

MORRISTOWN REGIONAL PLANNING COMMISSION
Agenda
September 12th, 2023



Members of the public will have the opportunity to speak as items are presented.

Call to Order

I. Approval of August 8th, 2023 Minutes

II. Old Business: None

III. New Business:

1. Annexation Request – Noes Chapel Road/Cherokee Drive
2. Rezoning Request (R-1 to IB) – 455 Fish Hatchery Road
3. Rezoning Request (LI to R-2) – 432 N. Liberty Hill Road
4. Gateway Overlay District – Knoxville Orthopedic Clinic
5. Subdivision Regulations Deviation – Windswept Street Lights
6. Preliminary and Final Plat Approval – Whitmill Subdivision (Shields Ferry Road)

IV. Departmental Reports:

None

Adjournment

*The next meeting of the Morristown Regional Planning Commission is scheduled for October 10th, 2023, at 4:00 pm.
The deadline to submit applications for this meeting is September 18th, 2023.*

Morristown Regional Planning Commission Minutes

August 8, 2023

Members Present

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

Members Absent

NONE

Others Present

Darlene Smith
Debra Carroll
Ruth Helms
Crampton Helms
Sandra Kelly
Rob Kelly
Debra Williams
Lora Osburn
Michael Jinks
Jackie Jinks
Angelia Ramsey
James Ramsey
Walt Thomason
Debbie Chance Helms
Pat Helms
Mike Hodge
Donald Owens
Pat Owens
Richard Shipard

Staff Present

Josh Cole, Senior Planner
Lori Matthews, Senior Planner
Hope Ross, Administrative Assistant
Mark Johns, Chief Building Official
Cindy Dibbs, Executive Assistant

Others Present Continued

Ann Shipard
Debbie A'Hearn
Brenda Clawson
Rusty Smith
Mark Holtkamp
Jamie Helms
Anne Lorick
Leslie Jo Deaderick
Chad Wardrop
Linda Noe
Glenna Howington
Dawson Long Jr
David Southerland
Rebecca Templeton
Jamie Llyatt
Ray Bible
Thelma McNeal
William Burja
Martha Burja

Chairman Frank McGuffin called the meeting to order.

I. Approval of July 11th, 2023, minutes:

Commissioner Ventrus Norfolk made a motion for approval of the July 11th, 2023, minutes seconded by Mayor Gary Chesney.

Voting Results upon voice vote all Ayes. Motion carries.

II. Old Business:

None

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II. New Business:

Rezoning Request A-1 to I-1 REZN-2864: Maple Valley Rd & S. Sugar Hollow Rd (UGB)

Josh Cole, Senior Planner, has received a request from applicant, Leslie Jo Deaderick, on behalf of property owners, to rezone a parcel at the northeastern intersection of Maple Valley Road and S. Sugar Hollow Road from Hamblen County zoning A-1, Agricultural-Forestry District, to I-1, Industrial District. This property is outside of the City limits but it is within the Urban Growth Boundary so it must start with the Regional Planning Commission prior to going to the appropriate Hamblen County governing bodies. This parcel is currently vacant and contains 12.51 acres. The applicant has noted that they are requesting this in order to place an office and warehouse for a concrete pumping truck business. It does contain I-1 zoning on an adjacent piece of property to the northwest along with similar zoning districts and uses to north on S. Sugar Hollow Road.

Due to the proximity of the I-1 district and similar uses along this road, Staff recommended approval of this request and asked Planning Commission to forward it on to Hamblen County Commission.

Secretary Roni Snyder made a motion to approve the rezoning request seconded by Commissioner Alpha Alexander.

Voting Results 9 yes, 0 no. Motion carries.

Right of Way Closure Request ROWC-2797: Portion of Bushong Ave

Josh Cole, Senior Planner, received a request from Carl and Rebecca Templeton, the property owners of 301 Bushong Avenue, to close a portion of Bushong Avenue right-of-way. The requested portion is just to the north of the intersection of Cherry Avenue and Bushong Avenue and appears to have been a stub that was to be used for future development to occur on the property to the north. Based on subdivision plats, this stub is approximately 50' wide by 145' in length. Per the applicant, they are currently using this portion of the right-of-way as a private drive onto their property and wished to maintain use of this stub.

Mr. Cole stated that it was premature to close and abandon this stub due to the unknown nature of how the vacant property to the north will ultimately be developed. However, this request could be reexamined in the future if the property is developed without the use of this stub.

Mayor Chesney verified that Mr. Cole was stating it was premature to close the stub because the property to the north was vacant and it was undetermined how it will be used. Although a vote to not close the right of way today does not mean that the request couldn't be revisited in the future. Josh agreed that it is premature to close the stub at this time.

Councilmember Robert (Bob) Garrett verified that this request was to close the stub on Bushong. Mr. Cole agreed.

Rebecca Templeton, resident on the stub on Bushong Ave, requested the stub to be closed due to the potential of increased traffic discouraging neighbors and children to use the stub as a place of leisure.

William Thomason, neighbor, requests right of way to be closed today and if future development is built as an R-1 then to reopen it. Any other zoning request would keep the right of way stub closed.

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Vice-Chairman Jack Kennerly stated that the property is currently zoned R-1 and more than likely stay R-1 because of the topography.

Mayor Gary Chesney asked Staff how many houses could fit in the southern half of the property in question. Mr. Cole replied that due to the topography and sewer lines developing anything would be challenging. Mr. Cole stated that Staff recommended the stub stay open because of the consistent zoning with the neighborhood.

Rob Kelly, neighbor, requests the right of way be closed now and reopen it if plans were presented to develop the land with R-1 lots with house.

Vice-Chairman Jack Kennerly stated that the City would sell the land the close the right of way and would not be able to buy the land back if the right of way needed to be opened.

Chairman Frank McGuffin stated any road improvements to future homes built on the residential property is the responsibility of the developer.

Mr. Cole stated that prior to any development, a full set of construction plans and divided lot plats are required and would be presented and voted on by the Planning Commission. He emphasized that if the stub at Bushong was closed it would be a quick claim to the adjoining property owners.

Vice-Chairman Jack Kennerly made a motion to deny the request to right of way closure seconded by Commissioner Sabrina Seamon

Voting Results 9 yes, 0 no. Motion carries.

Right of Way Closure Request ROWC-2836: Portion of Baylor Ave

Josh Cole, Senior Planner, received a request from James and Angelia Ramsey, property owners of 1631 Morningside Drive, to close a portion of Baylor Avenue right-of-way. The requested portion is a stub into undeveloped property located to the north and east of the Ramsey's. Per the applicants, they are requesting the closure for a multitude of reasons including the adjacent property has yet to be developed, people are using this right-of-way as an access to trespass on his and adjoining properties, and potential safety issues. The requested portion is approximately 40' wide by 140' in length.

Much like the Bushong request, staff believed it is premature to close and abandon this stub due to the unknown nature of how the vacant property to the north will ultimately be developed. However, once again, this request could be reexamined in the future, based if the property is developed without the use or need of this stub.

Chairman Frank McGuffin stated he agreed that the property owner needs to deter traffic from trespassing onto his property. Mr. Cole stated that the property owner may block the driveway to and from the business located at 1600 E Andrew Johnson Hwy.

Mayor Gary Chesney asked if the two ends of the driveway were City right of way. Mr. Cole replied that it is private property and deferred the solution to public works for a firmer barrier than orange cones.

James Wyatt, neighbor, asked if the dead end of Baylor could be turned into a cul-de-sac.

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Ray Bible, previous owner, explained the history of the driveway.

James Ramsey, property owner, explained that his concern that if the adjacent lot is built out and the road widened, their house door will be at the road, and they will back out of their garage onto a public street.

Chairman Frank McGuffin verified that Mr. Greene owns a parcel at the end of the Baylor right of way.

Rebecca Templeton, neighbor, testified that many people travel on the driveway to and from the business located at 1600 E Andrew Johnson Hwy.

Secretary Roni Snyder made a motion to deny the request to close the right of way seconded by Commissioner Amy Hancock.

Voting Results 8 yes, 1 no. Motion carries.

