

BRISTOL TENNESSEE MUNICIPAL REGIONAL PLANNING COMMISSION MINUTES

Slater Community Center
325 McDowell Street | Bristol, TN 37620
August 15, 2022
6:00 p.m.

Members Present:

Kelly Graham, Chairman
Mark Webb, Vice-Chairman
Joel Staton, Secretary
David Akard III, Vice-Secretary
Tekai Shu, Urban Growth Area
Margaret Feierabend
Andrew Snyder

Staff Present:

Cherith Young, Director of Community
Development and Planning
Danielle Smith, City Attorney
Ross Peters, Zoning Administrator
Heather Moore, Land Use Planner
Carty Leonard, Planner
Steve Blankenship, Planning Technician
Bretta Morenings

Absent:

Jason Booher
Mahlon Luttrell

I. CALL TO ORDER AND ROLL CALL

Chairman Kelly Graham called the Bristol Tennessee Municipal Regional Planning Commission meeting to order at 6:03 p.m. on Monday, August 15, 2022. A roll call was performed, and a quorum was declared present.

II. APPROVAL OF MINUTES

Kelly Graham motioned to approve the minutes for the July 18, 2022 meeting. Margaret Feierabend motioned to approve the minutes. Mark Webb seconded the motion. The vote in favor was unanimous.

III. UNSCHEDULED COMMENTS FROM THE PUBLIC

None.

IV. NEW BUSINESS

A. Sullivan County Rezoning (RZZ22-599)

Location: 2644 Highway 421 (Urban Growth Boundary)

Tax ID: Tax Map 54, Part of Parcel 102.00

Cherith Young presented the staff rezoning recommendation request within the Urban Growth Boundary (UGB) from R-1 to A-5. Ms. Young discussed differences in the two zones including variations in lot sizes and

setbacks. The district's purpose is to preserve small working farm tracts and low-density residential. She explained this recommendation is considered downzoning. Staff believes it will not present issues related to the Future Land Use Map.

Ms. Young stated the Land Use Map indicates the north portion of the site would contain commercial developments and the southern portion would consist of low-density residential housing. In transition areas (where the land use categories meet), all of the converging land uses should be given due consideration in context with the policies of the plan. Once rezoned, the property would be designed for both residential development and open-space nature. Ms. Young stated Staff believes the requested rezoning aligns with the Land Use Map.

Staff Recommendation: The Bristol Tennessee Municipal Regional Planning Commission send a favorable recommendation to the Sullivan County Commission for the following reasons:

- The A-5 District is a new zoning classification in Sullivan County.
- Adjacent property is agriculturally zoned along Highway 421.
- The property is a large tract, exceeding the minimum lot size requirements and matching the purpose of the district.
- It agrees with the Bristol Land Use Map.
- The downzoning nature of the rezoning from R-1 to A-5.

Mr. Graham inquired about the size of the parcel inside the city's limits, as well as any potential issues with leaving it zoned as it currently is. The parcel located inside the city limits is approximately 0.48 acres. The City does not currently have an A-5 zone. Additional clarification regarding the two zones was requested. Ms. Young briefly presented highlights including the minimum lot size and accommodations for larger accessory building structures (3,000 ft²).

David Akard motioned to approve the Staff recommendation. Margaret Feierabend seconded the motion. The vote in favor was unanimous.

B. Major Subdivision Preliminary Plat Approval (SUB22-20) - Fox Meadows Subdivision Phases 4, 5, 6

Location: Beaver Creek Road

Tax ID: Tax Map 080, Parcels 162.20, 162.50, 170.10 & 170.50

Guest: Jerome Malinay, Ardent Development Group

Cherith Young presented the Fox Meadows (Phases 4, 5, and 6) preliminary plat for approval. She stated it follows the conceptual plan previously viewed by the board and consists of 180 parcels proposed for development. Preliminary approval will provide the developer with information necessary (the City's infrastructure as related to drainage, roads, etc.) to move forward with the project. She confirmed the developer would be required to obtain a final plat approval prior to selling lots for each phase of the development.

*Ms. Young noted that a revised copy of the plat, with connected right-of-way on the loop roads was distributed to the Planning Commission.

Staff Recommendation: The Bristol Municipal Regional Planning Commission grant preliminary approval of Fox Meadows Subdivision, Phases 4, 5, and 6 noting conformance to the Bristol Tennessee Subdivision Regulations, as well as the Bristol Tennessee Zoning Ordinance in addition to changes in the below criterion.

