

# MORRISTOWN REGIONAL PLANNING COMMISSION

## Agenda

March 12, 2019



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### Call to Order

**I.** Approval of February 12<sup>th</sup>, 2019 Minutes

**II.** Old Business: none

**III.** New Business:

MISD-2267: Preliminary and Final Plat  
Chambers and Rogers Property (Devault St.)

MISD: 2273: Preliminary and Final Plat  
Vestal and Virginia McKee Estate

MASD-2266: Preliminary and Final Plat  
Lots 4 and 5 of The Shops at Merchants Greene

TEXT-2279: "Family" Definition Text Amendment

**IV.** Departmental Reports: none

### Adjournment

*The next meeting of the Morristown Regional Planning Commission is scheduled for April 9, 2019 at 4:00 pm.  
The deadline to submit applications for this meeting is March 21, 2019.*

**Morristown Regional Planning Commission  
Minutes  
February 12, 2019**

**Members Present**

Chairman Frank McGuffin  
Vice-Chairman Jack Kennerly  
Mayor Gary Chesney  
Secretary Roni Synder  
Councilmember Robert (Bob) Garrett  
Commissioner Wanda Neal  
Commissioner Ventrus Norfolk  
Commissioner Bill Thompson  
Commissioner Sylvia Hinsley

**Others Present**

Steve Neilson, Development Director  
Lori Matthews, Senior Planner  
Josh Cole, Planner  
Tina Allison, Admin. Asst. Planning  
Angel Oakley  
Ashton Oakley  
Keith Oakley  
Nick Lakins

Chairman Frank McGuffin called the meeting to order and invited anyone who wished to join the Commission in an Invocation and the Pledge of Allegiance.

**I. Approval of January 8<sup>th</sup>, 2019 minutes:**

Commissioner Bill Thompson made a motion for approval of the January 8<sup>th</sup>, 2019 minutes seconded by Commissioner Wanda Neal.

Voting Results upon voice vote all Ayes. Motion carries.

**II. Old Business:**

None

**III. New Business:**

**TEXT AMENDMENTS: Text 2256, 2257, 2258: R1, R2 and RD1**

Planner Josh Cole noted the adoption last fall of RP-1 and R-3 text amendments by the City Council. As part of an ongoing effort to update zoning ordinance, Staff has decided to continue looking into the residential districts and bring forth text amendments to the R-1 (Single Family Residential District), R-2 (Medium Density Residential District), and RD-1 (Moderate Density Single Family Residential District) chapters.

The text amendments were presented to the Planning Commission. Mr. Cole recommended approval of the proposed R-1, R-2 and RD-1 Residential District text amendments and asked the Planning Commission to forward this request on to City Council.

Mayor Gary Chesney made a motion to approve the above text amendments seconded by Secretary Roni Synder.

Voting Results 9 yes, 0 no. Motion carries.

**REZN-2245: Rezoning HI to TA Wallace and Weigel Properties**

Senior Planner Lori Matthews discussed a rezoning request submitted by Mr. Doyle Wallace and Mr. William Weigel for their properties located at The Downs/Exit 8 area. All properties being considered for rezoning are zoned existing Heavy Industrial (HI) and adjoin Progress Parkway and/or South Davy Crockett Highway. The applicant's wish is to rezone their property to (TA) Tourist Accommodation which is a commercial district.

The process of rezoning this area had started some years ago, driven in part by the reconfiguration of ramping and travel lanes by TDOT in 2012 and the need for additional retail and commercial development in this area to serve the traveling public. Staff received conceptual plans of future changes to this region from TDOT and viewed this as good opportunity in which to move forward and finish the rezoning process.

Ms. Matthews stated with development of “The Downs at Wallace Farms” filling up much of the east of 25E, commercial entities have started filling the west side as well, most recently, Weigel’s expansion of a diesel fueling center behind their store. Steeplechase Lane, when completed, will serve as an access for all properties along South Davy Crockett up to the Wallace Hardware entrance.

