

# MORRISTOWN REGIONAL PLANNING COMMISSION

Agenda  
December 8, 2015

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## Call to Order

- I. Approval of the **October 13, 2015** minutes.
- II. *Old Business:*
- III. *New Business:*
  - A. Annexations:
  - B. Zoning Issues:  
REZN 1633-2015: Rezoning request from County A-1 to County C-1 for proposed Dollar General Store at 2258 Springvale Road (UGB)
  - C. Subdivisions/Site Plans:  
MASD 1630-2015: Concept Plan Approval for Merchants Greene Phase 2
  - D. Bond Reviews:  
Walden Place Bond Extension
  - E. Right-of-Ways:
  - F. Ordinance Reviews:  
Evaluation of non-commercial art:
    - 104 W. Main Street
- IV. *Departmental Reports:*  
Minor Subdivision(s) Approved:

## Adjournment:

The next meeting of the Morristown Regional Planning Commission is scheduled for January 12, 2016 at 4:00 pm.  
The deadline to submit applications for this meeting is December 14, 2015.

Minutes  
Morristown Regional Planning Commission  
October 13, 2015

Members Present

Vice-Chairman Jack Kennerly  
Secretary Rose Parella  
Councilmember Robert (Bob) Garrett  
Commissioner Terry Ball  
Commissioner Bill Thompson  
Commissioner Wayne NeSmith  
Commissioner Doug Beier

Members Absent

Chairman Jim Beelaert  
Mayor Gary Chesney

Others Present

Alan Hartman, Development Director  
Lori Matthews, Senior Planner  
Logan Engle, Planner  
Eual Noah, Fire Marshal  
Kat Morilak, Development Services  
Ralph "Buddy" Fielder, Asst. City Admr  
Greg Ellison, Plumbing Inspector

Debra Williams  
J. R. Byerley  
Paul LeBel

Vice Chairman Kennerly called the meeting to order and invited anyone who wishes to join the Commission in an Invocation and the Pledge of Allegiance to do so.

I. Vice Chairman Kennerly called for the approval of the September 8, 2015 minutes.

Commissioner Beier made a motion for approval of the September 8, 2015 minutes; seconded by Commissioner Thompson. Upon voice vote all Ayes.

II. REZN 1622-2015: Wilder Street rezoning from R-1 to (R-2) Medium Density Residential

Mr. Hartman explained this is a request on Wilder Street the property does not have an address as of yet but one will be assigned if this moves forward and before a structure can be built. The rezoning is requested by the owner, J. R. Byerley, and being represented by Mr. Paul Lebel. The request would be so the property could be developed for a multi-family structure. In the vicinity of the request to the east is College Square Mall and to the south are two single family units and then an apartment development to the rear of those and then further south is Trinity United Methodist Church and then along E. Morris Boulevard the properties are developed and zoned commercially. As of this morning and reported at the work session, we have received no calls on the request. But late this evening, we have had two phone calls one in favor of the request and one in opposition to it. Kelley is the neighbor, to the north, that is opposition to it and was in opposition to this request previously.

Commissioner Nesmith asked how many units are we looking at on the .82 acre. Mr. Lebel stated the proposal is to do a duplex over there. Mr. Lebel stated a triplex would require site plan approval.

Councilmember Garrett made a motion to recommend to City Council to rezone the property located on Wilder Street (Hamblen County Tax Map 34F, Group I, Parcel 26) from R-1 (Single Family Residential) to **R-2 (Medium Density Residential)**; seconded by Commissioner Beier. Voting Results: 7 yes 0 no. Voting yes were Councilmember Garrett, Commissioner Thompson, Commissioner Ball, Vice-Chairman Kennerly, Commissioner Beier, Commissioner Nesmith and Secretary Parella.

## II. Windswept Subdivision Bond Extension

Ms. Matthews explained Windswept on Cherokee located off of Spout Springs Road in north Morristown is a 350 acre development annexed in phases into the city in 2004 and 2006. The site is zoned RP-1 (Planned Residential Development). The master development plan shows 9 separate phases consisting of single family residential lots, townhomes and condominiums all to be accessed by private roads. To date, only Phases I through IV have received approval and have been recorded. At the regular meeting on October 14, 2014, this board voted to extend all the performance bonds for Windswept Subdivision an additional year pending an updated estimate being submitted and approved by the city for those portions of infrastructure yet to be constructed. The estimates provided by the developer for completion of improvements were submitted by a contractor not a licensed engineer as was requested by the planning commission. City staff initialed estimates for Phase I through IV, we used Knox County bonding prices/fee schedule, resulted in cost figures being in line with the performance bonds that the city has in place at this time. It is my understanding, after talking with the developer, that Phase I which is Edgewater Sound should be complete by the end of this year. Hopefully, Phase II will be complete by the end of 2016 and Phase III should be complete by the end of 2017 that is the hopes at this time. Newport Paving is set for construction/completion of Edgewater Sound next week. Based on the city's estimates and progress be made to the development, as per the developer, staff would recommend that the bonds be extended one more year with the following contingencies made: 1. A business plan be presented to the city by the developer providing projected dates of completion for Phase I, Phase II, Phase III and Phase IV. 2. Updated materials and quantities estimate from a licensed engineer to include all improvement completion data and needed repairs to the existing infrastructure in that subdivision at this time.

Vice-Chairman Kennerly stated this projected increase in cost, Phase I looks like they are going to get it completed. How much of an extension are they asking for Phase I. Ms. Matthews explained they are asking for an extension to all four phases. Right now we have got five separate bonds in place for the development as a whole so they are asking for an extension to all bonds. All five bonds the total which is a little over two million. We feel will suffice in completing all four phases. Next year the first bond to expire will be next March so at that time, it will come back to the planning commission for reapproval. Vice-Chairman Kennerly asked when is the current expiration date on Phase I. Ms. Matthews explained the bonds are not by phases they are separate but do not go to any particular phase. Right now, we have five bonds with a grand total. Vice-Chairman Kennerly stated Phase III is going to set there for two more years with a binder coat that is going to deteriorate. They need to project this or our engineering department needs to make sure they project this deterioration and add it in to the bond cost. Commissioner Thompson asked with these five separate bonds, does that mean when one phase is completed, is that bond redeemable then or is it still held in escrow with the others. Ms.

Matthews explained it will still be held unless he requests a draw down on the bonds and that has to come before the planning commission as well.

Commissioner Ball made a motion to approve the bond (as presented) extension for one year (October 2016) with the contingencies: 1. A business plan be presented to the city by the developer providing projected dates of completion for Phase I, Phase II, Phase III and Phase IV. 2. Updated materials and quantities estimate from a licensed engineer to include all improvement completion data and needed repairs to the existing infrastructure in that subdivision at this time; seconded by Commissioner Thompson. Voting Results: 7 yes, 0 no. Voting yes were Councilmember Garrett, Commissioner Thompson, Commissioner Ball, Vice-Chairman Kennerly, Commissioner Beier, Commissioner Nesmith and Secretary Parella.

