

MORRISTOWN REGIONAL PLANNING COMMISSION

**Agenda
May 10, 2016**

Call to Order

I. Approval of the **April 12, 2016** minutes.

II. *Old Business:*

REZN 1662-2016: 305 White Avenue from Single Family Residential (R-1) to Intermediate Business (IB)

III. *New Business:*

A. Annexations:

ANNX 1684-2016: 820 Fox Trott Lane (UGB) - Larry & Robin Hunter

B. Zoning Issues:

VARI 1683-2016: 229 Wilder Street - off-street parking variance

C. Subdivisions/Site Plans:

1. MASD 1656-2016: Merchants Greene Phase 2 (West) - Preliminary Plat Approval

2. COMM 1674-2016: 5280 S. Davy Crockett Parkway - Bojangles Site Plan Approval

3. RES: 1677-2016: 412 N. Bellwood Road - The Villas West Site Plan/Planned Unit Development (PUD) approval

D. Bond Reviews:

Release of Performance Bond: Walden Place Subdivision

E. Right-of-Ways:

ROWC 1672-2016: 425 Inman Street - Alley Closure

F. Ordinance Reviews:

IV. *Departmental Reports:*

Minor Subdivision(s) Approved:

1664-2016: Windswept S/D Phase II Revision of Lot 101

1669-2016: Reneau Property S/D Lots 1 & 2 Brights Pike

Adjournment:

*The next meeting of the Morristown Regional Planning Commission is scheduled for June 14, 2016 at 4:00 pm.
The deadline to submit applications for this meeting is May 16, 2016.*

Morristown Regional Planning Commission
Minutes
April 12, 2016

Members Present

Chairman Jim Beelaert
Vice-Chairman Jack Kennerly
Mayor Gary Chesney
Councilmember Robert (Bob) Garrett
Commissioner Bill Thompson
Commissioner Doug Beier
Commissioner Wanda Neal
Commissioner Teresa Trent

Members Absent

Secretary Rose Parella

Others Present

Alan Hartman, Development Director
Lori Matthews, Senior Planner
Logan Engle, Planner
Eual Noah, Fire Marshal
Kat Morilak, Development Services
Ralph "Buddy" Fielder, Asst. City Admr.
Alicia McAuley
Norman Patterson III
Norman Patterson
Barbara Garrow

Michele Parvin
Lloyd Montgomery
Josiah Glafenhain
Becky Lawson
Jamie Mitchell
Faira Jackson
Glenn S.
Don Johnson
David Southerland
Marilyn Foulks

Chairman Beelaert called the meeting to order and invited anyone who wishes to join the Commission in an Invocation and the Pledge of Allegiance to do so.

I. Chairman Beelaert called for the approval of the March 8, 2016 minutes.

Vice-Chairman Kennerly made a motion for approval of the March 8, 2016 minutes; seconded by Commissioner Thompson. Upon voice vote all Ayes.

II. Bond Review: Release of Surety: Cherokee Crossing Lots 1-6

Ms. Matthews explained Cherokee Investments, Inc. has requested release of the remaining surety for their subdivision, Cherokee Crossing Lots 1-6, which is located at the intersection of W. Andrew Johnson Highway and Merchants Greene. The surety in the amount of \$2,079,065 was approved for public infrastructure within the Cherokee Crossing Lots 1-6 Subdivision and site development in March 2015. The performance bond in place for this subdivision was reduced by half at the March 8, 2016 planning commission meeting, as the developer needed additional time to close out the project. The project close out included sidewalk revisions, as-built plan approval and installation of street lights by the developer, all except the street lighting have been completed and approved by staff. City staff, in working with Morristown Utility Commission, has been provided notice that payment for all street lighting required on W. Pin Lane, Winkler Avenue and Hatfield Drive have been made by the applicant and received by MUS. The lighting is currently in the design phase, which will be new LED lighting something

new for the city, should be completed within a few months' time. All the other items required by the city have been completed. MUS and city staff strive to work in tandem together to ensure good development within the city. The applicant having already paid the amount required by MUS to begin the lighting project, staff has rationale to hold the current guarantee in place for this development and would ask the planning commission formally release the bond in full. At today's work session, it was asked if we had a copy or if the 10% required maintenance bond had been received by the city. We do have a copy of it and it has not been executed but I suspect it will be within the next day or so.

Mr. Montgomery explained, with Cherokee Crossing, LLC, we do have the maintenance bond it is effect today and it is fully executed. We can submit this ever how you need us to. That should take care of it and we appreciate it.

Vice-Chairman Kennerly made a motion to release the surety bond (1,039,532) subject to the receipt of the maintenance agreement and bond (\$200,000): Vice-Chairman Kennerly amends motion to release the surety bond (1,039,532); seconded by Commissioner Thompson. Voting results: 7 yes, 0 no. Voting yes were Councilmember Garrett, Chairman Beelaert, Commission Thompson, Commissioner Neal, Vice-Chairman Kennerly, Commissioner Beier and Commissioner Trent.

III. COMM 1652-2016: TVA Credit Union at Exit 8

Ms. Matthews explained the site plan has been reviewed by staff for a proposed TVA Credit Union to be located at The Downs Development at Exit 8. Lot 4A of The Downs at Wallace Farms Subdivision is 1.75 acres in size and is located between Winners Circle Road, Carriage Lane and Thoroughbred Run Road. Hardee's restaurant sits west across Winners Circle Road as does the still under construction Hampton Inn. Their site plan shows one 5,200 square foot building with 85 parking spaces with full vehicular access from both Winners Circle Road and Carriage Lane on the east and west side of the property. The site is zoned Tourist Accommodation (TA) and falls within the City's Commercial Gateway Overlay District which requires Planning Commission approval in addition to the normal administrative approval given by staff. They have submitted elevation plans. Their height is well within the gateway corridor height restrictions, being 18 feet more or less from grade to the main elevation and to the roof pitch roughly 25/26 feet. Staff would recommend that the planning commission approve the site plan as submitted.

Chairman Beelaert explained normally this would be handled in house but because it is in the Gateway Overlay District, it comes before the planning commission for approval.

Commissioner Thompson made a motion for approval of the site plan for TVA Credit Union at Exit 8; seconded Commissioner Trent. Voting results: 7 yes 0 no. Voting yes were Councilmember Garrett, Chairman Beelaert, Commission Thompson, Commissioner Neal, Vice-Chairman Kennerly, Commissioner Beier and Commissioner Trent.

IV. Master Sidewalk Plan Report

Mr. Hartman explained I wanted to bring the commission up to speed with the awareness that we are trying to update the Master Sidewalk Plan that was adopted in 2010. Back then, the city was carved up into Seven Districts four of which are the Crossroads District, Hospital District, High School District, Shopping District and one out west the new Merchants Greene area. That is an area that we try to spend money every year within that in lieu of sidewalk fund and as site plans come in if properties are adjoining an area or roadway that was identified on that sidewalk plan, it helps the staff in guiding the developer in whether or not a sidewalk would be required. The city administrator has expressed concern that the spreading this out and just doing a little bit here and a little bit there for example the first year we started was the Crossroads District and it was just a length of sidewalk at Rose Center. The next year we did a section in front of Crescent Center going up the hill at Fairmont part of the way. We are making small strides nothing great big has taken place yet. We assembled a team of staff, from finance to public works engineering personnel, looking at revamping that district wide sidewalk plan and focusing in more where we think the most concentrated effort in spending money might be best suited. Basically, it boils down to the Crossroads District, Downtown District and the High Schools Districts it seems to be the areas in need of repair and in some cases filling in gaps for pedestrians. I wanted to bring the commission up to speed and talk about where we are as a staff in planning future sidewalks, maybe going after a big project or how we might best spend money be it through a grant or new construction from the city's budget. Do you have ideas or concerns that need to be added to this preliminary thinking as we go forward with the plan.

Chairman Beelaert asked what was the amount we generated with the in lieu fund over the last year. Mr. Hartman explained we had \$20,000 in the budget some of that was city budgeted money. It has been spent down to \$8,000 as the beginning of this year. We have a Safe Routes to School grant project that will be beginning the day after school lets out over at Lincoln. There will activity with crosswalks, flashing beacons and new sidewalks and some sidewalk repair in front of Lincoln School and up Lincoln Avenue. We have another grant in to do sidewalks and fill in missing gaps on W. Morris Boulevard. We expect an announcement to that award early summer. We are always going after green way grants every time they are open and made available to us. That is one of our priorities to was anytime we might make a connection to a greenway we would do that. Our public works department is addressing the poor conditions and doing a windshield survey, so to speak. Anytime there is a call in they respond to those immediately for any type of issues. Anytime there is a construction project in the works they try to put their resources there to make repairs that might need to be done in conjunction with the contractor that is doing work. We have had a lot of work on sidewalks and pedestrian crosswalks making them ADA accessible in the ITS project with the timing of signals running east to west and improvements to those sidewalks making them ADA compliant.

IV. Crossroads Downtown Partnership - Proposed SkyMart Connector Stairway

Ms. Barbara Garrow explained, Director of Crossroads Downtown Partnership, we have a work plan and part of our work plan has design elements for downtown. We have been working on this packet since well before Christmas. People have been very cooperative in terms of giving of their time to let us get this far in the process. There is just a page and half of text and then there are some photographs and drawings. One of the things about downtown is that it is a destination. We have lots of couples, older and younger, that come downtown and walk on the

skymart for exercise. We have people come down there because it is an historic destination. Several years ago, turn to the packet and look at the first and second picture, there had been a connector from the upper level that crossed over Peavine Alley across Main Street to the south that was taken out because of safety reasons as I understand it. Now, there is no loop. The Millennium parking deck and the SkyMart are one of the hubs of the greenway system for Morristown. We would really like to work towards having a project that puts in a stairwell connector so that you can make a loop and it would be over a little of a quarter of a mile. This would be constructed of steel and it will look very much like the stairs that are already there. Before we go through engineering drawings and plans that are stamped and so forth and identify a grant, we want to make sure that we are working on behalf of what the city also sees as a need. This is not going to be a cheap project probably between \$30,000 and \$40,000. If we try to raise that money, I want to make sure we are on firm ground. Part of this would also be a couple of interpretative displays, one would be up near the SkyMart parking lot and it would talk about its location relative to the greenway system in Morristown. Another one would be down in the stairway and that would be a picture of this is what this use to look like blending into what it looks like now that is called an interpretative display. For example, the Yummy Cakes building that is one of the oldest buildings in town and we have a picture when it was an old grocery store. This is the kind of thing you want to do to enhance the tourism aspect of downtown. The drawings that are part of the packet were done by Brewer, Ingram and Fuller. We know we are working in a Historic District and we will get the blessing of Tennessee Historical Commission before we take this any further. We do not see a problem there because it enhances the original concept of having a functional pathway at the second level downtown. We are working on some cost estimates. It would be ADA compliant and the railing that we proposed would be at the ADA correct height. There are a lot of railing that are not ADA right now we would take it back going east to the first out were parts of the SkyMart stick out and they are ADA compatible. The railing for this project would go back to the first east outcrop and the railing, after you come down the stairway, to the most west outcrop would be all ADA compatible thus improving a project that is on city property

Commissioner Beier made a motion to approve the concept of this plan going forward and recommending it to City Council; seconded by Councilmember Garrett. Voting Results: 7 yes 0 no. Voting yes were Councilmember Garrett, Chairman Beelaert, Commission Thompson, Commissioner Neal, Vice-Chairman Kennerly, Commissioner Beier and Commissioner Trent.

V. 1663-2016: 412 N. Bellwood Road (UGB)

Ms. Matthews explained the annexation request comes from Mr. Phillip Carlyle for his property located adjacent to North Bellwood Road in the city's Urban Growth Boundary area. The property is roughly 3.5 acres in size and is now vacant with multi-family residential units being proposed for the site. Hamblen County has the site zoned for commercial development with properties adjacent to the east zoned likewise (C-1). North of the site is currently vacant and zoned for residential development. Due to the intended use of the property, the zoning designation, if approved to be annexed, will be Medium Family Residential (R-2) which will provide a good transitional buffer between those commercial businesses along the south to include the Honda dealership and medical/insurance offices and the residential community north of the site. Across N. Bellwood Road to the west is an automotive detail shop and Oakwood Gardens Subdivision. Morristown Utility Commission currently has all utilities in place to serve

this proposed project. The City of Morristown Police and Fire Departments have been notified of the planned development and annexation and have expressed no concerns as of this evening. Staff feels that as utilities are already available and its close proximity to existing emergency facilities, annexation of this property should be approved. The cost involved to the city will be minimal. Staff would ask that the planning commission forward this request to City Council for approval.

