



JOHNSON CITY Regional Planning Commission  
Minutes  
Tuesday March 10, 2020

Call to Order

The regular meeting of the Johnson City Regional Planning Commission was called to order at 6:00 pm, on Tuesday March 10, 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

Dr. Larry Calhoun, City Commission Representative

Mr. Chris Dagenhart, Mayoral Representative, Asst. Secretary

Gen. Gary Harrell, County Representative

Dr. Benjamin Whitfield

Members absent:

Mr. Clay Hixson

Mr. Jamie Povlich

Dr. Stacey Wild, Secretary

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

Travis Olinger, Water/Sewer Engineer

Nicole Lawrence, Recorder

Quorum

A quorum was present.

#### Agenda

The Agenda was approved with the following addition; Item placed as number six, The Stewardship Annexation revision and the other items moved down one. The Agenda was then approved.

Vote: 6-0

#### Minutes

The minutes from the February 11, 2020 meeting were approved

Vote: 6-0

#### New Business

Rezoning of property at intersection of N. State of Franklin and Sunset Dr. from RTP (Research/Technology Park District) to B-4 (Arterial Business District) and RO-2 (Medium Density Residential - Professional Office District).

This is a staff initiated rezoning, the property owner does not have any plans for the property at this time. The neighborhood meeting was held and the following concerns were mentioned; Probable development will cause storm water retention issues, high traffic volumes, and the possible development of business or multi-family development.

Staff informed the Commissioners that in regards to the storm water concerns, TDEC would have to regulate this and the Planning Commission would need to approve any future developments. By changing the zoning from RTP to B-4 this is actually down zoning this area and that could alleviate any increase in traffic, concerns. Prior to the Public Hearing being opened the Commissioners had a lengthy discussion with staff regarding the notification process for property owners when there is a staff initiated rezoning. The Commissioners were quite bothered that the property owner was not present at this meeting nor had they made any contact with staff regarding the proposed rezoning of their property.

Staff informed the Commission that all notification processes had been completed. The Commissioners asked if a certified letter had been sent to the property owner. Staff replied that no, Certified Mail is not a required form of communication for notification. The Commissioners did not agree with the current notification process and staff informed them that in order to change the way it is currently being done will require a change in the Zoning Code.

The public hearing was opened;

Melissa Connor 1403 Woodside Dr. - Spoke against the rezoning. She cited concerns with possible multifamily development being placed there and that would decrease her property values.

Shannon McCool 1325 Sunset Dr. - Spoke against the rezoning citing traffic concerns.

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

MOTION: To defer until further notification of this rezoning to the property owner could be attempted by staff.

MOVER: Vice-Chairman Cooper  
SECONDER: Commissioner Harrell

RESULT: Carried 6-0

Rezoning of property at intersection of Boone Station Rd. and Christian Church Rd. from RTP to B-4.

This is a staff initiated rezoning, the property owners are Ballad Health and were represented by Mr. Hank Carr at this meeting. This property has a long history of being rezoned. Most recently Wellmont Health had intended on using this area for a new Trauma Hospital site. This is no longer an option since Wellmont Health no longer exists. Ballad Health are the current owners and agree that this is a good time and option to rezone this land to B-4. There are major road improvements happening by TDOT on the I-26 corridor in this area of exit 17.

This rezoning is intended to facilitate possible development of the property in line with opportunities provided by the Economic Incentive Zone and to integrate future development of the property into the changes in traffic patterns in the area in a way that protects adjoining land north of Boones Station Rd. from high traffic impact on the neighborhood. This adjoining land has potential for residential and mixed use development per Washington County Zoning jurisdiction provisions.

Ballad Health does not currently have any plans for this land.

The public hearing was opened;

Hank Carr 3326 Bonwood Cir.- representing Ballad Health spoke in favor of the proposed rezoning and stated that this new zoning will greatly benefit that piece of property.

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

MOTION: To approved the staff initiated rezoning from RTP to B-4 as presented.