Rezoning Request R-1 to IB REZN-2870: E Andrew Johnson Hwy

Lori Matthews, Senior Planner, has received a request from property owner Shannon Greene to rezone a portion of his property which fronts East Andrew Johnson Highway from its current designation of R-1 (Single Family Residential) to IB (Intermediate Business). The subject site is located north of Morningside Subdivision between the Bible Insurance building and Priceless Foods. A request to rezone this site came before the Planning Commission in October of 2021. The request at that time was to rezone the entire site from R-1 to R-2 (Medium Density Residential). The applicant sought the new zoning designation in order to construct apartments. The Planning Commission at that time recommended the request be denied to the City Council. The applicant decided to withdraw the request. The current request is to rezone only the front 7+/- acres of the 15-acre parcel, the boundary of which would be approximately 350' south of East Andrew Johnson Highway, essentially an extension of the existing commercial district to the west. The entire site was deforested and completely vacant. The subject site fronts a major highway with traffic counts of 18,000 per day within that area. As would be expected along a busy thoroughfare, properties both to the north and west of the site are used and zoned for commercial activity (Intermediate Business). Morningside Subdivision, a single-family residential subdivision platted in the early to mid-1950's, surrounds the remainder of the site and is zoned R-1 (Single Family Residential).

As this request fronts existing commercial land uses along a major arterial (East Andrew Johnson Highway), Staff asked the Planning Commission to recommend approval of this request City Council. Should this request be approved by the City Council, a boundary survey plat will be required to be submitted by the applicant showing the definitive boundaries of the request area.

Chairman Frank McGuffin asked if the commercial portion would have access to the property from the R1 district. Ms. Matthews stated that there will not be access from the residential district. And Chairman Frank McGuffin verified that they will only have access to the property from the commercial side, Ms. Matthews confirmed. Chairman Frank McGuffin also stated that due to regulations, there must be a buffer between the commercial section and the residential section.

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Ms. Matthews stated that under the current regulations, commercial properties must have a 20'-25' buffer on the lot line between any property of residential use or residential zone. The property owner would be required to plant either two rows of evergreen trees or one row of evergreen trees with a fence.

Al A'Hearn, City Council member, asked if the requested area to be rezoned commercial was at the border of the embankment and if so, would the buffer be required at the top of the embankment or below. Ms. Matthews replied that this issue was discussed with staff, and they concluded that the buffer would not be allowed on the downward slope. The site design would require an included buffer behind the buildings on the level portion.

William Burga, neighbor, voiced his concern for the damage to Chestnut Ave. from the heavy equipment, the cut trees left on the property, and the erosion caused by the absence of trees and moving of dirt. Mr. Burga requested that a barrier be put in place at the dead end of Chestnut Ave.

Chairman Frank McGuffin verified with Ms. Matthews that access to the commercial property will be from E. Andrew Johnson Hwy. Ms. Matthews confirmed and stated that the entrance from E. Andrew Johnson Hwy will be determined by the property owner's engineer. Chairman Frank McGuffin asked if there was anything the City could do to deter heavy equipment from using Chestnut Ave. Ms. Matthews stated that the applicant would need to show where the equipment lay down yard would be during construction of a commercial development, which is reviewed by staff during a site plan review. Ms. Matthews also stated that staff would ask the applicant for erosion control for construction vehicles.

Sabrina Seamon asked if this portion of the property was rezoned to commercial, vehicle access cannot go through the residential area. Currently the whole property is residential everything is accessible from Bushong and Baylor. Does changing the zoning address the concerns of the neighbors.

Michael Jinks, neighbor and owner of several properties in the neighborhood, voiced his concern regarding historical flooding and current flooding.

Debbie Carroll, neighbor, described the landscape and where the main sewer line runs on the property and where the flooding occurs.

Laura Lovin, neighbor, described how her tree limbs broke and her neighbors helped her bring them to the curb. She urged the Planning Commission to make the neighborhood proud.

Mayor Gary Chesney reminded the audience that after the vote with the Planning Commission, the request will go to City Council to review. He stated that if this portion of property is rezoned, agricultural use is no longer in effect and the opportunity to drive on residential roads with heavy equipment will no longer be allowed. The City Council will be heavily influenced by the condition of the back property.

Mayor Gary Chesney made a motion to approve the rezoning seconded by Commissioner Alpha Alexander.

Voting Results 8 yes, 1 no. Motion carries.

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Site Plan Amendment to Approve MUD HDRS-2866: Walters Dr and Cherokee Dr

Lori Matthews, Senior Planner, brought forth a request from Guzman Construction to amend a previously approved site plan from 2007 for a Mixed Use Development located at the northeast intersection of Cherokee Dr with Walters Dr. Any change in the site plan requires Planning Commission and City Council approval. Plans as submitted show a change from a 24-unit apartment complex to a 36-unit apartment located due north of the existing Dewitt Assisted Living Center.

Staff asked for Planning Commission approval of this amendment to the site plan and asked that the request be forwarded to City Council.

Joe Parrott, engineer for the project, explained that the architect came forward to suggest changing building two smaller apartment complexes to one larger building. Mr. Parrott included that a larger building will require fewer parking spaces and less pervious area to impact rain runoff.

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

Voting Results 9 yes, 0 no. Motion carries.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Roni Snyder, Secretary

RS/hr

The City of Morristown

Community Development & Planning



TO: Morristown Regional Planning Commission
FROM: Lori Matthews, Senior Planner
DATE: September 12th, 2023
REQUEST: Annexation Request

SUBMITTAL:

Property owner Shannon Greene is requesting annexation of a 15-acre parcel located at the northeast intersection of Cherokee Drive with Noe's Chapel Road. Located north of and adjacent to the Lochmere Subdivision, the vacant parcel is within the City's Urban Growth Boundary Area and is contiguous with the current City boundary.

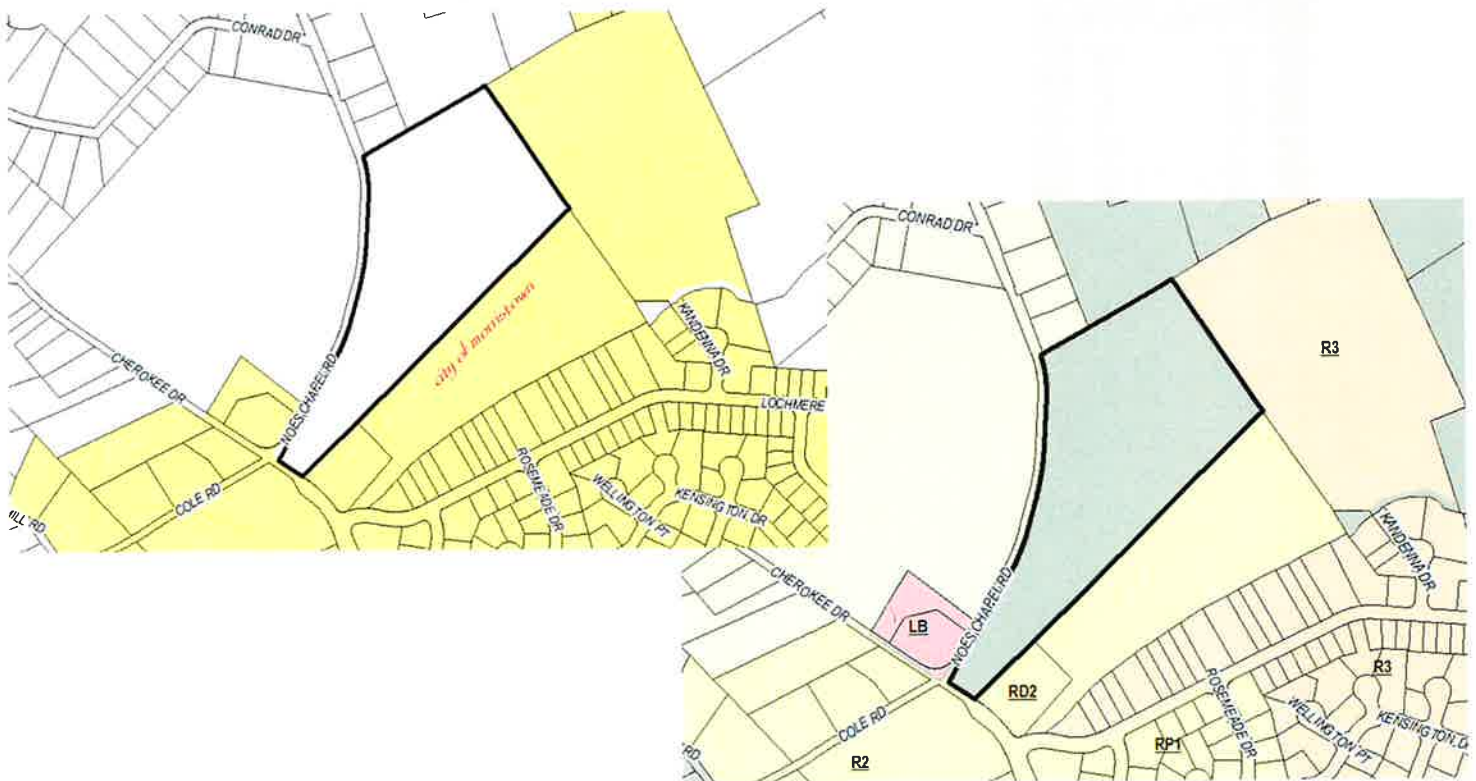
The site is surrounded to the north by (County) R-1 zoning which allows single-family residential and duplex units. If developed under the current designation, lot sizes would range between 11,000 square feet and 1-acre, depending on the available utilities.

