MORRISTOWN REGIONAL PLANNING COMMISSION Agenda January 10th, 2023



Call to Order

I. Approval of December 13th, 2022 Minutes

II. Old Business: None

III. New Business:

TEXT-2749: Hamblen County Zoning Text Amendment

Development Standards for Sanitary Landfills

MISD-2747:

UGB Preliminary and Final Plat Request

Clay Heights Subdivision

REZN-2748:

UGB Rezoning Request R-1 to A-1

1579 Greene Road

REZN-2733:

Rezoning Request R-2 to R-3

Shields Ferry Road

IV. Departmental Reports:

None

Adjournment

The next meeting of the Morristown Regional Planning Commission is scheduled for February 14th, 2023, at 4:00 pm.

The deadline to submit applications for this meeting is January 16th, 2023.

Morristown Regional Planning Commission Minutes December 13th, 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
Lori Matthews, Senior Planner
Hope Ross, Administrative Assistant
Larry Clark, Assistant City Administrator
Andrew Ellard, Assistant City Administrator

Members Absent

Others Present

Watheda Monroe
David Monroe
Terri Elkins
Krystal Jarnigan
Chris Raines
Doug Hart
Matt Sexton
Lee Shephard
Jorge Guzman
Don Miller
Ronnie Shelly
Dennis Alvis

Chairman Frank McGuffin called the meeting to order.

I. Approval of November 8th, 2022, minutes:

Secretary Roni Snyder made a motion for approval of the November 8th, 2022, minutes seconded by Vice-Chairman Jack Kennerly

Voting Results upon voice vote all Ayes. Motion carries.

II. Old Business:

None

II. New Business:

REZN-2736: Rezoning Request R-2/OMP to IB

Josh Cole, Senior Planner, 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 R-2.

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, it also cleans up this property since it is currently split-zoned. Staff would ask Planning Commission to forward this to City Council.

Mr. Cole stated an adjoining property owner submitted a letter against this request, which is included in the handouts.

Vice-Chairman Jack Kennerly made a motion to approve the rezoning seconded by Commissioner Ventrus Norfolk.

Dennis Alvis, church spokesperson, spoke that the digital sign has not been approved by the church yet, it is still in discussion. The church committee has agreed to support rezoning.

Voting Results 9 yes, 0 no. Motion carries.

REZN-2746: Rezoning Request R-1 to IB Tri-County Marine

Josh Cole, Senior Planner, 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 R-1 (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 single-family residential subdivisions to the north and west with both being zoned R-1 and the previously mentioned Tri-County Marina zoned IB to the south.

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 ask Planning Commission to deny the request.

Ronnie Shelly spoke as the owner of Tri-County Marine in favor of rezoning to expand his business.

Secretary Roni Snyder made a motion to deny the rezoning seconded by Councilmember Robert (Bob) Garrett.

Voting Results 6 yes, 3 no. Motion carries.

REZN-2742: Rezoning Request R-2 to IB S. Davy Crockett Pkwy / Highway 25E

Josh Cole, Senior Planner 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 and currently vacant. It has S. Davy Crockett/Highway 25E to the west and residential or vacant properties to the south, north, and east.

Per TDOT, Highway 25-E is a major corridor in the city and the daily traffic counts near this parcel was 17,943 vehicle trips 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.

A neighbor has submitted a letter against rezoning this property and is included in the handout along with signatures of nearby property owners.

Watheda Monroe, neighbor, spoke against the rezoning to discourage a business from moving in.

Krystal Jarnigan, neighbor living across the street, spoke against rezoning due to the increase in traffic a business would require.

Secretary Roni Snyder made a motion to approve the rezoning seconded by Commissioner Ventrus Norfolk.

Voting Results 8 yes, 1 no. Motion carries

REZN-2733: Rezoning Request R-2 to R-3 Shields Ferry Rd

Lori Matthews, Senior Planner, brought forth a request from property owner Guzman Subcontractors, Inc for 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.

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.

