

ORDINANCE NO. 4565-14

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 B-4 (PLANNED ARTERIAL BUISNESS) DISTRICT TO AN R-5 (HIGH DENSITY RESIDENTIAL) DISTRICT CERTAIN PROPERTY LOCATED ALONG COLD WATER DRIVE.

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 B-4 (Planned Arterial Buisness) to an R-5 (High Density Residential).

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 BE IT FURTHER ORDAINED, That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.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 10/02/2014
PASSED ON SECOND READING 10/16/2014
PASSED ON THIRD READING 11/06/2014
APPROVED AND SIGNED IN OPEN MEETING
ON THE 6th DAY OF November, 2014

/s/ Ralph Van Brocklin
MAYOR

ATTEST:

/s/ Janet Jennings
City Recorder

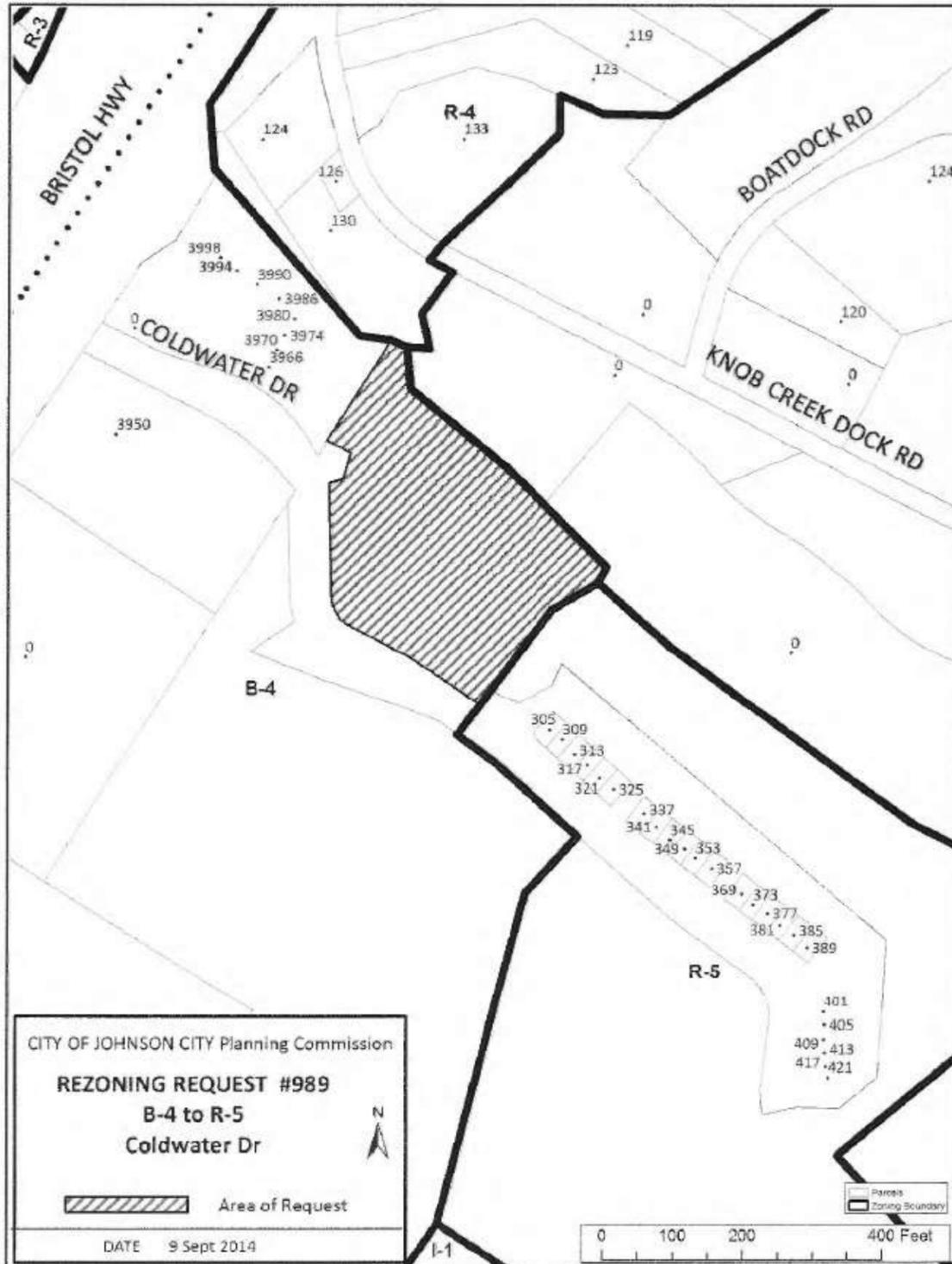
APPROVED AS TO FORM:

/s/ James H. Epps IV
City Attorney

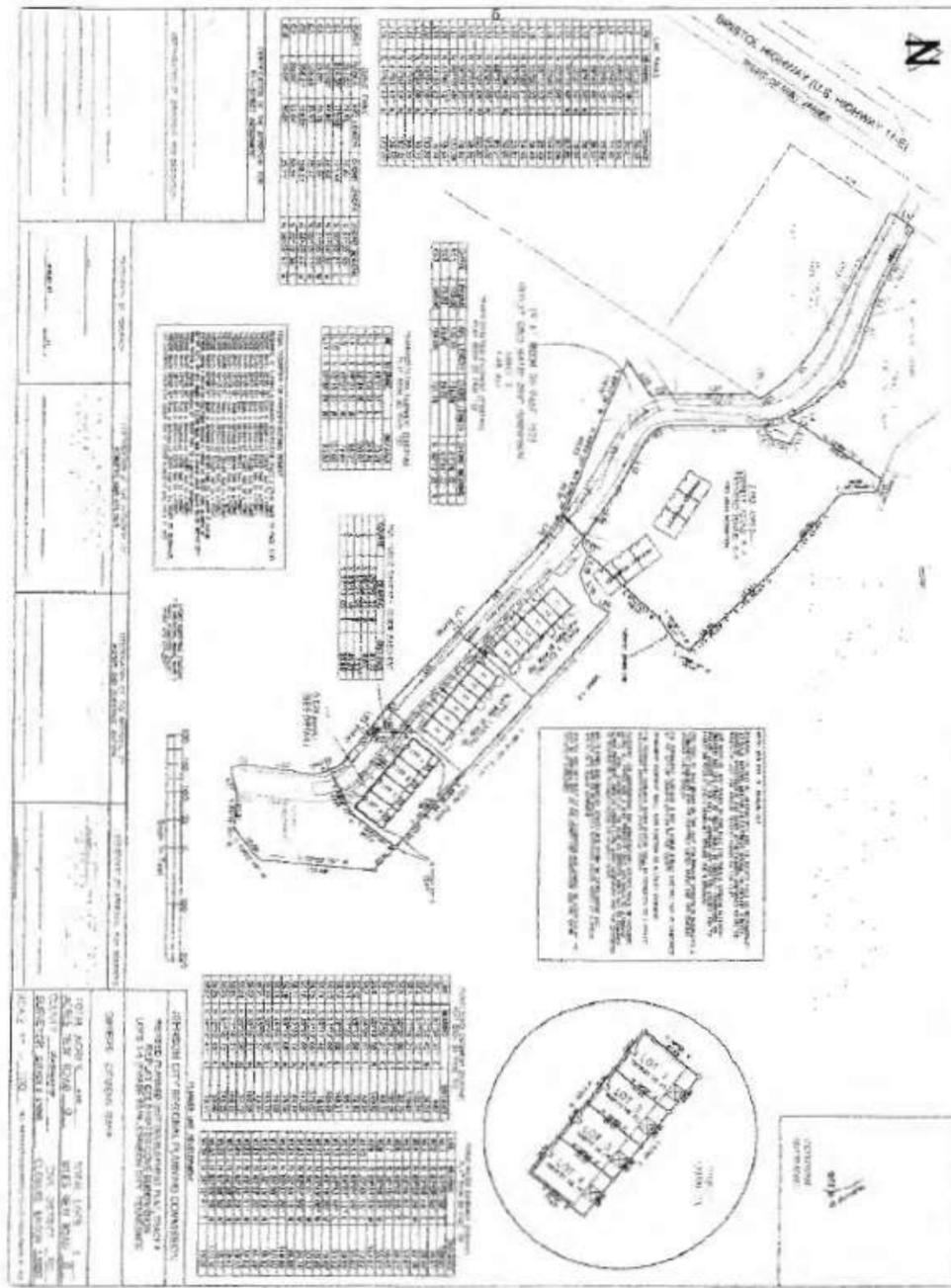
"Exhibit 'A'"

