
JOHNSON CITY REGIONAL PLANNING COMMISSION
Minutes
February 12, 2019

Members Present: Mr. Bob Cooper, Vice-Chairman
Col. Paul Williamson, Secretary
Dr. Stacey Wild, Asst. Secretary
Dr. Larry Calhoun, City Commission Representative
Mr. Clay Hixson
Mr. Jamie Povlich
Dr. Mike Marchioni
Mr. Jacobus Louw
Gen. Gary Harrell

Members Absent: Dr. Tim Zajonc, Chairman

Staff Present: Preston Mitchell, Director of Development Services, City of Johnson City
Asongayi Venard, Development Coordinator, City of Johnson City
Matthew Manley, Senior Planner, City of Johnson City
Will Righter, Planner, City of Johnson City
Allan Cantrell, City Engineer, City of Johnson City
Tim Seaton, Inspector, Public Works, City of Johnson City
Nicole Lawrence, Recording Secretary, City of Johnson City

Vice-Chairman Cooper called the meeting to order at 6:05 p.m. Commissioner Harrell gave the invocation and led the Pledge of Allegiance.

Approval of the Johnson City Regional Planning Commission agenda was put forth, with the addition of one item, #9 a Variance request and R-O-W Dedication for Lynn Rd. Commissioner Wild made a motion for approval of the agenda with the addition of the one item with a second from Commissioner Hixson. Motion approved 9-0

The minutes of the Johnson City Regional Planning Commission Meeting held on January 8, 2019 were approved unanimously by a 9-0 vote with Commissioner Williamson making the motion and Commissioner Harrell with a second.

New Business

The first item on the agenda was a rezoning request from Washington County, Tn. located on Christian Church Rd. The petitioner wishes to rezone his property from A-1 General Agricultural to B-3 General Commercial. The property will accommodate a call center. Water and sewer are available from the City of Johnson City and adequate for the proposed use. Christian Church Rd is a local road, connecting Boones Station Road to Boones Creek Road. The surrounding zoning is varied, as the land uses in the area begin to transition from commercial to agricultural. A 'concept plan' for the rezoning request is required, per Section 512.A. of the Washington County Zoning Resolution. The submitted plan depicts the location of a 180,000-sq. ft. office building with associated parking. Also shown are storm water areas, mechanical and loading areas, and ingress/egress location. Primary access will be from Christian Church Rd, with a possible second access to Boones Creek Rd. Staff recommended approval.

Public hearing was opened;

Lynn Hodge – 281 Highland Church Rd. spoke in favor of the rezoning.

John Holcomb with Kimley-Horn who is a part of the development team for this project spoke in favor of the development a was available to answer any questions from the Commission.

Seeing no one else wished to speak; public hearing was closed.

Discussion ensued between the Planning Commissioners and staff; Commissioner Povlich asked what services the city would be providing to the development? Staff responded that the city will provide fire and water sewer at out of city rates.

Commissioner Wild asked about a traffic impact study and what were those results? Mr. Holcomb from Kimley-Horn replied that there will be a widening of Christian Church Rd. They are currently working with staff on those issues.

Commissioner Harrell then asked how long will those improvements take? Mr. Holcomb replied that they will begin approximately in the spring of 2019.

At this time Commissioner Marchioni put forth a motion to approve the rezoning as presented with a second from Commissioner Williamson.

Motion Approved

VOTE: 8-1 (Harrell)

The next item on the agenda was rezoning of property at 4721 Lake Park Dr, Unit 100, from I-1 Light Industrial to B-4 Arterial Business District. FACE Amusement corporate offices proposes to open this location to the public for the use of arcade games and other amusements and activities. This rezoning, like that of many other properties in the Boones Creek Rd. corridor seeks to take advantage of the new elementary school that Washington County is constructing in this corridor, as many residential subdivisions will likely be developed around the school. This rezoning will provide a recreation area for the prospective residential developments. Staff recommended approval.



Public Hearing was opened;

Matt Wilhjem – 4721 Lake Park Dr. the petitioner spoke in favor of the rezoning and was available to answer any questions from the Commission.

Seeing no one else wished to speak; public hearing was closed.