### III. Ordinance Reviews:

#### 1. Signage definition of 'feather flag sign'

Ms. Engle explained Chapter 29 of the Zoning Ordinance which is the Sign Regulation chapter contains a many definitions of a variety of types of both permanent and free standing which are then used to set regulations within that chapter regarding what sign are allowed in various zones etc. In enforce of a variety of signs, staff has learned that the ordinance does not currently define what is commonly known as feather sign also called feather flag signs, wind signs, or sail signs. There are a variety of different ways that these signs are constructed. In writing a definition, we consulted with a variety of other municipalities across the state to determine how they defined them and what they are doing with these types of signs. From this, we constructed a definition and we have defined these as Feather Flag Signs means a freestanding, temporary sign constructed of a pole that may be driven into the ground or mounted upon a base with an attached vertically-elongated material resembling a feather, sail, blade, teardrop, shepherd's hook, rectangle, etc. Staff feels, based on our research, that these should be defined as temporary signs. Staff would recommend that a change be made to the Temporary Sign section of the Zoning Ordinance in regard to Temporary signs for office, commercial and industrial use allowing a maximum 10 foot height exception for feather flag signs. Often these signs are larger than other types of temporary signs but they are also more narrow. If you have a 10 foot sign in height generally they are about one foot wide so you would fall under that 32 square foot maximum that we allow for a sign area currently. It would not eliminate the presence of the signs to be used for marketing purposes for businesses. Staff would recommend that the two text amendments be made to the Sign Ordinance: the first one being the definition to be added to the list of definitions contained within Chapter 29 and also to the relevant sections to allow that height exception.

Commissioner Ball asked in section f. Temporary sign for office etc. Temporary freestanding signs shall be limited to five per lot at any given time. Ms. Engle stated that is correct, with those five signs in total must not exceed 32 square feet. You only calculate one side so long as it is one face one piece with two faces you just calculate one if it was in a vee, you would calculate both. It is five signs max up to 32 square feet. The penalty for a sign violation generally what has been done is we issue them a notice of violation and they have about 10 days to come into

compliance with the sign ordinance. In some cases if they do not comply, we have issued fines for signs which is a \$50 maximum but with court cost it brings it up to \$102.50.

Commissioner Thompson made a motion to recommend to City Council the approval of the two amendments to the Zoning Ordinance, Chapter 29 - Sign Regulations, to include Feather Flag Signs under Section 14.2903. Definitions and to allow a maximum 10' height exception for feather flag signs to Section 14. 2906, Allowable Signs by Zoning Districts, D-f; seconded by Commissioner Beier. Voting results: 7 yes, 0 no. Voting yes were Councilmember Garrett, Commissioner Thompson, Commissioner Ball, Vice-Chairman Kennerly, Commissioner Beier, Commissioner Nesmith and Secretary Parella.

## 2. Evaluation of non-Commercial art for two professional offices

Mr. Hartman explained in the Sign Regulations of the Zoning Ordinance Allowable Signs by Zoning District, Section 14.2906, all zoning districts allow certain signs which include historic signs, flags, private road name signs, a long list of signs which are permitted just as real estate signs but in that long list, that may be permitted in any zoning district there is a term called non-commercial art. Any outdoor artwork, mural, sculpture and the like may be displayed on a lot, provided that it does not contain any commercial message or logo and does not create a sight visibility hazard. Where such outdoor art is part of a site that is subject to the planning commission's jurisdiction, the outdoor art shall be considered part of the development that is subject to the planning commission's review and approval. In the past month, we have had two such requests and both happen to be on pediatric dentist office sites. The first is located at 950 W. 1<sup>st</sup> North Street, it has been undergoing refurbishment, and there is a free standing low to the ground monument sign with this logo of the sun and toothbrush on their free standing sign. This would be something that is permitted on their wall much the same a Pal's was permitted a hot dog, hamburger and milkshake cup in recent weeks. Staff feels that this be treated as non-commercial art and approved as part of their application for sign permit to put up the structure. The next one is located at 3005 W Andrew Johnson Highway for Dr. Moody's office. This one contains no actual attached commercial message, although you see one that is a schematic, Dr. Moody indicated that would not necessarily be part of the object/statue of this elephant, but there are two or three animals that are part of that proposal that would go on the lawn and not attached to the building.

Commissioner Thompson asked what kind of scale are we talking about. Mr. Hartman explained 15 feet tall. Secretary Parella stated it sounds to me like going toward the future leaning towards some of the things that might be developing in this growing town now. Commissioner Thompson explained I know it is not classified as a sign then it is a figure there and it is a pretty large scale compared to the one we looked at before, it was nothing like that. When you talk about the Pal thing, it is attached to the structure itself. This is not attached to the structure nowhere? Mr. Hartman explained it is free standing. Vice-Chairman Kennerly explained I think it is a matter of taste. With apologies, I think both of them are tacky looking but looking at it objectively, they are no different than that man in the row boat down on Gay Street in Knoxville, which is beautiful. When we get into trying to regulate aesthetics, we get in whole lot of trouble. Secretary Parella explained it is not cheap either, that little old elephant is probably pretty expensive. Commissioner Beier asked what is the question. It says evaluation we do not necessarily like it as art but it may be art. Vice-Chairman Kennerly explained we have to approve each one of

them sort of like a use on review. Commissioner Ball asked are we going to vote on each one separately. Vice-Chairman Kennerly yes, let us go back to the one on W. 1<sup>st</sup> North and call for a motion to approve.

Commissioner Ball made a motion to approve the non-commercial art at **950 W. 1<sup>st</sup> North Street**; seconded by Commissioner Beier. Voting results: 7 yes 0 no. Voting yes were Councilmember Garrett, Commissioner Thompson, Commissioner Ball, Vice-Chairman Kennerly, Commissioner Beier, Commissioner Nesmith and Secretary Parella.

Commissioner Thompson explained I am just thinking in terms of what this thing could escalate to down the line. Is there a limitation? Are we going to look at being feasible if it is attached to a structure and it is not over sized or whatever, or then are we going to have a free standing figure that is monumental in size and just how extreme this thing can get? Vice-Chairman Kennerly stated I agree with you. I think it would be a losing battle. Commissioner Beier explained that is the problem with use on review. I was telling Jack I was going to put a big old shark in front of my law office and call it art. Secretary Parella stated or perhaps a pain clinic that has a huge needle. I think this is something that is going to be coming up again. Vice-Chairman Kennerly we cannot regulate content, we can regulate size and location. They taught us a painful expensive lesson that we cannot regulate content.

Commissioner Beier made a motion to approve the non-commercial art at **3005 W. Andrew Johnson Highway**; seconded by Secretary Parella. Voting results: 6 yes 1 no. Voting yes were Councilmember Garrett, Commissioner Ball, Vice-Chairman Kennerly, Commissioner Beier, Commissioner Nesmith and Secretary Parella. Voting no was Commissioner Thompson.

- IV. 1. Discussion and input of additional TDOT (Transportation Alternatives Grant) funding for the City's Greenway Development along the West Branch of Turkey Creek from Civic Park to Lincoln Avenue.
2. Discussion and input of additional TDOT (Multi-Model Grant) funding to further the development of the City's Sidewalk Plan along W. Morris Boulevard.

