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**JOHNSON CITY Regional Planning Commission  
Minutes  
Tuesday January 14, 2020**

**Call to Order**

The regular meeting of the Johnson City Regional Planning Commission was called to order at 6:00 pm, on Tuesday January 14, 2020 in the Commission Chambers of the Municipal and Safety Building by Chairman Zajonc. 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

Mr. Chris Dagenhart, Mayoral Representative, Secretary

Dr. Stacey Wild, Asst. Secretary

Dr. Larry Calhoun, City Commission Representative

Mr. Clay Hixson

Mr. Jamie Povlich

**Members absent:**

Gen. Gary Harrell, County Representative

Dr. Benjamin Whitfield

**City of Johnson City Staff Present:**

Preston Mitchell, Director of Development Services

Asongayi Venard, Development Coordinator

Matthew Manley, Senior Planner

Allan Cantrell, Public Works Engineer

Nicole Lawrence, Recorder

**Quorum**

A quorum was present.

**Agenda**

The Agenda was approved with the following changes and additions; under New Business the updated agenda was the following: 1. Washington Co. Rezoning on S. Pickens Bridge Rd., 2. Easement reductions for Cedar Rock Phase II, 3. Rezoning at 3061 S. Roan St., 4. Small Cell appeal from Verizon Wireless, 5. Text Amendment changes to section 4.6 of the Zoning Code, 6. Minor Subdivision approval for the Randy Jones Property, 7. Rezoning's on Watauga Rd.

Additions under Other was; 1. The yearly update from the Historic Zoning Commission given by Matt Manley. 2. Discussion initiated by Commissioner Povlich regarding structures that should be added to the list of exceptions when it comes to accessory structures on certain property.

### **Minutes**

The minutes from the December 10 2019, meeting were approved with one correction; the bond amount for the final subdivision plat approval for Park Place Phase III needs correction to state \$153,000.00.

### **New Business**

#### **Washington County rezoning request of property along Pickens Bridge Rd and Jays Dr, Tax Map 014, Parcel 001.02, from R-1 (Low Density Residential) to B-3 (General Business District) in the Washington County Zoning Classifications.**

Pursuant to the Tennessee general statutes (TCA), a Regional Planning Commission - as you are established - must provide an advisory recommendation to the deciding governing board on rezoning's affecting land within the regional planning boundary, which in this case is the Washington County Board of County Commissioners. The land currently is partially developed and undeveloped: The lower portion of the rezoning site, immediately adjacent to South Pickens Bridge Road, is developed with a commercial building, surface parking, and screened storage. The upper portion of the site, adjacent to Jays Drive, remains undeveloped.

No changes are proposed for the smaller tract which is 101 S. Pickens Bridge Rd., while the larger tract, which is unnumbered, is proposed for a lower storage lot and upper storage building and shop (approx. 4,000-sf).

**The public hearing was opened;**

The following residents spoke against the proposed rezoning of the upper tract in question on Jay's Dr., which is unnumbered.

**Shannon Gray** - 400 Millwood Dr.

**Nick Oaks** - 137 Jays Dr.

**Terry Kirvin** - 112 Jays Dr.

**John McCue** - 138 Jays Dr.

**The following spoke in favor of the request:**

**Cindy Light** - the petitioner, spoke in regards to her plans for the sites in question. She cited the need for more parking and that she wanted to eventually build a boat storage and repair facility on the top of the hill located at the unnumbered land on Jays Dr. She told the Commission that she is a business owner and in order to grow her business she wishes to use her land in a manner she needs to in order to grow.

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

Angie Charles from Washington County Planning and Zoning spoke in regards to the request and mentioned she had only one resident from Jays Dr. call and speak against the request.

Commissioner Povlich asked Mrs. Charles about the buffer requirements in Washington County for the lot in question on Jays Dr. Mrs. Charles replied that the buffering requirements for that area are the equal to the City of Johnson City's level two buffering requirements.

A Motion to support the rezoning of 101 S. Pickens Bridge Rd. to B-3 as requested and to not support the rezoning of the split zoned site which is unnumbered on Jays Dr. as presented was put forth by Vice-Chairman Cooper with a second from Commissioner Hixson.

Motion approve as stated, passed.

VOTE: 5-1-1 (Povlich, against) (Dagenhart, abstained)

Consider side yard drainage and utility easements reduction from 7.5 ft. to 5 ft. for Cottages at Cedar Rock Phase II Subdivision.

The Planning Commission at its meeting on October 8, 2019 approved the final subdivision Plat for Phase II of the Cottages at Cedar Rock. The Subdivision Regulations require a standard establishment of a 7.5 ft. easement to the interior of all lot lines for the conveyance of utilities and storm water. Although the developer had not explicitly requested a variance to the wideness of the drainage and utility easement as was the case in Phase I of the subdivision, he deems a reduction of this easement from 7.5 ft. to 5 ft. necessary to provide greater buildable space for each lot.

