
JOHNSON CITY Regional Planning Commission
Minutes
Tuesday, November 12, 2019

Call to Order

The regular meeting of the Johnson City Regional Planning Commission was called to order at 6:00 pm, on Tuesday November 12, 2019 in the Commission Chambers of the Municipal and Safety Building by Chairman Zajonc. Asst. Secretary Wild was present, Recorder Nicole Lawrence was present.

Invocation and Pledge of Allegiance

Invocation was given by Vice-Chairman Cooper.

Pledge of Allegiance to the flag of the United States of America was led by Vice-Chairman Cooper.

Members in attendance:

Dr. Tim Zajonc, Chairman
Mr. Bob Cooper, Vice-Chairman
Dr. Larry Calhoun, City Commission Representative
Mr. Chris Dagenhart, Mayoral Representative
Dr. Stacey Wild, Asst. Secretary
Mr. Clay Hixson
Dr. Benjamin Whitfield

Members absent:

Gen. Gary Harrell
Mr. Jamie Povlich
Col. Paul Williamson, Secretary

City of Johnson City Staff Present:

Preston Mitchell, Director of Development Services
Asongayi Venard, Development Coordinator
Will Righter, Planner
Travis Olinger, Water/Sewer Engineer
Alan Cantrell, Public Works Engineer
Nicole Lawrence, Recorder

Quorum

A quorum was present.

Minutes

The minutes from the October 8 2019, meeting were approved as presented.

Old Business

I. Consider "Landy-Midway" Annexation at 3621 W. Walnut St. and 3539 W. Walnut St. The property owner proposes to construct thirty eight 2-single family attached dwellings on the property. There are also two existing single family houses on the property that will be maintained. The property is located within the Urban Services Area and the Urban Growth Boundary, and adjoins current City limits. The 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. While water is currently available to the property, sewer is not. The City made a commitment for sewer service to the neighboring up-gradient property when it was annexed in 2010. Total recurring net fund is estimated to be \$96,651.98. Staff recommended approval of the annexation, the plan of services, and R-3 zoning assignment.

The public hearing was opened;

Gary McAlister - 365 W. Walnut, Washington County Commissioner, spoke against the zoning. He stated the people of his district which includes the Sunny Slopes neighborhood would like to see less density in the new development. He presented a petition from the area.

Brad Reed - 146 Park Dr., spoke against the development in terms of its high density. He would like to see this become all single family residential.

Park Smith - 102 Silver Maple Dr., spoke against the development due to the high density.

Scott Landy - 2802 W. Walnut, the property owner spoke in favor of the development stating he has done more than required to meet the needs and desires of the adjoining neighborhood. He has increased, voluntarily, the buffer around his development and he has had multiple neighborhood meetings with the Sunny Slopes neighborhood and surrounding neighbors.

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

The Commissioners began their deliberation on the proposed annexation, plan of services and zoning. Vice-Chairman Cooper stated that he felt the developer, Mr. Landy, had been very cooperative regarding the proposed development and accommodating to the Sunny Slopes neighborhood.

Commissioner Calhoun asked staff if there had been traffic counts on W. Walnut and had all the standards been met?

Mr. Venard replied that all of that would come with the preliminary plat approval phase of the development. This will come back before the Planning Commission for that phase of the project.

Chairman Zajonc agreed with Vice-Chairman Cooper that the developer has worked very hard to accommodate the surrounding neighborhoods with their concerns.

A Motion to approve the proposed Annexation as presented was put forth by Vice-Chairman Cooper with a second from Commissioner Dagenhart.

Motion to approve the Annexation was approved.

VOTE: 7-0

A Motion to approve the proposed Plan of Services as presented was put forth by Vice-Chairman Cooper with a second from Commissioner Whitfield.

Motion to approve the Plan of Services was approved.
VOTE: 7-0

A Motion to approve the proposed zoning of R-3 as presented was put forth by Vice-Chairman Cooper with a second from Commissioner Dagenhart.

