

PLANNING COMMISSION MEETING AGENDA

JANUARY 3, 2023

WORKSHOP-

PUBLIC COMMENTS

1. APPROVAL OF THE NOVEMBER MEETING MINUTES

2. ZONING AMENDMENT

A.) DEVELOPMENT STANDARDS FOR SANITARY LANDFILLS

3. PLAT APPROVAL

A.) EVAN GREENE PROPERTY-BOATMANS RIDGE ROAD (02-016-042/043 R-1 ZONE)
4 LOTS SUBDIVISION-REQUEST TO WAIVE DRAINAGE PLAN REQUIREMENTS SUBMITTED BY
JAKE GREAR

4. SITE PLAN APPROVAL

A.) EDDIE PRICE COMM PARK-4545 ENKA HWY MORRISTOWN 37813 (04-051-087.22 C-1 ZONE)
SITE / LANDSCAPING/DRAINAGE PLANS SUBMITTED BY ENGINEER, JOE PARROTT
PROPOSED 8,600 SQ. FT. BUILDING ADDITION

5. ROAD ABANDONMENT

A.) GRISBY ROAD

6. OTHER BUSINESS

A.) RENDEZVOUS PIZZA-7248 W. ANDREW JOHNSON HWY. TALBOTT, TN. 37877

7. ADJOURNMENT

Minutes
Hamblen County Planning Commission Meeting
November 7, 2022

Members Present

John Hofer, Chairman
Charles Anderson, Vice Chairman
Kyle Hale, Secretary
Bill Hicks
Edgar Gray
Rodney Long

Staff

Josh Cole, City Planner
Tina Whitaker, Office Manager
Donna Massey, Administrative Assistant
Lindsey Horn, Clerical Assistant
Tommy McKinney, Codes Enforcement Officer
Darrell Chase, Building Inspector

Absent: Thomas Doty

Planning Commission Workshop

- **Employee Training Manual**

A new version of the educational packet for the municipal operations was passed out to the commissioners. This packet is for anyone that handles any kind of chemicals. The Stormwater Department will send out enough packets for all employees who work in municipal operations to read. Included is a form for each employee to sign stating they have received and read this manual. This is a requirement through the stormwater regulations with the state.

In addition, Lindsey and a state representative are going to start going to municipal operations so that she can learn how to do a walk through and make sure that all rules are being followed. Every 5 years a place is selected for this inspection.

- **Magnets**

The magnets for the Stormwater Department were delivered. There are fifty magnets available. The priority will be to put these on county vehicles first, and then we will offer them to the public.

Charles Anderson asked about putting a large sign on the county garbage trucks. Tina Whitaker requested placing an order for a larger magnet as it will be more cost effective than ordering a large metal sign.

- **Sizemore Trucking**

County Attorney informed the board that the Sizemore Trucking Company has "been enjoined" from operating at that property. There will be an injunction by the court. Attorney Capps is going to speak to Sizemore Trucking's attorney to find out when he will cease operations. As of now he is still operating; once the attorney's speak he will have two days to stop or it will go to general sessions court. The court did not find that the operation of trucks was a nuisance.

Mr. Anderson asked if the trucks have damaged the road. Mr. Capps was not sure. Tommy McKinney said he would check.

There was a brief discussion about the types of trucks going down the road and whether they were full of product or not. Both have been witnessed.

- **2023 Meeting Schedule**

The 2023 meeting schedule was presented to the board. There is some concern over the July meeting considering it falls the day before the July 4th holiday. After some discussion it was decided that a vote would go ahead in the commission meeting.

- **Refund for Charles and Renee Johnson**

Staff requests a refund on behalf of Charles and Renee Johnson. They cannot subdivide due to a lack of road frontage. They are just going to build an addition for their mother rather than go through the rezoning process as originally requested (their realtor told them they could build a second structure). This will be voted on in the commission meeting.

- **1996 Plat**

Tina Whitaker presented a plat that had been approved by the board in 1996 contingent upon the Health Department's approval of septic and noting setbacks. This plat was never recorded and has now been brought back to Tina. The owners want to sell the back portion of the property. It is signed by Lisa Roach (Health Dept.) in 1996. The board doesn't see a problem with it. There's no time limit if it is "subject to". City Planner Josh Cole says the board has 60 days to make a yay or nay if he recalls correctly. We no longer do "subject to". Chris Capps agrees it should be okay.

Call to Order and Approval of the Minutes

Mr. John Hofer called the Planning Commission meeting to order.

Mr. Charles Anderson made a motion to approve the October 2022 minutes. Mr. Edgar Gray seconded the motion. All in favor; motion carried.

Mr. Hofer opened the floor for public comments. There were none.

Site Plan Approvals

- **Russellville Whitesburg Utility – 5908 Old Russellville Rd. (03-0191-C-010.00 C-1)**

Richard Kent, surveyor, represented this request. He handed out updated site plans to the commissions to review.

The 20 foot setback was the main concern by the planners. Mr. Kent did some work; no one has picked up any deeds so there will be a boundary line agreement with the neighboring property owner to get them the 20 foot setback that is required.

City Planner Josh Cole said the updates are okay.

Mr. Kyle Hale made a motion to approve the site plan. Mr. Gray seconded the motion. All in favor; motion carried.

- **Shari Winburn – 1166 Pullen Rd. Whitesburg 37891 (04-027-034.00 A-1)**

Ms. Shari Winburn, property owner, represented the request for the site plan approval.

There was previously a mobile home on the property but it has been removed. Ms. Winburn would like to install six concrete slabs for an overnight/weekend campground. (For the purposes of the minutes and other documentation, until the owner provides the office with an official name, the office will refer to the campground as "Winburn Campground"). There is no trash or lighting on the site plans but she is in communication with companies for both of these. There will be underground power but they are not permanent hookups.

Each pad will be 20 x 65 with septic and utilities. Brian with TDEC is meeting her on Tuesday, November 8th to go over septic.

City Planner Josh Cole stated that it is okay as far as zoning and use wise. Staff recommends approval contingent on state and TDEC approval.

Ms. Winburn stated there will also be an automatic gate with a code and landscaping. Office and scheduling paperwork will all be done online. The state will monitor her to ensure she isn't letting people stay permanently.

Upon being asked if she would expand she said it's possible, but not really looking to expand beyond 12 slabs.

Mr. Gray made a motion to approve the request subject to state and TDEC approval on file. Mr. Hale seconded the motion. All in favor; motion carried.

Other Business

- **2023 Meeting Schedule**

Per the discussion had in the workshop, Mr. Anderson made a motion to accept the 2023 meeting schedule. Mr. Rodney Long seconded the motion. All in favor; motion carried.

