

ORDINANCE NO. 4564-14

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF JOHNSON CITY, TENNESSEE BEING PART OF THE APPENDIX TO ORDINANCE NO. 1519 ENTITLED "AN ORDINANCE TO ADOPT A CODE OF LAWS AND ORDINANCES FOR THE CITY OF JOHNSON CITY, TENNESSEE, AND TO REPEAL ALL LAWS AND ORDINANCES IN CONFLICT THEREWITH", AND AMENDATORY THEREOF, BY CHANGING FROM A R-4 (MEDIUM DENSITY RESIDENTIAL) DISTRICT TO A R-1 (LOW DENSITY RESIDENTIAL) AND PB (PLANNED BUSINESS) DISTRICT CERTAIN PROPERTY LOCATED AT 100 E. HIGHLAND ROAD.

BE IT ORDAINED BY THE CITY OF JOHNSON CITY AS FOLLOWS:

SECTION 1. That the Zoning Map of the city of Johnson City, Tennessee, being a part of the appendix to Ordinance No. 1519 entitled, "An Ordinance to Adopt a Code of Laws and Ordinances for the City of Johnson City, Tennessee, and to Repeal All Laws and Ordinances in Conflict Therewith," and all ordinances supplementary thereto and amendatory thereof, be and the same is hereby amended and modified by changing the zoning on the following described property from a R-4 (Medium Density Residential) District to a R-1 (Low Density Residential) and PB (Planned Business) District.

See description marked "Exhibit 'A'" hereto.

See map of the above-described property marked "Exhibit 'B'" hereto.

See associated Concept Plan marked "Exhibit 'C'" hereto

SECTION 2. BE IT FURTHER ORDAINED, That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. BE IT FURTHER ORDAINED, That this ordinance shall take effect from and after its passage on third and final reading and publication as required by law, the public welfare requiring it.

PASSED ON FIRST READING	<u>10/02/2014</u>
PASSED ON SECOND READING	<u>10/16/2014</u>
PASSED ON THIRD READING	<u>11/06/2014</u>
APPROVED AND SIGNED IN OPEN MEETING	
ON THE <u>6th</u> DAY OF <u>November</u> , 2014	

/s/ Ralph Van Brocklin
MAYOR

ATTEST:

/s/ Janet Jennings
City Recorder

APPROVED AS TO FORM:

/s/ James H. Epps IV
City Attorney

"Exhibit 'A'"

OSSA-8-029.00

Tract 1:

BEGINNING at the southeast corner of the lot now owned by Paul Hill; thence with his line extended in a southeasterly direction 424 feet, more or less, to the north side of Grand Avenue in a southwesterly direction 125 feet to the east side of South Roan Street at the intersection of Grand Avenue and South Roan Street and with the Old Elizabethton Highway; thence along the East side of Roan Street, a curve to the right in a northwesterly direction 175 feet; thence with a straight line along Roan Street in a northwesterly direction 175 feet; thence with a straight line along Roan Street in a northwesterly direction 250 feet to a point in the line of Paul T. Hill's property and South Roan Street; thence with the line of Paul T. Hill's property in a northeasterly direction 170 feet to the place BEGINNING, containing 1-6/10 acres, more or less.

THERE IS EXCEPTED from the above tract of land that property conveyed to the State of Tennessee for highway purposes.

Tract 2:

