

**BRISTOL TENNESSEE MUNICIPAL REGIONAL
PLANNING COMMISSION
MINUTES**

April 18, 2022

Members Present:

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

Staff Present:

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

Absent:

Margaret Feierabend

Chairman Kelly Graham called the Bristol Tennessee Municipal Regional Planning Commission meeting to order at 6:00 p.m. on Monday, April 18, 2022. Joel Staton performed roll call, and a quorum was declared present.

APPROVAL OF MINUTES:

There being no changes to the March 21, 2022, Planning Commission meeting minutes, Jason Booher made a motion to approve the minutes as presented and Kevin Buck seconded the motion. The motion passed 7-0. Andrew Snyder abstained from the vote to approve minutes due to his absence at March 21, 2022 meeting.

UNSCHEDULED COMMENTS FROM THE PUBLIC:

None

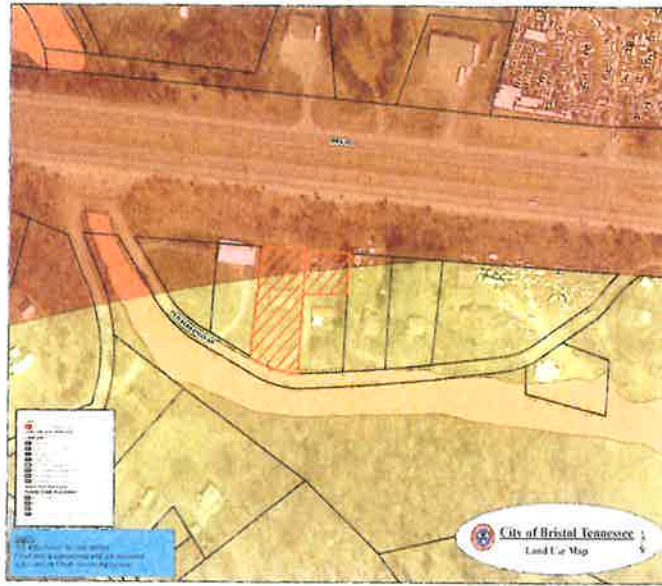
NEW BUSINESS:

**A. RZZ 22-595 – Rezoning Request
Old Beidleman Road**

Cherith Young presented the rezoning request submitted by Dennis and Bessie McCracken and Ricky and Sherry Fleenor. The request was to rezone a portion of Tax Map 55, Parcels 39.55 & 39.50 located at 375 & 383 Old Beidleman Road (Urban Growth Boundary) from B-3 (General Business Services) to R-1 (Low Density/Single Family Residential). Approximately 0.61 and 0.24 acres individually; 0.85 acres total.

Beidleman Creek, a blue line stream per Tennessee Department of Environment and Conservation (TDEC), flows along the southern side of Old Beidleman Road. There is a significant drop in topography not allowing access from Highway 421.

Exhibit A



Ms. Young explained the future land use map. In areas of transition (areas where land use categories meet), all of the converging land uses should be given due consideration in context with the plan. It is not intended to be a parcel-by-parcel directive for the specific use of each property in the City and its surrounding grown area, but to serve as a general policy guide for the future development of that area. While the Sullivan County R-1 district is not adjacent to the subject, the property after rezoned is designed to preserve its low density single-family residential nature, to contribute to quality of life. The Land Use Map indicates commercial and for low density residential. The R-1 use classification is similar to those from the surrounding area. The Future Land Use Plan & Policy agrees with the rezoning request.

Staff has received no public input on this request. Ms. Young acknowledged that owners for both properties were in attendance at the meeting.

Staff recommends the Bristol Tennessee Municipal Regional Planning Commission send a favorable recommendation to the Sullivan County Commission for this request also noting Sullivan County staff support the rezoning request.