Motion to approve the R-3 Zoning was approved.
VOTE: 7-0

New Business

I. Consider "Chestnut Cove" Annexation located on Christian Church Rd. The proposed use is 50 single family PUD units and 3 single family lots. The property is located within the Urban Service Area and Urban Growth Boundary, and it adjoins current City limits. The 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. Johnson City plans sewer extension to the property under the 2019/2020 capital improvement plan. Total recurring net fund is estimated to be \$203,698.85. Staff recommended approval of annexation, plan of services and assignment of RP-2 zoning district.

The public hearing was opened; seeing no one wishing to speak, the public hearing was closed.

A Motion to approved the Annexation as presented was put forth by Commissioner Whitfield with a second from Vice-Chairman Cooper
Motion to approve the Annexation as presented was approved.
VOTE: 7-0

A Motion to approved the Plan of Services as presented was put forth by Commissioner Hixson with a second from Commission Whitfield.
Motion to approve the Plan of Services as presented was approved.
VOTE: 7-0

A Motion to approved the Zoning of RP-2 as presented was put forth by Commissioner Hixson with a second from Vice-Chairman Cooper
Motion to approve RP-2 Zoning as presented was approved.
VOTE: 7-0

II. Consider Preliminary Plat approval for "Chestnut Cove" subdivision Phase I. This was a request for Preliminary Plat approval of a 48-patio homes and a 42-single family housing on individual lots development known as Phase 1 of the Chestnut Cove Subdivision. Part of the subdivision containing the traditional subdivision (houses on individual lots) is inside the current City limits, while all of the Planned Unit Development (PUD) section containing patio homes is outside of the city limits currently, but in the urban growth boundary. Staff recommended approval.

The public hearing was opened;

Mark Larkey - 114 Elizabeth Ave., Gray Tn., the developer spoke in favor of the development. He was available to answer any questions the Commission may have for him.

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

The Commissioners began their deliberation on the preliminary plat for the proposed subdivision. Commissioner Whitfield had concerns regarding the lack of sidewalks on both sides of the road for this subdivision. He cited ADA issues. Mr. Venard replied that due to the topography of the site that a variance was being requested with this plat approval in order to alleviate the need for a sidewalk on one side of the road. Commissioner Wild also expressed concerns with the lack of two sidewalks and expressed a desire to see more walking trails in more subdivisions in the city as they were being built. Commissioner Calhoun said he liked the idea of a walking trail however, he feels there should be sidewalks on both sides of the road in all developments.

A Motion to approve the preliminary plat and deny the variance requested was put forth by Commissioner Whitfield with a second from Commissioner Wild.

Motion to approve the preliminary plat and deny the variance as presented was approved.

VOTE: 5-2 (Calhoun, Hixson)

III. Consider Preliminary Plat approval for "Hawk Landing Subdivision". This is a request for revised Preliminary Plat approval of a 7-lot single family residential subdivision, proposed to be named "Hawk Landing Subdivision." The Planning Commission had approved the preliminary plat for this subdivision at its meeting in May 2019. The developer has revised the plat with two main changes: added a proposed Lot 7 that will be outside of the Johnson City corporate limits, and extended the street to provide full right-of-way to this Lot 7. The property is within the Johnson City Planning Region. Therefore, the review and approval of the plat falls within the subdivision jurisdiction of the Johnson City Regional Planning Commission. Staff recommended approval.

The public hearing was opened;

Bill Hawk, 39 Singletree Ct., the developer spoke in favor of the revised plat. He spoke in reference to not adding lot 7 in to the Annexation of the development. He stated that the property in question is his personal land and at this time he has no desire to pay property taxes in the city since he does not utilize city services. He stated that the land would become his family's land and they have children that he is sure will want to attend city schools. He said if they desire to be Annexed that will be their decision. He also stated he has created a median in the road into his development in order to slow traffic down and hopefully discourage nonresidents from coming back into the development.