As the East Tennessee Progress Park continues to see growth and expand, this region will require commercial eateries, overnight accommodations, etc. to fill both employee and employer needs as well as continue to serve interstate travelers. Staff asked the Planning Commission to recommend the rezoning request as submitted to City Council for approval.

Vice-Chairman Kennerly made a motion to approve the request seconded by Commissioner Bill Thompson.

Voting Results 9 yes, 0 no. Motion carries.

**REZN-2252: Rezoning R-2 to R-3 Lakins and Wolfe Property**

Senior Planner Lori Matthews discussed a rezoning request submitted by Clint Harrison acting as agent for Nick Lakins and Derek Wolfe for their property located next to Alpha Elementary School. The property owners seek to rezone their property from Medium Density Residential (R-2) to Heavy Density Residential (R-3). The site was annexed in 1992 and is vacant except for two barns. If developed, the site will be served by Morristown Utility Services with power, sanitary sewer and water.

Ms. Matthews stated the owners seek construction of a multi-family residential complex and have asked to have a minimum of 15 dwelling units per acre. The current zoning of R-2 maxes out density at 11 units an acre while the City’s R-3 District, which was recently revised to allow higher density, allow maximum of 20 units per acre. If the rezoning is approved, the site layout will require additional approval from the Planning Commission prior to construction.

Ms. Matthews stated a medium to high residential subdivision to be the best and highest use for this property and asked the Planning Commission to forward this request onto City Council for approval.

Commissioner Sylvia Hinsley made a motion to approve the request seconded by Mayor Gary Chesney.

Voting Results 9 yes, 0 no. Motion carries.

**IV. Departmental Reports:**

**Minor Subdivisions Approved:**

MISD-2250: Resubdivision of Lots 1, 2, & 3 of Crockett’s Landing

MISD-2261: Atmos Energy Corporation: Part of Parcel 115.00 Map 57 of the East Tennessee Progress Center (Plat BK. H Slide 281)

MISD-2215: Resubdivision of Lot 1R-1 & 1A-R of the Harold W. Harris Property Subdivision Of Tract 1 (Plat Bk. G Slide 73) (710 Croxdale Rd)

There being no further business, the meeting was adjourned.

Respectfully submitted,

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Roni Snyder, Secretary

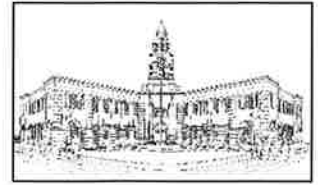
RS/ta

DRAFT

# City of Morristown

Incorporated 1855

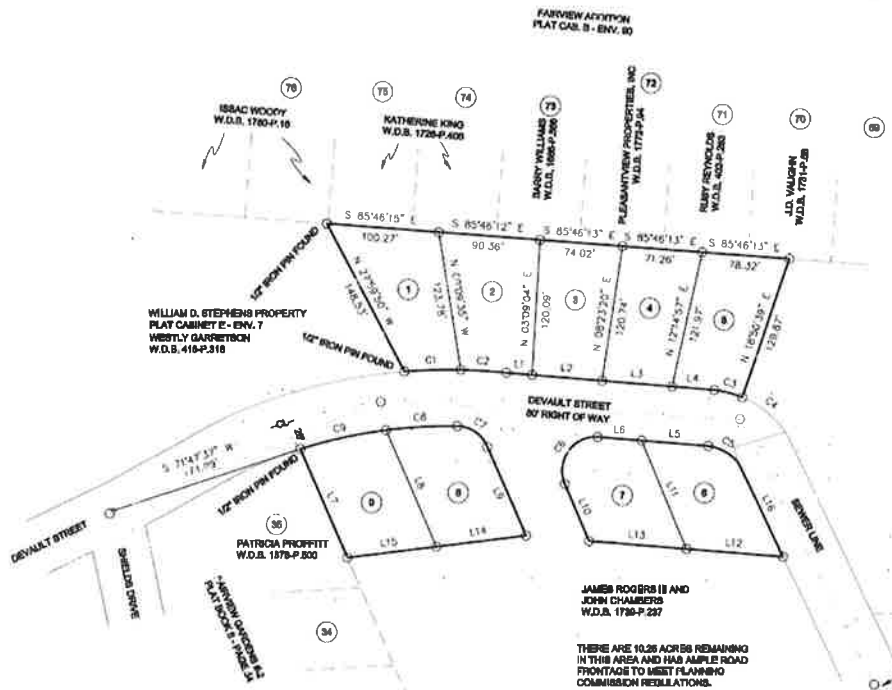
DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Regional Planning Commission  
FROM: Josh Cole, Planner  
DATE: March 12<sup>th</sup>, 2019  
SUBJECT: Preliminary and Final Plat Approval –  
James Rogers III and John Chambers Property (Devault St.)

