

**BRISTOL TENNESSEE MUNICIPAL REGIONAL
PLANNING COMMISSION
MINUTES
April 16, 2018**

Members Present:

Kelly Graham, Chairman
Mark Webb, Vice Chairman
Alison Scanlan, Secretary
Michelle Reuning
Joel Staton
Kevin Buck
Margaret Feierabend

Staff/Others Present:

Brian K. Rose
Danielle Kiser
Cherith Marshall
Heather Moore
Steve Blankenship
Christy Justice

Members Not Present

Mark Byington, Vice-Secretary
John Brothers

Mr. Kelly Graham called the Bristol Tennessee Municipal Regional Planning Commission meeting to order at 6:00 p.m. on Monday, April 16, 2018. Ms. Alison Scanlan performed roll call and a quorum was declared present.

APPROVAL OF MINUTES:

There being no corrections to the March 19, 2018 Planning Commission meeting minutes, they were approved as presented.

UNSCHEDULED COMMENTS FROM THE PUBLIC:

None

OLD BUSINESS:

None

NEW BUSINESS:

A. Rezoning - Bristol Caverns Highway

Mr. Kevin Buck recused himself from this item due to his involvement in other projects with the property owner. Ms. Cherith Marshall presented information on the rezoning request. Ms. Marshall stated that WPC, LLC and Mr. Greg Little were requesting their property, located at 411 Bristol Caverns Highway in Sullivan County, Tennessee, be rezoned from A-1 (General Agricultural / Estate Residential District) & B-3 (General Business District) to R-3 (Manufactured Residential Dwelling Park District). Ms. Marshall indicated that the owner's application stated that their intended purpose of the rezoning was to "bring property up to current mobile home park zoning, so as to improve the mobile home park." Ms. Marshall indicated that

the property currently contained sixty-two (62) mobile homes and roughly eleven (11) empty mobile home pads. Ms. Marshall stated that the City of Bristol Future Land Use Map indicated the area would be developed as low density residential. Ms. Marshall concluded that due to the single family residential character of the surrounding properties, the City of Bristol Future Land Use Plan projecting low density residential, and in following Policy 2 of Bristol's Future Land Use Plan to protect the character of residential neighborhoods, staff recommended the Bristol Tennessee Municipal Regional Planning Commission send an unfavorable recommendation to the Sullivan County Commission for this request.

Mr. Mark Webb acknowledged the rezoning request for properties located in Sullivan County, at which he stated that the Planning Commission was charged with reviewing the rezoning request and sending a favorable or unfavorable recommendation to the Sullivan County Commission since this property was located in Sullivan County, but was within the City's Urban Growth Boundary.

Discussion ensued about the City's conforming policy concerning mobile home parks and it was discussed that the City's policy differed from the policy adhered by Sullivan County.

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

Mr. Frank Slaughter, Jr., no address given, stated he was present on behalf of White Pine, LLC. Mr. Slaughter indicated that the property was purchased in 2008 and partnered with Mr. Steve Johnson in 2016. Mr. Slaughter identified that this park had a history of becoming blighted and dilapidated. Mr. Slaughter gave the Planning Commission members a handout indicating that the property was fifteen (15) acres, instead of the fourteen (14) acres mentioned by staff, which allowed the property to fall within the constraints of five (5) mobile home units per acre.

Mr. Slaughter introduced Mr. Greg Little, Managing member of White Pine, LLC and asked that Mr. Little address the Planning Commission members with further information on the project.

Mr. Greg Little, no address given, stated that he was managing partner of Affordable Housing, formed in 2016. Mr. Little stated that he had partnered with Mr. Steve Johnson to create a new community located in Newport, Tennessee. Mr. Little indicated that it was his intention to replace the empty fourteen (14) pads with new mobile homes but, he was informed by the County that if a pad were empty for more than thirty (30) months, then he would not be able to put a new home back on that site unless he had the entire property rezoned. At this time, Mr. Little presented a video of the property showing the pads. Mr. Little also presented a video of the park located in Newport, Tennessee as a model for the White Pine Community.

Ms. Margaret Feierabend questioned how rezoning the property would affect the fourteen (14) empty pads. Mr. Little explained that rezoning the property would allow him to put mobile homes in the fourteen (14) empty pads, and if the property remained A-1, then Sullivan County would not allow him to put mobile homes back in the fourteen (14) empty pads.

Mr. Joel Staton made a motion to send a favorable recommendation to the Sullivan County Commission to rezone the property as the owner requested; Mr. Mark Webb seconded the motion.

Ms. Feierabend suggested that the Planning Commission visit mobile home regulations sometime in the future to discuss Sullivan County's policy as well as the City of Bristol Tennessee's policy.

The motion carried with a 6-0 vote with Mr. Kevin Buck abstaining.

OTHER MATTERS:

A. NAICS Codes Discussion

Mr. Brian Rose presented information on the NAICS code discussion. Mr. Rose indicated that this item was brought before the Planning Commission for informational purposes to help the members understand the struggles that staff encounters when amending the Zoning Ordinance. Mr. Rose indicated that the NAICS codes were first adopted in the City's Zoning Ordinance in 2007 for the B-1B and B-1A districts, the NAICS codes were then adopted in 2011 for the remainder of the non-residential districts, and the NAICS codes were adopted again in 2018 for the B-2E district. Mr. Rose then gave examples of items listed in the Zoning Ordinance where the NAICS code(s) were referenced incorrectly. Staff recommended that the Planning Commission do an extensive review of the land use categories and the NAICS codes in the Zoning Ordinance to consider making changes or updates.

