BRISTOL TENNESSEE MUNICIPAL REGIONAL PLANNING COMMISSION
MINUTES
May 20, 2019

Members Present:
Mark Webb, Vice-Chairman
Joel Staton, Secretary
Mark Byington, Vice-Secretary
Scott Gaynor
Kevin Buck
Jack Young

Staff/Others Present:
Tim Beavers
Cherith Young
Ross Peters
Heather Moore
Steven Mott

Members Not Present
Kelly Graham, Chairman
Margaret Feierabend

Mr. Mark Webb, Vice-Chairman, called the Bristol Tennessee Municipal Regional Planning Commission meeting to order at 6:00 p.m. on Monday, May 20, 2019. Mr. Joel Staton performed roll call and a quorum was declared present.

APPROVAL OF MINUTES:
There being no corrections or additions to the April 15, 2019 minutes, Mr. Kevin Buck made a motion to approve all minutes as presented; Mr. Mark Byington seconded the motion. The motion carried unanimously.

There being no corrections or additions to the May 13, 2019 work session minutes, Mr. Scott Gaynor made a motion to approve all minutes as presented; Mr. Jack Young seconded the motion. The motion carried unanimously.

UNSCHEDULED COMMENTS FROM THE PUBLIC:
None

OLD BUSINESS:
None

NEW BUSINESS:
A. Special Use Permit – 4389 Highway 11 E
Mrs. Cherith Young presented information on the Special Use Permit. The applicant, Cassidy Mortensen, is seeking Special Use Permit approval for a professional dog training business located at 4389 Highway 11E. The property is .76 acres and is located in B-3 (General Business) District and Volunteer Parkway Overlay. The proposed Professional Dog Training/Animal Day Care on property zoned B-3 requires a Special Use Permit per Zoning Ordinance Section 405-B-3 District – General Business Zone. Specific to this use are the following requirements:

1. A Site Plan for Construction or a Site Plan for Change of Use must be reviewed by Community Development staff and approved by the Bristol Tennessee Regional Planning Commission.

2. A ten-foot landscape buffer must be maintained around the perimeter of the site when adjacent to commercial uses and 25 feet when adjacent to residential zones or uses.

3. Outdoor exercise/recreation shall not be visible from the street.

4. The setback for all accessory structures associated with Animal Day Care Facilities shall be a minimum of ten feet in addition to the setback required by the zone of adjacent parcels. In no instance shall the setback be less than 25 feet.

5. The granting of a special use permit for an Animal Day Care Facility shall not exempt the permit holder from compliance with all applicable provisions of Chapter 10 of the Code of Ordinances.

Ms. Mortenson intends to utilize the existing building on the property for a Professional Dog Training/Animal Day Care Facility. According to the application packet, this enclosed area will be used for various activities in the dog training and boarding process. Dogs may be boarded during day time hours or overnight. Both individual and group obedience and agility classes will be offered.

The project summary states that the building will be used for in-home obedience training. Ten (10) dogs at one time are planned for boarding. During business hours, the ASPCA (American Society for the Prevention of Cruelty to Animals) recommended maximum ratio of 15 dogs to one trainer/handler will be followed for the additional services (doggie day care, group classes, private lessons), reaching a maximum limit of 30 dogs at one time.

In discussion, Ms. Mortenson stated that outdoor activity will include restroom trips. “Animals will never be outside unsupervised. A dog will never be left outside.” She continued that supervised play groups will take place outside throughout the day. Group obedience training and agility training will be held outdoors, weather permitting. Kennels for boarding will be kept in the kennel room inside.

The concept site plan submitted includes a building, a parking area in front of the building and an area enclosed in a chain link fence behind and to the eastern side of the building. Signage is included on the concept site plan.
Access to the property is through the access point of the adjacent property at 4403 Highway 11E, where a commercial fuel station is located. The ingress/egress access point is thus already established. Gates exist on each side of the ingress and egress access point. The applicant spoke with the property owner regarding the gates. The owner stated that the gates are non-operational (i.e. stuck in an open position); they will remain open.

