meeting. With no corrections identified, Mr. Weems stated that the minutes would be presented during the regular meeting for approval. No official action was taken.

IV. CONSENT AGENDA

06-01 Chase Meadows ILOC Phases 3 & 4 – (2021-201-00011)

The Kingsport Regional Planning Commission is requested to extend the Irrevocable Letter of Credit in the amount of $20,000, as calculated by the City Engineering Division, to cover all remaining improvements for Chase Meadows Phase 3 & Phase 4. The property is located inside the corporate limits of the City of Kingsport, 7th Civil District of Sullivan County. Staff stated that this letter of credit is proposed to be extended for 6 months. Staff noted that the remaining improvements consisted of stormwater pond items alone. No official action was taken.

06-02 Granby Place ILOC – (2021-201-00008)

The Kingsport Regional Planning Commission is requested to extend the Irrevocable Letter of Credit in the amount of $149,375.94 as calculated by the City Engineering Division, to cover all remaining improvements. The property is located inside the corporate limits of the City of Kingsport, 12th Civil District of Sullivan County. Staff stated that the developer is still working on the improvements and that a one year extension on the letter of credit is needed to provide more time to finish the needed improvements. No official action was taken.

06-03 West Park Development ILOC – (2021-201-00012)

The Kingsport Regional Planning Commission is requested to extend the Irrevocable Letter of Credit in the amount of $14,118.00, as calculated by the City Engineering Division, to cover all remaining improvements. The property is located inside the corporate limits of the City of

Kingsport, 7th Civil District of Hawkins County. Staff stated that this letter of credit covers the remaining improvements for Port Drive. Staff stated that the developer has requested a one year extension. No official action was taken.

06-04 West Park Lot 9 ILOC – (2021-201-00010)

The Kingsport Regional Planning Commission is requested to extend an Irrevocable Letter of Credit in the amount of $12,146.00, as calculated by the City Engineering Division, to cover all remaining improvements. The property is located inside the corporate limits of the City of Kingsport, 7th Civil District of Hawkins County. Staff stated that the developer has requested a one year extension. No official action was taken.

06-05 West Park Development Road Construction ILOC – (2021-201-00009)

The Kingsport Regional Planning Commission is requested to extend the Irrevocable Letter of Credit in the amount of $342,348.14 as calculated by the City Engineering Division, to cover all remaining improvements for West Park Development road construction. The property is located inside the corporate limits of the City of Kingsport, 7th Civil District of Hawkins County. Staff stated that the developer has requested a one year extension. No official action was taken.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

06-06 Cox Hollow Road Rezoning – (2021-201-00011)

The Kingsport Regional Planning Commission is requested to send a positive recommendation to the Kingsport Board of Mayor & Alderman to rezone from MX (Mixed-Use District) to PD (Planned Development District) to accommodate a new single family and multi-family development. The property is located inside the corporate limits of the City of Kingsport, 13th Civil District of Sullivan County. Staff discussed the details of the request, stating that the project consists of just over 15 acres along Cox Hollow Road. Staff noted that the developer would use the existing road frontage along Cox Hollow Road for many of the single family homes, while using the southern portion of the rezoning site for a mix of both single and multifamily homes. Staff noted that a development plan had not been submitted with the rezoning, which is a permissible per the PD zoning regulations. Staff stated that uses in the PD zone must match the land use plan designation for the property. Staff noted that a future land use plan amendment follows the rezoning request to change the designation from retail/commercial to single family residential and multifamily residential. Staff noted that the rear of the rezoning site is the middle of a creek, which is a suitable natural barrier between the proposed residential use of the site and any future MX uses that may be developed in the future inside the Gateway Commerce Park.
Staff stated that one property owner had called about the rezoning. Staff stated that the caller, who is also an abutting property owner to the rezoning site, is supportive of the single family use, but would prefer the multifamily use not be a part of the development. No official action was taken.

06-07 Cox Hollow Road Vicinity Land Use Plan Amendment – (2021-601-00012)

The Kingsport Regional Planning Commission is requested to amend the future land use plan designation for the property from Retail/ Commercial to Single and Multi-Family Residential. The property is located inside the corporate limits of the City of Kingsport, 13th Civil District of Sullivan County. Staff stated that all developments within a PD zone must match the future land use plan designation for the property. Staff stated that the amendment is in conjunction with the proposed rezoning of the property. Staff stated support for the future land use plan amendment,

stating that residential uses were more appropriate than commercial uses along Cox Hollow Road. No official action was taken.

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

VIII. OTHER BUSINESS

06-08 Discussion of Multiple Principal Structures per Parcel (Single Family) in a PD zone. Staff showed examples of successful PD zone developments that contain multiple principal structures with no reported problems as a result of the configuration. Staff stated that the option to allow multiple principal structures can be advantageous in the PD zone by allowing flexibility not typically found in the traditional lot by lot approach. Staff agreed to continue discussion on the matter during the July regular meeting. No official action was taken.

06-09 PC Officer Nominating Committee designation. Chairman Booher stated that nominations would be taken from the floor for the July officer elections. No official action was taken.

X. ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 12:40 p.m.

Respectfully Submitted,

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Ken Weems, AICP, Planning Commission Secretary

MINUTES OF THE REGULAR MEETING OF THE

KINGSPORT REGIONAL PLANNING COMMISSION

City Hall
225 West Center Street, Kingsport, TN 37660

June 17, 2021 5:30 p.m.