- All lots must meet the minimum lot frontage requirement of 50 feet.
- ~~The Right of Way on the loop roads—Zinnia, Thistle, and Mint—must provide for a 28' ROW to accommodate the 5' sidewalk and utility strip.~~
- An easement shall be provided to Detention Basin 1 located on the Cross property (Tax Map 82, Page 61). The easement must be recorded prior to the approval signature of the final plat for Phase 4.
- An easement shall be provided to address the temporary turnaround on the Galloway property (Tax Map 81, Page 170.20). The easement must be recorded prior to the approval signature of the final plat for Phase 4.
- Sufficient access to proposed BMP facilities 1 - 3 shall be indicated on the final plat and all plans and shall include adequate easements (20' or greater) to accommodate future access and maintenance equipment/activities/operations from the public ROW to the facilities.

Discussion ensued regarding to pie-shaped lots located on loop roads (Zinnia, Thistle, and Mint). Staff suggests the Commission consider revising the subdivision regulations (50' lot width requirement with the exception of cul-de-sacs that allow for a decreased width of 35') due to the similarities of the lot shape in cul-de-sacs and the loop roads. The City must post a 30-day public notice in the newspaper to make changes to the subdivision regulations.

Ms. Young confirmed the plat the Planning Commission would be voting on during the meeting would not grant a deviation to the smaller road frontage.

Discussions regarding easements and detention basin ownership ensued. Ms. Young stressed the easement agreement/documentation must be in hand with the final plat. The first easement (required to access a detention basin) is located on a property neighboring the proposed development (Cross property) the second is located on a different property (Galloway) adjacent to the proposed development where a temporary turnaround will be located. The developer has agreements for both easements with the current property owners. The developer, Jerome Malinay of Ardent Development Group, stated an HOA would eventually own the easements. Fox Meadows does not currently have an HOA in place; however, there are existing deed restrictions. Staff also confirmed that once established, the HOA would manage the proposed ponds as well. Future expansions potentially hindered by pond placement were discussed. Mr. Malinay informed the commission the property owner, Mr. Cross, selected the location of the pond and that any future development of the Cross property would require relocation of the pond. He also stated no safety features would be utilized to secure the ponds. Staff confirmed the local school system (specifically Avoca Elementary School) was aware of the pending development.

Future developments on either side of the property were discussed, as well as ease of access (connecting various future developments so they are not isolated). Staff stated that presently the properties in question are under different ownership and future developments would be dependent on each property owner. Current regulations do not mandate connector streets.

Margaret Feierabend requested the Planning Commission consider amending regulations mandating/encouraging connector streets. Staff will review how other communities handle this.

Margaret Feierabend motioned to approve the staff recommendation. Joel Staton seconded the motion. The vote in favor was unanimous.

Margaret Feierabend motioned to have staff research other city's guidelines for road frontage footage in cul-de-sacs/curves. Ms. Young clarified the City's sub-regulation currently defines cul-de-sac, but Staff would research other options. David Akard seconded the motion. The vote in favor was unanimous.

C. Preliminary and Final Plat Approval (SUB22-29) - Replat of the Teri & Kovaleski Properties

Location: Broad Street/Flint Street

Tax ID: Tax Map 20G, Group B Parcels 19.00 & 20.00

Ross Peters presented the owner's request to replat the property from two to four lots. He walked the commission through the plat, detailing the boundaries of each property. The properties in question have two homes located on them.

Staff Recommendation: The Bristol Municipal Regional Planning Commission grant preliminary and final approval for the replat of the Teri and Kovaleski Properties, noting conformance to the Bristol, Tennessee Subdivision Regulations, as well as the Bristol, Tennessee Zoning Ordinance.

Margaret Feierabend motioned to approve the staff recommendation. Mark Webb seconded the motion. The vote in favor was unanimous.

D. Special Use Permit (SUP2022-04) - Comfort Systems

Location: 2850 & 2870 Highway 394

Tax ID: Tax Map 66, Parcels 072.55 & 072.56

Guest: Mark Lucas, Owner, Commercial Development Company (owns the property) and President, Comfort Systems USA (leasing building and property)

Cherith Young presented an overview of the property, existing conditions, and proposed use of the facility. Ingress, egress, off-street parking, refuse areas, utility availability, and screening and buffering for the property were discussed. Any new signage or exterior lighting would be required to meet the city's Zoning Ordinance requirements. Additionally, no facility additions or new structures are proposed at this time, and any future expansions must meet the requirements in the Zoning Ordinance. Ms. Young reiterated the owner is not requesting any changes/additions to lighting or signage at this time. She then presented public comments – one was in favor while another expressed concerns over (the caller's) views of the construction equipment in the former field.