The applicant is requesting R-3 (High Density Residential) zoning be applied to the land if annexed into the City. This designation allows a minimum lot size of 5,500 square feet, which Staff feels is not commensurate with the surrounding lot sizes. In addition, the right-of-way of Noe's Chapel Road is only 30 feet wide which would not safely accommodate the amount of traffic generated from a high-residential site. Minimum right-of-way widths in the City are required to be 50 feet in width.

Utility service providers will be Morristown Utilities.

RECOMMENDATION:

Due to the inadequacy of the road system and adjoining lot sizes, Staff would ask the Planning Commission to forward this annexation request on to City Council, with the property designated as R-2 (Medium Density Residential) if approved.



The City of Morristown

Community Development & Planning



PLAN OF SERVICES

RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ANNEXATION OF HAMBLLEN COUNTY TAX ID # 0322 06201 LOCATED OFF OF NOE'S CHAPEL ROAD;

WHEREAS, TENNESSEE CODE ANNOTATED, TITLE 6, CHAPTER 51, AS AMENDED REQUIRES THAT A PLAN OF SERVICES BE ADOPTED BY THE GOVERNING BODY.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF MORRISTOWN, TENNESSEE:

Being 14.68+/- acres as described in Hamblen County Warranty Deed Book 2001, Pages 808-812, having Hamblen County Tax ID # 032024 06201 and, as shown in Exhibit A;

Section I. Pursuant to the provisions of Title 6, Chapter 51, Tennessee Code Annotated, there is hereby adopted, for the area bounded as described above, the following plan of services;

Police Protection

Patrolling, radio responses to calls, and other routine police services using present personnel and equipment will be provided upon the effective date of annexation.

Fire Protection

Fire protection by the present personnel and the equipment of the fire fighting force, within the limitations of available water and distances from fire stations, will be provided upon the effective date of annexation. Water for fire protection to serve the substantially developed annexed area(s) will be provided in accordance with current policies of Morristown Utilities unless authorized by franchise agreement with another utility district which has made service available with capabilities to meet City of Morristown Fire Protection Standards. Any extension of water system infrastructure beyond that of Morristown Utility policies shall be at the expense of the property owner or developer.

Water Service

Morristown Utilities will extend service to properties within its jurisdiction in accordance with the regulations and extension policies of Morristown Utilities.

Sanitary Sewer Service

Morristown Utilities will extend service to properties within its jurisdiction in accordance with the regulations and extension policies of Morristown Utilities Commission.

Electrical Service

Electrical service for domestic, commercial and industrial use will be provided at city rates for new lines as extended in accordance with current policies of Morristown Utility Commission. In those parts of the annexed

area presently served by another utility cooperative, the above conditions or terms will begin with the acquisition by the city of such cooperatives or parts thereof, which may be delayed by negotiations and/or litigation.

Refuse Collection

The same regular refuse collection service now provided within the City will be extended to the annexed area sixty days following the effective date of annexation.

Streets

Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements, as the need therefore is determined by the governing body, will be accomplished under current policies of the city. Traffic signals, traffic signs, street markings and other traffic control devices will be installed as the need therefore is established by appropriate study and traffic standards. Street name signs where needed will be installed as new street construction requires.

Inspection Services

Any inspection services now provided by the City (building, electrical, plumbing, gas, housing, sanitation, etc.) will begin upon the effective date of annexation.

Planning and Zoning

The planning and zoning jurisdiction of the city will apply to the annexed area in conjunction with the effective date of annexation.

Street Lighting

Street lights will be installed in accordance to City policies.

Recreation

Residents of the annexed area may use all existing recreational facilities, parks, etc., on the effective date of annexation. The same standards and policies now used in the present city will be followed in expanding the recreational program and facilities in the enlarged city.

Section II. This Resolution shall become effective from and after its adoption.

Passed on this _____ day of _____, 2023.

Mayor

ATTEST:

City Administrator

ORDINANCE NO. _____

**ENTITLED AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND TO INCORPORATE SAME
WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MORRISTOWN TENNESSEE;**

Annexation of 14.68 acres as described in Hamblen County Warranty Deed Book 2001, Pages 808-812, having Hamblen County Tax ID # 032024 06201 and, as shown in Exhibit A;

Section 1. WHEREAS, it now appears that the prosperity of the City and of the territory herein described shall be materially retarded and the safety and welfare of inhabitants and property owners thereof endangered if such territory is not annexed; and

Section II. WHEREAS, the annexation of such territory is deemed necessary for the welfare of the residents and property owners thereof and the City as a whole;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MORRISTOWN;

1. **PURSUANT** to authority conferred by Section 6-15:102 of the Tennessee Code Annotated, there is hereby annexed to the City of Morristown Tennessee and incorporated within the corporate boundaries thereof, the following described territory:
2. Medium Density Residential (R-2) zoning shall be applied upon adoption of the annexation area.
3. This Ordinance shall become effective from and after its passage, the public welfare requiring it.

PASSED ON FIRST READING THIS 15th DAY OF August, 2023.

MAYOR

ATTEST:

CITY ADMINISTRATOR

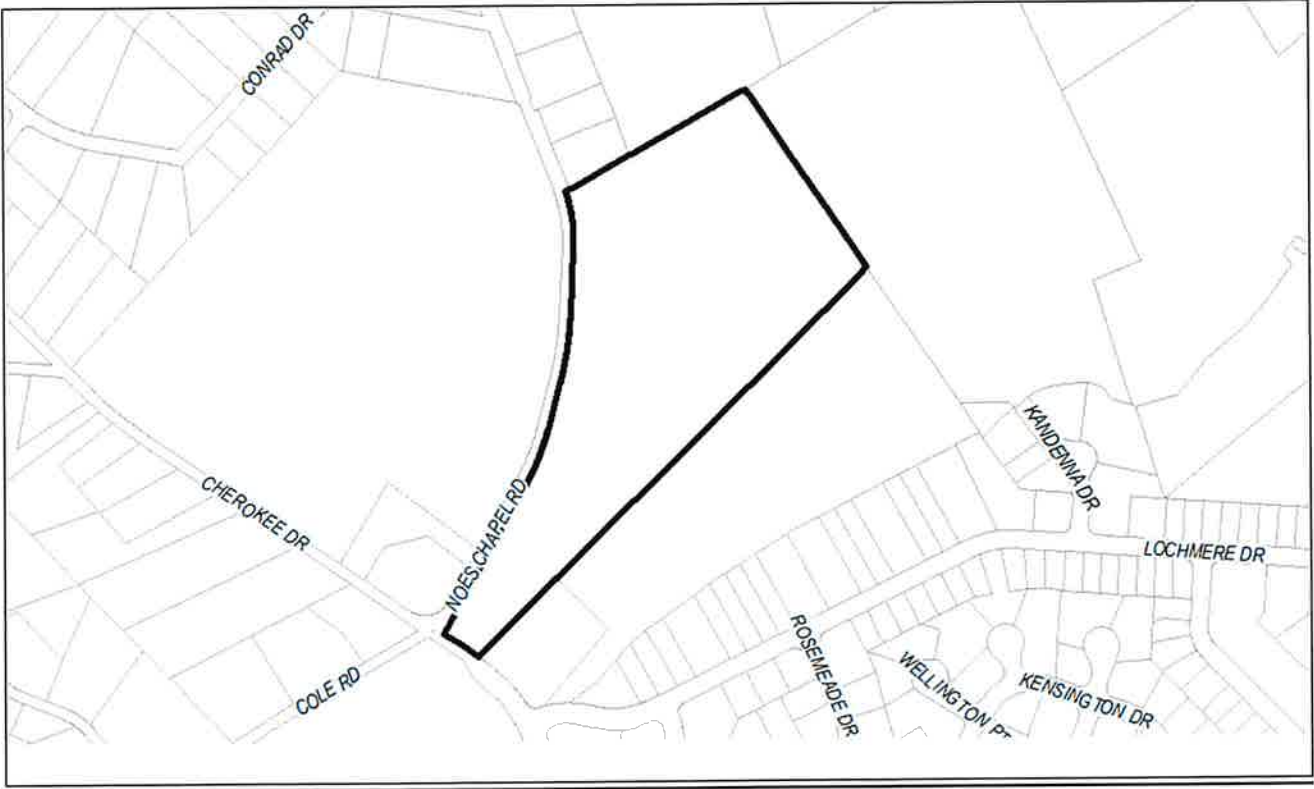
PASSED ON SECOND READING THIS 5th DAY OF September, 2023.

