

**BRISTOL TENNESSEE MUNICIPAL REGIONAL  
PLANNING COMMISSION  
MINUTES**

**May 16, 2022**

***Members Present:***

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

***Staff Present:***

Danielle Smith  
Cherith Young  
Heather Moore  
Ross Peters  
Steve Blankenship

***Absent:***

Mahlon Luttrell

Chairman Kelly Graham called the Bristol Tennessee Municipal Regional Planning Commission meeting to order at 6:00 p.m. on Monday, May 16, 2022. Joel Staton performed a roll call, and a quorum was declared present.

**APPROVAL OF MINUTES:**

There was an error in the vote count related to the storage facility item on the April 18, 2022, agenda; therefore, the minutes were not approved. The Chairman's vote was not indicated but should read as a 'no' vote. Staff will review and bring corrections for approval during the June 20, 2022, meeting.

**UNSCHEDULED COMMENTS FROM THE PUBLIC:**

None

**NEW BUSINESS:**

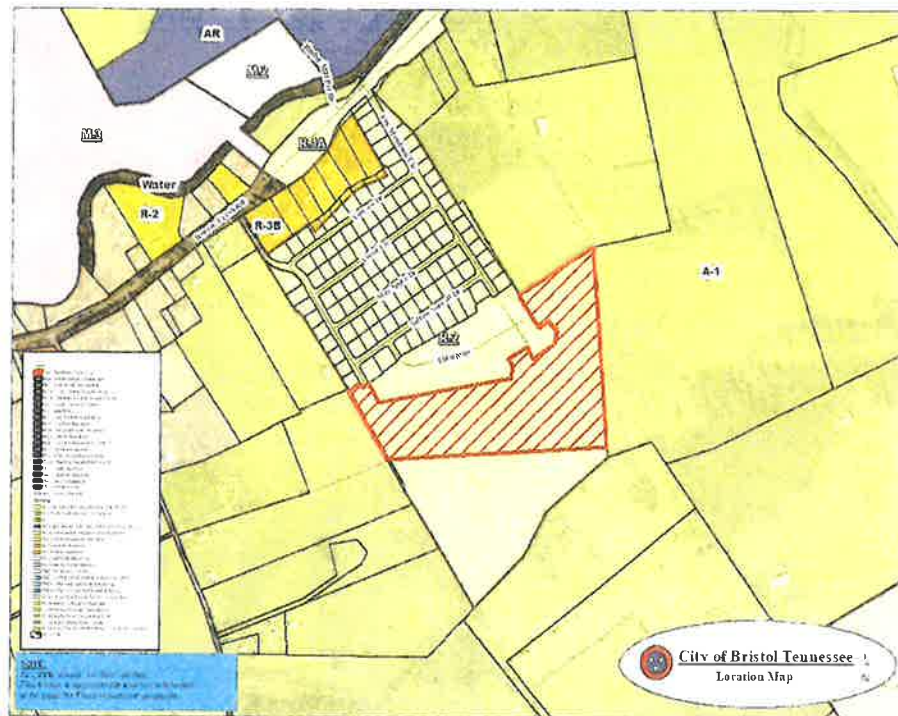
**A. RZZ 22-596 – Rezoning Request  
Fox Meadows**

Cherith Young presented the rezoning request from R-2 (Single-Family & Duplex Residential) to PRD (Planned Residential District). Ardent Development Group submitted the application. The request was to rezone a portion of Tax Map 81, Parcels 170.5, which is approximately 23.29 acres. Ms. Young stated the representative for Ardent Development Group, Jerome Malinay, was present at the meeting.

Ms. Young explained the rezoning process and clarified that the Planning Commission would make a recommendation on the request. The recommendation will be forwarded to City Council. On June 7, 2022, the City Council will hold a first reading of the rezoning ordinance.

If the first reading is approved, the second reading will be scheduled for a public hearing on July 12, 2022.

Ms. Young presented the Planning Commission with a location map which showed existing zoning, land use, and a contours of the area. Aerial photos were also provided.



