

MORRISTOWN REGIONAL PLANNING COMMISSION
Agenda
July 12th, 2016



Call to Order

I. Approval of the June 14th, 2016 minutes.

II. *Old Business:*

III. *New Business:*

REZONING: 619 Howell Road
A1 (Agriculture) to IB (Intermediate Business)

REZONING: Property along northwest intersection of Merchants Greene and Veterans Parkway
A1 (Agricultural) to IB (Intermediate Business)

VARIANCE: 4055 E. Morris Boulevard
Parking Surface Variance

STREET NAMING: Requested Street Name of ' Penny Lane '

IV. *Departmental Reports:*

Minor Subdivision(s) Approved:
Stonehaven - creation of 1 lot

Adjournment

*The next meeting of the Morristown Regional Planning Commission is scheduled for August 9th, 2016 at 4:00 pm.
The deadline to submit applications for this meeting is July 18th, 2016.*

Morristown Regional Planning Commission

*Minutes
June 14, 2016*

Members Present

Chairman Jim Beelaert
Vice-Chairman Jack Kennerly
Mayor Gary Chesney
Secretary Rose Parella
Councilmember Robert (Bob) Garrett
Commissioner Bill Thompson
Commissioner Doug Beier
Commissioner Wanda Neal
Commissioner Sylvia Hinsley

Members Absent

None

Others Present

Lori Matthews, Senior Planner
Logan Engle, Planner
Eual Noah, Fire Marshal
Kat Morilak, Development Services
Ralph "Buddy" Fielder, Asst. City Administrator
Clint Harrison
Michele Parvin, Tax Office
Jordan Rios
Paul LeBel
Charles Mays
James Seal
Debra Wells

Chairman Beelaert called the meeting to order and invited anyone who wished to join the Commission in an Invocation and the Pledge of Allegiance to do so.

I. Chairman Beelaert called for the approval of the May 10, 2016 minutes.

Commissioner Beier made a motion for approval of the May 10, 2016 minutes; seconded by Commissioner Wanda Neal. Upon voice vote, all Ayes.

II. Old Business: None

III. New Business:

A. REZN 1678-2016: 119 Evans Ave (R-2) to Local Business (LB)

Senior Planner Lori Matthews discussed the rezoning request submitted by Mr. Helms for property located on Evans Ave. between East 1st North St. and East Main St. The property owner, Mr. Helms, requested a zoning destination of local business (LB) in order to accommodate an antiques retail shop.

The property has historically been used for professional offices, most recently a physician's office. Properties that are adjoining in front of East Main St. are zoned Intermediate Business (IB) and have been so zoned since at least 1975. A residence joins this lot to the north with Home Trust Bank to the east and vacant grass lots along the south and west.

The existing building on site was constructed with no kitchen or shower/bath facilities. Any future owner will be obligated to renovate the structure to include these facilities in order to make the structure work as a residence.

Mr. Helms has been approached by a new tenant wishing to convert the office to an antiques store. The current state of the building precludes use as a home, but can possibly be used as retail if properly zoned. Local Business (LB) uses are synonymous with smaller scale retail and should deflect any large increase with regard to traffic or noise. The property currently has thick standing trees surrounding three sides which will serve to provide a buffer to all surrounding properties.

Staff sees the rezoning of this property as a possible impetus for the rezoning of other properties, as there has been others asking about the rezoning of their properties in the same area. Staff agrees that the more stringent commercial district between the residences to the north is sound planning and it might well mitigate what could possibly become a blighted property inside the corporate limits. Therefore, staff would ask the Planning Commission recommend this rezoning request to City Council as submitted. Staff would be happy to answer any questions.

Chairman Beelaert asked for a motion.

Secretary Parella made a motion, and Mayor Chesney seconded that motion.

Chairman Beelaert explains that there is a motion and a second to rezone this property to intermediate business (clarification: the motion was made to recommend rezoning to local business), which the staff believes is a very good intermediate step in protecting the residential area, but at the same time creating a possible business zone there as well.

A commissioner asked if the property was R1 at the time. Ms. Matthews clarified that the property is currently R2. There was some further discussion regarding the kitchen and bath facilities or lack thereof. The public was offered a chance to speak. Chairman Beelaert restated the motion to recommend the rezoning from R2 to Local Business.

Voting results: 9 yes, 0 no. Motion carries.

B. REZN 1685-2016: 3500 Old Kentucky Road from Hamblen County R-1 to C-1 (UGB)

Planner Logan Engle presented a rezoning request in the urban growth boundary, which is not in the corporate limits of the City of Morristown. This request has been submitted by Mr. James Seal and Mr. Charles E. Mays. The property is currently zoned by the county as residential (R1). The request from this property owner is to rezone the entire parcel to commercial (C1) in order to establish a used automobile sales business.