Mr. Hartman explained the city is going to apply for two TDOT Grants this year. The first is the Transportation Alternatives Grant and it will specifically for the extension of the Greenway Development from Civic Park, across the Housing Authority property, to Lincoln Avenue to a new minor trailhead that is proposed for that location. The second which is called a Multi-Model Grant and it will be to extend sidewalks where they are none along W. Morris Boulevard from High Street to the bridge over the railroad tracks where it would connect with existing sidewalks. Both of these grants being from TDOT are required to have, what they have termed, a discussion and input from the public as part of the application process. This does not require this board's approval or action of any kind other than if you have input or questions or just wanted to see the map or proposed application then this would be one opportunity in which this could take place. The second meeting will be held by staff on Thursday, October 15<sup>th</sup>, at the noon hour. This will simply lead to an application which we may or may not get.

V. Departmental Reports:

1. Minor Subdivisions Approved:  
West Andrew Johnson Highway (4 lots into 1 lot)  
Rutledge Place (4 lots into 2 lots)  
Brockland Acres (lot line revision)  
Runway Protection Zone

Vice-Chairman Kennerly explained we have some minor subdivisions approved by staff.

Mr. Hartman explained these are minor subdivisions that have been approved and recorded. We are certifying this to the commission that these have taken place in accordance with local and state law.

The meeting was adjourned.

Respectfully submitted,

Rose Parella  
Secretary

RP/sk



Department of Community Development  
West 1<sup>st</sup> North Street  
Morristown, TN 37814  
(423)585-4620

TO: Morristown Regional Planning Commission  
FROM: Logan Engle, Planner *JE*  
DATE: December 8, 2015  
SUBJECT: Rezoning – 2258 Springvale Road in UGB  
Hamblen County Tax Map 051 Parcel 029.00  
Portion of Map 051 Parcel 023.00  
Portion of Map 051 Parcel 028.00  
A1 (Agricultural) to C-1 (Commercial)

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### **BACKGROUND:**

A Rezoning request has been submitted by JJK Partners, LLC for property located at 2258 Springvale Road. This property is not located in the City, but rather within the City's Urban Growth Boundary. The property is currently zoned by the County as Agricultural (A-1). The request is to rezone the entire parcel to Commercial (C-1). The requested rezoned area also includes a portion of two adjoining parcels. A combination plat showing this area has been approved by City staff and is awaiting final recording with the Hamblen County Register of Deeds. This property is being considered for development as a Dollar General store.

The site currently contains two abandoned residential structures. This tract of land is located at the corner of Highway 113/Springvale Road and Enka Highway/Highway 160.

At this time, city staff has received no complaints from adjoining property owners regarding the rezoning of the property.

### **RECOMMENDATION:**

Staff proposes that the Morristown Regional Planning Commission recommend this rezoning request to the Hamblen County Commission for consideration.





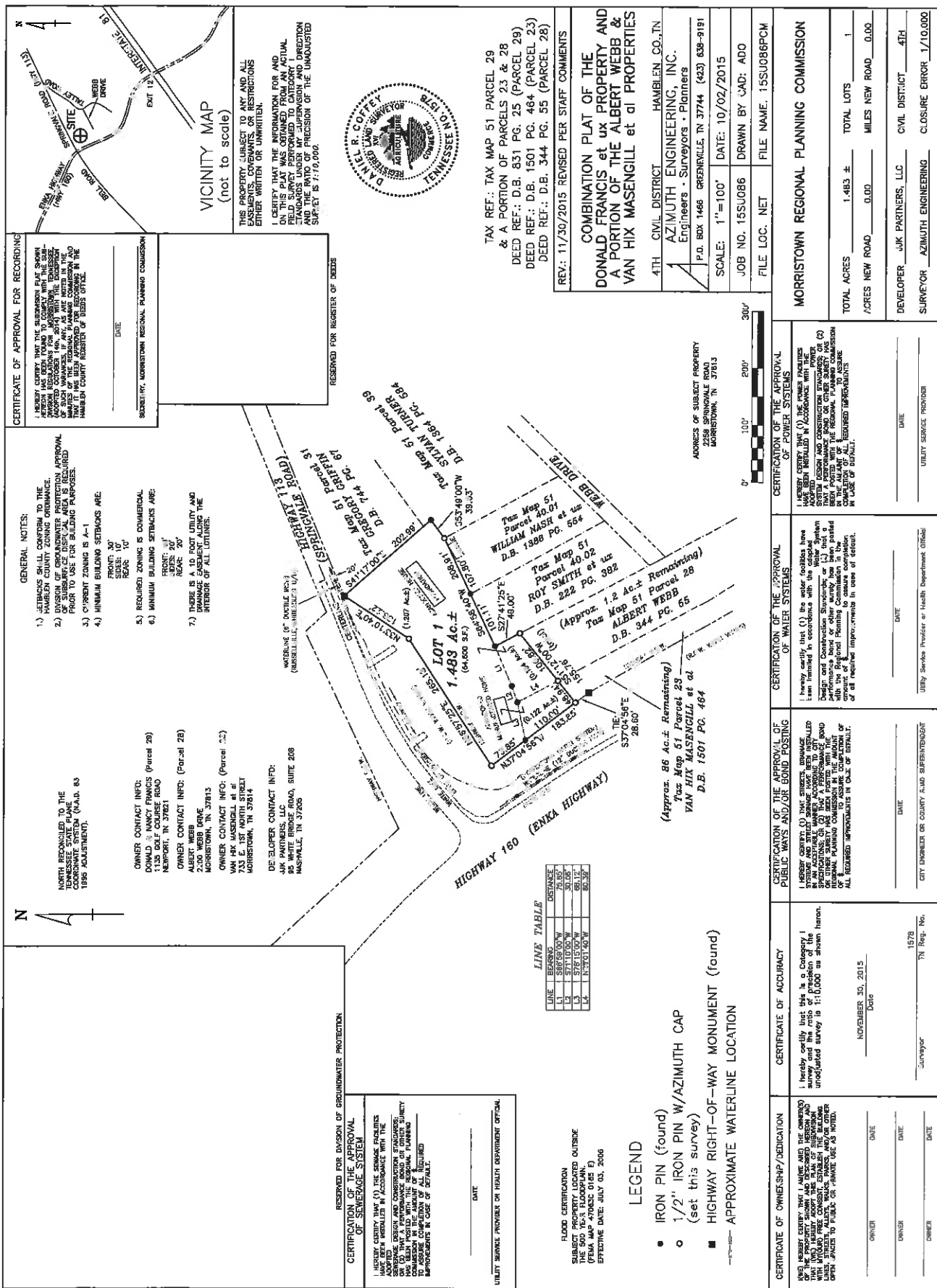
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### ZoningDistrict

- A-1
- R-1
- R-2
- C-1
- PBD
- I-1



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community





# City of Morristown

*Incorporated 1855*

## Department of Community Development and Planning



TO: Morristown Regional Planning Commission

FROM: Alan Hartman, Planning Director *Alan Hartman*

DATE: December 3, 2015

SUBJECT: Concept Plan Approval Request – Merchants Greene Phase 2 – (West)  
MASD-001630-2015  
Parcel Id 032 040 03003 000 2016

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### Background:

The developers of the Merchants Greene shopping area are requesting approval of the Concept Plan for the second phase of their development. This phase is situated to the west of Merchants Greene Blvd. all the way to Howell Rd. and south of W. Andrew Johnson Highway to the railroad tracks. The property, roughly 50.96 acres in size, is currently zoned Intermediate Business (IB). The request is a precursor to the actual preliminary subdivision plat which is expected to come in a few weeks. The site is currently vacant and agricultural.