Councilmember Garrett asked this property is not in the city, is that correct. Ms. Matthews replied no sir. This is for the annexation only and not for site plan approval. Commissioner Thompson asked since this is a multi-unit development, will it have any impact on the school zone? With that many units there is probably a lot of children, it could affect either Manley School or Westview Middle School or something like that. This is something we did not discuss at the work session, but I was curious about that. Ms. Matthews explained the site layout stays as is that is to say more than one building on one piece of property the site plan will come before the planning commission for approval of more than one building for one piece of property. Perhaps between now and then, I can get you an answer. Councilmember Garrett asked does this development require a traffic study. Ms. Matthews explained we have not gotten that far down the line yet. Right now the request was to be annexed into the city so he could start the development.

Mr. Carlyle explained the main thing I would like to say regarding your school issue. It is just 21 single family homes it is not multi-unit buildings and sales. They will be retained as rental units.

Commissioner Thompson made a motion to recommend to City Council to accept the request for annexation of 412 N. Bellwood Road along with the standard plan of services; seconded by Commissioner Neal. Voting results: 8 yes, 0 no. Voting yes were Councilmember Garrett, Chairman Beelaert, Commissioner Thompson, Commissioner Neal, Vice-Chairman Kennerly, Commissioner Beier, Mayor Chesney and Commissioner Trent.

VI. REZN 1657-2016: 1411 Cherokee Drive from R-2 to Local Business (LB)

Ms. Engle explained this was submitted by Norman Patterson for property located at 1411 Cherokee Drive. The property is roughly 1.27 acres in size and is currently zoned Medium Density Residential (R-2). The request from the applicant/property owner is to rezone the entire parcel to Local Business (LB). The site does have what appears to be a commercial structure sitting on it and the applicant indicated that it does have 3-phase power which would be indicative of a commercial use. The tax card indicates it was built in 1960. The tract of land is surrounded by R-2 zoning on three sides of the tract and is bounded by Cherokee Drive to the north. The property located across from the subject property is zoned Local Business (LB). The Local Business (LB) zoning classification states that this district is a commercial infill and traditional neighborhood district. The applicant believes that the LB zoning designation will allow him a greater opportunity to develop the property and perhaps utilize the existing structure for commercial purpose. The applicant indicated to me that he might pursue opening some type of deli operation. At this time, staff has received no complaints from adjoining property owners regarding the rezoning of this property. Staff views the applicant's request as consistent with adjacent zoning designation, since the Local Business (LB) is across the street. Local Business (LB) is general designed for mom & pops small business type operations and that seems to fit

what the applicant would like to do here, as well as the uses across the street. Staff would ask that the planning commission recommend this request to city council.

Vice-Chairman Kennerly made a motion to recommend to City Council the rezoning of 1411 Cherokee Drive to **Local Business (LB)**; seconded by Mayor Chesney. Voting results: 6 yes, 1 no, 1 abstained. Voting yes were Councilmember Garrett, Chairman Beelaert, Commissioner Neal, Vice-Chairman Kennerly, Commissioner Beier and Mayor Chesney. Voting no was Commission Thompson. Abstained was Commissioner Trent.

VII. REZN 1662-2016: 305 White Avenue from R-1 to Intermediate Business (IB)

Ms. Engle explained a rezoning request has been submitted by the property owner, Jamie Mitchell, for this property located at 305 White Avenue. The parcel sits at the corner of White Avenue and W. Andrew Johnson Highway. The property is around 0.66 acre and is currently zoned Single Family Residential (R-1). The request is to rezone this parcel to Intermediate Business (IB). The site currently contains a vacant home. The tract of land is surrounded by R-1 zoning districts to the north and Intermediate Business (IB) zoned properties to the west and east and is bounded by W. Andrew Johnson highway to the south. The property on the south side of W. Andrew Johnson Highway is also zoned Intermediate Business (IB). The Intermediate Business (IB) zoning classification states that the IB district is for more intensive commercial activities. The applicant plans to develop the property for commercial purpose. However, the use has not been determined at this time. If the property were to be rezoned to IB, any development on the site would have to meet appropriate IB setbacks as prescribed by the zoning ordinance as well as provide a landscaping buffer between any development and the properties surrounding it that are currently used for a residential purpose. At this time, city staff in the memo it states that staff received no complaints when the packet went out that was the case. However, we did receive five phone calls today from property owners in this subdivision in opposition to the rezoning request.

Chairman Beelaert stated there being no motion, the issue fails. A though here may be, I do not know whether Local Business is a possibility in an Intermediate Business zone or not. Mayor Chesney explained the discussion we had at lunch is that we consider tabling this for next time because we had some questions to clear up concerning subdivision language and the legality of it. Instead of recording it as failing for a lack of motion, I propose we table this for additional study and bring it back next month and I put that in the form of a motion; seconded by Councilmember Garrett. Voting Results 5 yes, 2 no and 1 abstained. Voting yes were Councilmember Garrett, Chairman Beelaert, Commissioner Thompson, Commissioner Beier and Mayor Chesney. Voting no were Commissioner Neal and Vice-Chairman Kennerly. Abstained was Commissioner Trent.

VIII. REZN 1665-2016: Brights Pike from Planned Residential (RP1) to Intermediate Business (IB)

Ms. Engle explained a rezoning request has been submitted by Mr. Phillip Carlyle for his property that he has currently under contract on Bright Pike. This property is 2.2 acres and it is currently zoned Planned Residential (RP1), which seems like an odd zoning designation for a

vacant piece of property it probably was rezoned for a purpose and then it never materialized. Mr. Carlyle is requesting to rezone this parcel to Intermediate Business (IB). The site is currently vacant. The tract of land is surrounded by R-1 zoning districts to the west and commercially zoned property to the east and northeast, some tracts Local Business (LB) and some tracts Intermediate Business (IB) zoning districts. The applicant stated that he intends to construct mini-storage rental warehouse units, which are permitted in Intermediate Business (IB) zone. Some of the adjacent property already has some of those constructed. Staff has received no complaints from adjoining owners regarding the rezoning of this property. We did receive one call from adjacent owner who was in favor of the rezoning. Staff views the rezoning request as consistent with adjacent zoning designations and land uses and recommends this rezoning request to City Council for approval.

Ms. Engle explained we have not received a site plan from them at this time. If the property is rezoned, Mr. Carlyle would be required to put in landscape buffering between his property and the residential property.

Mr. Carlyle explained probably what we are looking like is one large warehouse storage unit with a single entrance. It will be something very aesthetically pleasing for the area. We will have some lighting. It will be brick and mortar type storage area.

Commissioner Thompson made a motion to recommend to City Council the rezoning of Hamblen County Tax Map 025, Parcel 046.00 (Brights Pike) to **Intermediate Business (IB)**; seconded by Commissioner Neal. Voting Results: 7 yes, 1 abstained. Voting yes were Councilmember Garrett, Chairman Beelaert, Commissioner Thompson, Commissioner Neal, Vice-Chairman Kennerly, Commissioner Beier and Mayor Chesney. Abstained was Commissioner Trent.

IX. REZN 1668-2016: Bernie Circle (UGB) from County Residential (R-1) to Agricultural (A-1)

Ms. Engle explained this request has been submitted by Mr. Don Johnson for property located on Bernie Circle. This property is not located in the city, it may not be a familiar street name for the commission, but it is within the City's Urban Growth Boundary. As you are aware, rezoning action in the UGB must come before the Morristown Regional Planning Commission for recommendation to the County Commission. This one will not go to City Council it will go to the County Commission. The property is currently zoned by the County as Residential (R-1). The request is to rezone this parcel to Agricultural (A-1). It is being considered for this due to the owners desire to install a mobile home, what we would consider a single wide trailer. Staff has received one complaint from an adjacent property owner indicating they have concerns about this rezoning. In the packets that went out, a recommendation was provided by the East Tennessee Development District which seems a little unusual. We received this request through the County due to an oversight of whose agenda it needed to appear on. Once it was determined the property was in the UGB, it needed to appear on our agenda. Their planner, who works for the ETDD district, had already made a recommendation so they provided me with that memorandum. She has recommended rezoning of the property due to the fact that there are adjacent A-1 zones which are across the street. There are several single wide mobile homes in residential areas already in this area.

Marilyn Foulks explained I am the owner of 5791 Buell Street which would be adjacent to this single wide mobile home. I am concerned that it would bring down the value of my property.

Vice-Chairman Kennerly made a motion that we forward this request (rezone Bernie Circle to Agricultural (A-1)) to the County Commission without a recommendation; seconded by Commissioner Thompson. Voting Results: 7 yes, 0 no, 1 abstained. Voting yes were Councilmember Garrett, Chairman Beelaert, Commissioner Thompson, Commissioner Neal, Vice-Chairman Kennerly, Commissioner Beier and Mayor Chesney. Abstained was Commissioner Trent.

Chairman Beelaert explained there were minor subdivisions approved by staff.

The meeting was adjourned.

Respectfully submitted,

Rose Parella
Secretary

RP/sk



Department of Community Development
West 1st North Street
Morristown, TN 37814
(423)585-4620

TO: Morristown Regional Planning Commission
FROM: Logan Engle, Planner
DATE: May 6, 2016
SUBJECT: Rezoning – 305 White Avenue
Hamblen County Tax Map 041A Group A Parcel 025.00
R-1 (Single Family Residential) to IB (Intermediate Business)

BACKGROUND:

A Rezoning request has been submitted by property owner Jamie Mitchell for property located at 305 White Avenue. This parcel sits at the corner of White Avenue and West Andrew Johnson Highway. The property, approximately 0.66 acres, is currently zoned Single-Family Residential (R-1). The request is to rezone the entire parcel to Intermediate Business (IB). The site currently contains a vacant home. This tract of land is surrounded by R-1 zoning districts to the north and Intermediate Business-zoned properties to the west and east. It is bounded by West Andrew Johnson Highway to the south. The property on the south side of West Andrew Johnson Highway is also zoned Intermediate Business.

