

**BRISTOL TENNESSEE MUNICIPAL REGIONAL
PLANNING COMMISSION
MINUTES**

January 24, 2022

Members Present:

Mark Webb, Vice-Chairman
Kelly Graham, Chairman
Tekai Shu
Margaret Feierabend
Andrew Snyder
Kevin Buck
Mahlon Luttrell
Jason Booher

Staff Present:

Cherith Young
Heather Moore
Ross Peters
Steve Blankenship
Danielle Smith, Attorney

Absent:

Joel Staton, Secretary

Chairman Kelly Graham called the Bristol Tennessee Municipal Regional Planning Commission meeting to order at 6:01 p.m. on Monday, January 24, 2022. Mark Webb performed roll call, and a quorum was declared present.

A revised Agenda was presented to the Planning Commission and Mark Webb made a motion to approve the Agenda as presented and Kevin Buck seconded. The motion passed unanimously by roll call vote.

Kelly Graham noted that he will not participate in Items C. and D. under New Business.

APPROVAL OF MINUTES:

There being no changes to the December 20, 2021, Planning Commission meeting minutes, Mahlon Luttrell made a motion to approve the minutes as presented and Kevin Buck seconded. The motion passed unanimously by roll call vote.

UNSCHEDULED COMMENTS FROM THE PUBLIC:

None

NEW BUSINESS:

**A. Sullivan County Text Amendment Recommendation
Renewable Energy Supplemental Regulations**

Cherith Young introduced Amber Torbett, the Director of Planning and Community Development for Sullivan County, to present the request for a text amendment recommendation for Renewable Energy Supplemental Regulations. Ms. Torbett explained that the Bristol Municipal Regional Planning Commission, Sullivan County Planning Commission and Kingsport Regional Planning Commission are requested to submit their

recommendations for approval as the amendment can affect all three cities' Urban Growth Boundaries and land use.

Ms. Torbett began her presentation of the issue by explaining the different classifications of energy related facilities defined in the Sullivan County Zoning Resolution. Ms. Torbett stated her focus was on Extensive Impact Facilities. These facilities include treatment plants, electric generating facilities or anything of high extensive impact and explained they should not be permitted in an agricultural residential zone. Amber further explained there are none currently and the section should be deleted in the agricultural residential zone.

Ms. Torbett addressed Intermediate Impact Facilities such as electric and gas sub stations and how these were permitted but any further sub stations will require a site plan approval. She stated anything developed in a Planned District will automatically require Site Plan approval from the Planning Commission. She explained the intention of the amendment was to cross reference design guidelines as proposed and to make sure any Extensive Impact Facility is approved by the Planning Commission as it may impact residents in a neighborhood and should be approved at a Public Meeting. She presented a typo explaining Essential Public Transport Services had electric and gas distribution lines but it also had sub stations and sub stations are intermediate.

Amber Torbett explained that a category for Renewable Energy be added to the Extensive Impact Facility section. Commercial Solar Wind and Turbine Farms are not intermediate facilities but are classified as High Impact Facilities because they are types of power generating facilities. She explained the addition will be paragraph E. Basic Supplemental Guidelines for renewable energy sources such as Solar Farms and Wind Turbine Farms. She said there were no developments currently but wants to be proactive as neighboring communities have had such development. She asked the Planning Commission to consider the text amendment as presented and present a recommendation immediately so it could be scheduled to be heard at the February 17, 2022, County Commission and final Public Hearing for approval. Sullivan County Planning Commission and Kingsport Regional Planning Commission have already approved the text amendment.

Mark Webb stated that he wanted to be proactive not retroactive on the subject. A request was made for public comments and there were none. Mark Webb made a motion to send a favorable recommendation for the text amendment as presented. Kevin Buck seconded the motion. The motion passed unanimously.

**B. RZZ 22-593 - Rezoning Request
Steele Creek Road – Tax Map 19, Parcels 167 and 168**

Cherith Young presented the rezoning request for Parcels 167 and 168 located on the west side of Steele Creek Road of approximately 23.38 acres from R1-A to R-3 by Steele Creek 237 LLC. She explained after the Planning Commission reviewed the rezoning request and a recommendation had been made, the recommendation will go to City Council for first reading February 1, 2022. Pending approval of first reading the recommendation will go for a second reading and public hearing during the meeting in March.

