

**MORRISTOWN REGIONAL PLANNING COMMISSION**  
**Agenda**  
**December 13<sup>th</sup>, 2022**



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**Call to Order**

- I.** Approval of November 8<sup>th</sup>, 2022 Minutes
- II.** Old Business: None
- III.** New Business:

- REZN-2736: Rezoning Request R2/OMP to IB  
1829 Sherwood Drive (Buffalo Baptist Church)
- REZN-2746: Rezoning Request R1 to IB  
Tri-County Marine
- REZN-2742: Rezoning Request R2 to IB  
Highway 25E
- REZN-2733: Rezoning Request R2 to R3  
Shields Ferry Road
- REZN-2740: Rezoning Request LI to IB  
1510 N. Liberty Hill Road
- MASD-2642: Final Plat Approval  
Windswept Phases V and VI

- IV.** Departmental Reports: None

**Adjournment**

*The next meeting of the Morristown Regional Planning Commission is scheduled for January 10<sup>th</sup>, 2022, at 4:00 pm.  
The deadline to submit applications for this meeting is December 19<sup>th</sup>, 2022.*

**Morristown Regional Planning Commission Minutes  
November 8, 2022**

**Members Present**

Chairman Frank McGuffin  
Vice-Chairman Jack Kennerly  
Secretary Roni Snyder  
Mayor Gary Chesney  
Councilmember Robert (Bob) Garrett  
Commissioner Amy Hancock  
Commissioner Bill Thompson  
Commissioner Ventrus Norfolk  
Commissioner Sabrina Seamon

**Staff Present**

Steve Neilson, Development Director  
Josh Cole, Senior Planner  
Hope Ross, Administrative Assistant

**Members Absent**

**Others Present**

Randy Corlew  
Glenna Howington - Tribune

Chairman Frank McGuffin called the meeting to order.

**I. Approval of October 11<sup>th</sup>, 2022, minutes:**

Councilmember Robert (Bob) Garrett made a motion for approval of the October 11<sup>th</sup>, 2022, minutes seconded by Commissioner Ventrus Norfolk.

Voting Results upon voice vote all Ayes. Motion carries.

**II. Old Business:**

None

**II. New Business:**

**REZN: Rezoning Request PCD to R2 Thompson Creek Rd**

Senior Planner, Mr. Josh Cole, brought forth a request for City owned property on Thompson Creek Road from Planned Commercial District (PCD) to Medium Density Residential District (R-2). This property is currently being considered for the new location for Fire Station #3. The subject property is approximately 11.5 acres in size and is currently vacant. Frank Lorino Park is located to the east that is zoned R-2, vacant land and residential uses are located to the west across Thompson Creek Road that are zoned PCD, and residential uses along with farmland are to the south which are also zoned PCD.

The recently constructed “Universal at Thompson Creek” multifamily development is just slightly to the southwest of this parcel and a concept plan for the second phase of this development was submitted as part an approved rezoning request. Additionally, Thompson Creek Road is currently undergoing significant improvements to improve the safety of this road and to connect it to nearby commercial properties and Walters State Community College. Due to this improvement, staff views this road as one prime for continued residential development as this use helps transition this road from commercial uses to a City

park. Rezoning City owned property to residential further encourages this type of development. Staff recommends the rezoning to R-2 and would ask Planning Commission forward this to City Council.

Chairman Frank McGuffin asked a question regarding logistics road usage. Josh Cole and Steve Neilson answered.

Commissioner Bill Thompson made a motion to approve the Rezoning seconded by Vice-Chairman Jack Kennerly

Voting Results 9 yes, 0 no. Motion carries.

**MISD-2710: Preliminary Plat Approval Community Center Rd Durham Landing to Veterans Parkway**

Planning Director, Steve Neilson, brought forth a request from the City of Morristown for Preliminary Plat approval of a new road which would connect Durham Landing/Community Center to Veterans Parkway. The proposed road will also function as a rear access road to the proposed John Bell Subdivision, reducing the need for multiple curb-cuts on Merchants Greene. The proposed 1,150-foot-long street will consist of two 12-foot-wide travel lanes and a five-foot wide sidewalk within a 60-foot wide right-of way. Staff recommends preliminary plat approval of the proposed roadway.

Commissioner Ventrus Norfolk made a motion to approve the preliminary plat approval seconded by Councilmember Robert (Bob) Garrett.

