

**BRISTOL TENNESSEE MUNICIPAL REGIONAL
PLANNING COMMISSION
MINUTES**

March 21, 2022

Members Present:

Mark Webb, Vice-Chairman
Kelly Graham, Chairman
Joel Staton, Secretary
Tekai Shu
Jason Booher
Kevin Buck
Mahlon Luttrell
Margaret Feierabend

Staff Present:

Cherith Young
Heather Moore
Ross Peters
Steve Blankenship
Danielle Smith, Attorney
Tim Beavers, Director of Development Services

Absent:

Andrew Snyder

Chairman Kelly Graham called the Bristol Tennessee Municipal Regional Planning Commission meeting to order at 6:02 p.m. on Monday, March 21, 2022. Joel Staton performed roll call, and a quorum was declared present.

APPROVAL OF MINUTES:

There being no changes to the February 21, 2022, Planning Commission meeting minutes, Joel Staton made a motion to approve the minutes as presented and Mark Webb seconded the motion. The motion passed 6-0. Mahlon Luttrell and Margaret Feierabend abstained from the vote to approve minutes due to their absence at the February 21, 2022 meeting.

UNSCHEDULED COMMENTS FROM THE PUBLIC:

None

NEW BUSINESS:

**A. RZZ 22-594 – Rezoning Request
2216 and 2222 Volunteer Parkway**

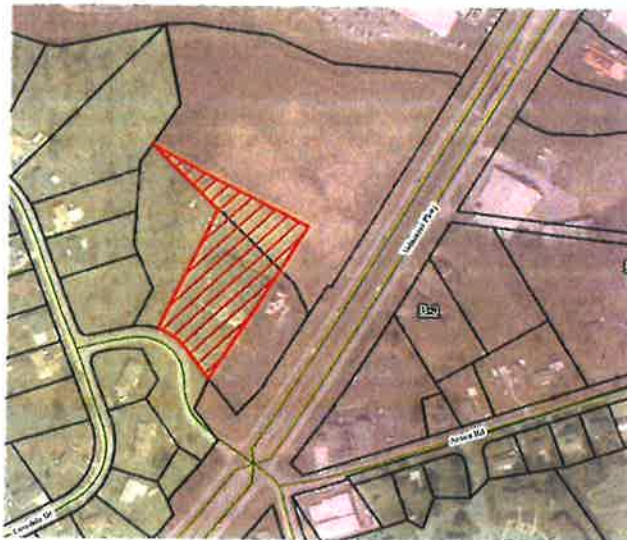
Cherith Young presented the rezoning request submitted by Jeffery R. Booher & Sacred Cross Assembly of God. The request was to rezone a portion of Tax Map 52L, Group B, Parcels 1 & 2 located on the North side of Richmond Heights Road from R-1A (Low-Density Single-Family Residential) to B-3 (General Business). Both properties are currently split zoned with R-1A and B-3 zones present on each parcel.

The Booher property is approximately 8.17 acres total with 720' of road frontage along Volunteer Parkway and 51' of road frontage along Richmond Heights Road. A portion of the property, along Beaver Creek, lies in the Special Flood Hazard Area classified as the "AE" Zone, which reduces the amount of developable are for the property. The southwestern part of the parcel that is requested for rezoning adjoins lots in the Tennessee Hills Subdivision and contains approximately 1.81 acres. The Sacred Cross Assembly of God property is approximately 2.26 acres total with 325' of road frontage along Volunteer Parkway and 302' of road frontage along Richmond Heights Road. The western portion of the parcel that is being requested for rezoning contains approximately 1.51 acres. Water and sanitary sewer are available on both properties from the City of Bristol, Tennessee.

Ms. Young provided information on the adjacent zoning and land uses. Given the subject property's location along a commercial corridor and adjacent business zone, staff feels that expanding the B-3 zone on the portion of the properties along Volunteer Parkway is suitable. The existing zoning (R-1A) provides a better buffer for the existing neighborhood. Maintaining a portion of the R-1A zone on Parcel 1 (the Booher property), adjacent to the residential properties along Richmond Height Road could provide a greater buffer area between a potential business use and the existing residential uses. Topographically the section of Parcel 1 that shares a property line with the residential uses along Richmond Heights Road is challenging and building a structure in this location is highly unlikely. The slope is approximately 2:1. Mr. Booher could see benefit though expanding the B-3 zone on the flat section of the property, adjacent to the church. Because it will allow for approximately 0.73 additional acres of developable commercial land on Parcel 1. Future development on either parcel will require site plan approval, following standards of the Zoning Ordinance along with all other applicable codes and regulations of the City.

Staff presented a modified proposal to the Planning Commission for consideration. The modified recommendation is to rezone the church property and most of the Booher property but maintain a portion of R-1A against the existing residential properties, also zoned R-1A. Staff recommended the Bristol Tennessee Municipal Regional Planning Commission send a favorable recommendation to City Council for rezoning the area indicated on attached map labeled Exhibit A.