Staff requests that Hamblen County, when dealing with urban growth boundary issues, provide us with some type of documentation of what they plan to do with the case, because once it passes from the Morristown Regional Planning Commission, it will go to the County Commission and not City Council.

Ms. Engle discussed an email from the East Tennessee Development District Regional Planner stating that they would recommend against the rezoning because the area around this property is all zoned residentially, and they would consider this spot zoning. In keeping with their recommendation, staff would recommend against the request as well. Regardless of Planning Commission recommendation today, it will still appear on the County Commission agenda, so long as the applicant chooses.

Chairman Beelaert asked Ms. Engle if there was any commercial property across the intersection or around the four corners. She said there was not and discussed the extent of residential zone.

Chairman Beelaert asked for a motion regarding the rezoning request and recommendation to the County Commission.

Vice Chairman Kennerly made a motion to recommend approval of the rezoning request. Secretary Parella seconded.

Ms. Engle clarified the County Commission will vote regardless of the recommendation that the Planning Commission makes tonight. County Commission can receive the recommendation and do the opposite, because the ruling vote is the County Commission.

Mayor Chesney discussed spot zoning and how an area gradually changes from residential to commercial zoning. Ms. Engle explains that the county planner is most likely meaning, because the property does not have any adjacent commercial property, it appears to be a residential area at this time, and they do not foresee a change in that.

The Mayor then discussed the tax generation provided by commercial properties transitioned in an orderly manner from residential to commercial over time. The property is now a garage and it has been used, not to Ms. Engle's knowledge as an automobile sales lot, but as an auto mechanic shop. The property operated up until about 3 years ago. It lost its legal non-conforming status, which gives it 30 months of non-continuance of use during which time the non-conforming use can be revived. It has been vacant for 36 months.

Mr. Charles Mays, the applicant, is the other half of the party who is requesting the rezoning. Mr. Mays explained that Mr. Seal is the property owner. He has owned that property for 30 years or so. Mr. Mays explained that it is good for nothing other than some type of a small business. The property used to be an old gas station. He made it clear that the property was only going to be retail sales.

Chairman Beelaert restated the motion to approve and recommend to the County Commission approval of that rezoning request.

Voting results: Voting yes were: Chairman Beelaert, Commissioner Beier, Mayor Chesney, and Secretary Parella. Voting no were: Councilmember Garrett, Commissioner Thompson, Commissioner Neal, Vice Chairman Kennerly and Commissioner Hinsley.

Chairman Beelaert explains it carries as a no vote, 5 to 4. The recommendation will be made to the County Commission, but the fact that there was some disagreement may carry some weight with them as well.

C. MISD 1689-2016: Final Plat for Merchants Greene Lot 1

Ms. Logan Engle explained that the developers at Merchants Greene are requesting approval of the final plat of Lot 1 of The Plaza at Merchants Greene. At the last meeting on May 10th the MRPC approved the preliminary plat for this development. The overall development is intended to be built in three separate phases which includes The Shops at Merchants Greene, The Plaza at Merchants Greene, and The Crossing at Merchants Greene. Proposed Lot 1 is approximately 2 acres in size. The developer intends to provide a surety for the development of public infrastructure to include Evan Greene Plaza, as well as the temporary cul-de-sac at the end of Evan Greene Plaza. As a provision of the subdivision regulations, a temporary cul-de-sac is required.

Ms. Engle explained that in her memo, at the time of the mailing of the agenda packet, staff was awaiting some minor alterations in regard to the bond estimate from the developer and his engineer. Staff has worked that out. They resubmitted some items that were primarily in regard to alterations due to the temporary cul-de-sac. City engineering staff has reviewed the bond estimate and has approved the amount of approximately \$455,000.00, which is 150% of the cost of construction.

Ms. Engle stated that we are awaiting receipt of the bond. Ms. Engle spoke with the developer's engineer today. The construction company is working on providing that bond, but we do not have that bond as of today.

The options today include approving the final plat, and we would ask if you do, it would be subject to receiving that bond. Or you may deny the final plat approval and state the reason for doing so. Ms. Engle discussed a graphic of the development as a whole of which Lot 1 is a part. The engineer is present to answer any questions needed.

Chairman Beelaert asked how many total lots are there to which Ms. Engle replied that there are 13 total lots. Final plats for each of the 13 lots will come before the MRPC either singly or in groups. The developer wants to go ahead and develop the infrastructure of Evan Greene Plaza so that they will have it connect to Lot 2, which is to the north of Lot 1.

