

**BRISTOL TENNESSEE MUNICIPAL REGIONAL  
PLANNING COMMISSION  
MINUTES  
April 19, 2021**

***Members Present:***

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

***Staff Present:***

Tim Beavers  
Danielle Smith  
Cherith Young

***Public Members Present:***

Bill Prince  
Ricky Baker

***Members Absent:***

Mark Webb, Vice-Chairman

**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, April 19, 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; Kevin Buck seconded the motion, the motion passed unanimously by roll call vote.

**APPROVAL OF MINUTES:**

There being no changes to the March 15, 2021 Planning Commission meeting minutes, Margaret Feierabend made a motion to approve the minutes as presented and Mahlon Luttrell seconded. The motion passed unanimously by roll call vote.

**UNSCHEDULED COMMENTS FROM THE PUBLIC:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**A. Concept Plan Review – 1415 Highway 11W**

Chairman Kelly Graham commented that he and Mr. Kevin Buck will not be participating in the discussion regarding this item due to potential conflict of interest. Tim Beavers announced that up for consideration was a conceptual site plan approval for a car wash to be located at 1415 Highway 11W (The Pinnacle entrance). The applicant, Mr. Bill Price with BurWil Construction was present to address any questions regarding this project. This project is located at 1415 Highway 11W, and the Tax ID is Tax Map 19, Parcels 192.01, 192.02, 192.03. The property is 3.371 acres and the zoning is Planned Business District (PBD).

Cherith Young presented the concept plan for the property located at 1415 Highway 11W. This project is proposed to be a one story commercial building, approximately 4,553 square feet. The concept plan is submitted to the Planning Commission for review because it is located in the Planned Business District zone. This project will be required to comply with the Design Standards included in Chapter 4A of the Zoning Ordinance.

Mrs. Young announced the criteria for discussion by the Planning Commission -

**1. Ingress/Egress – Proposal of two access points**

The proposed access points are from Highway 11W and Pinnacle Parkway.

**2. Parking**

The Zoning Ordinance requires a minimum of 1 space per 500 square feet of gross floor area. The applicant has provided five (5) total spaces with one designated as handicap accessible. There will also be twelve (12) vacuum spaces.

**3. Refuse and Service Areas**

A screened in refuse collection area is shown on the conceptual site plan at the north-west corner of the development. The screening detail will be reviewed during the site plan review process.

**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 landscaping plan will be reviewed and approved through the site plan application process.

**6. Signage/Exterior lighting**

Signage must be submitted separately and is not approved as a part of the site plan process. All signage must conform to the requirements of the Zoning Ordinance.

Staff recommended that the Planning Commission approve the Conceptual Plan for a one-story commercial building noting conformance to the intent of the Planning Business District as well as The Pinnacle – Phase I Master Plan.

Tim Beavers commented that the Tennessee Department of Transportation is performing a review of this project concurrently with the City’s site plan review. There will be a left turn lane that will be installed on 11W for eastbound vehicles that will require approval by TDOT. Mr. Beavers stated the access point from Pinnacle Parkway is an entrance only and “Do Not

Enter” signs should be installed on the site to notify motorist vehicles not to exit via the Pinnacle Parkway entrance drive. Margaret Feierabend inquired about the location of the U-turn to get to this car wash if entering from Pinnacle Parkway. Mr. Beavers stated that the first U-turn would be located at the Panda Express median opening, which does not have a left turn lane from Pinnacle Parkway. There will also be an entrance to the car wash on Pinnacle Parkway and 11W.

Mahlon Luttrell asked if this car wash is similar to other local car washes. Mr. Bill Prince stated the car wash is a drive-thru car wash, with self-serve vacuums, and is not a full service detail center.

Joel Staton asked if there were any other questions for Mr. Prince regarding this project. Hearing none, is there any other discussion regarding this project. Margaret Feierabend inquired if the City can request TDOT to lower the speed limit at the surrounding area of the entrance of The Pinnacle development from I-81 for safety concerns. Mrs. Feierabend also stated that a car wash at the entrance of The Pinnacle is not the most desirable development choice.

Tekai Shu asked Mr. Prince if there were any traffic barriers in place that would prevent vehicles that are leaving The Pinnacle from using the car wash entrance as an exit in an effort to bypass the light at 11W. Mr. Prince stated that there will be “Do Not Enter” signs and “One-Way” signs placed at the entrance of the car wash from Pinnacle Parkway to prevent such action from drivers. Also, the radius and design of the entrance road into the car wash will make it difficult to use as an alternative exit. Mr. Booher commented that if the design does not deter drivers from using the car wash entrance as an alternative exit to 11W, it will be problematic for the development. Mr. Prince commented that a majority of traffic will enter the car wash from the 11W entrance, and no issues are anticipated regarding the additional entrance from Pinnacle Parkway.