The concept plan process allows the developer to work with city staff and other agencies in the early stages and present to the planning commission a master plan (concept) prior to investing in the engineering and design phase of their development. As proposed, the overall development is proposed as three separate centers: 1. The shops at Merchants Greene, 2. The Plaza at Merchants Greene, 3. The Crossing at Merchants Greene. Although the development is proposed to build as three separate centers, they are proposing to construct the infrastructure all at one time.

During the Conceptual Plan Review the city staff notes the following issues to address as the development moves forward:

1. In conflict with the subdivision regulations, the proposed street names are repetitious of existing street names and too long in spelling.
2. Additional Traffic Impact Analysis reports will be necessary as future tenants and developments are proposed.
3. Development and construction in this area is subject to approval by the Federal Aviation Authority and the Moore-Murrell Field Airport Zoning Overlay District Ordinance.
4. As proposed, the street radius will require a variance from the specification of 75 feet.

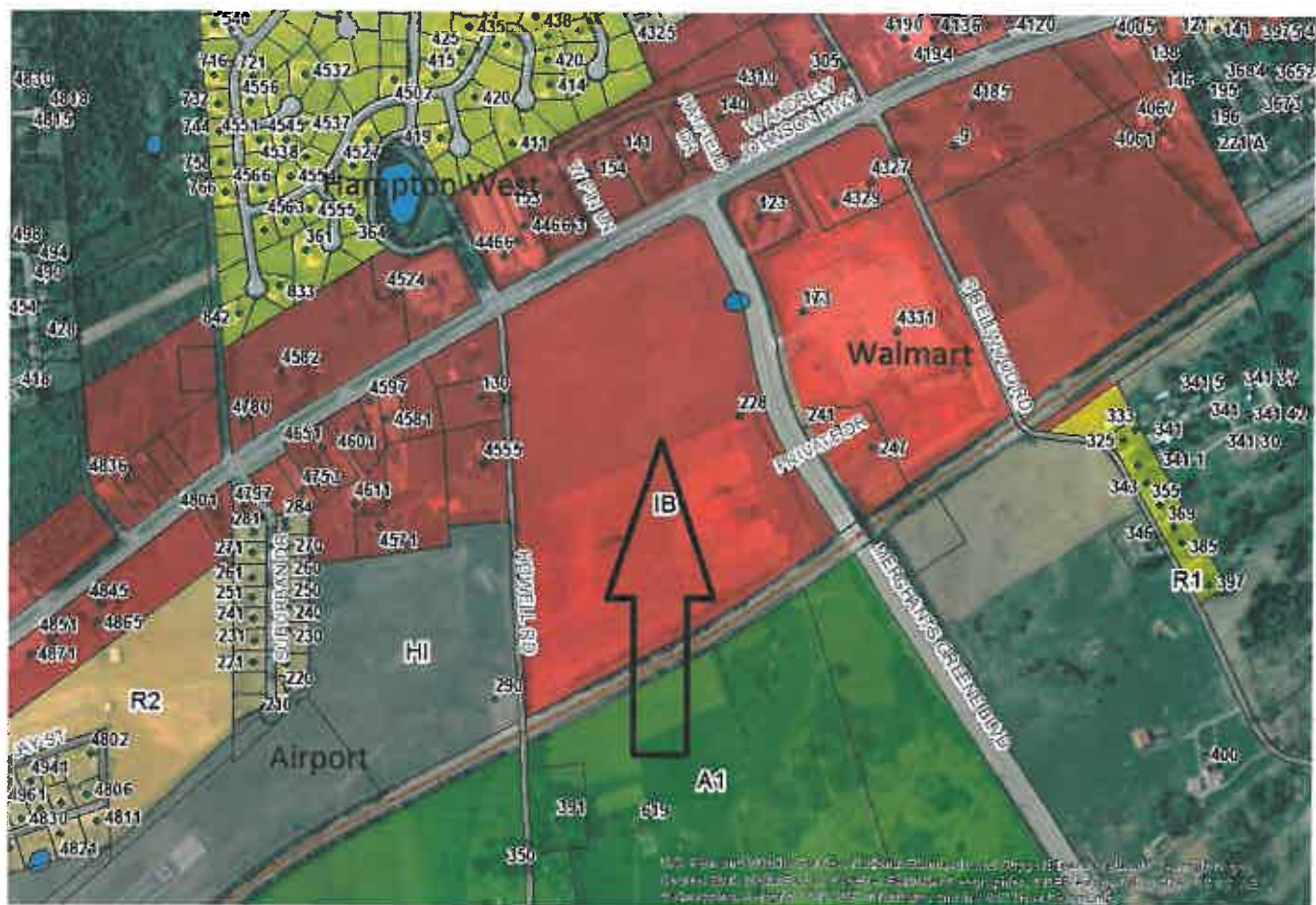
### Options:

Approve the Request

Deny the Request and state the reasons for denial

Postpone Action pending the presentation of additional information

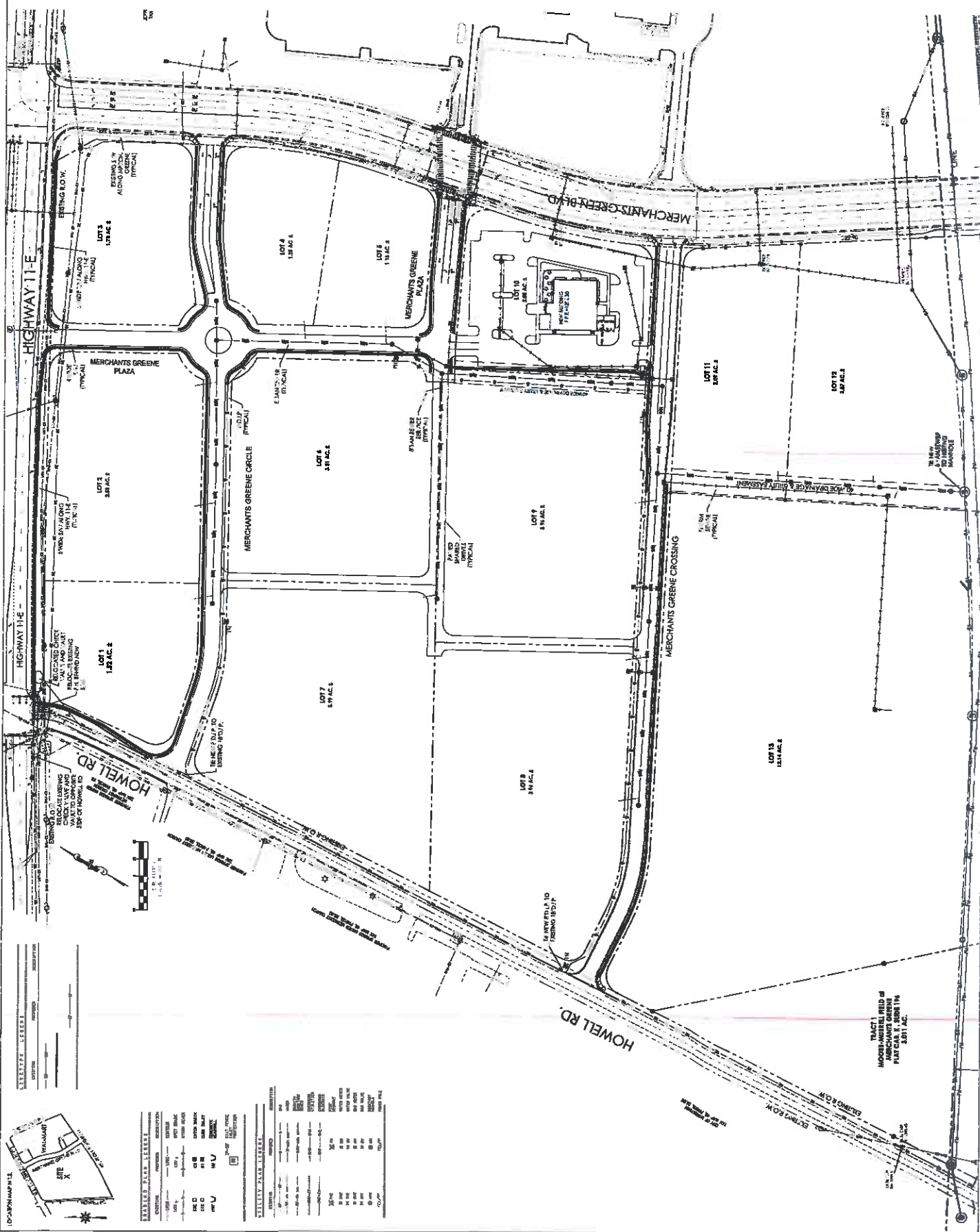




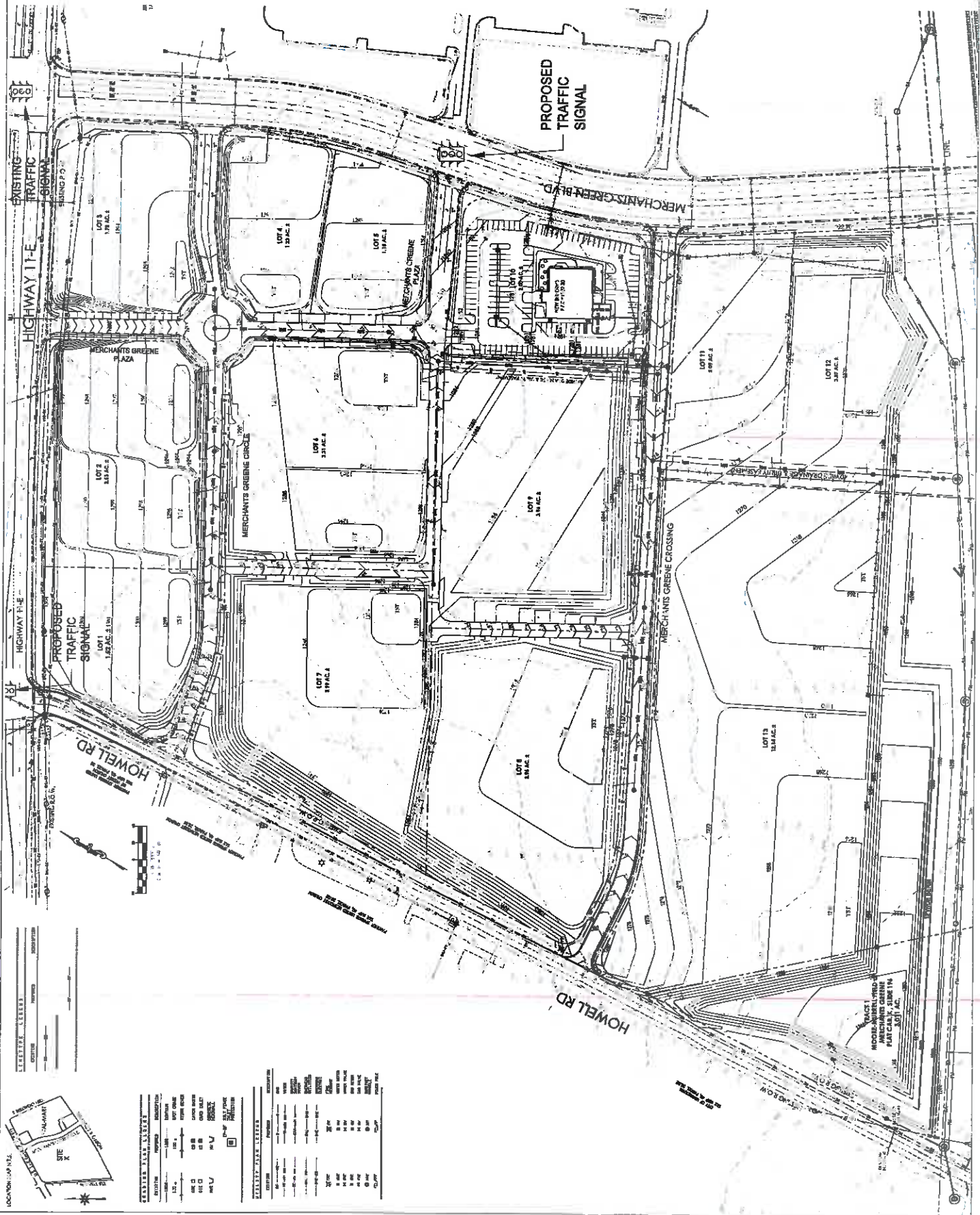


















Department of Community Development  
100 West 1<sup>st</sup> North Street  
Morristown, TN 37814  
(423)585-4620

TO: Morristown Regional Planning Commission  
FROM: Lori Matthews, Senior Planner  
DATE: December 8th, 2015  
SUBJECT: Extension of Performance Bond *SM*  
Walden Place Subdivision

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## REQUEST -

Walden Place Subdivision (formerly known as Heritage Place) is an 11 lot 4 +/- acre development located along Central Church Road just north Hamilton Place condominiums. Representing the development owner (Lakeview Management and Development IX, LLC.) is Mr. Will Morrison.