To find the point of Beginning begin at a point on the Northely side of Coldwater Drive and Renovus Properties LLC Roll 729 Image 475, common corner to Tract 3 (Plat book 19 - Page 519), Thence leaving Cold water Drive North 33°46'12" East a distance of 25.44 feet to a point in the line of Renovus Properties LLC which is the the point of Beginning. Thence continuning along the line of Renovus and along the line of Tract 3 (9 P.B. 19 - PG. 519) North 33°46'12" East a distance of 169.97 feet to a point; THENCE South 66°27'56" East a distance of 24.63 feet to a point; THENCE South 02°52'39" East a distance of 60.94 feet to a point; THENCE South 49°17'42" East a distance of 180.00 feet to a point; THENCE South 43°38'52" East a distance of 113.33 feet to a point; THENCE South 43°38'52" East a distance of 86.63 feet to a point; THENCE South 27°56'08" West a distance of 24.44 feet to a point; THENCE South 55°18'15" West a distance of 56.11 feet to a point; THENCE South 41°31'01" west a distance of 164.29 feet to a point; corner to Phase II of the Coldwater Cove Planned Unit Development (Plat Book 20 - Page 152); Thence with Phase 2 of the Coldwater Cove Planned unit Development South 59°13'53" west a distance of 26.49 feet to a point on the Northerly side of Coldwater drive. Thence along the Northely side of Coldwater Drive the following 4 courses. North 55°06'07" west a distance of 114.69 feet to a point; THENCE North 60°36'04" west a distance of 97.06 feet to a point of curve; THENCE along a curve to the right having a radius of 50.00 feet, a delta of 60°46'52", an arc length of 53.04 feet, and a chord which bears North 30°12'38" west having a chord distance of 50.59 feet to a point of tangency; THENCE North 00°10'48" East a distance of 162.86 feet to a point; Thence leaving Coldwater Drive and around the sign 3 courses; North 73°27'57" East a distance of 19.94 feet to a point; THENCE North 18°41'56" East a distance of 38.74 feet to a point; THENCE North 59°49'46" west a distance of 38.54 feet to the POINT OF BEGINNING, and containing 2.588 acre(s) of land, more or less, and being a tract of land being rezoned from B-4 TO R-5 ZONING.

"Exhibit 'B'"



"Exhibit 'C'"



REZONING REQUEST #984

Coldwater Drive

September 2014

PETITIONER: Joe Laporte III

OWNER: Citizens Bank

REQUESTED ACTION: Rezoning of property from B-4 (Planned Arterial Business) to R-5 (High Density Residential).

EXISTING LAND USE: Vacant

PROPOSED USE: The petitioner proposes to construct six units, two three unit buildings.

SURROUNDING ZONING AND LAND USES:

NORTH:	Boone Lake	TVA water way
SOUTH:	Vacant	B-4 (Planned Arterial Business)
EAST:	Multi Family Residences	R-5 (High Density Residential)
WEST:	Bristol Hwy, Isaacs Pools & Spas, Wake to Wake Watersports	B-4 (Planned Arterial 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 Coldwater Dr. The trip generation rate for multi-family is approximately 6 trips a day per unit according to the Institute of Transportation Engineers (ITE). Therefore, six units could be expected to generate approximately 36 vehicle trips daily.

PHYSICAL CHARACTERISTICS:
The property requested for rezoning is approximately 2.58 acres of vacant land bordered by Coldwater Drive to the South and West, Boone Lake to the North, and a condominium development to the East. The planned site has been graded and is flat with a steep slope to the West and North. The North Slope, facing Boone Lake, is tree covered and vegetated. The West Slope is covered by grass.

NEIGHBORHOOD COMMENTS:
The petitioner held the required neighborhood meeting on August 28, 2014. Staff has received some questions from neighbors regarding if a marina is planned for the development.

PLAN REQUIREMENT:

A Concept Plan for this rezoning request is required, per Section 14.3 of the Zoning Ordinance. The plan shows two, three unit housing developments on the site.

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 1 based on the following rationale:

1. The Land Use Plan has designated this area as being suitable for 'Residential' uses.
2. The request will allow for infill development able to be served by existing utilities.
3. The proposed use of the property will not negatively impact the surrounding properties.