

AGENDA SUMMARY

April 6, 2021 Approved by Board of Commissioners on 3rd & Final Reading



SUBJECT: Ordinance 4769-21: Third Reading
An ordinance to rezone 115 Swanee Drive from R-3 to B-4 District

MEETING: City Commission - May 06 2021

DEPARTMENT: Development Services

STAFF CONTACT: Whitney Hodges, Planning Consultant

SUMMARY:

Colonial Corporation requests to rezone 115 Swanee Drive (0.64 acres) from R-3 (Medium Density Residential) to B-4 (Planned Arterial Business) in order for the zoning district to match the current non-conforming use of a parking lot.

STAFF RECOMMENDATION:

Planning Commission and staff recommend approval.

SUPPORTING DOCUMENTS:

[ORD 4769-21 - Rezoning - 115 Swanee Dr](#)

[ORD 4769-21 115Swanee Staff Report](#)

[ORD 4769-21 Site Plan and Applicant Narrative](#)

ORDINANCE NO. 4769-21

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF JOHNSON CITY, TENNESSEE BEING PART OF THE APPENDIX TO ORDINANCE NO. 1519 ENTITLED "AN ORDINANCE TO ADOPT A CODE OF LAWS AND ORDINANCES FOR THE CITY OF JOHNSON CITY, TENNESSEE, AND TO REPEAL ALL LAWS AND ORDINANCES IN CONFLICT THEREWITH", AND AMENDATORY THEREOF, BY CHANGING FROM R-3 (MEDIUM DENSITY RESIDENTIAL) DISTRICT TO B-4 (PLANNED ARTERIAL BUSINESS) DISTRICT PROPERTY AT 115 SWANEE DRIVE.

BE IT ORDAINED BY THE CITY OF JOHNSON CITY AS FOLLOWS:

SECTION 1. That the Zoning Map of the city of Johnson City, Tennessee, being a part of the appendix to Ordinance No. 1519 entitled, "An Ordinance to Adopt a Code of Laws and Ordinances for the City of Johnson City, Tennessee, and to Repeal All Laws and Ordinances in Conflict Therewith," and all ordinances supplementary thereto and amendatory thereof, be and the same is hereby amended and modified by changing the zoning on property identified in the City of Johnson City and Washington County as County ID 090, Tax Map 038H, Group A, Parcels 018.00, including those abutting rights-of-way and reaching to the respective centerlines from R-3 (Medium Density Residential) to B-4 (Planned Arterial Business) District.

See zoning map of the above-described property marked "Exhibit A" hereto.

SECTION 2. BE IT FURTHER ORDAINED That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. BE IT FURTHER ORDAINED That this ordinance shall take effect from and after its passage on third and final reading and publication as required by law, the public welfare requiring it.

PASSED ON FIRST READING	<u>4/01/2021</u>
PASSED ON SECOND READING	<u>4/15/2021</u>
PASSED ON THIRD READING	<u>5/06/2021</u>

APPROVED AND SIGNED IN OPEN MEETING

ON THE 6th DAY OF May, 2021

/s/ Joe Wise

MAYOR

ATTEST:

