

MORRISTOWN REGIONAL PLANNING COMMISSION

Agenda October 10, 2017



Call to Order

I. Approval of September 12th, 2017 Minutes

II. Old Business: none

III. New Business:

A. Annexations: none

B. Subdivisions/Site Plans:

PUD-2107-2017: Advanced Financial, 178 S. Liberty Hill RD

C. Zoning Issues:

REZN-2098-2017: UGB Rezone 3201 Old 25E from Agriculture (A-1) to Commercial

D. Bond Reviews:

Windswept Phase I Bond Release

E. Right-of –Ways: none

F. Ordinance Reviews:

Text Amendment regulating on and off premise beer sales

G. Variances:

VARI-2114-2017: Variance of Paved Parking @ 125 Pope Rd.

IV. Departmental Reports:

Minor Subdivisions Approved:

Adjournment

*The next meeting of the Morristown Regional Planning Commission is scheduled for November 14, 2017 at 4:00 pm.
The deadline to submit applications for this meeting is October 13, 2017.*

Morristown Regional Planning Commission

Minutes

September 12, 2017

Members Present

Chairman Jim Beelaert

Vice Chairman Bill Thompson

Commissioner Sylvia Hinsley

Commissioner Wanda Neal

Commissioner Jack Kennerly

Commissioner Frank McGuffin

Mayor Gary Chesney

Others Present

Steve Neilson, Planning Director

Lori Matthews, Senior Planner

Josh Cole, Planner

Rufus Asher

Tony Strazzullo

Joann Strazzullo

Jessica Crawford

Phillip Carlyle

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

I. Chairman Beelaert called for the approval of the August 8th, 2017 minutes.

Mayor Chesney made a motion for approval of the August 8th, 2017 minutes and it was seconded by Commissioner McGuffin. Upon voice votes, all Ayes.

II. Old Business: None

III. New Business:

Subdivisions/Site Plans:

MASD-2030-2017: Survana Shiva Property @3304 W. Andrew Johnson Hwy.- Final Plat

Senior Planner Lori Matthews discussed the application for final subdivision approval that was requested by Mr. D.D. Roberts, who is representing the property owners, Survana Shiva, LLC. This 4 ½ acre lot which is zoned IB (Intermediate Business) is located along West Andrew Johnson Highway and it includes the Morristown Inn and the El Charito Restaurant.

The plat showed the creation of three lots and they are as follows: Lot 1 is 1.50 acres and is supposed to include the western portion of the Morristown Inn and their office; Lot 2 is 1.95 acres and is supposed to include the El Charito restaurant, a portion of the hotel, pool and office; and Lot 3 is 0.95 acres and is supposed to include the 4 existing individual rental units.

Lots 1 and 2 will both be accessed from West Andrew Johnson Highway with Lot 3 being accessed by a 20 foot ingress/egress easement across Lot 2. As Lot 3 will not front a public street or right of way, the applicant asked that the Planning Commission waive that section of the Subdivision Regulations.

The intent of this subdivision is to create lots which may be sold for redevelopment. Staff was in favor of redeveloping this particular property as it has deteriorated greatly within the past few years. Complaints from and about this parcel of land have increased drastically over the past year.

Staff recommended that the Planning Commission approve the subdivision plat as submitted contingent upon their waiving the frontage requirement per Section 4.J of the Subdivision Plat Approval in the City of Morristown's Subdivision Regulations.

Chairman Beelaert called for a motion. Vice Chairman Thompson made a motion for approval of this final plat and it was seconded by Commissioner Kennerly.

Mayor Chesney asked Ms. Matthews to further explain the issues where the Morristown Police Department and the Morristown Fire Department had recently been dispatched to the property. Ms. Matthews stated that a lot of the calls had involved the Narcotics Division and the Fire Department at the Morristown Inn.

Commissioner McGuffin asked D.D. Roberts why they had not considered dividing the property into 2 lots instead of the proposed 3 lots. D.D. Roberts came forward and stated that the property owner wants to build a new swimming pool and tear the rest of the hotel down. The owner just wants to use the exterior walls of the hotel to start fresh.