Voting Results 9 yes, 0 no. Motion carries.

Chairman Frank McGuffin asked for any other issues to record.

Steve Neilson invited the planning commission to the Morristown Hamblen County Coordinating Commission meeting Wednesday, November 16 at 5pm in the conference room at Public Works.

Chairman Frank McGuffin gave condolences to the family of Sylvia Hensley.

There being no further business, the meeting was adjourned.

Respectfully submitted,

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Roni Snyder, Secretary

RS/hr

# The City of Morristown

## Community Development & Planning

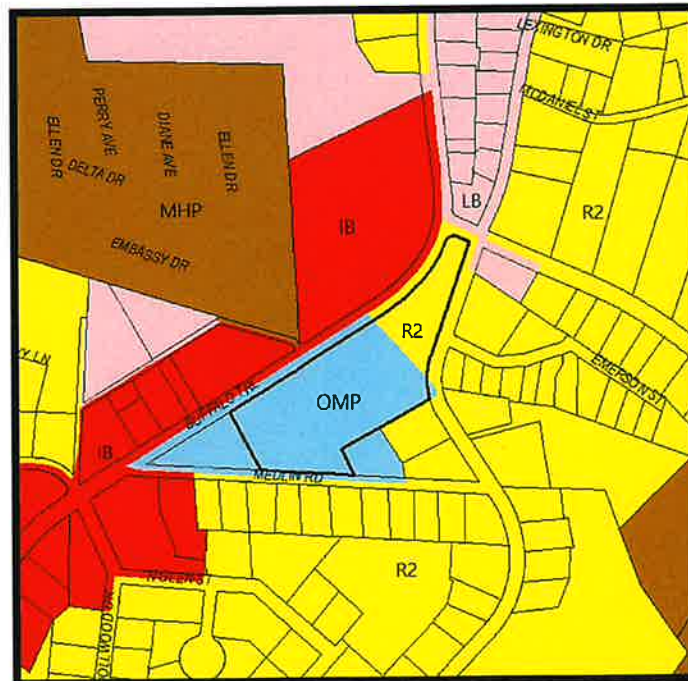


TO: Morristown Regional Planning Commission  
FROM: Josh Cole, Planner   
DATE: December 13<sup>th</sup>, 2022  
SUBJECT: Rezoning Request from R2 and OMP to IB  
Buffalo Trail Baptist Church

### **BACKGROUND:**

Staff has received a request from Buffalo Trail Baptist Church, located at 1829 Sherwood Drive, to be rezoned from R-2 (Medium Density Residential District) and OMP (Office, Medical, and Professional District) to IB (Intermediate Business District). The reason for the request is to upgrade their sign to a digital electronic message center which is not allowed in either the R-2 or OMP district.

The subject parcel is approximately 5.5 acres in size. It has commercial properties zoned IB to the west across Buffalo Trail, a commercial property to the north zoned IB, and primarily residential properties to the south and east zoned OMP and R2.



### **RECOMMENDATION:**

This property is located at the intersection of two major roadways, Buffalo Trail and N. Liberty Hill Road. Staff believes the rezoning to IB is appropriate and matches the surrounding land uses and zoning districts. Staff would ask Planning Commission to forward this to City Council.