MAYOR

ATTEST:

CITY ADMINISTRATOR

EXHIBIT A:



The City of Morristown

Community Development & Planning

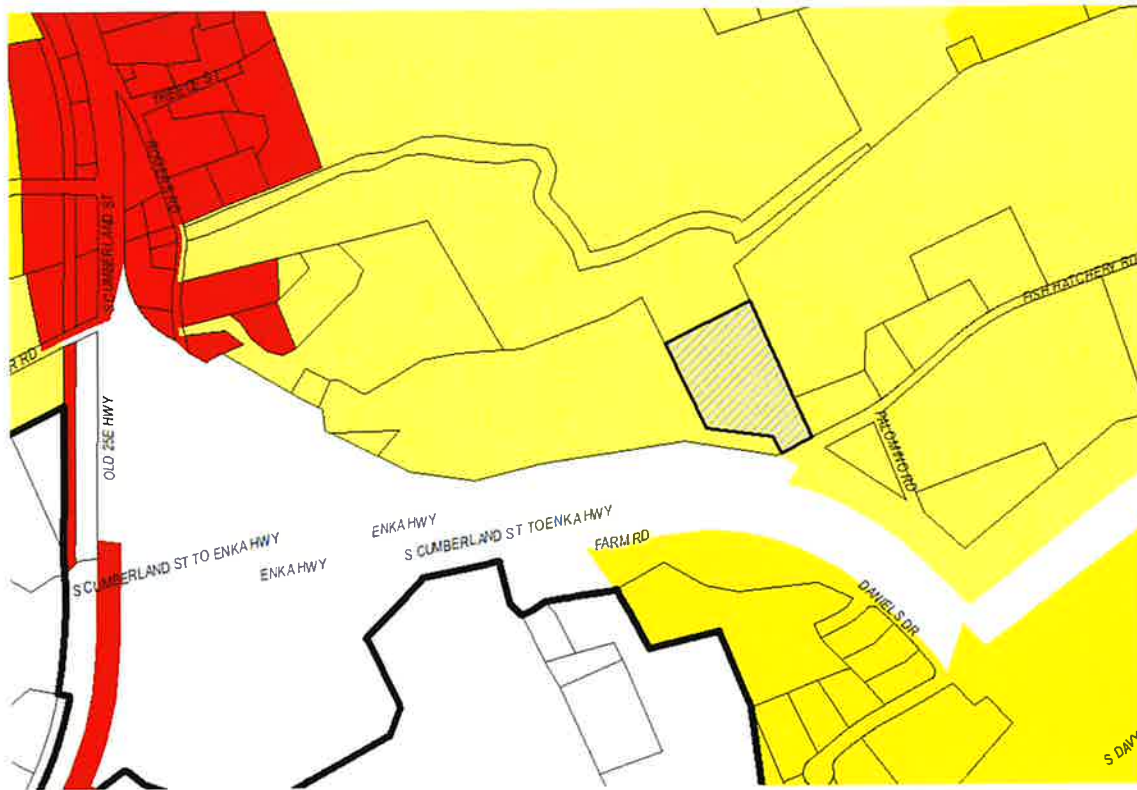


TO: Morristown Regional Planning Commission
FROM: Josh Cole, Senior Planner *[Signature]*
DATE: September 12th, 2023
SUBJECT: Rezoning Request from R-1 to IB
455 Fish Hatchery Road

BACKGROUND:

Staff has received a request from the property owner, Vittoriano Diluzio, to rezone property located at 455 Fish Hatchery Road from R-1 (Single Family Residential District) to IB (Intermediate Business District).

This property is located at the northeast intersection of Fish Hatchery and Highway 160. It currently contains a gas station/convenience store along with various other commercial uses and apartments. This property was annexed into the City in 2003 with an “interim Single Family Residential zoning” designation (R-1) which was standard at that time; however, the residential zoning has remained to this day.



The City of Morristown

Community Development & Planning



RECOMMENDATION:

Per TDOT, Highway 160 is a major corridor in the city with daily traffic counts near this parcel exceeding 20,000 in 2022. Thus, given this location and the existing commercial uses on the property, staff recommends the rezoning to IB and would ask Planning Commission to forward this request to City Council.

ORDINANCE NO. 3134
ENTITLED AN ORDINANCE TO ANNEX CERTAIN
TERRITORY AND TO INCORPORATE SAME WITHIN THE
CORPORATE BOUNDARIES OF THE CITY OF
MORRISTOWN, TENNESSEE. {Annexation of property
in the vicinity of Fish Hatchery Road, South Cumberland
Street and north of Highway 160. }

SECTION I. WHEREAS, it now appears that the prosperity of this City and of the territory herein described shall be materially retarded and the safety and welfare of inhabitants and property owners thereof endangered if such territory is not annexed; and

SECTION II. WHEREAS, the annexation of such territory is deemed necessary for the welfare of the residents and property owners thereof and the City as a whole;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MORRISTOWN:

(1) PURSUANT to authority conferred by Section 6-15-102 of the Tennessee Code Annotated, there is hereby annexed to the City of Morristown, Tennessee and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries.

BEGINNING at a point being the intersection of parcels 42-1.04, 42-21.00, 42-19.00, and the existing City of Morristown's corporation boundary line; thence in a easterly direction along the common line of parcels 42-19.00, 42-21.00, and the existing City of Morristown's corporation boundary line for an approximate distance of six hundred-fifty (650) feet to a point being the easternmost intersection of parcels 42-19.00, 42-21.00, and the existing City of Morristown's corporation boundary line; thence in a southerly direction along the existing City of Morristown's corporation boundary line (running parallel to US Hwy 25E approximately 500 feet from its centerline) for an approximate distance of one thousand five hundred fifty (1,550) feet to a point being the intersection of the existing City of Morristown's corporation boundary line and the westerly right-of-way line of US Highway 25E and the northerly right-of-way line of Hwy 160; thence in a straight southwesterly line for an approximate distance of one thousand two hundred eighty (1,280) feet to the southeastern-most point being the intersection of parcel 42-83.01, the southerly right-of-way line of Highway 160, and the westerly right-of-way line of US Highway 25E; thence in a westerly direction along the common line of the southerly right-of-way line of Highway 160 and parcels 42-83.01, 42-81.01, 42-81.02, 42-58.00, 42-59.00, 42-78.00, 42-78.03, 42-65.00, 42-65.01, and the southerly right-of-way line of Farm Road for an approximate distance of four thousand-sixty (4,060) feet to a point being the intersection of parcel 42-65.01, the southerly right-of-way line of Highway 160, the easterly right-of-way line of South Cumberland St (State Route 343), and the existing City of Morristown's corporation boundary line; thence in a northerly direction along the easterly right-of-way line of South Cumberland Street (State Route 343) and the existing City of Morristown's corporation boundary line for a distance of approximately one thousand six hundred eighty (1,680) feet to a point being the intersection of the easterly right-of-way line of South Cumberland St (Highway 343), the northerly right-of-way line of Highway 160 Cumberland Street Exit ramp, and parcels 42J-A-9.00, 42J-A-8.00; thence in a southeasterly direction along the common line of parcels 42J-A-1.00, 42-J-A-9.00, and the northerly right-of-way line of Highway 160 Cumberland Street Exit ramp for an approximate distance of seven hundred forty-eight and two-tenths (748.2) feet to a point being the intersection of the northerly right-of-way line of Highway 160 Cumberland Street Exit ramp, and parcels 42J-A-1.00, 42-3.00; thence in a northerly direction along the common line of parcels 42J-A-1.00 and 42-15.01 for an approximate distance of forty (40) feet to a point being the intersection of parcels 42J-A-1.00, 42-15.01, and 42-3.00; thence in a westerly direction along the common line of parcels 42-3.00 and 42J-A-1.00 for an approximate distance of one hundred (100) feet to a point being the intersection of parcels 42J-A-1.00, 42-3.00, 42-2.04, and the existing City of Morristown's corporation boundary; thence in a northerly direction along the common line of the existing City of

