

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

City Hall  
225 W Center Street, Kingsport, TN 37660

July 17, 2014

7:00 p.m.

**Members Present**

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

**Staff Present**

Lynn Tully  
Ken Weems  
Corey Shepherd  
Justin Steinmann  
Forrest Koder  
Jacob Grieb

**Members Absent**

Dr. Heather Cook  
Mark Selby

**Visitor's List**

Dan Elcan  
Patrick Coffey  
John Rose  
Jerry Petzoldt  
Charles Nitschke  
Larry Grills

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 Mike McIntire seconded by Buzzy Breeding to approve the agenda as presented. The motion was approved unanimously 6-0. Chairman Ward asked for any changes to the minutes of the work session held June 16, 2014 and the regular meeting held June 19, 2014. There being no changes, a motion was made by Beverly Perdue seconded by Dave Stauffer to approve the minutes as presented. The motion was approved unanimously 6-0.

**CONSENT AGENDA**

None

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**07-01 Inscore Property Surplus - (14-601-00004)**

The Planning Commission considered a request to recommend to the Kingsport Board of Mayor and Alderman that property located at 1115 Highway 93 in Washington County, Tennessee, be officially designated as surplus property. The property is located outside the corporate limits of the City of Kingsport, 7<sup>th</sup> Civil District of Washington County. Corey Shepherd presented the item stating it is a unique agenda item. The property is located in Washington County and behind Fall Branch School and was acquired as part of the acquisition of the Fall Branch Utilities District infrastructure. No City leadership has found a future use for the property. With that the Staff recommended surplus of the Inscore request. There being no speakers, a motion was made by

Hoyt Denton and seconded by Buzzy Breeding to approve the request. The motion was approved unanimously 6-0.

**07-03 Edinburg Concept Plan Amendment – (14-103-00001)**

The Planning Commission considered a request for approval to amend the previously approved concept plan of 2012 for the remaining portion of the Edinburg property. The property is located inside the corporate limits of the City of Kingsport, 15<sup>th</sup> Civil District of Sullivan County. Forrest Koder presented the item stating the surrounding zoning includes many areas of R-1B with some PD development further south. Forrest Koder told the commission the overall concept plan is being amended to move some common area to accommodate a private driveway encroachment and also included in the amendment is a change to the commercial area on the original proposal. The change moves the commercial area to an area at the northern portion of the development. Staff stated other adjoining roadways (Bishop Rd.) are not adequate for commercial traffic. Mr. Koder stated the new commercial area has access not from Wallace Court, but would be accessed via the power easement and a new driveway from Edinburg Channel and uses for the commercial area are contemplated as daycare or professional offices. The Common area amendment at the southern portion of the development includes an easement for the school to use for emergency evacuation to the adjoining property. Hoyt Denton asked would commercial property be necessary for the PD development. Forrest Koder replied the development is entitled to 2.33 acres of commercial property. Hoyt Denton then asked if the property could be reverted back to residential if the developer wishes. Buzzy Breeding questioned why designate the commercial property now if there is no defined use? Staff answered that the concept plan could be changed to residential and it is not uncommon to show the area of commercial to preserve a place that is reasonable. The Public Hearing was opened and John Rose stated they were just verifying that the acreage can be used commercially on the plan and they want to continue townhomes toward the pool. Mr. Rose then thanked Forrest for all his hard work with their development. Mike McIntire stated he thought commercial is somewhat unnecessary there. There being no speakers, a motion was made by Mike McIntire and seconded by Dave Stauffer to approve the request. The motion was approved unanimously 6-0.

**07-04 Riverbend 2014 Rezoning – (14-101-00009)**

The Planning Commission considered a request for approval to rezone areas from PD to B-4P and B-4P to PD to allow for retail and restaurant use in the proposed B-4P portion and townhome, apartment, and assisted living use for the proposed PD portion. The property is located inside the corporate limits of the City of Kingsport, 11<sup>th</sup> Civil District of Sullivan County. Ken Weems presented the item stating the requested rezoning of approx. 14ac. and conceptual ZDP approval. Ken Weems stated the northern area is commonly known as Wal-Mart slope and is going to be included as the PD portion of the request with other changes on the south side requested for B-4P zoning to accommodate expanded commercial uses. Traffic analysis includes additional proposed traffic signals at north and south entrance from Ft. Henry Drive. Staff stated the proposal includes a potential city park to the south with apartments looking on to the park area. The new entrances will include proposed public streets. Staff has encouraged the gateway type design characteristics. Mr. Weems told the commission the sign package proposed has smaller individual signs with two large entrance signs which are shared by all entities similar to a multi-tenant center. A PD sign