Parcel 1

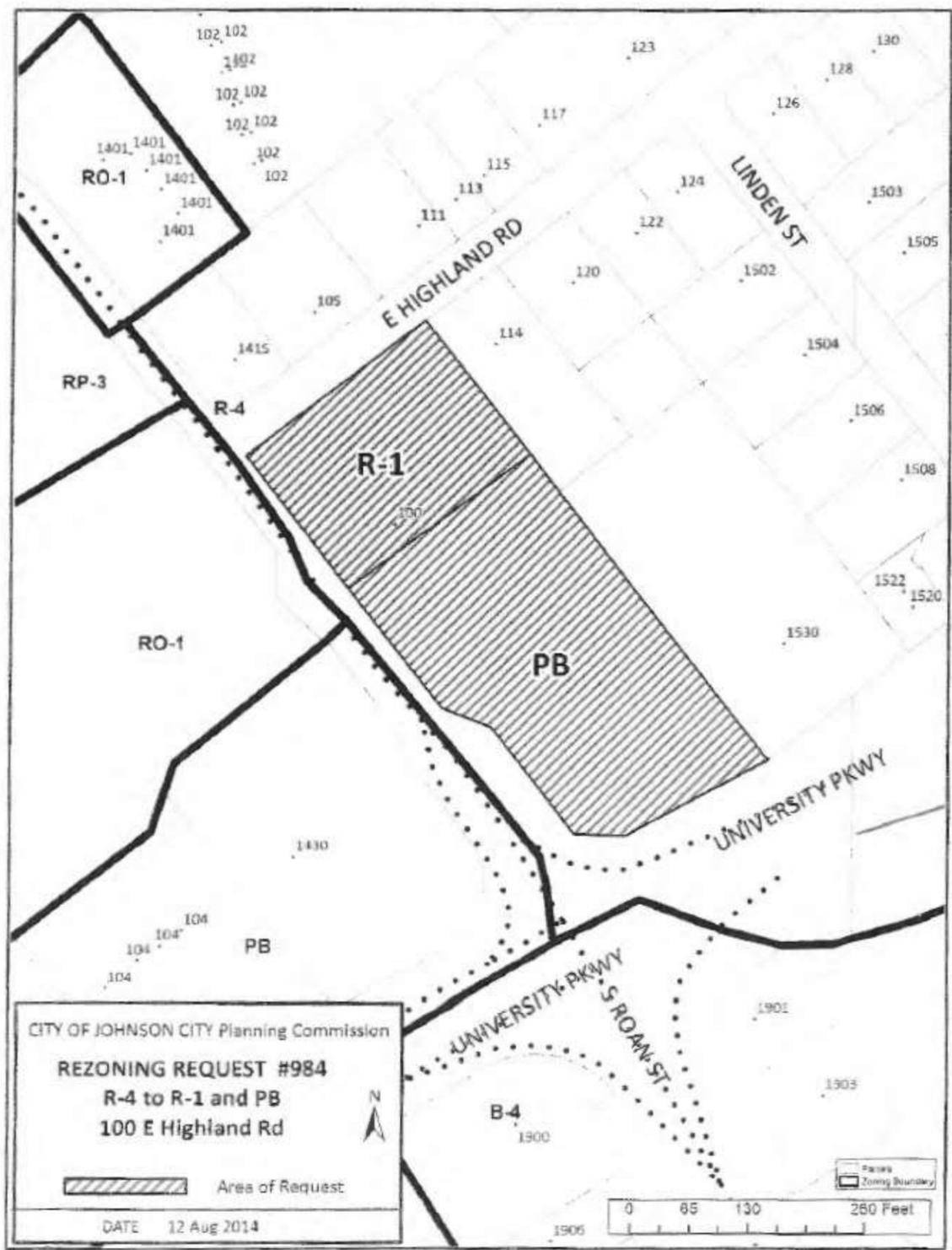
Beginning at the intersection of East Highland Road and South Roan Street, and thence along the southerly side of East Highland Road in an easterly direction 170 feet to a stake; thence in a southerly direction parallel to South Roan Street 250 feet to a stake; thence in a westerly direction and parallel to East Highland Road 170 feet to a stake in the easterly side of South Roan Street; thence in a northerly direction along the easterly side of South Roan Street 250 feet to the point of BEGINNING.