Planning Commission asked questions of logistics of building 20 units on the one-acre property.

Lee Shephard, general manager for Guzman Construction, spoke about having a building plan and site plan for the property.

Vice-Chairman Jack Kennerly made a motion to approve the rezoning seconded by Councilmember Robert (Bob) Garrett.

Voting Results 5 yes, 4 no. Motion carries.

REZN-2740: Rezoning Request LI to IB 1510 N. Liberty Hill Rd

Lori Matthews, Senior Planner, brough forth a request from applicant and property owner, Brad Hall, to 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 guttering 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. Staff will be reaching out to the business across the street to see if the applicant would like to downzone his gutter business to commercial as well. Industrial zones in this predominantly residential area of Morristown are not needed.

The subject site has historically been used 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.

Commissioner Bill Thompson made a motion to approve the rezoning seconded by Mayor Gary Chesney.

Voting Results 9 yes, 0 no. Motion carries.

MASD-2642: Final Plat Approval Windswept Phases V & VI

Lori Matthews, Senior Planner brough forth a request from applicant and property owner, Manchester Realty 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 one lot to be used as open space, and the construction of two new (private) streets; Waterview Way and Inlet Cove. 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, more work has been completed on these phases; therefore, Staff in conjunction with several of the Planning Commissioners have come up with a recommendation.

Staff recommends final plat approval of Windswept Phases 5 & 6 contingent on the following:

- 1. Cash bond deposited to City of Morristown in the amount of \$2 million dollars for surety against defaulting on completion of infrastructure in Phases 5 & 6 of Windswept Subdivision.
- 2. Completion of any top-surface (street) coating which remains to be done along Windswept Way.
- 3. Construction of the required round-about at the northern terminus of Windswept Way, Edgewater Sound, and Serenity Sound.
- 4. Performance bond on the amount of \$150,000 submitted for installation of Morristown Utility sanitary sewer lines and water lines
- 5. Date of complete not to exceed 24-month period set by Planning Commission for Phase 5 & 6 (This timeframe will begin once the subdivision plat is recorded)

Mayor Gary Chesney asked the attorney Matt Sexton that the developer agrees to complete the surface along Windswept and the round-about of Windswept Way, Edgewater Sound and Serenity Sound. Matt replied that due to the nature of the asphalt and the weather they were going to use concrete.

Planning Commission asked the developer if they are aware of the bond for the Morristown Utilities. Matt replied that they were.

Mayor Gary Chesney made a motion to approve the final plat submittal seconded by Commissioner Bill Thompson.

Matt Sexton asked about the existing 1.5-million-dollar bond. Planning Commission commented that the City still has it.

Voting Results 9 yes, 0 no. Motion carries.

Chairman Frank McGuffin asked for any other issues to record.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Roni Snyder, Secretary

RS/hr

Community Development & Planning



TO:

Morristown Regional Planning Commission

FROM:

Steve Neilson, Development Director 54

DATE:

January 10, 2023

REQUEST:

County Text Amendment - Landfills

BACKGROUND:

Staff has received a text amendment request from Hamblen County to amendment Section 7.6 Development Standards for Sanitary Landfills. In Mayor Bill Brittain's attached letter, he states based on the TN Attorney General's opinion, local landfill regulations cannot be stricter than state regulations. The County's regulations are stricter regarding setbacks. The Mayor states the language below was prepared by the County Attorney and himself.

7.6 Development Standards for Sanitary Landfills

Because of the nature and character of solid waste landfill operations, the potential for detrimental effects upon the health, safety, and welfare of surrounding residents exists. To prevent and minimize potential problems, proposed solid waste landfills shall be evaluated by using the standards promulgated by the State of Tennessee as set forth in the Rules and Regulations of the Tennessee Department of Environment and Conservation, TDEC Rule Chapter 0400-11-01, "Solid Waste Processing and disposal", as same may be amendment from time to time.

RECOMMENDATION:

The Morristown Regional Planning Commission voted to forward the request on to the Hamblen County Commission for approval.