With no discussion by the Commission a motion to approve as presented was put forth by Commissioner Wild with a second from Commissioner Harrell.

Motion Approved

VOTE: 9-0

The next item on the agenda was rezoning of property located at 220 East Millard Street from B-3 Supporting Central Business District to I-1 Light Industrial District. This location is an unoccupied +65,000-square foot building that was last improved (2013) for light industrial assembly. In addition, surface parking and 6,500 square feet of a mini-warehouse, constructed in 2003. The petitioner proposes to lease the existing space and site for warehousing and non-retail assembly. This situation is particularly difficult because the site is improved, updated, and ready for occupancy as a light industrial use. The earliest known use of the site was warehousing and distribution for Giant Foods. Most recently (2013), the site was remodeled for warehousing, assembly, and showroom/retail for BedInABox.com. This use marginally met the intent of 'hand crafted assembly and production,' which permits typical light industrial uses as long as it includes a visible, street-level showroom or sales area. If the site were unimproved or blighted, staff believes the decision to rezone to light industrial should be easy to deny, but this is not the case, and now there is an opportunity to reoccupy a vacant infill site with a viable job creator. Staff recommended approval.

Public Hearing was opened;

Dan Bolton – 117 E. King St. spoke in favor of this rezoning however did express some concerns with traffic increases and noise from the facility.

Bill Bradley – 220 E. Millard, the owner of the facility spoke in favor of the rezoning and stated that he has made several upgrades to the building so it may house a more industrial type element.

Alishia Summers with NETREP who is currently in the process of leasing this building to a particular business spoke in favor of the rezoning and was available to answer questions from the Commissioners.

The Commissioners had the following questions;

- Will the business that is wanting to lease this facility definitely move in? Mrs. Summers replied that the lease is completely contingent on this rezoning.
- Will there be any noise or vibrations from this facility? Mrs. Summers stated that no, the business wishing to move in will not be the kind of business that will create undue noise or vibrations.
- How will the product be shipped from this facility? Mrs. Summers stated that they will utilize 18 wheel trucking as their shipping. Mr. Bradley added that he has five trucking bays available at this facility currently.

- Is this a business from outside the area wishing to relocate in Johnson City? Mrs. Summers replied that yes, this is a business from an outside area wishing to relocate to this area, however they are looking at sites in Johnson City and Washington County.

**Commissioner Marchioni steps out of the chambers at this time.*

Commissioner Hixson then asks staff if the Light Industrial zoning protects against noise? Staff then read to the commissioners exactly what Light Industrial zoning does and does not allow from the zoning code.

**Commissioner Marchioni reenters the chambers.*

Commissioner Williamson asked staff about temporary zoning of this facility, is this a temporary rezoning? Staff replied that no, a rezoning is permanent until another petitioner comes forward and requests another rezoning of that particular parcel. Commissioner Williamson then asked staff if the current roads in that area could handle the increase in trucking traffic? Staff replied that yes, that area is in fine condition to handle an increase in trucking traffic.

**Commissioner Povlich steps out of the chambers at this time.*

Seeing no one else wished to speak; public hearing was closed.

The Planning Commissioners then begin a discussion amongst themselves regarding this rezoning. Commissioner Cooper expressed concerns with setting a precedent with possible "spot zoning" and how this industrial use may impact the revitalization of downtown. Commissioner Wild agreed and expressed concern agreeing to a rezoning without this business already having signed a lease.

**Commissioner Povlich reenters the chambers.*

Commissioner Marchioni stated he was comfortable with this rezoning and feels it is appropriate for this particular area.

Commissioner Williamson agreed stating that this area is far enough away from downtown proper that it should not affect any revitalization efforts.

Commissioner Calhoun agreed however commissioner Hixson expressed reservations about this rezoning.

With there being no further discussion a motion to approve a presented was put forth by Commissioner Marchioni with a second from Commissioner Williamson.

Motion approved as presented.

