

**BRISTOL TENNESSEE MUNICIPAL REGIONAL  
PLANNING COMMISSION  
MINUTES  
January 13, 2019**

***Members Present:***

Kelly Graham, Chairman  
Mark Webb, Vice-Chairman  
Joel Staton, Secretary  
Scott Gaynor  
Mahlon Luttrell  
Tekai Shu  
Margaret Feierabend  
Mark Byington  
Kevin Buck

***Staff/Others Present:***

Tim Beavers  
Danielle Smith  
Cherith Young  
Ross Peters  
Heather Moore  
Steve Blankenship  
Steven Mott  
Brittany Fleenor

***Members Not Present***

Mr. Kelly Graham called the Bristol Tennessee Municipal Regional Planning Commission meeting to order at 6:00 p.m. on Monday, January 13, 2020. Mr. Joel Staton performed roll call and a quorum was declared present.

**APPROVAL OF MINUTES:**

There being no changes to the December 16, 2019 meeting minutes, Mrs. Margaret Feierabend made a motion to approve the minutes as presented. Mr. Mark Byington seconded the motion; the motion carried with an 8-0 vote with Mr. Mahlon Luttrell not being present at the time.

**UNSCHEDULED COMMENTS FROM THE PUBLIC:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**A. Concept Plan-Steven's Trail/Pinnacle**

Mr. Kelly Graham and Mr. Kevin Buck recused themselves from the discussion and vote on this item due to a conflict of interest. Mr. Ross Peters presented information on the concept plan. The Site Plan review is for a 6,000 square foot commercial building located at 212 – 218 Steven's Trail, situated in a Planned Business District Zone. Access is

proposed from Steven's Trail via an existing private drive between the proposed development and existing commercial buildings. The private drive has a cross access easement agreement. The Zoning Ordinance requires that a landscaping plan be submitted for any new development, and a site plan is required under Chapter 10 of the Zoning Ordinance. Landscaping will need to meet the minimum requirements as outlined in Chapter 11A of the Zoning Ordinance. Parking requirements for a restaurant use is 1 space per 100 square feet of gross floor area, and the parking requirement for retail use is 1 space per 333 square feet of gross floor area. The applicant has provided 60 total spaces with 3 of those being handicap accessible. The provided spaces meet or exceed the requirement for restaurant or retail use. A photometric plan has not been provided. The photometric plan will be required during the full site plan review, and staff will ensure that all applicable City Codes have been met. Signage must be submitted separately and is not approved as part of the site plan process. All signage must conform to the requirements of the Zoning Ordinance. A screened refuse collection area is shown on the conceptual site plan at the south-east corner of the parking lot. The screening detail will be reviewed during the full site plan review process by staff to ensure conformance to the Zoning Ordinance. Staff recommended that the Planning Commission approve the conceptual site plan for the one story commercial building noting conformance to the intent of the Planned Business District provisions as well as The Pinnacle – Phase 1 Master Plan.

Mrs. Margaret Feierabend stated that she wanted to be sure that there wouldn't be an additional cut on Hwy 126, just one off Steven's Trail, because she regrets voting for the cut for First Bank and Trust. After visiting the Pinnacle she believes this cut will pose some real problems. Mr. Ross Peters stated that the only access to this development will be off Steven's Trail and is already being utilized by Zaxbys and Steak & Shake. Mr. Mark Webb asked if this concept is two buildings. Mr. Peters responded that this is one building with two units. The use can be either restaurant or retail use, and there are enough parking spaces to meet the zoning requirements for both uses. Mr. Bill Prince of BurWil Construction, 113 Creek Side Court, stated that Buddy's BBQ has announced that they will occupy the larger unit, which has a drive through. The smaller unit, in which the occupant has not been announced, has a pick-up window.

Mrs. Margaret Feierabend made a motion to approve the concept plan. Mr. Scott Gaynor seconded the motion; the motion carried with a 7-0 vote.

**B. Annexation – 1003 Highway 126**

Mr. Tim Beavers presented information on the proposed annexation. The request for annexation comes from Mr. Tony Boyd for the property located at 1003 Highway 126. The property is 5.25 acres and is approximately 178 feet from the corporate limits. The state appraised value is \$122,400 with a city property tax of \$650.96. Currently, in the county, this property is zoned B-3, which is very similar to the City's B-3 zoning. As part of the plan of services, staff would recommend this property be zoned B-3. Mr. Boyd requested this annexation because he wants to take advantage of City services and is looking at the future development of this property. City sewer is available 300 feet away from the property. The property can be serviced with a small sewer extension. There is a swell on

the property, so the owner will have to install a grinder pump. The plan of services include police, fire, water (provided by Blountville Utility District), sanitary sewer, streets, electric, refuse collection, schools, recreation, and zoning. If the annexation is approved by City Council then the many items included in the plan of services will be effective immediately. Should the Planning Commission send a favorable recommendation, this item will be discussed at the next City Council work session. A resolution will be considered by City Council on February 4, 2020, which authorizes staff to move forward with the next steps of annexation. At the March 3 City Council meeting there will be 3 public hearings for the zoning plan of services, annexation, and zoning of the property to B-3. Council will then make a resolution authorizing the annexation, which would be effective immediately. Zoning would not be effective until March 20. Until March 20 the property would be zoned O-S. Staff recommended that the Planning Commission send a favorable recommendation to City Council for the plan of services on the annexation and the zoning component.