- **Refund Request for Charles and Renee Johnson**

Per the discussion had in the workshop, Mr. Hale made a motion to refund \$75 to Mr. and Mrs. Johnson. Mr. Anderson seconded the motion. All in favor; motion carried.

Adjournment

With no other business to conduct, Mr. Gray made a motion to adjourn the meeting. Mr. Bill Hicks seconded the meeting. All in favor; motion carried. Meeting adjourned.

DRAFT



TENNESSEE
Hamblen County
SERVICE • COMMUNITY • INDUSTRY
OFFICE OF THE MAYOR

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 have 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,



Bill Brittain
County Mayor

Bill Brittain, County Mayor

511 West Second North Street • Morristown, TN 37814 • office. 423.586.1931 • fax. 423.585.4699

www.HamblenCountyTN.gov • email. bbrittain@co.hamblen.tn.us

Proposed Amendment to Hamblen County Zoning Resolution

That § 7.6 be deleted in its entirety, and the following be substituted as a new § 7.6:

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 & Conservation, TDEC Rule Chapter 0400-11-01, "Solid Waste Processing and Disposal", as same may be amended from time to time.

Hamblen County Proposed Zoning Amendment

EXISTING REGULATIONS:

7.6 Development Standards for Sanitary Landfills

Because of the nature and character of landfill operations, detrimental effects to the health, safety, and welfare of surrounding residents can occur. To off-set potential problems, the following standards shall be used to evaluate proposed landfills:

A. A minimum of fifty (50) acres is required.

B. Landfill operations, such as trenches and demolition areas, shall be no closer than 2,000 linear feet from any residence, school or church.

C. Ground water monitors must be located along all borders.

D. A one hundred (100) foot wide buffer must be provided along all outside boundaries. Such a buffer shall be composed of dense evergreen plantings, which shall not permit viewing of landfill operations.

E. One (1) sign shall be permitted on site noting the name of the landfill and shall be no larger than one hundred (100) square feet.

F. All landfills must be located on a public road with at least fifty (50) feet right-of-way and a road pavement width of at least twenty-six (26) feet in width to accommodate safely the passage of garbage trucks. Any proposed landfill which does not meet these criteria must offer proposals to the County Highway Department for upgrading the public road. No Site Plan shall be approved unless the County Highway Department has accepted the proposed improvements and a bond have been posted with the Planning Commission for the improvements.

G. All proposed landfills must meet all laws and regulations of the State of Tennessee and Hamblen County.

H. A Site Plan is required, showing access routes, entrances, signage, internal roadways, scales, office buildings, fencing, accessory buildings, trench and demolition areas, ground water monitors, owner's name, address, and telephone number, proposed lifespan of the landfill, proposed reclamation plans, phases and topography. The Site Plan shall be drawn to scale and show dimensions of all buildings, signs, and entranceways and landscaping.

I. Documents must be submitted stating mitigation measures to be undertaken by the developer/owner of damage to surrounding property owners.

J. A bond amount shall be set by the Planning Commission in an amount to offset any detrimental effects from landfill operations and/or site preparation such as damage to roadways, public waterlines, or other "clean-up" operations, which the County has to provide. Said bond shall be held for two (2) years by the Planning Commission with the option to extend upon negotiations with the developer.

PROPOSED AMENDMENT:

7.6 Development Standards for Sanitary Landfills

That 7.6- Development Standards for Sanitary Landfills be deleted in its entirety, and the following be substituted as a new 7.6:

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 amended from time to time.

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

The City of Morristown

Community Development & Planning



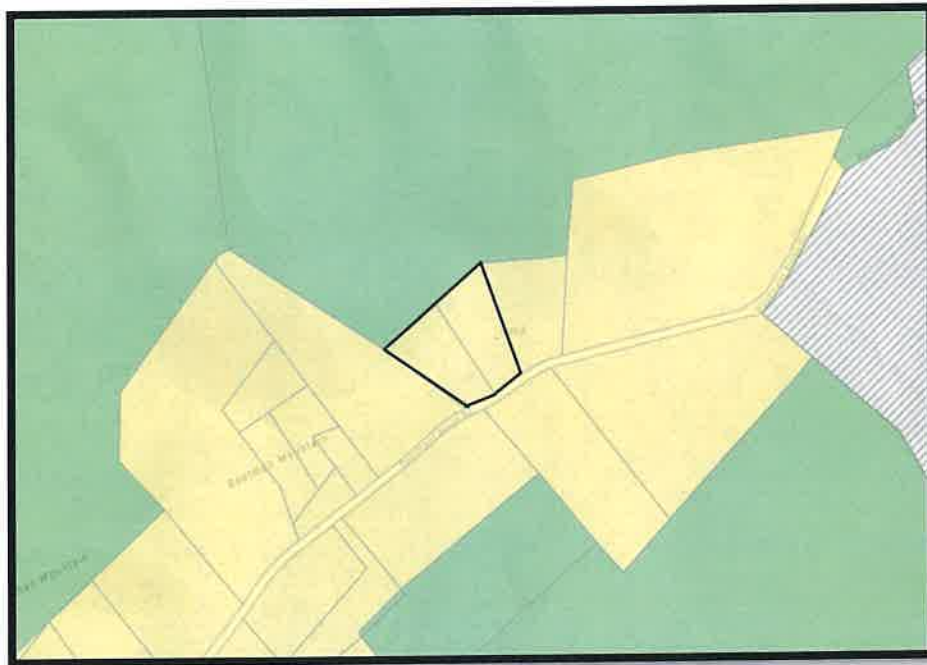
TO: Hamblen County Planning Commission
FROM: Josh Cole, City of Morristown Senior Planner
DATE: January 3rd, 2023
SUBJECT: Subdivision Final Plat Request
Evan S. Greene Subdivision
Boatsman Ridge Road

 **FILE COPY**

BACKGROUND

A final plat request for the “Evan S. Greene Subdivision” located on Boatsman Ridge Road that consists of 4 lots on a total acreage of approximately 2.65 acres. The sizes of the lots are as follows:

Lot 1: 0.63 acres (27,290 sq ft), Lot 2: 0.65 acres (28,511 sq ft), Lot 3: 0.68 acres (29,556 sq ft), and Lot 4: 0.69 acres (30,231 sq ft).



This property is currently vacant and zoned R1 (Rural Residential District).

