

**BRISTOL TENNESSEE MUNICIPAL REGIONAL
PLANNING COMMISSION
MINUTES
March 15, 2021**

Members Present:

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

Staff Present:

Tim Beavers
Danielle Smith
Cherith Young

Public Members Present:

Mr. Andrew Still
Mr. and Mrs. Baggett
Ms. Linda Rhodes

This meeting was conducted electronically using Zoom.

Chairman Kelly Graham called the Bristol Tennessee Municipal Regional Planning Commission meeting to order at 6:02 p.m. on Monday, March 15, 2021. Mr. Joel Staton performed roll call, and a quorum was declared present.

DISCUSSION OF NECESSITY FOR CONDUCTING ELECTRONIC MEETING:

City Attorney, Danielle Smith stated that Governor Lee suspended the provisions to the Open Meetings Act to the extent necessary for conducting meetings electronically instead of physically in order to protect the health, safety and welfare of Tennesseans in light of the COVID-19 crisis. Danielle Smith stated that the Planning Commission must make a determination on whether or not meeting electronically is necessary rather than in person. Chairman Kelly Graham asked if there were any remaining questions or concerns. As there were no remaining questions or concerns, Mr. Graham asked for a motion. Mahlon Luttrell made a motion to hold the meeting electronically; Mark Webb seconded the motion, the motion passed unanimously by roll call vote.

APPROVAL OF MINUTES:

There being no changes to the February 15, 2021 Planning Commission meeting minutes, Margaret Feierabend 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

OLD BUSINESS:

None

NEW BUSINESS:

A. Rezoning Request – Weaver Pike/Portion of Tax map 54, Parcel 18.10

Tim Beavers introduced the subject of consideration as a rezoning request within the Urban Growth Boundary from R-1 (*Low Density/Single-Family Residential District*) to B-3 (*General Business Services District*).

Cherith Young addressed the Planning Commission regarding the rezoning request at the location of Weaver Pike and Cant Hook Hill Road. The applicant was Andrew J. & Delores Still; Mr. Still was present via teleconference.

Mrs. Young presented a brief overview of the process for rezoning a property in the Urban Growth Boundary. Due to this property being located within the Urban Growth Boundary, the Planning Commission makes recommendations to the Sullivan County Commission. Sullivan County is not bound by the recommendation and will vote to either approve or disapprove the rezoning.

Mrs. Young explained that the surrounding zoning and land use is Sullivan County, R-1(*Low Density/Single-Family Residential District*) to the north, south, and west. Located to the east is Sullivan County, R-1, A-1 (*General Agriculture/Estate Residential District*), and R-1A (City of Bristol, *Single-Family Residential*). A majority of the area is vacant/agricultural or developed single-family residential.

Some of the differences in the permitted uses between R-1 and B-3 in Sullivan County are B-3 allows for self-storage, retail, lodging, automotive sales, and restaurants. Many of the other uses in the B-3 zone are the same as the R-1 zone.

Mrs. Young displayed the Land Use Map and stated that staff analysis of the requested rezoning of the subject property to B-3 does not agree with the Future Land Use Plan and Policy.

Mrs. Young stated that one telephone call was received from a nearby property owner in opposition to the request.

Staff recommended the Bristol Tennessee Municipal Regional Planning Commission send an unfavorable recommendation to the Sullivan County Commission for this request for the following reasons:

- Rezoning the subject site to B-3 does not align with the zoning or use of surrounding properties.
- B-3 zoning disagrees with the City of Bristol Future Land Use Plan, which projects low density residential use for much of the area.
- Rezoning the property would be a spot zoning.

Chairman Kelly Graham asked if there were any questions for staff, and directed the public to call in with questions for staff.

Mahlon Luttrell asked if the direction of an unfavorable recommendation was consistent with former rezoning requests of this type. Mrs. Young stated that if the request does not align with

the Future Land Use Plan and there is no similar zoning in the surrounding location, staff would send an unfavorable recommendation.

Mr. Andrew Still, who resides at 559 Blanches View Drive, Bluff City was on the telephone line to address this request. He commented that a few years ago he spoke with Planning staff and recalled seeing a map that projected commercial use in the area. Mrs. Young stated that the Land Use Map has been updated since that time and there is some land designated as Neighborhood Commercial further south on Weaver Pike and there is an area at the intersection of Weaver Pike and Highway 394 designated as commercial. However, the current Land Use Map reflects residential in the surrounding areas of this rezoning request.