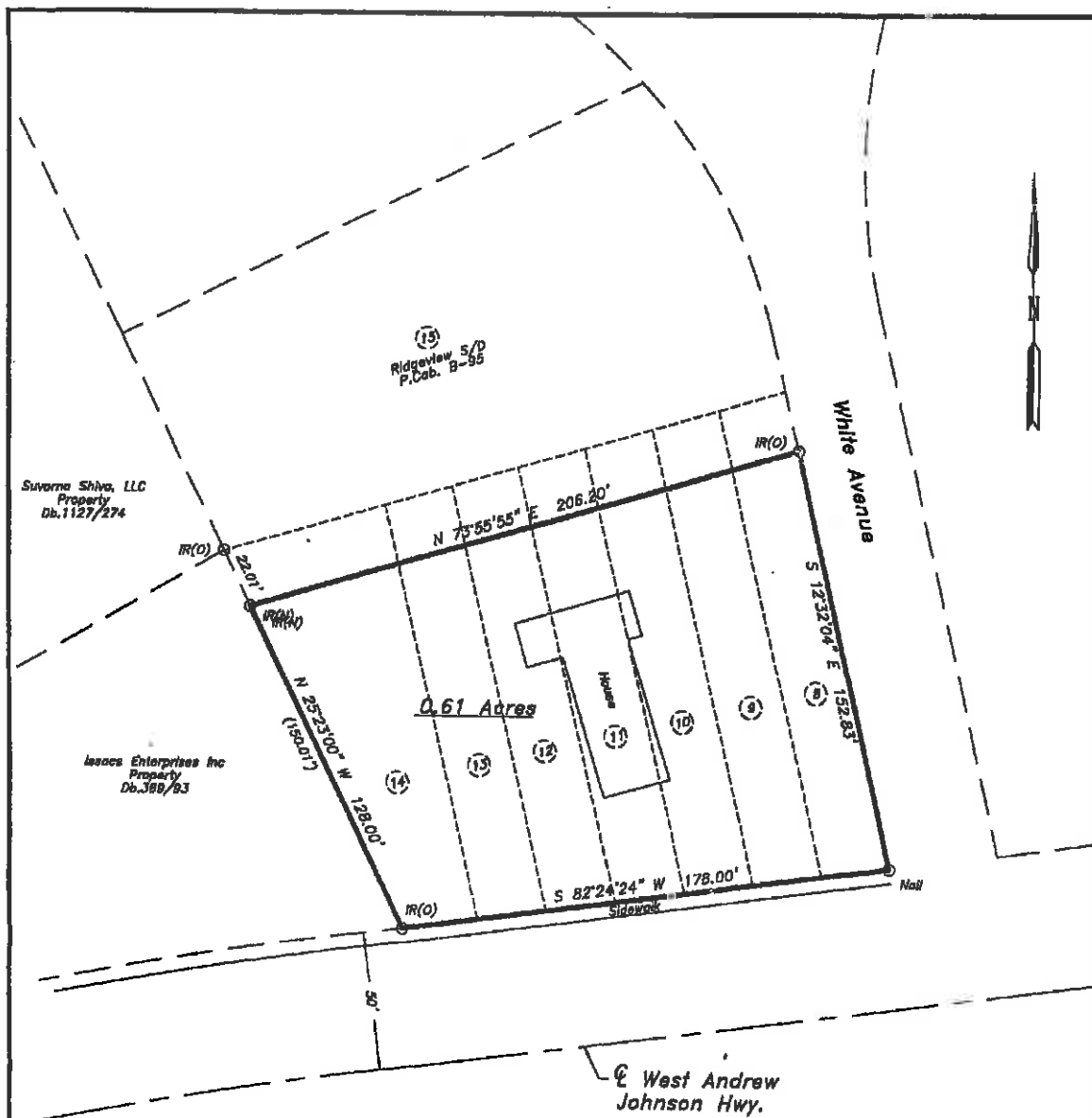
The Intermediate Business (IB) zoning classification states that the IB district “is for more intensive commercial activities” (Section 14-1001). The applicant plans to develop the property for a yet to be determined commercial purpose (Section 14-1002). If the property were to be rezoned to IB, any development on this site would have to meet the appropriate IB setbacks as prescribed by the zoning ordinance as well as provide a landscaping buffer between any development and the properties surrounding it that are currently used for a residential purpose.

Although the City of Morristown is unable to enforce subdivision covenants and restrictions, staff did obtain a copy of these covenants from the applicant’s agent. These covenants appear to be in effect after staff consult with the office of the City Attorney.

City staff has received several calls from property owners who are concerned about the impacts of future development of this property.

RECOMMENDATION:

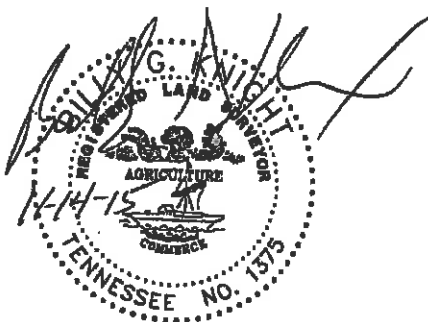
At the April 12, 2016 meeting of the MRPC, the Planning Commission chose to table action on the rezoning request until the May 10, 2016 meeting so that the applicant and his agent could provide the Commission with additional information about future development, specifically a conceptual site layout. Staff has received this additional documentation and has attached this document. Although private deed restrictions exist, the City of Morristown is unable to enforce private deed covenants and restrictions. However, the land use of adjacent properties fronting West Andrew Johnson Highway would seem to indicate that the rezoning request would not be considered “spot zoning” and would be an acceptable rezoning request.



Notes:

1. Co. Map No. 41A-A-25
2. Property Address: 305 White Ave.
3. Deed of Record; Db.107/543

LEGEND
 IR(O) = Iron Rod Found
 IR(N) = Iron Rod Set
 IP(O) = Iron Pipe Found
 IP(N) = Iron Pipe Set
 N = Nail
 N & C = Nail & Cap



SCALE 1" = 50'
 50 25 0 50 100 150
 SCALE IN FEET

**Survey of The
 Guy Shepherd Estate Property**

District No. One - Hamblen County, Tenn.
 Date: 11-13-2015 Scale: 1" = 50'

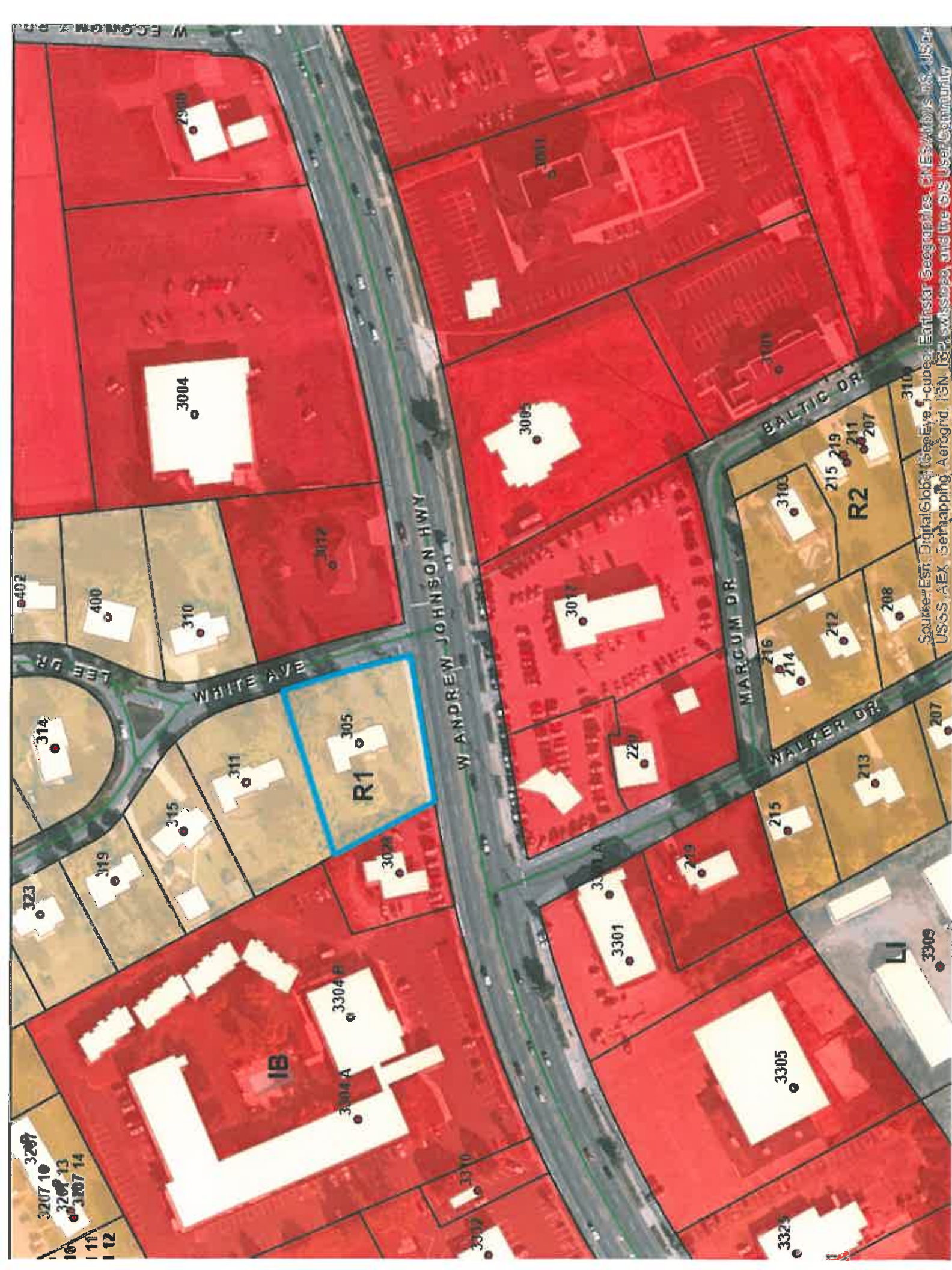
By: Billy G. Knight RLS
 PO Box 13

White Pine, Tn. 37890
 Ph. 865-674-0384

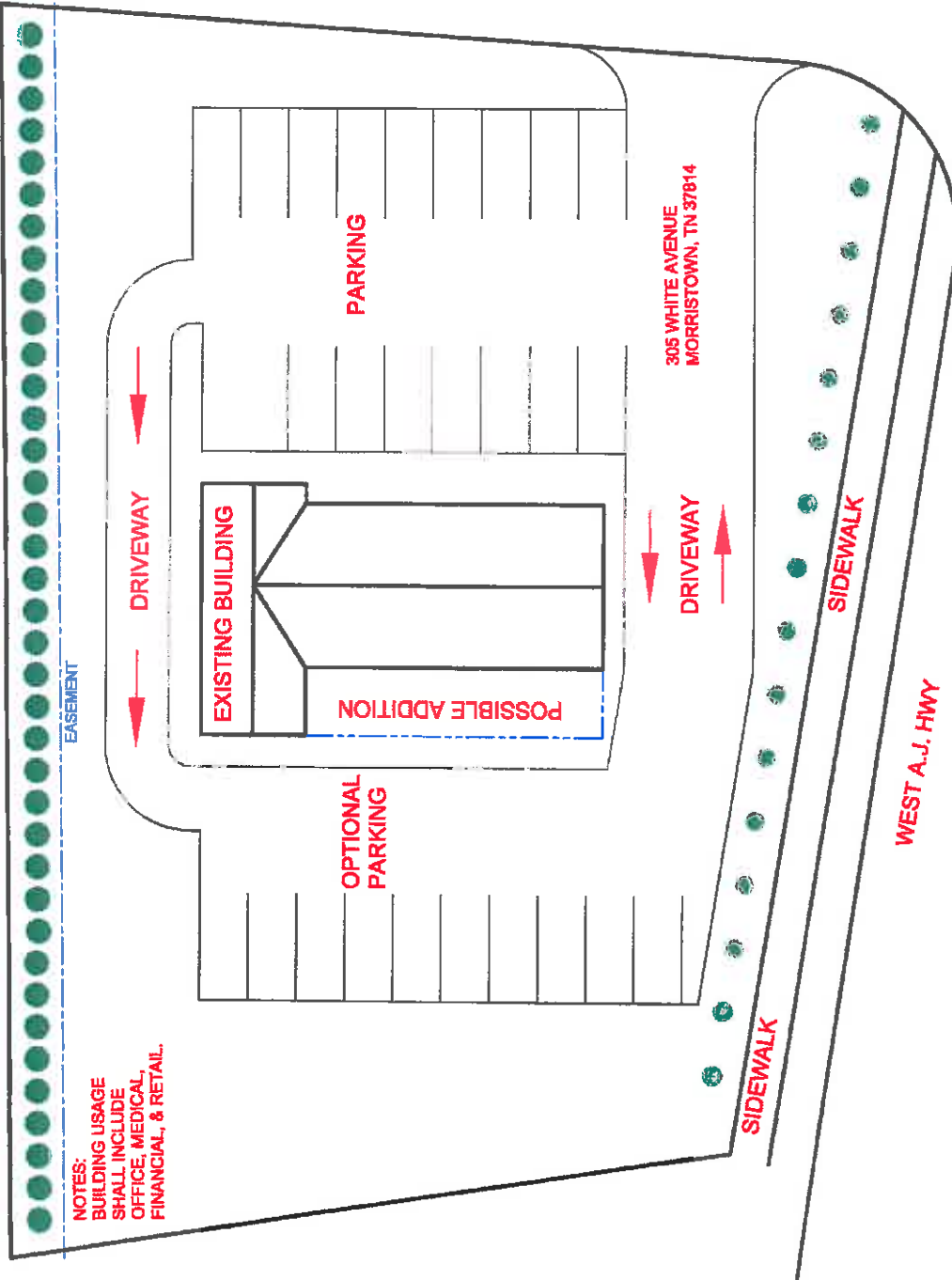
I HEREBY CERTIFY THAT THIS IS A CATEGORY I
 SURVEY AND THE RATIO OF THE PRECISION OF THE
 UNADJUSTED SURVEY IS 1:10,000 AS SHOWN HEREON.