## BACKGROUND:

This is a request for Preliminary and Final Plat approval of property owned by James Rogers III and John Chambers. In December, a previously private portion of Devault St. that split their property was accepted by the City as a public street. The owners are now seeking to create nine new lots along this portion of Devault St. No new infrastructure is being proposed; however, due to the number of new proposed lots, this plat must receive Planning Commission approval prior to being recorded.



The property is zoned R-2, Medium Density Residential District, and contains single family and duplex units to the east along Devault St. and Shields Dr., the Knob Hill apartment complex to the west along Devault St., and single family units to the north. The proposed lots range from 7,566 square feet to 9,346 square feet which meet the minimum size requirements set forth in the R-2 district. It should be noted that due to the proposed lot sizes, the lots can only contain single-family units. The remaining portion of their property is set aside for future development.

**RECOMMENDATION:**

Staff recommends Preliminary and Final Plat approval contingent upon the northern lot line in "Future Development" lot being placed on the plat and the water lines being shown on the plat to suffice Morristown Utilities Commission.





# City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Regional Planning Commission  
FROM: Lori Matthews, Senior Planner *Lori Matthews*  
DATE: March 12<sup>th</sup> 2019  
SUBJECT: Preliminary and Final Subdivision Plat Approval  
Vestal & Virginia McKee Estate

## **SUBMITTAL:**

The Planning Department has received a subdivision plat submittal for the estate of Vestal and Virginia McKee, located between Howerton and Old Liberty Hill Roads in north Morristown. The property owners are requesting their 1.82 acre parcel (Hamblen County Parcel ID # 025 060.00) be divided into 3 separate lots.

Zoned R-1 (Single Family Residential), the plat shows Lots 1 and 2 fronting Old Liberty Hill Road with Lot 3 accessing Howerton Drive. Lot 3 (1.01 acre) is currently vacant with a residential unit on Lot 1 (17,747 square feet) and on Lot 2 (17,397 square feet).

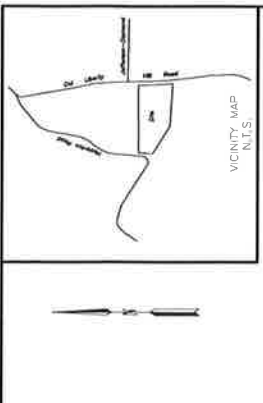
No infrastructure is required with this subdivision with all utility services to be provided by Morristown Utilities Commission.



## **RECOMMENDATION:**

As the subdivision plat submitted meets/exceeds the City's existing Subdivision Regulations, Staff would ask that the Planning Commission grant preliminary and final approval.