will be included on Ft. Henry Drive via the rezoning of the slope to PD. Staff showed close up representations of the concept plan for the northern and southern portion of the rezoning request. The request is primarily fronted by restaurants on Ft. Henry with retail immediately behind with a commercial roadway at northern entrance with transition to residential roadway at single family area. Staff recommended the request with approval of traffic analysis and other further development details upon preparation of civil engineering drawings. Planning Commission approval is still required for Preliminary and Final Development Plan Approval. Mr. Denton then asked what is the reaction of the City to a new potential park? Ken Weems stated they have spoken with Chris McCartt regarding the potential of a park area and there are some positive amenities. Dave Stauffer questioned is the area developable? Staff stated it is pretty steep however, it could have uses as a park without significant grading. Dennis Ward asked if the traffic department is okay with the number of lights proposed. Staff answered they are still looking at the study to determine feasibility for all the proposed lights. Hoyt Denton asked if they would consider connections from north to south portions of the development. Ken Weems answered this was discussed and they have not included that connection at this time due to topography. John Moody asked would the developer consider any improvement in the park area? Staff would need to review the park plan and discuss that as part of the potential donation of the property. The public hearing was opened with Dan Elcan making introductions and stating also in attendance is Mr. Pat Coffey who manages multi-family development. They worked with the local surveyors as they were trying to purchase a single lot in this development. This led to the purchase of the entirety of the project. They are leaning toward a craftsman style design for the development – specifically for the apartment portion of the development. Currently, they are looking at some national retailers who are interested in the northern portion of the property. The southern portion would include some patio homes and/or senior living residential at the rear of that portion. They have done considerable work to evaluate the home sites. The city park proposal was a jointly conceived idea to benefit both developments. Dennis Ward asked about the reaction of the residents adjoining the property? Mr. Elcan stated many were curious and he has held two separate meetings to try to accommodate issues they found and the comments heard at that time. There was a follow up meeting held today, with several residents attending. Most all questions posed by the community were answered. Mr. Elcan stated there is a need for Class A apartments in our area and this proposal fills a portion of that need. Beverley Perdue asked about the feasibility of high-end apartments behind Wal-Mart? Mr. Elcan stated Wal-Mart is actually higher than the proposed apartments and therefore the view of the apartments would be screened from the retailer. All other views are very nice. All roads will have sidewalks and this would be an amenity to the apartment dwellers. Potential lots could include daycare and other uses for the residents. The bank at the southern side of the apartments leads to a trail that is relatively flat as it once included a railroad bed. Hoyt Denton asked if there will there be single-family homes? Yes, at the northern end in the form of patio homes before the apartments. Buzzy Breeding questioned the sequence of development. Mr. Elcan stated they are working with many retailers who like to locate adjoining Wal-Marts. However, the market has not responded strongly in that way, so in lieu they are proposing the apartment development as the catalyst for the rest of the development. Beverley Perdue questioned if it is due to lack of room for expansion? They stated this site is “tweener” between Stone Dr. and Bristol new development. Buzzy Breeding asked if access was a deterrent? Mr. Elcan answered not really at this time. The retailers are looking at synergy. That

is what is drawing the bigger boxes right now. They want a unique property for different uses than traditional retail. Dennis Ward stated he would like to see all the development linked via a walkway or greenbelt path, including the Cliffside area. Dan Elcan answered only if the Cliffside community is amenable. Charles Neitske stated he can overlook the site from his residence and thanked the developer for hosting the public meetings prior to the meeting. Currently, he is looking at fine tuning of the site because the site is an eyesore with the grading that is left currently. He is concerned about the stop lights – there being so many vs. the shopping center at Stone Drive. Staff stated the City will work with the state to get them “timed” which will help. Sidewalks are preferred along the front of the development as well as trees along the front. Noise level is high in the area so if there is something we can do about that then please try. Dan Elcan stated he has hired engineers to do the traffic study and lights were included in the ten year old study, also the state is interested in this area due the previous fatal accidents in the vicinity. Al Crymble stated he lives in the Cliffside community. He stated it is inevitable that shopping will front the Ft. Henry Drive area but, please consider the area at the front separately from the rear apartments and potential park. Tony Grills also lives in Cliffside adjoining to the parcel. He stated Lowe’s originally offered to buy his property due to his proximity. He wants to be on record noting the sink hole in his area and the dangerous condition of any fill in that area which may divert the water. He asked for the developer to leave the buffer zone as it is now. There being no speakers, a motion was made by Hoyt Denton and seconded by Mike McIntire to approve the requests for a favorable recommendation to the BMA to rezone from B-4 to PD, to rezone from PD to B-4P and approve the conceptual master plan and conceptual sign package. The motions were approved unanimously 6-0.