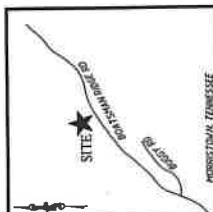
RECOMMENDATION

The submitted subdivision plat meets the minimum requirements set forth in the zoning ordinance and staff would recommend approval of this request if it has obtained approval from TDEC for the newly created lots.

Miller
Land Surveying, LLC
116 ROBINDALE COURT
KINGSPORT, TENNESSEE 37663
PHONE: 423-552-5300
WWW.MILLERSURVEYING.COM
11/10/2019 02:00 PM

SHEET 1 OF 1

FINAL PLAT
TAX MAP 16, PARCEL 42 & 43
DEED BOOK 1779, PAGE 428
DATE: SEPTEMBER 2, 2022



VICINITY MAP
MORRISTOWN, TENNESSEE
200' TO SCALE

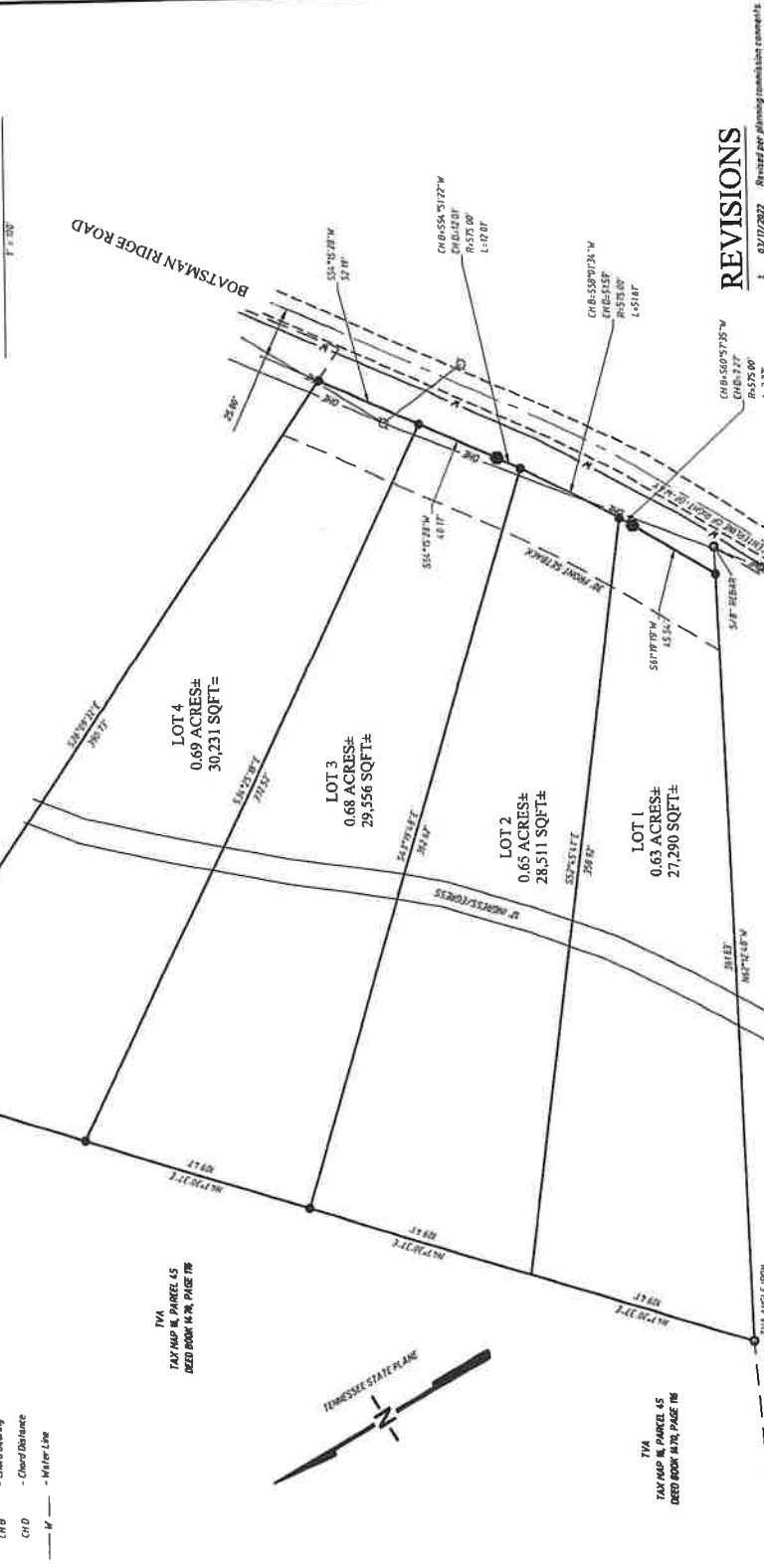
NOTES

- The information shown herein was obtained from Deed Book 1779, Page 428 and a field survey by Miller Land Surveying, LLC in March 2022.
- This property is owned by: David Resnick, District.
- This survey was performed at the request of Evan S. Greene.
- A portion of this property DOES NOT lie within a "Special Flood Hazard Area" as shown on FEMA Flood Insurance Rate Map as prepared by FEMA (Federal Emergency Management Agency) and labeled as Map Number 4768X0656C dated July 2, 2006.

LEGEND

- - Right of Way (R/W) with a center line
- - Property Corner & Type (Hd)
- - Power Pole
- - Overhead Electric
- - Overhead Gas
- - Overhead Water
- - Overhead Sewer
- - Overhead Cable
- - Overhead Fiber
- - Overhead Telephone
- - Overhead Power Line
- - Overhead Gas Line
- - Overhead Water Line
- - Overhead Sewer Line
- - Overhead Cable Line
- - Overhead Fiber Line
- - Overhead Telephone Line
- - Overhead Power Line
- - Overhead Gas Line
- - Overhead Water Line
- - Overhead Sewer Line
- - Overhead Cable Line
- - Overhead Fiber Line
- - Overhead Telephone Line
- - Overhead Power Line
- - Overhead Gas Line
- - Overhead Water Line
- - Overhead Sewer Line
- - Overhead Cable Line
- - Overhead Fiber Line
- - Overhead Telephone Line

TDEC MAP ONLY



REVISIONS

1. 02/10/2022 Revised per planning commission comments.