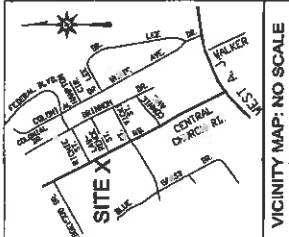
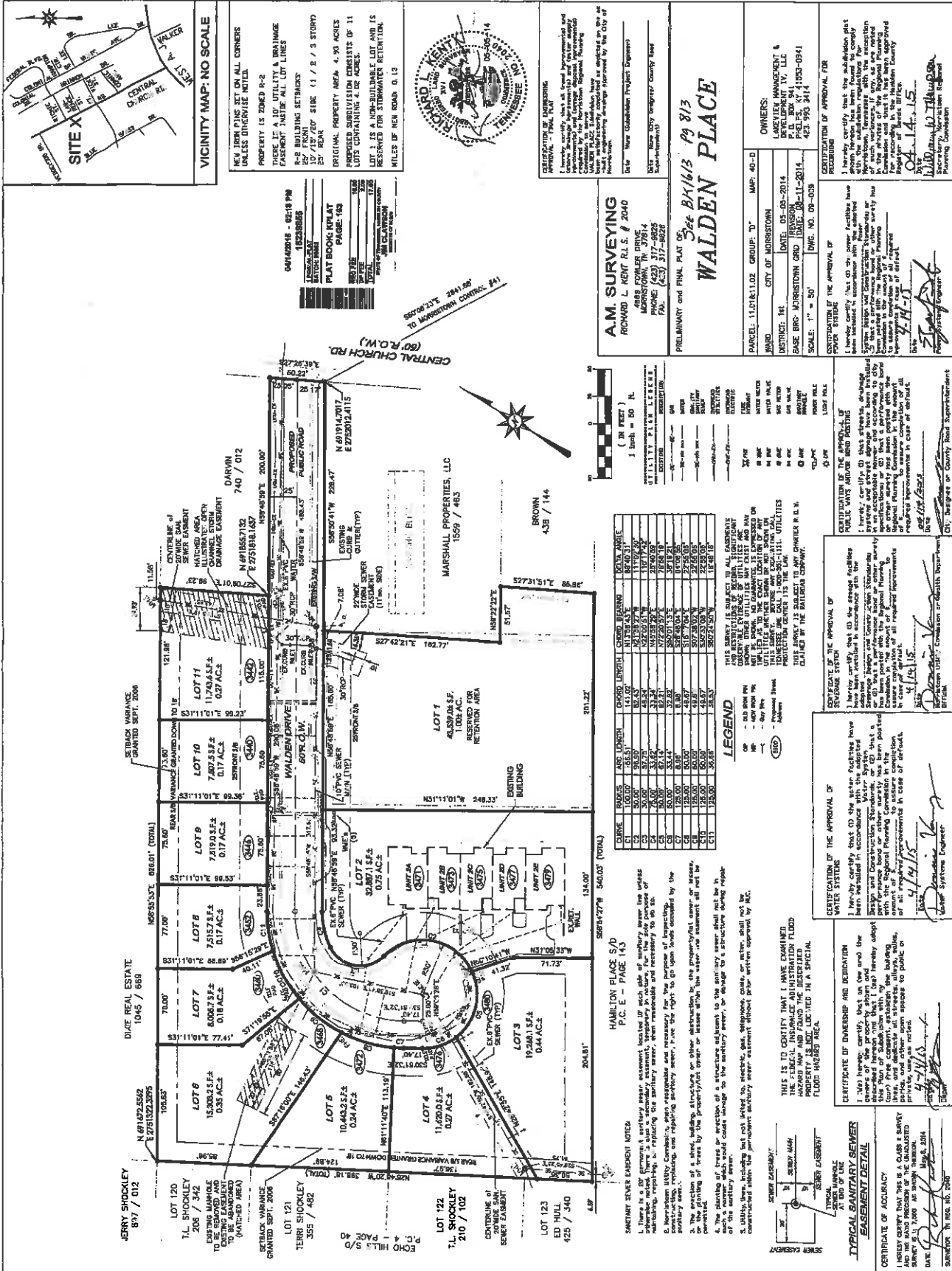
The subdivision received final approval by the Regional Planning Commission at their July 2014 meeting with stipulations that the City receive the required pond maintenance agreement and that the street right of way (Walden Drive) be completed to City standards. A road boring was conducted to determine what level of completion was needed, the result of which showed only a topcoat was required.

The maintenance bond has been received and recorded but the street is still yet to be complete. A letter of credit was submitted and accepted last December in the amount of \$49,500 in lieu of this final step being done. The owner has asked for a 6 month extension of the LOC in order to complete the street in the spring of 2016.

## PLANNING COMMISSION OPTIONS -

1. Grant extension of surety.
2. Deny extension of surety.
3. Modify amount of surety.





**VICINITY MAP: NO SCALE**

THE PROPERTY IS ZONED R-2  
THERE IS A 10' UTILITY EASEMENT  
EASEMENT INSIDE ALL LOT LINES  
R-2 BUILDING SETBACKS  
12' / 12' / 20' SIDE (1' / 2' / 3' STORY)  
25' REAR  
ORIGINAL PROPERTY AREA 4.93 ACRES  
PROPOSED SUBDIVISION CONSISTS OF 11  
LOTS CONTAINING 4.00 ACRES.  
LOT 1 IS A NON-BUILDABLE LOT AND IS  
RESERVED FOR STORMWATER RETENTION.  
MILES OF NEW ROAD 0.13