Billy G. Knight

This survey has been made in compliance with
 current Tennessee Minimum Standards of Practice.



6 FT EVERGREENS @ 6'-0" ON CENTER



NOTES:
BUILDING USAGE
SHALL INCLUDE
OFFICE, MEDICAL,
FINANCIAL, & RETAIL.

EASEMENT

DRIVEWAY

EXISTING BUILDING

POSSIBLE ADDITION

PARKING

OPTIONAL
PARKING

305 WHITE AVENUE
MORRISTOWN, TN 37814

DRIVEWAY

SIDEWALK

SIDEWALK

WEST A.J. HWY

WHITE AVENUE

TRAFFIC SIGNAL



Department of Community Development
West 1st North Street
Morristown, TN 37814
(423)585-4620

TO: Morristown Regional Planning Commission
FROM: Logan Engle, Planner
DATE: May 6, 2016
SUBJECT: Annexation Request – 820 Fox Trott Lane
Hamblen County Tax Map 047F Group A Parcel 017.00

BACKGROUND:

A request for annexation into the corporate limits of Morristown has been received from Mr. Larry Hunter for his property located adjacent to Fox Trott Lane in the Urban Growth Boundary.

The property, 0.53 acres in size, contains a residential home approximately 1,225 sq ft in size. The property is located in Fox Den subdivision. The property is noncontiguous to the current City boundary.

Mr. Hunter is requesting annexation due to his desire to connect to city sewer, which runs within 20 feet of his property.

RECOMMENDATION:

Upon consult with the City Attorney's office, staff has learned that, due to current annexation laws, that noncontiguous property cannot be annexed due to the fact that it is not contiguous to any other City property. The City Attorney has proposed that the only legal means to annex the property would be by annexing the roads leading to the property in question, which the City would then be required to maintain, or to annex the entire neighborhood. Due to current annexation laws, annexing the entire neighborhood would require written consent from all property owners being annexed. The City Attorney believes that sewer could be furnished to him outside the city limits, but at the county rate. Upon conversation with representatives at MUS, staff has learned that, due to Mr. Hunter's close proximity to an existing line, that they would be able to provide Mr. Hunter sewer service at the county rate.

PLANNING COMMISSION APPLICATION

City of Morristown

Prior to an **annexation, rezoning, subdivision** (major or minor) and/or **site plan** (preliminary or final plat approval) request being placed on the Regional Planning Commission Agenda, the applicant must furnish to the Department of Community Development and Planning the following information:

1. **Date:** 5-4-16
2. **Name of Property Owner:** Larry Hunter / Robin Hunter
Mailing Address: 820 Fox Trot Ln **City/State/Zip** Morristown TN 37814
Telephone: (Home) 423-586-7590 (Business) _____ (Mobile) 423-277-0851
3. **Name of Applicant:** Larry + Robin Hunter
Mailing Address: 820 Fox Trot Ln **City/State/Zip** Morristown 37814
Telephone: (Home) 423-586-7590 (Business) _____ (Mobile) 423-277-0851
4. **Name of Agent** (if applicable): _____
Mailing Address: _____ **City/State/Zip** _____
Telephone: (Home) _____ (Business) _____ (Mobile) _____
5. **Property information:** **Street Address:** 820 Fox Trot Ln
County Tax Map: 047F **Group:** A **Parcel(s)** 017.00
Current zoning: _____ **Parcel size:** 0.53 **City/U.G.B.** UGB
Existing Use: res. home **Proposed Use:** _____
6. **Nature of Request:** (please circle)
 - a) **Annexation** (state reason for request) City Sewer
 - b) **Right-of-way/Alley Closure** (state reason for request) _____
 - c) **Subdivision/P.U.D.:** Name _____ Acres/lots _____ Subdivided into _____
☐ Concept Plan Approval ☐ Preliminary Plat Approval ☐ Final Plat Approval ☐ P.U.D. Approval
 - d) **Zoning Classification Change** (\$100.00 Fee): From _____ To _____
 - e) **Other Requests:** _____
7. List name and addresses of **adjacent property owner(s)** that would be affected by request (reverse side).
8. Submit site plans, surveys, special fees or other items as required for review by City staff and Regional Planning Commission members.
9. **Applicant Signature:** Larry Hunter **Date:** 5-4-16

This application will not be accepted unless all information is complete. If a question is not applicable, please draw a line through the space provided or mark "n/a" (not applicable).

Adjacent property owner(s) affected by request:

Property Owner	Address	Tax Map, Group & Parcel No.	Zoned

Utility Providers:

Provider Type	Provider Name	Contact Name & Number
Electric	REP	
Water	Talbot Utility	
Sanitary Sewer		
Cable	Charter	
Telephone	Charter	
Other		

FOR STAFF USE

Please do not mark in this area

Case No. assigned:

Fee Paid: ☐ Yes ☐ No Date:

Submittals:

Property Inspection/Photos: ☐ Date:

Special notifications/correspondence:

Comments from staff review:

Notice posted on property: ☐ Date:

Regional Planning Commission action: ☐ Tabled ☐ Denied ☐ Approved ☐ Approved with conditions:

Date of action:

City Council action (if applicable): ☐ Tabled ☐ Approved ☐ Denied ☐ Approved with conditions:

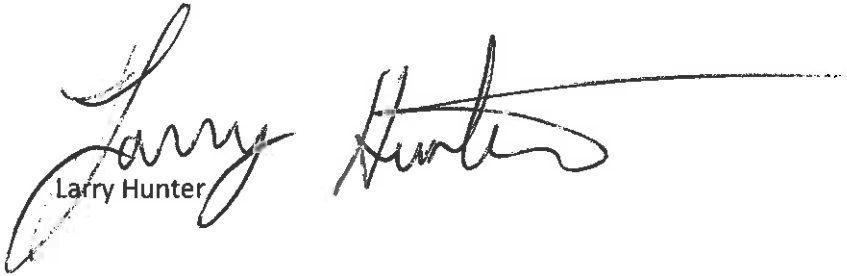
Date of action:

Final Plat recorded:

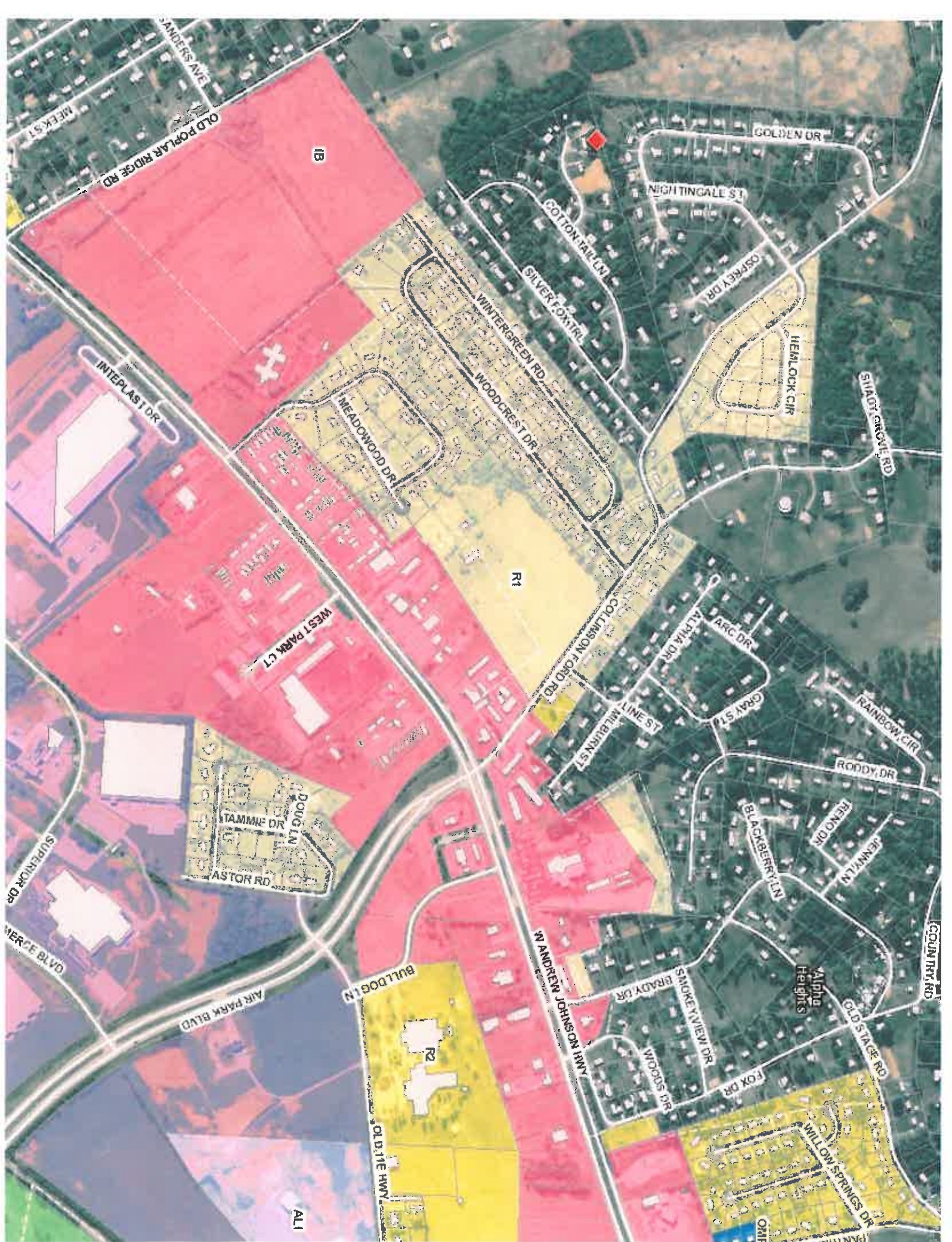
Notes:

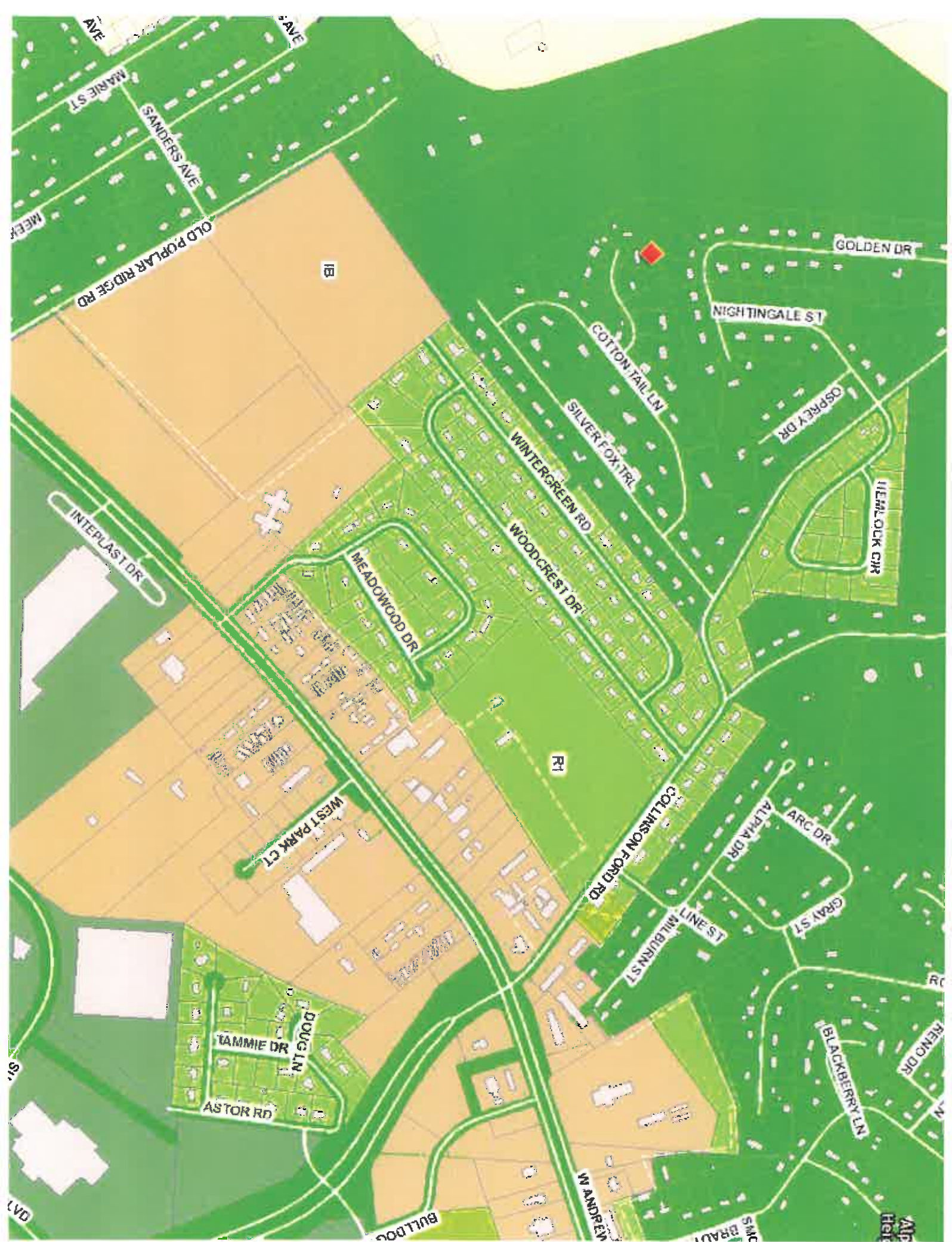
May 6, 2016

I am requesting annexation into the City of Morristown for property I own located at 820 Fox Trott Lane currently located in the City of Morristown Urban Growth Boundary.