VOTE: 7-2 (Hixson, Cooper)

The next item on the agenda was final subdivision approval to the Kenneth W. Hayes property located at Tax Map 054, Group H, Parcel 003.00 with addresses 1109, 1209, 1211, and 1397 W Market St; and, Tax Map 054A, Group H, Parcel 002.00 on 1309 W Market St. The proposed

subdivision will create three lots of 0.97, 0.76, and 0.46 acres. The proposed lots are in the B-4 Planned Arterial Business Zoning District, which does not have a minimum lot size or minimum lot width requirement. The lots meet the Zoning Requirements and Subdivision Regulations for Johnson City. Each of the proposed lots abut W Market St. The lots currently have city water and sewer services. Staff has requested that the applicant include a non-exclusive permanent transportation easement and a shared parking note across Lot 1, Lot 2, and Lot 3 based on the transportation functionalism of the site; and an easement for the city water main located on the property on the final plat. Staff recommended approval.

Public hearing was opened; seeing no one wished to speak, public hearing was closed.

A motion to approve as presented with the parking easement and shared parking note was put forth by Commissioner Povlich with a second from Commissioner Williamson.

Motion Approved as presented.

VOTE: 9-0

The next item on the agenda was preliminary plat approval of a 62-lot, 22.1-acre subdivision, proposed to be named "Stonemill Subdivision." The property is inside the corporate limits of Johnson City, and as such falls within the subdivision jurisdiction of the Johnson City Regional Planning Commission. The Future Land Map 2020 designates this area for residential development. The preliminary plat proposes street stubs for future street connection. This aligns with Objective 1.6 of the Comprehensive Plan 2020: "To provide a safe and efficient transportation system designed to accommodate future growth." The preliminary plat also isolates sinkhole areas and its immediate surroundings as reserved green area for environmental value. This is also in line with Objective 1.7 of the Comprehensive Plan 2020: "To protect natural features and environmentally sensitive areas." The property is zoned RP-3, Planned Residential District, which permits 8.5 dwelling units per acre. This zoning district will permit 187 dwelling on the property to be developed. The developer proposes 62 dwelling units. The plat meets the Zoning Ordinance of the City of Johnson City. The City's Engineering Division, Fire Department and the Water and Sewer Service Department have reviewed the submitted plans and recommend approval. Staff recommended approval.

Public Hearing was opened;

Ty Wood – 1185 Mountain View Rd. who is the engineer for this project spoke in favor of the approval and was available to answer any questions from the Commission.

Seeing no one else wished to speak; public hearing was closed.

A motion to approve as presented was put forth by Commissioner Wild with a second from Commissioner Marchioni.

Motion Approved as presented.

VOTE: 9-0

The next item on the agenda was a request for preliminary plat approval of a Planned Unit Commercial development, namely, Johnson City Center, consisting of three condominium units

in one building and four outparcels. This plat is for the redevelopment of the former Kmart site at 3019 Peoples St. The property is approximately 22.33 acres. The property is inside the corporate limits of Johnson City, and as such falls within the subdivision jurisdiction of the Johnson City Regional Planning Commission. This property has been vacant for more than a year and is becoming blighted. The proposed redevelopment is in line with Policy 2.8.2 of the Comprehensive Plan 2020: "It is the policy of Johnson City to minimize the negative impacts of vacant 'big box' retail centers." Action 2.8.2.2 to implement this policy states: "Encourage outparcels that are developed with freestanding businesses along the adjoining roadway." As part of the redevelopment plan, the developer will add landscaping to the current large parking lot that is completely a vast expanse of asphalt. This is in line with Action 2.8.2.4 of the Comprehensive Plan 2020: "Ensure parking areas that are well-landscaped and maintained." The property is zoned B-4, Arterial Business District, which permits retail uses such as Hobby Lobby and At-Home businesses that will be in two of the three condominium anchor units. These three condominium units shall share parking spaces. The Board of Zoning Appeals at its meeting on October 2, 2018 granted Special Exception (Conditional Use) permit for the shared parking as required in Section 11.5 of the Zoning Ordinance. The developer is required to record the shared parking agreement in the Washington County Register of Deeds office when completed, and will include notes on the final plat providing for this shared parking. The plat meets the Zoning Ordinance of the City of Johnson City. Staff recommended approval.