Mr. James Baggett, who resides at 4973 Weaver Pike, Bluff City was in attendance (via Zoom) to address this request. He is a prospective buyer of the subject property and stated that he wishes to store his forty foot motor home on the subject property, and feels there is a marketable interest for a storage business in this area.

As there were no remaining concerns or questions, Chairman Kelly Graham asked that a motion be made. Margaret Feierabend made motion to accept staff recommendation to send an unfavorable recommendation to Sullivan County Commission to rezone the subject property from R-1 to B-3. Joel Staton seconded the motion and the motion passed unanimously by roll call vote.

B. Concept Plan Review – Feathers Chapel Apartments (2279, 2283, 2295 Feathers Chapel)

Tim Beavers announced that up for consideration was a Conceptual Site Plan approval for Multifamily Residences. This property was previously before the Planning Commission for a Special Use Permit for a multifamily project.

Cherith Young presented the concept plan for the property located at 2279, 2283, and 2295 Feathers Chapel Road. The property owner is Mr. Garry Smith, and the Tax ID is Tax map 066, Parcel 92.10. The property is 5.25 acres and the zoning present is B-3 (*General Business*).

Mrs. Young stated that the subject property did receive approval of a Special Use Permit by the Planning Commission with one condition; the installation of a Type A landscape buffer was required. The project requires approval of a concept plan by the Planning Commission as it is located in the Highway 394 Planned Development Overlay. The applicant has submitted an application for full site plan review in accordance with Chapter 10 of the Zoning Ordinance *Site Plan and Erosion Control Requirements*.

Cherith Young presented the Special Use Permit Site Plan that was approved in September 2020. The subject property consists of thirty-two (32) residential units separated into four clusters containing eight units with a total square footage of 19,968. The submitted concept plan shows an additional building labeled “Future Building” which was not included on the Special Use Site Plan. This project will be required to comply with the Design Standards included in Chapter 4A.

Mrs. Young announced the criteria for discussion by the Planning Committee.

1. Ingress/Egress – Proposal of two access points

The proposed access points are on Feathers Chapel Road and therefore meet the Highway 394 overlay requirements.

2. Parking

The Zoning Ordinance requires a minimum of 1.5 spaces per unit, resulting in a total parking requirement of 15 spaces. The drawing shows a total of 92 parking spaces.

3. Refuse and Service Areas

For the western set of units, staff recommends the applicant reconsider a dumpster location that is out of the setback with greater buffering from the right-of-way.

4. Utilities

Water and sanitary sewer service will be provided by the City. Electricity is available by Bristol Tennessee Essential Services.

5. Screening/Buffering

The development would be required to install a Type A landscape buffer, as approved by the Special Use Permit. This buffer is not shown on the attached landscape plan but it has been noted that *the existing natural buffer is planned to be utilized for screening*. Additional information is needed to verify the existing buffer will satisfy the requirement.

6. Signage/Exterior lighting

Mrs. Young stated that the concept plan does not show signage or lighting but staff will work with the applicant to ensure compliance with City Code. The City's Lighting Ordinance limits a maximum of 0.5 foot candles along the east and west property lines and a maximum of 2.0 foot candles along the Highway 394 and Feathers Chapel Road right-of-way.

7. Setbacks, Lot Coverage, Density

Mrs. Young stated that the proposed structures meet setback requirements. However, the dumpster should be relocated from the setback area.

Staff recommended that the Planning Commission approve the Conceptual Plan with the following conditions:

- Type A landscape buffer (or equivalent natural buffer) is required along the entire length of the east and west property lines that are adjacent to the residential lots.
- The dumpster proposed along Feathers Chapel Road must be relocated.

Chairman Kelly Graham asked staff if Planning Commission approved the Conceptual Plan with the "Future Building" listed, would that bring the Special Use Permit into compliance since it was approved without the "Future Building" listed. City Attorney, Danielle Smith stated that if the intent of Planning Commission was to accept the Conceptual Plan with the "Future Building" listed and not require a new Special Use Permit that lists the "Future Building," then Planning Commission should make that clear in their motion.