Joel Staton asked if there were any other comments or questions regarding this project, and also opened the discussion up to public comment. Hearing no other questions, Mr. Staton asked that a motion to be made. Jason Booher made a motion to approve the Conceptual Plan for a one-story commercial building noting conformance to the intent of the Planning Business District as well as The Pinnacle – Phase I Master Plan. Mahlon Luttrell seconded the motion and the motion passed unanimously by roll call vote with the exception of Mr. Kelly Graham, Mr. Kevin Buck, who were not participating in this discussion.

**B. Rezoning Request – 1809 Highway 11W (Sullivan County)**

Tim Beavers introduced the subject of consideration as a rezoning request within the Urban Growth Boundary in Sullivan County from B-4 (*Arterial Business Service District*) to B-3 (*General Business Services District*).

Cherith Young addressed the Planning Commission regarding the rezoning request at the location of 1809 Highway 11W. The applicant was Ricky and Jamey Baker; Mr. Rick Baker is present to discuss this request.

Mrs. Young presented a brief overview of the rezoning process that this request will follow if recommended by the Planning Commission. 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 displayed the location and zoning map and stated that the property is surrounded by a varied mixture of zoning districts. The parcel to the north is zoned M-1 (*Light Manufacturing District*) and its current use is concrete manufacturing. The two parcels located to the south, across Highway 11 W, are zoned B-4 (*Arterial Business Service District*) and M-1, with respective uses being a freight delivery service and heavy duty truck sales. The parcel to the east is zoned A-1 (*General Agricultural/Estate Residential District*), and its current use is as a church and a cemetery. The parcel to the west is zoned B4 and is currently vacant.

Staff discussed whether this request should be considered a spot zoning due to the lack of B-3 zoning in the immediate area. The introduction of a B-3 parcel will not create a more intense impact on surrounding parcels than the B-4 zone does, due to the subtle differences between the permitted uses. The Future Land Use Map also supports the rezoning by showing the area as commercial. Furthermore, if the City were to ever annex the property, the appropriate zoning district the City would assign would be the B-3 (*General Business District*). Approval of the rezoning does benefit the property owner because it allows a particular use they are desiring (auto repair), but given the similarity of the B-3 and B-4 zones, it does not subject the surrounding property owners to a more intense list of permitted uses or uses which generate large volumes of truck traffic to the owner's benefit. For these reasons, staff does not believe this request constitutes a spot zoning.

Mrs. Young stated that staff has not received any public input regarding this request. The planned use of the subject parcel aligns with the commercial character of the surrounding properties and compliments the City of Bristol's Future Land Use Plan and Policy's forecasted use and policies 3 and 6 for consideration. Therefore, staff recommends the Bristol Tennessee Municipal Regional Planning Commission send a favorable recommendation to the Sullivan County Commission for this request.

Chairman Kelly Graham asked if there were any questions for staff, and directed the public to call in with questions for staff or the property owner. Mr. Graham inquired if the Board would like to address the property owner regarding this request.

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 a favorable recommendation to Sullivan County Commission to rezone the subject property from B-4 to B-3; Scott Gaynor seconded the motion. Chairman Kelly Graham asked if there were any discussion regarding the motion that is on the floor. Kevin Buck commented that he believes this request to be spot zoning and will dissent from the recommendation. Kelly Graham commented that he also believes this to be spot zoning. Mahlon Luttrell stated that spot zoning should consist of a dynamically different uses than the surrounding properties, which this request does not.

Chairman Kelly Graham stated that there is a motion and a second on the floor to send a favorable recommendation to the Sullivan County Commission to rezone this parcel from B-4 (*Arterial Business Service District*) to B-3 (*General Business Services District*). A roll call

was performed, and this item passed with 6-2 vote with Kelly Graham and Kevin Buck voting against the motion.

**C. Rezoning Request – 438 Old White Top Road Sullivan County**

Tim Beavers introduced the subject of consideration as a rezoning request within the Urban Growth Boundary in Sullivan County from R-1 (*Low Density/Single-Family Residential District*) to A-2 (*Rural Agricultural and Open Space District*).

Cherith Young addressed the Planning Commission regarding the rezoning request at the location of 438 Old White Top Road. The applicant was Robert & Vickie Blevins.

Mrs. Young presented a brief overview of the rezoning process that this request will follow if recommended by the Planning Commission. 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 east and west. Located to the north is City of Bristol B-3 (*General Business District*) and Sullivan County, B-1 (*Convenience Neighborhood Business District*), and to the south Sullivan County, A-2 (*Rural Agricultural and Open Space District*). A majority of the area is developed single-family residential.

The uses allowed in both the Sullivan County R-1 and Sullivan County A-2 districts are similar, with more intensive agriculture use allowed in the A-2 District. The owners wish to have to property rezoned to take advantage of the allowance of larger accessory structures in the A-2 zone. The regulations for detached residential accessory structures are allowed in the A-2 district at a maximum total square footage of 2,600, as opposed to the R-1 district which allows for no larger than 1,200 square feet.