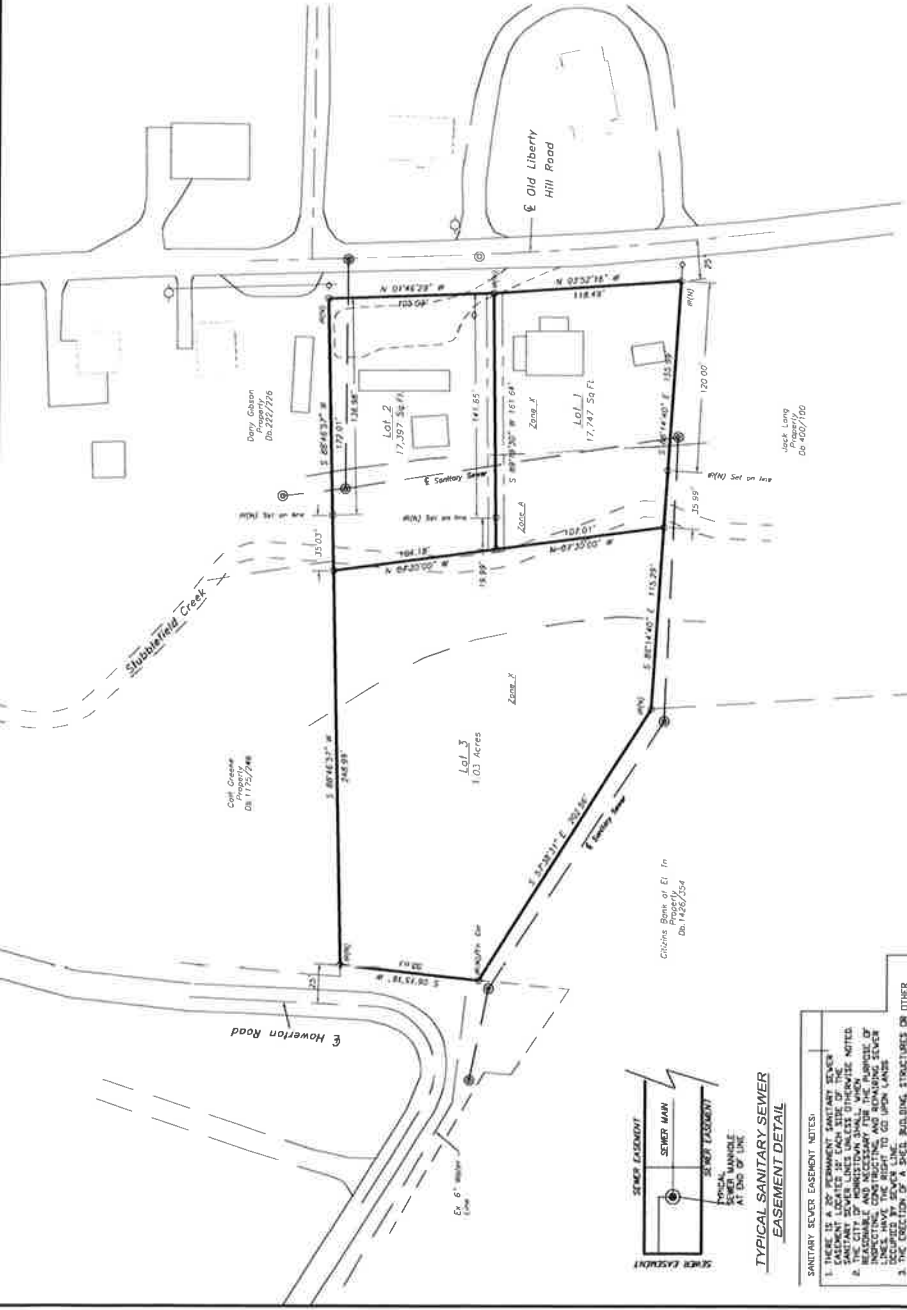




- NOTES**
- 1 Iron pins at all corners
  - 2 Co. Map No. 25, Block 66
  - 3 Property owner's survey
  - 4 Property owner's survey
  - 5 Dams/Developer
  - 6 Present Zoning - "R1"

Jefferson-Diamond Road

Old Liberty Hill Road



PROJECT NO. 101-11-2019  
DATE: 1-11-2019  
SCALE: 1" = 50'  
BY: Billy D. Knight  
PROJECT: VESTAL & VIRGINIA MCKEE ESTATE  
SUBDIVISION