The public notice was advertised July 29, 2022, in the *Bristol Herald Courier*, as well as signage posted on the property that announced the request, meeting date, location, and contact phone number. Adjacent property owners were notified of the request by letter, which included a return envelope and comment sheet. As of 8/12/22, staff received one comment sheet that was returned to the city in favor of the SUP.

Staff Recommendation: The Bristol Municipal Regional Planning Commission approve the Special Use Permit for a Contractor's Establishment at 2850 & 2870 Highway 394 with the following conditions:

- A landscape buffer (Buffer Type C included in Chapter 11 of the Zoning Ordinance) be added along the southern property lines adjoining the Cottages at Feathers Chapel.
- The contractor's yard allows for vehicles, equipment, and/or supplies to be stockpiled, stored, and maintained in an orderly fashion for use by the business for the construction and/or renovation trades. The lease, retail, or wholesale sale of construction materials or supplies, or home improvement materials, equipment, or supplies is prohibited. The storage of damaged or inoperable vehicles or equipment and scrap materials are also prohibited.

Inquiries about security, buffers, future lighting, and 'being a good neighbor' to residents at the Cottages at Feathers Chapel. Mark Lucas said he understood the concern and has no plans at this time and understands any future changes must go before the Commission. The existing exterior lighting was previously approved before the previous owner/tenant occupied the building. Security of the existing chain link fencing and buffer (trees) were discussed. Mr. Lucas stated the gate/fence was secure and locked nightly. Ms. Young added the trees will be approximately five feet tall at the time of planting. Additional concerns regarding lighting and noise were discussed. Mr. Lucas stated that everything 'just sits' in the lot in question as it is not an active site – equipment is stored and trucks are parked at the site until they are required at job sites. He did not speculate on the volume of equipment/materials stored there but stated it could be a "fair amount". Discussions ensued regarding privacy style fencing (not mesh screens that dilapidate) used to conceal the equipment. Buffers (trees) were mentioned again and should conceal most of the storage yard. Staff reiterated that due to the zoning regulations, a wrecking service could also move into this property and ensured the commission that nothing would sit on the property in a state of disrepair.

Questions regarding leased spaces at the front of the lots being zoned for other businesses (coffee shops, etc.). As long as Mr. Lucas could meet the PBD/B-3 usage zoning requirements, he could lease the spaces. It would not necessarily require a special use permit.

Andrew Snyder motioned to approve the staff recommendation. David Akard seconded the motion. The vote in favor was unanimous.

Since Mr. Lucas was in attendance, the Planning Commission adjusted the agenda and moved forward with his Special Use Permit request that was originally scheduled for later in the meeting.

E. Concept Site Plan (SP2022-185) - Comfort Systems

Location: 2870 Highway 394

Tax ID: Tax Map 66, Parcel 072.55

Guest: Mark Lucas, Owner, Commercial Development Company (owns the property) and President, Comfort Systems USA (leasing building and property)

Staff Recommendation: The Bristol Municipal Regional Planning Commission approve the conceptual site plan for this project noting conformance to the intent of the Highway 394 Overlay District.

Margaret Feierabend motioned to approve the staff recommendation. David Akard seconded the motion. The vote in favor was unanimous.

F. Special Use Permit (SUP2022-05) - Ballad Daycare Facility

Location: 2000 West State Street

Tax ID: Tax Map 020C, Group B, Parcel 014.00

Guest: Billy Teilhet, VP of Facilities and Construction, Ballad Health

Guest Address: 405 Emerald Chase Circle, Johnson City, TN 37615

Ross Peters presented information on the proposed project detailing ingress, egress, off-street parking, refuse, screening/buffering, lighting, and signage, and provided an overview of the property and existing facility. He confirmed the facility would be owned and operated by Ballad Health.

The public notice was advertised July 29, 2022, in the *Bristol Herald Courier*, as well as signage posted on the property that announced the request, meeting date/location, and contact phone number. Staff received three comment letters in favor of the proposed daycare facility. On one form, concern was expressed over the danger posed by the heavily treed area behind the facility near Shelby Street. One phone call was also received from the same individual who submitted the comment letter regarding the heavily treed area wishing to express further concern over the trees.

Billy Teilhet discussed plans for the existing landscaping, refuse, and parking. He intends to preserve the back wooded area but added staff parking may be taken into consideration. He also confirmed that Ballard would own and operate the childcare center. Approximately ¾ of the facility will be used for childcare. The mezzanine, pool, and racquetball courts would not be utilized at this time. Additionally, he stated Ballard would eventually like to revamp the façade. Mr. Teilhet confirmed there would be no impact on the two businesses that Ballard is currently operating in the facility.