The proposed use requires eight (8) parking spaces, plus one ADA space. Nineteen (19) spaces plus multiple ADA spaces exist, so the parking requirement is met. Striping for parking has faded on the pavement. Staff suggests that the Commission require delineation of parking spaces through painting. The refuse area has not been shown on a submitted concept site plan. Placement may be specified by the Planning Commission as part of the Special Use review process. Staff recommends that the placement of the refuse area to be screened from view from any adjacent residential area or public right-of-way. Water is available to the property from Bristol Bluff City Utility District. Sanitary sewer service is available through City of Bristol. Bristol Public Works has requested a SPAP (Special Pollution Abatement Plan) from the property owner for the proposed use. BTES (Bristol Tennessee Essential Services) has stated that the proposed fencing on the conceptual site plan will need to be constructed to maintain accessibility to the existing facilities per a sketch provided to BTES.

Staff recommends that the Planning Commission approve the Special Use Permit for the Professional Dog Training/Animal Day Care Facility (81291) at 4389 Highway 11E with the following conditions:

- Delineation of parking spaces, meeting the ADA requirement, through painting.
- A SPAP (Special Pollution Abatement Plan) from the property owner is needed for the proposed use.
- In installing the fencing, follow the BTES sketch, to:
  1. Maintain access to the pole by a tandem truck.
  2. Maintain access to the electric meter on the rear of the building.
- If the existing sign framework is not used, the sign frame will be removed.
- The existing vegetation along the property lines which abut the residentially zoned Sullivan County properties shall remain undisturbed.
- The fencing proposed shall be a solid wood fence that is a minimum of 6 feet in height.
- No more than one dog at a time be released in the outdoor enclosure between the hours of 9 pm to 7 am.

Mr. Gaynor stated that he would like to know more about the SPAP. Mr. Beavers stated that this is a blank application that the owners will have to fill out that provides a plan on how they will clean and dispose of animal waste in order to keep it out of the storm water runoff.

Mr. Staton stated that he is concerned with the power pole and the meter being inside the fence. Mr. Beavers stated that BTES will get a copy of the final site plan and will have the opportunity to make comments and ensure it meets their requirements.
Councilman Jack Young asked Ms. Mortenson how the last condition, no more than one dog at a time be released in the outdoor enclosure between the hours of 9 pm to 7 am, would affect her operation. Ms. Mortenson stated that this condition would not pose an issue with her business because the dogs would be going out individually to relieve themselves during those times. Playtimes and other activities would not begin until around 9 am.

The Commission opened the floor for public comments. Mr. Ron Siegfried, 224 Cross Anchor Place, Piney Flats, TN, stated that he owns unit 1, and his wife owns unit 6. His concerns are noise, odors, and a decrease in property value.

Ms. Alice Siegfried, also 224 Cross Anchor Place, Piney Flats, TN, wanted to know if this is an independently owned business or a franchise. Ms. Mortensen stated that the business is independently owned. Ms. Siegfried also wanted to know if breeds that have aggressive tendencies will be allowed in the facility. Ms. Mortenson stated that there will be no breed restrictions. Ms. Seigfried stated that she is also concerned that the dogs will get out, and that could be a danger to homeowners in the area.

Mrs. Cherith Young stated that there is 50 feet of vegetation that will be undisturbed to act as a barrier between the business and the townhomes. Staff also considered that an animal hospital or veterinary clinic could move into that space without conditions or a Special Use Permit because of the B-3 Zoning.

The Commission opened the floor for public statements. Ms. Mortenson stated that she is a dog trainer and the owner of The Pawfect Place that specializes in in-home obedience. Her number one priority is safety. Every dog will be tested before they are involved in a play groups. The obedience training and monitored play groups will be indoors.

Mr. Kevin Buck made a motion to approve the Special Use Permit with the conditions recommended by staff with the exception of the word “wood” from the condition about fencing; Mr. Mark Byington seconded the motion; Mr. Gaynor had questions about the meaning of a solid fence. Mrs. Young stated that the condition was made because of the concern about animals climbing a chain link fence, the goal is to utilize a material that an animal cannot climb.