Discussion ensued on the benefits and the disadvantages of using the NAICS codes inside the Zoning Ordinance. Mr. Kelly Graham questioned the use of the NAICS codes and the appeals process for persons disputing the decision of the Zoning Administrator. Mr. Rose indicated that he understood that, if someone decided to appeal the Zoning Administrator's decision, then the applicant would have the option to go before the Board of Zoning Appeals to argue the decision.

Ms. Lea Powers, 58 Three Oaks Drive, questioned the recommendation to adopt the NAICS code. Mr. Rose indicated that the NAICS codes were adopted because staff had been confronted continually with denying reasonable business uses that appeared to meet the intent of the neighborhood or limited commercial district regulations. Mr. Rose indicated that he felt the intent was to decrease staff interpretation of what was an allowed use in a district. Ms. Powers noted that she felt the way the B-2E district was brought to the City Council was incredibly disjointed and, she concluded, that she felt that the City Council had not been vetted on the B-2E discussion and that she had been approached by members of the Planning Commission with concerns that requested information had not been received. Ms. Powers requested more methodical sharing of information on the map of the proposed area to be rezoned in the B-2E district, the allowed uses in both the B-2E and the B-3 Districts, design standards in the B-2E district and the signage in the B-2E District. Ms. Powers questioned that if the NAICS codes were entered wrong in the Zoning Ordinance, then would the City be bound by the incorrect code. Ms. Danielle Kiser, City Attorney, stated that the City is legally bound by the code until

corrections are made within the Zoning Ordinance. Ms. Powers expressed concern that if these corrections were not made, then it could put the community in a jeopardous position.

Mr. Kelly Graham stated that the Planning Commission sent a favorable recommendation to the City Council to rezone the property in the proposed B-2E district with the stipulation that the Council receive information with the recommendation as part of their discussion which, he indicated, did not happen. Mr. Graham suggested that, in the future, all rezoning requests contain information of all the allowed uses in both the requested zone as well as the zone that the property was zoned at the time of the request.

Ms. Powers expressed concern that she felt that there was confusion at the last few City Council meetings on what was being brought before them. Ms. Powers stated that she felt that there was not a clear understanding of the items brought before the City Council concerning the creation of the B-2E zone and the proposed rezoning recommendation for the B-2E area.

Ms. Margaret Feierabend identified that the City Council had received a lot of information about the uses in the B-2E zone. Ms. Powers stated that she felt the comparative list between the B-3 district and the B-2E district was an important piece of information to view, as well as the design standards for the area. Ms. Feierabend stated changing the design standards and the signage would take months to review and approve. Ms. Powers stated that she disagreed, because the B-2E was a new zone that was being created and she felt that it was not inappropriate to ask for more in depth information before making any final decisions.

Mr. Joel Staton suggested that the City Council postpone voting on the B-2E rezoning at the next council meeting until all the requested information was received.

Mr. Rose indicated that the comparative list of the B-2E and the B-3 zones was presented to the City Council at their work session. Ms. Powers expressed concern that the information received was not as in depth as needed.

Ms. Alison Scanlan suggested that in the future the Planning Commission set a time line when taking on such a large task like the B-2E zone creation and rezoning. Mr. Powers suggested that, in the future, the Planning Commission and the City Council meet jointly for discussions on items of this degree.

B. Zoning Ordinance Text Discussion and Presentation - B-2E District

Ms. Cherith Marshall presented information on the history of the B-2E District and the process of how the district was created. Ms. Marshall indicated that this item was a Community Development Goal of 2017 and was first presented to the Planning Commission in May of 2017. Ms. Marshall stated that the goal was to create a new B-2E District called the Central Business Expansion District that would encourage development that was compatible with existing development patterns of the area. Ms. Marshall stated that the first step in the process was to create the district and then the second step was to rezone the proposed area. Ms. Marshall stated

that the text amendment to create the B-2E zone was favorably recommended by Planning Commission and approved by the City Council. The rezoning of the proposed area was recommended by the Planning Commission and was heard on first reading by the City Council on April 3, 2018 and it was scheduled to be heard on second reading on May 8, 2018. Ms. Marshall recited the history of the process of creating the B-2E zone.

Mr. Kelly Graham questioned why Day Care Centers were not an included use in the new B-2E zone. Ms. Marshall stated that upon creation of the B-2E zone, the code to have Day Care Centers as a use in the zone was inadvertently excluded. Ms. Marshall stated she felt as though Day Care Centers should be allowed in the B-2E but that it was something that could be added in a tweaked version of the district.

Discussion ensued concerning the permitted uses in the B-2E. The Planning Commission discussed the process to amend the ordinance and it was determined that staff should bring back any changes directed by the City Council concluding the May 8, 2018 City Council meeting. The Planning Commission discussed bringing the ordinance back for discussion as an agenda item at the appropriate time, possibly in July or August. The Commissioners directed staff to examine the code and see if there were any additional items to change or add and bring back to them for discussion and review. Ms. Lea Powers gave her appreciation for all that the Planning Commission does for the City.

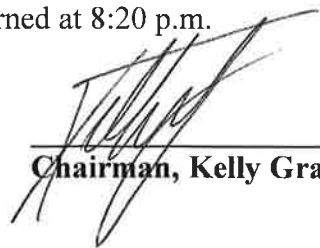
C. Zoning Ordinance Text Amendments - Surface & Parking Requirements

Mr. Brian Rose indicated that this item had passed through the Planning Commission and went before the City Council where it was requested that the item be brought back before the Planning Commission for further review. Mr. Rose indicated that staff would conduct further research and bring the item back for review at a later date.

STAFF UPDATES:

Mr. Kelly Graham thanked Mr. Brian Rose for his time as Director of the Community Development Department.

With no other business to discuss, the meeting was adjourned at 8:20 p.m.



Chairman, Kelly Graham