At this time Allen Cantrell, engineer with the City of Johnson City spoke in regards to the traffic issues affecting Peoples St. and Greenline Dr. He informed the Commissioners that there are plans in motion to put a traffic signal at the current four way stop and designate turning lanes from Peoples St. on to State of Franklin. This should alleviate a lot of the congestion in this area and assist with this new development, however, the city is requesting the developer dedicate the R-O-W off of Peoples St and Greenline Dr. to the city in order to make this possible.

Commissioner Marchioni asked Mr. Cantrell if Greenline Dr. would stay closed as it is now and Mr. Cantrell stated that yes, that would not change.

Commissioner Williamson asked about the timeline for this traffic change and Mr. Cantrell stated they hoped to begin in early spring 2019.

Public Hearing was opened;

Phillip McAfee with Trinity development spoke in favor of the development and wanted to ask the commission to please try and be accommodating to them in their development if variances would later be required since they were willing to dedicate the R-O-W requested.

Seeing no one else wished to speak; public hearing was closed.

At this time Vice-Chairman Cooper appreciated Mr. McAfee's position but made it clear that the city is always willing to work with any developer but no special favors would be granted regarding the needs of variances. Mr. McAfee understood.

A motion to approve as presented was put forth by Commissioner Wild with a second from Commissioner Marchioni.



Motion approved as presented
VOTE: 9-0

The next item on the agenda was recommendation not to release the \$61,000 Bond for Beachwood Meadows Subdivision, Phase 1, Section 3. The Johnson City Regional Planning Commission at its meeting on November 14, 2017 approved the final subdivision plat for Beechwood Meadows Phase 1, Section 3 subject to the developer posting sixty-one thousand dollars (\$61,000.00) bond for the completion of storm water management elements and transportation infrastructure in the subdivision. Although the developer is currently building houses in the subdivision, these infrastructures have not been completed. Furthermore, the subdivision plat approval hearing involved a dispute between the developer and current owner (Orth Construction) and the previous owner (Gary Phillips) over the use of a detention pond on Lot 19 owned by Gary Phillip to manage the storm water from the Phase 1, Section 3 of the Beechwood Meadows Subdivision owned by Orth Construction. Based on legal advice from the City's Counsel, the Planning Commission approved the final plat subject to the following four conditions as provided in the meeting minutes from November 14, 2017.

At this time Eric Herrin staff attorney for the City of Johnson City spoke to the Commission and recommended an increase of a bond to \$20,000.00. he stated there is a court date to hear this case on March 25, 2019.

Public Hearing was opened;

Drew Hutchinson – 100 Med tech Pkwy council for the current developer was available to answer any questions the commission may have for him.

Todd Wood – Engineer for the development was also available to answer any questions the commission may have for him.

Seeing no one else wished to speak; public hearing was closed.

A motion to approve the bond increase to \$20,000.00 was put forth by commissioner Marchioni with a second from Commissioner Williamson.

Motion approved with a bond increase of \$20,000.00.

VOTE: 9-0

The next item on the agenda was an annexation request of 111 & 0 Julie Ln. There is no concept plan or proposal for the development of these properties. The proposed R-4 Medium Density zoning would allow for the development of 59 units at 111 Julie Ln and 11 units at 0 Julie Ln. However, 0 Julie Ln is situated in a Floodplain, which will reduce the intensity of any development on the lot. Analysis of this annexation shall, therefore, be based on three different scenarios: (1) property remains vacant, (2) 16 single-family lots, (3) 65 multi-family units. The property is located within the Urban Growth Boundary and adjoins current City limits, and annexation is requested by the property owner. The Fiscal Impact Analysis employs the Per Capita Multiplier

Method, which uses average government cost per person and school costs per pupil multiplied by a projection of the expected number of new people and students to estimate the costs of a new development. Water and Sewer cost and revenue are based on estimated line extension cost and tap fees. Total recurring net fund is estimated to be \$24,197 for single-family development and \$72,269 for multi-family development. Staff recommended approval.

Vice-Chairman Cooper asked staff if there were any setback requirements for any future road expansions on Carroll Creek Rd.? Staff replied that a concept plan would be required for approval prior to any development being created on this site. All setback issues could be addressed at that time.