Mahlon Luttrell asked if the applicant would be required to submit a new Conceptual Plan showing the landscape buffer and relocated dumpster. Mr. Beavers stated that if Planning Commission voted in favor of staff recommendations, then staff would ensure these conditions were met on the Site Plan, or Planning Commission could require the applicant to submit a new Conceptual Plan for review with these conditions listed.

Linda Rhodes, who resides at 312 Timberlane Road, Bristol, TN addressed the Planning Commission regarding the location of the dumpsters. Ms. Rhodes stated that the dumpsters will be moved to any location that the City finds suitable.

Mahlon Luttrell asked Ms. Rhodes about the design and intended use of the "Future Building." Ms. Rhodes commented that the intended use would be to store landscape equipment to be used at the property, and the design would match the proposed buildings. Mr. Beavers stated that the design of the "Future Building" would be required to meet the City of Bristol's Design Standards.

Jason Booher asked if there were residential dwellings on the right and left sides of the property. Mrs. Young confirmed that there are single-family dwellings located on each side of the proposed site. Mr. Booher suggested that the dumpster not be located on either side of the property.

As there were no remaining concerns or questions, Chairman Kelly Graham asked that a motion be made. Jason Booher made a motion to revisit the approval of this Conceptual Plan having the applicant show the Type A buffering, relocation of the dumpster, and the size of the "Future Building." Joel Staton seconded the motion. Kelly Graham asked if there were any questions regarding the motion. Margaret Feierabend stated that she prefers to have a motion that would not require this request to come back to Planning Commission. After discussion, Jason Booher stated that he would like to withdraw his former motion and amend his motion.

Kelly Graham inquired about the absence of lighting identified on the Site Plan. Mr. Beavers stated that there is no requirement in the Zoning Ordinance that lighting must be present. However, to comply with the City's Lighting Ordinance there is a maximum of 0.5 foot candles that can be placed along the east and west property lines and a maximum of 2.0 foot candles that can be placed along Highway 394 and Feathers Chapel Road right-of-way.

Chairman Kelly Graham asked in lieu of a roll call vote, are there any board members that reject Mr. Booher's request to withdraw his motion. Hearing no objection to the removal of the motion, the motion is removed.

Chairman Kelly Graham asked that a motion be made. Jason Booher made a motion to approve the Concept Plan with the following conditions:

- A Type A buffer must be installed along the east and west property lines.
- The "Future Building" as shown to scale on the plan is approved as part of the concept plan.
- The dumpster shown at the western entrance to the property must be relocated to the end of the driveway on the east side.
- Trucks shall not back into the public right-of-way when collecting trash and exiting the property.

Mahlon Luttrell seconded the motion and the motion passed unanimously by roll call vote.

C. Subdivision Plat – Replat of Lots 107,127, and 128 Phase 3 Fox Meadows Subdivision

Mr. Beavers stated that up for consideration is a Preliminary and Final Plat Approval/Re-subdivision of three lots located in the Fox Meadow subdivision on Thistle Drive.

Cherith Young discussed the preliminary and final plat request that involves the re-subdivision of three (3) lots: 225, 229, and 233 Thistle Drive. The property is zoned R-2, and is approximately 1.43 acres. Mrs. Young presented a plat that showed the revised plat with changes to the lot lines that will allow for flexibility of encroachments on the existing dwellings. All information required in the Bristol, Tennessee Subdivision Regulations, Section 301 Final Subdivision Plat, was included and adequate.

Staff recommended that the Bristol Municipal Regional Planning Commission grant preliminary and final approval of the Replat of Lots 107, 127, and 128 Phase 3, Fox Meadows Subdivision.

As there were no remaining concerns or questions, Chairman Kelly Graham asked that a motion be to approve the recommendation of preliminary and final approval of the plat as presented by staff. Margaret Feierabend made a motion to approve as presented; Mark Webb seconded the motion and the motion passed unanimously.

OTHER MATTERS:

A. City Council Update

Mr. Beavers announced that City Council approved on second reading, Ordinance 21-1 amending Section 405 (B-3 District) of the Zoning Ordinance. This will become effective March 19, 2021. City Council passed on first reading, Ordinance 21-3, Amending Section 217 (Special Use Permit) of the Zoning Ordinance, and Ordinance 21-4, amending the Zoning Map to B-3 for 121 Bluff City Highway. The public hearing and second reading will be at the April 6, 2021 meeting. City Council passed on first reading, Ordinance 21-5, abandoning a portion of Willow Street as Public-Right-of Way. The second reading will be on April 6, 2021; there is no public hearing required. City Council passed a Resolution 21-26 setting public hearing for the annexation of 2467 Weaver Pike; the public hearing for the annexation and plan of services will be at the April 6, 2021 meeting. Should the annexation be approved, the first reading of assigning zoning of R-1A to the property would be considered at the April 6, 2021 meeting.