A handwritten signature in cursive script, reading "Larry Hunter". The signature is written in black ink and is positioned above the printed name "Larry Hunter".

Larry Hunter





Logan Engle

From: Lauren A. Carroll <lcarroll@bjplaw.org>
Sent: Friday, May 06, 2016 11:16 AM
To: Logan Engle
Subject: Re: 820 Fox Trott Ln

Ok, I did some research and confirmed this response with Mr. Jessee. Unfortunately, this property cannot be simply annexed due to the fact that it is not contiguous to any other City property. Now, the City could always look at annexing just the roads leading to his property and include his property in that annexation (so basically from Collinson Ford Road, to Silver Fox Trail, Cotton Tail Lane and Fox Trott Lane). In doing that, then the City would obviously have to then maintain all of those roads. The City could look at annexing all of that neighborhood, but it would have to obtain the consent of all the property owners. Or, Mr. Jessee believes that sewer could be furnished to him outside the city limits, but at double the rates.

The annexation laws are somewhat of a moving target, so who knows what might occur down the road, but as of this point, the request for annexation of just his property cannot be accomplished.

Let me know if you have any other questions.

Lauren

On May 5, 2016, at 4:59 PM, Logan Engle <lengle@mymorristown.com> wrote:

Lauren,

As we discussed on the phone, the annexation issue is regarding the property of Mr. Larry Hunter located at 820 Fox Trott Ln. The property is in the UGB, but is not in the City. Mr. Hunter is requesting annexation to connect to sewer, which currently runs within 10-20 ft of his property. The property is currently noncontiguous to the City boundary so staff's question revolves around the legality of annexing a noncontiguous property in the UGB. I have attached a couple of PDF's of TCA sections I believe to be relevant as well as some item's from the state's website concerning the current state of annexation law, referencing several Public Chapters passed in the past several years.

Let me know if you have additional questions. I also attached a snip of the property from our mapping. You'll see the property marked with a red dot. The second map does show it in the UGB, which is the Kelly green colored parcels.

Let me know if you have questions.

Thanks,

Logan

Logan M. Engle
Planner
City of Morristown, Tennessee
423.585.4624



Department of Community Development
100 West 1st North Street
Morristown, TN 37814
(423)585-4620

TO: Morristown Regional Planning Commission
FROM: Lori Matthews, Senior Planner
DATE: May 10th, 2016
SUBJECT: Enlargement of parking area
229 Wilder Street

REQUEST -

The property owner of 229 Wilder Street is asking the Planning Commission for a variance to the required off-street parking regulations for a residential parking area. This property is located one block west of College Square Mall along E. Morris Boulevard.

Complaints from this neighborhood regarding traffic and site distance issues were received by the Community Development Department. Upon the initial site visit, it was found that the entire front yard had been graveled and was being used for parking. A courtesy violation notice was issued to the property owner citing the need for Planning Commission approval to any enlarged parking areas which were not of a dust free hard surface. (applicable Zoning Ordinance section attached) Ms. Escobar and her daughter came to the office to see what could be done to remedy the apparent violation.

I advised the property owner that in order to increase the size of an off street parking area, the Zoning Ordinance stated that, at a minimum, a site plan had to be submitted and taken before the Planning Commission for approval when the construction materials did not comply with Code. Also discussed were attributes of the property itself which measures roughly 60 feet at the road and extends 240 feet to the rear lot line. The rear wall of the house is approximately 85 feet from Wilder Street leaving over 125 feet along the rear to park. There are currently 5 vehicles parked at the residence.

After discussing the matter, Staff felt the best alternative to what could be a costly situation would be to greatly limit the increased parking within the front yard (to extend off of the existing driveway) to roughly that of our standard parking stall width (9.5 ft x 18 ft.). All gravel would be removed except for that remaining in the 9.5' x 18' footprint. This area would also have to be bounded by some sort of timber or other landscaping material to prevent the gravel from being carried out into the yard or street.

Staff would ideally prefer for all vehicular parking to be stored within the rear yard if conditions allow but in working with the applicant, Staff feels the addition of one parking space within the front yard with all vehicles to be stored within the existing driveway and rear yard is acceptable if the 9.5' x 18' area is to remain gravel only.

PLANNING COMMISSION OPTIONS -

- 1.. Grant a variance to Section 14-216.1.4 as submitted by Staff;
2. Grant a variance in fully to Section 14-216.1.4;
3. Deny a variance to Section 14-216.1.4;
4. Table the variance request.

14-216. OFF-STREET PARKING PROVISIONS (3129-04/01/2003)

14-216-1. PARKING (GENERAL PROVISIONS):

1. Permanent off-street parking spaces equal in area to at least the minimum requirements for specific uses, shall be provided at the time of the erection of any building or when a structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area; or before conversion from one zoning use or occupancy to another use or occupancy. Such spaces shall be provided with vehicular access to a street or alley. The provisions of this section shall not apply to uses within the Central Business District.
2. Required off-street parking spaces assigned to one use may not be assigned to another use at the same time.
3. If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on any lot, parcel, or tract of land, provided such space lies within four hundred (400) feet of the main entrance to such principal use. In such cases, the applicant for a permit for the principal use shall submit with his application for a building permit an instrument duly executed and acknowledged, which subjects said lot, parcel, or tract of land to parking use in connection with the principal use for which it is made available, so long as the lot upon which the principal use is located is occupied by a use required to provide off-street parking by the provisions of this ordinance. Upon the issuance of a building permit, the Building Inspector shall cause said instrument to be registered in the office of the Register of Deeds. Such space shall not thereafter be reduced or encroached upon in any manner unless equal space is made available on another lot, parcel, or tract of land within four hundred (400) feet of the main entrance to the principal use, approved by the Board of Zoning Appeals, and subjected to the parking use in connection with the principal use for which it was made available by registering a duly executed and acknowledged instrument in the office of the Register of Deeds.
4. All off-street parking areas shall consist of a hard, dustless surface, made of asphalt, concrete, or any other hard surface that may be approved by the Planning Commission, or any combination of materials that may be approved by the Planning Commission. A developer shall turn in a site plan that meets all land disturbance ordinance requirements. Information pertaining to the land disturbance activities can be obtained from the Engineering Department. Any development (existing or new) that is proposing to pave an existing parking lot, or create a new parking lot, the proposed parking area shall come into compliance with any provisions of the Zoning Ordinance that may be applicable.

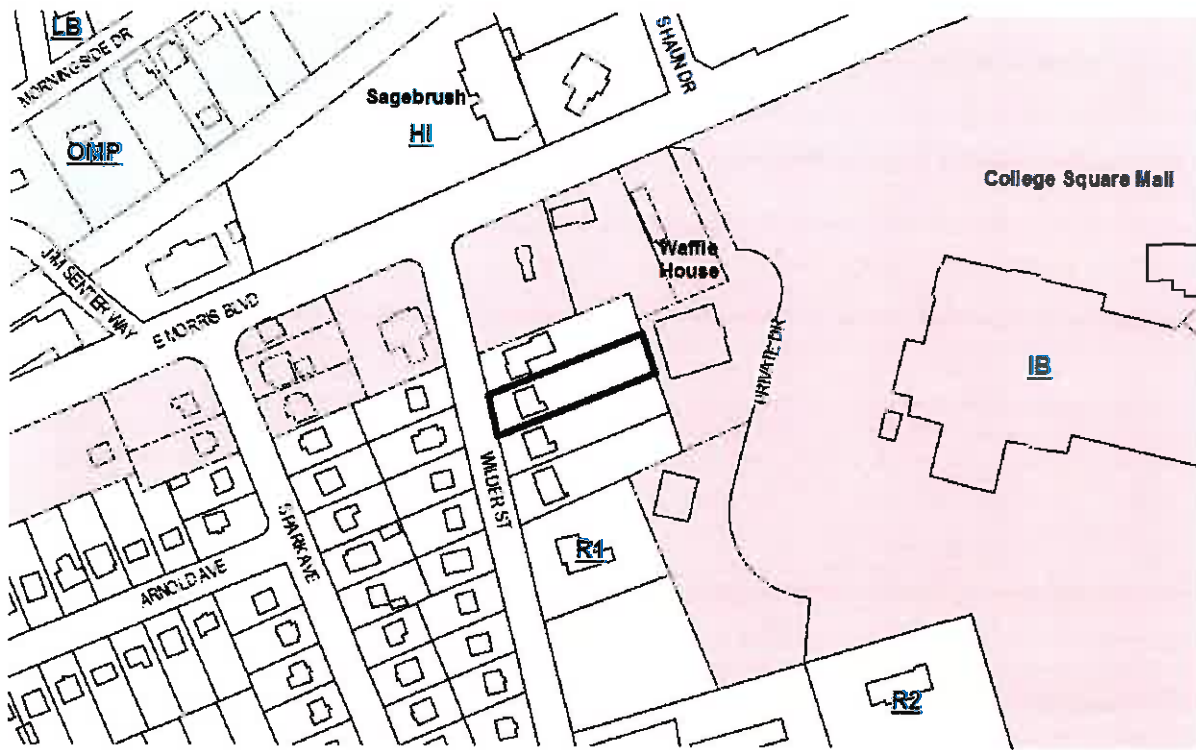
14-216-2. DIMENSIONS:

1. The requirements for each parking space shall be a minimum width of 9-1/2 feet by a minimum length of 18 feet.
2. The following minimum drive aisle widths for the design angles are:
 - a) 90 degree parking: 24 feet
 - b) 60 degree parking: 18 feet
 - c) 45 degree parking: 15 feet
3. The minimum grade of any parking lot shall be one percent (1%).
4. The maximum grade of any parking lot shall be twelve percent (12%).

14-216-3. OFF-STREET PARKING REQUIREMENTS:

a. Residential Dwellings:

1. Single Family: 2 parking spaces for each unit

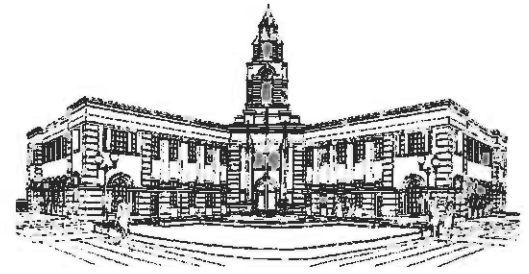





City of Morristown

Incorporated 1855

Department of Community Development and Planning



TO: Morristown Regional Planning Commission

FROM: Alan Hartman, Planning Director 

DATE: May 5, 2015

SUBJECT: Preliminary Plat Approval Request – Merchants Greene Phase 2 – (West)
MASD-001656-2016

Background:

The developers of the Merchants Greene shopping area are requesting approval of the Preliminary Plat for the second phase of their development. This phase is situated to the west of Merchants Greene Blvd. to Howell Rd. and south of W. Andrew Johnson Highway to the railroad tracks. The property, roughly 50.96 acres in size, is currently zoned Intermediate Business (IB). The site is currently vacant and historically used for agricultural purposes.