Public Hearing was opened;

Hank Hughes – 100 Chadwick Cir. Spoke in favor of the Annexations however he did express concerns over a multi-family development being created on that site.

Greg Fellers the petitioner spoke in favor of the annexation and stated he did not have any plans at this time for that site as far as development goes.

David Crockett – 113 Chadwick Cir. Expressed concerns with a multi-family development being built on that site.

Steve _____ - 4140 Bradford Ln. Expressed concerns with a multi-family development being built on that parcel.

Seeing no one else wished to speak; public hearing was closed.

Vice-Chairman Cooper then reminded the people in attendance that this was an annexation request only and the zoning designation was B-3 which did allow single and multi-family housing however, no concept plan has been presented at this time so the commission could only address what they had in front of them.

A motion to approve as presented was put forth by Commissioner Wild with a second from Commissioner Louw.

Motion approved as presented.

VOTE: 6-3 (Harrell, Williamson, Marchioni)

The final item on the agenda was a request for a variance from additional Right Of way dedication to Lynn Rd. The owner of 135 Lynn Rd. requests that the City of Johnson City grant a Variance to not require additional R-O-W dedication to Lyn Rd. The current R-O-W on Lynn Rd. is 12.5' out of centerline (25' wide total). This R-O-w width exists along the majority of Lynn Rd. and does not limit existing traffic flow or utility easements. The majority of homes along Lynn Rd. were designed and built using the existing 25' R-O-W to establish setbacks for construction. Another important point is that the survey the city is requesting to be approved is a Replat of existing property and does not create any new buildable lots, instead the purpose of the survey is to improve the relative location of existing lot lines with existing structures on the subject properties. Staff recommended denial on the basis that there are not any shown hardships on the property owner to give up the R-O-W designation.

Public Hearing was opened;

Ty LaRue – 744 Allison Rd. Piney Flats, Tn., the surveyor and petitioner were available to answer any questions from the commission. He stated that his client hired him to survey the property in order to clean up the property lines by re platting the three properties. They are not creating new lots, just cleaning up the current lines. He stated that the property owner was unwilling to give up the R-O-W the city was requesting.

A motion to deny was put forth by Commissioner Wild with a second by Commissioner Marchioni.

The motion to deny was approved.

VOTE: 8-1 (Louv)

Vice-Chairman Cooper made a statement to the Commissioners and staff that the amended by-laws for the Planning Commission needed to be reviewed by the Commissioners and decided upon at the March meeting. This item needs to be added to the March agenda.

A motion to adjourn at 7:50 pm was brought forth by Commissioner Wild with a second from Commissioner Marchioni. The motions were halted by the Director of Development Services, Preston Mitchell, Motion to adjourn was then withdrawn by Commissioner Wild and the meeting then resumed.

At this time Mr. Mitchell wanted to make note with the Commissioners on certain items that were on the agenda. The following points were made:

- Fears of setting a precedence with rezoning's. Mr. Mitchell informed the Commission that each rezoning is different and its own issue, each and every case is independent of the other.

Vice-Chairman Cooper made the comment that the City of Johnson City has a Land Use Plan that the Commission tries to follow as closely as possible.

- Requests made by an applicant, developers and anyone who comes before the Planning Commission that involve special considerations. No such deal making may occur and anything requiring a Special Exception or Variance must go before the Board of Zoning Appeals.
- The Land Use Plan and Comprehensive Plan do not designate Zoning Districts. Our zoning is intended to be very broad. When deciding the zoning on an Annexation, following the Land Use Plan and Comprehensive Plan are the best options. Increasing density as you get closer to major arterial roads is the best option.

Commissioner Marchioni stated that a Master Plan was created in 2009 and is supposed to be reevaluated every five years. As of right now the plan has not been reevaluated.

Mr. Mitchell replied that the city is going to start a "bridge plan" due to the fact the 2020 census will be out in the Spring of 2021. After the census has been released the city will be able to create a more in depth and accurate plan. Staff are currently starting to work on the

A motion to adjourn was again brought forth by Commissioner Louw at 8:15 pm with a second from Commissioner Marchioni. Meeting was then adjourned.



Vice-Chairman – Bob Cooper



Secretary – Col. Paul Williamson

Date

