

**BRISTOL TENNESSEE MUNICIPAL REGIONAL  
PLANNING COMMISSION  
MINUTES**

**May 16, 2016**

***Members Present:***

Kelly Graham, Chairman  
Mark Webb, Vice Chairman  
Alison Scanlan, Secretary  
Mark Byington, Vice-Secretary  
Joel Staton  
Kevin Buck  
Jack Young  
John Brothers

***Staff/Others Present:***

Brian K. Rose  
Blake Ailor  
Heather Moore  
Danielle Kiser  
Christy Justice

***Members Not Present***

Michelle Denise

Mr. Kelly Graham called the Bristol Tennessee Municipal Regional Planning Commission meeting to order at 6:00 p.m. on Monday, May 16, 2016. Ms. Alison Scanlan performed roll call and a quorum was declared present.

**APPROVAL OF MINUTES:**

Mr. Kevin Buck requested a revision to the April 18, 2016 minutes; Mr. Buck asked that the minutes reflect why he and Mr. Graham had recused themselves from voting on Item B under New Business, the Site Plan for Aubrey's.

**UNSCHEDULED COMMENTS FROM THE PUBLIC:**

None

**OLD BUSINESS:**

None

## **NEW BUSINESS:**

### **A. Rezoning – E. Mary Street**

Mr. Brian Rose presented information on the rezoning request. Mr. Kenneth Dunn had requested a portion of his property be rezoned from M-1 (Light Industrial/Business) to R-3 (Multi-family Residential). The subject property proposed for rezoning was approximately 1.45 acres. Water and sanitary sewer services were available to the property and provided by the City of Bristol, Tennessee. Mr. Dunn had stated that he planned to live on the subject property and therefore was requesting the rezoning of part of his M-1 zoned property to the R-3 residential zone to allow his residence on the property, near his business. Staff recommended that the Planning Commission send a favorable recommendation to the City Council to rezone Lot 2 of the rezoning plan from M-1 (Light Industrial/Business) to R-3 (Multi-family Residential).

Mr. Kelly Graham asked that Mr. Mark Webb explain the Planning Commission's role in the rezoning process. Mr. Webb stated that the Planning Commission does not zone property and he explained that the role of the Planning Commission was to send either a favorable or unfavorable recommendation to either the City Council or the County Commission (depending on where the property was located).

Mr. Jack Young asked what other dwellings would be allowed in the R-3 zone. Mr. Rose stated that the R-3 zone would allow for any type of dwelling on the property.

Mr. Graham asked if the property were to be zoned R-3, would apartments be allowed. Mr. Rose stated that if the property were to be zoned R-3 then apartments would be allowed. Mr. Graham asked if the property were to be used for the maximum number of apartments allowed in an R-3 zone, would it be out of character for the neighborhood. Mr. Rose stated that it could possibly be viewed as out of character for the neighborhood.

Mr. Webb questioned why the applicant requested his property be rezoned to R-3 when his intention was to just build a single family home, why was an R-1A zone not requested. Ms. Heather Moore stated that the applicant's original request was for an R-1 zone which she indicated was not a zone.

At this time, Mr. Graham opened the floor to the public for comments.

Mr. Larry Rogers, 115 Delaney Street, stated that his property was located one lot over from the subject property. Mr. Rogers praised the cleanup efforts that Mr. Dunn had put forth cleaning the subject property and he indicated that he was not opposed for the property being zoned for a single family home, but he felt that if a multi-family dwelling were to be placed on the property that it would add too much traffic to the already congested streets. Mr. Rogers suggested rezoning the property to R-1 or R-2.

Mr. Bill Vest, 901 Parker Street, agreed with Mr. Rogers' statement that Mr. Dunn had done an excellent job cleaning the subject property and indicated his concern was that if a business were to be put on the subject property then it would add too much traffic on the narrow roads in the area.

Ms. Sheila Flick, 829 E. Mary Street, adjacent property owner, stated that she was pleased at the clean-up efforts that Mr. Dunn had made on the subject property and indicated she did not have an issue with the owner of the subject property using it as a place to store his equipment or build a home.

Mr. Kenneth Dunn, no address given, identified that he was the owner of the subject property and indicated that there would not be public access to his business; it was his intention to have the business next to his home for added security.