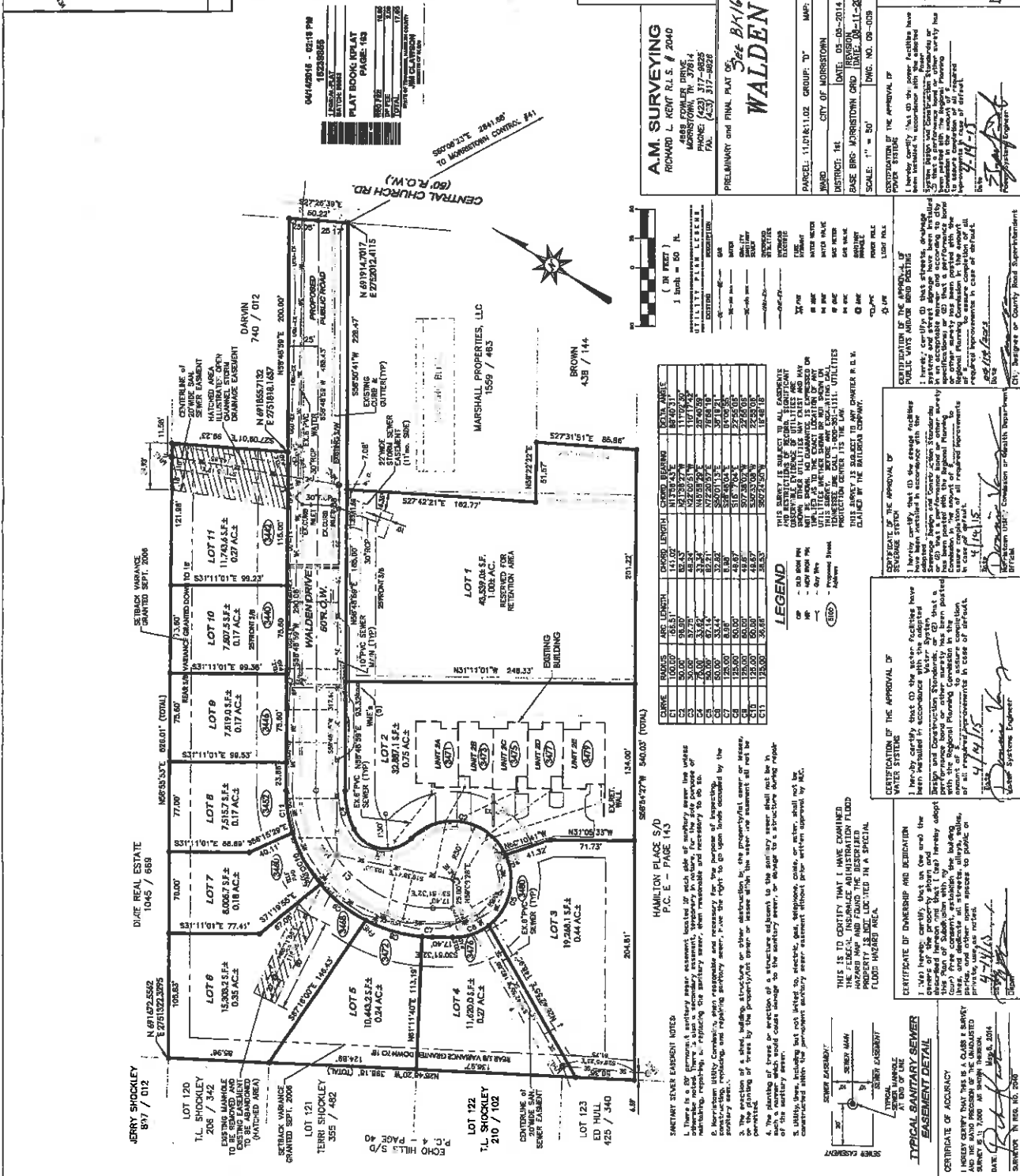


**AM SURVEYING**  
RONALD L. KENT R.L.S. / 2040  
AMSTERDAM, NY 10704  
PHONE: (203) 317-0025  
FAX: (203) 317-0025

**WALDEN PLACE**  
PRELIMINARY and FINAL PLAT OF  
See BK1613 Pg 813

**OWNERS:**  
LAWRENCE MANAGEMENT &  
DEVELOPMENT IV, LLC  
P.O. BOX 1000  
P.O. BOX 1000  
423-993-9941

**CERTIFICATE OF APPROVAL FOR RECORDING**  
I hereby certify that the subdivision plat shown herein has been found to comply with the provisions of the Subdivision Map Act and the provisions of the Maryland Planning and Zoning Code, and that the plat is correct and true to the original survey and that the same has been approved by the Planning Commission of the City of Walden, Maryland.



**AM SURVEYING**  
RONALD L. KENT R.L.S. / 2040  
AMSTERDAM, NY 10704  
PHONE: (203) 317-0025  
FAX: (203) 317-0025

**WALDEN PLACE**  
PRELIMINARY and FINAL PLAT OF  
See BK1613 Pg 813

**OWNERS:**  
LAWRENCE MANAGEMENT &  
DEVELOPMENT IV, LLC  
P.O. BOX 1000  
P.O. BOX 1000  
423-993-9941

**CERTIFICATE OF APPROVAL FOR RECORDING**  
I hereby certify that the subdivision plat shown herein has been found to comply with the provisions of the Subdivision Map Act and the provisions of the Maryland Planning and Zoning Code, and that the plat is correct and true to the original survey and that the same has been approved by the Planning Commission of the City of Walden, Maryland.

**CERTIFICATE OF APPROVAL FOR RECORDING**  
I hereby certify that the subdivision plat shown herein has been found to comply with the provisions of the Subdivision Map Act and the provisions of the Maryland Planning and Zoning Code, and that the plat is correct and true to the original survey and that the same has been approved by the Planning Commission of the City of Walden, Maryland.

**CERTIFICATE OF APPROVAL FOR RECORDING**  
I hereby certify that the subdivision plat shown herein has been found to comply with the provisions of the Subdivision Map Act and the provisions of the Maryland Planning and Zoning Code, and that the plat is correct and true to the original survey and that the same has been approved by the Planning Commission of the City of Walden, Maryland.

**CERTIFICATE OF APPROVAL FOR RECORDING**  
I hereby certify that the subdivision plat shown herein has been found to comply with the provisions of the Subdivision Map Act and the provisions of the Maryland Planning and Zoning Code, and that the plat is correct and true to the original survey and that the same has been approved by the Planning Commission of the City of Walden, Maryland.

**STORMWATER MANAGEMENT/BMP FACILITIES MAINTENANCE AGREEMENT**

THIS AGREEMENT, made and entered into this 15 day of August, 2014, by and between Lakeview Management & Development, IV LLC hereinafter called the "Landowner", and  
(Insert Full Name of Owner)  
the City of Morristown, TN hereinafter called "City".

WITNESSETH, that

WHEREAS, the Landowner is the owner of certain property described as Walden Place  
Map 040-D Parcel 11.02 as recorded by deed in the last land records of  
(Insert Hamblen County Tax & Parcel Number)  
Hamblen County, TN, Deed Book 1289 Page 415, hereafter called the "Property".

WHEREAS, the Landowner is proceeding to build on and develop the property; and

WHEREAS, the Site Plan/Subdivision known as Walden Place  
(Name of Plan/Development)

hereafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the City, provides for management of stormwater within the confines of the property; and

WHEREAS, the City and the Landowner, its successors and assigns, agree that the health, safety and welfare of the residents of the City of Morristown, Tennessee, require that on-site stormwater management/BMP facilities be constructed and maintained on the Property; and

WHEREAS, the City requires that on-site stormwater management/BMP facilities, as shown on the Plan,  
be constructed and adequately maintained by the Landowner, its successors and assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site stormwater management/BMP facilities shall be constructed by the Landowner, its successors, and assigns, in accordance with the plans and specifications identified in the Plan and shall, upon construction completion, be certified as such by the Plan's Engineer of Record.
2. The Landowner, its successors, and assigns, shall adequately maintain the stormwater management/BMP facilities as outlined in the Plan and contained within the Landowner's property. This includes all pipes and channels built to convey stormwater to and from the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good working condition, so that these facilities

are performing their design functions. Those maintenance procedures outlined in the Plan and the City's approved BMP guidelines shall be practiced at a minimum. Common maintenance shall include the removal of debris (leaves, lawn clippings, sticks, etc.) and trash after rainfall events, checking outlet structures for clogging and cleaning, as necessary, repairing erosive areas promptly upon observation, and removing accumulated sediment.