Final Plat of

**Vestal & Virginia McKee Estate**  
Subdivision

District No. One, Hamilton County, Tenn.  
Date: 1-11-2019  
Scale: 1" = 50'  
By: Billy D. Knight, R.L.S.  
White Pine, TN 37890  
Ph: 665-674-0384

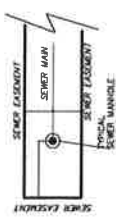
(Total Acres 1.82, Total Lots 3)

<p><b>CERTIFICATE OF THE APPLICANT FOR RECORDING</b></p> <p>I hereby certify that the information herein has been prepared in accordance with the applicable laws of Tennessee, and that the information herein is true and correct to the best of my knowledge and belief.</p> <p>Date: _____</p> <p>Secretary, Hamilton County Planning Commission</p>	<p><b>CERTIFICATE OF THE APPLICANT FOR RECORDING</b></p> <p>I hereby certify that (1) the water facilities herein have been installed in accordance with the adopted Construction Standards or (2) that a performance bond or other surety has been posted with the Regional Planning Commission in the amount of \$_____ to ensure completion of all required improvements in case of default.</p> <p>Date: _____</p> <p>City Engineer or Health Department Official</p>
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**TYPICAL SANITARY SEWER EASEMENT DETAIL**

**SANITARY SEWER EASEMENT NOTES:**

1. THERE IS A 20' PERMANENT SANITARY SEWER EASEMENT ON THE PROPERTY.
2. SANITARY SEWER LINES UNDER OTHER EASEMENTS ARE NOT TO BE INSTALLED WITHIN THE SANITARY SEWER EASEMENT.
3. THE SANITARY SEWER EASEMENT IS TO BE MAINTAINED AND KEPT OPEN AT ALL TIMES.
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5. THE SANITARY SEWER EASEMENT IS TO BE MAINTAINED AND KEPT OPEN AT ALL TIMES.




# City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



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TO: Morristown Regional Planning Commission  
FROM: Lori Matthews, Senior Planner   
DATE: March 12<sup>th</sup> 2019  
SUBJECT: Preliminary and Final Subdivision Plat Approval  
Lots 4 and 5 of The Shops at Merchants Greene