Chairman Beelaert asked if everyone was clear on the request for final plat approval of Lot 1. Commissioner Beier made the motion for approval, seconded by Commissioner Hinsley.

Commissioner Thompson asked if there was a reason why the bond was delayed. Ms. Engle explained that they are working with the bond company, and there may be some key players that are out of the office. It generally takes about 3 or 4 days. Staff reviewed their bond estimate last week and asked for some changes to be made and got that figure back to them late last week. All other requirements has been met. Owners cannot sell the lot until the final plat is recorded. Mayor Chesney asked if staff would prefer that the motion address the bond since it is not in hand. Ms. Engle stated that staff would prefer a condition of bond receipt on the motion and also suggested a time limit/term of the bond < 24 months.

Commissioner Beier then amended his motion to approval of final plat contingent upon receipt of the bond within 30 days. Amendment was seconded. There was some discussion on bond procedures.

Mr. Clint Harrison, civil engineer for the project, pointed out that the bond company has already posted the overall bond, so should have no difficulty in providing this requested bond. He also stated that their goal is to close this project by the end of the month so they can move on to submitting site plans. Ms. Engle quoted regulations regarding a set term for the bond.

Commissioner Beier amended his existing motion on the floor for final plat approval of Lot 1, The Plaza at Merchants Greene, subject to receipt of an infrastructure bond within 30 days to add the expiration date not to exceed 2 years from this date. Commissioner Hinsley seconded.

Voting results: 9 yes, 0 no. Motion carried.

D. SIGN 7664-2016: Approval of Vantage View Planned Residential Complex Sign

Ms. Engle reported the Department of Community Development and Planning has received a sign permit application from a property owner in Vantage View subdivision requesting approval of a permanent planned residential sign at the corner of Walters Drive and Vantage View Drive. The sign is to be constructed of wood and will be approximately 4 feet tall. The total sign face area will comprise ~18.5 square feet.

Ms. Engle referenced a portion of the Zoning Ordinance regulations regarding signs for permanent planned residential signs. The sign permit application that was submitted to the department indicates that the sign installation will meet the sign structure requirements and the regulations contained within the sign ordinance. Staff would recommend that the Planning Commission approve the sign for the subdivision so that a permit may be issued.

Chairman Beelaert asked for confirmation that the sign will be on private property. He also addressed the requirement for maintenance by an established HOA.

Ms. Engle indicated that representation in the audience can address any questions about maintenance. Mr. Tommy Pedigo spoke on behalf of Vantage View residents. Mr. Pedigo explained that there is going to be a meeting Thursday to reestablish the homeowners association. He indicated that there are 28 households within the Vantage View subdivision of which about 20 contributed to the cost of the sign and associated landscaping. It is a community project.

Mayor Chesney made a motion to approve the proposed subdivision sign for Vantage View, and Commissioner Beier seconded.

Voting results: 6 yes, 2 no, and 1 abstained. Voting yes were: Councilmember Garrett, Chairman Beelaert, Commissioner Neal, Commissioner Beier, Mayor Chesney, and Commissioner Hinsley. Voting no were: Commissioner Thompson and Secretary Parella. Vice-Chairman Kennerly abstained. Motion carried.

E. Release of Surety: Rutledge Place

Ms. Lori Matthews explained that Rutledge Place has been underway and making great strides since their bond was issued in June 2015. All improvements with regard to the streets and

sidewalks have been completed to the satisfaction of the City. The performance bond provided by Bacar Constructors, Inc. for these items was \$107,428.00, which expires on June 16, 2016.

Ms. Matthews reported that staff has yet to receive and approve their as-built record drawings. Staff thinks that any minor revisions to these may be held as part of their land disturbance permit bond, which is still in effect. Ms. Matthews would therefore ask if the Planning Commission will release their infrastructure bond, effective immediately.

Commissioner Thompson made a motion to approve the release of the infrastructure bond for Rutledge Place Apartments, and Commissioner Neal seconded.

Voting results: 9 yes, 0 no. Motion carries.

F. Release of Surety: Walmart Neighborhood Market at 1997 Buffalo Trail

Ms. Matthews explained this project joined 9 lots into 1 and was approved by this commission in April 2015. In conjunction with that subdivision approval a surety in the amount of \$532,602.00 for a period of 1 year was required. Subsequently, an extension was requested by the applicant, Pole Star Tennessee Morristown at Buffalo Trail, LLC. They were granted the extension in April of this year with only a few minor items needing to be addressed. Everything that the City required has been reviewed and approved. Therefore, the applicant had requested that the bond be released by the Planning Commission today.