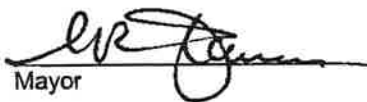
Morristown's corporation boundary and parcels 42-2.04, 42-2.03, 42J-A-1.00, 42J-A-2.00 for an approximate distance of five hundred-fifty (550) feet to a point being the intersection of the existing City of Morristown's corporation boundary line, and parcels 42J-A-2.00, 42-1.04, thence in a easterly direction along the common line of the City of Morristown's corporation boundary, parcels 42-1.04, 42J-A-2.00, 42-1.05, and 42-19.00 for an approximate distance of two thousand nine hundred-twenty (2,920) feet to the point of BEGINNING; being all of parcels 42-20.02, 42-20.00, 42-18.00, 42-17.02, 42-17.01, 42-16.00, 42-55.00, 42-57.00, 42-15.00, 42-15.01, 42-1.05, 42-2.00, 42-2.01, 42-2.03, 42-2.04, 42-3.00, 42-6.00 and portions of 42-19.00, 42-21.00, and 42-20.01; all of Highway 160 right-of-way between US Highway 25E and Cumberland Street (State Route 343), all of Palomino Road right-of-way, and Fish Hatchery Road right-of-way between Highway 160 and the existing City of Morristown's corporation boundary.

(2) Interim Single Family residential zoning shall apply to all property pending enactment of amendment to the Zoning Ordinance of Morristown, Tennessee, to classify permanently areas included in this annexation.

(3) This Ordinance shall become operative thirty days after its passage, or as otherwise provided in Chapter 113, Public Acts of Tennessee, 1955.

(4) This Ordinance shall become effective from and after its passage, the public welfare requiring it.


Passed on first reading the 3rd day of June 2003.


Mayor

ATTEST:


City Administrator

Passed on second and final reading the 17th day of June 2003.


Mayor

ATTEST:


City Administrator

The City of Morristown

Community Development & Planning



TO: Morristown Regional Planning Commission
FROM: Lori Matthews, Senior Planner
DATE: September 12th, 2023
REQUEST: Rezoning Request

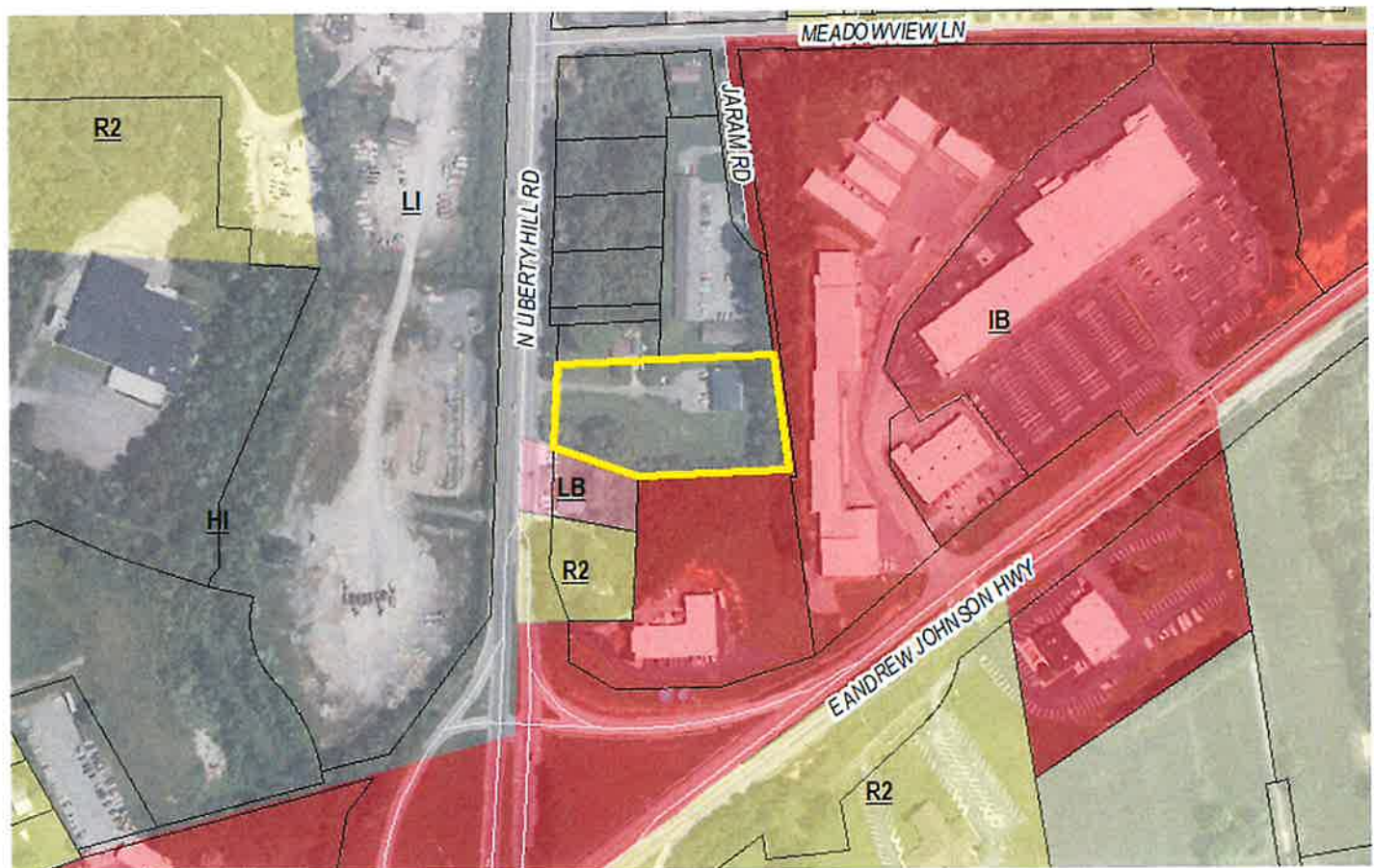
SUBMITTAL:

Property owner JPP Holdings, LLC has requested their property located at 432 North Liberty Hill be rezoned from Light Industrial to R-2 (Medium Density Residential). Located to the west of Liberty Plaza Storage, the 1.8 acre parcel contains an apartment complex comprised of 3-units. Access is from North Liberty Hill Road.

The properties which surround the subject site to the north are zoned for industrial use, but contain residential housing. Properties to the east and south all front a major thoroughfare (East Andrew Johnson Highway) and are both used for and zoned for commercial land use. West of the site, across North Liberty Hill Road exists a vacated parcel, formerly used for industrial purposes, which is zoned Light Industrial.

RECOMMENDATION:

Staff views this request as bringing the property into conformance, given that land uses adjoining it to the north are the same; therefore, Staff would ask the Planning Commission to forward this request on to City Council for approval.



ORDINANCE NO. _____

ENTITLED AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND TO INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MORRISTOWN TENNESSEE;

Annexation of 14.68 acres as described in Hamblen County Warranty Deed Book 2001, Pages 808-812, having Hamblen County Tax ID # 032024 06201 and, as shown in Exhibit A;

Section 1. WHEREAS, it now appears that the prosperity of the City and of the territory herein described shall be materially retarded and the safety and welfare of inhabitants and property owners thereof endangered if such territory is not annexed; and

Section II. WHEREAS, the annexation of such territory is deemed necessary for the welfare of the residents and property owners thereof and the City as a whole;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MORRISTOWN;

1. PURSUANT to authority conferred by Section 6-15:102 of the Tennessee Code Annotated, there is hereby annexed to the City of Morristown Tennessee and incorporated within the corporate boundaries thereof, the following described territory:
2. Medium Density Residential (R-2) zoning shall be applied upon adoption of the annexation area.
3. This Ordinance shall become effective from and after its passage, the public welfare requiring it.