EVAN S. GREENE SUBDIVISION			
HAMILTON COUNTY PLANNING COMMISSION			
TOTAL ACRES	2.65±	TOTAL LOTS	4
ACRES NEW ROAD	0	MILES NEW ROAD	0
OWNER	EVAN S. GREENE	CIVIL DISTRICT	2
SURVEYOR	JEFFERY A. MILLER	CLOSURE ERROR	1:10,000
SCALE 1" = 40'		0' 40' 80' 120'	

J.M.J. MDE

TAX MAP 16, PARCEL 41

DEED BOOK 57, PAGE 42

OWNER:
EVAN S. GREENE
PO BOX 1757
MORRISTOWN, TN 37816

CERTIFICATE OF ACCURACY

I HEREBY CERTIFY THAT THE PLAT SHOWN AND DESCRIBED HEREIN IS A TRUE AND CORRECT SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF TENNESSEE.

DATE: _____

SURVEYOR: _____

CERTIFICATE OF OWNERSHIP AND DESIGNATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN, AND THAT I HAVE DESIGNATED THE PROPERTY SHOWN AND DESCRIBED HEREIN AS A SUBDIVISION OF THE PROPERTY SHOWN AND DESCRIBED HEREIN.

DATE: _____

OWNER: _____

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN AND DESCRIBED HEREIN IS A TRUE AND CORRECT SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF TENNESSEE.

DATE: _____

SURVEYOR: _____

T. Clint Harrison, P.E.

- Civil Engineer -
5123 Bethesda Road
Morristown, TN 37814
ph. 423.277.1112
charrisoneng@gmail.com

FILE COPY

December 20, 2022

The Hamblen County Planning Commission
511 West Second North Street
Morristown, TN 37814

**RE: Stormwater Review
EVAN GREENE S/D on Boatmans Ridge oad**

Dear Tina:

I am writing in response to a Drainage Review of the subject development by Jake Greear, P.E.

I agree with the engineer's opinion that the development does not warrant a stormwater management basin in accordance with the current stormwater regulations for Hamblen County.

The engineer's letter spells out specific and valid reasoning to vary from the regulations, and I recommend approval of the plat without requiring a new stormwater basin.

This recommendation does not exempt the developer from meeting all local and state requirements for erosion and sediment control during home construction.

Sincerely,



T. Clint Harrison, P.E.

The City of Morristown

Community Development & Planning



FILE COPY

TO: Hamblen County Planning Commission
FROM: Josh Cole, City of Morristown Senior Planner
DATE: January 3rd, 2023
SUBJECT: Site Plan Request
Northwest Synergy Ventures, LLC
4545 Enka Highway

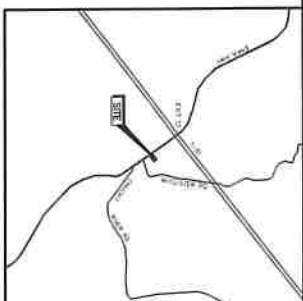
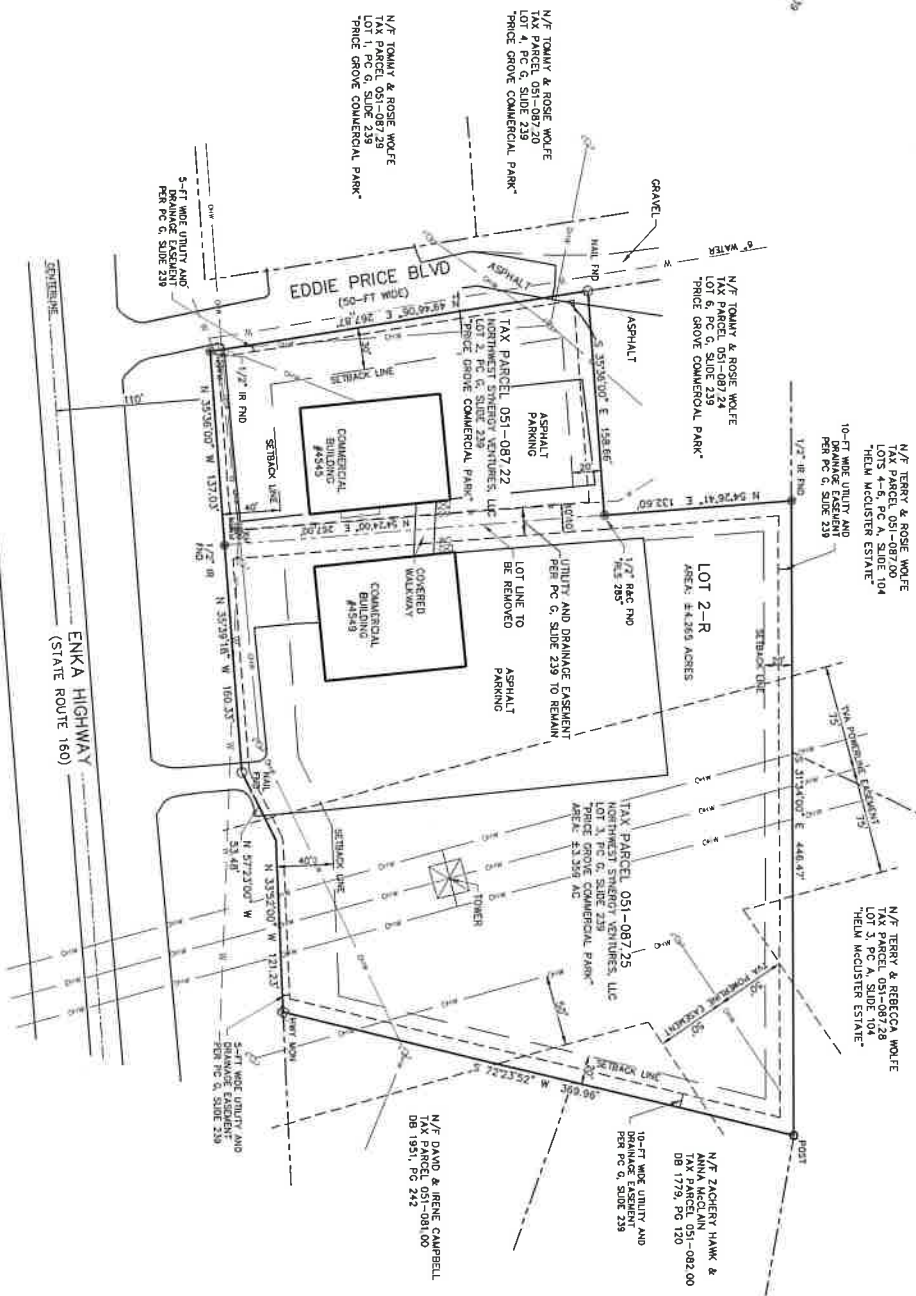
BACKGROUND

A site plan has been prepared by engineer Joe Parrott and surveyor Michael Lacy for Northwest Synergy Ventures, LLC located at 4545 Enka Highway. The applicants are requesting to add a proposed 8,600 square foot addition (100' x 86') to east of the existing structure along Eddie Price BLVD.



