

MORRISTOWN REGIONAL PLANNING COMMISSION

Agenda June 12, 2018



Call to Order

I. Approval of May 8th, 2018 Minutes

II. Old Business: none

III. New Business:

MRPC Secretary Appointment

REZN-2202-2018-Request for Rezoning @ 2342 Buffalo Trail

TEXT-2206-2018-Short Term Rental Units Text Amendment

IV. Departmental Reports:

Minor Subdivision Approved

MISD-2197-2018: 4430 Old Kentucky Road new 0.5 acre parcel

MISD 2198-2018: Phase III Bobby Sams Triplex Units

Adjournment

The next meeting of the Morristown Regional Planning Commission is scheduled for July 10, 2018 at 4:00 pm.

The deadline to submit applications for this meeting is June 18, 2018.

Morristown Regional Planning Commission

Minutes

May 8, 2018

Members Present

Vice Chairman Bill Thompson
Commissioner Wanda Neal
Commissioner Jack Kennerly
Commissioner Frank McGuffin
Commissioner Sylvia Hinsley
Commissioner Roni Snyder
Mayor Gary Chesney

Members Absent

Chairman Jim Beelaert
Councilmember Bob Garrett

Others Present

Steve Neilson, Community Development Director
Josh Cole, Planner
Lori Matthews, Senior Planner

Vice Chairman Thompson 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. Vice Chairman Thompson called for the approval of the April 10th, 2018 minutes.

Commissioner Kennerly made a motion for approval of the April 10th, 2018 minutes and it was seconded by Commissioner McGuffin. Upon voice votes, all Ayes.

II. Old Business: None

III. New Business:

ANNX-2194-2018-Request for Annexation of the Beacon Hills Complex @ 204 Shaver Drive

Planner Josh Cole discussed the annexation request for 204 Shaver Drive. The property is located at the northeast intersection of Shaver Drive and West Andrew Johnson Highway and it is 1.15 acres in size. It contains the Beacon Hills Complex with a doctor's office and tax service business. The property owners also own the parcel to the east that is currently in the city limits

and being used for parking for this office complex. If annexed, staff recommended that the parcel be zoned IB (Intermediate Business) as this is the zoning designation of nearby parcels along West A.J. Highway.

Morristown Utilities Systems currently provides electrical services with Alpha-Talbott providing water services. The owner has agreed to pay MUS any cost associated with extending sewer services to this property.

Staff recommended approval of the annexation request with a zoning designation of Intermediate Business and asked that the Planning Commission forward it on to City Council.

Commissioner McGuffin made a motion for approval of this request and it was seconded by Commissioner Neal.

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

REZN-2190-2018-Request for Rezoning @ 6633 West Andrew Johnson Highway

Senior Planner Lori Matthews discussed the rezoning request submitted by Phillip Carlyle for his property located at 6633 West Andrew Johnson Highway. This 5.5 acre parcel has been used for residential and farming. It was annexed into the City limits in 2016 with a zoning designation of R-2 (Medium Density Residential). Mr. Carlyle expressed interest in development of storage warehousing on this property and the adjacent parcel. Since the property falls outside of the industrial park, Staff recommended that this property be rezoned to IB (Intermediate Business).

Commissioner McGuffin made a motion for approval of this rezoning request and it was seconded by Mayor Chesney.

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

REZN-2191-2018-Request for Rezoning 328 Carriger Street

Senior Planner Lori Matthews discussed the rezoning request submitted by Ronald and Susan Tipton for their property located at 328 Carriger Street. The applicants requested that the property be rezoned from R-2 (Medium Density Residential) to LI (Light Industrial).

The parcel is 1.3 acres in size and it contains a barn which has been converted into living quarters over time. The applicants own one of the properties adjacent to the west, which contains an automotive detailing business, a towing business, and an accessory structure which has been converted into a retail business. While most of the property fronting Buffalo Trail is zoned LI (Light Industrial) and IB (Intermediate Business), the zoning map clearly shows that R-2 (Medium Density Residential) is the most dominant zoning district.

After visiting the property; Staff found it to be in violation of City Code with unpermitted detached accessory structures and tires/debris located at the back of the property.

Staff did not recommend this rezoning request to the Planning Commission.

The rezoning request failed for lack of a motion.

The meeting was adjourned.

Respectfully submitted,

William Thompson

Vice Chairman

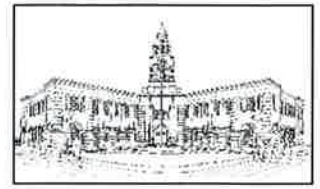
WT/jc

DRAFT

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Regional Planning Commission
FROM: Josh Cole, Planner *[Signature]*
DATE: June 12th, 2018
SUBJECT: Rezoning Request for property located at 2342 Buffalo Trail R-2 to A-1

BACKGROUND:

A rezoning request has been submitted by the property owner of 2342 Buffalo Trail. The applicant is requesting the property be rezoned from R-2 (Medium Density Residential) to A-1 (Agriculture-Forestry).