Mr. Kevin buck amended his previous motion and made a motion to approve the Special Use Permit with the conditions recommended by staff, with the exception of replacing “solid wood fence” with “visually solid fence” in the condition about fencing; Mr. Mark Byington seconded the motion; the motion carried unanimously.

**B. Rezoning – 1101 Anderson Street**

Mr. Staton stated that he would be recusing himself from discussion and voting due to a conflict of interest.

Mrs. Cherith Young presented information on the Rezoning Request. The applicant, Appalachian Service Project, is requesting to rezone the property located at 1101 Anderson Street from a B-1B
(Neighborhood Shopping/Office Zone District) to a RE (Established Residential Neighborhood District). The subject property is on a corner lot with frontage on Anderson Street and 11th Street. If approved this zoning will provide the property owner with the opportunity to develop the property with lesser setbacks than the current zone requires. The City’s Future Land Use Map indicates the area will be developed as low density residential. Two key elements within the Future Land Use Plan Policy 2 is to protect the charter of residential neighborhoods and Policy 6 Encourages the development of underutilized land and building to capitalize on existing infrastructure and services.

Staff recommends that the Planning Commission send a favorable recommendation to City Council on the rezoning of 1101 Anderson Street from B-1B (Neighborhood Shopping/Office Zone District) to R-E (Established Residential Neighborhood District).

Councilman Jack Young made a motion to send a favorable recommendation to City Council on the rezoning of 1101 Anderson Street from B-1B (Neighborhood Shopping/Office Zone District) to R-E (Established Residential Neighborhood District); Mr. Scott Gaynor seconded the motion; the motion carried unanimously.

This item will be presented to City Council at the work session on May 28. The First Reading will be on the June 7 City Council agenda. If the First Reading is approved it will go on to a Second Reading at the July City Council meeting.

C. Subdivision Regulations Waiver Request – 1339 Volunteer Parkway

Mr. Buck stated that he would recusing himself from discussion and voting due to a conflict of interest.

Mrs. Cherith Young presented information on the subdivision waiver request. The property owners, Brad Adams/Johnson Commercial Development, are requesting a sidewalk waiver for the property located at 1339 Volunteer Parkway. The property is approximately 5.76 acres and is located in a B-3 (General Business) District. Pursuant to Section 503.7 of the Subdivision Regulations, sidewalks are required along all existing proposed streets for subdivisions within the B-3 District. The Subdivision Regulations state that the Planning Commission may grant a waiver from the regulations included in the document if it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations. The Subdivision Regulations require that the Planning Commission not approve a waiver request unless it finds that:

1. Granting the waiver will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood in which the property is located;
2. Conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
3. Particular physical surroundings, shape, or topographical condition of the specific property involved create a particular hardship (not self-imposed) to the owner, as
distinguished from a mere inconvenience, if the strict letter of these regulations were carried out;

4. The variance will not in any manner alter the provisions of the land development plan, the major road plan, or any zoning regulations; and

5. The variance is the minimum deviation from the regulations required to alleviate the condition unique to the property.

Staff has reviewed the request and finds merit in the applicant’s analysis:

1. Granting the waiver will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood in which the property is located;

Granting the variance will not be detrimental to the public safety, health or welfare. While walkable development is important, the neighborhood will be better served by a comprehensive sidewalk plan which addresses such issues pedestrian safety, ADA accessibility, and connectivity.

2. Conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;

This property is a large tract of land on Volunteer Parkway in an area of commercial developments which were constructed without sidewalks. The closest sidewalk to the subdivision going northbound along Volunteer Parkway is at the Weaver Pike intersection (2.1 miles). Southbound along Volunteer Parkway, the closest sidewalk is at Circle Court (0.8 miles). There are very few sections of Volunteer Parkway, an arterial highway, which have sidewalk present. The addition of sidewalk along this parcel would be an anomaly and would provide no reasonable connection to any other pedestrian facility.

3. Particular physical surroundings, shape, or topographical condition of the specific property involved create a particular hardship (not self-imposed) to the owner, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out;

The physical surroundings and topographical condition of the specific property present significant challenge to the addition of sidewalks along Volunteer Parkway. The topography of the site and fact that it is located on an arterial, ditch-section street will result in extraordinary development costs to construct and provide drainage for sidewalk. Requiring the installation of a portion of sidewalk on a single parcel may be feasible in the future if a master sidewalk plan and design existed for pedestrian infrastructure as a whole along the corridor.