December 27, 2022

John Hofer, Chairman Hamblen County Planning Commission 511 West Second North St. Morristown, TN 37814

Dear John,

As the Hamblen County Solid Waste System has worked to expand its current landfill during the past several months, we has discovered that the County Zoning Regulations regarding the development of sanitary landfills need to be revised.

A Tennessee attorney general's opinion (Opinion No. 09-12) states that local regulations regarding landfills cannot be stricter than state regulations. Our current zoning regulations under Section 7.6 exceed the landfill regulations established by the Tennessee Department of Environment and Conservation (TDEC) which is the state regulatory agency for solid waste management. For example, our current regulations require landfill trenches and demolition areas to be 2,000 feet from any residence, school or church. TDEC requirements are 100 feet from property lines, 200 feet from streams and 500 feet from residences and all wells used as a source of drinking water by humans or livestock.

The County Attorney and I are recommending that the Planning Commission approve and recommend to the County Commission a revision that states all proposed solid waste landfills must meet TDEC regulations under TDEC Rule Chapter 0400-11-01 "Solid Waste Processing and Disposal."

Proposed verbiage is attached.

Thank you for your consideration.

Sincerely, Bell Buttain

Bill Brittain County Mayor

STATE OF TENNESSEE OFFICE OF THE ATTORNEY GENERAL PO BOX 20207 NASHVILLE, TENNESSEE 37202

February 5, 2009

Opinion No. 09-12

Effects of Special Legislation Extending County's Authority Over Disposal of Solid Waste

QUESTIONS

- 1. Would enactment of a private act, which prohibits the construction of any new solid waste disposal or processing facility in a specific county by any person, county, municipality, or private entity located outside of such county but which gives the county legislative body authority to approve or disapprove such construction if undertaken by an individual or business located within such county, contravene the Solid Waste Management Act of 1991, Title 68, Chapter 211, Part 8, or any other law of general application?
- 2. If this special legislation is enacted, would it be considered unconstitutional and in violation of Article XI, Section 8 or any other constitutional provisions?

OPINIONS

- 1. Yes. The proposed special legislation would contravene the Solid Waste Management Act of 1991, Tenn. Code Ann. § 68-211-801 et seq., and Tenn. Code Ann. § 68-211-701 et seq., known as the "Jackson Law," which are both general laws that control when a local government in Tennessee can prohibit the construction of a new solid waste disposal or processing facility within its borders.
- 2. Yes. The proposed special legislation would be unconstitutional because there is no rational basis on the face of the proposed special legislation nor can this Office conceive of any rational basis as to why one county should be excepted from general laws that apply to all other counties in Tennessee controlling when local governments can prohibit the construction of new solid waste landfills within their borders. As a result, the proposed special legislation is unconstitutional under Article XI, Section 8, as invalid class legislation.

ANALYSIS

1. This request seeks an opinion regarding the validity of proposed special legislation in the form of a private act for Lewis County, which would prohibit any individual, county, municipality, or private entity located outside of the county from obtaining a permit for the construction of a new solid waste disposal or processing facility within Lewis County. The proposed private act also prohibits a permit from being issued to individuals or businesses located within Lewis County unless the county legislative body approves of the project after

considering six (6) specific factors specified in the proposed private act, which focus on the type of waste, method of disposal, and impact on the local community.

The proposed private act essentially establishes a program specifically for Lewis County, which would allow the county to keep out-of-county residents from constructing new solid waste landfills within Lewis County. It also allows only individuals and businesses that are located within Lewis County the right to have their project go before the county legislative body for approval or disapproval in consideration of specific factors provided in the private act. Such a program is clearly inconsistent with and contravenes the comprehensive statewide program established by the Solid Waste Disposal Act of 1991, Tenn. Code Ann. § 68-211-801 et seq. and the Jackson Law, Tenn. Code Ann. § 68-211-701 et seq., which provide the standards under which a local government in Tennessee can act to prevent the construction of a new solid waste disposal or processing facility within its boundaries.