Mrs. Young displayed the Land Use Map and stated that staff analysis of the requested rezoning of the subject property agrees with the intent of the Land Use Plan and Policy.

Mrs. Young stated that no public input was received from a nearby property owners in regards to the request.

Staff recommended the Bristol Tennessee Municipal Regional Planning Commission send a favorable recommendation to the Sullivan County Commission for this request due to the adjacent A-2 district, and because the subject property aligns with the intent of the City of Bristol Land Use Plan and Policy.

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

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 a favorable recommendation to Sullivan County Commission to rezone the subject property from

R-1 to A-2. Mahlon Luttrell seconded the motion and the motion passed unanimously by roll call vote.

## **OTHER MATTERS:**

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

Mr. Beavers announced that City Council passed Resolution 21-32 approving the annexation of the property located at 2467 Weaver Pike; this resolution became effective immediately. The City Council also passed Resolution 21-33 approving the Plan of Services for the annexation of 2467 Weaver Pike. City Council approved on first reading Ordinance 21-6 for assignment of R-1A zoning to the property located at 2467 Weaver Pike. The public hearing and second reading will take place at the May 4, 2021 City Council meeting. City Council approved on second 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. These ordinances will become effective April 23, 2021. City Council passed on second reading, Ordinance 21-5, abandoning a portion of Willow Street as Public-Right-of-Way. This ordinance will become effective April 23, 2021. Sullivan County passed the rezoning request within the Urban Growth Boundary from R-1 to B-3 for Weaver Pike and Cant Hook Hill Road (Tax Map 54, Parcel 18.10).

### **B. Zoning Ordinance Project Updates**

Cherith Young discussed that Planning staff is currently working on drafting the text amendments based on recent Planning Commission discussions on temporary signage and the adaptive reuse of commercial buildings located in residential neighborhoods. While these draft ordinances are under development, staff would like to take the opportunity to introduce two new text amendment projects. These projects focus on the City's flood and landscape ordinances.

The City's floodplain ordinance is contained within Chapter 7 of the Zoning Ordinance. This chapter ensures that as a participating community in the National Flood Insurance Program (NFIP) and the Community Rating System (CRS) the City considers flood hazards and fosters floodplain management. As a participating community in the CRS, flood insurance premium rates are discounted to reflect reduced flood risk resulting from the community's efforts. The City of Bristol currently is rated Class 8 community which means policy holders in the City receive a 10% discount on flood insurance. In January 2021 new prerequisites requires the City to adopt and enforce new requirements which will need to be formalized in the ordinance. In making the revision required to maintain our CRS rating, staff will also incorporate all revisions included in the current state model which has not been updated since 2010, and any suggested updates from Planning Commission.

Cherith Young stated that a current departmental goal is to conduct an analysis and revise the landscaping standards for commercial developments. The current landscape standards are contained in two chapters of the Zoning Ordinance, Chapter 11 and Chapter 11A. The Planning staff has found that the existence of two chapters is redundant, and the recent analysis and audit of the current regulations have resulted in a draft proposal to combine the best practices into one section. Staff welcomes suggestions from the Planning Commission to include in these revisions, and will present a draft in an upcoming meeting.

**C. Training Update**

Tim Beavers reminded the Planning Commission members that within one year of appointment, members must meet a minimum of four hours of training. Mr. Beavers commented that there are general links listed on the training matrix for additional training, please review those and consider those courses for credits. Mr. Joel Staton completed *Gray-to-Green Communities Smart Growth*, and *Future of Mobility* training and recommends these classes to the Planning Commission members.

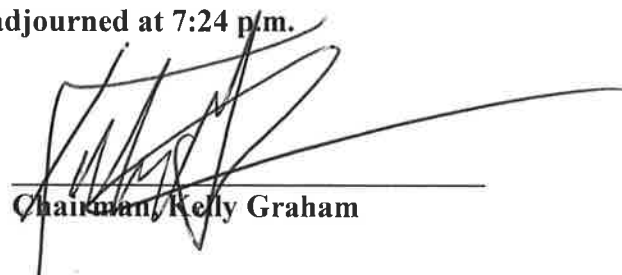
Tim Beavers instructed the Planning Commission to send topics of interest to Cherith Young for in-house training opportunities.

**D. Discussion**

Margaret Feierabend and Kevin Buck suggested that staff reach out to the appropriate entities to make a request to reduce the speed limit around the area of The Pinnacle entrance and 11 W from the I-81 interchange.

Tim Beavers announced that the next Planning Commission meeting may be an in-person meeting due to the Governors Executive Order not being extended. At this time, we do not know if the Executive Order will be extended. Regardless of the extension, a majority of the Planning Commission members were agreeable to an in-person meeting being held at the Slater Community Center Auditorium.

**With no other business to discuss, the meeting was adjourned at 7:24 p.m.**



Chairman, Kelly Graham