# The City of Morristown

Community Development & Planning

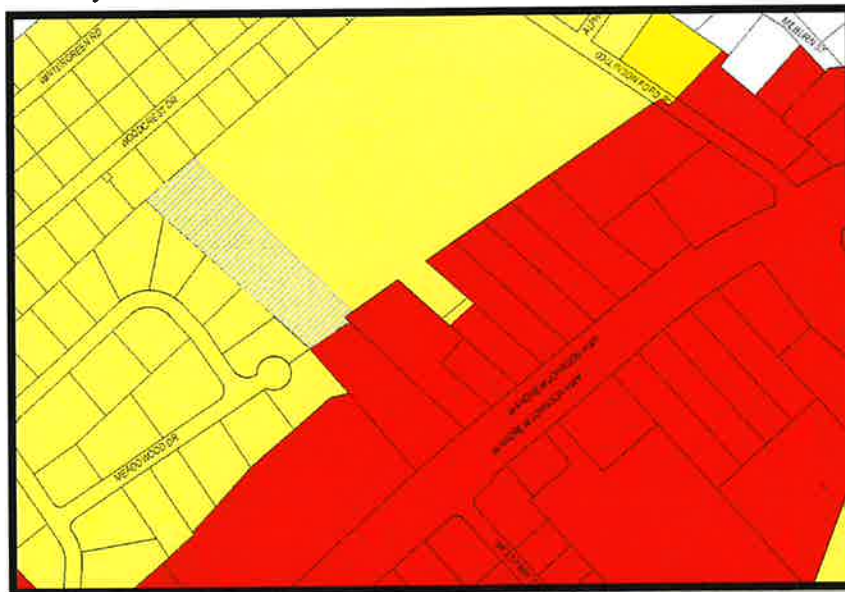


TO: Morristown Regional Planning Commission  
FROM: Josh Cole, Planner  
DATE: December 13<sup>th</sup>, 2022  
SUBJECT: Rezoning Request from R1 to IB  
Tri-County Marine

## **BACKGROUND:**

Staff has received a request from Ronnie Shelley with Tri-County Marine located at 6168 W. Andrew Johnson to rezone a portion of property behind his business from R1 (Single Family Residential District) to IB (Intermediate Business District). This requested portion is approximately 2.5 acres. The applicant is seeking to purchase this property to expand his business.

This property has a single-family residential subdivision to the north and west with both being zoned R1 and the previously mentioned Tri-County Marina zoned IB to the south.



If this rezoning is approved, the expansion of the business will have to meet all applicable site plan requirements including the appropriate buffer between the expansion and the existing residential uses and districts.

## **RECOMMENDATION:**

Staff does not recommend approval of the rezoning request to IB. This request is out of character with the surrounding residential districts and land uses to the north, east, and west. Staff would Planning Commission to deny the request.

# The City of Morristown

Community Development & Planning



TO: Morristown Regional Planning Commission  
FROM: Josh Cole, Planner  
DATE: December 13<sup>th</sup>, 2022  
SUBJECT: Rezoning Request from R2 to IB  
Highway 25E

## **BACKGROUND:**

Staff has received a request from the property owner, Terry Lunsford, to rezone a parcel on Highway 25E from R-2 (Medium Density Residential District) to IB (Intermediate Business District). This property was originally annexed into the city in 1976 with what was formerly the Appalachian Highway.

The requested parcel is approximately 0.6 miles south of the intersection of Highway 25E and Highway 160. It is 6.2 acres in size, vacant. It has S. Davy Crockett/Highway 25E to the west along residential or vacant properties to the south, north, and east.



Prior to any development on this site, the developer will have to submit a site plan that meets all applicable city requirements.

## **RECOMMENDATION:**

Per TDOT, Highway 25-E is a major corridor in the city and the daily traffic counts near this parcel was 17,943 in 2019 which makes it suitable for higher intensity development that accompanies many uses in the IB district. Thus, staff recommends approval of this rezoning request to IB and would ask Planning Commission to forward this to City Council.

# The City of Morristown

## Community Development & Planning



TO: Morristown Regional Planning Commission  
FROM: Lori Matthews  
DATE: December 12<sup>th</sup>, 2022  
REQUEST: Rezoning Request