4. The variance will not in any manner alter the provisions of the land development plan, the major road plan, or any zoning regulations;

The request will not alter any of these provisions.

5. The variance is the minimum deviation from the regulations required to alleviate the condition unique to the property.
This request represents a minimum deviation.

Staff recommends that the Planning Commission grant the request for a sidewalk waiver. If the request for a waiver is granted, staff may move forward in approving a subdivision plat for the property which meets all other requirements of the Subdivision Regulations and Zoning Ordinance. Staff also recommends that the Planning Commission propose a change to the Ordinance on Commercial and Industrial Zones to mimic the Residential Regulations that states sidewalks are to be placed when there is an extension or placement of a new road.

Mr. Scott Gaynor made a motion to grant the request for a sidewalk waiver; Mr. Mark Byington seconded the motion; the motion carried unanimously.

D. Subdivision Regulations Waiver Request – 2183 Carolina Avenue/1083 Old Jonesboro Road

Mr. Steven Mott presented information on the Subdivision Waiver Request. The property owners, Charles Hyder, Patricia Brooks, and Curtis Rice, are requesting a waiver for Sullivan County Minimum Lot Size Requirements per Subdivision Regulations for the properties located at 2183 Carolina Ave and 1083 Old Jonesboro Road. The properties are approximately .86 acres and are located in the R-1 District (Sullivan County).

Staff has reviewed the request and finds merit in the applicant’s analysis:

1. Granting the waiver will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood in which the property is located;

The request will not be detrimental to any of the aforementioned factors,

2. Conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;

The original D. T. Delaney Subdivision was recorded in 1927, long before any planning regulations. Lot 9 was divided prior to the adoption of county-wide zoning as verified on the 1988 tax map. This lot also had double road frontage, two homes, separate septic systems, access and utilities at that time. Considering these factors, staff finds that these conditions are unique to the property and are not applicable generally to other property.

3. Particular physical surroundings, shape, or topographical condition of the specific property involved create a particular hardship (not self-imposed) to the owner, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out;

The physical surroundings and topographical condition of the specific property present significant challenges regarding future environmental improvements.

4. The variance will not in any manner alter the provisions of the land development plan, the major road plan, or any zoning regulations:
Sullivan County updated minimum lot size standards in 2004 from 15,000 square foot minimum to 20,000 square foot (approximately \(\frac{1}{2}\) acre) to coincide with the TDEC regulation change in 2003 of the same. Thus, back in 1988 both lots were in conformance with both TDEC and Sullivan County. All other applicable county zoning and city regional regulations are satisfied, and no provisions will be altered by the variance.

5. The variance is the minimum deviation from the regulations required to alleviate the condition unique to the property.

This request represents a conforming lot size per former Sullivan County Zoning Resolution, not going beyond minimum standards, and is deemed to be currently admissible by the Planning and Zoning Manager for Sullivan County.

Considering that all of the standards and details of the waiver request, as laid out by the City’s Subdivision Regulations, Staff recommends that the Planning Commission grant the request for a waiver from the Sullivan County Zoning Resolution minimum lot size. If the waiver is granted approval, Staff may move forward in approving the subdivision replat, pending satisfactory corrections to the preliminary plat.

Mr. Kevin Buck made a motion to grant the request for a waiver from the Sullivan County Zoning Resolution minimum lot size; Councilman Jack Young seconded the motion; the motion carried unanimously.

OTHER MATTERS:

A. Signage Standards Discussion
Mr. Tim Beavers asked the Commission if they would prefer to have another work session before the next Planning Commission meeting for a signage discussion. The Commission agreed to have a work session meeting at 5 pm on June 17, before the next Planning Commission meeting.

STAFF UPDATES:
Mrs. Cherith Young stated that she would send the Commissioners information on upcoming training opportunities.

With no other business to discuss, the meeting was adjourned at 7:36 p.m.

Chairman, Kelly Graham