Jason Booher made a motion to approve Staff recommendation. Mark Webb seconded the motion. The motion carried 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	X		
Tekai Shu	X		
Mark Webb	X		
Margaret Feierabend			X

B. Text Amendment Recommendation - Sullivan County

Cherith Young 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 resolution and as it does effect the Urban Growth Boundary, they are asking for the Planning Commission's recommendation on the following changes:

- 1. Update to Article III 103.4, Section 4 Special Conditions Affecting Yards, part D Special Provisions for Yard Setbacks on Lot-of-Record With Legal But Non-Conforming Dwelling, by adding to the last sentence for clarification.**
 - The addition provides that no building shall be required to setback more than twice the minimum front yard applicable within the residential district.
- 2. Update to Open Space Residential Development (OSRD) regs for lots size (7,500 to 5,000 square feet) to match R-3 zones.**
 - Change total square footage to area coverage and Building Footprint for Detached Residential Accessory Structures, and the corresponding Table 3-103C to Building Footprint. This change is so area coverage and setbacks for detached accessory structures area is upheld per zoning district guidelines by measuring the footprint area rather than the total area.
- 3. Update to Sign Code - Article 9 is for clarifications.**
 - A sentence was added for direction to the fee schedule in 12-109, Fees. The sign fee to match fee schedule
 - 9-101.7 Off-Premise Sign added a new term Outdoor Advertising Device, which was formerly referred to as Billboard Sign. Outdoor Advertising Device matches the definition of State Law 13-7-208
 - The existing time frame in 9-105 Abandoned Nonconforming Signs of 2 years was deleted, and 30 months was added as the time frame.
 - 9-109.2 amended Electronic Message Board Signs on Freestanding Sign Structures by deleted the maximum size of 50 square feet.
 - 9-111.4 under Exempt Signs added Temporary to Real Estate Signs and added specific words to clarify this type of sign.
- 4. Article 10-104.1 part 1 and part 2 – Telecommunication Towers update.**
 - Delete the exception for BZA approval of multiple towers on one site in part 1. Removal of language in Article 10-104.1, Technical Standards of Development Plan for Telecommunication Facility Regulations because approval of multiple towers on one site, because that has never been requested, engineering would prevent such a use due to signal interferences, and subjective review would create dispute between tower owners.
 - Update to part 2 for road frontage requirements aligns with the standard 50-feet, instead of 40-feet, a conflicts with Article 8-101.3.
- 5. Update Section 11-103.5, Nonconforming Buildings.**

The section was deleted and replaced with a new 11-103.5 Removal, Damage, or Destruction of Non-complying Buildings and Other Structures. The update allowed for replacement of non-conforming buildings to correlate with the non-conforming use law of 30-months.
- 6. Update to Article 12-102.3. Part 2.**

Added "This requirement may be waived per staff discretion" relating to site plan requirements for minor improvements. This relates to site plan requirement update.

7. Delete Temporary Dwelling Unit in Cases of Special Hardship or During Construction of Permanent Dwelling during Construction in Appendix B, Part F, Temporary Uses and replace with new language

The Appendix B update removed a 9 month time limit, and gave direction to Section 3-103.6(5). The language clarification is to match current practice and to allow the temporary occupancy of existing dwellings while construction of replacement dwelling.

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

Jason Booher made the motion to forward a favorable recommendation to Sullivan County for this request. Kevin Buck 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	X		
Tekai Shu	X		
Mark Webb	X		
Margaret Feierabend			Absent

C. Text Amendment Recommendation – Special Use Permit

Ms. Young provided history of the ordinance. The ordinance was initiated by City Council during the March 22nd work session. It amends *Section 217, Special Use Permits* to place limitations on the frequency in which an applicant may apply for the same project. The proposed language approved at first reading on April 5, 2022, includes:

Proposed Language

If an application for a Special Use Permit is denied, the applicant may not submit a new application for a Special Use Permit for the same project on the same property until the passage of 180 days from the date of denial of the original Special Use Permit.

Cherith Young clarified Planning Commission and staff could work with the applicant on required adjustments to fix issues before an application is denied. Once denied a waiting period will be required of 180 days. The present language limits the number of times an applicant can apply.

Jason Booher suggested the waiting period be 90 days instead of 180 days. Mahlon Luttrell said six months was determined to be a fair amount of time.

Danielle Smith clarified that the Planning Commission can request to table discussion of an application and request a site plan be re-evaluated or adjusted and brought back for further discussion.