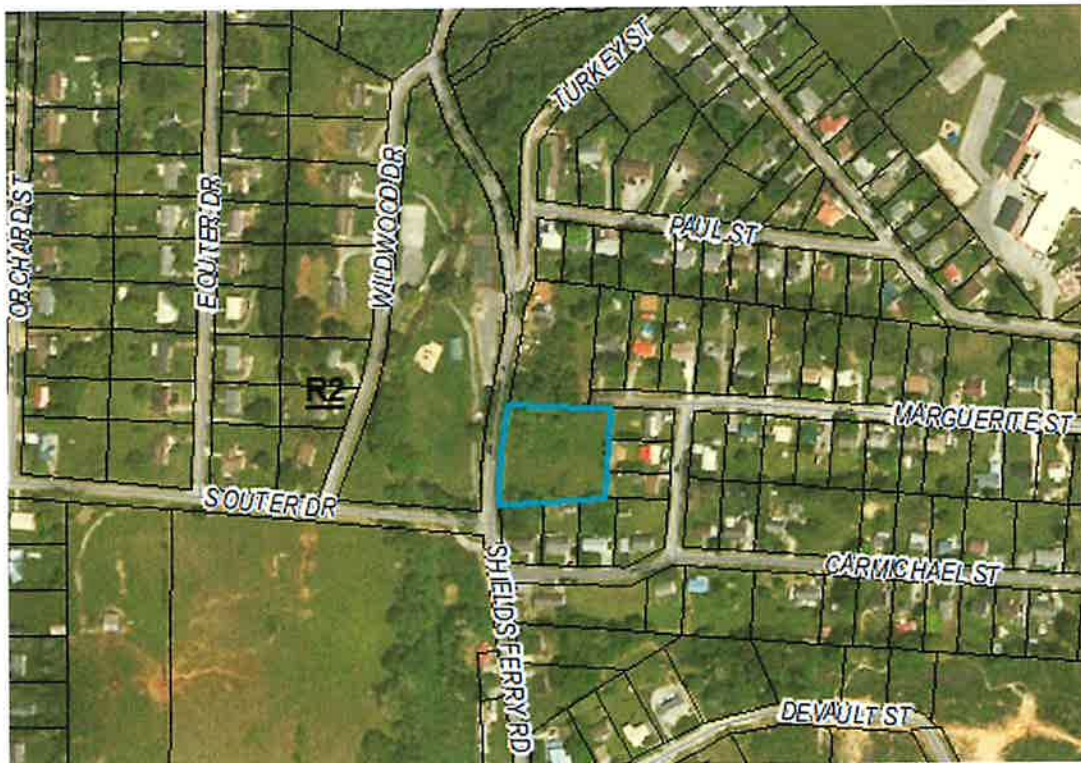
Property owner Guzman Subcontractors, Inc. have requested their property located at 1934 Shields Ferry Road be rezoned from its current designation of R-2 (Medium Density Residential) to R-3 (High Density Residential) for the purpose of building multi-family residential housing units.

The subject site sits directly opposite Wildwood Park and is roughly one-acre in size. It is bounded on all sides by Medium Density Zoning (R-2) with single-family or duplex residential housing units existing. There are 5-plex and 6-plex dwellings at the very end of Shields Ferry Road which average no more than 12 units per acre.

The primary difference between the City's R-2 and R-3 zoning designations is the allowable density. R-2 (Medium Density) allows a maximum of 12 units per acre. R-3 (High Density) allows a maximum of 20 units per acre. The applicant is requesting the higher density zoning in order to build additional units on the property.

### RECOMMENDATION:

Given the density of the surrounding properties is predominantly single family, Staff feels the current zoning designation of R-2 should remain and is asking the Planning Commission to forward a recommendation to deny this request to City Council.



# The City of Morristown

## Community Development & Planning



TO: Morristown Regional Planning Commission  
FROM: Lori Matthews *LM*  
DATE: December 12<sup>th</sup>, 2022  
REQUEST: Rezoning Request

Applicant and property owner, Brad Hall, is requesting his property, located at 1510 North Liberty Hill Road be rezoned from its current designation of Light Industrial (LI) to Intermediate Business (IB). The site is located at the northwest intersection of North Liberty Hill Road with Old Liberty Hill Road.

The 1.5 acre site contains roughly 10,000 square feet of tenant space, originally constructed in the early 1990's. Bordered by Stubblefield Creek to the west and Liberty Hill Methodist Church to the east, the site is surrounded by residential zoning. There exists a mobile home park (zoned Mobile Home Park) and gutter business (zoned Light Industrial) across North Liberty Hill Road from the subject parcel.

Past tenants have included an array of businesses to include hair salons, automotive repair and religious assembly, most of which have been commercial in nature. Fire damage to the building a couple years ago caused the eviction of many tenants. Those tenants wishing to return are all commercial in use, which Staff feels to be a much better fit for this area of the City as opposed to manufacturing uses.

### RECOMMENDATION:

The subject site has historically been used for commercial uses as opposed to manufacturing which is a better fit for the neighborhood as a whole; therefore, Staff would ask the Planning Commission to recommend approval of this rezoning request to the City Council.





# The City of Morristown

## Community Development & Planning



TO: Morristown Regional Planning Commission  
FROM: Lori Matthews  
DATE: December 12<sup>th</sup>, 2022  
REQUEST: Final Plat Approval Requested for Phases 5 & 6 - Windswept Subdivision

Applicant and property owner, Manchester Realty is asking for final plat approval for Phases 5 and 6 in Windswept Subdivision, located off of Spout Springs Road in north Morristown.