The Jackson Law, Tenn. Code Ann. § 68-211-701 et seq., requires that parties seeking to construct a new landfill for solid waste disposal or for solid waste processing in a county or municipality that has opted in to the law must submit construction plans to and obtain local approval from the appropriate municipal or legislative body before commencing construction of the project. Tenn. Code Ann. § 68-211-701. The Jackson Law also requires the appropriate local legislative body to provide public notice of the proposed landfill, take written comments, and hold a public hearing if there is sufficient interest. Tenn. Code Ann. § 68-211-703. After there has been notice and opportunity for a public hearing, the local legislative body must approve or disapprove the project taking into consideration certain specific criteria in the law, which deal with such considerations as the type of waste being disposed, method of disposal, and impact on the local community. Tenn. Code Ann. § 68-211-704. The Jackson Law "affects all citizens in all counties and municipalities of the State." Profill Dev. Inc. v. Dills, 960 S.W.2d 17, 32 (Tenn. Ct. App. 1997)

The proposed private act in this case creates a different program for local approval of the construction of new solid waste landfills in Lewis County and as a result is clearly inconsistent with the Jackson Law. Under the Jackson Law, a local legislative body must approve or disapprove of a proposed new solid waste landfill based solely on specific criteria in the statute. Tenn. Code Ann. § 68-211-704. These statutory criteria do not include any consideration of whether the individual or entity proposing the solid waste landfill is located within the county where the landfill is proposed to be constructed. The proposed private act conflicts with the process established in the Jackson Law because it prevents the construction of any new solid waste landfill within Lewis County based solely on the fact that the person or entity proposing the landfill resides outside of Lewis County. The private act does require the county to consider the same criteria as the Jackson Law does but only when considering the application of an individual or business located within Lewis County. By prohibiting applicants of a proposed landfill from obtaining a permit solely because they are located outside of Lewis County and by only applying the equivalent Jackson criteria to applicants residing within Lewis County, the proposed private act is clearly inconsistent with and contravenes the Jackson Law.

The proposed private act also contravenes the Solid Waste Management Act of 1991, Tenn. Code Ann. § 68-221-801 et seq. (SWMA). One of the goals of the SWMA is "to institute

and maintain a comprehensive, integrated, state-wide program for solid waste management." Tenn. Code Ann. § 68-221-803. The SWMA, along with several other laws in Tennessee, creates "a uniform state policy on the subject of the disposal of solid waste applicable to all local governments." City of Tullahoma v. Bedford County, 938 S.W.2d 408, 414 (Tenn. 1997). The SWMA provides an additional way for local governments to control the construction of new solid waste landfills within a county or municipality. It requires that municipal solid waste regions be established, which are to consist of one county or two or more contiguous counties. Tenn. Code Ann. § 68-211-813. Lewis County is a single county solid waste region under the SWMA. The SWMA also requires each region to submit a plan for approval to the Tennessee Department of Environment and Conservation (TDEC), which must be consistent with the state plan established under Tenn. Code Ann. § 68-211-603. Tenn. Code Ann. § 68-211-813. The SWMA also provides that solid waste regions can disapprove of an application for construction of a new solid waste landfill or the expansion of a landfill within the region only if it is "inconsistent with the solid waste management plan adopted by the county or region and approved by the department." Tenn. Code Ann. § 68-211-814(b)(1)(B). The proposed private act establishes a program that is inconsistent with the program established by the SWMA because it automatically prohibits permits for construction of new solid waste landfills by applicants located outside of Lewis County without taking into consideration whether the proposed landfill would be consistent with the region's approved plan.