Exhibit A



The Land Use Map indicates that the site will be developed according to a commercial land use classification. Land Use Policy 3 states that a property must sustain existing commercial areas while providing for adequate and compatible growth and expansion. This will encourage continued growth and redevelopment in strategic areas throughout Bristol's main corridors. Given the subject property's location along a commercial corridor and adjacent business zone, staff feels that expanding the B-3 zone on the portion of the properties along Volunteer Parkway is suitable.

Staff reported that a public notification sign was placed on the property to announce the request, the meeting date and location, and a contact telephone number. Adjacent property owners were notified of the request by letter. Staff received five telephone calls with questions about the rezoning. Two additional telephone calls were received expressing opposition to the rezoning.

Mr. Webb verified the B-3 zoning of the adjacent property. Mr. Mahlon verified that taxes are currently being paid on the Booher property and whether the church would see a change in taxes if rezoned.

Ms. Young provided that staff contacted the church to gauge interest in joining the rezoning request. Mr. Booher submitted the initial request but staff noted a change in the zoning for his parcel could create an oddity with the zoning map. The church was in agreement with joining the rezoning request and the zoning change would not impact their taxes. The church has not expressed using the property as anything other than a church use.

Mr. Booher stated the church has been at this location for a long time, likely before annexation, and he dislikes split zones on property. Ms. Young stated the best explanation for the split zone is that a strip of commercial zoning was applied along the Parkway when the annexation of this area occurred. The staff's intent for the recommendation was an attempt to alleviate neighborhood concern by not increasing the B-3 zone immediately adjacent to single family properties. The expanded B-3 allows Mr. Booher to utilize more of his property but provides comfort for the neighbors that R-1A will still exist adjacent to their property. Mr. Booher verified that there will be a required buffer against neighborhood no matter what develops commercially.

Ms. Feierabend inquired about access onto Richmond Heights Road. Staff provided that the zoning does not limit access onto Richmond Heights Road. Ms. Feierabend inquired about the flood zone and runoff impact to the creek. Tim Beavers explained how detention is handled when property is developed next to a creek.

Mr. Buck asked about the ramifications of a split zone parcel. Ms. Young explained the split zone can complicate development but in the modification scenario, no business use could be placed within the residential zone. Setbacks are still maintained from the property line and a buffer would be observed from the adjacent property line.

Discussion ensued over the previous Special Use Permit issued for a storage facility on the Booher property. Staff confirmed that the approved SUP could only be constructed as approved by the Planning Commission. They cannot alter or expand the storage facility without the approval of the Planning Commission.

Chairman Graham verified about the justification for rezoning. Staff confirmed that approaching the church about rezoning would clean up the zoning map. While the church was in agreement with participating, the church did not make the request. Mr. Graham and Ms. Feierabend spoke about concerns for business use at the church property.

Mr. Booher stated that he felt the Planning Commission should consider the original request from the property owner, not the modification as presented by staff.

Ray Sproles of 104 Timberlane Road stated his concern is the property along Richmond Heights Road and inquired if access to Richmond Heights would be built.

Jeffery Booher of 286 South Hampton Drive spoke on behalf of his original request to rezone the whole parcel as B-3. He stated that he does not want to leave any portion of his land zoned as residential as suggested by City Staff. Mr. Booher wishes for the property to have the same zoning. The single acre of residential on the property decreases the value of the property. Mr. Jason Booher inquired if the rezoning request was driven by the financing component rather than the desire to construct a business use on the R-1A portion. Mr. Jeffrey Booher replied this was correct.

Mr. Luttrell asked what other development experience Mr. Booher had. Mr. Booher replied he was involved with the development of Grand Harbor, a 210 acre development on Boone Lake. Mr. Luttrell asked if another access permit is possible from Volunteer Parkway. Tim Beavers replied that a TDOT permit would be required but is possible.

Mr. Graham asked if Mr. Booher shared an ingress/egress easement with the church and he replied no. Mr. Graham asked if Mr. Booher would object if the church property was pulled from the rezoning request. Mr. Booher did not object.

Mr. Jason Booher clarified for the record that he and Mr. Jeffrey Booher are cousins. He had not discussed the project prior to the meeting and didn't know that Jeffrey Booher was the owner until receiving his packet of information. He has no financial interest in the property. He would support the rezoning request as submitted by the owner of the property.

After further discussion ensued, Kevin Buck made a motion to approve Staff recommendation. Mark Webb seconded the motion. The motion was denied with a 2-6 vote.