Ms. Young summarized the permitted uses and dwelling unit densities allowed in the R-2 and PRD zones. She provided an overview of the staff analysis included in the staff report. The subject property is surrounded by residential, farmland, and vacant land. Adjacent lots to the north are inside Bristol city limits and are zoned R-2. Adjacent properties in Sullivan County are zoned A-1 (General Agricultural/Estate Residential). The staff conclusion is the PRD District will be an appropriate zone to complement the existing R-2 residential and agricultural area. Future development will require Planning Commission approval, following standards of the Zoning Ordinance along with all other applicable codes and regulations of the City. The Planning Commission has the approval authority over the future subdivision plat.

Ms. Young discussed the Future Land Use Map which indicates the property to be residential development and the rezoning is supported by Policy 2 of the policies adopted as part of the Land Use Plan. Given the subject property's location, the adjacent R-2 residential subdivision, and lack of development to west, south, and east, staff feels that the proposed residential PRD rezoning is suitable. The PRD District will be an appropriate zone between the existing Fox Meadows residential subdivision development and farmland and vacant area.

Public notification was provided for the rezoning request. Two public notification signs were placed on the property and adjacent property owners were notified of the request by letter. The staff has received six telephone calls as of the meeting date, with questions and concerns about the rezoning and how it might impact their property. Eight comment letters were received, three in favor of the rezoning and five in opposition. One additional e-mail in opposition to the request was received just prior to the Planning Commission meeting.

Ms. Young summarized the staff recommendation for the Planning Commission to send a favorable recommendation to Bristol City Council for this request, for the following reasons:

- The natural elements of varying terrain provide some buffering from the surrounding R-2 and County A-1 zoning.
- Rezoning the subject site to PRD will provide a transition from higher density Fox Meadows R-2 residential subdivision development and the lower intensity farmland and vacant area.
- The rezoning request is in agreement with the Future Land Use Map and with Land Use Policy 2.

Chairman, Kelly Graham, asked for further explanation on the rezoning process. Cherith Young clarified the rezoning process takes both the Planning Commission's recommendation and City Council's approval to be finalized. The Planning Commission review requests, and then makes a recommendation to City Council. City Council then will hold a first reading and if approved, will hold a second reading and public hearing.

Kevin Buck asked if the application for rezoning was subject to approval by the City Council of the proposed PRD change. Ms. Young said the 2<sup>nd</sup> reading and public hearing for the PRD ordinance are scheduled for June 7, 2022. The 1<sup>st</sup> reading was passed at the May 3, 2022, City Council meeting. Assuming the ordinance is approved at 2<sup>nd</sup> reading, the new PRD zone changes will be in effect when the rezoning of this property is finalized.

Jason Booher asked what the A-1 zone allowed. Ms. Young stated A-1 is low-density residential classification in Sullivan County and lot sizes are dependent on the availability of water and sewer services. She explained general agricultural uses are allowed as well as minor business uses. It is deemed agricultural and estate residential zone. Mr. Booher asked if a mobile home park is allowed in an A-1 zone. Ms. Young said it was not.

Margaret Feierabend asked for clarification on what a developer could do currently zoned R-2 versus when rezoned PRD. Cherith Young stated the existing Fox Meadows subdivision and the subject parcel, in particular, can be developed at 9 units per acre. PRD allows the property to be developed with less defined setbacks, requiring only perimeter setbacks. The PRD allows less density than the R-2 zone at 6 units allowed per acre. Variable setbacks allowed will achieve a more diverse development.

Andrew Snyder asked if a concept plan approval was required by the Planning Commission in an R-2 zone. Ms. Young stated it did not but a subdivision plat is required. In the PRD zone a subdivision plat requires Planning Commission review and approval. Joel Staton stated a concept plan could be changed so the Planning Commission needs to not consider it.

Mark Webb asked how many entrances will be to the rezoned property. Ms. Young explained subdivision regulations state two (2) entrances are required once a project reaches 150 units.

Mark Webb asked if streets were constructed according to city specs. Ms. Young confirmed that they were.

Kelly Graham asked for clarification on a duplex – is a duplex 1 or 2 units? Ms. Young stated that a duplex is 2 units.

Kevin Buck asked if PRD zone is more restrictive. Ms. Young stated PRD allows more types of residential uses but less density than R-2.

Andrew Snyder asked how many units were included in the concept plan and would they have a Home Owners Association (HOA). Ms. Young answered 176 and the City does not require an HOA. Fox Meadows residents spoke up stating they had an HOA.