Commissioner Wild stated she did not approve of the non-annexation of lot 7 in the subdivision. She also stated she would have liked for Mr. Hawk to have been more forthcoming with the residents of the adjoining subdivision of Mitzpah Hills.

Commissioner Wild stated that Mr. Hawk has not been listening to the residents

regarding their concerns. Mr. Hawk replied that he has held all of the required neighborhood meetings.

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

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

Motion to approve the Preliminary Plat as presented was approved.
VOTE: 7-0

IV. Consider Rezoning of 4835 N. Roan St from B-4 to R-4 for the Cottages at Cedar Rock Phase 3A. The petitioner proposes to construct 10 single-family homes. The property requested for rezoning totals 4.05 acres. There is a steep embankment that increases approximately 10 feet in elevation from N Roan St. The terrain at the southern portion of the property is relatively flat. The elevation decreases in northwesterly across the property. The northern most portion of the property contains a detention basin for the Cottages at Cedar Rock development. Staff recommended approval.

The public hearing was opened;

Tim Carter, 116 Stonehenge Dr., Bristol Tn., the developer spoke in favor of the rezoning. He was available to answer any questions from the commission.

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

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

Motion to approve the Rezoning as presented was approved.
VOTE: 7-0

V. Consider Rezoning of property located at 1027 W. Oakland Ave from B-4 to R-5 for a senior living facility. The developer proposes to construct a 103-unit independent senior living/congregate care facility. The Havens at Knob Creek and the Cottages at Charleston Square Condominium that the proposed development will adjoin, and the Reserve across W. Oakland Ave that this site is nearby are all high density residential developments. The general land use character of the area from the intersection of W. Oakland Ave with Denny Mill Rd to the intersection of W. Mountain View Rd with W. Oakland Ave is high density residential. The developer proposes a high density residential senior living facility. This will be compatible with the area from a land use perspective. Staff recommended approval.

The public hearing was opened;

Chris Shard, 11852 Kingston Pike, Knoxville, Tn., the engineer for the project spoke in favor of the proposal and was available to answer any questions for the Commission.

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

A motion approved the Rezoning as presented was put forth by Commissioner Hixson with a second from Commissioner Whitfield.

Motion to approve the Rezoning as presented was approved.

VOTE: 7-0

VI. Rezoning of eight (8) properties between McArthur Road and Fairhaven Road along the 2500 and 2600-blocks of Watauga Road., 2530, 2532 Watauga Road (portion), and 102 Fairhaven Road R-4 to B-5, 2527, 2601, 2603 Watauga Road 2532 Watauga Road (portion) B-4 to B-5, 2533 Watauga Road, R-4 to RO-2 2525 Watauga Road, B-4 to RO-2. Uses would be those permitted "by-right" or via the Special Exception process (BZA) in the RO-2 and B-5 zoning districts. The intent behind this rezoning is to repair the split-zoning situation at 2532 Watauga, as well as allow for redevelopment to occur at this community node that could provide additional neighborhood-scale goods and services. Staff recommended approval.

The public hearing was opened; seeing no one wishing to speak, the public hearing was closed.

A motion to approve the Rezoning's as presented was put forth by Commissioner Calhoun with a second from Commissioner Wild.

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

VOTE: 7-0

Commissioner Hixson has left the meeting; a quorum is still present.

VII. Consider dedication of Glenstone Ct. as a public street. The Glenstone Homeowners street. Glenstone Ct. is currently a 22 ft.-wide paved permanent transportation easement functioning as a private drive off of Arrowhead Dr. A total of 18 dwelling units are accessed exclusively from this private drive. The developer of the Glenstone Condominium did not construct Glenstone Ct. as a public street. It did not meet public street standards. The Public Works, Planning, Fire, and Water and Sewer Departments staff have inspected Glenstone Ct. and found several issues that will need to be resolved through construction improvements and/or variances from the Planning Commission and the Board of Zoning Appeals in order to bring the private drive up to public street standard - at least for a lane. There were eighteen (18) issues with this road and all eighteen would need to be fixed before the city could consider taking this on as a public street. The petitioner was asked to bring the driveway up to city street standards and there has never been a reply from the developer on his intentions to improve the road. In order to accommodate the petitioner staff is bringing this before the Planning Commissions for consideration however, staff recommends denial.