Discussion ensued on the process of annexation and city services for the property. Mrs. Margaret Feierabend asked if the 3 public hearings could be done at the same time. Mrs. Danielle Smith responded that they have to be separate public hearings. Mr. Kevin Buck made a motion to send a favorable recommendation to City Council as per staffs' recommendation. Mr. Mark Webb seconded the motion; the motion carried unanimously.

#### **C. Sullivan County Text Amendment Recommendation – A5 Zone and Accessory Structures**

Mrs. Cherith Young presented information on the Sullivan County text amendment recommendation. The proposed text amendment is for the Sullivan County Zoning Resolution to create a new A-5 (Large Tract Rural Residential and General Agricultural District) Zone, and to change the amount of allowable accessory structure size. As required by state law, the Bristol Municipal Regional Planning Commission is requested to review and forward a recommendation to the Sullivan County Commission in regards to the proposed changes.

The stated purpose of the A-5 zone is to “preserve small working farm tracts and low density residential so as to protect natural resources and conserve lands not suitable for high density development.” County staff explained that the zone is intended to better address the County’s need to combine large lots with both residential uses and agricultural uses together. The proposed A-5 zone has characteristics that are similar to Bristol’s O-S (Open Space and Reserved) District. The O-S district provides a larger minimum lot size than other Bristol residential zones, and it includes agricultural, forestry, fishing, and hunting on the list of permitted uses. The proposal also reduces residential accessory structure sizes, from the current County allowance of 2,000 sf. The 2,000 sf will be reduced to 1,000 sf in residential districts, and a range from 2,400-3,000 sf for residential uses in agricultural zones.

Bristol’s residential accessory structure standards do not provide a maximum size in terms of sf, but they must be subordinate in size and use to the primary residential structure. Size maximum is measured in percentage terms; the accessory structure may cover up to 25%

of the affected required side yard and rear yard area, provided that the district “maximum lot coverage” is not exceeded. Sullivan County does not have a maximum lot coverage requirement. The changes to maximum accessory structure size will more closely follow the accessory structure requirements of Bristol. The A-5 zones will provide for less density of development in properties that are developable, through a larger parcel size minimum requirement. These Zoning Resolution updates are seen by Bristol staff as beneficial. Staff recommended that the Planning Commission send a favorable recommendation to Sullivan County Commission to amend the Sullivan County Zoning Resolution.

Mr. Mark Webb stated that the County has discussed this topic at great length. This will regulate large accessory structures and prohibit people from turning accessory structures into dwelling units. He believes this is a step in the right direction. Mr. Scott Gaynor asked if there is a need for adding an addition 5 acres to the A-5 zone. Mrs. Cherith Young stated that there are more people wanting to do a small scale farm and need larger accessory structures for legitimate reasons, so the additional 5 acres creates a little bit more flexibility. This also allows staff to regulate the smaller lots from having large accessory structures.

Mr. Kevin Buck made a motion to approve the Sullivan County zoning change. Mr. Mark Byington seconded the motion; the motion carried unanimously.

#### **D. Billboards**

Mrs. Cherith Young presented information on billboards. The Planning Commission discussed the topic of revising billboard regulations during the October and December meetings. Discussion centered on the review of existing regulations and regulations in effect in surrounding localities. There was consensus for the following: removing the 2,000 foot separation between digital outdoor advertising signs for existing signs and prohibiting new billboards. Staff recommended that the Planning Commission send the following recommendations to the City Council to amend the Bristol Tennessee Zoning Ordinance: Chapter 2, Section 203 and 216: 1. Add the definition of Nit to Section 203 Definitions to Bristol Tennessee Zoning Ordinance. 2. Add the revised Section 216 Billboard and Sign Regulations, E. Outdoor Advertising Structures.

Mr. Mark Byington asked if there are federal guidelines for how bright a billboard can be during the daytime and nighttime. Mr. Tim Beavers stated that there are no such guidelines. Discussion continued about the technical term, “Nit.” Mr. Mark Webb asked if there have been any new requests for billboards recently. Mr. Steve Blankenship stated that there was an inquiry about two years ago, but nothing ever came of it.