MOVER: Vice-Chairman Cooper  
SECONDER: Commissioner Dagenhart

RESULT: Carried 6-0

Rezoning of a portion of property along Boones Station Rd. from RP-2 (Planned Residential District) to R2B (Low Density Residential District).

This property was recently annexed into the city and at that time was given RP-2 zoning. Since that time the developer has made a change in the preliminary plat and wishes to build a PUD and increase the number of lots by two. He will accomplish this by reducing the size of several other lots on the south side of the subdivision. Lots 25 and 26 will be rezoned to R2B.

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

MOTION: To approve the rezoning from RP-2 to R2B as presented.

MOVER: Vice-Chairman Cooper  
SECONDER: Commissioner Dagenhart

RESULT: Carried 6-0

Revised Preliminary Plat of Chestnut Cove Subdivision, Phase I. This is the preliminary plat as discussed in the previous item. The developer wishes to add two additional lots.

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

MOTION: To approve the revised preliminary plat to add in two additional lots contingent the proposed rezoning passes through City Commission.

MOVER: Commissioner Whitfield  
SECONDER: Vice-Chairman Cooper

RESULT: Carried 6-0

Final Subdivision Replat of Lot 2 of the Judy Harris Property along Hairetown Rd.

This is a request for final plat approval of Lot two of the Judy Harris Property along Hairetown Rd. The property owner proposes to create three lots from the one existing lot.

Although the property is in the Johnson City Planning Region, it is in the Washington County Zoning jurisdiction. It is zoned R-1 (Low Density Residential). The proposed subdivision meets the Zoning requirements of the Washington County Zoning Ordinance.

Water is available on the property. A soil scientist has evaluated the suitability of the lots for subsurface sewage disposal. The Tennessee Department of Environment and Conservation (TDEC) still has to validate whether each of the lots meet underground sewage disposal requirement.

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

MOTION: To approve contingent on TDEC approval.

MOVER: Commissioner Whitfield

SECONDER: Commissioner Dagenhart

RESULT: Carried 6-0

Amend zoning recommendation for the annexation of properties at 5112 Bobby Hicks Hwy. and 3309 Sid Martin Dr. from B-5 (Planned Community Business District) to B-4 (Arterial Business District).

Staff request that the Planning Commission add a reconsideration of the Zoning Assignment for the Stewardship Annexation to the March 10, 2020 Planning Commission meeting agenda.

At the February 11, 2020 meeting, the Planning Commission recommended that the subject properties proposed for annexation into Johnson City be zoned B-5 (Planned Community Business District). At its meeting on March 5, 2020, the Johnson City Board of Commissioners voted on first reading to rather assign the B-4 (Arterial Business Zoning District) to the properties. The City Commission intends not to expand the B-5 Zoning District in the City considering the specific circumstances in which it was created, namely, to eliminate liquor stores in Gray. The City Commission believes that because there is a liquor store in Gray now, it is irrelevant to continue applying the B-5 Zoning District in the City. The only difference in use between the B-5 and the B-4 Zoning Districts is that the former prohibits liquor stores, which the later permits.

The B-4 Zoning District will still permit the properties' owner to use the site for staff training. Ballard Health has no preference between either of the Zoning Districts.

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

MOTION: To approve the amended zoning from B-5 to B-4 and allow the Plan of Services to also reflect this change.

MOVER: Vice- Chairman Cooper  
SECONDER: Commissioner Calhoun

RESULT: Carried 6-0

Revision of Article II – Definition of Terms Used in the Code; Article IV – Application of Regulations Section 4.7 Yards & Setbacks and 4.13 Accessory Structures & Uses; Article VI- Use Requirements by District in the City of Johnson City Zoning Ordinance.

In an effort to recognize and distinguish Johnson City's existing urbanized areas and accommodate infill development which is compatible with existing traditional neighborhoods, staff proposes a series of revisions related to Yards & Setbacks and Accessory Structures/Uses. The revisions for these two topics are primarily covered with proposed language for Article II (Definition of Terms Used in the Code) and Article IV (Application of Regulations) Sections 4.7 & 4.13 of the Zoning Ordinance. Additional proposed code changes to Article VI (Use Requirements by District) are also included to remove contradictions.

