

# Morristown Board of Zoning Appeals

## Minutes

August 8, 2017

### Members Present

Chairman Bill Thompson

Board Member Jim Beelaert

Vice Chairman Jack Kennerly

Board Member Wanda Neal

Secretary Bob Garrett

Mayor Gary Chesney

### Others Present

Lori Matthews, Senior Planner

Josh Cole, Planner

Steve Neilson, Planning Director

David Hayes

Larry Hart

Nick Lakins

Jessica Crawford

Clint Harrison

### Members Absent

#### **I. Chairman Bill Thompson called for the approval of the July 11<sup>th</sup>, 2017 minutes.**

Board Member Neal made a motion for approval of the July 11<sup>th</sup>, 2017 minutes and it was seconded by Mayor Chesney. Upon voice votes, all Ayes.

#### **II. Old Business: None**

#### **III. New Business:**

## **A. Use-on-Review:**

### **UORV-2080-2017: Request for an office building in an HI District at 367 Martin Luther King Pkwy.**

Planner Josh Cole discussed the request received from Mr. H. David Hayes on behalf of the property owner, Sharon C. Hayes. The request was for a Use Permitted on Review to allow an office building to be constructed on property located at 367 Dr. Martin Luther King Jr. Parkway. The property is currently zoned HI, Heavy Industrial District. The proposed site is a 2.08 acre parcel that is currently vacant. There is an AT&T office/truck parking north of the property, vacant parcels to the south and east of the property, and a truck/storage/repair facility across Dr. Martin Luther King Jr. Parkway.

Several types of offices are allowed in the HI District and the use is consistent with office buildings located to the north along West Morris Boulevard. Staff recommended approval of the proposed request.

Commissioner McGuffin stated that he would abstain from voting on this item due to a conflict of interest.

Chairman Thompson called for a motion. Board Member Neal made a motion for approval of this Use on Review request and it was seconded by Mayor Chesney.

Voting Results: 6 yes; 0 no; 1 abstain. Motion carries.

### **UORV-2082-2017: Request for a Pet Kennel at 5141 Old 11E Hwy.**

Senior Planner Lori Matthews discussed the Use on Review request for an animal kennel within an IB, Intermediate Business District. The request was submitted by Jennifer McMaster on behalf of the property owners, Ruth and William Jenkins. The property is currently zoned IB, which permits this type of land use only after approval has been granted by the Board of Zoning Appeals.

The property being addressed as 5141 Old 11E Highway is 1.5 acres in size and contains a 2,400 square foot building constructed in the late 1980's, which has most recently served as a real estate office. Parking sufficient to accommodate 7 standard vehicles and one handicapped vehicle is on site and it meets the City's parking requirements. The remainder of the property is vacant/open space.

A business plan submitted by the applicant stated that the facility will be able to handle up to 30 dogs and 10 cats with staff on site 24 hours a day. Actual hours of operation will be from 7 a.m. until 7 p.m. with all animals being inside the facility by 7 p.m. at night.

Surrounding properties are zoned IB, Intermediate Business and HI, Heavy Industrial which include airport property to the rear and vacant City owned property to the east. Properties north

of the site, across Old 11E are vacant. The Panther Creek Village Subdivision is located southwest and it consists of single family residences.

Staff sees proposed impacts to the neighbors as minimal with one exception being that of increased noise levels created by animals being kept outside. Staff recommended approval of this request.

Ms. Matthews also stated that there have been 36 people call in and voice their opinion against this Use on Review request.

Chairman Thompson called for a motion. Secretary Garrett made a motion for approval of the request for an animal kennel and it was seconded by Board Member Beelaert.

Board Member McGuffin asked where the nearest residence was and Ms. Matthews clarified that the nearest residence was directly south of the property.

Mayor Chesney asked what the yardage was in regards to the distance between the property in question and the nearest residence. Ms. Matthews stated that it was around 150-200 feet.