Commissioner Thompson made a motion to approve the release of Surety, and Commissioner Beier seconded.

Voting results: 9 yes, 0 no. Motion carries.

Ms. Matthews described the minor subdivision that had been approved by staff and recorded since the last meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Rose Parella
Secretary

RP/eh/km

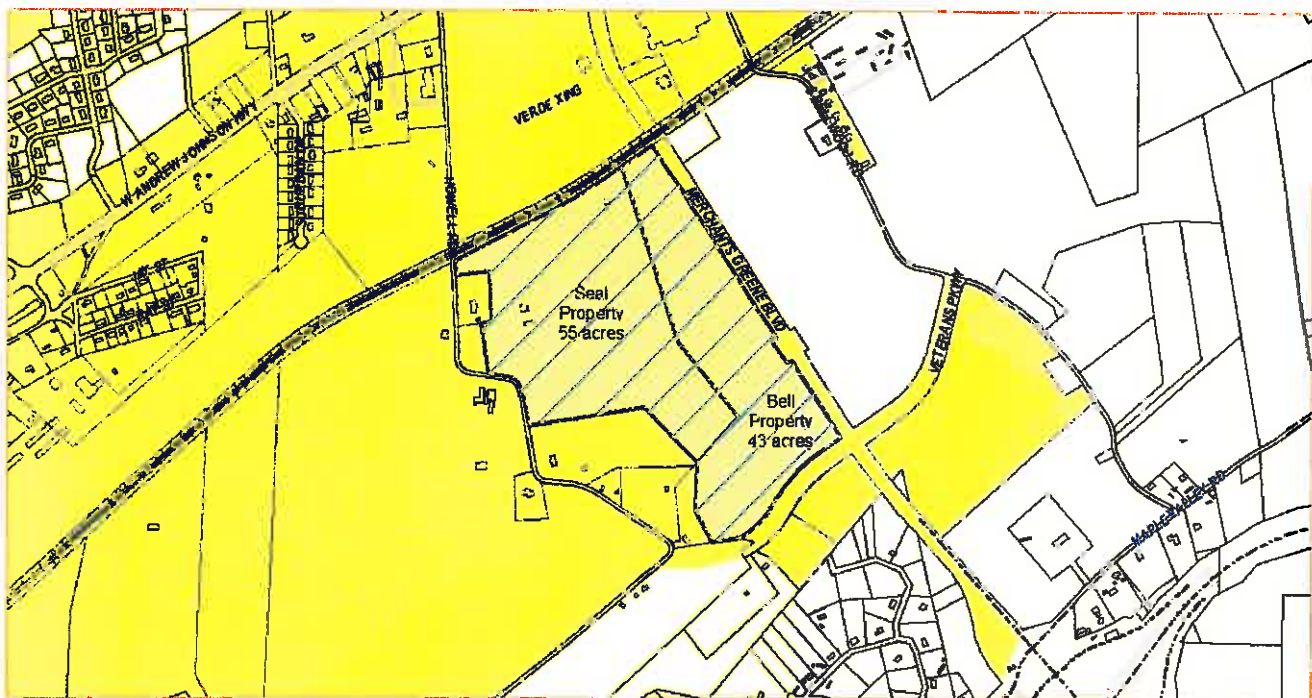


Department of Community Development
100 West 1st North Street
Morristown, TN 37814
(423)585-4620

TO: Morristown Regional Planning Commission
FROM: Lori Matthews, Senior Planner
DATE: June 12th, 2016
SUBJECT: Rezoning Request
619 Howell Road

REQUEST -

A rezoning request has been received by the Planning Department by landowners Kenneth and Wanda Seal for their property located at 619 Howell Road which adjoins the Norfolk-Southern Railway right of way between Merchants Greene Boulevard (State Highway 474) and Howell Road. Acting on behalf of the property owners will be Mr. Paul Lebel.



This tax parcel was originally assigned a 'holding designation' of A-1 (Agricultural) when it was annexed by the City of Morristown in 2007.

The Seal's property, approximately 55 acres in size, (Hamblen County Tax ID # 032 048 05800), contains one single family residence with barn, the majority of land being vegetated and unused.