Ms. Deborah Frazier, 821 E. Mary Street, agreed that the owner of the subject property had cleaned up the property and specified that she did not have an issue with a single family house on the property.

With no further comments, Mr. Graham closed the floor to public comment.

Mr. Young stated that he felt the public comments made a point that should light manufacturing be placed on the property it would be more detrimental to the neighborhood, but it was his preference to keep the zone consistent with the other properties in the area.

Mr. Buck made a statement that any of the properties in the area could have multi-family construction on them at any time due to their zoning being R-3, he also stated that he felt it would be inconsistent to zone the subject property a different zone than the surrounding properties.

Mr. Mark Byington expressed his concern that if the subject property were to be zoned other than R-3, then it could be considered spot zoning.

Ms. Danielle Kiser, Bristol Tennessee City Attorney, commented that it could be considered spot zoning, but that not all spot zonings are illegal. Ms. Kiser stated that zoning the property R-3 would not be considered spot zoning due to the surrounding properties being zoned R-3.

Mr. Webb made a motion to accept staff's recommendation and send a favorable recommendation to the City Council to rezone the property from M-1 to R-3; Mr. Mark Byington seconded the motion. The motion carried unanimously.

Mr. Graham suggested that further research be done on other zoning alternatives prior to the June City Council meeting to allow the City Council to discuss these options at the June City Council meeting.

## **B. Rezoning – Glen Street**

Mr. Brian Rose presented information on the rezoning request. Ms. Amy Bowie Williams DBA Bran Investments had requested to rezone ten lots in Glen Mountain Estates subdivision from R-M (Mountainous Residential) to R-2 (Single Family and Duplex). The specific lots proposed to be rezoned were lots 10, 11, 12, 13, 14, 15, 16, 17, 18, and 20. The subject properties proposed for rezoning were just over 5.68 acres. Water and sanitary sewer services were available to the

property and provided by the City of Bristol, Tennessee. Staff recommended that the Planning Commission send an unfavorable recommendation to the City Council to rezone the aforementioned lots in Glen Mountain Estates from R-M to R-2, based on the following:

1. A single non-adjacent lot is not included in the proposal.
2. The allowable R-2 density (at 9 dwelling units/acre) is much greater than the density of the surrounding low density residential subdivision and neighborhood, and does not agree with the Land Use Plan and Policy low density residential projection.

Mr. Webb questioned why one of the lots was not included. Mr. Rose indicated that this lot was a developed lot with a house.

Mr. Young questioned if staff had received any feedback from the adjacent property owners. Mr. Rose identified that some of the adjacent property owners had indicated that they were against the requested rezoning. Mr. Young asked if making the change in zoning could help the property overcome some of the challenges that are prohibiting the development. Mr. Rose stated that changing the zoning to R-2 would not change the setbacks or the size of the property to be developed and he conveyed that the drainage way was an issue in developing the lots.

At this time, Mr. Graham opened the floor to public comments.

Ms. Amy Williams, 110 Bird Road, stated that R-2 was not the zoning that she really wanted, that it was suggested to her to apply for an R-2 zone. Ms. Williams stated that if she understood the meaning of a mountainous lot that it was required of the mountainous lot to be one acre per house developed, which, she indicated was not going to work for her. Now that she understood the zones, she would rather ask for an R-1B. She felt this zone would best fit her needs for the use of the property. Ms. Williams also indicated that if the non-adjacent lot was an issue that she could take that out of the equation and worry with it later.

Mr. Tom Carter, 1720 Clifton Road, indicated that he felt the zoning was not so much an issue as the setbacks. Mr. Carter indicated that the restrictions on the property stated that the homes developed on the property were to be 1,200 square feet houses, which he felt would be hard to build given the setback requirements.

Mr. Kevin Buck stated he felt a lot could not be zoned out of constructability. Ms. Danielle Kiser stated that the lots were platted, so the one acre minimum would not apply. Mr. Rose commented that the Planning Commission would need to take into consideration that the lots were platted in 1965 and at that time the drainage way was most likely not considered.

Mr. Graham questioned if the property needed a variance due to the terrain and if the Board of Zoning Appeals would have an issue granting the variance. Mr. Rose stated that he was not able to answer for the Board of Zoning Appeals, but he felt there could be an issue getting a variance due to this being multiple lots instead of one lot. Mr. Rose indicated that the criteria for a variance state that there has to be a unique scenario. Ms. Kiser agreed with Mr. Rose's statement that there could be an issue with a variance being granted due to the fact that there was a group of lots instead of one lot.