Members Present
Sam Booher
Brad Blackwell
Phil Rickman
John Moody
Beverley Perdue

Members Absent
Pat Breeding
James Phillips
Paula Stauffer
Sharon Duncan

Staff Present
Ken Weems, AICP
Savannah Garland

Visitors
Steve Butcher
Roger Cox

At 5:30 p.m., Chairman Booher called the meeting to order, welcomed the audience, introduced the commissioners and staff, and summarized the meeting procedures. The Chairman asked for approval of the agenda. A motion was made by John Moody, seconded by Beverley Perdue, to approve the agenda. The motion was approved unanimously, 5-0. Secretary Weems asked for approval of the minutes of the work session held on May17, 2021 and the regular meeting held on May 20, 2021. A motion was made by John Moody, seconded by Phil Rickman, to approve the minutes for the May 17, 2021 work session and the May 20, 2021 regular meeting as presented. The motion was approved unanimously, 5-0.

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The Kingsport Regional Planning Commission is requested to extend the Irrevocable Letter of Credit in the amount of $20,000, as calculated by the City Engineering Division, to cover all remaining improvements for Chase Meadows Phase 3 & Phase 4. The property is located inside the corporate limits of the City of Kingsport, 7th Civil District of Sullivan County. Staff asked if any of the Commission members would like a presentation on any of the ILOC extensions. No presentation was requested. A motion was made by Beverley Perdue, seconded by Phil Rickman, to approve the consent agenda. The motion passed unanimously, 5-0.

06-02 Granby Place ILOC – (2021-201-00008)

The Kingsport Regional Planning Commission is requested to extend the Irrevocable Letter of Credit in the amount of $149,375.94 as calculated by the City Engineering Division, to cover all remaining improvements. The property is located inside the corporate limits of the City of Kingsport, 12th Civil District of Sullivan County.

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V. UNFINISHED BUSINESS

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06-07 Cox Hollow Road Vicinity Land Use Plan Amendment – (2021-601-00012)
The Kingsport Regional Planning Commission is requested to amend the future land use plan designation for the property from Retail/ Commercial to Single and Multi-Family Residential. The property is located inside the corporate limits of the City of Kingsport, 13th Civil District of Sullivan County. Staff stated that all developments within a PD zone must match the future land use plan designation for the property. Staff stated that the amendment is in conjunction with the proposed rezoning of the property. Staff stated support for the future land use plan amendment, stating that residential uses were more appropriate than commercial uses along Cox Hollow Road.

A motion was made by Phil Rickman, seconded by John Moody, to approve the future land use plan amendment. The motion passed unanimously, 5-0.

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

VIII. OTHER BUSINESS

06-08 Discussion of Multiple Principal Structures per parcel (Single Family) in a PD zone. Staff reminded the Commission that further discussion would be held on thismatter during the July regular meeting.

06-09 PC Officer Nominating Committee designation. Chairman Booher stated that nominations would be made from the floor for the 2021/2022 officers election. Beverley Perdue nominated Sam Booher for Chairman and Pat Breeding for Vice Chairman. Phil Rickman seconded the nominations. With no further discussion, the motion passed by a vote of 4-0-1, with Chairman Booher abstaining.

IX. ADJOURNMENT

There being no further business the meeting adjourned at approximately 6:05 p.m.

Respectfully Submitted,

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Ken Weems, AICP, Planning Commission

Kingsport Regional Planning Commission

Annexation Report **File Number 21-301-00002**

ANNEX21-0149

Property Information	Lakeway Christian Schools Annexation		
Address	1973 Fordtown Rd		
Tax Map, Group, Parcel	Tax Map 119 Parcels 035.00, 034.10, & 035.10		
Civil District	14th		
Overlay District	Gateway		
Land Use Plan Designation	Single Family		
Acres	75acs +/-		
Existing Use	Vacant/Agricultural	**Existing Zoning**	County A-1
Proposed Use	Education/Religious	**Proposed Zoning**	A-1

Owner Information	**Owner Information**
Name: Cornerstone Academy INC **Address: PO Box 2159** **City: Morristown** **State: TN** **Zip Code:37816** **Email: rbrown@lcstn.org** **Phone Number: 865-659-0784**	

Planning Department Recommendation

RECOMMENDATION: APPROVAL to recommend the Annexation, Zoning, and Plan of Services to the BMA

The Kingsport Planning Division recommends approval for the following reasons:

- *The City of Kingsport should utilize annexation as urban development occurs and is necessary for present and future growth in an orderly manner.*
- *It is reasonably necessary for the welfare of the residents and property owners of the affected territory.*
- *The City of Kingsport can provide services through its Plan of Services that the County cannot provide to the area.*
- *Annexation spurs economic growth by providing basic services at a reasonable cost and allows those costs to be spread fairly to all who enjoy those services.*
- *It is reasonably necessary for the welfare of the residents and property owners of the municipality as a whole.*

Staff Field Notes and General Comments: This is a property owner-requested annexation. The annexation is being requested to bring the planned new Lakeway Christian School into the City of Kingsport.