The development is proposed in three separate phases: 1. The shops at Merchants Greene, 2. The Plaza at Merchants Greene, 3. The Crossing at Merchants Greene. Although the development is proposed to build as three separate centers, they are proposing to construct the infrastructure all at one time.

In December 2015 during Concept Plan review, the Planning Commission noted some issues to address as the development moves forward such as street naming, FAA approval, and a traffic analysis.

During the latest review by staff (April 2016), there were still a few outstanding issues concerning the proposed subdivision. Since then project engineer has been working with staff, the city's engineer and the project's traffic engineer to hopefully have all concerns addressed prior to the Planning Commission meeting next Tuesday, May 10, 2016.

As proposed, the developer is requesting a variance from the subdivision regulations requiring a 75 foot radius at the street intersections.

Options:

Approve the Request

Deny the Request and state the reasons for denial

Postpone Action pending the presentation of additional information

Recommendation:

Pending submission of the items requested by the city's engineers, staff will recommend approval.

Attachments:

Location Map

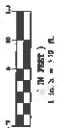
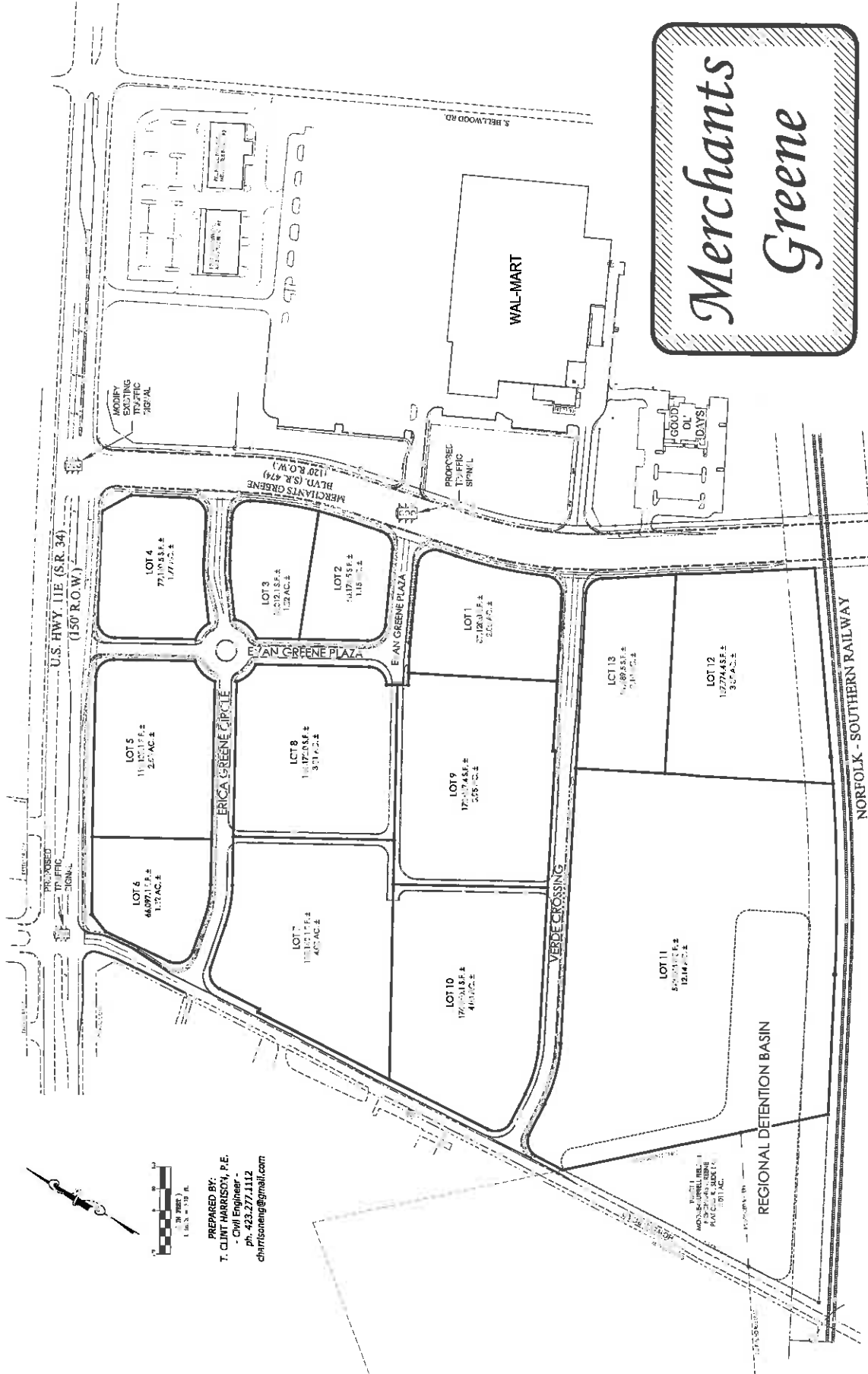
Preliminary Plat layout plan

Merchants Greene, 2 (West)



1,000 500 0 1,000 Feet

Merchants Greene



PREPARED BY:
T. CLINT HARRISOTY, P.E.
- Civil Engineer -
ph. 423.277.1112
charrisoteng@gmail.com

NOT TO SCALE
DATE: 10/1/11
BY: TCH

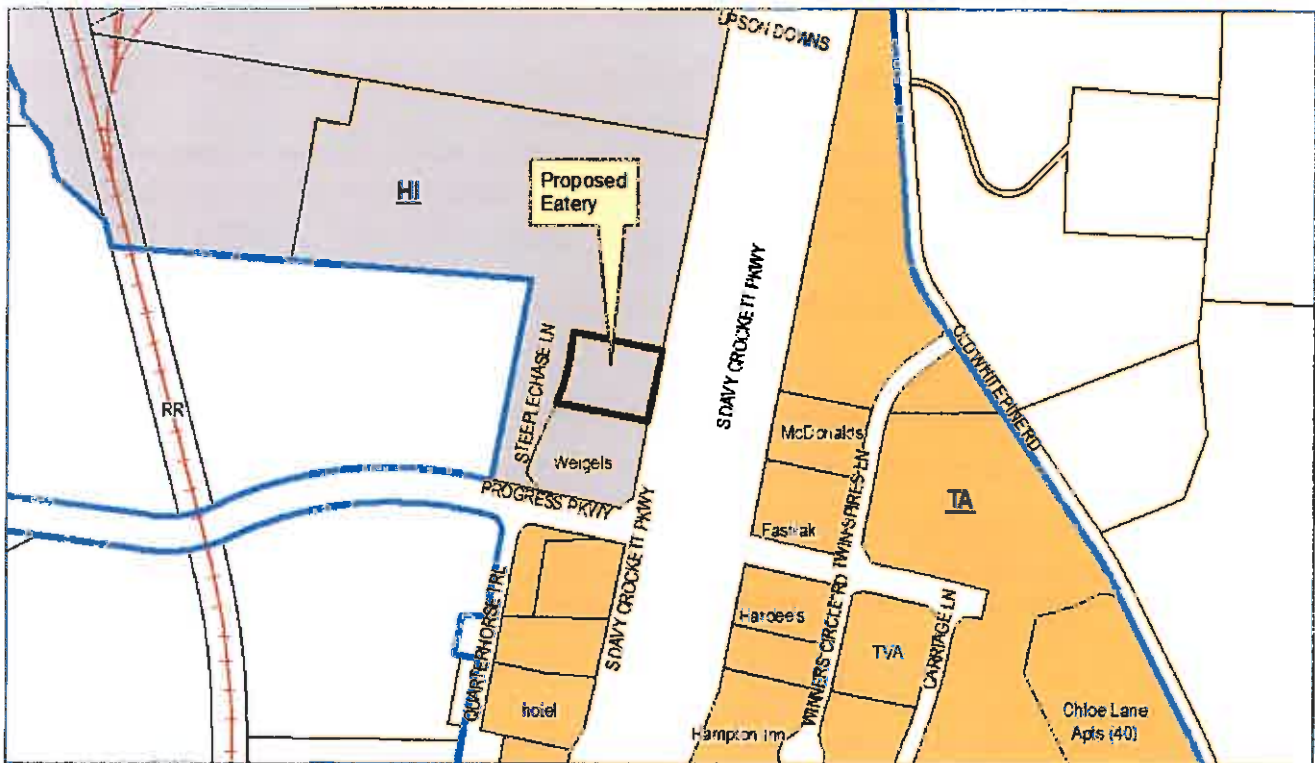


Department of Community Development
100 West 1st North Street
Morristown, TN 37814
(423)585-4620

TO: Morristown Regional Planning Commission
FROM: Lori Matthews, Senior Planner
DATE: May 10th, 2016
SUBJECT: Gateway Commercial Corridor Approval

A new eatery has submitted construction plans to be located next to Weigels and Steeplechase Lane in The Downs development at Exit 8. Bojangles restaurant is seeking approval from the Planning Commission for their development of Lot 2 of Phase IV of The Downs as it falls within the Commercial Gateway Corridor which requires approval from Planning Commission as well as being zoned TA (Tourist Accomodation).

The site is 1.2 acres in size with full vehicular access onto Steeplechase and right in/right out only onto Highway 25E. The building height is 22 feet from grade and total building footprint is 3886 square feet. Only 39 parking spaces are required but the site has 59 provided (which include 3 handicapped spaces). Sidewalks will be provided along Steeplechase to connect to those provided by Weigels to the south. No stormwater detention is required for a project of this size.



As this project is in line with the Master Development Plan for this area and has been aided in its design by recommendations made by TDOT, Staff would ask the Planning Commission to approve this site plan which is within the City's Gateway Corridor District.

Planning Commission Options:

1. Approve site plan as submitted;
2. Deny site plan as submitted providing rationale for doing so;
3. Approve site plan with conditions;
4. Table request.

NOT FOR CONSTRUCTION

EXTERIOR FINISH SCHEDULE				
MATERIAL	DESCRIPTION	MANUFACTURER	STYLE / MODEL	COLOR / FINISH
EIFS	EXTERIOR INSULATED FINISH SYSTEM (EIFS)	GLASS BLOCK	GLASS BLOCK	GLASS BLOCK
EIFS	EXTERIOR INSULATED FINISH SYSTEM (EIFS)	GLASS BLOCK	GLASS BLOCK	GLASS BLOCK
EIFS	EXTERIOR INSULATED FINISH SYSTEM (EIFS)	GLASS BLOCK	GLASS BLOCK	GLASS BLOCK
EIFS	EXTERIOR INSULATED FINISH SYSTEM (EIFS)	GLASS BLOCK	GLASS BLOCK	GLASS BLOCK
EIFS	EXTERIOR INSULATED FINISH SYSTEM (EIFS)	GLASS BLOCK	GLASS BLOCK	GLASS BLOCK
EIFS	EXTERIOR INSULATED FINISH SYSTEM (EIFS)	GLASS BLOCK	GLASS BLOCK	GLASS BLOCK
EIFS	EXTERIOR INSULATED FINISH SYSTEM (EIFS)	GLASS BLOCK	GLASS BLOCK	GLASS BLOCK
EIFS	EXTERIOR INSULATED FINISH SYSTEM (EIFS)	GLASS BLOCK	GLASS BLOCK	GLASS BLOCK
EIFS	EXTERIOR INSULATED FINISH SYSTEM (EIFS)	GLASS BLOCK	GLASS BLOCK	GLASS BLOCK