Staff recommended that the Planning Commission grant a reduction from 7.5 ft. to 5 ft. to the drainage and utility easement in the interior of side lot lines for lots in the Cottages at Cedar Rock Phase II subdivision, except for the side yard of those lots with designated easements based on As-Built utility lines and drainage structures location as shown in the approved As-Built and Recorded Final Subdivision Plat. Where such As-built designated easements exist, the width of the designated easement should be maintained.

The public hearing was opened;

Tim Carter – Petitioner and developer spoke in regards to the reason he is asking for the reduction. He stated that he is building smaller size lots for “starter homes”.

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

A Motion to approve the easement reduction as requested was put forth by Commissioner Hixson with a second from Commissioner Dagenhart.

Motion to approve easement reduction as stated, passed.

VOTE: 7-0

Consider rezoning of property at 3061 S. Roan St from B-1 (Neighborhood Business District) to PB (Planned Business) District.

The site is developed. It was previously used for retail. The existing building on the property is vacant currently. The applicant proposes to use the site for a fitness/personal training center, which is permitted in the PB Zoning District.

A Concept Plan is required for this rezoning. The site shall be used as it is currently. Thus, the existing As-Built as shown below is the "concept plan" for the rezoning. Staff recommended approval.

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

A Motion to approve the rezoning at 3601 S. Roan St from B-1 to PB was put forth by Commissioner Wild with a second from Commissioner Povlich.

Motion to approve the rezoning as stated, passed.

VOTE: 7-0

Consider design deviations for Verizon Wireless Small Cell Antenna at 340 Liberty Bell Blvd.

Discretionary Review of Small Cell Antenna Design:

- Design of 35' tall pole exceeds Height Limit of 25'
- Design includes exposed hardware while regulations call for all wireless hardware to be located internal to the pole. For reference, see Ordinance 4695-19.

The public hearing was opened;

Andy Lowe - with Towersource a contractor for Verizon Wireless spoke in regards to the request. He stated that Verizon was aware that this request was recommended for denial by staff however, they told him to come and make the request anyway. He stated this is new to everyone and that Verizon was hoping to get information from this meeting on what the city desires for them to do.

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

Chairman Zajonc asked Mr. Lowe if there were any other design types for these particular poles? Mr. Lowe stated that Verizon Wireless were the designers and this would be a question for them.

Matt Manley - Senior Planner for the City stated he had been attempting to contact Verizon for several weeks and up to this meeting date he has been unable to make contact. He stated he has left several messages, voicemails and emails with no return contact.

The Commission discussed the need for further review on this issue with representatives from Verizon Wireless, directly. Chairman Zajonc also stated he would like for the Legislative Committee to meet to further discuss the Ordinance (4695-19) and its current feasibility.

A Motion to defer until further information and discussion with Verizon Wireless could occur was put forth by Commissioner Dagenhart with a second from Vice-Chairman Cooper.

Motion to defer as stated, passed.

VOTE: 7-0

Amendment of Section 4.6 on “One Principal Building Per Lot” in the Johnson City Zoning Ordinance.

As part of staff’s ongoing efforts to update the Zoning Ordinance, staff proposes a revision of Section 4.6 of the Zoning Ordinance to clarify that the restriction of one principal building per lot only applies in low density residential districts, commonly referred to as “single family districts”.

The proposed revision is not a change in development practice in Johnson City, but a clarification in the Zoning Ordinance that the “one principal building and its customary accessory buildings” per lot restriction only applies in the low density residential districts as has been the practice in the City for decades.

Section 4.6 of the Zoning Ordinance as currently written stipulates that “Only one principal building and its customary accessory buildings may be erected on any lot, unless otherwise provided in this Code.” There is no other section of the Zoning Ordinance that expressly permits multiple principal structures on a single lot as the “unless otherwise provided in this Code” clause suggests. However, such permission of multiple principal buildings per lot in some zoning districts has historically been inferred from customary multifamily, commercial and industrial development practice, and density and lot coverage provisions in different zoning districts. The proposed revision will simply clarify the language of Section 4.6 of the Zoning Ordinance, eliminating the need for further inferential hermeneutics on whether specific zoning districts actually permit multiple principal buildings on a single lot.

PROPOSED TEXT AMENDMENT

- Any and all text stroke out and in red (~~abcabc~~) is recommended to be repealed
- Any and all text in blue and underlined (abcabc) is new and inserted provision
- Any and all text in black (abcabc) is current existing language, unaffected

**4.6 ONE PRINCIPAL BUILDING PER LOT**

Only one principal building and its customary accessory buildings may be erected on any lot ~~unless otherwise provided in this Code~~ in the R-1, R-2, R-2A, R-2B, and R-2C Zoning Districts. Multiple principal structures and customary accessory buildings per lot may be erected in all other zoning districts.