/s/ Janet Jennings

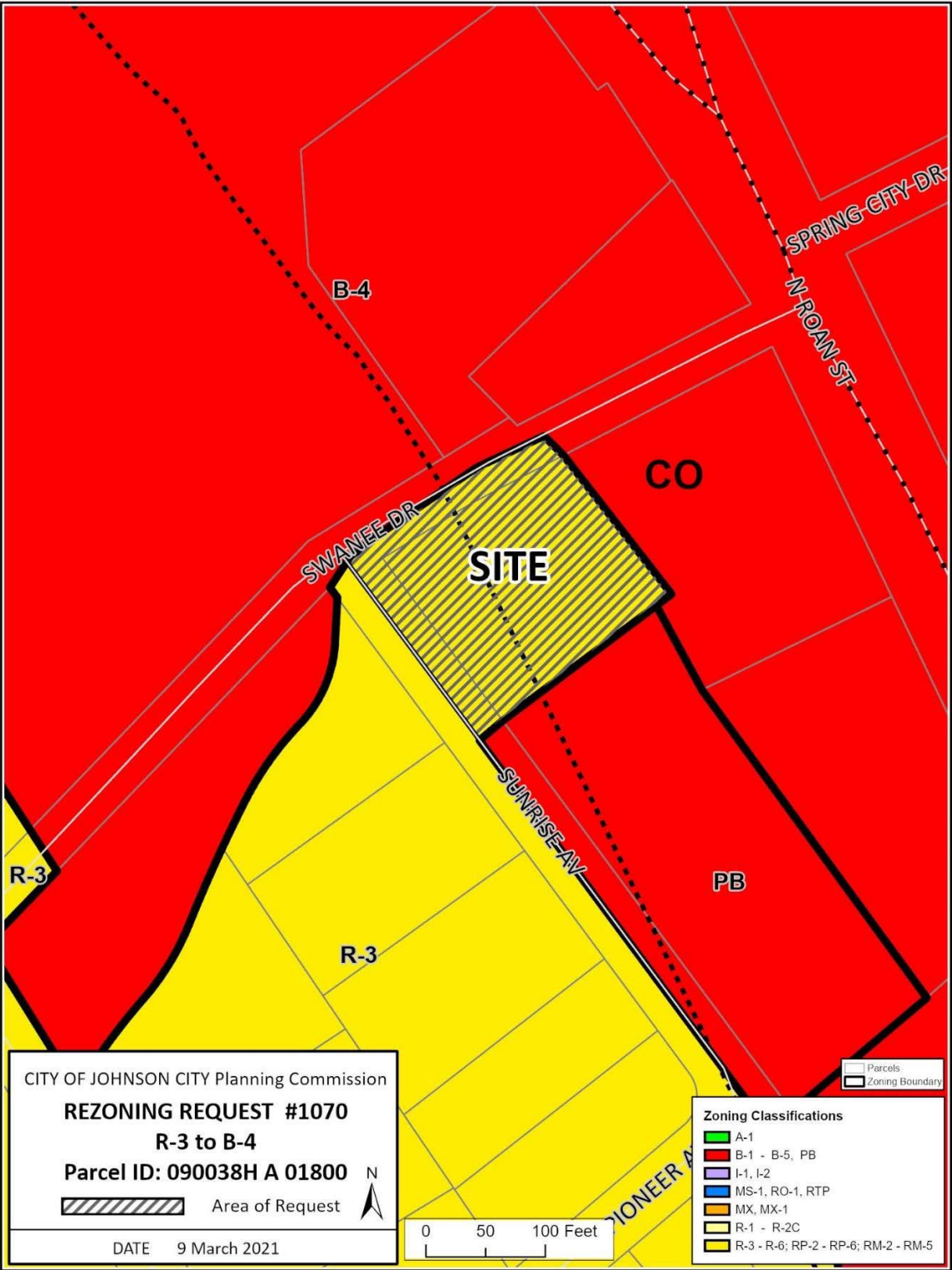
City Recorder

APPROVED AS TO FORM:

/s/ Sunny Sandos

City Attorney

“Exhibit A”
Property Zoning Map





**REZONING REQUEST
ORDINANCE 4769-21
115 SWANEE DRIVE REZONING**

	<p>APPLICATION NUMBER PL02100028</p> <p>PETITIONER Mitch Meredith</p> <p>OWNERS Colonial Corporation</p> <p>REQUESTED ACTION Rezone 115 Swanee Drive from R-3 (Medium Density Residential) to B-4 (Planned Arterial Business)</p> <p>PARCEL ID NUMBER 090038H A 01800</p> <p>REZONING REQUEST #1070</p>
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REZ1070_115Sw ane
e bor ipe.pdf
This is a request by the property owners to rezone 115 Swanee Drive from R-3 (Medium Density Residential) to B-4 (Planned Arterial Business) in order for the zoning district to match the current non-conforming use of a parking lot. The total area to be rezoned is approximately 0.64 acres.