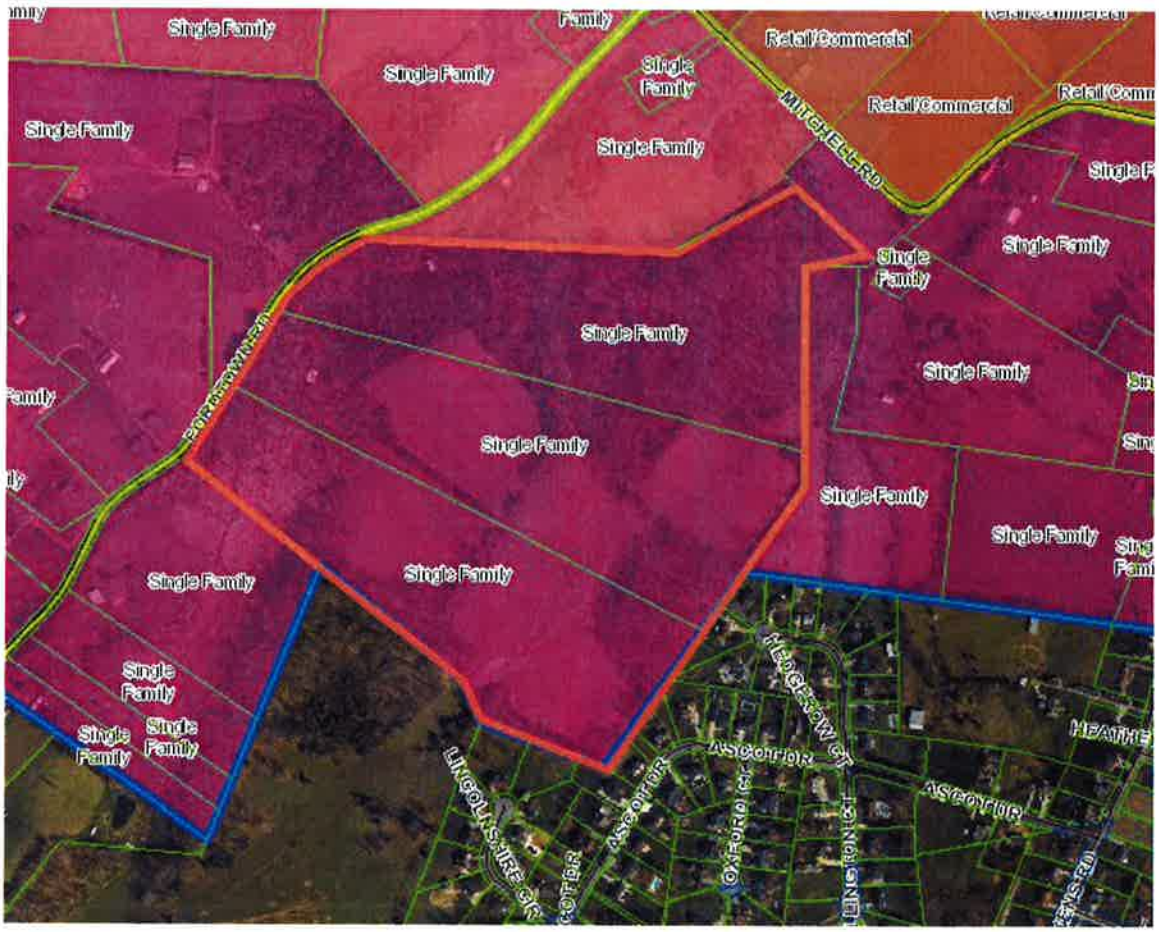
Planner:	Elizabeth Rowe	Date:	July 1, 2021
Planning Commission Action		**Meeting Date:**	**July 22, 2021**
Approval:			
Denial:		Reason for Denial:	
Deferred:		Reason for Deferral:	

Prepared by Kingsport Planning Department for the
Kingsport Regional Planning Commission Meeting on July 22, 2021

Location Map

Zoning Map

Future Land Use Map



South-westerly View of Annexation Site from Fordtown Road

SW View From Fordtown Road: Existing Driveway & Structures

North-Easterly View from Fordtown Road

Cost

LCS Annexation

Cost Estimate/ tax records as of 1 June 2020

Revenues	One Time	Reoccuring (annual)	
Property Taxes	X	$0.00	Proposed use is a 501c-3
State Shared	X	$0.00	
Sewer Tap Fees	$1,950.00	$0.00	
Stormwater	X	$8,400.00	
Water & Sewer Rev (loss)	X	-$42,000.00	
Total	$1,950.00	-$33,600.00	

Expenses	One Time	Reoccuring (annual)
Operating Budget		
Police & Fire Service	0.00	0.00
Transit Service	0.00	0.00
Street Lighting	2,855.00	855.00
Traffic Controls	223.00	689.00
Streets & Sanitation	0.00	6,415.22
Subtotal	3,078.00	7,959.22
Capital Budget		
Water	0.00	0.00
Sewer	0.00	0.00
Streets	0.00	2,531.02
Subtotal	0.00	2,531.02
Grand Total	$3,078.00	$10,490.24

Google Earth Aerial

CONCLUSION

The Kingsport Planning Division recommends sending a favorable recommendation to the Board of Mayor and Alderman for the annexation, zoning, and Plan of Services for the Lakeway Christian Schools Annexation based on the following reasons:

- *The City of Kingsport should utilize annexation as urban development occurs and is necessary for present and future growth in an orderly manner.*
- *It is reasonably necessary for the welfare of the residents and property owners of the affected territory.*
- *The City of Kingsport already provides services to the properties in this area.*
- *Annexation spurs economic growth by providing basic services at a reasonable cost and allows those costs to be spread fairly to all who enjoy those services.*
- *It is reasonably necessary for the welfare of the residents and property owners of the municipality as a whole.*