RECOMMENDATION

The proposed plan does appear to meet the requirements set forth in the zoning ordinance. Staff recommends approval of this request.



SCALE: N.T.S.

SCALE: N.T.S.

GENERAL NOTES

1. LIT. COMPLETED ON 07/18/2022
2. REFERENCES:
A. DATED: BOOK 1244, PAGE 440
B. MAP DATED "TODD HINE COMMERCIAL PARK (REVISED 8/21/1987)" IN PLAT CEMENT TO SLIDE 229
C. "TODD HINE COMMERCIAL PARK" IN PLAT CEMENT TO SLIDE 229
D. "HUBBARD COUNTY REGISTER OFFICE" ON 11/22/1993 IN PLAT "CABINET D, SLIDE 160"
E. OWNER/APPLICANT: BOBBY AND SYLVIA YANTHER, LLC
6541 12TH AVE NE
REDWOOD, MN 56252
3. THIS SURVEY IS SUBJECT TO A COMPLETE AND UP TO DATE ABSTRACT OF TITLE.
4. TOTAL AREA OF SUBJECT PLOT: 4.426 ACRES.
5. THIS SURVEY IS SUBJECT TO A COMPLETE AND UP TO DATE ABSTRACT OF TITLE.
6. HUBBARD COUNTY, MINNESOTA, HUBBARD PARK MAP FOR THE COUNTY OF HUBBARD, STATE OF MINNESOTA, MAP NUMBER 4100303426, EFFECTIVE DATE OF 07/20/2004, THE SUBJECT PROPERTY PLAYS WITHIN TOWN "X", WHICH IS NOT A SPECIAL, 1000 HUNDRED, MAP.
7. LOT 3 OF SURVEY 1244, BOOK 1244, PAGE 440, HAS BEEN APPROVED FOR CONVEYANCE TO THE "TODD HINE COMMERCIAL PARK". THERE IS A PROCESS FOR THE "TODD HINE COMMERCIAL PARK" UNDER THE APPROVAL OF HUBBARD COUNTY REGISTER OFFICE ON LOT 4 IN PLAT "CABINET D, SLIDE 2 AS PER PLAT CEMENT D, SLIDE 160".
8. A PERMIT FOR LOT 3 OF THE "TODD HINE COMMERCIAL PARK" UNDER THE NAME OF LOT 3 OF 1994.

LEGEND

PROPERTY LINE
ADJACENT PROPERTY LINE
LOT LINE TO BE REMOVED
EXISTING LOT LINE
CONTINUINE
BUILDING SETBACK LINE
EDGE OF PAVEMENT
EDGE OF CANCEL
SLOPE OF DRAINAGE
OVERHEAD WIRES
1/2" IRON ROD
JAG NAIL
CONCRETE
PIPE
WATER METER
GAS METER

ABBREVIATIONS

DB	DECK BLOCK	N/F	NOW OR FORMERLY
FD	FOUND	R&C	RDD & PLASTIC CAP
IR	IRON ROD	PC	PLAT CABINET
HWY	HIGHWAY	PG	PAGE
MON	MONUMENT	SF	SQUARE FEET

ZONING: COMMERCIAL DISTRICT - "C-1"

WWW.CO.COMING
MINIMUM REQUIREMENT

FRONT YARD: 40 FEET (SHOWN AS 50'-FT ON PG. 6, SLIDE 239)
REAR YARD: 20 FEET
SIDE YARD: 20 FEET
(1-1/2 TIMES WHEN THE SIDE IS ALONG
A ROAD ON A CORNER LOT)

HAMBLETON COUNTY REGIONAL PLANNING COMMISSION
REPLAT LOTS 2 & 3

REF LAL LOIS 2 & 3

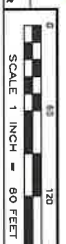
"EDDIE PRICE COMMERCIAL PARK"
NORTHWEST SYNERGY VENTURES, L.L.C.
4545 & 4549 ENKA HWY
FOURTH CIVIL DISTRICT
HAMBLEN COUNTY, TENNESSEE

PROFESSIONAL LAND SURVEYING SERVICES

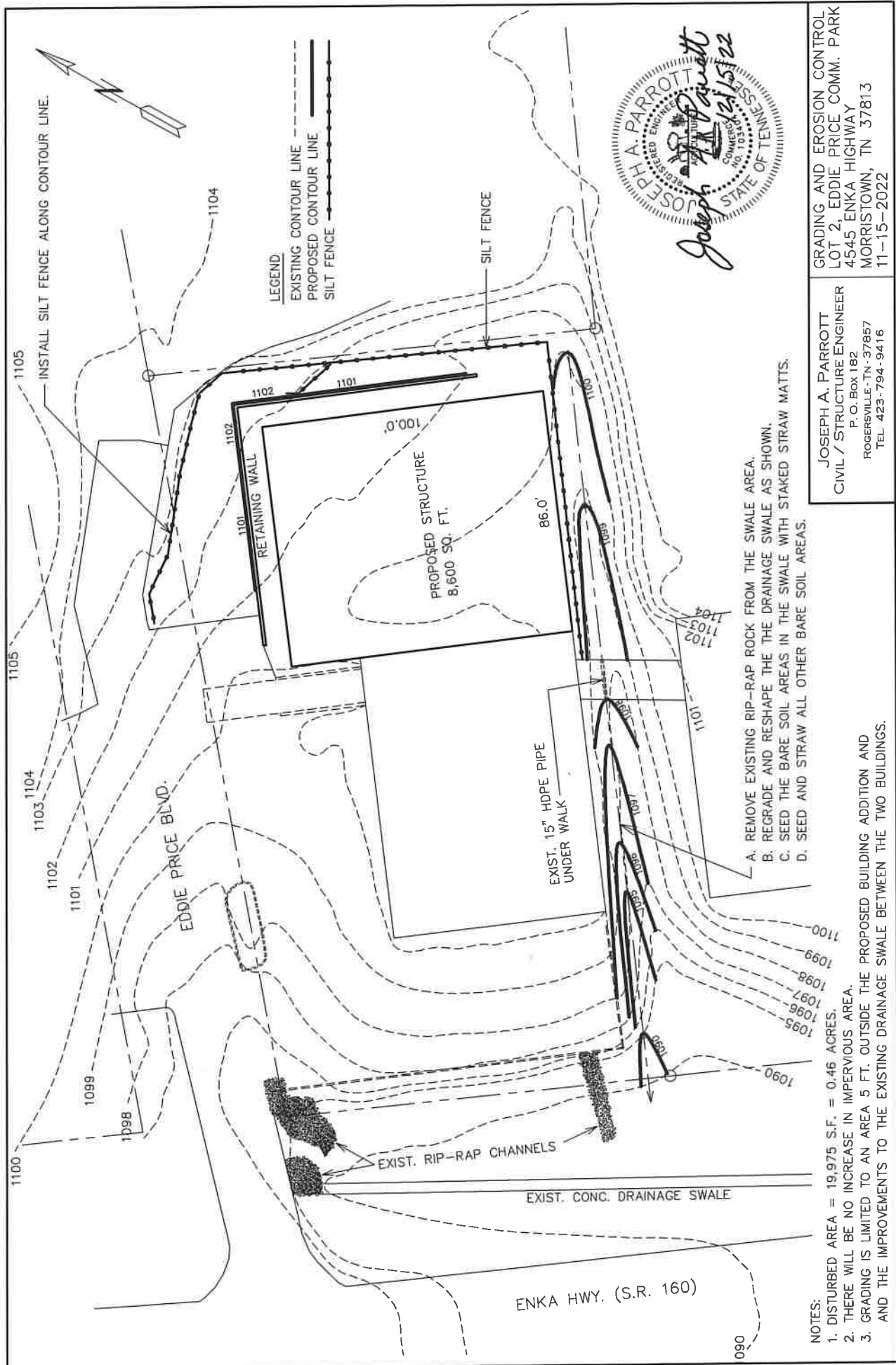
P.O. BOX 35, 7164 E. ANDREW JOHNSON HWY
WHITESBURG, TN 37891
PHONE: 423-235-5546
WWW.MACEYANDSIBVEYING.COM