ADJACENT LAND USE AND EXISTING CONDITIONS

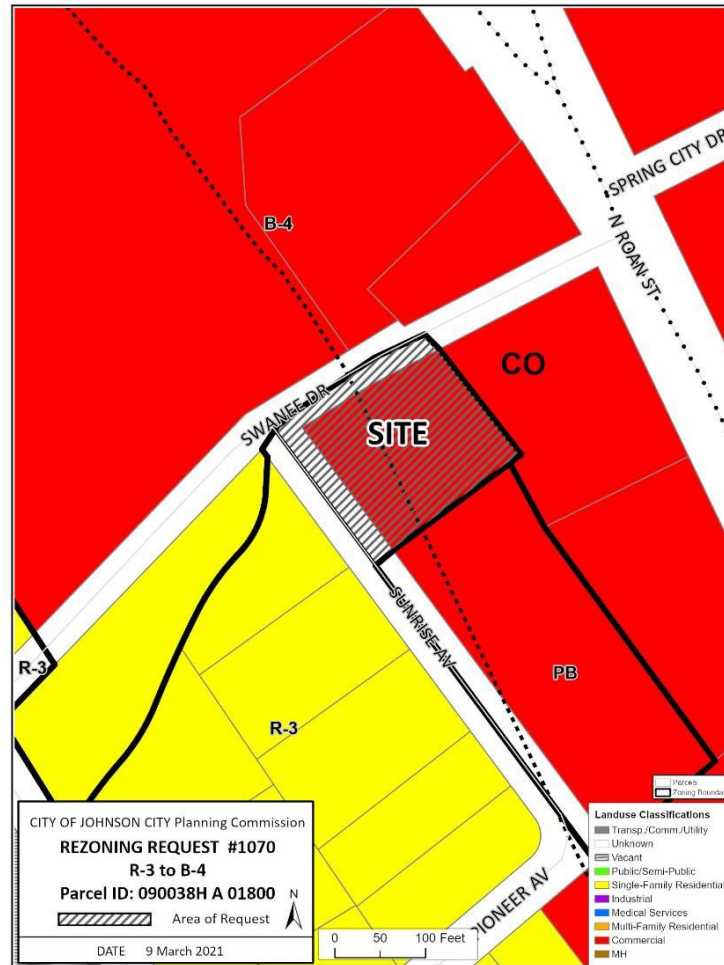
Colonial Corporation has been operating a parking lot since 1990. The entire lot is paved, fenced, and gated. The site itself is relatively flat.

- To the North and East: Across Swanee Drive the area is zoned B-4 (Planned Arterial Business) district and CO (Corridor Overlay) district with a and a U-Haul facility is the current business to the north and Cootie Browns to the east.
- To the South: Vacant property zoned PB (Planned Business); the CO (Corridor District) also applies to this property
- To the West: residential homes zoned R-3 (Medium Density Residential)



LAND USE PLAN

The Comprehensive Plan Future Land Use Map (FLUM) designates the entire area for commercial development.



UTILITIES

Water and sewer services are already available to the property.

TRANSPORTATION

Swanee Drive and Sunrise Avenue are Local Streets and average daily trip information is not collected. Public works reported no issues with the proposed rezoning.

POTENTIAL CONCERNS

Staff found no potential concerns with the rezoning as approval of the rezoning would allow the current use that has been in place since 1990 to continue.

**CITIZENS' COMMENTS**

A virtual (Zoom) neighborhood meeting was conducted on Monday, March 1, 2021 at 5:30 p.m. There was no public in attendance.

STAFF RECOMMENDATION

Staff recommends approval of the proposed rezoning because any vertical development would have to comply with the CO (Corridor Overlay) and the FLUM recognizes the commercial nature of this property. While there are no direct policies from the Bridge Plan or City's Strategic Plan that address non-conforming issues, the rezoning is not in conflict with any stated policy from these documents.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval (8-0).

CITY COMMISSION RECOMMENDATION OPTIONS:

The City Commission has the following decision options:

1. Approve the rezoning of the properties to B-4 with justification
2. Deny the rezoning of the properties to B-4 with cause
3. Defer action and send to committee for further study prior to returning to commission for reconsideration

February 12, 2021

City of Johnson City
Development Services
601 E. Main Street
Johnson City, TN 37601

Re: Rezoning Request, Parcel 038H A 018.00, Swanee Drive and Sunrise Ave

Dear Sirs and Madams,

It has come to our attention that the above referenced parcel, which has been owned by us since 1952, is currently zoned R-3. Since 1990, the property has been used as an employee parking and/or storage lot, first by Lowe's and later by other tenants. Lowe's improved the property by adding an asphalt surface, electrical and lighting, chain link fencing and storm water infrastructure. We are uncertain why the R-3 zoning was not changed to B-4 at that time. It has been taxed as commercial property since at least 1990.

The purpose of this letter is to request a B-4 zoning of parcel 038H A 018.00 as it is surrounded by B-4 zoned parcels and is within the Corridor Overlay District (CO). Contiguous properties to the north, east, south and west are zoned B-4 or PB. We believe that it is important that the zoning reflect the long-standing use that was established as early as 1990.

Because we have a prospective purchaser of the property who needs the B-4 zoning, time is of the essence for us. Therefore, I respectfully request that this rezoning be considered and acted upon in the most expeditious manner you can provide. Should you require any additional information, please let me know.