Motion: Approve with staff recommendation			
	YES	NO	NOT PARTICIPATING
Kelly Graham		X	
Mahlon Luttrell		X	
Joel Staton		X	
Jason Booher		X	
Kevin Buck	X		
Andrew Snyder			Absent
Tekai Shu		X	
Mark Webb	X		
Margaret Feierabend		X	

Jason Booher made a motion to approve the original request to rezone the Booher property B-3 in its entirety and leave the Church property as is. Kevin Buck seconded the motion. The motion passed with a 6-2 vote.

Motion: Approve original submitted request- Booher property B-3			
	YES	NO	NOT PARTICIPATING
Kelly Graham	X		
Mahlon Luttrell		X	
Joel Staton	X		
Jason Booher	X		
Kevin Buck	X		
Andrew Snyder			Absent
Tekai Shu	X		
Mark Webb	X		
Margaret Feierabend		X	

B. SUB 22-02 – Preliminary and Final Plat Highway 421

Ms. Young presented the request for a preliminary and final plat approval for Replat of Lots 12R & 13R B. C. Gray Property; Replat of Lot 1, 2, & 4 Robert E. Osborne Property; Replat of Lot 3B Osborne Property. The plat is located in the Urban Growth Boundary and is required to be submitted to the Planning Commission for consideration as it consist of 3 or more parcels. The total acreage is approximately 16.93 acres and is located on Highway 421. The property is zoned PBD-3 (Planned Corridor Business District), A-1 (General Agricultural – Estate Residential District) & B-3 (General Business Services District).

The proposed reconfigure six (6) lot subdivision plat will be accessed via Highway 421. Water, and electricity are available to all lots within the proposed subdivision. All lots are served by private underground sewage system.

Ms. Young reported that all required components of the Subdivision Regulations were met with regards to the proposed subdivision plat. Staff recommended the Bristol Municipal Regional Planning Commission grant preliminary and final approval for Replat of Lots 12R & 13R B.C. Gray Property, Section 1; Replat of Lot 1, 2, & 4 Robert E Osborne Property; Replat of Lot 3B Osborne Property, noting conformance to the Bristol, Tennessee Subdivision Regulations, as well as the Sullivan County, Zoning Resolution.

Joel Staton made a motion to approve Staff recommendation to approve the preliminary and final plat of the discussed parcels of Highway 421 as proposed. Mark Webb seconded the motion. The motion passed with an 8-0 vote.

Motion: Approve with staff recommendation			
	YES	NO	NOT PARTICIPATING
Kelly Graham	X		
Mahlon Luttrell	X		
Joel Staton	X		
Jason Booher	X		
Kevin Buck	X		
Andrew Snyder			Absent
Tekai Shu	X		
Mark Webb	X		
Margaret Feierabend	X		

C. Text Amendment Recommendation - Adaptive Reuse Ordinance

Cherith Young summarized the Adaptive Reuse Ordinance proposal and reviewed the revisions presented in February. The adaptive reuse must be approved by the Planning Commission through the Special Use Permit process. Mrs. Young explained that section B. was added to address the definition of commercial building and what can be considered as a commercial building. Mrs. Young asked the Planning Commission if any additional changes were needed. As no additional changes were suggested, a vote was held to approve the text amendment recommendation on the Adaptive Reuse Ordinance. The amendment will be presented at the April 2022 City Council meeting and the first reading will be held at the May 2022 City Council meeting if they choose to move forward.

Kevin Buck made a motion to approve the text amendment recommendation as proposed. Margaret Feierabend seconded the motion. The motion passed with an 8-0 vote.

Motion: Approve Text Amendment Recommendation			
	YES	NO	NOT PARTICIPATING
Kelly Graham	X		
Mahlon Luttrell	X		
Joel Staton	X		
Jason Booher	X		
Kevin Buck	X		
Andrew Snyder			Absent
Tekai Shu	X		
Mark Webb	X		
Margaret Feierabend	X		

D. Text Amendment Recommendation - Sullivan County

Tim Beavers explained that the reason for the review of the Sullivan County text amendment recommendation is due to the effect on the regional urban growth boundary that extends into the County outside the corporate limits.

Cherith Young explained the County has been busy updating and revising their zoning ordinance and as it does effect the Urban Growth Boundary, they are asking for the Planning Commission’s recommendation on the following changes:

1. Remove duplicate language regarding the number of residential building allowed on a lot.

Article 3-102.9 is proposed for deletion, since it had been already replaced with another section, the existing 3-103.3 (5) regarding number of buildings per lot.

2. Replace the ADA Accessible Parking Requirements Chart.

Illustration 7-104.3 Design Details for Handicapped Parking Spaces is proposed for deletion. It will be the chart highlighted in yellow which matches the requirements included in the US Department of Justice Brief on ADA Compliance.

3. Amend the point of access minimum to match county policy on driveway connections.

The highlighted language for Article 7-106.3, updated the point of access for new driveway connections from an intersection to increase length to 35 feet. This amendment matched county policy on driveway connections.