3. The Landowner, its successors, and assigns, shall inspect the stormwater management/BMP facility and report to the City Engineer if any major repairs (i.e. structural) are necessary. The purpose of the inspection and reporting is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facilities, berms, outlet structure, pond areas, access roads, etc and shall be performed at such times and such manner as to accomplish these objectives.
4. The Landowner, its successors, and assigns, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the stormwater management/BMP facilities (including sediment removal) is outlined on the approved plans or in the City's BMP guidelines, the Landowner, its successors, and assigns, shall adhere to the schedule.
5. The Landowner, its successors, and assigns, hereby grant permission to the City, its authorized agents, and employees, to enter upon the Property and to inspect the stormwater management/BMP facilities whenever the City deems necessary. The purpose of inspection may be to check the facility for proper functioning, to follow-up on reported deficiencies or repairs, to respond to citizen complaints, and/or to check for any other reasons the City deems necessary. If problems are observed, the City shall provide the Landowner, its successors, and assigns, copies of the inspection findings and a directive to commence with the repairs within a specified timeframe.
6. In the event the Landowner, its successors, and assigns, fails to maintain the stormwater management/BMP facilities in good working condition acceptable to the City, the City may enter upon the Property and take the steps necessary to correct deficiencies identified in the inspection report. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Landowner, outside of the easement, for the stormwater management/BMP facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the City.
7. In the event the City, pursuant to this Agreement, performs work of any nature or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner, its successors, and assigns, shall reimburse the City upon demand, within sixty (60) days of receipt thereof, for one hundred fifty percent (150%) of all actual costs incurred by the City hereunder.
8. If the Landowner fails to pay the City for one hundred fifty percent (150%) of their incurred expenses within sixty (60) days of receipt of written notice, the Landowner authorizes the City to place a lien against the property in an amount equal to one hundred fifty percent (150%) of said expenses.
9. If the Landowner fails to reimburse the City, as described above, the Landowner further authorizes the City to collect said expenses from the Landowner through other appropriate legal action, with the Landowner to be liable for the reasonable costs of collection, court costs, and attorney fees.

10. This Agreement imposes no liability of any kind whatsoever on the City, and the Landowner agrees to hold the City harmless from any liability in the event the stormwater management/BMP facilities fail to operate properly.
11. This Agreement shall be recorded among the land records of Hamblen County, Tennessee, and shall constitute a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interests.

WITNESS the following signatures and seals:

Lakeview Management + Development, IV LLC  
Company/Corporation/Partnership Name (Seal)

By: X Eddie Hurley

Eddie Hurley  
(Type Name)

Owner  
(Type Title)

BK/PG: 1613/813-815	
15239884	
3 PGS: AL-MISCELLANEOUS	
BRENDAR BATCH: 98863	
04/14/2015 - 02:18 PM	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	17.00
STATE OF TENNESSEE, HAMBLEN COUNTY	
JIM CLAWSON	
REGISTER OF DEEDS	

State of Ky

County of Floyd

The foregoing Agreement was acknowledged before me this 15th day of August, 2014.

by Eddie Hurley

Shonda N. Starnes  
Notary Public

My Commission Expires 11/22/2014

Approved as to form:

Richard G. Jones 9-9-14  
City Attorney Date



Department of Community Development  
West 1<sup>st</sup> North Street  
Morristown, TN 37814  
(423)585-4620

TO: Morristown Regional Planning Commission  
FROM: December 8, 2015 *JE*  
SUBJECT: Evaluation of Non-Commercial Art

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**BACKGROUND:**

The Department of Community Development and Planning has received a request from Crossroads Downtown Partnership for the installation of non-commercial art decals on the vacant Belk building located downtown at 104 West Main Street.

These decals will be affixed to the first-floor windows of the structure fronting West Main Street and will depict various photographs of Historic Downtown Morristown.

Crossroads Downtown Partnership has obtained permission from the property, Mr. Scott Bloomquist of B&M Investments, LLC., in order to install these art pieces.

Staff includes here the Zoning Ordinance definition of "non-commercial" for reference as well as the associated permitted use of Non-Commercial Art:

***Non-commercial*** means not naming, advertising or calling attention to a business or commercial product, service, or activity. However, where the name of a business is merely incidental to the primary purpose of the sign displayed on residential property, such as may be the case with a real estate sign, such sign shall be deemed non-commercial.

1. ***Non-commercial art.*** Any outdoor artwork, mural, sculpture and the like may be displayed on a lot, provided that it does not contain any commercial message or logo and does not create a sight visibility hazard. Where such outdoor art is part of a site that is subject to the planning commission's jurisdiction, the outdoor art shall be considered part of the development that is subject to the planning commission's review and approval.



Proj 1569 <sup>attach</sup>  
Docs

**PLANNING COMMISSION APPLICATION**  
City of Morristown

Prior to an **annexation, rezoning, subdivision** (major or minor) and/or **site plan** (preliminary or final plat approval) request being placed on the Regional Planning Commission Agenda, the applicant must furnish to the Department of Community Development and Planning the following information:

1. **Date:** 11/10/15
2. **Name of Property Owner:** Scott Bloomquist & B9M Investments LLC  
**Mailing Address:** 250 Brooks Road City/State/Zip Mooresburg TN 37811  
**Telephone:** (Home) \_\_\_\_\_ (Business) \_\_\_\_\_ (Mobile) \_\_\_\_\_
3. **Name of Applicant:** Crossroads Downtown Partnership  
**Mailing Address:** P.O. Box 1893 City/State/Zip Morristown TN 37816  
**Telephone:** (Home) \_\_\_\_\_ (Business) 423-312-1476 (Mobile) \_\_\_\_\_
4. **Name of Agent (if applicable):** \_\_\_\_\_  
**Mailing Address:** \_\_\_\_\_ City/State/Zip \_\_\_\_\_  
**Telephone:** (Home) \_\_\_\_\_ (Business) \_\_\_\_\_ (Mobile) \_\_\_\_\_
5. **Property information:** Street Address: 104 W. Main Street  
County Tax Map: \_\_\_\_\_ Group: \_\_\_\_\_ Parcel(s) \_\_\_\_\_  
Current zoning: \_\_\_\_\_ Parcel size: \_\_\_\_\_ City/U.G.B. \_\_\_\_\_  
Existing Use: Vacant Proposed Use: NA
6. **Nature of Request: (please circle)**  
a) Annexation (state reason for request) \_\_\_\_\_  
b) Right-of-way/Alley Closure (state reason for request) \_\_\_\_\_  
c) Subdivision/P.U.D.: Name \_\_\_\_\_ Acres/lots \_\_\_\_\_ Subdivided into \_\_\_\_\_  
☐ Concept Plan Approval ☐ Preliminary Plat Approval ☐ Final Plat Approval ☐ P.U.D. Approval  
d) Zoning Classification Change (\$100.00 Fee): From \_\_\_\_\_ To \_\_\_\_\_  
e) Other Requests: To Place decal on Street Facing First Floor Windows of Historic Morristown Pictures
7. List name and addresses of adjacent property owner(s) that would be affected by request (reverse side).
8. Submit site plans, surveys, special fees or other items as required for review by City staff and Regional Planning Commission members.
9. **Applicant Signature:** Brian M. Young, Director **Date:** 11/10/15

This application will not be accepted unless all information is complete. If a question is not applicable, please draw a line through the space provided or mark "n/a" (not applicable).

November 11, 2015

To Whom It May Concern,

The Owner, Scott Bloomquist of Parks Belk Building located on Main St. in Downtown Morristown, TN grants permission to Crossroads Downtown Partnership, CDP to have exterior removable decals to be placed on the outside exterior of the buildings windows. Decals are copies of photographs of Historic Downtown Morristown.

Signature: 

Date: 11/12/15

CDP agrees to remove any/all decals  
at owners request, within 7 days of request.  
Marie Cunningham