RESOLUTION NO. ____

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE LAKEWAY CHRISTIAN SCHOOLS ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

WHEREAS, before any territories may be annexed under Tennessee Code Annotated §6-51-102, the governing body shall have previously adopted a plan of services setting forth the identification and timing of municipal services; and

WHEREAS, before any such plan of services shall have been adopted, it must have been submitted to the local planning commission for study and a written report; and

WHEREAS, a plan of services for the proposed Lakeway Christian Schools annexation was submitted to the Kingsport Regional Planning Commission on July 22, 2021, for its consideration and a written report; and

WHEREAS, prior to the adoption of a plan of services, the City shall hold a public hearing; and

WHEREAS, a public hearing was held August 03, 2021; and

WHEREAS, notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the municipality a minimum of fifteen (15) days prior to the hearing; and

WHEREAS, notice of the time and place of the public hearing was published in the Kingsport Times-News on July 16, 2021; and

WHEREAS, the City of Kingsport, pursuant to the provisions of Tennessee Code Annotated, §6-51-102 has endeavored to annex a portion of the 14th Civil District of Sullivan County, Tennessee, commonly known as the Lakeway Christian Schools Annexation, said area being bounded and further described as follows:

> *MAP 119, PARCEL 34.10*
> *SITUATE IN DISTRICT NUMBER FOURTEEN OF SULLIVAN COUNTY, TENNESSEE AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:*
> *BEGINNING AT A POINT IN THE NORTAMSTERLY CORNER OF THE VANCE E. GENTRY, SR. AND MATTIE N. GENTRY FARM, SAID POINT BEING LOCATED IN THE CENTER OF FORDTOWN ROAD, CORNER COMMON TO CLARK; THENCE WITH THE LINE OF CLARK, S. 11' 10" W., 723.81 FEET TO A POINT; THENCE WITH THE LINE OF WARD, S. 2° 09' 57". E., 666.14 FEET, S. 43° 26' 02" W., 184.25 FEET TO A POINT AT THE CORNER COMMON TO WARD AND COX; THENCE WITH THE LINE OF COX, S. 19° 17' 17" E., 508.26 FEET A POINT; N. 86° 58' 19" E., 608.85 FEET TO A POINT; THENCE WITH A NEW LINE THROUGH THE VANCE E. GENTRY, SR. AND MATTIE M. GENTRY FANN, N. 12° 04' 36" W., 2052.49 FEET TO*

A POINT IN THE CENTER OF FORDTOWN ROAD; THENCE WITH 'THE CENTER OF FORDTOWN ROAD, S. 82° 49' 59" W., 325.0 FEET TO THE POINT OF BEGINNING, CONTAINING 25 .15 ACRES.

TAX MAP 119, PAGE 35.00

TO FIND THE POINT OF BEGINNING, BEGIN AT THE POINT IN THE NORTHWESTERLY COMER OF THE VANCE E GENTRY, SR. AND MATTIE M. GENTRY FARM, SAID POINT BEING LOCATED IN THE CENTER OF FORDTOWN ROAD AT THE COMER COMMON TO CLARK AND TRAVEL N. 82° 49' 59" E., 325.0 FEET TO THE POINT OF BEGINNING AT A POINT IN THE CENTER OF FORDTOWN ROAD, COMER COMMON TO THE TRACT DESCRIBED ABOVE. THENCE WITH A LINE THROUGH THE VANCE E. GENTRY, SR. AND MATTIE M. GENTRY FARM, S. 12° 04' 36" E., 2052.49 FEET TO A POINT IN THE LINE OF COX. THENCE WITH THE LINE OF COX, N.86° 58' 19" E., 235.83 FEET TO A POINT AT THE COMER COMMON TO COX AND DEPEW. THENCE WITH THE LINE OF DEPEW, N. 84° 11' 33" E., 407.44 FEET TO A POINT N. 49° 09' 54" E., 100 FEET TO A POINT. THENCE WITH A NEW LINE THROUGH THE VANCE E. GENTRY, SR. AND MATTIE M. GENTRY FARM, N. 23° 12' 29" W., 2107.57 FEET TO A POINT IN THE CENTER OF FORDTOWN ROAD. THENCE WITH THE CENTER LINE OF FORDTOWN ROAD, S. 79° 11' 59" W., 146.76 FEET TO A POINT. THENCE CONTINUING WITH THE CENTER LINE OF FORDTOWN ROAD, S. 82° 49' 59" W., 172.59 FEET TO THE POINT OF BEGINNING, AND CONTAINING 25.04 ACRES, MORE OR LESS.