4. Addition of language in Article XI (Nonconforming Uses and Noncomplying Buildings or Other Structures) to address the 3 year vesting period pursuant to TCA 13-3-413.

Article XI, Nonconforming Uses and Noncomplying Buildings or Other Structures, included several amendments. The revisions mainly worked to update the code as it pertains to TCA updates.

5. Update to the Site Plan Check List to include submission of digital files.

Section 12-102.3, The Following Information Shall Be Included in the Site Plan (Site Plan Checklist), was updated to include required submittal of digital plans as well as the option to also include paper plans.

6. Addition of language in Article XII (Administration and Enforcement) to address the 3 year vesting period pursuant to TCA 13-3-413.

Section 12-102.6, Construction Progress/Vesting Period for Approved Plans is updated to reference TCA in regards to the continuance of construction and the vesting rights for the approved plans.

Staff recommended that the Bristol Tennessee Municipal Regional Planning Commission forward a favorable recommendation to the Sullivan County Commission to approve the proposed minor text amendments to Sullivan County Resolution.

Jason Booher made the motion to forward a favorable recommendation to Sullivan County for this request. Margaret Feierabend seconded the motion. The motion passed with an 8-0 vote.

Motion: Approve with staff recommendation			
	YES	NO	NOT PARTICIPATING
Kelly Graham	X		
Mahlon Luttrell	X		
Joel Staton	X		
Jason Booher	X		
Kevin Buck	X		
Andrew Snyder			Absent
Tekai Shu	X		
Mark Webb	X		
Margaret Feierabend	X		

OLD BUSINESS:

None

OTHER MATTERS:

A. Planned Residential District Update

Cherith Young continued previous discussion regarding the Planned Residential District update and presented the Planning Commission with visuals as requested during last month's meeting.

Draft Changes for Discussion

1. Requiring a minimum of ten acres to rezone to PRD.
2. Eliminating the commercial component.
3. Residential uses may comprise a mix of residential types (single, two-family and multi-family) and configurations (detached, semi-detached, and attached).

4. Requirement that any driveway with access from a road or access way must extend 20' from the back of the curb or back of the sidewalk if there is a sidewalk present.
5. Open space requirement of 20% if multifamily component is included.
6. Considering setback or building placement requirements, such as –
 - Front yard setback when building on existing road – 35'
 - Rear yard setback required along the external PRD project boundary -
 - Single-family – 25 feet
 - Multifamily – 35 feet
 - If extending a road, the first structure must have the same setbacks as the adjacent zone
7. Multifamily Requirements
 - Multifamily units may comprise no more than a certain percentage of the dwelling units contained within the overall development.
 - The maximum width of any multifamily building adjacent to property located outside the PRD development is 80'. A multifamily building adjacent to the property located adjacent to the PRD development may contain no more than 4 (four) dwelling units.
 - A multifamily building located internal to the PRD development may contain no more than 6 (six) dwelling units within one building.

The discussion on resident safety, street parking and sidewalk requirements ensued. Tim Beavers stated that street parking is regulated by the City Manager and any time that there is a safety concern, the City Manager along with the Police and Traffic Engineer will look assess an issue, make a recommendation and determine if street parking should be removed and no parking signs installed.

Discussion continued regarding commercial component. Members of Planning Commission are interested in keeping a commercial component. Staff pledged to continue working on commercial requirements and to bring back the residential component of the ordinance the following month. No action was required at the March meeting but the proposed draft would be presented for a recommendation at the April 2022 meeting.

B. City Council Update

Cherith Young stated City Council held a public hearing and passed second reading of the rezoning on Steele Creek Road and 11W to R-3.

C. Training Update

Cherith Young reminded the Planning Commission members to pursue the training opportunities available to meet their training requirements. Please update staff on any new training hours gained.

D. Other Comments

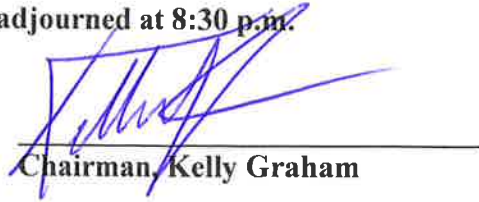
Mark Webb asked if the Planning Commission could be e-mailed regarding new construction within the City.

The Planning Commission asked that Staff look for comparison of the City of Bristol Tennessee Ordinances compared to other local cities Ordinances in our region concerning storage facilities.

Margaret Feierabend suggested the use of Board Docs instead of printed and delivered packets every month and discussed the benefits of time management and convenience.

The Planning Commission thanked Tim Beavers for his service and wished him well on his retirement.

With no other business to discuss, the meeting was adjourned at 8:30 p.m.



Chairman Kelly Graham