

HAMBLEN COUNTY PLANNING COMMISSION

AGENDA

SEPTEMBER 5, 2023

4:00 Workshop

Public Comments

Call to Order and approval of the August 7, 2023, meeting minutes

Rezoning Request

- A.) Petra Ivis Gutierrez-2996 Cherokee Drive 37814 (02-024H-A-009.00 Midridge Lot 9)
R-1 (Residential) to A-1 (Agricultural) for an Airbnb

Other Business

Adjournment

HAMBLEN COUNTY BOARD OF ZONING APPEALS

AGENDA

SEPTEMBER 5, 2023

Public Comments

Call to order and approval of the July 3, 2023, meeting minutes

Variance of Road Frontage

- A.) Bedford Collins-664 Custard Drive Morristown 37814 (03-026-068.03 R-1)

Front Setback Variance

- A.) Craig Seal-3017 Lee Ridge Road Morristown 37814 (02-022M-A-002.00 A-1)

Administrative Interpretation

- A.) Nichole Raimondi-2134 Fernwood Church Road 37813 (05-056-075.00 A-1)
Brisby's Bed & Biscuits Dog Boarding and Treat Company
- B.) Boy Scouts of America-142 Scout Camp Rd Whitesburg, 37891 (03-003-001.00 A-1)
Requesting approval for a Federal Firearms License for the Shooting sport program

Other Business

Adjournment

Minutes
Hamblen County Planning Commission Meeting
August 7, 2023

Members Present

John Hofer, Chairman
Charles Anderson, Vice Chairman
Bill Hicks
Edgar Gray
Thomas Doty
Rodney Long

Kyle Hale, Absent

Staff

Tina Whitaker, Office Manager
Donna Massey, Administrative Assistant
Lindsey Horn, Clerical Assistant
Tommy McKinney, Codes Enforcement Officer
Darrell Chase, Building Inspector
Lori Matthews, City Planner
Josh Cole, City Planner
Chris Capps, County Attorney
Other guests, see attached roster

Planning Commission Workshop

Due to the anticipated large number of people attending this meeting, no workshop was held.

Call to Order, Public Comments, and Approval of the Minutes

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

Mr. Hofer opened the floor for public comments that were not related to agenda items. There were no public comments.

Mr. Hofer asked if there was a motion to approve the July 2023 minutes. Mr. Charles Anderson made a motion to approve. Mr. Thomas Doty seconded the motion. All in favor; motion carried.

Rezoning Request

- **MAC Materials Inc. 3990 Chucky River Rd. (04-044-010.00) and 3895 McClister Rd. (04-051-067.00)**

Mr. Phillip Carlyle and Mr. Matt McQueen represented the request to rezone both properties from A-1 to I-1. Mr. Carlyle addressed the board. The original 420 acres has been reduced to 200 acres after hearing concerns from the community. This reduction in area being rezoned will allow for a larger agricultural buffer. Mr. Carlyle then pointed out, if approved, the quarry will be the only locally owned and operated site in Hamblen County. Currently they purchase everything out of the county for his development projects and believes Hamblen County is losing out on business because of this. Competition is always healthy.

He informed the board that McClister Rd. will be the only entrance and exit for trucks. He stated that the property exists in an industrial use area since Vulcan Materials is located across the interstate, and it will therefore be consistent with current land use. Mr. Carlyle insisted the only use of the property would be for the quarry.

Mr. Thomas Doty addressed Mr. Carlyle. He pointed out that in an email that was sent to Office Manager Tina Whitaker that Carlyle's people had been in touch with TDEC; however, at the meeting that Mayor Brittian held with TDEC and select commissioners, TDEC representatives indicated they had not had any contact regarding the quarry project. Mr. Doty requested an explanation for this discrepancy.

Mr. McQueen asked Todd Mickleburgh to address this issue. Mr. Mickleburgh said he reached out to a mining contact from the state, but they only spoke about general questions, not specifically about the quarry. Mr. Mickleburgh is familiar with permit requirements for other states, but not requirements for Tennessee. He also looked at Vulcan's permit.

Mr. Doty replied, "I understand, but this leads us to believe that you are seeking permits."

Through a discussion between Mr. McQueen, Mr. Carlyle, and Commissioners Gray and Doty, it was revealed that MAC Materials may have pursued permits and the rezoning out of order. It was understood by the commissioners that the TDEC permit (with \$250 fee) was required to first begin the process. Mr. Carlyle and Mr. McQueen stated they understood it to be the opposite and apologized for the misstep.