**Public Comments:**

Joe Reese of 1006 Fox Meadows Circle asked if single-family homes were all that was being proposed why rezone it PRD especially when R-2 allows higher density?

Kelly Graham addressed the public stating the developer will answer questions when he comes forward after public concerns and comments are heard.

Leigh Shepherd of 2309 Fox Meadows Circle had a concern about setbacks as well as multi-family units and the effect they would have on her property.

Scott Ball of 2401 Fox Meadows Circle showed concern about rezoning and would like to see development match what is currently developed in Fox Meadows.

Gary Del Gaudio of 2305 Fox Meadows Circle stated the residents were all invested in the Fox Meadows community and stated concerns about a developer from Texas and the appearance of multifamily development being the reason for rezoning.

Rusty Dugger of 229 Thistle Drive voiced concern of multifamily development being the reason for rezoning. He also showed concern for setbacks as well as the existing power lines on the property.

Josh Sadler of 2505 Fox Meadows Circle showed traffic concerns as the second entrance development will affect his property. He also showed concern for the pond that was destroyed in what he thinks was preparation for the development.

Josh Dolinger of 105 Yellow Sorrell Drive showed concern as an Engineer in understanding the purpose for PRD as it allows less density than current zoning. He had additional concerns of water and sewer lines and how it would affect the current community.

Eric Shipley of 110 Violet Lane asked if the annexed properties were separate from the property in discussion. Cherith Young explained the adjacent property is in the annexation process and is also proposed to be zoned PRD. The 176 units in the proposed development are in cumulative for the property in discussion and the requested annexed parcels.

Cherith Young stated the Planning Commission had authority in the new PRD zoning and it will require perimeter setbacks giving the Planning Commission to approve the setbacks of transition lots.

Jason Booher asked about the egress to the annexed portion. Ms. Young stated it is the same as existing.

Andrew Snyder asked how many homes could be developed on the annexed area as well as the rezoning requested property as it is zoned now. Ms. Young answered if the 45 acres cumulative zoned R-2, approximately 405 units could be developed.

Brandy Smith of 114 Yarrow Drive showed concern for rezoning and would like more of the same be developed as the existing.

Chris Sykes of 121 Violet Lane showed traffic concerns and asked if there was a possibility for a back entrance to Highway 11W.

Darryl Castle of 205 Thistle Drive made the comment that the 3 favorable votes were probably developers. He also asked if subdivisions were supposed to have sidewalks then why Fox Meadows didn't.

Aaron Smith of 114 Yarrow Drive made the comment that duplexes get rented, crime goes up with rental property and also had traffic concerns.

Dr. Matthew Korrell spoke of concerns related to multifamily development as it is more profitable for developers than single-family.

Jerome Malinay, a representative for Ardent Development, addressed the public. He stated that he is from the area, not Texas, and went to Virginia High School. He stated that the request to rezone was due to the property not being rectangular like the current Fox Meadows development. He stated the current development and the PRD proposed units were approximately the same amount of units per acre. Mr. Malinay clarified the actual distance between houses would be a total of fifty-five (55) feet. In the current development there are fifty (50) feet between buildings. During Phase 1 of Fox Meadows, David Metzger, City Traffic Engineer, estimated 150 houses could be developed before a second entrance would be needed. Mr. Malinay noted that Fox Meadows finished development the year before sidewalks were required under the sidewalk ordinance.

Andrew Snyder stated multifamily development is an issue and asked Mr. Malinay to confirm there was no multifamily development in the annexed portion. Mr. Malinay confirmed there are none as proposed.

Cherith Young stated there is no deviation allowed once the plat is approved

Tekai Shu asked for a construction timeline. Mr. Malinay answered there would be three phases with the first phase starting in two months. This will be an estimated two to three year process and does not believe the existing residents will be bothered by traffic.

Mr. Malinay further confirmed in the discussion that the homes proposed will be approximately 1,600-1,700 square feet with a price range around \$275,000- \$350,000. He will stay the owner of all the property until it is developed and is under contract with a builder.

Mr. Malinay explained Mr. Galloway owns the adjacent property and showed interest in an access road to his property so that he could potentially build three (3) houses for his sons in the future.

Tekai Shu asked if the property was to transfer to a new owner what would happen to the project? Ms. Young explained the new owner could finish the development of the approved plan or bring a new project back to the Planning Commission for approval.