Land uses and zoning which adjoin this request include the following:

North:	Norfolk-Southern Railway, Merchants Greene Phase II Zoned IB (Intermediate Business)
South:	vacant/vegetated lands Zoned A-1 (Agricultural)
East:	vacant/vegetated lands Zoned A-1 (Agricultural)
West:	vacant lands/sparse single family residences Zoned A-1 (Agricultural)

Letters from the landowners were received by Staff indicating their preference for IB (Intermediate Business) zoning to accommodate potential future commercial retail and immediate office type uses.

As a formal site plan has not yet been submitted, Staff would agree that the total acreage would be best suited at present for Intermediate Business zoning because of its distance from a working railway system and its proximity to major streets. (Veterans Parkway/Merchants Greene/I-81 connector to Exit 4 (under construction)).

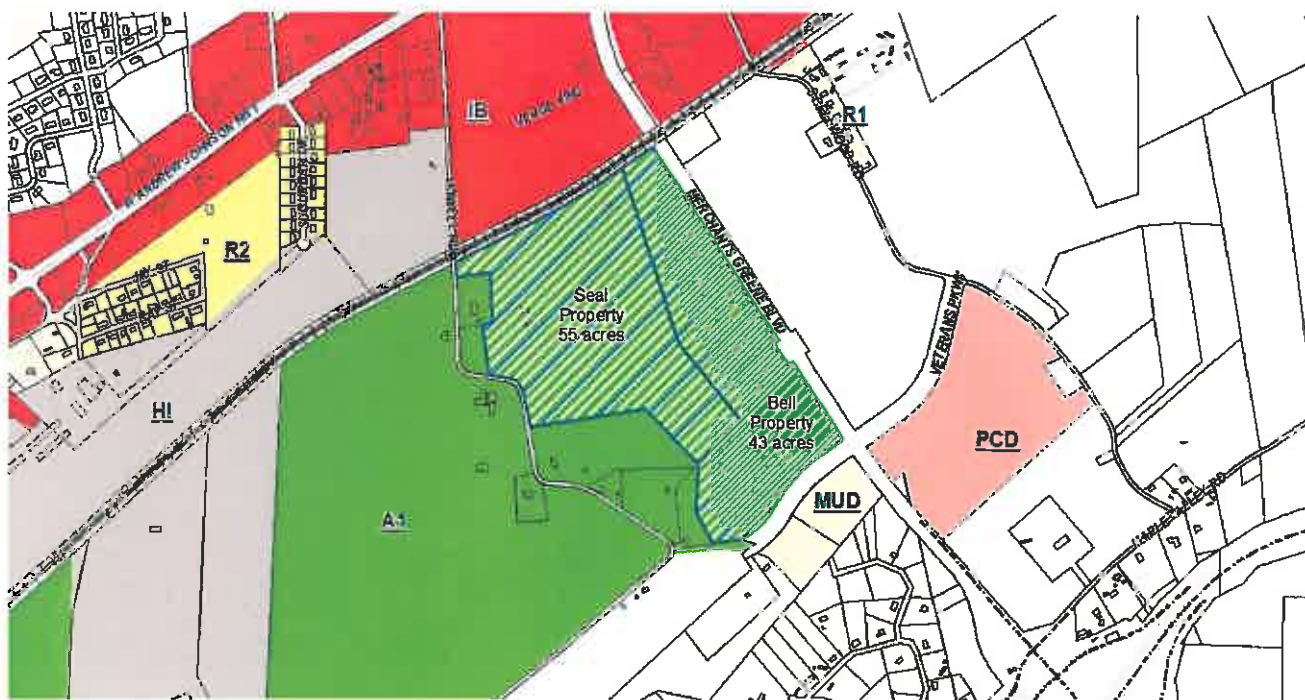
Under current regulations, PCD, or Planned Commercial Districts, require specific sizing of the development and are considerably more specific in terms of those land uses allowed by right. Also included within PCD requirements is that of parcels needing to provide ingress/egress from internal streets. These two regulations being the most significant differences between IB and PCD zones.

The allowance and continuation of Intermediate Business along the Merchants Greene corridor is an acceptable land use designation without a formal master plan. Our regulations stipulate that any major development along Merchants Greene (a State Route) will be required to have a traffic impact study conducted and any new streets within the development, be they public or private, are required to provide sidewalks.

Staff would recommend that the rezoning request be forwarded to City Council as submitted for approval.

PLANNING COMMISSION OPTIONS:

1. Forward rezoning request to City Council for approval;
2. Forward rezoning request to City Council for approval with stipulations;
3. Forward rezoning request to City Council for denial;
4. Table rezoning request.