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## **SUBMITTAL:**

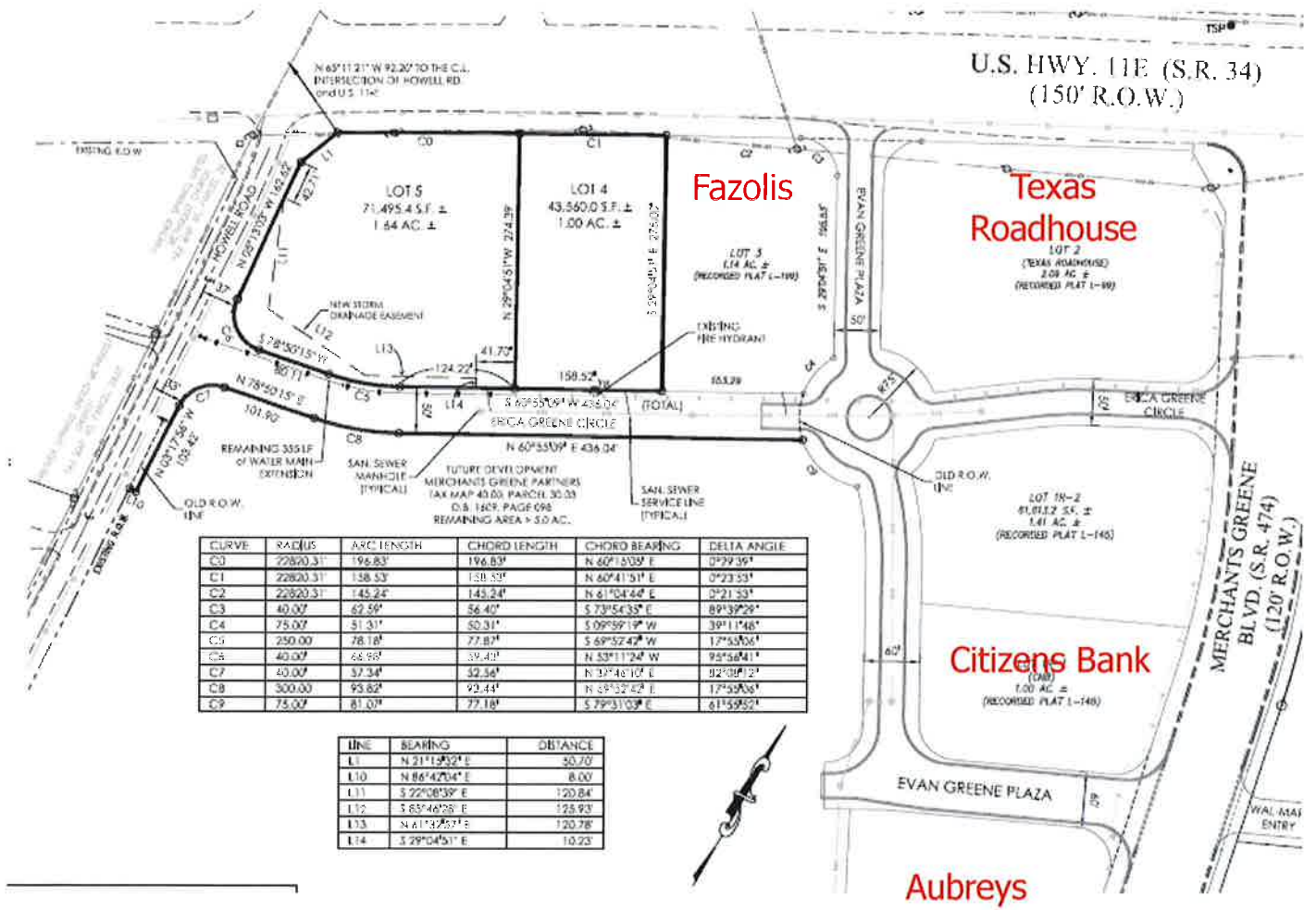
The Planning Department has received a final subdivision plat request for Lots 4 and 5 of The Shops at Merchants Greene located in west Morristown. The property owner(s), Merchant Greene Partners submitted the original plat for the entirety of this 50 acre tract in 2016, at which time, the Regional Planning Commission approved the preliminary plat along with the necessary sureties.

Lots 4 and 5 of The Shops are adjacent to, but will not have access from West Andrew Johnson Highway. As shown on the graphic included, Lots 3, 4 & 5 will all be accessed from Erica Greene Circle which is still under construction. A bond estimate in the amount of \$350,000 has been submitted by the Engineer to cover the costs of that infrastructure still incomplete for Erica Greene Circle to include the following:

1. Waterline construction must be completed from Lot 3 west to Howell Road.
2. Remainder of stone and paving must be installed along Erica Greene Circle.
3. Compaction tests for Erica Greene subgrade must be submitted and evaluated.
4. Lot 5 stormwater will temporarily be diverted south of Erica Greene Circle to flow over land until the installation of the stormwater for the west side of the development (as shown on the approved construction plans) is completed. A note from the site Engineer will be needed to confirm this to be an acceptable practice.
5. All Howell Road improvements (as shown on the approved construction plans) still remain to be done.

## **RECOMMENDATION:**

Staff has concerns with the number of lots being platted with no access or inspections being completed. Therefore, Staff would recommend the Planning Commission defer this request until the City is in receipt of the completed compaction tests, Erica Greene Circle has (at a minimum) has been paved, water lines have been tested and a letter of credit/surety bond has been submitted to and accepted by the City.