With kindest regards,



Mitch J. Smith

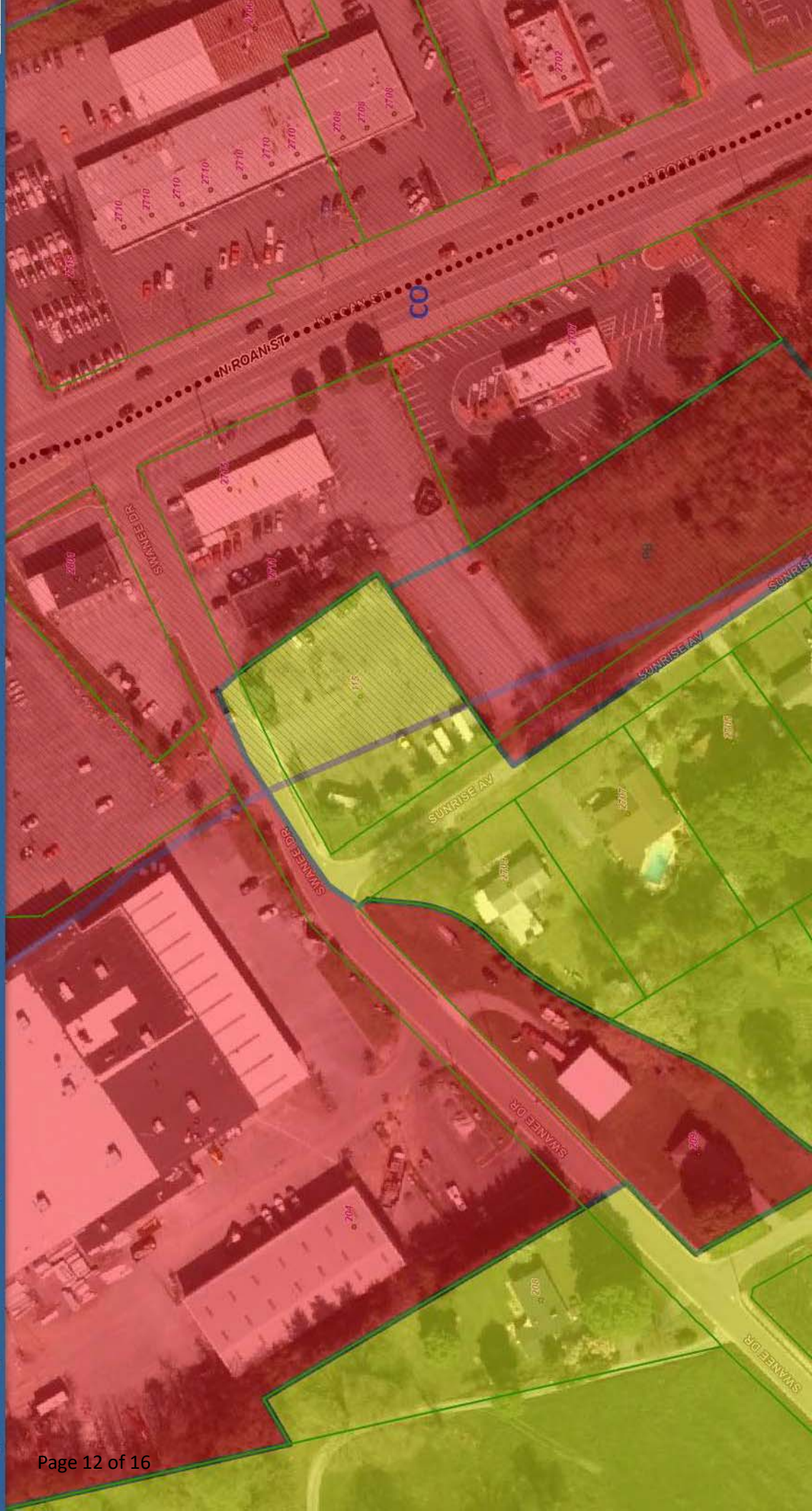