PASSED ON FIRST READING THIS 19th DAY OF September, 2023.

MAYOR

ATTEST:

CITY ADMINISTRATOR

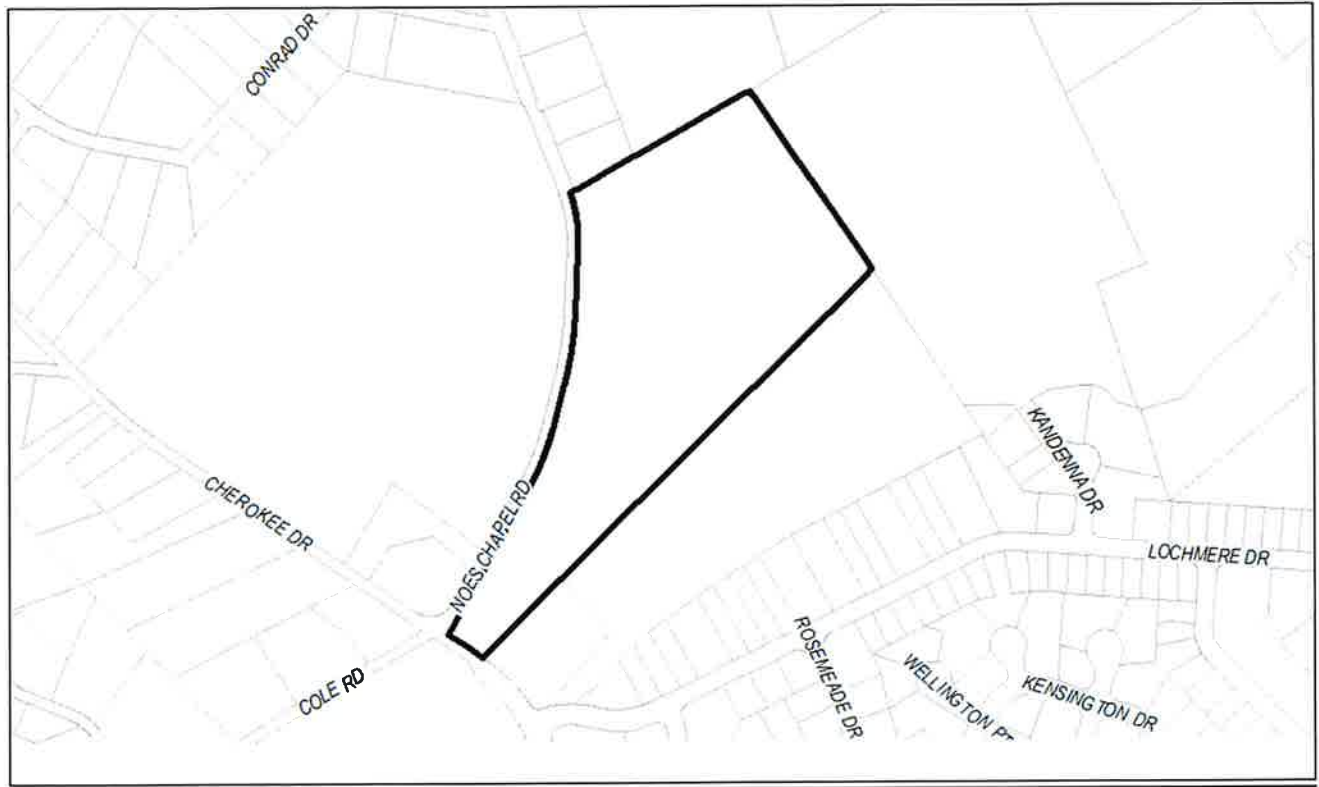
PASSED ON SECOND READING THIS 3rd DAY OF October, 2023.

MAYOR

ATTEST:

CITY ADMINISTRATOR

EXHIBIT A:



The City of Morristown

Community Development & Planning



TO: Morristown Regional Planning Commission
FROM: Lori Matthews
DATE: September 12th, 2023
REQUEST: Medical Facility within Gateway Overlay District

A new medical clinic, Knoxville Orthopedic Clinic, is under Staff review, to be located at the intersection of Merchants Greene Boulevard and Durham Landing. This region of Merchants Greene Boulevard falls within the City's Gateway Overlay District, a district which was created to provide a more harmonious corridor with regard to aesthetics along some of the City's major thoroughfares. Among the Gateway Corridor requirements is that building facades shall not contain metal siding but shall be comprised of 40% brick. Either side of Merchants Greene Boulevard and a portion of The Downs development (at Exit 8) are included within the City's Gateway Corridor District.

RECOMMENDATION:

Both the building and site plan conform to the City's Gateway Corridor regulations, therefore, Staff would ask the Planning Commission to grant final approval to this development.



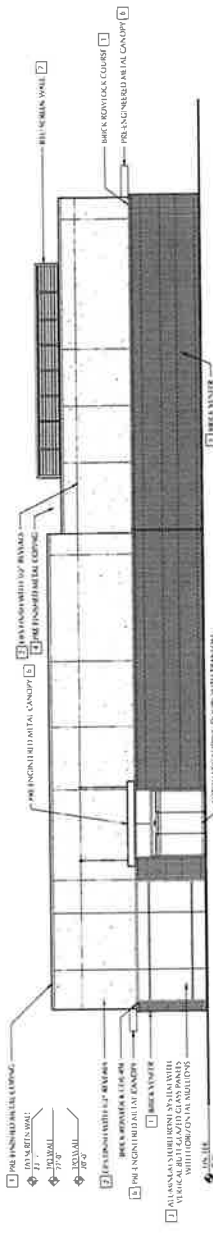


EXTERIOR ELEVATIONS

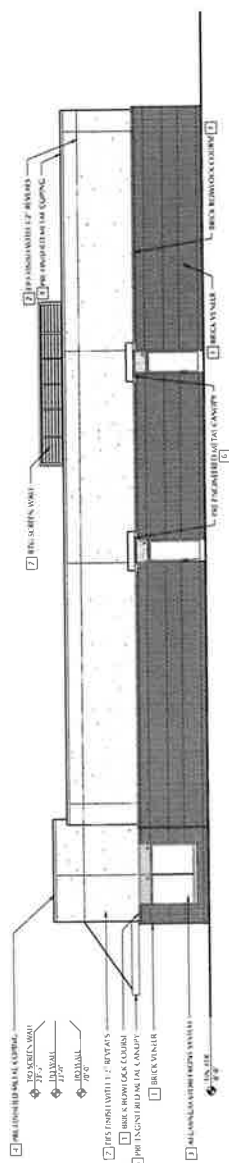
REVISIONS:
 1. SCALE REVISION

DATE: 9/10/23
 FILE NAME: RDC - 31
 PROJECT INCL: 223073

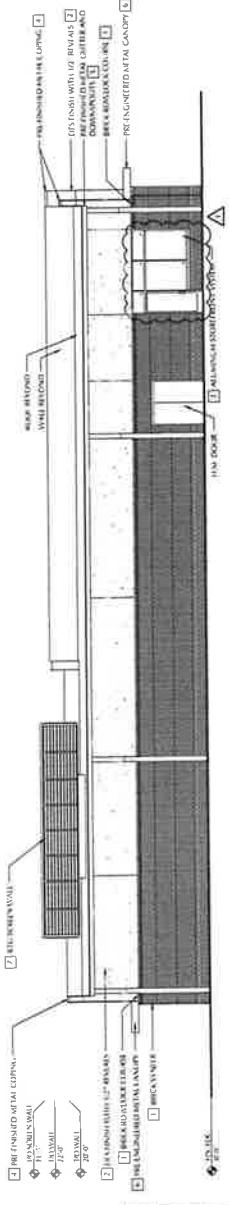
3.1



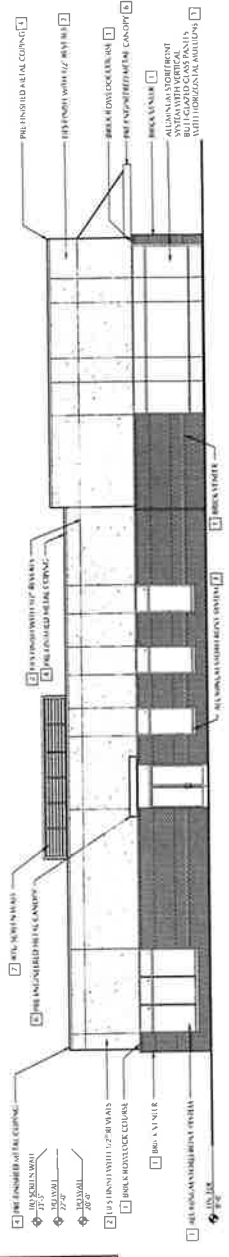
1. EXTERIOR ELEVATION
 3.1 SCALE: 1/8" = 1'-0"