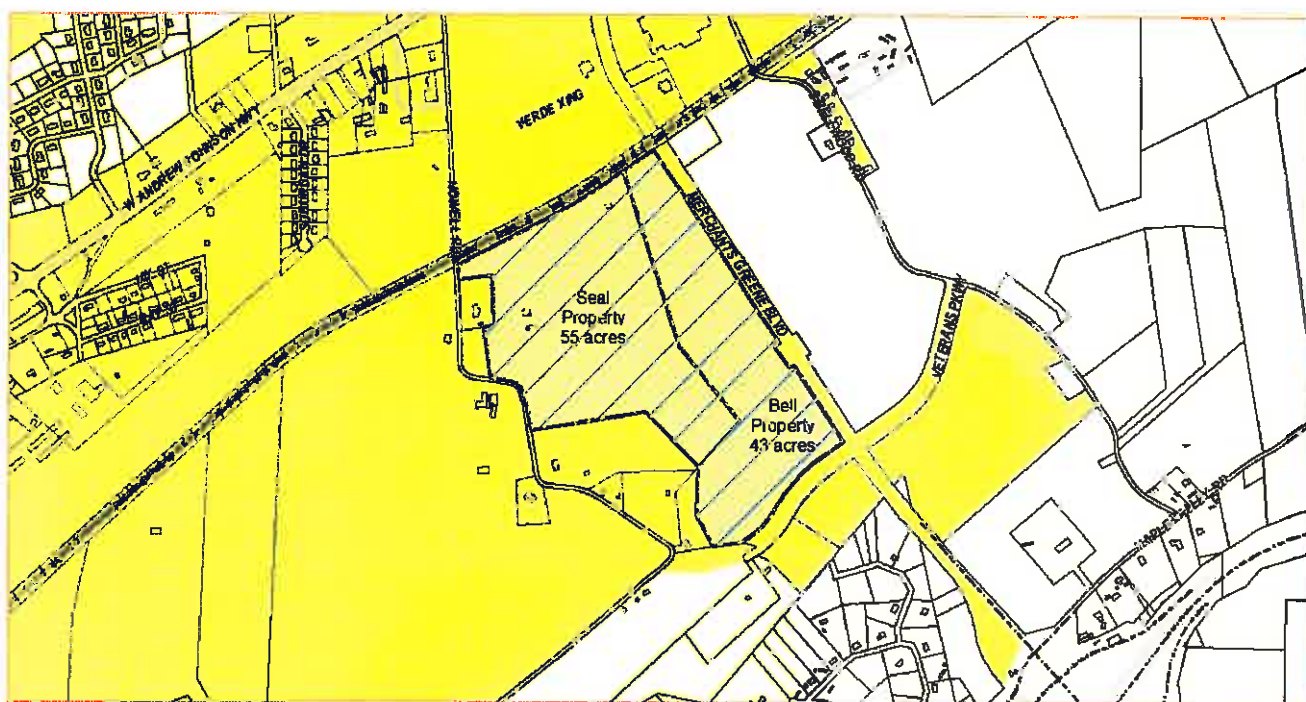


Department of Community Development
100 West 1st North Street
Morristown, TN 37814
(423)585-4620

TO: Morristown Regional Planning Commission
FROM: Lori Matthews, Senior Planner
DATE: June 12th, 2016
SUBJECT: Rezoning Request
Merchants Greene and Veterans Parkway

REQUEST -

A rezoning request has been received by the Planning Department by Mr. John Bell for his property adjacent to Merchants Greene Boulevard (State Highway 474) and Veterans Parkway just south of the Norfolk-Southern Railway. Acting on his behalf will be Mr. Paul Lebel.



This tax parcel was originally assigned a 'holding designation' of A-1 (Agricultural) when it was annexed by the City of Morristown in 2007.

The Bell property, approximately 43 acres in size (Hamblen County Tax ID # 032 048 05907), is partially vegetated and void of structures with street frontage along both Merchants Greene Boulevard and Veterans Parkway. It appears a drive has been cut onto the property from Veterans Parkway for loading and dumping of trucks but this is not an approved driveway cut.

Land uses and zoning which adjoin this request include the following:

- North: Norfolk-Southern Railway, Merchants Greene Phase II
Zoned IB (Intermediate Business)
- South: Veterans Parkway/forested lands
Zoned A-1 (Agricultural)/MUD
- East: Merchants Greene (State Highway 441)
Zoned A-1 (Agricultural)
- West: Howell Road, sparse single family residences
Zoned A-1 (Agricultural)

Mr. Bell has forwarded a letter to Staff stating his preference for IB (Intermediate Business) zoning to accommodate potential commercial retail in the future and immediate office type uses.

