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**JOHNSON CITY REGIONAL PLANNING COMMISSION**  
Minutes  
October 8, 2019

**Members Present:** Dr. Tim Zajonc, Chairman  
Mr. Bob Cooper, Vice-Chairman  
Dr. Larry Calhoun, City Commission Representative  
Col. Paul Williamson, Secretary  
Dr. Stacey Wild, Asst. Secretary  
Gen. Gary Harrell  
Dr. Benjamin Whitfield

**Members Absent:** Mr. Chris Dagenhart, Mayoral Representative  
Mr. Clay Hixson  
Mr. Jamie Povlich

**Staff Present:** Preston Mitchell, Director of Development Services, City of Johnson City  
Asongayi Venard, Development Coordinator, City of Johnson City  
Nicole Lawrence, Recording Secretary, City of Johnson City  
Tim Seaton, Public Works Construction Inspector, City of Johnson City  
Lawrence Perry, Public Works, Civil Engineer  
Travis Olinger, Engineer with Water and Sewer, City of Johnson City

Chairman Zajonc called the meeting to order at 6:00 p.m. Vice-Chairman Cooper gave the invocation and led the Pledge of Allegiance.

Approval of the Johnson City Regional Planning Commission agenda was put forth, with one addition of a street naming in the Beechwood Meadows subdivision by request of E-911. The agenda with its additional item were approved 7-0.

The minutes of the Johnson City Regional Planning Commission meeting held on September 10, 2019 were approved unanimously by a 7-0 vote.

New Business

**Rezoning of property located at 3230 Greenwood Dr. from R-2 (Low Density Residential District) to RP-3 (Planned Residential District).** The petitioner proposes a major subdivision of the property that will involve the construction of new streets, extension of utilities, storm water management and the creation of 67 single family residential lots. At the time of the meeting the petitioner had decided to decrease the number of lots to 66. The 2020 Land Use Plan calls for the property to be used for residential development. The proposed single family subdivision aligns with this plan. The requested RP-3 zoning district shall be the same as that of the adjoining Willows Spring subdivision to the west and north of the property. The proposed single-family houses on individual lots shall likewise be compatible with the adjoining single-family residential development in the northeast of the property. Generally, the proposed residential development is compatible with surrounding land uses. A Concept Plan for this rezoning request is required, per Section 14.3 of the Zoning Ordinance. The Plan depicts the proposed lot lines, proposed streets, number of lots, lot frontage, proposed zoning, open space, and storm water management ponds areas. The requested RP-3 zoning district requires that at least 15% of the property be allocated as open space. Transportation and traffic was discussed in length by staff.

Mr. Venard, Development Coordinator made a presentation regarding Willow Springs Rd. He stated that this is a local street and is designed to handle 1,500 trips per day. The road currently has a trip generation of 760 which leaves room for 740 additional trips and this would allow an increase of 92 homes.

The public hearing was opened;

The following people spoke in regards to traffic concerns, density concerns and home values decreasing.

Denise Sammons, 2013 Anthurium Ave.

Jerry Younker, 621 Trillium Trl.

Chris Smith, 1188 Willow Springs Dr.

Carol Spagnolo, 578 Trillium Trl.

Alisa Clemer, 535 Trillium Trl.

Maria Cerniauskas, 130 Anthurium Ave.

Jennifer Edmonds, 1332 Williw Springs Dr.

The following spoke in favor of the rezoning

Tim Carter, 112 Stonehenge Dr. Bristol, TN. – The applicant

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

There was discussion between the commissioners and staff regarding the concerns with the density and traffic. Staff assured the commissioners that all studies and research had gone into this rezoning request and all aspects of the request were in line with the city's codes and regulations. One question raised was could there be another access point out of the proposed subdivision on to Greenwood Dr? Staff replied that no, there could not due to site distance issues.

A motion to approve the rezoning as presented was put forth by Vice-Chairman Cooper with a second from Commissioner Williamson.

Motion to approve the rezoning as presented, passed.

VOTE: 7-0

The next item on the agenda was to consider approval of the Cottages at Cedar Rock Phase II final subdivision plat. The subdivision plat has 22 lots as was approved by the Planning Commission in the preliminary plat. All the lots are zoned RP-3 (Planned Residential District), which permits single family residential development.

Note: The staff has given the developer up to October 4, 2019 to complete these minimum requirements. If these requirements are not met by this date, staff shall request at the Planning Commission meeting that this final plat consideration be pulled from the agenda.

The applicant needs to:

1. Provide a note on the plat on who will be responsible for maintaining the open space area at the entrance into the subdivision.
2. Remove the apostrophe in "Brinkley's Way" so that the name of the street should either be "Brinkley Way" or "Brinkleys Way". The E911 Street naming standards do not permit apostrophes.
3. Provide a North Arrow on the plat
4. Show bearing and distance for the center line tangent section of "Brinkley Way" or "Brinkleys Way".
5. A \$35,000.00 Bond be posted.