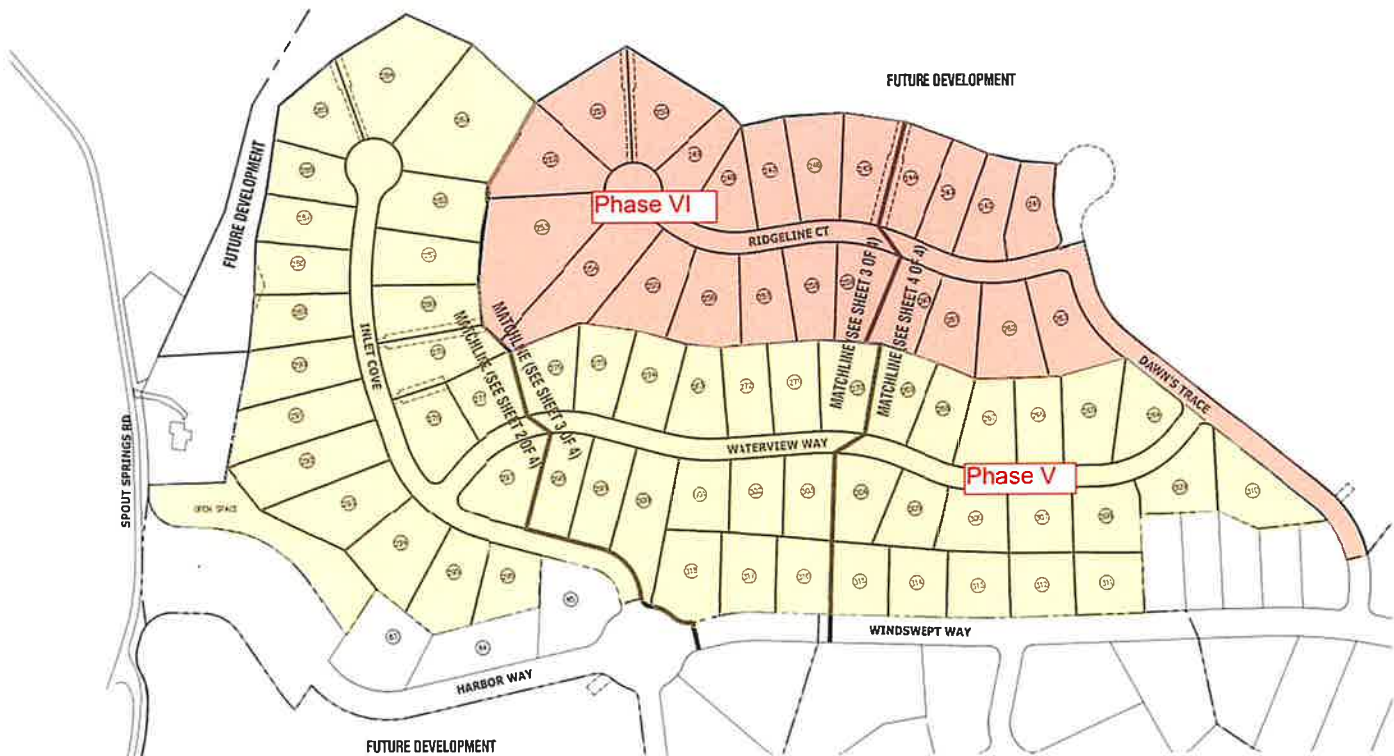
Phase 5 will consist of 23 lots, the extension of Dawn's Trace and construction of a new (private) road, Ridgeline Court.

Phase 6 will consist of 55 residential lots with 1 lot to be used as open space, and the construction of two new (private) streets; Waterview Way and Inlet Cove.

The owner has expressed interest in bonding all infrastructure which is still complete; however, there are Fire Safety regulations against allowing construction to commence without any water availability to the site.

### **RECOMMENDATION:**

At the August meeting, Staff had recommended denial of the final plat due to the limited infrastructure in place of Phase 5 and 6. As of the writing of this memo, limited work has been completed on these phases; therefore, Staff's position has not changed and we would recommend denial of the plat at this time.