Staff recommended approval.

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

A Motion to approve the proposed Text Amendment as presented was put forth by Commissioner Hixson and a second from Vice-Chairman Cooper.

A Motion to approved as presented, passed.

VOTE: 7-0

Consider a proposed subdivision plat, being a “Division of the Randy D. Jones Estate Property”.

The property as currently developed is a non-conforming lot from a zoning perspective. It was annexed into Johnson City on November 26, 1980 by Annexation Ordinance Number 2315 and zoned R-3.

On September 3, 2019, Mr. Steven C. Lyons, the proposed subdivision surveyor, submitted for administrative review and approval a proposed minor subdivision titled, "Division of the Randy D. Jones Estate Property." The plat proposes to divide an existing 1.213 acre piece of property at 3706 Timberlake Rd into two lots of 0.352 ac and 0.861 ac. The property is in the R-3 (Medium Density Residential) Zoning District in the Johnson City Zoning jurisdiction. Per Section 6.6.3.1 of this Zoning Ordinance, the R-3 Zoning District permits a density of at most seven dwelling units per acre (7 du/ac.). The property currently has a total 32 dwelling-unit apartment.

As proposed, Lot 1 would have a density of 14.2 du/ac and Lot 2 would have a density of 31 du/ac. The density of both lots will exceed the permitted density of 7 du/ac in the R-3 Zoning District. Thus, the proposed subdivision will not meet density requirement in the R-3 Zoning District.

The one existing lot as-built has a density of 26.38 du/ac. Subdividing the property as proposed will compound the non-conformity in density by creating two lots that shall be nonconforming.

Staff sent comments back to the applicant highlighting that the plat as proposed does not meet zoning requirements, and therefore cannot be approved administratively.

On January 8, 2020, Mr. Jeffery Jones filed a request for consideration of the plat by the Johnson City Regional Planning Commission "for its decision." The proposed subdivision is within the Johnson City Regional Planning Commission's subdivision jurisdiction.

Staff recommended that the Planning Commission DISAPPROVE the proposed "Division of the Randy D. Jones Estate Property" attached as exhibit hereto because the proposed plat violates density requirements in the R-3 Zoning District in which the property is located, and legal non-conforming lots are prohibited from being subdivided in a way that compounds existing non-conformities.

**The public hearing was opened;**

**Mr. Jeffery Jones-** one of the property owners spoke against the subdividing of this property.

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

A Motion to deny the subdivision request due to the fact the proposed "Division of the Randy D. Jones Estate Property" violates density requirements in the R-3 Zoning District in which the property is located, and legal non-conforming lots are prohibited from being subdivided in a way that compounds existing non-conformities was put forth by Commissioner Wild with a second from Vice- Chairman Cooper.

A Motion to deny as stated, passed.

VOTE: 7-0

Rezoning of eight (8) properties between McArthur Road and Fairhaven Road along the 2500 and 2600-blocks of Watauga Road from: 2530, 2532 Watauga Road (portion), and 102 Fairhaven Road R-4 to PLANNED BUSINESS (PB). 2527, 2601, 2603 Watauga Road 2532 Watauga Road (portion) B-4 to PLANNED BUSINESS (PB). 2533 Watauga Road R-4 to RO-2 and 2525 Watauga Road B-4 to RO-2.  
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.

The Director of Development Services, Preston Mitchell stated that he had spoken to most if not all of the property owners in question for these rezoning's and all were in agreement with the current proposed plan. Dollar General Stores has already put in an application to build a new store in this area and with the updated zoning they will be able to build this store.

Staff recommended approval of all proposed rezoning's.

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

A motion to approved the rezoning's on Watauga Rd. as presented was put forth by Vice-Chairman Cooper with a second from Commissioner Hixson.  
A Motion to approve as stated, passed.  
VOTE: 7-0

Other

Mr. Manley gave the Planning Commissioners his yearly, required update on the accomplishments and future goals of the Historic Zoning Commission.

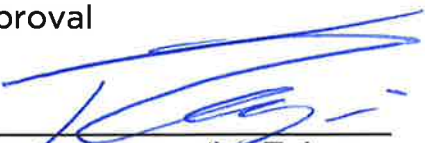
Commissioner Povlich brought forward a desire to have further discussion with the Commissioners and staff regarding the section of the Zoning Code that refers to "Accessory Structures". These are sections 4.13 and 4.13.1 of the Zoning Code. Commissioner Povlich would like to look further into including boat docks in the list of exceptions in section 4.13.1.

The Commission decided to move all further discussion of this issue to the Legislative Committee for further review and if ready add this to the February 2020 Planning Commission Meeting for a vote.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:30 pm.

Approval



Chairman - Dr. Tim Zajonc

2-11-20

Date