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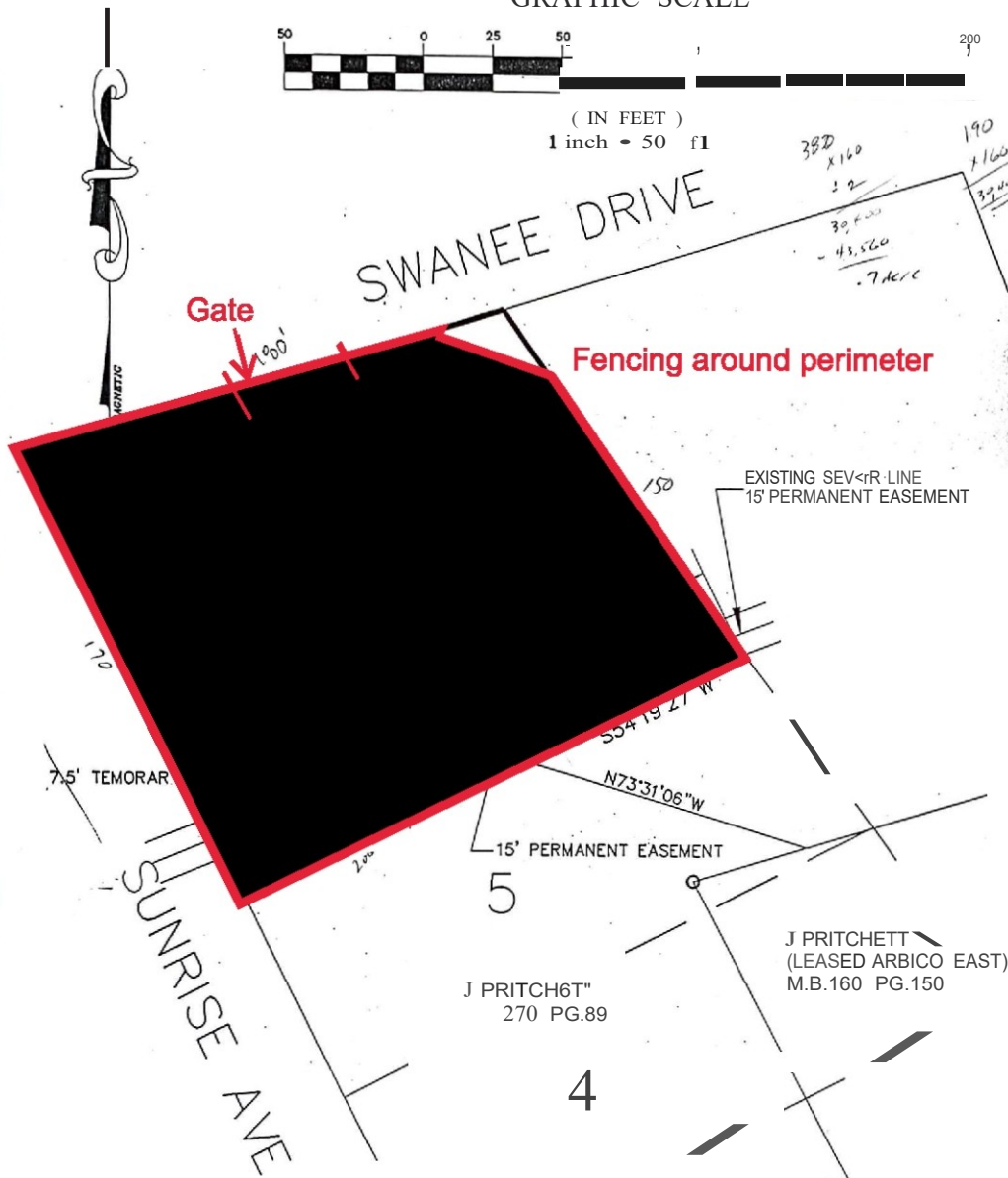