2. The proposed public act would be considered unconstitutional because it violates Article XI, Section 8, of the Tennessee Constitution. Article XI, Section 8, provides that "[t]he Legislature shall have no power to suspend any general law for the benefit of any particular individual, nor to pass any law for the benefit of individuals inconsistent with the general laws of the land." Tenn. Const. art. XI, § 8. "Tennessee courts have interpreted Article XI, section 8 as prohibiting the general assembly from passing laws that affect the rights of citizens without affecting others in like condition elsewhere in the State." Profill Dev. Inc. v. Dills, 960 S.W.2d 17, 32 (Tenn. Ct. App. 1997) (citations omitted). In order for there to be a potential violation of Article XI, Section 8, a private act must contravene a general law that has mandatory statewide application. Knox County ex rel. Kessel v. Lenoir City, 837 S.W.2d 382, 383 (Tenn. 1992). If a private act does contravene general law and there is no reasonable basis for the private act, it will be declared invalid. Brentwood Liquors Corp. of Williamson County v. Fox, 496 S.W.2d 454, 457 (Tenn. 1973).

In City of Tullahoma v. Bedford County, 938 S.W.2d 408 (Tenn. 1997), the General Assembly passed a private act which gave Bedford County the right to require payment of a fee for the right to dispose of solid waste at landfills within the county. Id. at 411. The court found that there was no reasonable basis from the record showing why Bedford County was being excepted from the general law. Id. at 412. The court also noted that the Tennessee General Assembly had passed the SMWA, which regulated the collection of fees by counties and municipalities related to the control and disposal of solid waste. Id. at 413. The court further found that the fee charged by the private act did not conform with the statutory conditions for imposing fees established under the SWMA. Id. Based on these considerations, the court determined that the SWMA was obligatory general law and that the private act was not consistent with the general law. Id. at 414. Because the private action was inconsistent with the general law, the court held that the private act was invalid. Id. at 415.

Like the proposed private act in City of Tullahoma, in this case, there is no reasonable or rational basis in the private act for treating Lewis County differently from other counties in Tennessee. The SWMA and the Jackson Law are laws of general application that provide a comprehensive uniform statewide program controlling when and how local governments can approve or disapprove the construction of new solid waste landfills within their boundaries. The proposed private act prohibits the construction of new landfills in Lewis County based solely on whether the applicant is a resident of Lewis County. This approach is in direct conflict with the Jackson Law, which requires local governments to consider statutory factors dealing with the type of waste, method of disposal, and impact on the local community, regardless of where the applicant for the project is located. Likewise, the private act is inconsistent with the SWMA, because it does not require the local government to make its decision in consideration of whether it is consistent with the plan adopted by the local solid waste region and approved by TDEC as required by the SWMA. Because the proposed private act is inconsistent with general law and because there is no rational basis for the classification in the proposed private act, it is the opinion of this Office that the proposed private act would be considered unconstitutional under Article XI, Section 8, of the Tennessee Constitution.

ROBERT E. COOPER, JR. Attorney General and Reporter

MICHAEL E. MOORE Solicitor General

WILSON S. BUNTIN Assistant Attorney General

Requested by:

The Honorable Joey Hensley, M.D. State Representative 70th Legislative District 106 War Memorial Building Nashville 37243

Community Development & Planning



TO:

Morristown Regional Planning Commission

FROM:

Josh Cole, Planner

DATE:

January 10th, 2022

SUBJECT:

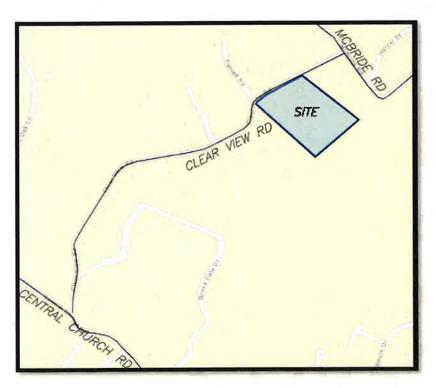
Preliminary and Final Plat Request: Clay Heights Subdivision

Urban Growth Boundary Clear View Road

BACKGROUND:

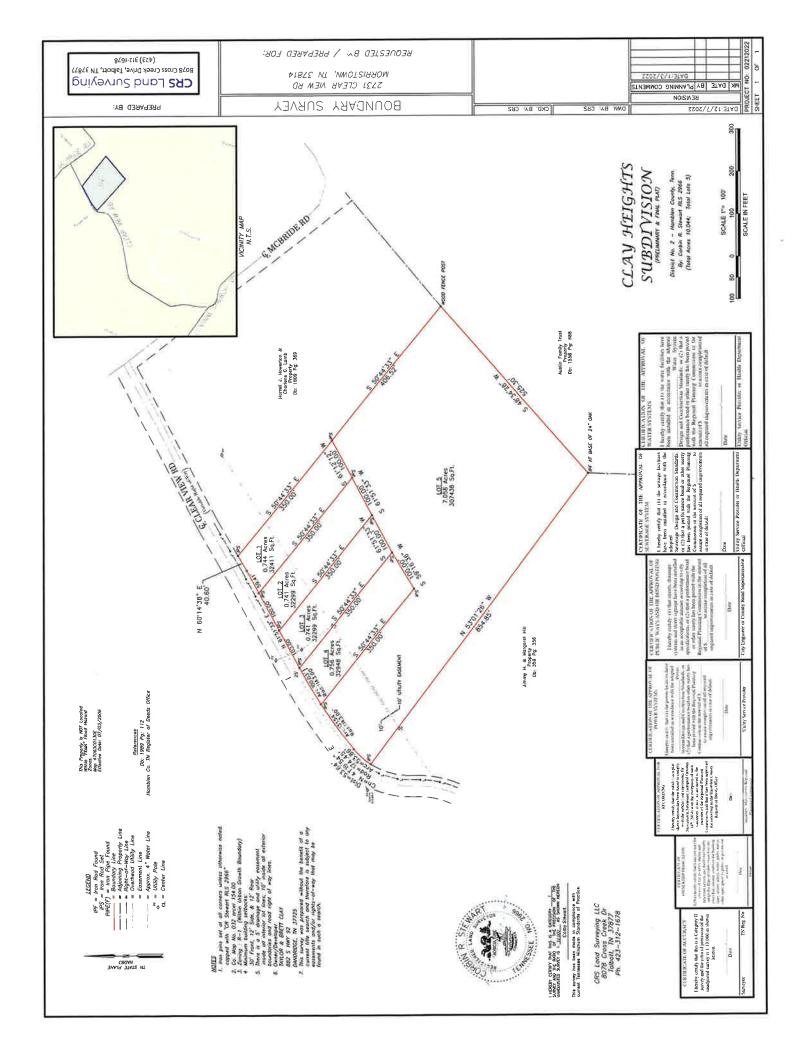
Staff has received a request for preliminary and final plat approval from surveyor Corbin Stewart for the proposed "Clay Heights Subdivision." The subdivision is located on Clear View Road which is outside of the City municipal limits but within the Urban Growth Boundary so it must receive approval from the Regional Planning Commission.

This plat consists of 5 lots on 10.044 acres. The first four varies from 0.741 acres to 0.756 acres in size and the final lot being 7.058 acres in size.



RECOMMENDATION:

This plat meets all applicable subdivision requirements; however, the applicant is still waiting on approval from TDEC for the subsurface sewage disposal systems (SSDS). Thus, staff recommends Planning Commission to approve this request contingent upon TDEC approval.



Community Development & Planning



TO:

Morristown Regional Planning Commission

FROM:

Lori Matthews

DATE:

January 10th, 2023,

REQUEST:

Rezoning Request

Property owner(s) Richard and Brenda Ford are requesting their property located at 1579 Green Road be rezoned from R-1 (Single Family Residential) to A-1 (Agricultural) to accommodate placement of a single-wide mobile home. The existing residence suffered fire damage this past fall, so the applicants are asking to tear down what remains of the house and erect in its place a single-wide mobile home.

The surrounding neighborhood is a mix of R-1 and A-1 zoning with single family residential properties being the predominant use. As the applicants wish to continue the residential use of the property, Staff would be in favor of this request as there is A-1 zoning in close proximity.