Mr. Rodney Long asked if an environmental study had been done. Mr. Carlyle answered that they are attempting to get the property rezoned first. This was again stated to be a misunderstanding of the procedures with TDEC.

Mr. Long then asked about the boundary on the map. Mr. Carlyle confirmed the boundary reflects the reduced acreage being requested to be rezoned.

Mr. Hofer asked City Planner Lori Matthews what their recommendation is. Ms. Matthews stated that the staff recommendation has not changed from the previous meeting, and they would recommend approval of the request. She again defined spot zoning as, "A small parcel of land is singled out for use of classification totally different to other areas and to the detriment of other landowners." She stated that this would not be considered spot zoning.

Mr. Hofer asked for any other comments or questions from the board. At this point he opened the floor for public comment.

There were several members of the public who spoke against the quarry. Each was given three minutes to speak. They include Steve Harville, 10th District Commissioner; Mark Fullington, Doug Drinnon, Don Kelley, Steven Wales, William Collins, Don Britton, Gail Vaughn, and Victor Ayers. They addressed the safety concerns of the small road, the risk of pollution on their health and the health of their farms, they referenced the risk of contamination of well/ground water, the risk of delayed response time from emergency services if the road is blocked by large trucks, as well as property devaluation, and noise.

Mr. Matthew Evans, attorney for MAC Materials spoke in favor of the rezoning.

Once all the public comments had been heard Mr. Hofer requested a vote from the board. After confirming they would be voting on both parcels as one vote, Mr. Long spoke up. He thanked everyone for attending and hoped to see this kind of turnout in other meetings. He stated that after attending the TDEC meeting and reviewing the paperwork, he does not feel that it is the board's responsibility to establish an industrial park as that is what this rezoning would allow if approved. At this point Mr. Long made a motion to deny the request due to the nature of the request opening the opportunity for this area to become an industrial park. He stressed he was not against the quarry but was against the rezoning of the area.

Mr. Hofer reiterated that the board is voting strictly on rezoning and not on use. He reminded the board that voting to approve the request would open the area up for industry and anything else industrial, not just a quarry, could be placed there.

Mr. Edgar Gray then spoke up. He thanked everyone for attending. He stressed that MAC Materials was not intending to cause harm and that everyone present is citizens trying to do their best for their county. He then remarked his displeasure at personal comments targeting his integrity that had been sent around by a member of the public leading the charge

against the rezoning. He stated that no one on either side of the argument convinced him to make his decision. He said no proof had been given of the pros or cons of the quarry and that his vote is based strictly on whether an industrial site should be established at that location.

Mr. Doty seconded the motion to deny the request.

Mr. Hofer asked for any further discussion. With no further discussion, he opened the floor to a role call vote. The vote is to deny the rezoning request.

Those in favor: Edgar Gray, Bill Hicks, Charles Anderson, Rodney Long, Thomas Doty, John Hofer

Those against: None.

With a unanimous vote, the request to rezone 3990 Chucky River Rd. and 3895 McClister Rd. from A-1 to I-1 was denied.

Mr. Hofer thanked everyone for coming out and requested those not here for other agenda items please make their way out of the courtroom so the meeting could continue. After a few minutes to allow for the public to exit, the meeting continued.

- **Petra Ivis Gutierrez – 2996 Cherokee Dr. (02-024H-A-009.00) – R-1 to A-1**

Ms. Shannon Profitt interpreted for Ms. Gutierrez. She wants to open an Air BnB in the existing double wide mobile home she owns and is requesting a rezoning to allow this type of use.

Mr. Hofer pointed out that work had been done on the property without any permits or inspections.

Ms. Gutierrez didn't realize they needed permits. They only worked on the porch as it was in bad shape and at risk of collapsing. Mr. Hofer asked her about the work done on the detached garage.

Ms. Gutierrez said that when she bought the property the garage was in bad condition, and they redid everything that needed repair.

Mr. Long pointed out that a Notice of Violation and a Stop Work Order had been sent to her and asked why there had not been any response.

Ms. Gutierrez stated that English is not her first language and though she didn't reply to the letters she did stop work. She said she knows that isn't an excuse.

Mr. Hofer asked if the porch was on the building to be used as the Air BnB. Ms. Gutierrez said yes. They redid it because it was at risk of collapsing. When it was pointed out that the ramp had not been part of the original porch, she replied that she'd had knee surgery and needed assistance. Her mother also needs the assistance of the ramp. But they haven't done anything else.