TAX MAP 119, PARCEL 35.10

BEGINNING AT A POINT IN THE NORTHEASTERLY COMER OF THE VANCE E. GENTRY, SR. AND MATTIE M. GENTRY FARM, SAID POINT BEING LOCATED IN THE CENTER OF FORDTOWN ROAD AT A CORNER COMMON TO HALE; THENCE WITH THE CENTER LINE OF FORDTOWN ROAD, THE FOLLOWING TWO (2) CALLS AND DISTANCES: NORTH 69 DEG. 2 MIN. 2 SEC. WEST, 145.73EET TO A POINT; THENCE NORTH 88 DEG. 26 MIN. 00 SEC. WEST, A DISTANCE OF233.51 FEET TO A POINT, BEING CORNER COMMON TO THE TRACT DESCRIBED ABOVE TO VANCE E. GENTRY, JR.; THENCE WITH A LINE THROUGH THE VANCE E. GENTRY, SR. AND MATTIE M. GENTRY FARM, SOUTH 23 DEG. 12 MIN. 29 SEC. EAST, A DISTANCE OF 2,107.57 FEET TO A POINT IN THE LINE OF DEPEW; THENCE WITH THE LINE OF DEPEW, THE FOLLOWING THREE (3) CALLS AND DISTANCES: NORTH 49 DEG. 9 MIN. 54 SEC. EAST, A DISTANCE OF 733.92 FEET TO A POINT; THENCE SOUTH 36 DEG. 45 MIN. 46 SEC. EAST, A DISTANCE OF 274.80 FEET TO A POINT; THENCE NORTH 9 DEG. 9 MIN. 34 SEC. EAST, A DISTANCE OF 416.38 FEET TO A POINT; THENCE WITH THE LINE OF HALE, THE FOLLOWING TWO (2) CALLS AND

DISTANCES: NORTH 69 DEG. 52 MIN. 36 SEE. WEST, A DISTANCE OF 524.86 FEET TO A POINT; THENCE NORTH 36 DEG. 15 MIN. 38 SEC. WEST, A DISTANCE OF 1271.54 FEET TO THE POINT OF BEGINNING, AND CONTAINING 24.97 ACRES, MORE OR LESS.

AND WHEREAS, the City of Kingsport deems it advisable to adopt a Plan of Services for the proposed annexation area. Now, therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF KINGSPORT, TENNESSEE, AS FOLLOWS:

SECTION I. That a Plan of Services for the Lakeway Christian Schools Annexation as bounded and described above is hereby adopted, subject to an enactment of an annexation resolution for the annexation area, the said Plan of Services to be as follows:

Lakeway Christian School Annexation
Plan of Services

1. **Police Protection**

A. On the date of annexation the Kingsport Police Department will respond to all calls for service for police protection, including criminal calls, traffic accidents and traffic related occurrences, and other prevention and interdiction calls for service.

B. Effective with annexation, all resources currently available within the Kingsport Police Department will become available to the citizens of the area. The Kingsport Police Department has an authorized accredited force of 116 police officers and approximately 60 civilian personnel to provide services 24-hours per day, 365 days a year.

C. The Kingsport Police Department is accredited with the Commission on Accreditation for Law Enforcement Agencies and has met 358 mandatory and 72 other-than mandatory standards in order to attain this status. Kingsport Police Department was only the third accredited department in the State of Tennessee and the first in northeast Tennessee.

D. Upon annexation, existing police department personnel will be utilized to provide services by expanding the contiguous patrol sections to include the newly incorporated area. Existing police personnel and equipment will be shifted to provide needed coverage of the area. Each section will be patrolled by units of the Kingsport Police Department and will be augmented by other departments and units such as investigators, specialized assigned details etc.

E. When needed, the Kingsport Police Department will hire additional police officers to provide more response to annexed areas. The officers will undergo 450 hours of basic recruit training before being certified as a police officer. Upon completion of the classroom training, the officers will undergo 480 hours of field officer training where they will work and be trained by designated training officers.

F. The Kingsport Police Department will provide upon request crime prevention programs, traffic safety education programs, drug education/awareness programs including D.A.R.E. to the citizens of the area. Additional programs include department personnel to address groups on law enforcement topics or concerns, home and business security checks and establishing and maintaining neighborhood watch programs.

G. The Kingsport Police Department currently maintains an approximate 5 minute average response time to emergency and urgent calls within the corporate limits.

2. <u>Fire Protection</u>

A. On the operative date of annexation, the City of Kingsport will answer all calls for service for fire, disaster, hazardous materials, special rescue and medical first responder. The Kingsport Fire Department goes beyond the basic fire services required of a City Government.

B. Free fire safety inspections will be available upon request on the effective date of annexation. Water lines will be upgraded within five (5) years after the effective date of annexation to provide needed fire flow to protect the properties.

C. All structures must be brought into compliance with the City-wide smoke detector ordinance within thirty (30) days of the effective date of annexation. This is strictly to provide residents with the best fire protection service available.

D. The City of Kingsport Fire Department has a Hazardous Materials Response Team, which has state-of-the-art equipment to handle all calls of an emergency nature dealing with incidents relating to hazardous chemicals. The department also has a Technical Rescue Team that has specialized rescue capabilities and equipment for all types of hazards.

E. The City of Kingsport Fire Department provides First Responder emergency medical services to all life-threatening medical emergencies resulting from serious illness or injury. We provide advanced life support (paramedics) for victims until ambulance service arrives for transport.

3. Water

A. Water will be billed at in City rates rather than out of City rates, which will result in a reduction in water rates for annexed citizens already receiving City water. Those not currently receiving City water will be required to obtain a water-tap in order to obtain City water.

B. Water line upgrades and the installation of fire hydrants will commence for adequate fire protection and will be completed within five (5) years after the effective date of annexation.

C. The City of Kingsport Water Department meets or exceeds water quality standards set forth by the State of Tennessee and the United States Environmental Protection Agency. The plant has been the recipient of the EPA Partnership for Safe Drinking Water award for nine consecutive years.

D. The Water Distribution Division is managed with a professional staff who are members of key professional organizations such as: American Water Works Association, Tennessee Association of Utility Districts, National Society of Professional Engineers, American Society of Civil Engineers. Several key members of the staff also hold certificates and licenses in the operations of a distribution system in the State of Tennessee.