Mayor Chesney also asked Mr. Steve Neilson if there were certain guidelines to help in the Use on Review process. Mr. Neilson stated that the City of Morristown does not have any guidelines that require a certain amount of distance between the proposed use and the nearest residence.

Jennifer McMaster, the applicant, came forward and stated that her address is 1448 Hickory Shadow Drive. She also stated that the proposed use is not a kennel, it is a daycare boarding facility and there would not be any outside kennel runs. The only time that the dogs would be outside would be when they are let out to use the restroom and the area would be completely fenced in.

Chairman Thompson stated that it was time to vote since there were no further questions. He also clarified that a “yes” vote would be to approve the Use on Review request and that a “no” vote would deny it.

Voting Results: 2 yes; 5 no. Motion fails.

### **UORV-2083-2017: Request for a Pharmacy in OMP at 310 West 3<sup>rd</sup> North Street**

Planning Director Steve Neilson discussed the request for a Use Permitted on Review for a pharmacy to be located at 310 West 3<sup>rd</sup> North Street in the Helen Ross McNabb Center. The applicant is Genoa Healthcare Company and the property is zoned OMP which is the Office, Medical, and Professional District.

The proposed pharmacy would be approximately 250 square feet and would be located in an existing office complex.

Staff determined that this proposed use would be compatible with the uses in the complex and surrounding properties. The proposed pharmacy is allowed in the OMP as a Use on Review and is in keeping with the adjoining properties and the neighborhood as a whole. Staff recommended approval of this request.

Chairman Thompson called for a motion. Board Member Beelaert made a motion for approval of this Use on Review request and it was seconded by Mayor Chesney.

Larry Hart came forward and stated that he worked with Genoa Healthcare Company and he gave a general description of what is to be expected. He stated that they are a pharmacy company who specializes in placing pharmacies in mental health facilities across the country. They have seen improved outcomes with having pharmacies placed inside the facilities and it helps make sure that the patients take their medications more frequently.

Voting Results: 7 yes; 0 no. Motion carries.

#### **UORV-2088-2017: Request for off-site parking in IB at 1079 E. Morris Boulevard**

Senior Planner Lori Matthews discussed a request to provide off-site parking at 1077 and 1079 East Morris Boulevard. The request was made by Mr. Jeff Kenley on behalf of property owner Trademark Investments, LLC. The site adjoins the Food City at the Popkin Field development to the west and it was rezoned from Heavy Industrial (HI), to Intermediate Business (IB) in 2016.

This parking request stemmed from the recent development of the existing old industrial warehouse into professional office space, which is slated to be the new home of the Department of Child Services (DCS) and Camelot, which is a family counseling and prevention group. Both offices are currently located along Sulphur Springs Road in south Morristown.

As mentioned, this 2 acre site comprised of 3 separate lots was recently zoned for commercial use. Only the warehouses will be part of the redevelopment process for now. The smaller structure which shares this site was formerly a pawn shop which has since been vacated. The 11,000 square foot redevelopment requires roughly 37 parking spaces which have been shown on the site plan. The old warehouse when originally constructed was placed well north of Morris Boulevard, almost directly on top of the now abandoned Trade Street right of way line. Access to the development will be from Morris Boulevard across a separate vacant parcel from those which contain the offices. All required parking will be provided between this ingress/egress and the parcel to the north with the offices. All parking as shown on the site plan will be for the sole use of 1077 and 1079 East Morris Boulevard.

Staff sees the entrance and parking design as being compatible with the redevelopment of this area and hope to see this redevelopment spur future improvements in this area of the City.

Chairman Thompson called for a motion. Secretary Garrett made a motion for approval of this request and it was seconded by Board Member Neal.

Voting Results: 6 yes; 1 no. Motion carries.

**B. Variances: None**

**C. Interpretations: None**

The meeting was adjourned.

Respectfully submitted,

Bob Garrett

A handwritten signature in black ink that reads "Bob Garrett". The signature is written in a cursive style with a large, prominent initial "B".

Secretary

BG/jc