Ms. Young further explained R-2 versus PRD, both require subdivision plat approval by the Planning Commission. In the PRD zone, Planning Commission has the additional step of determining the setbacks for transition lots.

Kelly Graham asked who would supply water services and if they would have the capacity to supply the development. Cherith Young stated Bristol Bluff City Utility District would be the service provider and Mr. Malinay will need to work with them as the project continues to develop.

Jason Booher stated he had unanswered questions about the annexed area being zoned PRD with no public input. Ms. Young stated the City posted the required notification and June 7, 2022, is the Public Hearing on the annexation. She stated that these meetings are open to the public.

Margaret Feierabend suggested we look at the process as laws have changed in the last few years. Ms. Young explained a rezoning request requires advertisement for both the Planning Commission meetings and City Council meetings with notification letters as well as posted signs on the property. Annexation requires advertisement once City Council sets the meetings for public hearings. Planning Commission only reviews the Plan of Services and sends a recommendation to City Council for annexation. Margaret Feierabend agreed the public needs more notification.

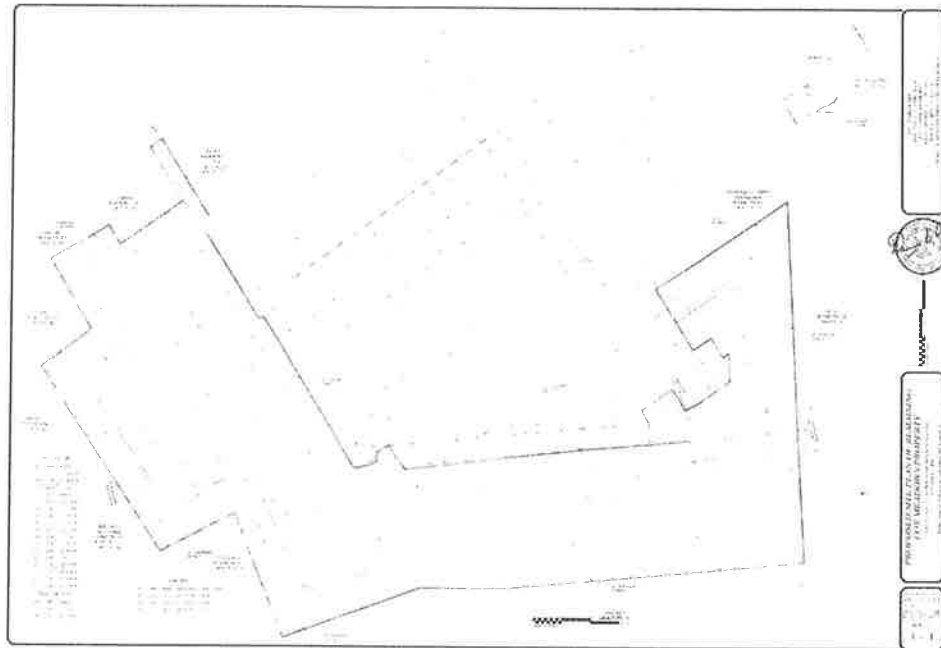
Margaret Feierabend made a motion to approve Staff recommendation. Kevin Buck seconded the motion. The motion failed with a 4-4 vote.

Motion: Approve with staff recommendation			
	YES	NO	NOT PARTICIPATING
Kelly Graham	X		
Mahlon Luttrell			Absent
Joel Staton		X	
Jason Booher		X	
Kevin Buck	X		
Andrew Snyder		X	
Tekai Shu		X	
Mark Webb	X		
Margaret Feierabend	X		

Chairman, Kelly Graham, requested staff prepare the minutes and send to City Council marked draft. Minutes will then be presented for approval at next month's Planning Commission meeting.

**B. Concept Plat Review – Fox Meadows**

Cherith Young explained the process as the Planned Residential Development (PRD) will come to the Planning Commission if the rezoning is approved. If the annexation is approved, it will come to the Planning Commission as a subdivision Plat for preliminary and final approval. The Subdivision Regulations encourage developers to come up with a concept for review. This allows the Planning Commission to provide feedback so the developer can take additional steps in development of the project before submitting a final plat for approval. Ms. Young stated Mr. Malinay submitted a concept plat for feedback. The concept plat is for 176 lots.