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

REZN-2093-2017: Rezone Fire Station #4 @ 337 Central Church Rd. from PCD to R-3

Planner Josh Cole discussed the staff initiated rezoning request of a 7 acre parcel located at 337 Central Church Road. Staff requested that the property be rezoned from PCD (Planned Commercial District) to R-3 (High Density Residential).

This property came before the Planning Commission last month as a PUD approval for Fire Station #4. After reviewing this PUD, the staff realized the inappropriateness of PCD zoning along Central Church Road. This commercial district was intended for collector and arterial roadways. Staff wanted to seek rezoning to stop business development from encroaching further onto this roadway which would be insufficient to handle such traffic. This city owned property is surrounded to the north, east and west by R-2 (Medium Density Residential) and IB (Intermediate Business) exists only to the south.

This rezoning would bring the property into conformance with both the surrounding zoning and the City's future land use plan. The recently approved fire station is permitted in the R-3 (High Density Residential). Staff recommended approval of this request.

Chairman Beelaert called for a motion. Commissioner Kennerly made a motion for approval of this rezoning request and it was seconded by Commissioner McGuffin.

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

TEXT AMENDMENT: High Density Residential height limits

Planning Director Steve Neilson discussed the request that was received from the (IDB) Industrial Development Board to amend Chapter 14, Heavy Industrial District, Section 14-1408, Building Height.

Currently, the maximum height limit in the HI (Heavy Industrial District) is 45 feet. The IDB requested to amend the height limit to 55 feet. Marshall Ramsay, Chamber President, indicated that he has had some inquiries from potential industries looking to possibly locate to the area and they would have structures taller than the 45 feet allowed. Looking at other cities in the region, Morristown's height limits for heavy industrial structures are lower than any other city relatively comparable in size.

Jim Beelaert called for a motion. Vice Chairman Thompson made a motion for approval of this text amendment request change and it was seconded by Commissioner Neal.

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

The meeting was adjourned.

Respectfully submitted,

Rose Parella

Secretary

RP/jc

DRAFT

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Regional Planning Commission
FROM: Josh Cole, Planner 
DATE: October 10, 2017
SUBJECT: Planned Commercial Development Site Plan Approval Request

BACKGROUND:

This is a request by S + H Group for site plan approval by the Planning Commission for a proposed financial institution, Advanced Financial, to be located at 178 South Liberty Hill Road. The location is zoned PCD (Planned Commercial District), thus per section 14-222 of the Morristown Zoning Ordinance must receive site plan approval from the Regional Planning Commission (see below):

"... 14-222. PLANNED UNIT DEVELOPMENT

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. ..."





The parcel contains 0.63 acres and is currently vacant. This property is in the Popkin Town Center development with Food City serving as the anchor tenant. It has a Pal's fast food restaurant to the north, the city owned Popkin Field Park across East Morris BLVD and the property formerly occupied by Berkline across South Liberty Hill RD. Access to this site will be from the current development parking lot and the current site plan provides more than adequate parking for the proposed 1500 square foot building. The developers are waiting upon this approval prior to going through the administrative site plan approval process.

RECOMMENDATION:

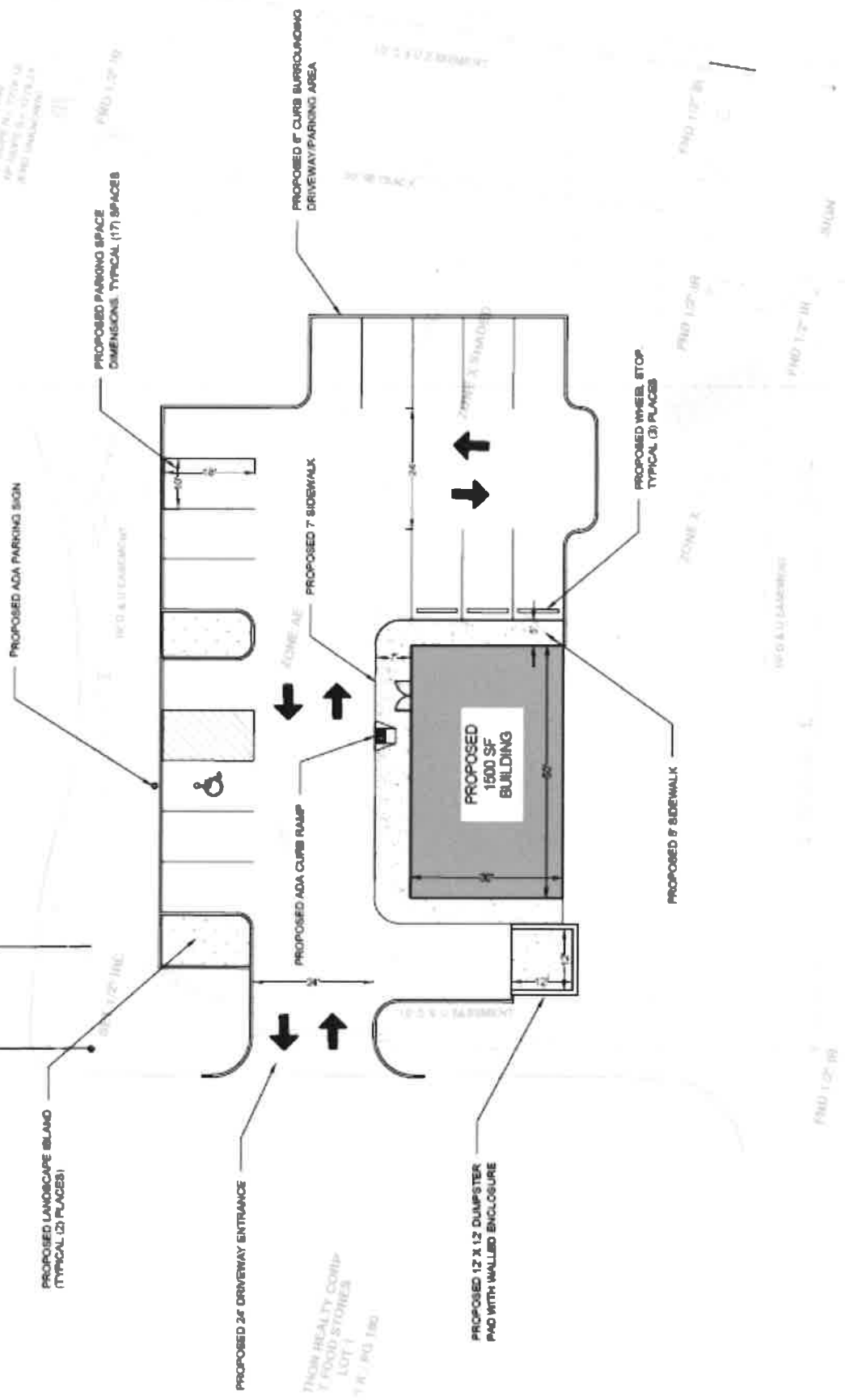
PCD allows for a variety of commercial uses such as banks and retail stores, thus the proposed financial institution is a permitted use in this district. Staff would recommend the Planning Commission approve the concept plan.

S. LIBERTY HILL RD
PUBLIC R.O.W. VARIES

STYRAM MANUFACTURING
10000 S. LIBERTY HILL RD
LOT 1
7 R. PG 180

CYTON BUILDING
10000 S. LIBERTY HILL RD
LOT 1
7 R. PG 180

CRO BAN LLC
LOT 1
7 R. PG 180



PROPOSED LANDSCAPE ISLAND
(TYPICAL (2) PLACES)