The property, 5.2 acres in size, has R-2 zoned districts to the North, South, and West; however, the parcel immediately to the east is zoned A-1. The owner has indicated that the property currently has a hay crop on it. They noted that they would like to downzone their property and protect their right to agricultural uses into the future as they seek to continue to harvest crops such as the current hay crop use. It is important to note that certain agricultural uses such as crop production is currently permitted in the R-2 district.



The following list contains the potential uses allowed on an A-1 zoned parcel:

14-3002. USES PERMITTED

1. Agricultural uses and sales including barns and storage sheds
2. Accessory Structures/ buildings
3. Campgrounds & Marina Operations
4. Customary Home Occupations
5. Domestic animals/ wildlife
6. Fishing and Forestry
7. Garden Centers, feed stores and Landscaping Contractors
8. Kennel/Stable
9. Plant and Forest Nurseries
10. Schools and other government uses
11. Single Family Residential
12. Veterinary office/clinic

RECOMMENDATION:

As noted above, crop production is a permitted use in the R-2 district; however, since this parcel does adjoin an A-1 zoned parcel immediately to the east and since this represents a downzoning, staff recommends approval.

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Regional Planning Commission
FROM: Steve Neilson, Comm. Dev. Director *SN*
DATE: June 12, 2018
SUBJECT: Text Amendment –Short Term Rental Units

BACKGROUND:

At the last Planning Commission Workshop, staff gave an update to the Commission about recent legislation (Pub. Ch. 972) passed by the State requiring communities to allow short term rental units (Airbnbs/VRBOs). However, the Legislature did include a provision allowing cities to regulate them. At that workshop, staff discussed including short term rental units (STRUs) as Home Occupations requiring BZA Use on Review approval. As a Use on Review, the adjoining property owners would receive notification of the proposed request and they would be given an opportunity to voice their concerns.

Staff is proposing two types of STRUs, owner-occupied units (OOSTRUs) and non-owner occupied units (NOSTRUs). OOSTRUs would require the owner of the property to live on the premises and would be allowed in all districts where single-family uses are allowed. A NOSTRU operated by a absentee property owner or leasing agent, would be allowed in the OMP, OMP-R, LB, IB, CB, TA, and MUD districts.

RECOMMENDATION:

Staff recommends approval of the proposed text amendments.

Short-Term Rental Units (STRUs)

14-203. DEFINITIONS

OCCUPANCY. The use or possession, or the right to the use or possession, of any room, lodgings, or accommodations in any short term rental unit.

OPERATOR. The person or entity, if applicable, offering a short term rental unit, whether as the owner, lessee, or otherwise.

SHORT TERM RENTAL UNIT (STRU). A dwelling unit, a portion of a dwelling unit, or any other structure or space that is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping and which is offered to transients for consideration for a period of up to thirty (30) consecutive calendar days. "Short term rental unit" shall not include hotels, inns, motels, bed and breakfasts properly approved by the city, or campgrounds; or dwelling units rented according to a landlord/tenant lease agreement..

TRANSIENT Any person who exercises Occupancy or is entitled to Occupancy of any rooms, lodging, or accommodation in a Short Term Rental Unit for a period of less than thirty (30) consecutive calendar days

OWNER OCCUPIED SHORT TERM RENTAL UNIT (OOSTRU) A dwelling unit where the property owner permanently resides in the principal residential unit with which the STRU is associated or on the same lot. An OOSTRU permit can only be issued to an owner of the property who resides on the property. A person can only hold one (1) OOSTRU permit in the city. The owner is not required to remain or be present at the short term rental unit during the occupancy. Limited to three (3) bedrooms

NON-OWNER OCCUPIED SHORT TERM RENTAL UNITS (NOSTRU) A short term rental unit that is operated by an owner or lessee of the property who does not reside on the property.

14-228. HOME OCCUPATION

4. Owner Occupied Short Term Rental Units (OOSTRU) A OOSTRU is an owner occupied short term rental unit (STRU). OOSTRUs are permitted only as a Use on Review in any district where single family uses are permitted provided:
 - a. No person or entity shall operate an OOSTRU or advertise a residential property for use as an OOSTRU without the owner of the property first having obtained an OOSTRU permit issued by the Planning Department.
 - b. The principal renter of an OOSTRU shall be at least twenty-one (21) years of age.
 - c. With the exception of the Central Business District, the operator shall provide two (2) paved on-premise parking spaces for the principle single-family residence and one (1)

paved on-premise parking space for each two guest bedrooms. Vehicles shall not be parked on front lawns.