4. Electricity

Electric service in this area is currently under the jurisdiction of American Electric Power and is currently available.

5. Sanitary Sewer

A. City of Kingsport sanitary sewer serves the annexation site. At properties where sewer services must be extended, the upgrades will be complete within five (5) years of the effective date of the annexation.

B. Sanitary sewer fees are based on usage of water and are direct reflection of the amount of water used by the resident.

C. The City of Kingsport operates and maintains a 12.4 MGD wastewater treatment plant, 88 sewer lift stations and approximately 525 miles of sanitary sewer collection lines to provide sewer service to our customers.

D. The City of Kingsport Wastewater Treatment Plant recently experienced over 21 million dollars of improvements to provide a reliable and dependable infrastructure.

E. The wastewater treatment plant is staffed with State Certified Operators 24 hours a day, 365 days a year. Treatment plant operators exceed State of Tennessee training requirements, and the Wastewater Treatment Plant is the recipient of multiple operations excellence awards.

F. The Sewer Collection Division is managed with a professional staff who are members of key professional organizations such as: Water Environment Federation, Tennessee Association of Utility Districts, National Society of Professional Engineers, American Society of Civil Engineers. Several key members of the staff also hold certificates and licenses in the operations of a collection system in the State of Tennessee.

6. Solid Waste Disposal

Sanitation garbage (routine household refuse), trash (grass clippings, tree trimmings, bulky items), and recycling collection will be provided to the annexed area on the same basis as that received by properties located within the existing City Limits. Collection will begin within thirty (30) days following the effective date of annexation. Members of the collection crews receive ongoing training in their fields. The City of Kingsport also owns and operates a demolition landfill that residents can use for a fee. That landfill is supervised by a SWANA certified Manager of Landfill Operations. This supervisor also holds other certifications from SWANA and TDEC.

7. Public Road/Street Construction & Repair

A. Emergency and routine maintenance of streets and street signs, pavement markings and other traffic control devices will begin on the operative date of annexation. Emergency pothole repairs are generally made within 24 hours of notification. Crews are available on a 24 hour basis for major emergency call-outs.

B. Cleaning of streets of snow and ice clearing will begin on the operative date of annexation on the same basis as now provided within the present City limits. This includes major thoroughfares, State highways and emergency route to hospitals as first priority, with secondary/collector streets and finally residential streets in that order as priority II. Snow removal crews receive yearly training to help keep them up to date with changes in procedures and techniques. Snow removal crews also respond on a 24 hour emergency call in basis.

C. Streets affected by utility construction will be repaired as soon as possible after the utility construction is completed.

D. Routine Right of Way maintenance is also provided on the effective date of annexation. Tasks include Mowing, Tree Maintenance and Weed Control by certified personnel as needed to respond to routine maintenance requests and emergencies.

E. The Streets and Sanitation Division is managed and supervised by a professional staff who are members in good standing of several Professional Organizations such as the Tennessee Chapter of the American Public Works Association, the national chapter of the American Public Works Association, the Volunteer Chapter of the Solid Waste Association of North America, the national chapter of the Solid Waste Association of North America, the Tennessee Urban Forestry Council, the Tennessee Nursery and Landscape Association, National Arbor Day Association, Tennessee Vegetation Management Association, and the Keep Kingsport Beautiful Council. The staff receives ongoing training through these Professional Organizations. Members of the staff are active in their respective organizations. Members of the staff also serve as trainers and instructors for various training venues.

8. Recreational Facilities

A. Residents of the annexed area may use existing City recreational facilities, programs, parks, etc. on the effective date of annexation at City rates rather than out of City rates.

B. Residents of the annexed area may use all existing library facilities and will be exempt from the non-residential fee on the effective date of annexation.

C. Residents of the annexed area (50 years or older) will be eligible to use the Senior Citizens Center with no non-residential fees and with transportation provided on the effective date of annexation.

D. The Department of Parks and Recreation has more than 4,800 acres of city-owned land to provide parks and recreation programs to all our citizens. The amenities and programs offered by many of the parks and recreation areas through the Leisure Services Department include playing fields for baseball and softball, basketball courts, play grounds, volley ball, tennis courts, a skate park and concession areas and restrooms to serve these facilities. Other amenities offered include General meeting areas, multi-function areas, Community Centers, senior programs, Theater and Cultural Arts programs. Many of the parks have walking and hiking trails and Bays Mountain, the City's largest park, includes animal habitats, a farm area, camping sites, and a Planetarium.

9. Street Lighting

Within five years of the operative date of annexation the City will take over responsibility (including payment) for dusk-to-dawn lights presently in place that meet City standards. The City will request that AEP install additional streetlights on collector-class and lower streets in accordance with the policy on roadway lighting within five (5) years of the effective date of annexation.

10. Zoning Services

A. The area will be zoned A-1 (Agricultural District).

B. The Kingsport Regional Planning Commission is the comprehensive planning agency and administers zoning and land subdivision regulations for the City of Kingsport as provided in State law. The Kingsport Regional Planning Commission consists of nine (9) commissioners appointed by the Mayor of the City of Kingsport.

C. The Kingsport Regional Planning Commission will exercise planning and zoning activities for the area being annexed upon the operative date of annexation.