The board asked how many people would be using the Air BnB. Ms. Gutierrez said it is a casual renter situation intended to be used for traveling nurses and teachers, etc.

Mr. Gray made a motion to require inspections and permits be completed before returning for a vote on rezoning.

Mr. Anderson seconded the motion.

After a discussion about local regulations for Air BnB's versus the company's regulations, a vote was made. All in favor; motion carried.

- **Terry/Ladonna Turner – 5901 Brights Pike (03-011-045.00 and Pike (03-011-045.01)) – R-1 to A-1**

Ladonna Turner, property owner, represented the request. They put the property up for sale under the impression that it was zoned A-1 due to the property being used as farmland. The rezoning will allow the prospective buyer the ability to use the property for non-profit hippotherapy (therapy involving the use of horses).

Mr. Anderson made a motion to approve the request. Mr. Hofer confirmed that the city planners agreed with the request. Mr. Josh Cole stated they did. Mr. Gray seconded the motion. All in favor; motion carried.

Site Plan Review

- **Jason Waddell – 8067 E. A.J. Hwy. Whitesburg 37891 (03-0130-A-007.00 C-1)**

Mr. Jason Waddell, the property owner, represented the request. He is requesting approval to open a machine shop. The site plan and letters from engineers were included in commissioner's packets.

Mr. Cole confirmed that there are no issues nor any reason to deny the request.

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

Other Business

A representative from the Lakeway Realtors Association, Ricky Broyles, spoke up about wanting to work with the board on helping people understand that permits are needed in the county. Tina Whitaker pointed out that the greater issue is that many properties are listed as unrestricted. There are no unrestricted properties in Hamblen County. Mr. Broyles indicated interest in working to help educate realtors and the public.

- **Adjournment**

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

Signature

Date

Zoning Request Form

Notice to Applicants: Prior to the rezoning request being placed on the agenda for the appropriate Planning Commission consideration, the applicant shall furnish to the appropriate Planning Department the following information:

1. Date: 6-20-23
2. Name of Property Owner(s): Petra Ivis Gutierrez
Mailing Address: 2996 Cherokee Drive Mt town 37814
Telephone #: (Home) 423-438-8387 (Other) _____
3. Name of Applicant/Agent: Same as above
Mailing Address: _____
Telephone #: (Home) _____ (Other) _____
4. Property Identification Information:
District 02 Approximate Parcel Size: _____
Tax Map: 024H Group: A Control Map: _____ Parcel: 009.00
Lot: 9 Subdivision: Midridge
Property Address: 2996 Cherokee Drive Mt town 37814
5. Nature of Request:
Zoning Change: (From) R-1 to A-1
Proposed Use: Airbnb

Planning Office Use Only

- Deadline Date to Return to Planning Department: July 7, 2023
Deadline Date to Post Sign on Property: July 14, 2023
Date of Planning Commission Review: August 7, 2023 / Sept. 5, 2023
Location of Meeting: -LARGE COURTROOM- / small courtroom

Board voted to table the rezoning request until bldg. permits and inspections have been completed

Permits have been issued.

The City of Morristown

Community Development & Planning



TO: Hamblen County Planning Commission
FROM: Josh Cole, City of Morristown Senior Planner
DATE: August 7th, 2023
SUBJECT: Rezoning Request: R-1 to A-1
2996 Cherokee Drive

BACKGROUND

Planning staff has received a request to rezone 2996 Cherokee Drive from R-1 (Rural Residential District) to A-1 (Agricultural District). This parcel is slightly over half an acre in size and contains a residential structure. It has A-1 zoning immediately to east across Tom Treece Road and several parcels zoned A-1 in the surrounding area. Per the applicant, they are wanting to use this property for a short-term rental unit such as those seen on "AirBnB" and "VRBO." Planning Commission has previously determined this use to be acceptable in the A-1 zoning District.



The City of Morristown

Community Development & Planning



RECOMMENDATION

Due to the proximity of A-1 zoning on the adjacent parcel across Tom Treece Road and nearby parcels in this area, staff recommends approval of this rezoning request to A-1 and would ask Planning Commission to forward this on to County Commission.

However, due to this increasing popularity of short-term rental units in this region, consulting staff once again stresses the importance on having detailed regulations for this use within the zoning ordinance to help the planning staff better control this use.