

ORDINANCE NO. 4567-14

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 AN I-2 (HEAVY INDUSTRIAL) DISTRICT TO A B-3 (SUPPORTING CENTRAL BUSINESS) CERTAIN PROPERTY LOCATED AT 1100 W. STATE OF FRANKLIN 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 an I-2 (Heavy Industrial) District to a B-3 (Supporting Central Business) District.

See description marked "Exhibit 'A'" hereto.

See map of the above-described property marked "Exhibit 'B'" 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 BE IT FURTHER ORDAINED, That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.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
PASSED ON SECOND READING
PASSED ON THIRD READING

16 OCT. 2014
06 NOV 2014
20 NOV 2014

APPROVED AND SIGNED IN OPEN MEETING
ON THE 20th DAY OF November, 20 14

12
Van Buren
MAYOR

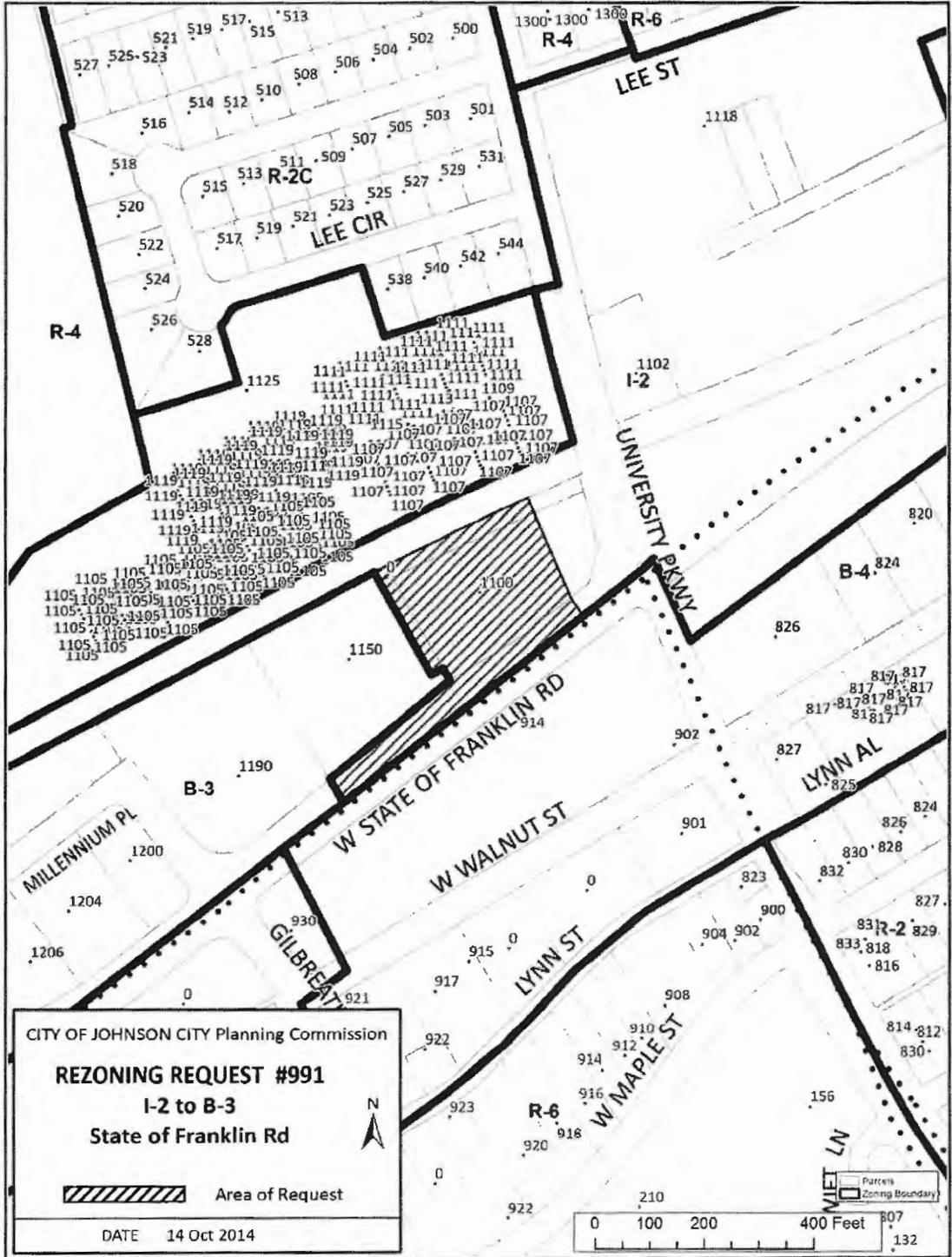
ATTEST:

Allet Jennings
City Recorder

APPROVED AS TO FORM:

Jerry H. [Signature]
City Attorney

"Exhibit 'B'"



REZONING REQUEST #991
1100 W. State of Franklin Road
October 2014

PETITIONER: Eric Brinker, on behalf of Coal Yard Restoration

OWNER: City of Johnson City

REQUESTED ACTION: Rezoning of a portion of 1100 W. State of Franklin Road, which will be subdivided into a 1.38-acre parcel, from I-2 (Heavy Industrial) to B-3 (Supporting Central Business)

EXISTING LAND USE: Vacant

PROPOSED USE: The petitioner proposes to construct a retail development on the property.

SURROUNDING ZONING AND LAND USES:

NORTH:	Carolina Clinchfield & Ohio Railway and Monarch 815 multi-family apartments	I-2 (Heavy Industrial) and R-6 (High Density Residential-University)
SOUTH:	W. State of Franklin Rd, and an ETSU parking lot	B-4 (Planned Arterial Business)
EAST:	University Pky and the ETSU baseball field	I-2 (Heavy Industrial)
WEST:	Vacant property and Elizabethton Federal Savings bank	B-3 (Supporting Central Business)

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

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

TRANSPORTATION:

Presently the property has frontage on W. State of Franklin Rd. The expected trip generation rates for the proposed retail development are 683 vehicle trips per day according to the Institute of Transportation Engineers (ITE).

PHYSICAL CHARACTERISTICS:

The property requested for rezoning is approximately 1.38 acres. The topography is relatively level, with the elevation sloping in a northerly direction away from W. State of Franklin Rd into the floodplain.

NEIGHBORHOOD**COMMENTS:**

The petitioner held the required Neighborhood Meeting on September 18th. Staff has received one call in opposition to the request in which the proposed development and its impact on the floodplain was expressed.

PLAN REQUIREMENT:

A Concept Plan for this rezoning request is not required, per section 14.3 of the Zoning Ordinance.

OPTIONS:

The Planning Commission's options are as follows:

1. Approve the rezoning.
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 'Commercial' uses.
2. The B-3 district is intended to encourage uses that are compatible, and this location being between multi-family and institutional uses could promote walkability.
3. The proposed retail use of the property will not negatively impact the surrounding area.