D. Appeals to the Zoning regulations are heard by the Board of Zoning Appeals and variances are granted if the request meets the criteria established for granting variances under Tennessee Code Annotated.

11. Schools

A. Upon annexation, children currently attending County schools will be allowed to attend City of Kingsport schools or remain in County schools per the prevailing County policy at the time.

B. Tuition paid by non-city residents now attending City schools will cease upon the effective date of annexation and those students may continue to attend City schools without charge until graduation.

The previous sections are titled and listed in the order prescribed by Tennessee Code Annotated 6-51-102(b) (2). The following sections are provided by the City of Kingsport in addition to the minimum requirements.

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12. Traffic Control

The City will verify all street name signs and traffic control devices in accordance with the Manual on Uniform Traffic Control Devices.

13. Inspection Services

All inspection services now provided by the City on a fee basis (building, electrical, plumbing, gas, housing, sanitation, etc.) will begin in the annexed area on the effective date of annexation. A free safety inspection of plumbing vents will be required at the time sewer connections are made to make sure that proper protection is available to prevent sewer gas from entering houses.

14. Animal Control

Animal control service equivalent to that presently provided within the City will be extended to the annexed area on the effective date of annexation.

15. Storm Sewers

Maintenance of existing storm sewer systems within the public ROW is provided on an as needed basis. Response to emergency storm drainage calls is also provided on a 24 hour call in basis.

16. Leaf Removal

The City will collect loose leaves with the vacuum truck between October 15 and January 15, and it will be provided to the annexation area on the same basis as it is currently provided to other City residents beginning on the effective date of annexation. Bagged leaves are collected year round. Leaves are transported to the City's Demolition Landfill where they are composted and used as an amendment to existing dirt stockpiles. This enhanced dirt is then used on City Projects for backfill and topsoil applications.

17. Litter Control

The City's litter control program will be extended to the area on the effective date of annexation. It is provided on a regular schedule along major routes and on an "as needed" basis throughout the City.

18. Graffiti Control

The City's graffiti control program, which is aimed at eliminating graffiti on public rights-of-way such as bridge abutments, street signs, railroad underpasses, and the like, will be extended to the area on the effective date of annexation. It is provided on an "as needed/on call" basis. Response time for "offensive" graffiti removal is generally within 48 hours.

19. Other Services

All other services not classified under the foregoing headings such as Executive, Judicial, Legal, Personnel, Risk Management, Fleet Maintenance, Finance and Administration and other support services will be available upon the effective date of annexation.

SECTION II. This Resolution shall be effective from and after its adoption, the public welfare requiring it.

ADOPTED this the 03rd day of August 2021.

ATTEST:

PATRICK W. SHULL, Mayor

LISA WINKLE
Interim City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney

Kingsport Regional Planning Commission

Zoning Text Amendment Report
File Number 21-801-00001

Construction Materials Zoning Text Amendment

Property Information	Gateway Overlay District and the B-2/ B-2E zones		
Address			
Tax Map, Group, Parcel			
Civil District			
Overlay District			
Land Use Designation			
Acres			
Existing Use		**Existing Zoning**	
Proposed Use		**Proposed Zoning**	

Owner /Applicant Information

Name: Kingsport Regional Planning Commission

Address:

City:

State: **Zip Code:**

Email:

Phone Number:

Intent: To amend Chapter 114, Sections 114-421, parts b(5)a(2), c(5)a(2), d(3)b, Section 114-194(f)2, and Section 114-203(f)2, removing the prohibition of certain building materials for the sake of compliance with new state law Public Chapter 332.

Planning Department Recommendation

(Approve, Deny, or Defer)

The Kingsport Planning Division recommends APPROVAL.

Planner:	Ken Weems	Date:	7/6/20
Planning Commission Action		**Meeting Date:**	**7/22/20**
Approval:			
Denial:		Reason for Denial:	
Deferred:		Reason for Deferral:	

INTENT

To amend Chapter 114, Sections 114-421, parts b(5)a(2), c(5)a(2), d(3)b, Section 114-194(f)2, and Section 114-203(f)2, removing the prohibition of certain building materials for the sake of compliance with new state law Public Chapter 332.

Introduction:

In May of 2021, Governor Bill Lee signed House Bill No. 749 which became Public Chapter 332. Public Chapter 332 amends Tennessee Code Annotated section 68-120-101. As a result of the amendment to T.C.A. 68-120-101 a local government may require certain construction materials but shall not prohibit any construction materials approved by a national building code or the state fire marshal. Additionally, T.C.A. 68-120-101 requires that any ordinance which pertains to construction materials must allow the consideration of a waiver. The following text amendment removes the aspect of prohibition and creates a waiver for the previously prohibited building materials in the Kingsport code.

Presentation:

Certain construction materials are currently prohibited in Kingsport's Gateway District Overlay (GDO), the B-2 (Central Business District) and the B-2E (Central Business Edge District) zones. This text amendment seeks to eliminate the prohibition of certain construction materials and provide a waiver process where certain construction materials are required.