Parcel 2

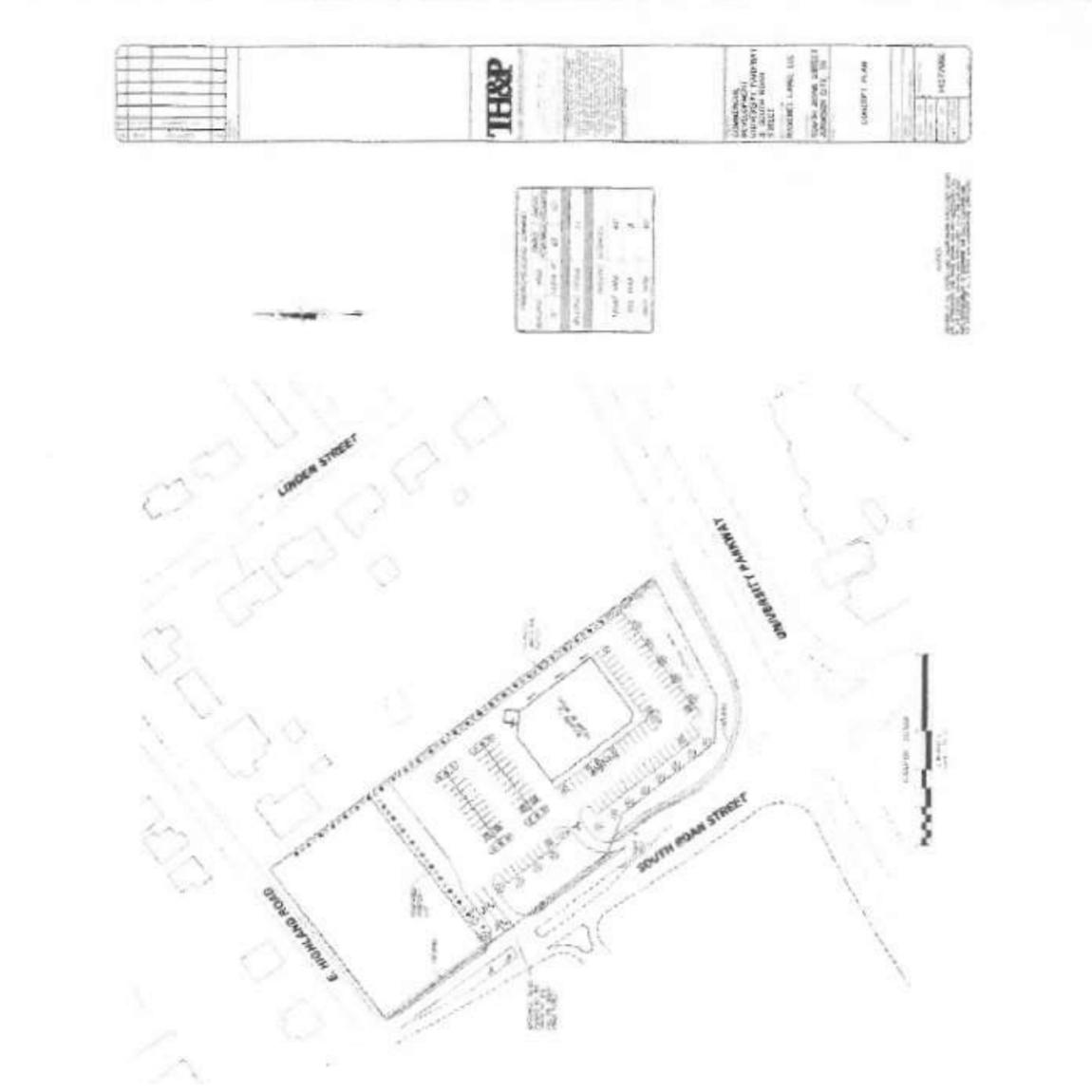
BEGINNING at a point 170 feet, distant, in an easterly direction from the intersection of East Highland Road and South Roan Street (corner to Paul T. Hill) thence along the southerly side of East Highland Road, in an easterly direction 80 feet, to a stake, thence in a southerly direction parallel to South Roan Street, a distance of 674 feet to a stake in Grand Avenue, thence in a westerly direction and along the northerly side of Grand Avenue and parallel to East Highland Road, a distance of 80 feet, to a stake (corner to Paul T. Hill); thence in a northerly direction with the line of Paul T. Hill, a distance of 674 feet to the Beginning, corner and being on City lot fronting 80 feet on the southerly side of Highland Road and running back between parallel line 674 feet, more or less, to Grand Avenue.