SITE PLAN

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft



Boundary lines shown hereon were determined in part by Monument location. Other lines were determined by deed descriptions. A complete boundary survey was not performed by the city.

CITY
ADDITION
SEC. 1
P.B.2 PG.128

CITY OF JOHNSON CITY
JOHNSON CITY, TENN.
EASEMENT ACROSS

COLONIAL CORP.
P.O. BOX 1111
NORTH WILKESBORO, NC. 28659

TAX MAP 11.3.8-11.1	PERMANENT 151.5'± FT
PARCEL 11	TEMPORARY 151.5'± FT
	D.B. - 2.6 ft PG. 11.1a.1

DATE 03-24-00 DRAIN BY _____

SCALE 1" = 20' DRAWING



555_19

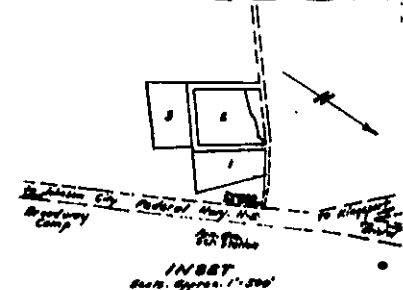
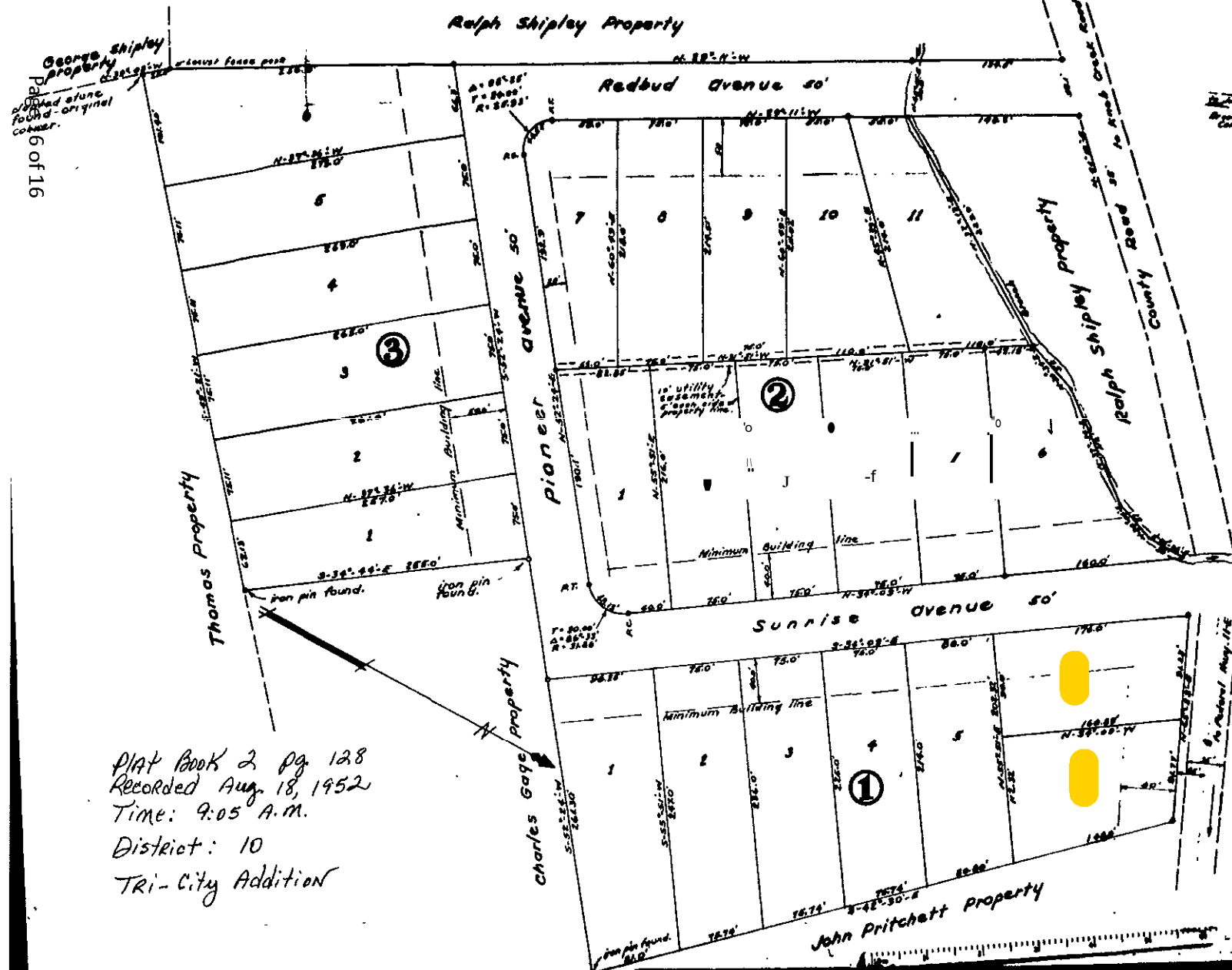


Recorded: Aug. 17, 1952
9:05 A.M.

Plat- Tri-City Addition

R. Kenneth Kays, Registrar
By: Hodge N. Bailey, C.R.

2-128



1

Surveyed by
R. Kenneth Kays, Registrar
Hodge N. Bailey, C.R.

Surveyed by
R. Kenneth Kays, Registrar
Hodge N. Bailey, C.R.

Division Map
Region of Johnson City, Tennessee

Recorded in
Tri-City
Addition

Scale

Plat Book 2 pg 128
Recorded Aug. 18, 1952
Time: 9:05 A.M.
District: 10
Tri-City Addition