2. EXTERIOR ELEVATION
 3.1 SCALE: 1/8" = 1'-0"



3. EXTERIOR ELEVATION
 3.1 SCALE: 1/8" = 1'-0"




4. EXTERIOR ELEVATION
 3.1 SCALE: 1/8" = 1'-0"

EXTERIOR MATERIAL KEY	
1	BRICK VENEER, BRICK, COLOR: BRICK, FINISH: BRICK, MOUNTING: BRICK
2	PRE-FINISHED METAL CEILING, COLOR: BRICK, FINISH: BRICK, MOUNTING: BRICK
3	INSULATED METAL CEILING, COLOR: BRICK, FINISH: BRICK, MOUNTING: BRICK
4	1/2\"/>

The City of Morristown

Community Development & Planning



TO: Morristown Regional Planning Commission
FROM: Steve Neilson, Development Director 
DATE: September 12th, 2023
REQUEST: Request to deviate from Subdivision Regulation's Street Light Requirements

Staff has received a request to deviate from Subdivision Regulation's streetlights requirements. The request came from Adam Hatton representing the developers of the Windswept Subdivision. Mr. Hatton's request is to waive the street light requirements throughout the entire subdivision. Because the subdivision has been slow to develop, streetlighting has been installed only where homes have been constructed. The majority of the lighting in Phases I thru III, have not been installed. Approximately one-third of the required lights has been installed. Mr. Hatton informed the City that the developer did not want to install the remaining fixtures or in the fixtures in the new phases (Phases IV, V, and VI).

Under the current Subdivision Regulations, street lights are required on all streets. It does not differentiate between public and private streets. It also states that the City will provide the basic wooden poles, but if the developer wants to provide decorative poles, the developer will pay the difference. It has come to our attention that spending public monies on private property would be a violation of Tennessee law. See attached memo from Lauren Carroll, City Attorney.

The City does not currently require lighting in other private developments such as apartment complexes or condominium developments and leaves it to the developer to determine what level of lighting is desired.

Staff feels that since the developer made the choice to put up a gate and decided to make the streets private, lighting should be their responsibility. If the residents in the neighborhood want street lighting, it would be up to them and their neighborhood association to provide.

Attached is a letter from Don Miller representing the Windswept property owners stating that they are working with the developers to resolve this issue and has requested the Planning Commission defer this item a month to allow time for them to reach an agreement.

RECOMMENDATION

Since the streets are private, Staff feels this should be treated like any other private development and recommends the Planning Commission approve this deviation to the Subdivision Regulations.

To: Tony Cox

From: Lauren Carroll

Re: Windswept Lighting Issue/Public Infrastructure on Private Property

MEMO

Issue: Can the City of Morristown invest, fund, and continue to spend public money on private property for street lighting (specifically, at Windswept), or any other private property infrastructure/development?

Answer: No, see below for further explanation.

Public Purpose Doctrine

Article II, Section 29 of the Tennessee Constitution provides that “The General Assembly shall have power to authorize the several counties and incorporated towns in this State, to impose taxes for County and Corporation purposes...” Based upon this language in the Constitution, Tennessee Courts have interpreted that to mean that public funds can only be used for public purposes. Since taxes can only be levied for corporate or public purposes, expenditures can only be made for corporate or public purposes. Courts have further determined that a “public purpose” is something that serves a benefit to the community as a whole and at the same time is directly related to a governmental function.

Private Streets and Infrastructure

In Windswept, the roads are privately owned and not accessible to the general public. Therefore, the City has no authority to expend funds for maintaining the roads, adding infrastructure, investing in the infrastructure and keeping the infrastructure up.

Supporting Information

I have reviewed several MTAS opinions and even a couple Comptroller's Reports. I am happy to provide these opinions and reports to you, if you would like. Of note, in the opinions, there are several Tennessee cases cited and referenced regarding the reasons that cities cannot and should not do work on private property. There are certainly the legal concerns, that it goes against the Public Purposes Doctrine, and then also liability and risk management concerns. Another point mentioned is that if a service, paid for by the City, is offered to one citizen, it would have to be offered to all citizens; this is certainly problematic.

In the Comptroller's reports, he took issue with a situation where a town spent less than \$300.00 on gift sets that were distributed to citizens at the town's Christmas parade. This small purchase was questioned and became an issue because the purchase did not benefit all the citizens of the town. Additionally, this same town used town employees and equipment to install drain tiles on private property in a larger street project. Apparently, the tile was installed to eliminate a road hazard, but the Comptroller determined this was not proper, as town personnel and equipment cannot be used to perform projects on private property.

In another report, the Comptroller determined that a mayor had used a town owned lawnmower for his own benefit and also directed the use of the town's public works equipment and personnel to haul gravel for a non-profit organization. These actions go against the law and are not permitted.

If you have any other questions or would like any clarification on the above, please let me know.

Windswept Owners Position Paper

Streetlights

September 6th, 2023, Prepared by Don Miller

An online survey was conducted August 29th – September 23rd with 128 Windswept property owners (those with available email addresses). Some owners have multiple lots, and their votes were weighted accordingly. A total of 58 ballots were cast or 46% of those available. The Leadership Team considers this to be sufficient to express the overall opinion of the neighborhood.

The conclusion we draw from the survey is that a strong majority do not want the existing streetlights removed but would like to redistribute the existing streetlights, along with some additional ones, to enhance safety and continuity throughout the neighborhood. The survey also demonstrates that a strong majority do not want all the streetlights in the original plans.

Owners have expressed frustration with city's position that they will not continue to provide the electricity to operate the streetlight. First, there may be an implied contractual obligation for the city based on their maintenance and operational control since 2005. Secondly, the city is benefiting from an increasingly strong tax base from the neighborhood. The city council should be asked to approve the continuation of electrical cost based off increase in tax base and public safety concerns. It is our understanding they have the authority to make this exception.

Further, we believe the city has a contractual obligation to provide the streetlights pertaining to the recent Aid to Construction payment received by MUS. These additional streetlights are needed, to supplement the existing ones, assuring a strategic safety plan can be implemented now and in future phases.

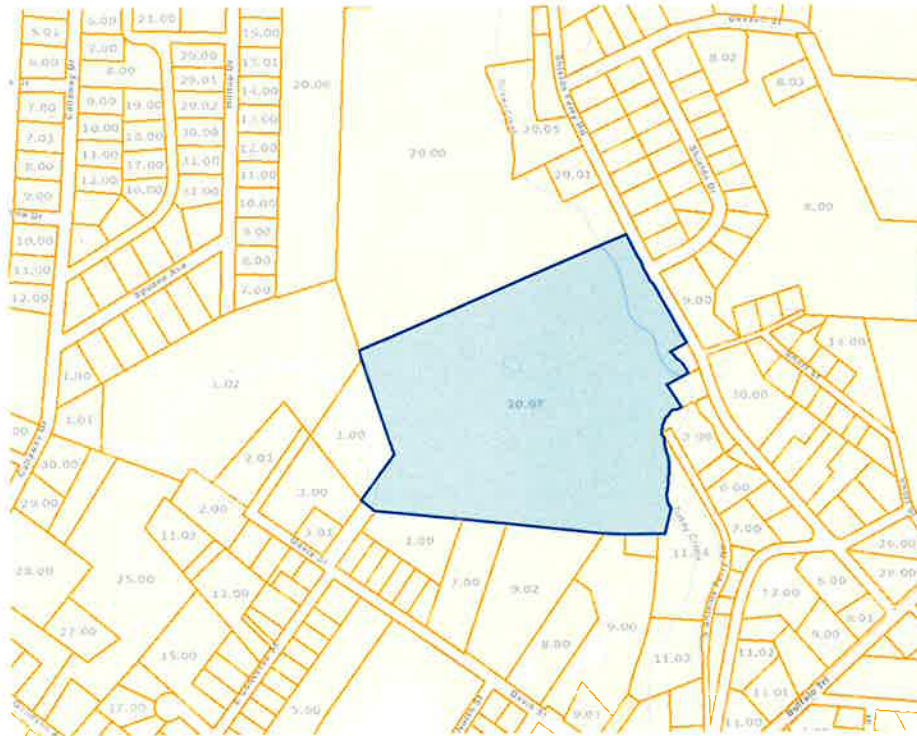
In conclusion, the Leadership Team would like the application for a streetlight variance/waiver be postponed for one month so we may explore our legal options as an affected party to possible contractual violations, work with the developer on a strategic plan and consult with the city council on an exception.