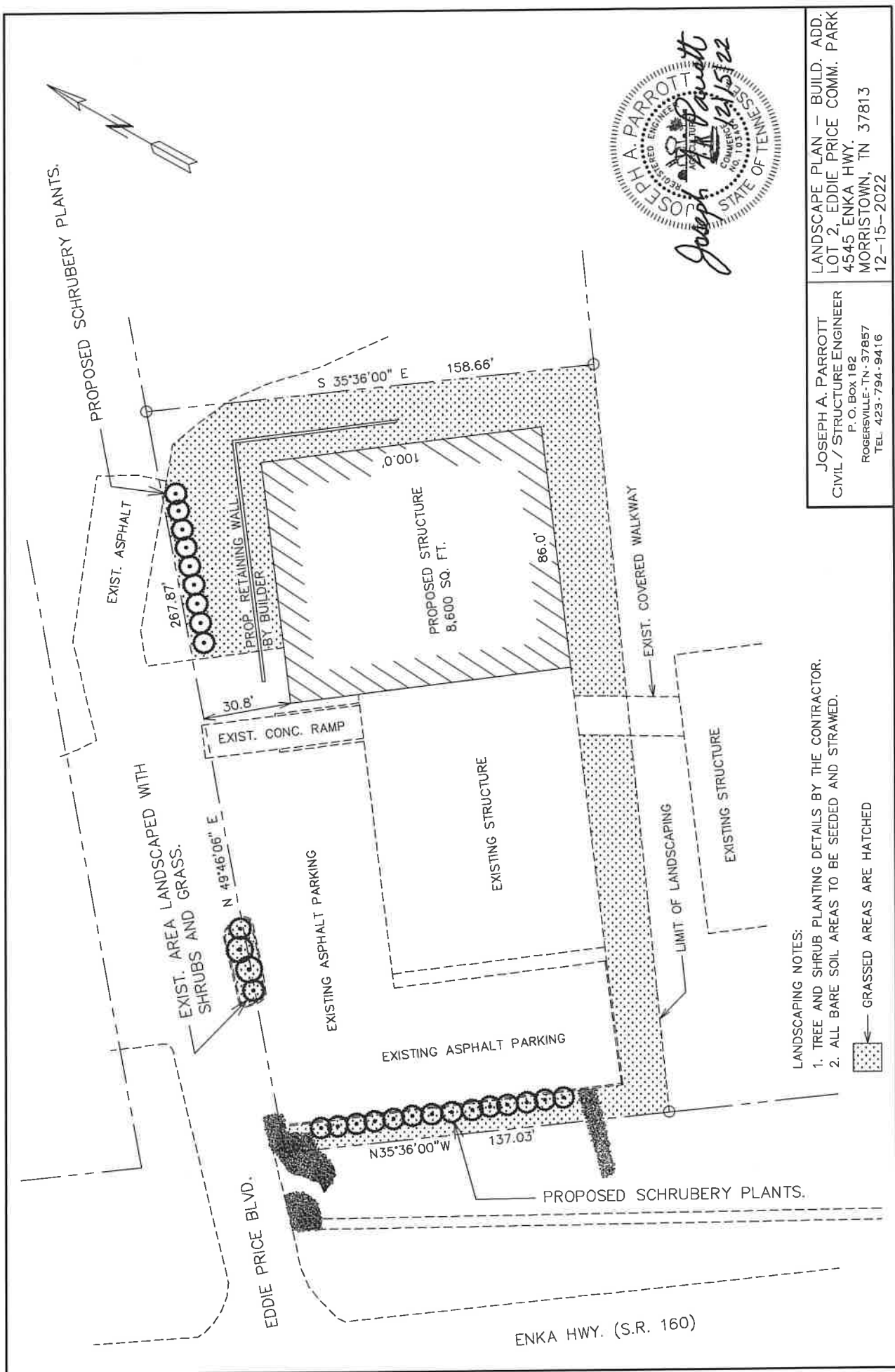
[illegible]

CERTIFICATION OF ACCURACY
I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY STATE LAW AND THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON, TO THE SPECIFICATIONS OF THE SUBDIVISION REGULATIONS.
THIS PLAN IS BASED ON A CATEGORY 1 SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS BETTER THAN 1:10,000
AS SHOWN HEREON.