B. Discussion – Adaptive Reuse of Commercial Buildings in Residential Zones

Cherith Young presented an overview of the adaptive reuse topic that was discussed during previous Planning Commission meetings. Mrs. Young commented that staff has performed field research on schools and churches as advised by Planning Commission in previous meetings.

Staff also researched neighboring cities such as Knoxville, TN and Johnson City, TN to provide information to Planning Commission on their adaptive reuse policies in comparison to similarly sized cities nationwide.

Staff is seeking direction from Planning Commission on their interest in adaptive reuse opportunities and which districts are appropriate for reuse. Once Planning Commission

recommends the types and intensity of uses, staff can begin to draft information on site limitations, parking, lighting, and restrictions. Mr. Beavers commented that staff would recommend any adaptive reuse be a Special Use Permit.

Tim Beavers presented a GIS map that identified churches and schools located in Bristol, Tennessee which may be candidates for adaptive reuse. Most of these buildings are located within residential zones, R-E and R-2 districts. Mr. Beavers inquired about what uses Planning Commission felt comfortable pursuing as reuse opportunities, and within which zones. Staff would like to know if there are any uses that are considered as unfavorable in the lower density zones that Planning Commission would like to discuss. Jason Booher suggested that a pre-defined list of acceptable use in each zone be drafted for discussion.

Mark Webb stated that he would like to hear public comments regarding any reuse applications. Mr. Beavers stated that there will be public notifications sent to surrounding properties for any Special Use Permit.

Tim Beavers stated the staff will begin to draft a regulation on this topic for further discussion and will schedule a guest speaker to join a future meeting to discuss Adaptive Reuse. Chairman Kelly Graham asked if there was any additional input that Planning Commission would like to provide to staff regarding a draft regulation, there was none.

C. Discussion – Signs

Cherith Young presented the topic of temporary signage regulations to continue the discussion of changes to temporary signage requirements contained within the Zoning Ordinance. Mrs. Young presented the list of general discussion items which included: maximum number of signs, sign area, height, setbacks, and spacing.

Staff would like Planning Commission to continue discussions on the maximum number of signs allowed and presented examples of multiple signs throughout different zoning districts located within the city. Scott Gaynor commented that he recalled that a maximum number of three (3) signs in a residential zone was agreed upon during the 2020 discussions.

Jason Booher asked if the limits on signs would include political signs. Tim Beavers commented that political signs were regulated by State law. City Attorney, Danielle Smith stated that the State regulates political signs in support of candidates and issues. Mrs. Smith recommends drafting regulations that include exceptions as defined by State law.

Margaret Feierabend inquired about the maintenance of signs. City Attorney, Danielle Smith suggests that the regulation includes maintenance of the signs.

Staff suggested that when considering a total number of signs, Planning Commission should remember at least one sign could be used for real estate sale or “for rent” advertisement. As currently written, the regulations for commercial uses do not allow for unpermitted temporary signs.

Following discussion, the majority of the Planning Commission agreed that each residential lot be allowed to have two temporary signs per lot unless it is a corner lot. Three signs may be allowed for corner lots. The Commission discussed the number of signs to be allowed for

commercial property but felt additional conversation was needed at the next meeting to come to a conclusion.


D. Training Update

Tim Beavers suggested that all members review the BZA training that was offered by Danielle Smith at the December 16, 2020 BZA Meeting. If viewed, any Planning Commission member would receive one hour credit toward the 2021 training requirements. One hour of training each year must be on property rights.

Tim Beavers commented that there are general links listed on the training matrix for additional training, please review those and consider those courses for credits.

Tim Beavers instructed the Planning Commission to send topics of interest to Cherith Young for in-house training opportunities. Margaret Feierabend suggested training on Adaptive Reuse; Cherith Young will send out some training opportunities on that subject.

With no other business to discuss, the meeting was adjourned at 9:00 p.m.



Chairman, Kelly Graham