The proposed revision:

ARTICLE II -

1. Additional language proposed for the definition of "Accessory Structures" and "Height" coincides with proposed changes to the regulations for Accessory Structures.
2. The clarification of the definitions associated with "Yards" & "Lot Lines" will allow staff and the public to have consistent understanding of how yards are established and how development standards shall be applied. The proposed changes to these definitions includes new diagrams (p. 3) which provide add additional clarity to code users.

3. The proposed change to the definition of “Kennel” and addition of the definition for “Pet Grooming” addresses contradictory language found in the Accessory Uses section of the code.

#### ARTICLE IV - 4.7 YARDS & SETBACKS

4. The revisions to 4.7 account for the proposed updated definitions and provide additional clarity. Modification of 4.7.4 (Front Yard Setbacks) is intended to improve an existing provision to accommodate infill development which compliments existing neighborhoods.

#### ARTICLE IV - 4.13 ACCESSORY STRUCTURES & USES

5. Proposed removal of list of Accessory Structures removes pressure on the Code to provide an exhaustive, up-to-date list of all possible Accessory Structures.

6. Proposed language for prohibited accessory structures allows the Zoning code to relate to the Municipal Code and an address a recurring Code Enforcement issue with this topic.

7. The significant change to this section would allow parcels adjacent to alleys (small, narrow lots found in the urban core of the City) to have Accessory Structures setback to the rear and far side of the property. This type of “zero-lot line” placement of Accessory Structures is common in the City’s older, historic neighborhoods. This code change would allow this traditional neighborhood design to be conforming in select sections of town. The affected parcels make up roughly 9% of the all the parcels in the City. The average lot size for these parcels is .22 Acres - significantly smaller lots than that which is found throughout the rest of the City. The average parcel size for the City is 1.11 Acres. The Minimum Lot Size for our largest zoning district (R-2) is .344 Acres. See map of affected parcels.

8. The proposed changes for size and height of Accessory Structures would allow detached structures to have a scale that relates to the principal structure and the size of the backyard (max rear yard coverage) rather than with set numbers that are currently applied without regard to variations of building mass and parcel size. The new standards are designed to maintain the “subordinate” and “incidental” character of Accessory Structures.

9. By accommodating a greater range of accessory structure sizes and heights (in relation to the principal structure and land area), it is proposed that requirement to receive a Special Exception from the BZA be removed from the code. Under this proposal, staff would administratively approve applications and applicants would have to meet the code or qualify for a variance.

10. Additional changes proposed for Article IV are for improved clarity.

ARTICLE VI - USE REQUIREMENTS BY DISTRICT

11. Changes proposed for Article VI creates compatibility within the Zoning Code by removing language related to Accessory Structures and Uses as these regulations are redundant and, in some cases, contradictory to the proposed text amendments.

After a lengthy discussion between the Commission and staff the following changes will NOT be made at this time:

1. No Changes to the language regarding "Mobile Storage". This is to be discussed further in sub-committee.
2. No changes or addition of any language regarding "Container Homes". This will be further discussed in sub-committee.

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

MOTION: To approve text amendments as presented with the exception of striking of the "mobile storage unit" language.

MOVER: Commissioner Whitfield  
SECONDER: Commissioner Harrell

RESULT: Carried 6-0

Discuss amendments to the Subdivision Regulations on Access Standards.

The Planning Commissioners were given text revisions for review of the Subdivision Regulations. They are to send staff any suggestions or changes over the next month. A public Hearing will be held on these changes at the April 14, 2020 Planning Commission meeting.

Seeing there was no further business to go before the Commission, the meeting was adjourned at 8:45 pm.

Tim Zajonc MD

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Chairman - Dr. Tim Zajonc

4/28/2020

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Date