Looking west along Erica Greene Circle (3/7/2019)



**THE SHOPS at MERCHANTS GREENE - LOTS 4 and 5 PLAT  
MORRISTOWN, TENNESSEE**

**OPINION OF PROBABLE COST FOR FINAL PLAT ON LOTS 4 and 5**

**ISSUED: February 11, 2019**

**REVISED: February 18, 2019**

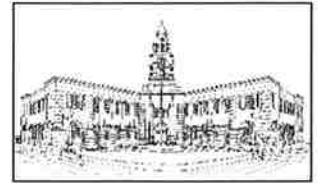
**Prepared by T. Clint Harrison, P.E.**

DESCRIPTION	QTY	UNIT	UNIT	
			PRICE	TOTAL
Road Construction: (per Knoxville pricing guide) (630 LF Erica Green Circle and 400 LF Howell Rd) (250 LF along Howell Rd is 36ft wide and 150 LF is 26ft wide) Note: for a 36ft wide road, unit prices increased by a factor of 1.5.				
Binder B-M (26ft wide)	780	LF	\$45.00	\$35,100
Base Stone (26ft wide) (revised- 630 LF along Erica Greene Circle already has Base Stone installed)	150	LF	\$50.00	\$7,500
Surface Mix (26ft wide)	780	LF	\$26.00	\$20,280
Binder B-M (36ft wide)	250	LF	\$68.00	\$17,000
Base Stone (36ft wide)	250	LF	\$75.00	\$18,750
Surface Mix (36ft wide)	250	LF	\$39.00	\$9,750
Sidewalk (Covers Lots 3, 4 and 5 on four roads that encompass these lots)	1800	LF	\$50.00	\$90,000
Permanent Sign Post installation (3 stop signs)	4	EA	\$300.00	\$1,200
Striping (4" Thermo)	4120	LF	\$0.46	\$1,895
Stop Bar (Thermo)	60	LF	\$10.00	\$600
Traffic Control	1	LS	\$5,000.00	\$5,000
Mobilization (for roads)	1	LS	\$10,000.00	\$10,000
As-builts submitted (this item covers new additional as-builts to be provided for the items in this bond)	1	LS	\$5,000.00	\$5,000
Water: Valves and line extension on Erica Greene Circle (updated: 260 LF now installed to corner of Lot 4 and 5)	355	LF	\$30.00	\$10,650
Fire Hydrant on Erica Greene Circle (Now Installed)	0	EA	\$3,000.00	\$0
Striping (Arrows-Thermo)	10	EA	\$110.00	\$1,100
<b>SUBTOTAL</b>				<b>\$233,825</b>
Add 150% to determine bond amount	1	LS	150%	\$116,913
<b>TOTAL BOND AMOUNT</b>				<b>\$350,738</b>

# City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Regional Planning Commission  
FROM: Steve Neilson, Community Development Director *SN*  
DATE: March 12, 2019  
SUBJECT: Text Amendment – Chapter 2, 14-203 DEFINITIONS - Family

## **BACKGROUND:**

This is a staff-initiated amendment to include a definition of “FAMILY”.

Recently, our Code Enforcement Officers received a complaint that a large number of individuals were living in a house on the west end of town. When they arrived, they found that the basement and garage had been converted into make shift bedrooms. They discovered that not less than eight adults living on the property. The property owner was sent a Notice of Violation citing a number of violations ranging from unsafe wiring, lack of smoke detectors, and failing to meet minimum square footage for bedrooms. However, staff was concerned that if the home was brought up to code, this living arrangement could continue.

Staff feels that this type living arrangement is not appropriate in a single-family neighborhood. Unfortunately, there is nothing in the Zoning Ordinance to prevent it. The best way to regulate this would be to include a definition of “family” which would define the type of living arrangement that could live in a “single-family” unit.

Staff reviewed a number of city ordinances from around East Tennessee (see attached) and found that the number of unrelated individuals allowed ranged between three and six. The majority of the ordinances limited it to no more than five adults. Staff is proposing the following definition of “family”.