Date 12/08/2022	Project No. 12350122	Drawing No. SU-3	Rev 0
Drawn By ML			

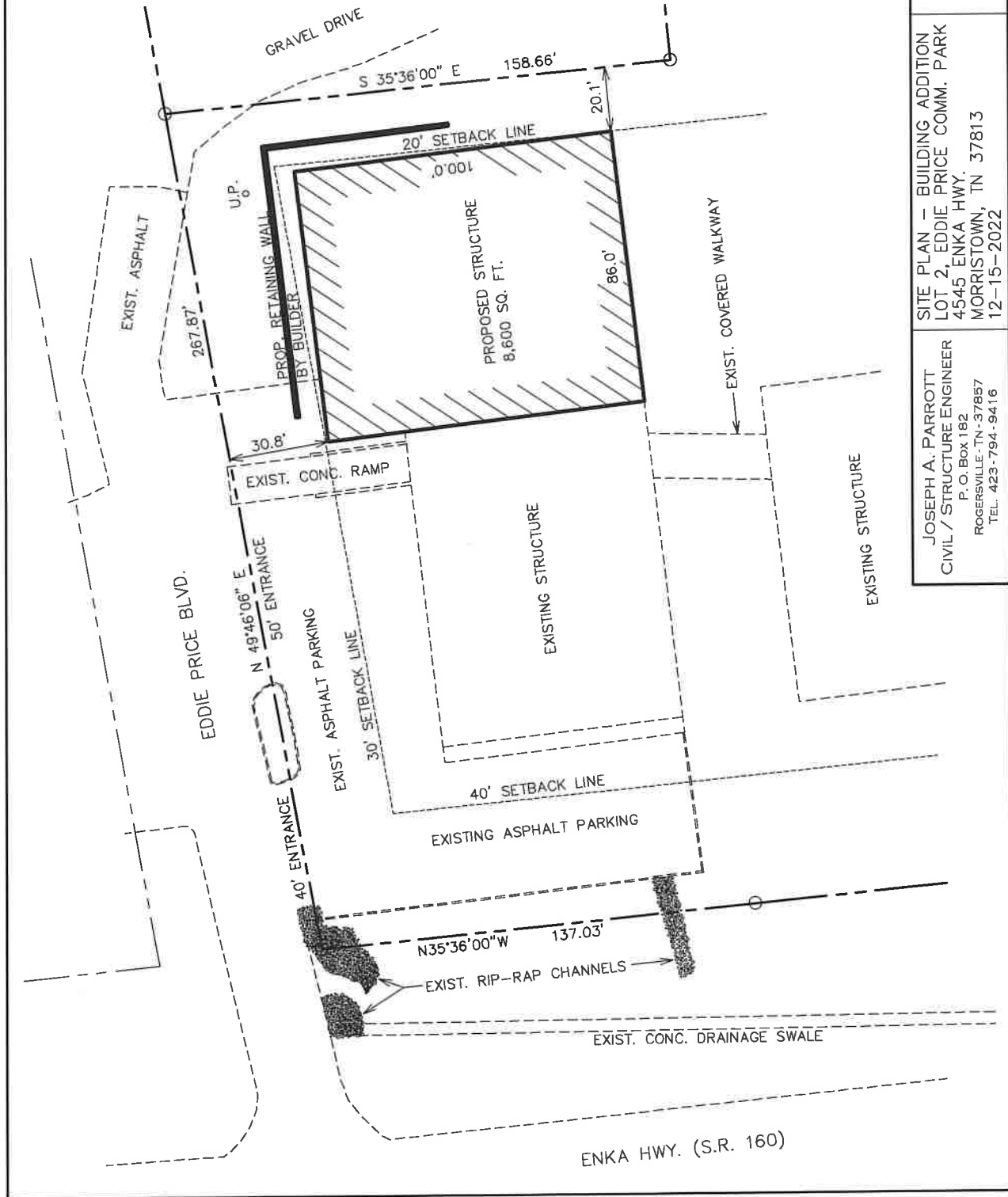
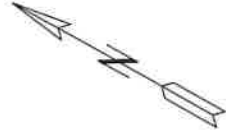
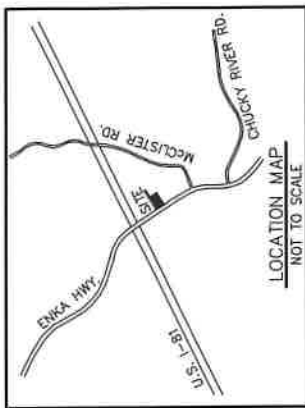




JOSEPH A. PARROTT
 REGISTERED ENGINEER
 NO. 10547
 STATE OF TENNESSEE
 12/15/22
Joseph A. Parrott

LANDSCAPE PLAN - BUILD. ADD.
 LOT 2, EDDIE PRICE COMM. PARK
 4545 ENKA HWY.
 MORRISTOWN, TN 37813
 12-15-2022

JOSEPH A. PARROTT
 CIVIL / STRUCTURE ENGINEER
 P. O. Box 182
 ROGERSVILLE, TN 37857
 TEL. 423-794-9416



<p>JOSEPH A. PARROTT CIVIL / STRUCTURE ENGINEER P. O. Box 182 ROGERSVILLE, TN - 37857 TEL. 423-794-9416</p>	<p>SITE PLAN - BUILDING ADDITION, LOT 2, EDDIE PRICE COMM. PARK 4545 ENKA HWY. MORRISTOWN, TN 37813 12-15-2022</p>	<p>PROPERTY OWNER: BOBBY KING NORTHWEST SYNERGY VENTURES, LLC 8561 154TH AVENUE N.E., SUITE 120 REDMOND, WA 98052</p>
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T. Clint Harrison, P.E.

- Civil Engineer -
5123 Bethesda Road
Morristown, TN 37814
ph. 423.277.1112
charrisoneng@gmail.com

December 21, 2022

The Hamblen County Planning Commission
511 West Second North Street
Morristown, TN 37814

**RE: Stormwater Review
4545 ENKA HIGHWAY DRAINAGE PLAN- BUILDING ADDITION**

Dear Tina:

I am writing in response to a Drainage Review of the subject development plan by Joe Parrott, P.E. Please see the following:

- 1) Less than ½ acre will be disturbed, so there's no SWPPP required;
- 2) The building addition creates no new impervious surface, so not detention is required;
- 3) Erosion control comments have been addressed;
- 4) I recommend approval of the drainage plan.

These recommended revisions do not exempt the developer from meeting all local, TDOT and state requirements for erosion and sediment control during construction. This review addresses items that will meet the minimum County requirements for this development site.

Sincerely,



T. Clint Harrison, P.E.

MEMO

To: Hamblen County Planning Commission

From: Tina Whitaker, Department Manager

Date: January 3, 2023

RE: Abandonment Request on Grigsby Road

Mr. Barry Poole, Hamblen County Road Superintendent, has submitted a letter of request to the Hamblen County Planning Commission recommending the abandonment of all of Grigsby Road (see attached email). The County Road Commission voted unanimously on December 13, 2022, during the regular monthly meeting, to approve the request.

Should there be any questions concerning this matter, please let us know.