RECOMMENDATION:

Staff would ask the Morristown Regional Planning Commission to recommend approval of this request to the Hamblen County Commission.



Community Development & Planning



TO: Morristown Regional Planning Commission

FROM: Lori Matthews

DATE: January 10th, 2023 REQUEST: Rezoning Request

Property owner Guzman Subcontractors, Inc. has 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:

The Morristown Regional Planning Commission at their December 13th meeting voted to forward this request on to City Council for approval. The City Council at their December 20th meeting voted to send this request back to the Planning Commission for further consideration. Staff's recommendation is unchanged and we recommend that this request be denied.



MORRISTOWN BOARD OF ZONING APPEALS Agenda January 10th, 2023



Call to Order

I. Approval of October 11th, 2022 Minutes

II. Old Business: none

III. New Business:

UORV-2756:

Use on Review Request for Mini Storage in LI Dr. Martin Luther King Jr. Pkwy/Hwy 160

Adjournment

The next meeting of the Morristown Board of Zoning Appeals is scheduled for February 14th, 2023, at 4:00 pm.

The deadline to submit applications for this meeting is January 16th, 2023.

Community Development & Planning



TO: Morristown Board of Zoning Appeals

FROM: Lori Matthews
DATE: January 10th, 2023
REQUEST: Use on Review Request

RECOMMENDATION:

Property owners D & S Property Investments, LLC. is seeking use approval to allow the construction and operation of mini-storage warehousing within a Light Industrial (LI) zoned district. The subject property is located near the intersection of Highway 160 with Dr. Martin Luther King Jr. Boulevard, opposite the new elementary school location.

Almost 10 acres in size, the parcel is completely forested as are many of the surrounding properties. The concept plan shows 8 primary structures housing 305 units on roughly just over an acre of land. Access will be from Dr. Martin Luther King Jr. Boulevard and should be in alignment with the (proposed) school entrance.

RECOMMENDATION:

Staff would ask that this use be approved as any impacts from the proposed development will be minimal to the surrounding area.



PUBLIC NOTICE

The Morristown Regional Planning Commission will hold its monthly scheduled meeting on Tuesday, January 10, 2023, at 4:00 p.m. in Council Chambers at City Center.

The Morristown Board of Zoning Appeals will hold their regular meeting immediately after the Planning Commission.

Morristown Regional Planning Commission Agendas can be found on the City of Morristown website www.mymorristown.com or at City Center on Friday afternoon prior to the scheduled meeting.

TO BE RUN IN CITIZEN TRIBUNE ON THE FOLLOWING DATE:

SUNDAY January 8, 2023

1 of 1 01/04/2023 16:09:05 **Page** 22303377 Ad Number Ad Key 04 - Class Rep 04 Order Number 22204906 Salesperson : Citizen Tribune PO Number Publication Classified Section Customer 21876374 City Of Morristown (04) Section : Sub Section Classified Section Contact Public Notices-130 Address1 Brian Johnson Category : 01/08/2023-01/08/2023 Address2 PO Box 1499 **Dates Run** : Morristown TN 378161499 Days City St Zip : 1 x 4.74, 49 lines (423) 581-0100 Size Phone (423) 585-4679 Words Fax Ad Rate Open **Ad Price** 40.18 **Printed By** ctadtaker3 Entered By ctadtaker3 **Amount Paid** 0.00 **Amount Due** 40.18 : Regional Planning Commission Meeting Jan. 10 2023 Keywords **Notes**

Public Notice

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Zones

The Morristown Regional Planning Commission will hold its monthly scheduled meeting on Tuesday, January 10, 2023, at 4:00 p.m. in Council Chambers at City Center.

The Morristown Board of Zoning Appeals will hold their regular meeting immediately after the Planning Commission.

Morristown Regional Planning Commission Agendas can be found on the City of Morristown website www.mymorristown.com or at City Center on Friday afternoon prior to the scheduled meeting.

Run Dates: 01/08/2023