If all these conditions are attached to the Final Plat approval then staff recommended approval.

The Public Hearing was opened;

Tim Carter, the applicant spoke in regards to the conditions and stated they have almost completed all of the above mentioned requirements. He spoke in favor of the approval with the conditions.

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

A motion to approve the final plat as presented with the mentioned conditions was put forth by Commissioner Williamson with a second from Commissioner Harrell.

Motion to approve the final plat as presented with the conditions, passed.

VOTE: 7-0

The next item on the agenda was to consider annexation of property adjoining Christian Church Rd. known as the "Proffitt Annexation". The property is located within the Urban Growth Boundary, adjoins current City limits, and annexation is requested by the property owner. The Fiscal Impact Analysis employs the Employment Anticipation Method, which uses estimates of the additional cost for each new employee across various municipal sectors multiplied by the anticipated increase in employees in order to determine the total cost and revenue differential for the proposed development. It is estimated that it will cost \$33,000 to extend water, and \$98,000 to extend sewer to the site. Initial net fund is estimated to be a \$116,053.61 deficit because of the one-time cost for water and sewer extension. Total recurring net fund is estimated to be \$7,986.39. Staff recommended approval of annexation, plan of services and assignment of RTP (Research/Technology Park) zoning district. The city's planning

and land use control authority as authorized by state law will be extended to the annexed area on the effective date of annexation. This will include the land use policy and the administration and enforcement of zoning and subdivision regulations. The property is recommended to be zoned RTP (Research/Technology Park District) because of limited transportation infrastructure to support the high intensity business uses permitted in the B-4 Zoning District. The petitioner has requested the B-4 zoning be attached to this annexation.

The public hearing was opened;

Mr. David Lefimine the petitioner spoke in favor of the annexation however he requested the Planning Commission to please assign B-4 zoning as he has requested in his application. His reasoning for the B-4 zoning was simply that the RTP zoning made no sense for this location. This entire corridor was growing and for it to continue to grow B-4 zoning needed to be assigned to this area. The RTP zoning is extremely outdated and is no longer relevant to this area. He further stated that by not assigning the B-4 zoning to this property would hinder any future development and could cause the pending sell of this property for development to not go through.

Mr. Venard, Development Coordinator, stated that the developer wanted to place a substance abuse clinic on this site and the RTP zoning was entirely appropriate for this parcel.

Lynn Hodge, the trustee of the adjoining land and part owner of the adjoining property spoke in favor of the B-4 zoning. He stated that any further development and annexation of the properties on this road were dependent on it being zoned primarily for business. He stated that other land in the area that is or was zoned as RTP does not sell nor develop. Land zoned as B-4 develops and sells. He also stated that the road improvements on Boones Creek Rd. would help bring in more interest for development in this particular corridor in Boones Creek.

Mr. Venard stated that due to the small size of Christian Church Rd., the fact that the city does not have that particular road scheduled for any major improvements in the near future and the small size of the proposed annexation he had to stand by his recommendation for RTP zoning.

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

Commissioner Wild asked if the applicant would consider RTP Zoning? Staff replied that yes they would but did request B-4 zoning. Commissioner Wild further stated she was concerned with the small size of the annexation request and the fiscal impact it would have on the city to bring water and sewer to that area.

Commissioner Harrell stated he too had concerns with the fiscal loss to the city with the initial impact of this annexation.

Chairman Zajonc stated he was in favor of the B-4 zoning as requested and felt that the annexation was a good long term investment in that area for future development.

Vice-Chairman Cooper agreed and stated he felt that if that area were to start to develop then the road improvements would come.

Staff then informed the Commission that they would need to make three separate motions on this annexation item, zoning and plan of services.

A motion to approve the annexation as presented was put forth by Vice-Chairman Cooper with a second from Commissioner Williamson.

Motion to approve the annexation as presented was approved.

VOTE: 4-3 (Harrell, Whitfield, Wild)

A motion to approve the plan of services as presented was put forth by Vice-Chairman Cooper with a second from Commissioner Williamson.

Motion to approve the plan of services as presented was approved.

VOTE: 5-2 (Whitfield, Wild)

A motion to approve the B-4 zoning as requested by the petitioner was put forth by Vice-Chairman Cooper with a second from Commissioner Calhoun.

Motion to approve the B-4 zoning as requested by the petitioner was denied.

VOTE: 3-4 (Harrell, Whitfield, Wild, Williamson)

A motion to approve the RTP zoning as presented was put forth by Commissioner Wild with a second from Commissioner Williamson.

Motion to approve the RTP zoning as presented was approved.