Cherith Young stated the owner also owns a parcel adjacent to the requested property that has frontage on West State Street and is zoned B-3 as well as parcels across the state line in Virginia that are also in the process of rezoning. Ms. Young presented a rendering of the project but

explained it was not up for review but was presented to give an illustration of what the owner has planned to develop. Ms. Young provided a summary of the permitted uses in the R-1A and R-3 zones.

Ms. Young provided an overview of the Future Land Use Map and explained that given the subject property's location and adjacent business zone to the west, staff feels that the rezoning is suitable. The R-3 District is a transition zone from a low-density residential area to a commercially zoned area and the natural elements present on the site will provide some buffering for the residential area. The Policy's Land Use Categories guide that Medium Density Residential designation accommodates single-family, two-family, and lower density multi-family dwelling units at a maximum density of six (6) units per acre. The density of this guidance is below the R-3 density standard of thirteen (13) units per acre. Ms. Young suggested the rezoning could provide be supported by policy #2 which discusses the provision of a housing inventory diversified in dwelling unit type, size, and design that supports the local population, attracts new residents, and creates a high-quality residential environment.

Ms. Young reported that adjoining property owners were notified by letter and a public notice sign was placed on the property. One telephone call was received by staff with questions about the rezoning. One email was received, not in favor or opposition, but posing concerns about the impact of development along the adjoining property line. The email expressed the desire for a fence to be installed along the shared property line. Three comment forms were received, one in favor of the rezoning and two in opposition.

Mr. Greg Ellege of 413 Wakefield Ct. Kingsport, Tennessee spoke on behalf of the owner stating development was to start immediately pending approval of the rezoning request.

Ron Wyatt of 229 Steele Creek Road stated that he would like to see development in the area but not multi-family housing. He stated that there were already 2 large existing apartment complexes in the area. Mr. Wyatt stated the property is a haven for wildlife and expressed concern for the destruction of the environment. He also expressed concern of pollution into Steele Creek as it is also the Creek that goes to Steele Creek Park and a very important part of our community.

Bill Millard of 124 Shankle Mill Road stated that he owns land that joins the property in discussion and expressed concern of disturbance to his property and requested a fence to keep trash and residents of the development off of his property.

Staff recommended that the Bristol Municipal Regional Planning Commission send a favorable recommendation to City Council for this request due to natural elements providing some buffering for the R-1A zoned area, rezoning the subject site to R-3 will provide a transition from the higher intensity commercial zone to the lower intensity residential zone, and the rezoning request is in agreement with Land Use Policy 2.

After further discussion by the Planning Commission, Kevin Buck made a motion for a favorable recommendation for rezoning the property from R-1A to R-3. Margaret Feierabend seconded the motion. The motion passed with an 8-1 vote.

C. SUP 2022-01
1938 Highway 394

Kelly Graham recused himself from the discussion due to involvement in the project.

Cherith Young stated A Special Use Permit application for a self-storage has been submitted for the property at 1938 Highway 394. The property is zoned B-3 (General Business District). The property is currently vacant. A Special Use Permit is required for self-storage on property zoned B-3 (General Business District). The applicant, KBM Investments, LLC. intends to construct multiple self-storage buildings on the property. All structures within the proposed development meet the front, rear, and side yard setbacks.

Ms. Young summarized the specifics of Planning Commission criteria. The property has road frontage along Highway 394. The applicant has proposed one entrance from an access road off of Highway 394. Staff has discussed the traffic impacts of the proposed development and believe they will be minimal to the existing roadway system. Ingress and egress must be designed to meet City standards and will be reviewed during the site plan approval process. The total square footage of the proposed self-storage buildings is 72,716-square-foot. The parking requirement for self-storage is one space parking space per employee. No parking spaces have been shown on the site. The parking spaces will be reviewed during the full site plan review process by staff to ensure conformance to the parking section.