Community Development & Planning

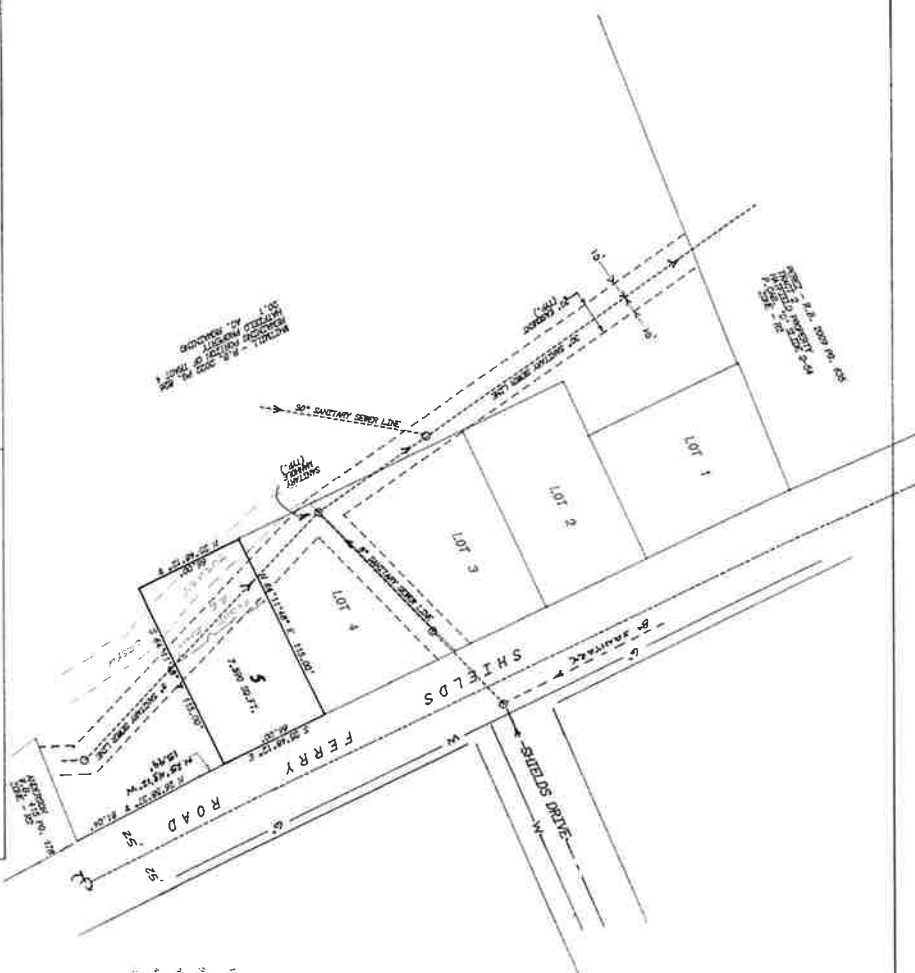
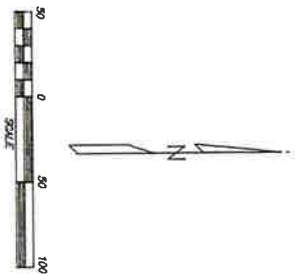


TO: Morristown Regional Planning Commission
FROM: Josh Cole, Senior Planner
DATE: September 12th, 2023
SUBJECT: Preliminary and Final Plat Request: Whitmill Subdivision
Shields Ferry Road

Staff has received a request for preliminary and final plat approval from surveyor Bill Shockley on behalf of property owner Doyle Whitmill for the proposed “Whitmill Subdivision.” The subdivision is located on Shields Ferry Road and contains slightly over 21 acres. The plat contains 5 new lots that vary in size from 7,588 to 9,054 square feet with an additional 20 acres remaining for future development. Additionally, utilities are currently provided to the proposed lots.



The subdivision plat meets all applicable subdivision requirements and staff recommends Planning Commission to approve this request.



VICINITY MAP
 FROM PINS LOCATED AT ALL LOT CORNERS, UNLESS NOTED OTHERWISE.
 NORTH IS A 10' BENCHMARK & UTILITY EASEMENT ALONG THE DIVISION
 OF LOT 1 BY SUTTERLY LINE
 TOTAL AREA = 2,500 SQ. FT.
 TOTAL LENGTH OF LOTS = 1
 PROPERTY CORNERS ARE
 BUILDING SETBACKS
 20' - FRONT
 20' - SIDE (SUTTERLY LINE OR LARGER)
 20' - SIDE (SUTTERLY LINE OR LARGER)
 SEE MAP COR. 21' SLOPE D-4 FOR ORIGINAL PLAT OF RECORD
 FOR WHITFIELD PROPERTY.

PLAT 2006, AS SHOWN, IS APPROXIMATE, REPORTED FROM F.C.M.A.
 F.I.R.M. AND 10000000, EFFECTIVE DATE JUL. 01, 2006.

SUTTERLY SETBACK LINES

1. THERE IS A 20' SUTTERLY SETBACK LINE LOCATED 20' FROM THE SUTTERLY SETBACK LINE UNLESS NOTED OTHERWISE.
2. THE SUTTERLY SETBACK LINE IS LOCATED 20' FROM THE SUTTERLY SETBACK LINE UNLESS NOTED OTHERWISE.
3. THE SUTTERLY SETBACK LINE IS LOCATED 20' FROM THE SUTTERLY SETBACK LINE UNLESS NOTED OTHERWISE.
4. THE SUTTERLY SETBACK LINE IS LOCATED 20' FROM THE SUTTERLY SETBACK LINE UNLESS NOTED OTHERWISE.
5. THE SUTTERLY SETBACK LINE IS LOCATED 20' FROM THE SUTTERLY SETBACK LINE UNLESS NOTED OTHERWISE.

FLOOD CERTIFICATION

I do hereby certify that I have examined the Federal Insurance and Administration and Flood Insurance Map and found that the property shown herein is not in a special Flood Hazard area.
FEMA FIRM - 470630131E
EFFECTIVE DATE - JULY 01, 2005

SURVEYOR'S CERTIFICATE

I hereby certify that the information shown herein is correct to the best of my knowledge.
 By **William H. Shockley**
 Town Registrar and Surveyor No. 272

CERTIFICATION OF EXPRESSION APPROVAL

I, the undersigned, being duly sworn, do hereby certify that the information shown herein is correct to the best of my knowledge.
 By **William H. Shockley**
 Town Registrar and Surveyor No. 272

CERTIFICATION OF GRADUATE AND REGISTRATION

I, the undersigned, being duly sworn, do hereby certify that the information shown herein is correct to the best of my knowledge.
 By **William H. Shockley**
 Town Registrar and Surveyor No. 272

CERTIFICATION OF APPROVAL FOR RECORDATION

I, the undersigned, being duly sworn, do hereby certify that the information shown herein is correct to the best of my knowledge.
 By **William H. Shockley**
 Town Registrar and Surveyor No. 272

WHITMILL SUBDIVISION

LOT 5 - DIVISION of TRACT 4 of HATFIELD PROPERTY

OWNER: WILLIAM H. SHOCKLEY	DATE: 06/11/2005
CITY OF ADAMS	HAMLEN COUNTY
PLAT NO. 2006	DATE: 06/11/2005
CITY OF ADAMS	HAMLEN COUNTY
PLAT NO. 2006	DATE: 06/11/2005



CERTIFICATION OF THE APPROVAL OF THE COMMISSIONER OF REVENUE	CERTIFICATION OF THE APPROVAL OF THE COMMISSIONER OF REVENUE	CERTIFICATION OF THE APPROVAL OF THE COMMISSIONER OF REVENUE	CERTIFICATION OF THE APPROVAL OF THE COMMISSIONER OF REVENUE
DATE: _____	DATE: _____	DATE: _____	DATE: _____