Staff Recommendation: The Bristol Municipal Planning Commission approve the Special Use Permit for the Day Care Facility (624) at 2000 West State Street with the following conditions:

- Upkeep and striping of spaces in the parking area behind the building are recommended as more parking is needed.
- Any future refuse area is placed in the paved area to the rear of the building and is screened from view by residential properties and the rights-of-way.
- Any future site lighting must conform to all city standards.
- Any proposed sign alteration must be submitted for review prior to the issuance of a sign permit.
- The existing vegetation along the west property line which abuts the residentially zoned properties shall be maintained.

Discussions ensued regarding refuse location, the proposed play area located behind the facility, its potential proximity to the refuse area, and the back entrance. The staff recommendation/wording of suggested refuse placement should be a requirement to prevent future issues with placement. Mr. Teilhet showed the Commission Ballard's proposed refuse location at the front right of the building and confirmed it would be screened by the adjacent business and landscaping in front of the receptacle. Mr. Teilhet stated Ballard does not propose using the access road but it will maintain it so it "does not scratch cars" for fire department access, etc.

Margaret Feierabend motioned to approve Staff recommendation and Mark Webb seconded the motion, provided the following staff recommendations were changed to conditions (requirements): (1:35:10)

- Parking will be maintained (striped) and located to the side and rear of the facility and not at the back of the facility near the play area.
- Refuse will be located to the side of the building and not the rear.

The vote in favor was unanimous.

G. Special Use Permit (SUP2022-06) - Stowaway Storage

Location: 1139 Volunteer Parkway

Tax ID: Tax Map 037D, Group F, Parcel 005.00

Guest Speaker: Charles Allen, Founder and President, Stowaway Self Storage

Address: 741 Volunteer Parkway

Ross Peters presented plat, ingress, egress, parking, refuse, screening/buffering, signage, lighting, and setback information for the proposed Stowaway Storage SUP. He stated that a landscaping plan was submitted and will be evaluated during the site plan review.

The public notice was advertised July 29, 2022, in the *Bristol Herald Courier*, as well as signage posted on the property that announced the request, meeting date, location, and contact phone number. Adjacent property owners were notified of the request by letter, which included a return envelope and comment sheet. As of 8/12/22, staff received two phone calls and one comment sheet that was returned to the city in favor of the SUP.

Staff Recommendation: The Bristol Municipal Planning Commission approve the Special Use Permit for an Indoor Storage Facility at 1139 Volunteer Parkway with the following conditions.

- The Special Use Permit takes effect following the effective date of Ordinance 22-12, August 19, 2022.
- A landscape buffer (Buffer Type B included in Chapter 11 of the Zoning Ordinance) be added along the southern property lines adjoining the multifamily development.

Discussion ensued regarding loading docks, buffers, and parking for customers/current regulations surrounding this type of business since it is indoor versus outdoor storage units that have different parking requirements. Mr. Peters stated staff would review existing regulations pertaining to parking requirements for indoor versus outdoor storage. Staff clarified that Buffer Type A would be used and will provide a six-foot privacy fence. Staff reiterated the plan was for a one-story building but it could be up to three stories. Since this is the first plan on a new ordinance, counsel advised the commission that approval of SUP 2022-06 be contingent upon the ordinance taking effect on August 19, 2022.

Mark Webb motioned to approve the staff recommendation, and Joel Staton seconded the motion with the following conditions:

- Change Buffer Type B to Buffer Type A.
- Approval is contingent upon Ordinance 22-12 taking effect on August 19, 2022

The vote in favor was unanimous.

H. Conceptual Site Plan (SP2022-182) - O'Reilly Auto Parts

Location: 1915 Highway 394, Unit 2

Tax ID: Tax Map 066, Parcel 033.10

Steve Blankenship presented the conceptual plan for the proposed O'Reilly Auto Parts. Discussion ensued regarding the new construction, B-3 zoning, and the business being allowed by right due to its location on Highway 394. Its location will meet Chapter 4A design standards.

Staff Recommendation: The Bristol Municipal Planning Commission approve the conceptual site plan for this project noting conformance to the intent of the Highway 394 Overlay District.

David Akard motioned to approve the staff recommendation. Joel Staton seconded the motion. The vote in favor was unanimous.

I. Concept Site Plan (SP2022-183) - Taco Bell

Location: 1915 Highway 394, Unit 1

Tax ID: Tax Map 066, Parcel 033.12

Steve Blankenship presented the conceptual plan for the proposed Taco Bell. Photometric plans have not been submitted at this time.