After further discussion and clarification, Joel Staton made the motion to amend 180 days to 90 days. Andrew Snyder seconded the motion. The motion passed with a 7-1 vote.

Motion: Amend 180 days to 90 days			
	YES	NO	NOT PARTICIPATING
Kelly Graham	X		
Mahlon Luttrell		X	
Joel Staton	X		
Jason Booher	X		
Kevin Buck	X		
Andrew Snyder	X		
Tekai Shu	X		
Mark Webb	X		
Margaret Feierabend			Absent

D. Text Amendment Recommendation – Storage Units Facilities

City Council also made suggestion to amend Chapter 4 and Chapter 5 of the Zoning Ordinance to revise the permitted locations for storage unit facilities in the B-3 (General Business), M-1 (Light Industrial/Business), and M-2 (General Industrial) Districts. Storage unit facilities are currently only permitted with an approved Special Use Permit in the B-3 (General Business) District under the NAICS code 531130. This was approved by City Council on first reading on April 5, 2022.

Proposed Language

- Deletes “531130 – Warehouses” from Chapter 4, Section 405, B-3 District – General Business Zone, Part 2, Uses Allowed Under Special Use Permit.
- Adds “531130 – Warehouses” as a Permitted Use in Chapter 5, Section 501, M-1 District – Light Industrial/Business Zone.
- Adds “531130 – Warehouses” as a Permitted Use in Chapter 5, Section 502, M-2 District – General Industrial Zone.

Cherith Young presented Planning Commission with examples of existing M-1 and M-2 zones within the City.

Jason Booher stated he was in favor of eliminating exterior access buildings. Mahlon Luttrell said the goal was to minimize the visual effect of garage doors.

Danielle Smith explained this was a stop gap measure eliminating storage units and to continue to explore indoor climate controlled units that look aesthetically pleasing by letting staff come up with a good definition of what should be seen in a B-3 zone.

Jason Booher made the motion to send favorable recommendation of City Council’s proposed amendment with request for staff to bring a recommendation for B-Zoned storage units. Mahlon Luttrell seconded the motion. The motion was not passed with a 4-4 vote.

Motion: Amend Chapter 4 and Chapter 5 of the Zoning Ordinance to revise the permitted locations for storage unit facilities in the B-3			
	YES	NO	NOT PARTICIPATING
Kelly Graham		X	
Mahlon Luttrell	X		
Joel Staton		X	
Jason Booher	X		
Kevin Buck		X	
Andrew Snyder	X		
Tekai Shu	X		
Mark Webb		X	
Margaret Feierabend			Absent

Jason Booher made the motion for staff to research indoor storage units in the B- zones for further discussion. Tekai Shu seconded the motion. The motion passed with a 7-1 vote.

Motion: Staff research on Indoor Storage Units in B-zones			
	YES	NO	NOT PARTICIPATING
Kelly Graham	X		
Mahlon Luttrell	X		
Joel Staton	X		
Jason Booher	X		
Kevin Buck	X		
Andrew Snyder		X	
Tekai Shu	X		
Mark Webb	X		
Margaret Feierabend			Absent

E. Text Amendment Recommendation – Planned Residential Development

Cherith Young continued previous discussion regarding the Planned Residential District update.

Draft Changes for Discussion

1. Requiring a minimum of ten acres to rezone to PRD.
2. Eliminating the commercial component in the initial revision. The Planning Commission has expressed interest adding the commercial component back in at a later date following some discussion of the specifics related to commercial uses.
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. Setback or building placement requirements, such as –
 - Perimeter setback required along the external PRD project boundary
 - Single-family – 25 feet
 - Multifamily – 35 feet
 - Specific setbacks for transition lots

7. Multifamily Requirements

- 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.

Cherith Young stated Planning Commission will have the review authority to set the setback requirements for the development based on what is existing beside it on a public street. Tekai Shu suggested using the language of having the flexibility to adjust setbacks to the potential design but also protect the existing boundaries.

Cherith explained staff will continue to review the addition of commercial use in PRD as requested by Planning Commission.

Kelly Graham stated he could see a sister ordinance for higher density to allow more flexibility for multi-family development.