Tina Whitaker

Hamblen County Planning Commission
Department Manager

Attachment (1)

Tina Whitaker

From: Barry Poole
Sent: Tuesday, December 20, 2022 4:20 PM
To: Tina Whitaker
Subject: Abandonment Request on Grigsby Road

Tina,
This notification serves as official documentation that the Hamblen County Road Commission voted unanimously on December 13, 2022 during the regular monthly meeting to approve of the request for the abandonment of all of Grigsby Road.
I, as the Chief Administrative Officer of the Hamblen County Highway Department, also approve of this request for the abandonment of all of Grigsby Road.
Please let me know if I can be of any further assistance in this matter.

Barry Poole
Hamblen County Road Superintendent
3373 Herbert Harville Drive
Morristown, TN 37813
423-586-3273

Rendezvous Pizza Request for Compliance History

- February 4, 2013: A Cease and Desist Order was issued to Rendezvous Pizza for unpermitted construction activities at 7248 West Andrew Johnson Highway. Received by Ronald Effinger.
- 02/08/2013: Effinger came by the Planning Office and was asked to submit a response letter to the CDO (Cease and Desist Order) and to supply the office with a time line for obtaining drawings and a licensed contractor as well as obtaining the proper permits.
- 03/08/2013: Letter was sent to Ronald Effinger by Danny Young, Planning Director, giving him till 03/25/2013 to submit the requests from 02/08/2013 office meeting.
- 03/25/2013: Letter was sent to Planning Commission from Michael Price, Architect, claiming he would be submitting drawings for the Rendezvous Pizza project.
- 05/09/2013: Drawings were submitted by Michael Price.
- 07/10/2013 Site Plan received.
- 09/08/2015: Meeting was set with several Planning Commission Members, Michael Price, Mark Johns and Jim Riley to discuss obtaining permits and the work being done on the Rendezvous Pizza addition.
- 04/03/2017: Letter to BZA from Mark Johns stating that Effinger has not followed through on any requirements for bringing Rendezvous Pizza construction into compliance. Requesting Board to turn over to County Attorney for action or for the Board to advise further action.
- 04/04/2017: BZA voted to have county attorney send letter to Effinger requesting addition be brought into compliance or removed within 30 days.
- 06/06/2017: Mark Johns sent Ronald Effinger letter asking him to contact the Planning Office.
- 08/01/2017: Miranda Quisenberry sent e-mail to county attorney asking for assistance with issue.
- 10/03/2017: Planning Commission asked for court action against Rendezvous Pizza.
- 10/31/2017: Citation was issued for Jimmy and Madgie Davis and Ronald Effinger to report to General Sessions Court on 11/21/2017.
- 11/21/2017: Court found Effinger guilty of the violations of the Hamblen County Zoning Regulations and the 2012 building codes. The defendant was to pay \$500.00 fine. The Court also ordered that if property was found to not be in compliance within 10 days of judgement, a \$50.00 per day fine is to be placed on the defendant thereafter .
- 12/21/2017: Davis paid fine of \$500.00 dollars to Trustee office.
- 05/25/2018: Planning Commission Members, county attorney and Darrell Chase, Building Inspector met at Rendezvous Pizza to discuss structure. Several features were not built to code and were subpar for any human habitation. Hicks recommended condemnation due to safety issues to the public. Building Inspector recommended structure to be demolished due to not being built to code.
- To Date: No further action is on file.

126865

CITATION NUMBER 17-04

CIVIL CITATION FOR VIOLATION OF HAMBLLEN COUNTY, TENNESSEE REGULATION

GENERAL SESSIONS COURT OF HAMBLLEN COUNTY, TENNESSEE

The undersigned Law Enforcement Officer/County Official states that the Jimmy Lee & Madgie Davis Living Trust has property located at 7248 West Andrew Johnson Hwy, Talbott, TN 37877, and its tenant, Ron Effinger d/b/a Rendezvous Pizzeria, residing at _____ has violated Section 10.2 Permits Required of the Hamblen County Zoning Regulations ("Hamblen County Regulation") and Section 105.1 Required (Permits) and Section 111.1 Use and occupancy (Certificate of Occupancy) of the 2012 International Building Codes in Hamblen County, Tennessee, on or about _____, 2017.

Further, the undersigned Law Enforcement Officer/County Official states that the essential facts constituting the violation of the Hamblen County Regulation and the sources of his information are as follows:

Please see attached.

The undersigned further states that he/she has just and reasonable grounds to believe, and does believe, that the person named above committed the violation(s) herein set forth, contrary to law.

Issued this 31 day of Oct., 2017.

Christopher P. Carps
(Print) Law Enforcement Officer or County Official

Teresa West
Clerk

[Signature]
(Signature) Law Enforcement Officer or County Official

[Signature]
Deputy Clerk

You are hereby required to appear in the **GENERAL SESSIONS COURT OF HAMBLLEN COUNTY, TENNESSEE**, Hamblen County Courthouse, 511 W. 2nd North Street, Morristown, TN, on the 31 day of November, 2017, at 9:00 a.m.

NOTICE: Failure to appear in Court may result in a civil penalty of up to \$500.00 for each day you are in violation of the above cited Hamblen County Regulation which may be entered as a judgment against you.

I promise to appear in said Court at said time and place. and I understand my signature is not an admission of guilt.

Ronald J. Effinger
Madge Davis
Jimmy Davis
Cited Individual

JUDGMENT OF COURT

Defendants Jimmy & Madge Davis, are
fined \$500.00 for non-compliance with Hamblen
County zoning approval for property renovations.
Costs taxed to Defendants. Will come into
compliance in 10 days
If not in compliance \$50/day thereafter

This the 21 day of Nov., 2017.

TERESA WEST
CIRCUIT COURT CLERK
HAMBLEN COUNTY

NOV 21 2017

KSE

Judice N. Miller
Judge of the Court of General Sessions

Jimmy L. Davis
Ronald J. Effinger

RETURN ON SERVICE OF CITATION

I hereby certify and return, that on the _____ day of _____, 20____, I
served this citation together with a copy of the citation herein as follows:

Dennis Long
Dennis Long
Law Enforcement Officer

C:\USERS\ADMIN\GRIFFIN\DOCS\HAMBLEN\2017 CIVIL CITATION FOR MADDIS-LITTINGER.DOCX

P.O. Box 1303
Morristown, TN 37816-1303

SEVERED RON EFFINGER V.I.A HAND DELIVERY 11.8.17

SEVERED MADGE DAVIS V.I.A HAND DELIVERY 11.11.17

SEVERED JIMMY DAVIS V.I.A HAND DELIVERY 11.12.17