Being the same property conveyed to Mary C. Hill by deed dated August 29, 1945, from Paul T. Hill, and recorded in Deed Book 231, page 305, in the Register's Office for Washington County, Tennessee, to which reference is hereby made.

"Exhibit 'B'"



"Exhibit 'C'"



REZONING REQUEST #984 (revised)
100 E. Highland Road
 September 2014

PETITIONER: Tyler Lindsey

OWNER: Mooneyhan Properties LP

REQUESTED ACTION: Rezoning of property from R-4 (Medium Density Residential) to PB (Planned Business) and R-1 (Low Density Residential).

EXISTING LAND USE: Vacant

PROPOSED USE: The petitioner proposes to construct a 13,500sqft retail development on the property.

SURROUNDING ZONING AND LAND USES:

NORTH:	E. Highland Rd and single family residences	R-4 (Medium Density Residential)
SOUTH:	University Pkwy and Parkway Liquor Store	R-4 (Medium Density Residential), and B-4 (Planned Arterial Business)
EAST:	Single family residences	R-4 (Medium Density Residential)
WEST:	S. Roan St, Castle Clinic, and Walgreens	RO-1 (High Density Residential-Professional Office), and PB (Planned Business)

LAND USE PLAN: The Johnson City Land Use Plan, 2020 designates this area for 'Residential' Uses.

UTILITIES: Existing water and sewer services are available and adequate for the proposed use.

TRANSPORTATION:
 The property has frontage on three streets, E. Highland Rd, S. Roan St, and University Pkwy. However, on the Concept Plan, the petitioner is limiting access to the commercial development to S. Roan St only.

There will be full access (left and right turn movement) at the crest of the hill on S. Roan St. In addition, there will be another right-in only on S. Roan St located closer to University Pkwy where the Tennessee Department of Transportation (TDOT) fence ends. The existing median on S. Roan St will be modified to accommodate the full access into the property.

According to the Institute of Transportation Engineers (ITE) the proposed retail building can be expected to generate approximately 575 vehicle trips per day. (The trip generation rates for a 46 unit multi-family development, which could be constructed with the existing R-4 zoning, would be expected to generate approximately 276 vehicle trips per day.)

PHYSICAL CHARACTERISTICS:

The property requested for rezoning is approximately 3.3 acres of vacant land bordered by E. Highland Rd to the north, S. Roan St to the west, University Pkwy to the south, and single family residences to the east. There is a right-of-way control access fence along the University Pkwy side, and extends around to S. Roan St. The property is surrounded by a tree line and the elevation increases gradually from south to north towards E. Highland Rd. Due to topography, there are limited places along this portion of S. Roan St where sight distance is not an issue. This sight distance was improved 15 years ago with the Walgreens development on the other side of S. Roan St.

CITIZEN COMMENTS:

The petitioner has advised that the neighbors are not opposed to a commercial development on the property, providing that the petitioner also requests rezoning of a portion of the site bordering E. Highland Rd to a single-family district. Staff received one phone call where a resident of E. Highland Rd expressed concern over traffic generation from a commercial development.

PLAN REQUIREMENT:

A Concept Plan for this rezoning request is required, per Section 14.3 of the Zoning Ordinance. The submitted plan shows the proposed location of the retail development with associated landscaping, buffering and parking. The plan depicts vehicular access to S. Roan St.

OPTIONS:

The Planning Commission's options are as follows:

1. Approve the rezoning and Concept Plan as requested.
2. Disapprove the rezoning, and state the reasons for denial in writing.
3. Postpone action pending the receipt of additional information.

**STAFF
RECOMMENDATION:**

Staff recommends Option 2 based on the following rationale:

The Land Use Plan has designated this area as being suitable for Residential uses. While the proposed R-1 district complies, the proposed PB district allows for general commercial uses. (Although the purpose of the PB is to ensure that developments 'are designed and constructed to minimize any negative impact or nuisance on adjacent residential development'.)