ALL SIDES: FACE BRICK AREA - 2,998
 TOTAL FACADE AREA - 5,034 = .595 *100= 60%

2 FRONT ELEVATION
 SCALE: 1/8" = 1'-0"

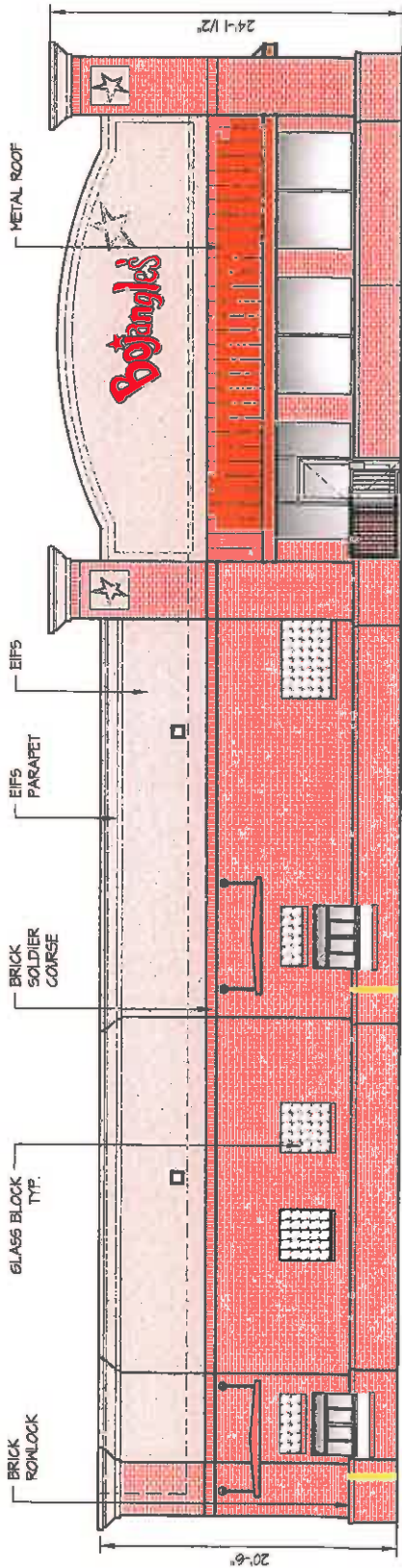
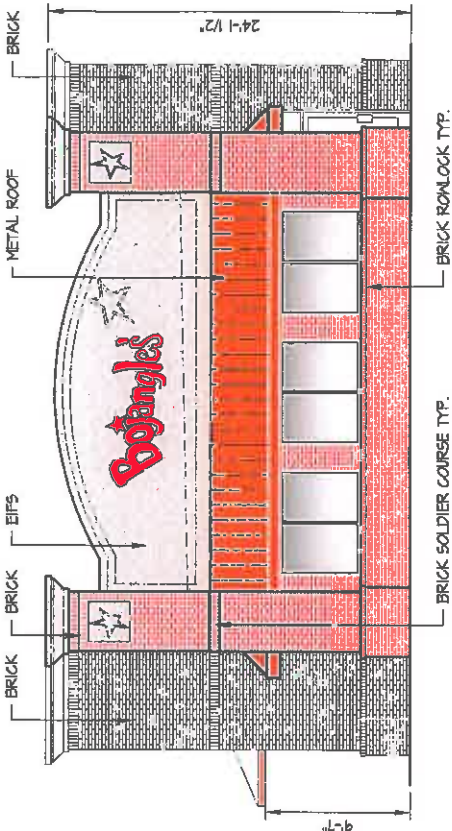
1 LEFT SIDE ELEVATION
 SCALE: 1/8" = 1'-0"

BOJANGLES' RESTAURANT
 2/3 BRICK PROTOTYPE

DATE: 08/26/15
 PROJECT #:
 DRAWN BY: VCH
 CAD FILE NAME:
 PROJECT: 2/3 BRICK PROTOTYPE
 THIS DRAWING AND THE PROJECT ARE THE PROPERTY OF VCH AND SHALL REMAIN THE PROPERTY OF VCH. NO PART OF THIS DRAWING SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM VCH.

Sheet
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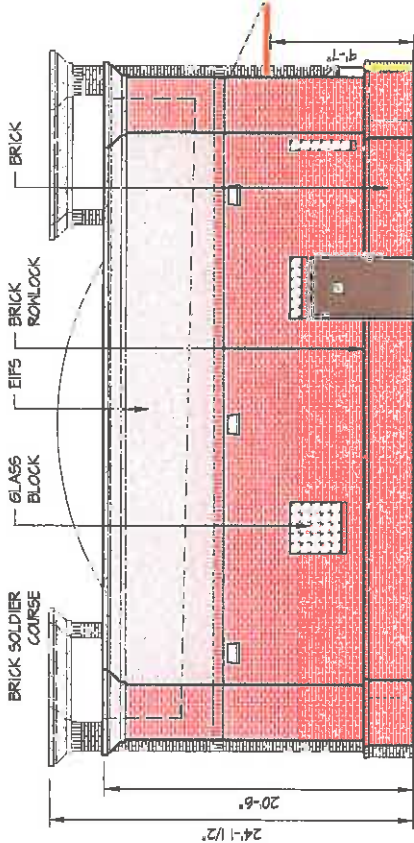
1300 South Mint Street, Suite 300, Charlotte, NC 28203
 Email: 666@vchdesign.com • Fax: 704-373-0802 • Phone: 704-373-1900



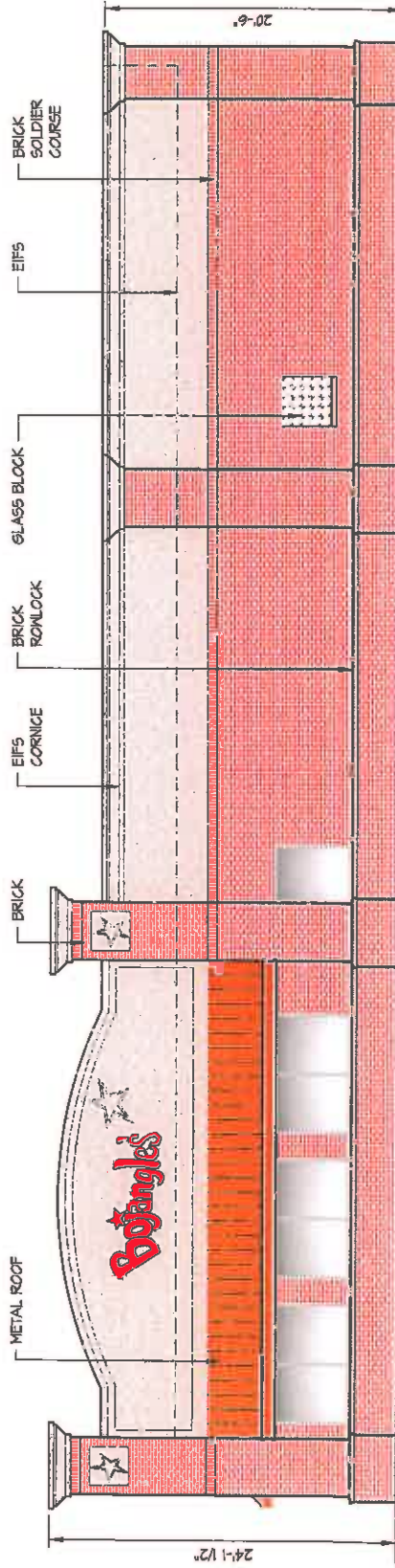
NOT FOR CONSTRUCTION

EXTERIOR FINISH SCHEDULE				
MATERIAL	DESCRIPTION	MANUFACTURER	STYLE / MODEL	COLOR / FINISH
EIFS	EXTERIOR INSULATED FINISH SYSTEM WITH DRAINAGE	SPF CORP.	CLASSIC SMOOTH INSULATED WALL CLADDING SYSTEM	WHITE OVER STAINED LIME WASHED
BRICK	MODULAR MASONRY BRICK	TRINACRA BRICK CO.	OLD SOUTH MASONRY	RED BRICK
MORTAR	MORTAR	EMCOG GROUT CORP.	BRICKMOR-2500	TO MATCH BRICK
ALUM. SIDING	ALUMINUM SIDING WITH STAINLESS STEEL TRIM	DAVIER	6" X 12" SIDING	GLASS ANODIZED
METAL ROOF	STANDING SEAM METAL ROOF	CONSTRUCTION METAL INDUSTRIES	8" X 12" SIDING	GLASS ANODIZED
GLASS BLOCK	GLASS BLOCK	—	—	GLASS ANODIZED
EIFS CORNER	EIFS CORNER	—	—	PAINTED - BRICK
EIFS CORNER	EIFS CORNER	—	—	PAINTED - BRICK
EIFS CORNER	EIFS CORNER	—	—	PAINTED - BRICK

ALL SIDES: FACE BRICK AREA - 2,998
TOTAL FACADE AREA - 5,034 = .595 * 100 = 60%



2 REAR ELEVATION
SCALE: 1/8" = 1'-0"



1 RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

BOJANGLES' RESTAURANT
2/3 BRICK PROTOTYPE

DATE: 03.26.16
PROJECT #: —
DRAWN BY: WCH
CADD FILE NAME:
PROMOS-2-3 BRICK PROTYPE
THIS DRAWING AND THE SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT. NO PART OF THIS DRAWING OR SPECIFICATIONS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM THE ARCHITECT.

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1300 South Mint Street, Suite 300, Charlotte, NC 28203
Phone: 704-373-1900 • Fax: 704-373-0902 • Email: esd@esdarch.com

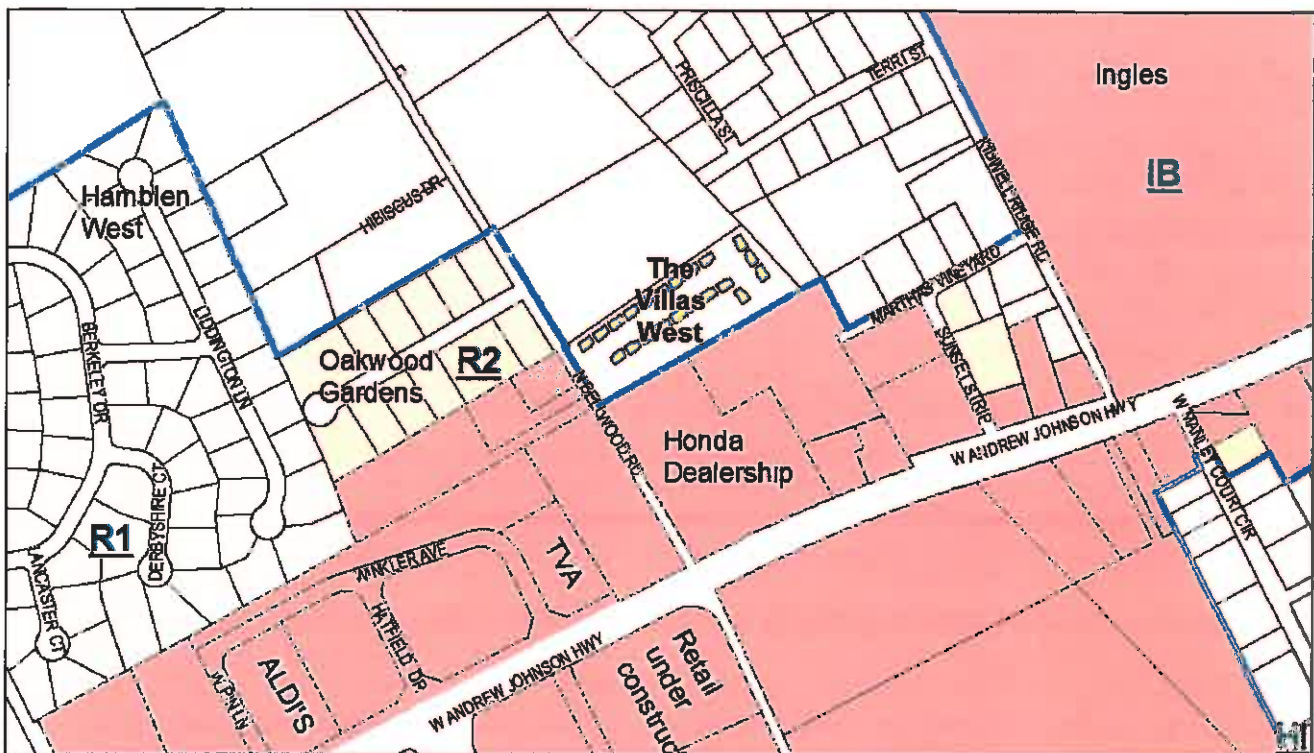




Department of Community Development
100 West 1st North Street
Morristown, TN 37814
(423)585-4620

TO: Morristown Regional Planning Commission
FROM: Lori Matthews, Senior Planner *LM*
DATE: May 10th, 2016
SUBJECT: Villas West Residential Development

A planned residential development has been submitted to the Regional Planning Commission for review and approval per Section 14-222 of the Zoning Ordinance. Located on N. Bellwood Road behind the Honda Dealership on the west side, the site, now vacant, is appropriately zoned for multi-family residential (R-2). Applicant is Mr. Phillip Carlyle.