Ms. Young reviewed the twenty-five-foot perimeter boundary and seventy-five (75) foot easement from the power line (150 feet total). She reviewed the setbacks proposed for the transition lots. She stated Mr. Cross had no objection to the eight (8) foot setback request proposed along his property which is vacant. Ms. Young stated further discussion is needed to be compliant with Subdivision Regulations regarding Golden Rod Drive providing turnaround capability before a final plat can be approved. Mr. Malinay has consulted with adjacent property owner Mr. Galloway on this.

Mark Webb asked if the plat would show green space and retention area. Ms. Young stated green space was not required but areas to address stormwater may be required.

Kelly Graham asked if there would be any public notification to approve the final plat. Ms. Young stated there is no public notification required for plat approval. Mr. Graham stated neighbors may have input for the preliminary final plat approval.

Jason Booher showed concern for the placement of the retention ponds. He also showed traffic concerns and suggested red lights might help with safety.

Kevin Buck stated if the plat met subdivision regulations, Planning Commission didn't have much leeway in declining it.

Joel Staton asked about what water and sewer capacity is availability and what recourse homeowners would have if water pressure drops. Cherith Young explained the water utility, BBCUD, will confirm capacity and be a part of the plat review process.

Mark Webb asked about school capacity. Ms. Young confirmed that when the subdivision plat is submitted, a copy will be forwarded to the school system for review.

Margaret Feierabend inquired about storm sewer. Ms. Young stated that it would be reviewed with the preliminary plat and Mr. Malinay needs to consult with the Engineering Department.

Kevin Buck stated stormwater control is a function of the Tennessee Department of Environment and Conservation. The City of Bristol, Tennessee will review for approval.

Jason Booher suggested keeping the water retention areas to the rear if possible. Jason Booher directed the Planning Commission to the discussion regarding the transition lot setbacks and verified there were no concerns.

There was no vote needed at this time.

**C. 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.

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			Absent
Joel Staton	X		
Jason Booher	X		
Kevin Buck	X		
Andrew Snyder	X		
Tekai Shu	X		
Mark Webb	X		
Margaret Feierabend	X		

**OLD BUSINESS:**

None



## **OTHER MATTERS:**

### **A. Discussion – Storage Facility Uses**

Cherith Young introduced the discussion to add an indoor storage facility use back into B-3 District. She explained Johnson City allows storage facilities in a B-4 zone and Kingsport allows climate controlled indoor storage in a B-3 zone.

Margaret Feierabend suggested not allowing boat storage in a B-3 zone.

Jason Booher stated that what is done now will determine the future.

Kevin Buck asked if a special use permit was enough protection for storage areas. Jason Booher is not in favor of any outdoor storage.

Ms. Young stated that staff will craft a draft ordinance to cover the concerns of the Planning Commission and bring it back for discussion during the June meeting.

### **B. Discussion – B-1A and B-1B Districts**

Cherith Young presented Planning Commission with space requirements for a B-1A and B-1B District, which reference R-2 residential standards, and explained the existing discrepancy in the development standards chart for the B-1A and B-1B Districts. She also described interest in triplex and quadplex units and asked if the Planning Commission would consider allowing these units in the B-1A and B-1B zones as permitted uses. Ms. Young described these units as ‘missing middle’ housing and stated there are good training videos that can provide more information if the Planning Commission is interested.

After discussion, it was decided that staff will work on a training opportunity on the topic to hold prior to the June meeting and will e-mail out a training reminder.

### **C. Discussion- Planning Commission Bylaws**

Jason Booher stated there is a vice- secretary position in the Bylaws. He also stated he would like to discuss issues when the Planning Commission is the end of the road decision-maker on an application, such as decisions on special use permits. He suggests a minimum of 5 votes to pass not just 3.

Danielle Smith, City Attorney, stated a bylaw amendment would be the process to change the rules and procedures.

Margaret Feierabend agreed it was good business to vote majority of Planning Commission not majority of quorum.

After further discussion, Kevin Buck stated he was content with bylaws as they are. Tekai Shu agreed.

Andrew Snyder suggested both sides were credible and to bring it back for further discussion at some point. Jason Booher stated he did not wish to discuss the issue any further.

The meeting was adjourned at 9:15 p.m.



Chairman, Kelly Graham