Staff Recommendation: The Bristol Municipal Planning Commission approve the conceptual site plan for this project noting conformance to the intent of the Highway 394 Overlay District.

Andrew Snyder motioned to approve the staff recommendation. David Akard seconded the motion. The vote in favor was unanimous.

J. Sullivan County Text Amendment - Yard Requirements & Regulations

Cherith Young presented proposed minor text edits to Section 3-103.6 (Yard Requirements), Section 4-103.4 (Yard Regulations), and 5-103.4 of the Sullivan County Zoning Resolution that will further define permitted obstructions in yards (privacy walls versus retaining walls). As required by state law, the Bristol Municipal Regional Planning Commission is requested to review and send a recommendation to the Sullivan County Commission regarding the proposed changes because any text amendment may affect zoning matters on parcels located within Bristol's Urban Growth Boundary.

The Sullivan County Planning Commission reviewed the proposal on July 21, 2022. The text proposal includes three minor amendments to clarify the language so the treatment of walls is consistent between the Zoning Resolution and Building Codes. The Sullivan County Planning Commission sent a positive recommendation on the edits. The updates are minor in nature, and no issues are anticipated by the proposed changes. The amendments should have little effect on parcels in Bristol's Urban Growth Boundary. Community Development staff see the amendments as minor with no detrimental effect.

Staff Recommendation: The Bristol Tennessee Municipal Regional Planning Commission send a favorable recommendation to the Sullivan County Commission to approve the proposed text amendments for Sections 3-103.6, 4-104.3, and 5-103.4 of the Sullivan County Zoning Resolution.

Mark Webb motioned to approve the staff recommendation. Margaret Feierabend seconded the motion. The vote in favor was unanimous.

V. OLD BUSINESS

A. None

VI. OTHER MATTERS

A. Discussion: Triplexes & Duplexes in B-1A & B-1B

Ms. Young asked the Commission to further explore classifications for triplex and quadplex and presented the following options for the Commission to review, in addition to exploring possible stipulations for existing structures versus new construction:

- **Triplex** - A detached residential structure containing three dwelling units designed for occupancy by not more than three families living independently of each other.
- **Quadplex** - A detached residential structure containing four dwelling units designed for occupancy by not more than four families living independently of each other.

Discussion ensued regarding Special Use Permit requirements for existing structures and ensuring progress made on older homes within the city (Anderson and Fairmount areas) is not negated, in addition to a potential amendment defining regulations surrounding façade aesthetics as related to historic districts (R-2) versus B-1A or B-1B. The City must develop criteria for approving or denying SUPs, if this is the direction.

B. Historic Preservation Committee Update

Cherith Young stated Vickie Mitoraj was appointed to the Historic Preservation Association. The Committee is meeting later this month and Staff would inform the Commission of the upcoming meeting details.

C. City Council Updates

- Ordinance 22-12 was approved on August 2, 2022, at the second reading and will be effective on August 19, 2022.
- The ordinance to change Agero Drive to Ayers Place was approved and will be effective in October 2022.

D. Training Update – Current Hours Status

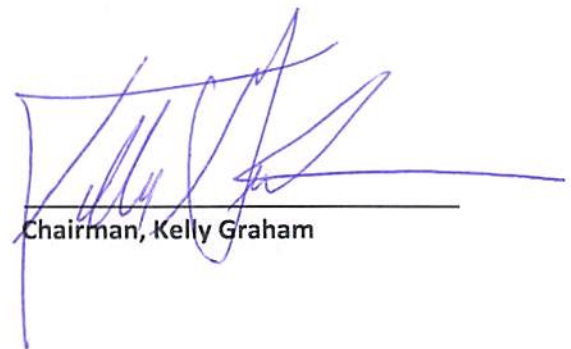
Ms. Young stated Staff is working on generating more in-person training opportunities as well as notifying the commission of additional training opportunities and asked the Commission to keep staff updated on training hours.

VII. Additional Information

- Ms. Young introduced Bretta Morenings, the new secretary for Community Development.
- Staff requested the commission provide a preferred method of contact and information for future meeting confirmations.
- Salvage yard and repair shop topics were moved to the next meeting due to the extended agenda.
- Staff to review options for community green spaces for play areas.
- Staff to review options other than detention ponds and inquired about incentives to promote this.

Adjournment

With no other matters to present to the Board, Chairman Kelly Graham adjourned the meeting at 8:27 p.m.



Chairman, Kelly Graham