The public hearing was opened; seeing no one wishing to speak, the public hearing was closed.

A Motion to deny the request as presented was put forth by Vice-Chairman Cooper with a second from Commissioner Wild

Motion to deny the request as presented was approved.
VOTE: 6-0

VIII. Consider de-annexation of 386 Bugaboo Springs Rd. The City of Johnson City has received a request to de-annex property located at 386 Bugaboo Springs Rd, Jonesborough, TN 37659. The property was originally annexed on April 16, 1998 at the request of the then property owner. It was termed, the "ZAZZI ANNEXATION." As it were at the time of annexation, there is a single family house on the property, located up a steep hill site. Mr. Donald Zazzi and wife, Lynn Ann Fricke Zazzi who owned the property in 1998 requested annexation to enable their children to attend Johnson City schools at City rate.

He has paid over \$10,000 in property taxes since acquiring the property in 2007. The subject landlocked property lies on the edge of the City limits. Therefore, if de-annexed, a "donut hole" will not be created. Staff recommended denial of the de-annexation request.

The public hearing was opened;

John Brandon White, 386 Bugaboo Springs Rd., the applicant spoke in favor of the request. Mr. John Brandon White w submits that he "does not benefit from the City of Johnson City in anyway because his house is on well water, septic and propane" he further states he "wishes he didn't have to spend the money and not receive any city amenities".

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

The Commissioners began their deliberation on the de-annexation request. Chairman Zajonc asked staff if the request for de-annexation was usually heard by the Planning Commission first? He thought the request came from the City Commission. Staff replied that normally yes, all de-annexation requests are owner requested and they will contact a City Commissioner who in turn will ask the City Manager to request the Planning Commission to consider it if it seems appropriate. In this case the owner has sent the request through the Planning department and in the spirit of providing good customer service, the Planning department is bringing it to the Planning Commission for consideration. If the Planning Commission denies the request the petitioner has the option to reach out to the City Commission for consideration. At this time Commissioner Calhoun, the City Commission representative on the Planning Commission, stated that Mr. White had in fact contacted him first with this request and he had told Mr. White to reach out to the Planning department for guidance. Staff was not aware of this and stated that Mr. White can still be considered by the City Commission despite a negative recommendation by the Planning Commission.

Commissioner Wild stated she sympathized with the petitioner however she did not feel his request met the minimum requirements of de-annexation. Chairman Zajonc stated he would feel differently about granting a de-annexation if the city had defaulted on their Plan of Services which they had not. Vice-Chairman Cooper

stated he felt by granting this request it would set a bad precedence for others to request de-annexation on the basis that they did not have children utilizing our school system. He stated that many residents that are in the city do not have children in the schools and they are also paying city taxes.

A Motion to deny De-Annexation as presented was put forth by Commissioner Whitfield with a second from Vice-Chairman Cooper.

Motion to deny De-Annexation was approved.
VOTE: 5-1 (Calhoun)

Other

I. Planning Commission representative needed for the Historic Zoning Commission. This volunteer position will begin serving at the February 2020 Historic Zoning Commission meeting. This position will replace the current representative, Col. Paul Williamson since he is moving out of state.


Dr. Benjamin Whitfield volunteered for the position.

II. The Current Land Use Committee met on November 8, 2019 in the Administrative Conference room and discussed sidewalks. They essentially decided to keep the regulations the same as they currently state; sidewalks are required on both sides of the road in all new subdivisions.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 9:20 pm.

Approval



Chairman - Dr. Tim Zajonc
12-10-19

Date