The GDO zoning overlay district currently prohibits plywood, plywood based products, pre-engineered metal, painted or natural concrete block, composite building panels, and vinyl siding in the design strategies for the P-1, B-1, B-3, B-4P, BC, and TA/C zoning districts. The prohibition is being replaced with requirements and a waiver process with the end result as shown below:

Current wording:

Chapter 114, Sections 114-421, parts b(5)a(2) & c(5)a(2): *Materials considered unacceptable include: plywood or plywood-based products, pre-engineered metal, painted or natural concrete block, composite building panels, and vinyl siding.*

Proposed wording:

Chapter 114, Sections 114-421, parts b(5)a(2) & c(5)a(2): *Materials requiring a waiver granted by the gateway review commission to use include: plywood or plywood-based products, pre-engineered metal, painted or natural concrete block, composite building panels, and vinyl siding. The gateway review commission, in reviewing a waiver request, may consider the proposed building design and property conditions associated with the proposal and the character of adjacent properties in the area.*

Current wording:

Chapter 114, Section 114-421, part d(3)b: *No building shall be constructed of exposed concrete block unless it is split face, fluted, or such blocks are covered with stucco, Dryvit or equivalent.*

Proposed wording:

Chapter 114, Section 114-421, part d(3)b: *No building shall be constructed of exposed concrete block unless it is split face, fluted, or such blocks are covered with stucco, Dryvit or equivalent without the grant of a waiver by the gateway review commission. The gateway review commission, in reviewing a waiver request, may consider the proposed building design and property conditions associated with the proposal and the character of adjacent properties in the area.*

In addition to the GDO, both the B-2 (Central Business District) and the B-2E (Central Business Edge District) zoning texts currently contain language that prohibits certain types of construction materials.

Current wording:

Chapter 114, Section 114-194(f)2 & Section 114-203(f)2: *Cladding. Building materials for areas visible from streets, excluding alleys, shall consist of one or more of the following: brick, architectural block, plate glass, and precast concrete panels. Accent materials may include stucco or EIFS, stone, wood, and architectural metal. Pre-engineered metal, painted or natural concrete block, composite building materials, and vinyl siding are prohibited.*

Proposed wording:

Chapter 114, Section 114-194(f)2 & Section 114-203(f)2: *Cladding. Building materials for areas visible from streets, excluding alleys, may consist of one or more of the following: brick, architectural block, plate glass, and precast concrete panels. Accent materials may include stucco or EIFS, stone, wood, and architectural metal. The Planning Commission shall review requests for waivers of the building material requirements of this section. The Planning Commission in reviewing a request may consider the proposed building design and property conditions associated with the proposal and the character of adjacent properties in the area.*

Staff recommends sending a positive recommendation to the Board of Mayor and Aldermen to approve the zoning text amendment. The change will make the City's zoning code compliant with the state's new Public Chapter 332.

State of Tennessee

PUBLIC CHAPTER NO. 332

HOUSE BILL NO. 749

By Representatives Boyd, Smith, Keisling, Sparks, Lynn, Todd, Mannis

Substituted for: Senate Bill No. 631

By Senators Bell, Massey

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 120, relative to construction.

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

SECTION 1. Tennessee Code Annotated, Section 68-120-101, is amended by deleting subdivision (a)(5) and substituting:

(5) Shall not discriminate against or in favor of particular construction materials or construction techniques;

SECTION 2. Tennessee Code Annotated, Section 68-120-101(b), is amended by adding the following as a new subdivision:

(7)

(A)

(i) Notwithstanding subdivision (a)(5), a local government may adopt a regulation or code, pertaining to construction materials by ordinance or resolution, as appropriate, by majority vote.

(ii) If passage of the ordinance or resolution requires two (2) readings, then the requirement may only be adopted after reading it in open session of the legislative body at meetings on two (2) different days.

(iii) If passage of the ordinance or resolution requires three (3) readings, then the last two (2) readings must occur on two (2) different days.

(iv) A proposed requirement pertaining to construction materials must be a separate item on the agenda and include, in bold type and all caps, the following statement in the meeting notice:

THE PROPOSED ORDINANCE REQUIRES CERTAIN MATERIALS TO BE RESTRICTED IN THE CONSTRUCTION OF BUILDINGS.

(B) The consideration of a requirement pertaining to construction materials must be by separate vote. If the requirement is to be part of a general ordinance or resolution, then the requirement pertaining to construction materials must be severable from the rest of the ordinance or resolution, and voted on separately.

(C) If a local government seeks to modify a regulation, code, or ordinance adopted pursuant to this subdivision (b)(7), then the local government shall make the modification in the same manner as required to adopt a requirement under this subdivision (b)(7).

(D) A regulation, ordinance, or code adopted pursuant to this subdivision (b)(7) shall not prohibit a particular construction material that is approved by a national building code or the state fire marshal.

(E) A regulation, ordinance, or code adopted pursuant to this subdivision (b)(7) must allow for the consideration of waivers of the adopted regulation, ordinance, or code pertaining to construction materials, in whole or in part, during the development approval process.

(F) Denial of a waiver related to a regulation, ordinance, or code referenced in subdivision (b)(7)(E) does not constitute a prohibition under subdivision (b)(7)(D).

(G) Except to the extent local law conflicts with these provisions, this section neither grants nor removes local governmental authority to promulgate provisions under home rule charters, private acts, or general state law.

(H) This subdivision (b)(7) does not limit the professional judgment of a licensed design professional with respect to electrical, mechanical, or plumbing standards.

SECTION 3. For purposes of local government adoption of a regulation, code, or ordinance relating to construction materials, this act takes effect upon becoming law, the public welfare requiring it. For all other purposes, this act takes effect September 1, 2021, the public welfare requiring it.

HOUSE BILL NO. 749

PASSED: April 21, 2021

CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 4th day of May 2021

BILL LEE, GOVERNOR