PROPOSED 2x DRIVEWAY ENTRANCE

TINON HEALTH CORP
7 FOOD STORES
LOT 1
7 R. PG 180

PROPOSED 12 x 12 DUMPSTER
PAD WITH WALLED ENCLOSURE

PROPOSED 8 SIDEWALK

PROPOSED WHEEL STOP
TYPICAL (3) PLACES

PROPOSED 7 SIDEWALK

PROPOSED PARKING SPACE
DIMENSIONS TYPICAL (17) SPACES

PROPOSED ADA PARKING SIGN

PG 102 10

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Regional Planning Commission
FROM: Lori Matthews, Senior Planner *LM*
DATE: October 10, 2017
SUBJECT: Urban Growth Boundary Rezoning Request Recommendation

BACKGROUND:

A request to rezone property has been received from Mr. Paul Lebel on behalf of property owner J. R. Byerley for his 14 + acre tract which is located on the west side of Davy Crockett Parkway, east of Old Witt Road and south of Wilson Hale Road.

This acreage is located within the City's Urban Growth Boundary area and currently zoned A-1 (agricultural) by Hamblen County. The applicant has requested the property be rezoned to commercial for marketing purposes. The owner did not request annexation though the property is contiguous to the corporate limits of Morristown.

As this property does front a major thoroughfare, access to available sanitary sewer is unavailable at this time, the nearest lines located south one mile along Witt Road.

RECOMMENDATION:

With no access to required infrastructure available or specific future plans for their provision, Staff could not at this time recommend rezoning for commercial uses at this location, therefore, Staff would recommend the Regional Planning Commission forward the same to the Hamblen County Commission.



Lori Matthews

From: Tina Whitaker <TWhitaker@CO.hamblen.tn.us>
Sent: Friday, September 29, 2017 8:50 AM
To: Lori Matthews
Subject: FW: FW:

From: Midge Jessiman [mailto:MJessiman@ETDD.org]
Sent: Thursday, September 28, 2017 3:51 PM
To: Tina Whitaker
Subject: RE: FW:

At this time, I would recommend against the rezoning request. There is no sewer available to the property. We don't know exactly what is planned for the area. I recognize that there is "commercial land uses" in the area. However, rezoning requests, in the past, have indicated what the density of the development will be, potential uses or tenants in the property, can septic be used, is the water line large enough to handle a proposed use. The commercial properties in the area were not in need of sewer and the uses presented a plan showing the proposals. Due to a lack of information, I would recommend against.

From: Tina Whitaker [mailto:TWhitaker@CO.hamblen.tn.us]
Sent: Thursday, September 28, 2017 3:12 PM
To: Midge Jessiman <MJessiman@ETDD.org>
Subject: FW:

Midge will review and give her recommendation. I will forward to her.

Thanks
Tina

From: Lori Matthews [mailto:lmattthews@mymorristown.com]
Sent: Thursday, September 28, 2017 2:39 PM
To: Tina Whitaker
Subject:

Hey Tina – you guys had any time to give any thought to that rezoning off of 25E? Really just wanting to know if you all are going to recommend it or nay.

Many thanks!!!

Lori

Lori E. Matthews, Senior Planner
City Of Morristown Tennessee
Community Development Department
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Morristown, TN 37814
423.317.1664
lmattthews@mymorristown.com

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Regional Planning Commission
FROM: Lori Matthews, Senior Planner
DATE: October 10, 2017
SUBJECT: Bond (Infrastructure) Release

BACKGROUND:

Phase I and II of the Windswept Subdivision has been completed with the exception of the turnabout at the end of Edgewater Sound and Windswept Way which will be completed with Phase III. Surety in place for Phase III exceeds the remainder of work to be done in this phase and will easily cover the completion of the roundabout. The applicant, Mr. Rusty Rowe, acting on behalf of the development owner has asked that the bonds previously approved for these phases be released. All streets within these phases, (and entirety of the development) will remain private as originally platted.