FAMILY is defined for the purpose of this ordinance as one or more person(s) that are related by blood, marriage, adoption, legal guardianship, or not more than (5) five unrelated adults.

## **RECOMMENDATION:**

Staff recommends approval of the proposed text amendments.

### **Other Jurisdictions Zoning Code Definition of Family**

**Johnson City TN** -- *Family* means one or more related persons or a group of not more than three persons who are mutually unrelated by blood, marriage, legal adoption, or legal guardianship. In multi-family dwellings in the R-6 district, the number of unrelated persons may increase to four persons provided that the allowable density is reduced to 18.75 units per acre. Domestic workers employed on the premises are not counted as part of the family.

**Bristol, TN** FAMILY - One or more individuals occupying a dwelling unit, or a group of not more than 5 persons who are not related by blood or marriage, and living as a single household unit.

**Kingsport, TN** Family - means a person living alone or two or more persons customarily living together as a single housekeeping unit and using common cooking facilities, but not including a group occupying a hotel, club, boarding house, lodging house, fraternity or sorority house, institution for human care or other similar building.

**Greeneville** Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises without being counted as a family or families.

**Knoxville, TN** Family: The heads of household plus persons who are related to the heads of the household (and any domestic employees thereof). These relationships may be of the whole or half blood, by adoption, guardianship, including foster children, or through a marriage to a person with such a relationship with the heads of household.

**Mountain City, TN** - Family – One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage to such family shall contain over five (5) persons, but further that domestic servants employed on the premises without being counted as a family or families.

**Murfreesboro, TN** Family: In addition to customary domestic servants, either (a) an individual or two or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling unit; or (b) a group of not more than four persons who are not related by blood, marriage, or adoption, living together as a common household in a dwelling unit, or (c) a group of not more than eight unrelated persons with disabilities, as defined by applicable federal law, which includes at least one (1) additional person (and may include a total of three (3) additional persons) acting as support staff or guardians, who need not be related to any of the persons with disabilities residing in the home, living together as a common household in a dwelling unit.

Note: Persons (i) who have been convicted of a crime involving violence, (ii) who have been convicted of unlawfully manufacturing or distributing any illegal drug or controlled substance, (iii) who are registered or are required to be registered as sex offenders, (iv) who are currently illegally using a controlled substance, and / or (v) whose tenancy would constitute a direct threat to the health or safety of others or whose tenancy would result in substantial physical damage to the property of others shall not be deemed to be persons with disabilities for purposes of this definition solely by virtue of that status.



**Oak Ridge-** FAMILY: An individual, or two or more persons related by blood or marriage, or a group of not more than five (5) persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling unit

**Cookeville -** FAMILY. In zoning districts permitting only single-family residential dwelling units a family is defined as one (1) or more persons mutually related by blood, marriage, legal adoption, or legal guardianship occupying a single-dwelling unit and living as a single housekeeping unit, together with incidental domestic servants, temporary non-paying guests and with no more than one (1) additional person who is mutually unrelated by blood, marriage, legal adoption, or legal guardianship. In zoning districts permitting two-family and/or multi-family residential dwelling units a family is defined as one (1) or more persons mutually related by blood, marriage, legal adoption, or legal guardianship occupying a single-dwelling unit and living as a single housekeeping unit, together with incidental domestic servants, temporary non-paying guests and with no more than three (3) additional persons who are mutually unrelated by blood, marriage, legal adoption, or legal guardianship. A family is further distinguished as not consisting of a group occupying a boarding house, rooming house, lodging house, club, fraternity, sorority, or hotel.

**Mt. Juliet** *Family* [means] one of the following:

- A. An individual, or two or more persons occupying a dwelling unit and living as a single independent, nonprofit housekeeping unit, together with incidental domestic servants and temporary nonpaying guests.
- B. A group of not more than six unrelated persons living together as a single nonprofit housekeeping unit.
- C. Four or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons, as defined by Title VIII, of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined herein.