As a formal site plan has not yet been submitted, Staff would agree that the total acreage, which fronts both a major and minor arterial, is better suited for Intermediate Business zoning at this point.

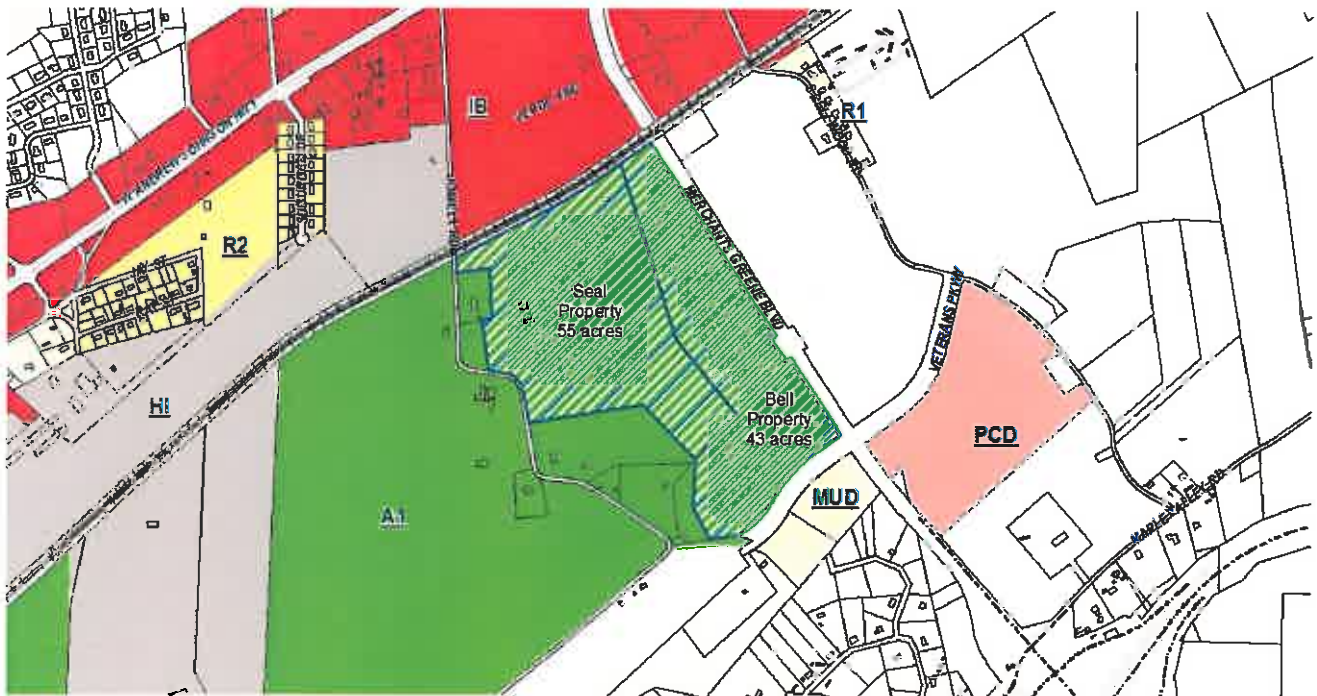
Under current regulations, PCD or Planned Commercial Districts require specific sizing of the development and are considerably more specific in terms of those land uses allowed by right. Also included within PCD requirements is that of parcels needing to provide ingress/egress from internal streets. These two regulations being the most significant differences between IB and PCD zones.

The allowance and continuation of Intermediate Business along Merchants Greene is an acceptable land use designation without a formal master plan as our regulations stipulate that any development along Merchants Greene will be required to have a traffic impact study conducted and any new streets within the development, be they public or private, will be required to have sidewalks.

Staff would recommend that the rezoning request be granted as submitted.

PLANNING COMMISSION OPTIONS:

1. Forward rezoning request to City Council for approval;
2. Forward rezoning request to City Council for approval with stipulations;
3. Forward rezoning request to City Council for denial;
4. Table rezoning request.







Department of Community Development
100 West 1st North Street
Morristown, TN 37814
(423)585-4620

TO: Morristown Regional Planning Commission
FROM: Lori Matthews, Senior Planner
DATE: June 14th, 2016
SUBJECT: Parking Surface Variance Request
4055 E. Morris Boulevard

REQUEST -

A variance request has been received by the Planning Department for property located at 4055 E. Morris Boulevard (Hamblen County Tax ID # 032 026 01603) by Mr. Michael Weber who is acting as agent for property owner Ralph Odum. The request is to vary from that section of the zoning ordinance which regulates off-street parking as follows:

14-216-1. PARKING (GENERAL PROVISIONS): All off-street parking areas shall consist of a hard, dustless surface, made of asphalt, concrete, or any other hard surface that may be approved by the Planning Commission, or any combination of materials that may be approved by the Planning Commission. A developer shall turn in a site plan that meets all land disturbance ordinance requirements. Information pertaining to the land disturbance activities can be obtained from the Engineering Department. Any development (existing or new) that is proposing to pave an existing parking lot, or create a new parking lot, the proposed parking area shall come into compliance with any provisions of the Zoning Ordinance that may be applicable.