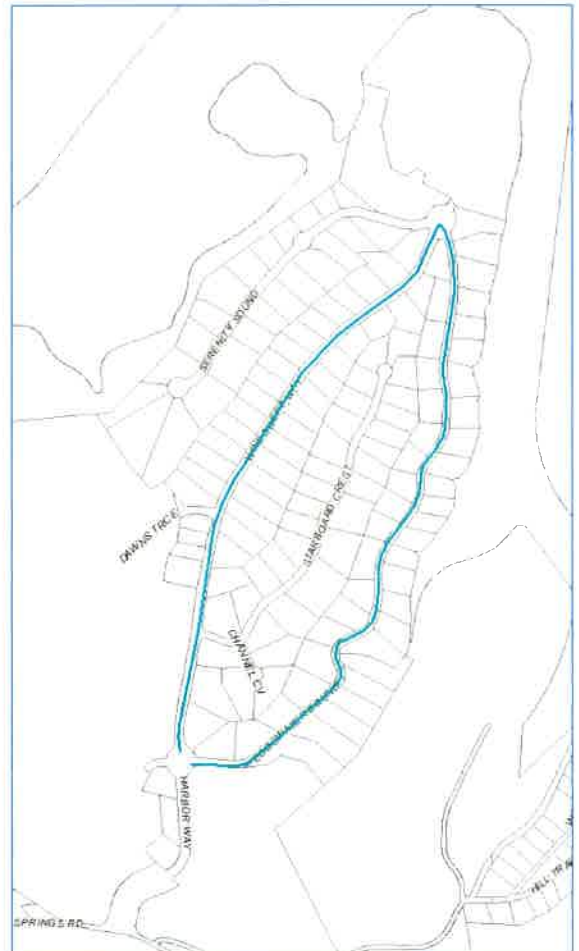
The bond amounts are as follows:

Phase I (Edgewater Sound) - \$435,000

Phase II (Windswept Way) - \$315,000

RECOMMENDATION:

As the requirements for release have been satisfied, Staff would recommend the Planning Commission release both above referenced bonds effective immediately.



City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Regional Planning Commission
FROM: Steve Neilson, Planning Director *SN*
DATE: October 10, 2017
SUBJECT: Text Amendment regulating on and off premise beer sales

BACKGROUND:

At the October 3rd City Council meeting, the Council approved on 1st reading an amendment to Title 8, Chapter 2 BEER of the City's Code of Ordinances. The proposed amendment would allow microbreweries, limited service restaurants, catering service, and non-profit club/organizations to all serve beer. The proposed amendments to Title 8 mirrors language found in T.C.A. Title 57 which regulates intoxicating liquor and wine sales.

The City Code amendments currently before the City Council address what uses will be allowed to sell beer in the City. The Zoning Ordinance amendments before you address where those uses would be allowed.

Catering services and non-profit clubs are uses already addressed in the Zoning Ordinance. Staff is proposing to add two new uses; Limited Service Restaurants and Microbreweries. To help clarify these uses, staff is proposing to add two new definitions to Chapter 2, 14-203 DEFINITIONS:

LIMITED SERVICE RESTAURANT is a restaurant which has gross revenue food sales of less than fifty percent (50%) of its total revenues which is allowed to serve beer. The limited service restaurant shall have a seating capacity of at least forty (40) people at tables and shall have a menu of prepared food available to patrons.

MICROBREWERY is a small brewery and/or restaurant engaged in the manufacture of beer or alcoholic content of not more than eight percent (8%) by weight, and which sells the aforesaid beer for consumption on the premises and/or off the premises, provided that the aggregate sales shall not exceed twenty-five thousand (25,000) barrels of beer annually. Said microbrewery shall have a seating capacity of at least forty (40) people.

Staff is proposing to allow these uses as USES PERMITTED in the following commercial districts: the IB - Intermediate Business District, the CB - Central Business District, the TA - Tourist Accommodation District, and the PCD - Planned Commercial Development District.

Under the State's regulations (Title 57), the State has the sole regulatory authority regarding the sale of liquor or wine. Under Title 57, the State has no distance requirements from churches, parks, or schools.