Proposed for the 3.5 acre development are 21 single family two story units to be roughly 1200 to 1500 square feet in size to include the garage. The property will remain under one ownership with all housing to remain as rental only. Access to the site will be from N. Bellwood Road along a 50 foot permanent drive for two way traffic (two 12 foot lanes).

While this development seems in line with the land use plan for the City, Staff would ask that the applicant provide pedestrian walkways through the site and along N. Bellwood Road.

Residential developments require approval by the Regional Planning Commission per Zoning Ordinance Section 14-222 as shown on the following page.

Planning Commission Options:

1. Approve the site plan as submitted;
2. Deny the site plan as submitted;
3. Approve the site plan with changes;
4. Table the request.

14-222. PLANNED UNIT DEVELOPMENT

In the case of a multi-family residential development consisting of a group of two or more buildings to be constructed on a single plot of ground or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual buildings in such a Development, the application of such requirements to such a development shall be made by the Planning Commission in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy, and a density of a land use not higher and a standard of open space at least as high as required by this ordinance in the district in which the proposed project is to be located. Such deviation from the strict application of the provisions of the Zoning Ordinance may also be made for residential subdivisions in order to achieve economies in land development and maintenance, and to improve the environment of the community.

Approval of a site plan by the Planning Commission shall be required for any proposed planned unit development. The key test in evaluating a planned unit development proposal shall be equivalency with the provisions of the Zoning Ordinance. A proposed development should be approved if it complies with the intent of the Zoning Ordinance in meeting such goals as adequate open space, provision of needed public facilities, beneficial segregation of land uses, and protection of the environment. The area covered by a planned unit development may include either a single parcel or multiple parcels, but in no instance shall the planned unit development provisions apply to structures which are unrelated in function.





Department of Community Development
100 West 1st North Street
Morristown, TN 37814
(423)585-4620

TO: Morristown Regional Planning Commission
FROM: Lori Matthews, Senior Planner
DATE: May 10th, 2016
SUBJECT: Release of Performance Bond
Walden Place Subdivision

REQUEST -

Walden Place Subdivision (formerly known as Heritage Place) is an 11 lot 4 +/- acre development located along Central Church Road just north Hamilton Place condominiums. Representing the development owner (Lakeview Management and Development IX, LLC.) is Mr. Ed Hurley.

The subdivision received final approval by the Regional Planning Commission at their July 2014 meeting with stipulations that the City receive the required pond maintenance agreement and that the street right of way (Walden Drive) be completed to City standards.

A letter of credit was submitted and accepted last December in the amount of \$49,500 to cover the final asphalt coat of the street.

The applicant has finalized the street within this subdivision to the satisfaction of the City of Morristown Public Works and has asked for release of the surety.

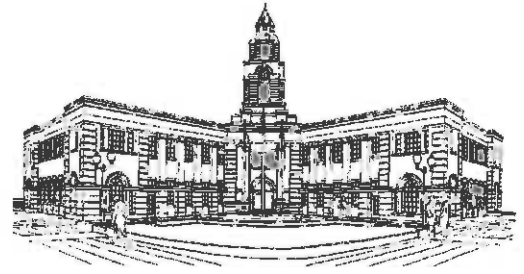
PLANNING COMMISSION OPTIONS -

1. Grant surety release.

City of Morristown

Incorporated 1855

Department of Community Development and Planning



Memo

To: Morristown Regional Planning Commission

From: Alan C. Hartman 

Date: 5/5/2016

CC:

Re: ROW Closure - Donaldson

Background

A request to close the right-of-way to an alley adjoining the northern boundary of the Donaldson property located at 425 Inman Street was submitted to the City. Prior to the City governing body adopting an ordinance of this nature the Planning Commission must consider the request and make a recommendation to City Council. This area has been the subject of litigation between Ms. Donaldson, the City and the Hamblen County Board of Education. The City Attorney has reviewed the request and proposes that the City proceed with the right-of-way closure.

Recommendation

Staff recommends approval.

Attachments

Application

City Attorney memo

Location Maps

PLANNING COMMISSION APPLICATION

City of Morristown

Prior to an **annexation, rezoning, subdivision** (major or minor) and/or **site plan** (preliminary or final plat approval) request being placed on the Regional Planning Commission Agenda, the applicant must furnish to the Department of Community Development and Planning the following information:

1. **Date:** April 15, 2016
2. **Name of Property Owner:** Mildred Donaldson
Mailing Address: 425 Inman St. City/State/Zip Morristown, TN 37814
Telephone: (Home) 586-8602 (Business) N/A (Mobile) -
3. **Name of Applicant:** Mildred Donaldson
Mailing Address: 425 Inman St City/State/Zip Morristown TN 37814
Telephone: (Home) 586-8602 (Business) N/A (Mobile) -
4. **Name of Agent (if applicable):** Linda C. Noe, Atty
Mailing Address: 2343 Joe Stephens Rd City/State/Zip Morristown, TN 37814
Telephone: (Home) 423 586 9246 (Business) 865-862-9807 (Mobile) 423-277-9766
5. **Property information:** Street Address: Reap property line of applicants property 425 Inman
County Tax Map 034P Group: G Parcel(s) 035.00
Current zoning: _____ Parcel size: _____ City/U.G.B. City
Existing Use: N/A Proposed Use: N/A
6. **Nature of Request:** (please circle)
 - a) Annexation (state reason for request) N/A
 - (b) Right-of-way/Alley Closure (state reason for request) unused alley
 - c) Subdivision/P.U.D.: Name N/A Acres/lots N/A Subdivided into N/A
☐ Concept Plan Approval ☐ Preliminary Plat Approval ☐ Final Plat Approval ☐ P.U.D. Approval
 - d) Zoning Classification Change (\$100.00 Fee): From N/A To N/A
 - e) Other Requests: N/A
7. List name and addresses of **adjacent property owner(s)** that would be affected by request (reverse side).
8. Submit site plans, surveys, special fees or other items as required for review by City staff and Regional Planning Commission members.
9. **Applicant Signature:** Mildred M. Donaldson **Date:** April 15, 2016

This application will not be accepted unless all information is complete. If a question is not applicable, please draw a line through the space provided or mark "n/a" (not applicable).

LAW OFFICES
BACON, JESSEE & PERKINS
SINCE 1950

GEORGIAN COURT
1135 WEST THIRD NORTH STREET
MORRISTOWN, TENNESSEE 37814-3891

RICHARD C. JESSEE
LAUREN A. CARROLL
W. EVAN ANDERSON

TELEPHONE: 423-586-5291
TELEFAX: 423-581-6883
bjplaw.org

HERBERT M. BACON
(RETIRED)
RONALD L. PERKINS
(1944-2016)

April 28, 2016

Anthony Cox
City Administrator
via e-mail tc Cox@mymorristown.com

Re: Donaldson Alley Closure Request

Dear Mr. Cox and Council Members,

It has come to my attention that Mildred Donaldson has filed a request to close the alley located behind her property. As you are aware, the City has been involved in extensive litigation in regards to the property and right-of-ways surrounding Ms. Donaldson's property. This matter was last before the Court on February 29th when the Judge issued its final Order (see attached). Pursuant to the Court's Order, and specifically in regards to the alley, the Court held the following:

"The alley to the north of the Donaldson property has not been properly closed or abandoned, and the City may not abandon the right-of-way by non use. Therefore, the alley adjoining the Donaldson property to the north remains a public right-of-way until properly abandoned by the City of Morristown. To the extent the deed to the Hamblen County Board of Education from the City of Morristown of record in the Register's Office for Hamblen County, Tennessee in Book 1079 at page 655 purports to convey any interest in the alley adjoining the Donaldson property to the Hamblen County Board of Education, said deed is ineffective."

We have consulted with Scott Reams and the Board of Education on their opinion of the request to close the alley, and they did not voice any objection to its closure.

Therefore, if the City has no objection to closing the alley and pursuant to the Court's ruling, it is my opinion that the alley may be closed by ordinance, with the language that the City retain utility and drainage easements.

Sincerely,



Richard C. Jessee

IN THE CHANCERY COURT FOR HAMBLÉN COUNTY, TENNESSEE

MILDRED DONALDSON

Plaintiff

v.

No. 2011-223

**CITY OF MORRISTOWN AND
HAMBLÉN COUNTY BOARD OF
EDUCATION**

Defendant

**FILED
CHANCERY COURT CLERK**

MAR 07 2016

**TIME
HAMBLÉN COUNTY**

ORDER

This cause came on to be heard before the Honorable Douglas T. Jenkins, Chancellor, upon the Motion for Summary Judgment filed by the City of Morristown, the Motion for Partial Summary Judgment filed by the Hamblén County Board of Education, and the Motion for Summary Judgment filed by the plaintiff Mildred Donaldson, and upon the documents submitted in support of the respective Motions, the arguments of counsel, and the record properly before the Court for consideration of these Motions, from all of which the Court finds and rules as follows:

1. The Quitclaim Deed from the City of Morristown to the Hamblén County Board of Education dated April 19, 2011 and of record in Book 1445 at page 630 in the Register's Office for Hamblén County, Tennessee is valid and conveys to the Hamblén County Board of Education the ownership interest of the City of Morristown in the property described in said deed and being a part of the former South James Street.

2. The alley to the north of the Donaldson property has not been properly closed or abandoned, and the City may not abandon the right-of-way by non use.

Therefore, the alley adjoining the Donaldson property to the north remains a public right-of-way until properly abandoned by the City of Morristown. To the extent the deed to the Hamblen County Board of Education from the City of Morristown of record in the Register's Office for Hamblen County, Tennessee in Book 1079 at page 655 purports to convey any interest in the alley adjoining the Donaldson property to the Hamblen County Board of Education, said deed is ineffective.

3. That portion of the former South James Street conveyed by the City of Morristown to Hamblen County Board of Education in Book 1445 at page 630 remains subject to an easement in favor of adjoining landowners for ingress and egress to their property. Said easement shall be appurtenant to the two tracts adjoining said portion of South James Street and may not be severed from the respective tracts. Said easement shall include the right of each owner to park vehicles on the one half of the paved portion of South James Street that adjoins the owner's property (approximately 20' width).


It is therefore ORDERED that the Motion for Summary Judgment filed by Mildred Donaldson is denied. The Motion for Summary Judgment filed by the City of Morristown is granted in part and denied in part in accordance with findings heretofore set out. The Motion for Partial Summary Judgment filed by the defendant Hamblen County Board of Education is granted in part and denied in part in accordance with the findings heretofore set out. With entry of this Order, Donaldson agrees to dismissal with prejudice of her libel and slander of title claim and the Hamblen County Board of Education agrees to dismissal with prejudice of its libel of title counterclaim.

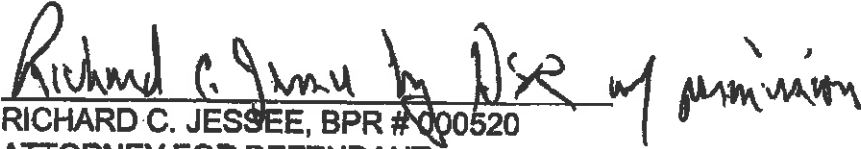
Court costs are taxed equally to the parties.

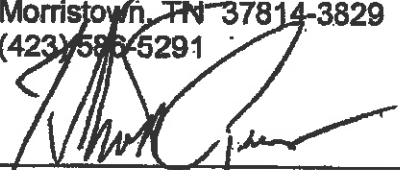
ENTER this the 29th day of February, 2016.


CHANCELLOR

APPROVED FOR ENTRY:


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ROW Closure - Donaldson