Mrs. Margaret Feierabend made a motion to approve the billboard text amendment. Mr. Mark Webb seconded the motion; Mr. Kelly Graham stated that he wanted to make sure that the Planning Commission was okay with prohibiting billboards even though there was an inquiry. The Planning Commission were in agreement about prohibiting any new billboards. The motion carried unanimously.

## **OTHER MATTERS:**

### **A. City Council Update**

Mr. Beavers stated that there were no items from Planning Commission at the City Council meeting this time. City Council considered on 1<sup>st</sup> reading revising the Ordinance on site lighting so that common developments would not have to meet the lighting requirements for current regulations. The 2<sup>nd</sup> reading of this item does not require a public hearing.

Mrs. Margaret Feierabend suggested that the Planning Commission take a look at the Volunteer Parkway Development Strategy. She commended staff for their hard work and stated that the strategy was very well done. Mr. Tim Beavers stated that staff would send an electronic copy to the Planning Commission, and staff could present the information at a future meeting.

Mrs. Margaret Feierabend stated that another idea, if the cities could make it work over an adjustment time, would be to all three adopt the 2018 International Building Code so that developers would be working under the same code in the tri-cities. Mr. Tim Beavers stated that the state adopted the 2018 Building Code in the last 6 months. The City is currently using the 2012 version, and the biggest difference between the two is energy efficiency. The City's Codes Administrator is working on the timeline for when the City must adopt the 2018 codes, and he will be giving a presentation to City Council on this matter.

### **B. Discussion – Temporary Signs**

Mrs. Cherith Young presented information on temporary signs. Mrs. Young asked the Planning Commission if there is a size that should be regulated. The standard size is 18x24 inches. Mr. Scott Gaynor stated that he believes the Planning Commission already discussed this question and decided that anything smaller than the standard size would not be regulated. Mr. Kelly Graham asked if something has occurred to cause staff to want to revisit this topic. Mr. Tim Beavers stated that staff would like to get a definite answer from Planning Commission. The temporary signs are signs that are not currently regulated. Mrs. Danielle Smith stated that there are a couple different categories, and when you look at those sections of the Sign Code it is rife with content based description distinctions. This is not unusual because Kingsport, Bristol, VA and Johnson City have the same kind of regulation, but it is unconstitutional. This is why staff is looking at sign regulations. Discussion ensued, and the Planning Commission agreed that they do not want to regulate temporary signs below 3 square feet.

Mr. Tim Beavers asked the Planning Commission if they are okay with limiting the number of temporary signs on a residentially zoned property to 3 signs. Discussion continued, and the Planning Commission agreed that no more than 3 temporary signs should be allowed on a residentially zoned property. Mr. Beavers asked the Planning Commission if they are okay with the maximum size of 6 square feet for the temporary signs. The Planning Commission agreed. He then asked the Planning Commission if they see a need to regulate height of the temporary signs. The Planning Commission agreed not to regulate height in residentially zoned areas. Mr. Beavers stated that, currently, the setback for all signs is 5 feet, except on corner lots which is 10 feet. He asked the Planning Commission if they

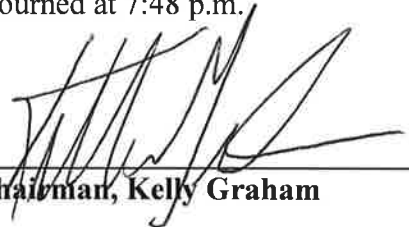
were still okay with the setback regulations. The Planning Commission agreed that they are comfortable with the current set back regulations. Mr. Beavers asked the Planning Commission if, in the Commercial/Industrial Zone, 1 sign per 100 linear feet of road frontage would be the regulation. The majority agreed that 1 sign per 100 feet was good, with the exception of Mrs. Feierabend, who requested 200 linear feet.

Mr. Beavers stated, to be consistent with what is currently in the sign regulations, temporary signs may not exceed 32 square feet for properties less than 5 acres, 48 square feet for property 5-10 acres, and 64 square feet for properties greater than 10 acres. The Planning Commission was in favor of the maximum sign area regulations. Mr. Beavers stated that a temporary sign must not exceed 6 square feet for properties less than 5 acres, 8 square feet for 5-10 acres, and 10 square feet for properties greater than 10 acres. The Planning Commission was in favor of this. Mr. Beavers asked the Planning Commission if they would like to place a time limit on temporary signs. Discussion ensued, and the Planning Commission agreed not to place a time limit on temporary signs as long as they are well maintained. Mr. Beavers asked if flag banners may be allowed as long as they meet the same requirements as temporary signs. Discussion ensued, and there was a bit of confusion on the different regulations that would have to be considered for these types of signs. Mr. Beavers stated that staff will look further into this matter and bring it back at a future meeting.

**STAFF UPDATES:**

None

With no other business to discuss, the meeting was adjourned at 7:48 p.m.



Chairman, Kelly Graham