Under the City Council's proposed amendments, the Council is deleting Section 8-210 which regulated distance requirement for beer. However, this section only applied to off-premise sales. Section 8-210 states that "*no event will an off premise permit be issued authorizing the sale of beer within 150 feet of any church, public or private school, or city park. The distances shall be measured in a straight line from the nearest point of any portion of the building from which the beer will be sold to the nearest point on the property line of the church, school, or park. This distance restriction shall not apply to any premises which are wholly separated from any church, public or private school, or city park by a state or federal road or highway having at least four lanes for traffic*".

With the exception of a microbrewery selling growlers, this distance restriction would not apply to the two proposed uses which involve on-premise beers sales.

PROPOSED AMENDMENTS:

**CHAPTER 10 IB - INTERMEDIATE BUSINESS DISTRICT
14-1002 . USES PERMITTED**

- 38. Limited Service Restaurants
- 43. Microbreweries

**CHAPTER 11 CB - CENTRAL BUSINESS DISTRICT
14-1102 USES PERMITTED**

- 38. Limited Service Restaurants
- 43. Microbreweries

**CHAPTER 16 TA - TOURIST ACCOMMODATION DISTRICT
14-1602. USES PERMITTED**

- 10. Limited Service Restaurants
- 12. Microbreweries

**CHAPTER 26 PCD - PLANNED COMMERCIAL DEVELOPMENT DISTRICT
14-2603 - USES PERMITTED**

- 24. Limited Service Restaurants
- 27. Microbreweries

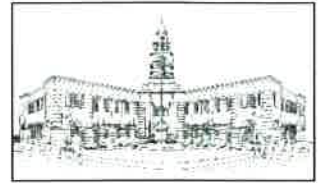
RECOMMENDATION:


Staff recommends the approval of the proposed text amendment.

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Board of Zoning Appeals
FROM: Steve Neilson, Planning Director 
DATE: October 10, 2017
SUBJECT: Variance to Section 14-216.4 Parking Standards

BACKGROUND:

A request has been received for a variance to the Section 14-216(4) of the Zoning Ordinance to allow a gravel parking lot at 125 Pope Road. The petitioner is by Mr. Randy Corlew acting on behalf of Mr. Billy and April King, the owners of the Collision Center. The property is zoned HI, Heavy Industrial District.

Section 14-216.4 states:

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.

The Board will recall this development submitted a similar request in October 2016. At that time the petitioner Mr. Ahron Zigelnik requested a variance to allow both a gravel driveway and gravel parking for the entire development. At that time staff recommended against the request finding no justification for the variances. In addition, the Fire Marshal was opposed to the gravel driveway expressing concerns about being able to access the property with heavy fire vehicles. The BZA denied the both requests. Since that time, the petitioner has constructed a 20 foot wide concrete driveway running to the rear of the property addressing the Fire Marshal's concern.



The petitioners are requesting a variance to the paved parking requirement stating that they already have 10 paved spaces parking for the Collision Center which they stated is adequate for their customer's needs. The petitioner states the remaining required spaces are not for customer parking but for the storage of vehicles waiting to be repaired. The petitioner states gravel storage is a common practice for the auto repair industry.



Even if the parking was sufficient for the Collision Center, the petitioner did not address the required parking for the 8,800 sq. ft. Culy Construction building in the rear of the property. Culy Construction is required to provide 17 paved parking spaces, currently there are none.

In order to grant a variance, the Board of Zoning Appeals must find that there is some unique feature or characteristic of the property such as exceptional narrowness, unique shape of a specific piece of property, exceptional topographic conditions or other extraordinary or exceptional situation of a piece of property, that the strict application of the provisions of this ordinance would result in practical difficulties to or undue hardship upon the owner of such property. Like before, staff finds no hardship to the property owner other than they do not wish to pave it.

RECOMMENDATION:

Staff recommended denial of this request at the October 11, 2016 meeting and have found nothing new to warrant a change in recommendation. Staff recommends denial of this request.

Sec. 14-2004. POWERS

a. Variance

To hear and decide applications for variance from the terms of this ordinance but only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, which at the time of adoption of this ordinance, was a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation of a piece of property, the hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance, the BZA may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this ordinance.