Ms. Young noted that a screened in refuse collection area is not shown on the conceptual site plan. The screening detail will be reviewed during the full site plan review process by staff to ensure conformance to the Zoning Ordinance. Sewer, water and electricity are available to the property. Ms. Young reported that a landscaping plan was not submitted for review but would be reviewed during the site plan application process along with an exterior lighting plan with photometric information, if lighting is proposed.

Staff recommended that the Planning Commission approve the special use permit for Self-storage use at 1938 Highway 394.

Mr. Jason Booher inquired about the NAICS Code for self-storage uses in the Zoning Ordinance. Ms. Young confirmed that the NAICS Code specifically listed in the Special Use Permit is for self-storage. Mr. Booher asked about other properties along Highway 394 and if they have received special use permit applications. Staff could only recall the parcel behind the eye clinic received a special use permit for multifamily.

Ms. Feierabend asked about highest and best use and when that plays into decision making in terms of uses occupying prime commercial land. Ms. Young responded that this is not part of the Special Use Permit criteria. Ms. Young responded if a use becomes problematic or a change is desired, amending the Zoning Ordinance is the avenue to make a change. Ms. Young stated that the criteria in the Zoning Ordinance is what staff uses to provide a recommendation.

Mr. Booher commented that he is concerned as this is an area serving as a gateway into the City and he is concerned about some of the uses in B-3. Ms. Feierabend agreed and storage units are not the right use along Highway 394. Mr. Webb restated that this is a B-3 zone and some discussion occurred over the type of uses allowed in the B-3 zone by special use

permit. Mr. Webb asked Ms. Young to list some of the businesses allowed in the B-3 zone without Planning Commission approval.

Ms. Young added that she would like to mention two things left out during the presentation. Staff received one opposition letter to the project and that this project must comply with the commercial design standards included in Chapter 4A.

Mr. Luttrell stated that there are several nice businesses developing in this area and he doesn't feel that this type of structure is good for the area.

Mr. Webb opened the floor for public comment. Alisa Quillen of 669 Big Hollow Road expressed opposition for the proposed development due to concern of lowered property value, aesthetics, environmental issues and vagrants.

Margaret Feierabend made a motion to deny the Special Use Permit for the proposed development. Mahlon Luttrell seconded the motion. The motion passed with a 6-2 vote.

**D. SP 2022-171 – Conceptual Site Plan
1938 Highway 394**

Mark Webb made motion to table the discussion. Andrew Snyder seconded the motion. The motion passed unanimously.

OLD BUSINESS:

None

OTHER MATTERS:

A. Adaptive Reuse Draft

Cherith Young presented the Planning Commission with the definition of Special Adaptive Reuse as a nonresidential use proposed for operation in an existing commercial building located in a residential zoning district. The adaptive reuse must be approved by the Planning Commission through the Special Use Permit process.

After brief discussion, Cherith asked the Planning Commission to consider further ideas and discussion as staff continues to update this section. Kevin Buck recommended the addition of a definition of 'commercial building'. Ms. Young stated staff will bring it back to the Planning Commission for further discussion and possibly a recommendation next month.

B. Planned Residential District Update

Cherith Young stated the current ordinance as written is not effective in encouraging flexibility to allow for unique housing developments. Ms. Young summarized some of the key points of the existing ordinance.

Cherith Young stated the goal for updating the current Ordinance is to protect adjacent residents established with buffering but allow maximum flexibility within the development. She stated the possibility of allowing a mix of different types of residential housing with smaller lot sizes and more of a flexibility on setbacks, overall less restrictions for the internal sections of the development. Neighboring cities have regulations on the books as well and staff would like to be proactive in addressing the possibilities.

Margaret Feierabend requested to have some more examples from neighboring cities presented so the Planning Commission can get a better idea of what that would look like and require.

Jason Booher suggested that it could add another tool for the possibilities of development ideas.

C. City Council Update

Cherith Young stated City Council passed second reading of the revised Landscape Regulations at the Public Hearing held at their January 11, 2022 meeting. The revised ordinance will come effective on January 28, 2022.

D. Training Update

Cherith Young presented the cumulative results of last year's training and 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.

Mark Webb requested more in person training opportunities.

With no other business to discuss, the meeting was adjourned at 8:11 p.m.



Chairman, Kelly Graham