**07-02 Short-Term Annexation Policy – (14-901-00001)**

The Planning Commission considered a request for adopting an interim annexation policy to guide decision-making, while the direction of statewide annexation legislation is determined. Justin Steinmann presented the item giving an overview of annexation by decade and land area and compared annexations by area and case over time. He stated some peaks were represented by annexation of Bays Mountain and other anomalies. The most recent thirty years indicates a trend downward in the number of cases. The interim policy is to create a new basis for decision making due to the change in the state law and removal of annexation by ordinance. Staff reviewed previous annexation principles and coordinated those applicable with new principles. Primarily being the requirement of full plan of services for those areas being annexed. This improves efficiency, creates equity for current and future residents, and improves public health, safety and welfare. Long term policy options may consider geography, land use goals, fiscal impact, city/county schools, improvement districts, environment issues and others. Staff is recommending 4 categories of annexations each with similar but slightly adjusted conditions. These are Small Scale Residential Annexations, Multi-lot Residential, Commercial and Vacant lands, and Emergency Annexations. Staff is looking to require a distance minimum as well as provision of services with fiscal rationale, potential development revenues. Staff is looking to similar uses in providing projected revenues. Some emergency annexations may arise and there is some contemplation of possible rationale. Staff is recommending to the PC for BMA approval. Hoyt Denton asked if we have any pending annexations? Justin Steinmann answered yes four currently one of which has been heard by PC with one reading at the BMA. They will be brought back to

the BMA all at same meeting under previous policy with the exception of one. Mike McIntire stated there may be some issues at BMA, but recent presentation of the short term policy has been positively received. Hoyt Denton stated that do we not want to create animosity with those requesting annexation. Continue to look at positive revenue production for small scale annexation. he expressed concern about emergency annexations. Mike McIntire noted that standard practice should be to encourage all neighborhoods to come in at once. Dave Stauffer asked that while looking at economic analysis what would be the time frame for review? Staff answered that they are currently looking at 20 years due to a variety of factors not the least of which would be the life of the bonds. Mike McIntire stated if we are looking at bond life we should increase the lifetime projections as the bonds won't be requested until the plan of services is executed that may extend the time frame to 30 years. Staff noted that all the assumptions are then extended with any faults magnified. Dave Stauffer stated residential lifetime is expected at 50 years. Mike McIntire stated commercial is still required to be requested for annexation under the new law which poses its own set of problems and in-depth discussion regarding cost analysis of annexation requests should be considered. He proposed that staff bring the cost analysis once prepared to some PC members for further critique prior to implementation. Staff agreed and there will be further scrutiny on the process for preparing the financial analyses. Hoyt Denton stated he wants to encourage new housing in the city. There being no more comments or speakers, a motion was made by Buzzy Breeding and seconded by Beverly Perdue to approve the request. The motion was approved 5-1, Hoyt Denton disapproving.

**07-05 Election of Officers** – The Planning Commission is required to elect the positions of Chairman, Vice-Chairman and Secretary for the 2014-2015 terms after a report by the nominating committee. Mike McIntire stated the nominating committee submits Dennis Ward as Chair, Hoyt Denton as Vice- Chair and Lynn Tully for Secretary. A motion was made by Mike McIntire, seconded by Dave Stauffer to approve the nominations. The motion was approved unanimously, 6-0.

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

VIII. OTHER BUSINESS

**07-06** Receive a letter of resubdivision of the Grace McCurry Subdivision, on Cox Hollow Road.

**07-07** Receive a letter of resubdivision of the Main Street Land Development, on Main Street.

**07-08** Receive a letter of resubdivision of Willowbrook Subdivision, Lot 1, on Willowbrook Trace.

**07-09** Receive a letter of resubdivision of Bishop Subdivision Replat, on Island Road.

**07-10** Receive a letter of resubdivision of the Cedar View Addition, Lot 7R, on Gibson Mill Road.

**07-11** Receive a letter of resubdivision of the Cedar View Addition, Lot 8R, on Gibson Mill Road.

- 07-12 Receive a letter of resubdivision of the Hunts Crossing, Lot 5, on Shadyside Drive.
- 07-13 Receive a letter of resubdivision of Cedar View Addition, Lot 9, on Gibson Mill Road.
- 07-14 Receive a letter of resubdivision of Cedar View Addition, Lot 5R, on Gibson Mill Road.
- 07-15 Receive a letter of resubdivision of the Poplar Grove Baptist Church Replat, on Poplar Grove Rd.
- 07-16 Receive, for informational purposes only, the New Business Report for June 2014 from Jeff Fleming.
- 07-17 Receive, for informational purposes only, the May 2014 report from the Building Division.

IX ADJOURNMENT

A reminder was given about the Special Called Meeting on July 22<sup>nd</sup> at noon to approve the Summitt.

There being no further business, a motion was made by Mike McIntire and seconded by John Moody to adjourn the meeting at approximately 8:43 pm. This motion passed unanimously, 6-0.

Respectfully Submitted,



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Chanya Lynn Tully, AICP, Planning Commission Secretary