- d. The maximum number of paying adult guests permitted on a STRU property at any one time shall not exceed more than twice the number of bedrooms plus four. Simultaneous rental to more than one party under separate contracts shall not be allowed.
- e. Signs, advertising, or any other displays on the property indicating that the dwelling unit is being utilized, in whole or in part, as an STRU are prohibited.
- f. All STRU occupants shall abide by all applicable noise restrictions contained Section 11-202 of the Morristown Code of Ordinances.
- g. Each STRU shall provide the following life safety equipment on the premises and installed to manufacturer specifications:
 1. Smoke alarms shall be installed in all the following locations;
 - i. In all sleeping rooms;
 - ii. Outside of each separate sleeping area, in the immediate vicinity of the sleeping rooms; and
 - iii. On each level of the dwelling unit, including basements
 2. Carbon monoxide alarms or carbon monoxide detectors shall be installed where any of the following conditions exists:
 - i. Dwelling units with communicating attached garages;
 - ii. Dwelling units containing fuel-burning appliances;
 - iii. Outside of each separate dwelling unit sleeping area in the immediate vicinity of the sleeping rooms; and
 - iv. On every occupiable level of the dwelling unit, including basements, but excluding attics and crawl spaces.
 3. A fire extinguisher.
Occupancy hazard protection shall be provided by fire extinguishers for such Class A, B, C, D, or K fire potentials as might be present with a minimum rating of 2A:10BC.

Fire extinguishers shall be conspicuously located where they are readily accessible and immediately available in the event of fire.
Fire extinguishers shall be located along normal paths of travel, including exits from areas.
 4. Every smoke and carbon monoxide alarm must function properly with the alarm sounding after pushing the test button and the fire extinguisher must be tested annually by an authorized, licensed fire extinguisher contractor. It shall be unlawful to operate a short term rental unit without a smoke alarm, carbon monoxide detector, or fire extinguisher as required by this section.

- h. A local contact person shall be designated by the operator, who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of:
 - 1. Being able to physically respond, as necessary, within forty-five (45) minutes of notification of a complaint regarding the condition, operation, or conduct of occupants of the short term rental unit; and
 - 2. Taking remedial action necessary to resolve any such complaints.
 - 3. The name and telephone number of the local contact person party shall be conspicuously posted within the STRU unit.

- i. Denial or Revocation of Permit.
 - 1. The operator failed to conform to permit conditions of the previous year.
 - 2. Upon the filing of three or more complaints within a calendar year regarding a STRU permit, the Code Enforcement Officer shall notify the permit holder in writing of such complaints.
 - 3. If the Codes Enforcement Officer determines that violations of this section or any other ordinance or law relating to STRUs have occurred, the permit to operate a STRU may be revoked.
 - 4. Before revoking any permit, the Codes Enforcement Officer shall give the permit holder fifteen days written notice of the alleged violation(s) against him/her.
 - 5. Any revocation of a STRU permit may be appealed to the Board of Zoning Appeals as an administrative appeal pursuant to section 14-2004.1 of the Morristown Zoning Ordinance.
 - 6. The operator fails to pay applicable taxes, including not limited to hotel occupancy privilege tax, sales taxes, and gross receipt taxes

- j. Nonconforming Use.

The owners of nonconforming STRU can continue to operate the unit provided they can submit documentation demonstrating they have paid at least six months of sales taxes on rentals during a 12-month period prior to enactment of rules and continue to maintain a valid Short Term Rental Unit Permit.

(OMP) OFFICE, MEDICAL AND PROFESSIONAL DISTRICT

14-803.38 Non-Owner Occupied Short Term Rental Units

- a. Meet all conditions under 14-228.4

(OMP-R) OFFICE, MEDICAL AND PROFESSIONAL-RESTRICTED DISTRICT

14-8B03.16 Non-Owner Occupied Short Term Rental Units

- b. Meet all conditions under 14-228.4

(LB) LOCAL BUSINESS DISTRICT

14-903.17 Non-Owner Occupied Short Term Rental Units

- a. Meet all conditions under 14-228.4

(IB) INTERMEDIATE BUSINESS DISTRICT

14.1003.13 Non-Owner Occupied Short Term Rental Units

- a. Meet all conditions under 14-228.4

(CB) CENTRAL BUSINESS DISTRICT

14-1103.43 Non-Owner Occupied Short Term Rental Units

- a. Meet all conditions under 14-228.4

(TA) TOURIST ACCOMMODATION DISTRICT

14-1603.8 Non-Owner Occupied Short Term Rental Units

- a. Meet all conditions under 14-228.4

(MUD) MIXED USE DISTRICT

14-2503.24 Non-Owner Occupied Short Term Rental Units

- a. Meet all conditions under 14-228.4