VOTE: 4-3 (Cooper, Calhoun, Zajonc)

The next item on the agenda was rezoning of properties at 218 N. Broadway and 222 N. Broadway St from I-2 (Heavy Industrial) to B-4 (Arterial Business District), and a small section of Millard St. and an alley separating these two properties from R-5 (High Density Residential) to B-4. Haven of Mercy that owns both properties, proposes to combine the lots into one parcel and build a two story building with a thrift store on the first floor and twenty residential units on the second floor. As part of this redevelopment plan, Haven of Mercy has also requested the abandonment of adjoining alley.

A small section of Mallard St to the centerline that adjoins 222 N. Broadway St and a small portion at the terminal of the alley are zoned R-5 (High Density Residential). Staff requests that these small land areas be rezoned to B-4 for consistency.

The Public Hearing was opened; seeing no one wished to speak the public hearing was closed.

A motion to approve the rezoning's as presented was put forth by Commissioner Whitfield with a second from Commissioner Williamson.

Motion to approve the rezoning's as presented was approved.

VOTE: 7-0

The next item on the agenda was an alley right-of-way abandonment on N. Broadway. The alleyway in question extends from N. Broadway St, and lies between properties with current Tax Map 047A, Group D, Parcel 007.00 owned by Haven of Mercy Ministries Inc; Tax Map 047A, Group D, Parcel 003.00 owned by Haven of Mercy Ministries Inc; and Tax Map 047A, Group D, Parcel 009.00 owned by Johnson City/Energy Authority. Haven of Mercy Ministries Inc intends to use the fee simple of the alley as part of the redevelopment of the two adjoining lots to the alley that it owns for the construction of a new thrift store. This alley currently serves only the Haven of Mercy Inc. properties, where it is used as an access way to the dumpster location for garbage pickup at the rear of the 218 N. Broadway St. property. There is a very steep slope at the end of the alley, which hinders the use of the alley as access to the adjoining Power Station.

There are no visible utility lines within the alley. A certain 5 ft. wide water easement currently exists northward of the alley, adjoining the alley and outside of the alley

ROW itself. The water line that existed in this easement for a fire hydrant was relocated outside of this easement some years ago. Consequently, the alley is not being used as access to this waterline that existed in the easement. Staff recommended approval.

The Public Hearing was opened; seeing no one wished to speak the public hearing was closed.

A motion to approve the R-O-W abandonment as presented was put forth by Commissioner Whitfield with a second from Commissioner Williamson.

Motion to approve the R-O-W abandonment as presented was approved.

VOTE: 7-0

The next item on the agenda was a proposal to amend Articles III and XIV of the Johnson City Zoning Code. The amendment to Article XIV, Amendments, improves readability and interpretation efforts by relocating and properly grouping existing text. Additionally, yet as opposed to the Article III changes, above, this amendment does include proposed policy changes in three (3) different areas:

1.) This amendment proposes to allow Planning Commission, City Commission, and staff-initiated rezoning's without a Concept Plan. This is important for proactive rezoning's addressing economic development initiatives or neighborhood protection, but may also be used to correct zoning, such as split-zoning.

2.) This amendment proposes to modify the Neighborhood Meeting mailed notice requirements by 1) shifting the burden of mail out from the applicant back to the city, and 2) clarifying that mailed notices must be postmarked 15 days in advance of the meeting rather than received. It is virtually impossible to confirm 1st class mailing receipt.

3.) This amendment proposes to remove an appeal requirement to the City Manager if a rezoning or text amendment request is recommended for denial by the Planning Commission. Applicants would be required to submit a written request to the planning department to move forward to City Commission with a denial recommendation.

*See attached proposed changes.*

The Commission had a detailed discussion regarding the changes to section 14.5, staff decided to take that section out and work on it further and bring it back before the Commission in November.

The Public Hearing was opened; seeing no one wished to speak the public hearing was closed.

A motion to approve the text amendment changes minus section 14.5, as presented was put forth by Commissioner Calhoun with a second from Commissioner Harrell.

Motion to approve the text amendment changes minus section 14.5, as presented was approved.

VOTE: 7-0

The final item on the agenda was naming of a street in the Village at Beechwood Meadows Subdivision. This is a direct request from E-911. The area in question is a street stub that branches off the side of the cul-de-sac at the end of Nettletree Ct. This stub is a separate street according to E-911 and needs its own name. The developer has requested it be called Celtic Ct. and E-911 approves of this name.

The Public Hearing was opened; seeing no one wished to speak the public hearing was closed.

A motion to approve the naming of the road Celtic Ct. as presented was put forth by Commissioner Calhoun with a second from Commissioner Williamson.  
Motion to approve the naming of the road Celtic Ct., as presented was approved.  
VOTE: 7-0

There being no further business the meeting was adjourned at 8:50 pm.

  
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Chairman - Dr. Tim Zajonc

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Secretary - Col. Paul Williamson

  
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Date