**PLANNING COMMISSION, CITY OF MORRISTOWN**

Attn: Chairman Frank McGuffin

From: Developer of Windswept Subdivision

Date: December 8, 2022

Re: Windswept Subdivision Phases V and VI  
Final Plat Approval on December 13, 2022

Chairman McGuffin:

Thank you for receiving this letter on behalf of the development of the Windswept Subdivision. The purpose herein is to convey to the Planning Commission the underlying reasons for requesting final plat approval for Phases V and VI at the December 13, 2022 meeting. We appreciate the consideration and cooperation this Body has given along the way and believe we have a proposal that will provide for the best interests of the City, Windswept Subdivision, and the community at large.

It is worth noting preliminarily that a \$950,000.00 bond remains in place for completion of Phase IV, and all that remains is the pouring and finishing of sidewalks. All curbing and paving is complete, and installation of sidewalks is presently underway and will continue until completion.

Regarding Phases V and VI, final plat approval is a prerequisite to close on real estate transactions involving lot sales. As this Commission is aware, an event sale took place on August 6, 2022 in which a total of approximately \$3,800,000 in lot sales for Windswept Subdivision Phases V and VI were placed under contract.

Since then, interest rates have nearly doubled and it appears ubiquitous that a recession is upon us, and a slowdown on real estate transactions has already arrived. The sales contracts for said lots were executed with time being of the essence for acquiring final plat approval to allow closings to occur. Unfortunately, due mostly to circumstances outside the developer's control relating to acquisition of raw materials, completion of the work is taking longer than anticipated. Now, many purchasers are going to withdraw from the sales contracts if the transaction cannot be closed within the next month. A few have already done so.

If closings cannot occur on the present contracts, it would result in undesirable scenarios that would best be avoided. In the present economic climate, it is unlikely the lots would be sold again for the foreseeable future. This would slow overall development by losing the addition of newer homes at a desired pace, it would cause the City to not receive the influx of additional tax revenues from the addition of the new lots, and continuing development of the subdivision would not necessarily make present economic sense. Of course, plans of purchasers to build homes in the new phases will have positive local economic impacts that will be lost as well.

Present completion of Phases V and VI is progressing well. The developer has spent over \$760,000.00 in purchasing infrastructure materials, most of which is stored on site along Windswept Way. Another \$200,000.00 is being spent in the next two weeks for remaining materials, and as soon as weather permits, installation of storm drains will begin, followed by water, sewer, and electrical. Nearly all materials for completion have now been purchased.

Presently, the Windswept Community Association is enjoying a positive working relationship with the developer and is pleased with the efforts being made for the development as a whole and particularly for completion of Phases V and VI. It is anticipated the Association will support the request for final plat approval of Phases V and VI at the December 13<sup>th</sup> meeting.

The developer is presently working with certain City officials in hopes of entering into an agreement containing provisions that this Body will find acceptable and encourage this Body to vote in favor of granting final plat approval for Phases V and VI. It is the intention to reach an agreement containing the following provisions:

1. The developer presently maintains a \$1,500,000.00 bond for completion of infrastructure and will maintain a bond at all times relative to project completion;
2. In addition to the bond, the developer places \$2,000,000.00 of developer's separate funds into a trust account as additional security (hereinafter "Additional Security") for completion of Phases V and VI;
3. The Additional Security will remain in said trust account until project completion, and reductions to the total may be made correlating with relative bond reductions and levels of completion;
4. The Additional Security will be accessible by the City in the event the City is forced to take action itself to achieve completion;
5. Developer has engaged local contractor David Wild to expedite completion and intends to continue working with Wild until completion of Phases V and VI is achieved; and
6. Developer agrees time is of the essence, completion will remain a top priority, and continual work toward completion of Phases V and VI will remain until completion is achieved.

It is the developer's request that this Body grant final plat approval based upon the foregoing. In order to avoid the losses to the developer, the City, and the community as a whole that would occur if these sale contracts are lost, we believe it is in the best interests of all to look outside usual parameters and move together in a way that will make this investment produce positive outcomes for all involved while adequately protecting all interests involved. Completion will remain a top priority to the developer and receiving final plat approval will allow closing transactions to occur and continue a quicker development of the Windswept Subdivision that will benefit our community as a whole.

Thank you for your consideration. I will have final details to present to this Body on December 13<sup>th</sup> and appreciate your consideration of this request.

Best Regards,

*Matt Sexton*

Matt Sexton  
Counsel for Manchester Holdings, LLC, *et. al*