Mr. Graham made a statement that he would like to see the City of Bristol work with applicants to help them achieve their goals.

Mr. William Wilson, 1108 Glen Street, indicated that he did not have an issue with the property being developed, but that he had spoken to Mr. Robbie Baker at the Environmental Protection Agency in Nashville and Ms. Tina Robinson at the branch office in Johnson City. Mr. Wilson stated that Ms. Robinson had planned to look at the property. Mr. Wilson stated that he had sent photographs to the Environmental Protection Agency in Nashville and that in looking at the photographs that the property was most likely a wet land, but in order to determine accurately if the property was a wetland, that the soil and foliage would have to be tested. Mr. Wilson suggested that this item be postponed until the results of the testing were complete. Mr. Wilson expressed concern that developing the subject properties with \$80,000 houses would decrease the value of his home. Mr. Wilson also commented that the drainage issue should be addressed before considering this rezoning.

Mr. Larry Rogers, 115 Delaney Street, owner of lot # 25, indicated that he purchased lot # 25 with the intention of building a house on the property. Mr. Rogers stated that his greatest concern was if the subject property were to be zoned to R-2 that duplexes could be developed and that is not something that he wanted in the area. Mr. Rogers expressed concern over parking in the area, he felt the lots were not large enough for parking and feared that parking would then be on the road. Mr. Rogers also expressed concern over the drainage issue and flooding in the streets after rain.

Ms. Alison Scanlan stated that she could foresee an issue with emergency vehicles getting in and out of the area.

Mr. Webb made a motion to table this item; Mr. Joel Staton seconded the motion.

At this time, Mr. Graham opened the floor for discussion among the Planning Commission members.

Mr. Brian Rose questioned the Planning Commission if they preferred this item to be tabled or if they would prefer to have the item continued. Mr. Buck explained that if the item were to be tabled that the Planning Commission would have to vote to bring the item back for discussion. After some discussion, the members decided that they would prefer to continue discussion on this item at a later date.

Mr. Mark Webb withdrew his motion to table this item; Mr. Joel Staton withdrew his second.

Mr. Mark Webb made a motion to continue this item at the June 20, 2016 meeting; Ms. Alison Scanlan seconded the motion. The motion approved unanimously.

### **C. Site Plan - Chipotle**

Mr. Kevin Buck recused himself from discussion on this item due to his business involvement at The Pinnacle. Mr. Kelly Graham recused himself from discussion on this item due to his business involvement with Mr. Steve Johnson. Mr. Mark Webb chaired this item. Mr. Brian

Rose presented information on the site plan request. Mr. Bill Prince of BurWil Construction Company, LLC, had requested a conceptual site plan to locate a 2,266 square foot Chipotle Restaurant at 275 Pinnacle Parkway within The Pinnacle Development. The Conceptual site plan was before the Planning Commission for consideration as it was situated in a development zoned Planned Business District (PBD). The goal of the PBD was to provide for developments in which buildings, land use, transportation facilities, utility systems, and open spaces were integrated through overall design. This district permits the placement of buildings on land without adherence to the conventional lot-by-lot approach common to traditional zoning based on an approved development plan. Staff recommended that the Planning Commission approve the conceptual site plan for Chipotle noting conformance to the intent of the Planned Business District provisions as well as The Pinnacle – Phase I Master Plan.

Mr. Mark Webb expressed concern that the development did not have adequate parking. Mr. Rose stated that the site plan indicated that there would be more parking than was required.

Mr. John Brothers made a motion to accept staff's recommendation; Mr. Mark Byington seconded the motion. The motion was approved with 6-0 vote with Mr. Buck and Mr. Graham abstaining.

**OTHER MATTERS:**

Mr. Graham asked about future discussion on the Subdivision Regulations. Mr. Rose proposed that this item be discussed later in the year, around August or September, to allow staff time for revisions.

**STAFF UPDATES:**

Mr. Rose informed the Planning Commission that Mr. Rex Montgomery, the City's MPO Planner, was scheduled to provide training on sidewalks and transportation issues prior to the June 20, 2016 meeting.

With no other business to discuss, the meeting was adjourned at 7:30 p.m.

  
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Chairman, Kelly Graham