The subject property is located on the northwest corner of E. Morris Boulevard and Jaybird Road, south of the railway track and has historically been used as an automobile sales lot. The lot, 1 acre in size, contains on building (1,350 sq. ft.) with a rear overhang facing the railway. Access to the site can be made from either Jaybird or E. Morris Boulevard. All properties which surround this site are zoned Heavy Industrial to include a landscaping and sporting goods retailer to the east, ladder manufacturer across the train tracks to the north, Morristown Towing to the west and the Co-op across E. Morris Boulevard.

A temporary use permit was obtained by Mr. Weber to utilize the site for 90 days for his mobile bar-b-q business in June of this year. Mr. Weber is seeking approval from the BZA to turn the existing building into an eatery, all seating to be provided outside. At present, the lot in its entirety is comprised of a gravel like mixture.

Parking regulations for this use require a minimum of 13 parking stalls, each measuring 9.5 x 18 feet and one space to be provided for handicap access only. ADA requirements dictate all handicapped parking be comprised of hard surface material.

Staff could not locate any other submittal or request which allowed this type of parking variance for an entire commercial business. In addition, Staff could not substantiate a hardship to recommend the granting of this variance per the State mandated criteria as listed below:

To hear and decide applications for variance from the terms of this ordinance but only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, which at the time of adoption of this ordinance, was a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation of a piece of property, the strict application of the provisions of this ordinance would result in practical difficulties to or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.



Staff would recommend the Planning Commission deny the variance as submitted based on lack of hardship shown and gravel parking providing unsafe pedestrian walkability across the site.

BOARD OF ZONING APPEALS OPTIONS -

1. Grant variance as requested;
2. Grant variance with conditions;
3. Deny variance;
4. Table request.



Department of Community Development
100 West 1st North Street
Morristown, TN 37814
(423)585-4620

TO: Morristown Regional Planning Commission
FROM: Lori Matthews, Senior Planner
DATE: June 12th, 2016
SUBJECT: Street Naming Request

REQUEST -

The Regional Planning Commission is asked to review and approve any new street names brought before our E911/GIS Department per Title 14 of City Code, the Uniform Street Naming and Addressing Ordinance.



The above shown private street was determined to be an unnamed private street by our Geographical Information Department at which point, letters were sent to all affected property owners for street naming input. "Penny Ln" was the naming convention selected.

Staff would recommend that the recommended name of "PENNY LANE" be approved.

PLANNING COMMISSION OPTIONS:

1. Approve new street name;
2. Approve new street name with changes;
3. Disapprove new street name.

**RECOMMENDED BY THE MHGIS ADDRESSING WORKING GROUP ON
JUNE 22, 2016 FOR CONSIDERATION BY THE
MORRISTOWN REGIONAL PLANNING COMMISSION FOR THE
JULY 12, 2016 AGENDA**

The working group, in accordance with the Hamblen County Uniform Street Naming and Addressing Resolution, makes the following recommendations for naming private drives:

STREET NAMING AND ADDRESSING POLICY-SECTION 4-STREET DESIGNATION

PRIVATE DRIVES

1. One (1) private drive located off of E 13th North St, with multiple property owners, to be considered for acceptance into the E-911 Computer Aided Dispatch (CAD) System.

RECOMMEND - PENNY LN

Certified and Recommended by the
Morristown Regional Planning Commission

Date

Jim Beelaert, Chairman

New Street Name Summarization

Names Submitted by property owners in naming of the Private Street located along W 13th North St, N Henry St & Cherokee Dr:

Proposed New Road Name	Currently Existing Road Names	Comments
N Clover Alley NW	Clover Ln Clover Dale Ln Clover Leaf Dr	
N Dandelion Ln NW	Dandelion Cir	
N Crest Alley NW	S Crest Ave Crest View Cir Crest Way Dr Crestwood Dr	
Penny Ln		Recommendation 1
C West Ln	West Park Ct West Pointe Dr WestOver Pl	
Pennington Ln		Recommendation 2