Jason Booher stated this was an indication that we are open for business to the extent that the City is amending language to accommodate current development interest.

After further discussion, Kevin Buck made a motion to send a favorable recommendation to City Council in the form of an ordinance. Jason Booher seconded the motion. The motion was carried with an 8-0 vote.

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

F. Annexation- Fox Meadows/ Beaver Creek Road

Cherith Young explained the owner, Jerome Malinay, has requested annexation. Ms. Young reviewed the Plan of Services provided by the City.

**Plan of Services
Fox Meadows/Beaver Creek Road**

Police

All police services will be provided by the City of Bristol on the effective date of annexation.

Fire

All fire services will be provided by the City of Bristol on the effective date of annexation.

Water Service

Public water service is currently provided by the Bristol-Bluff City Utility District. No

Sanitary Sewer Service

Public sanitary service is available for extension and it is the responsibility of the developer, at their cost, to construct or provide the infrastructure necessary to serve the demands of new development in the annexed area.

Streets

No streets are included in the annexation request.

Electric Service

Bristol Tennessee Essential Services currently provides electric service to the properties. No change in service is anticipated.

Refuse Collection

City of Bristol refuse collection services will be available to the properties on the effective date of annexation.

Schools

Children residing in annexed area may attend the Bristol Tennessee School System on the effective date of annexation. The property will be placed into the Avoca School District upon the effective date of annexation.

Council District

The property will be placed in the South Council District upon the effective date of annexation.

Recreation

Residents of the annexed areas may use all City of Bristol recreational facilities and programs on the effective date of annexation.

Community Development

All services such as planning, zoning, building codes, CDBG services, etc. provided by the City of Bristol will be available on the effective date of annexation.

Zoning

The property is proposed to be zoned PBD (Planned Business District). The PBD zone is consistent with the existing zoning in the area. The Future Land Use Map shows the area as low density residential.

Jason Booher stated lighting was not included in the Plan of Service. Cherith Young explained it was provided by the developer with the development of streets in the new development.

Jerome Malinay from Ardent Development, Bristol, Tennessee, addressed the Planning Commission stating he was bringing in a national builder and the current zoning requirements for development does not meet the needs of the development. After annexation of the property the property will also have to be zoned PRD in order to meet the needs of the development.

Joel Staton made the motion to send favorable recommendation to annex the property. Mark Webb seconded. The motion carried with an 8-0 vote.

Motion: Annexation- Fox Meadows/ Beaver Creek Road			
	YES	NO	NOT PARTICIPATING
Kelly Graham	X		
Mahlon Luttrell	X		
Joel Staton	X		
Jason Booher	X		
Kevin Buck	X		
Andrew Snyder	X		
Tekai Shu	X		
Mark Webb	X		
Margaret Feierabend			Absent

OLD BUSINESS:

A. Discussion – Storage Facility Uses

Jason Booher suggested to table the discussion as previously discussed until staff had time to complete research.

No further discussion was needed.

OTHER MATTERS:

A. Historic Preservation Committee

Cherith Young asked Planning Commission if the Planning Commission was interested in reinstating the Historical Preservation Awards Committee. Mahlon Luttrell suggested it was a good program. Andrew Snyder showed interest in becoming part of the Committee. Ms. Young stated staff will work on bringing back a committee to the Planning Commission for approval.

B. City Council Update

Cherith Young stated City Council held a public hearing on a one-year Plan of Services report for the Weaver Pike annexation; it is complete. Council passed first reading of the text amendments for Special Use Permits and Storage Units Facilities.

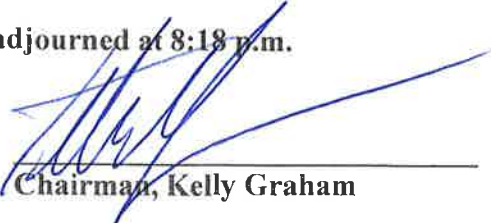
C. Training Update

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. Staff is working on in person training opportunities.

D. Other Comments

Jason Booher requested the addition of the considered proposal to amend bylaws on the next agenda.

With no other business to discuss, the meeting was adjourned at 8:18 p.m.



Chairman, Kelly Graham