

Johnson City Regional Planning Commission, Special Called Virtual  
Meeting Minutes April 27, 2020



Johnson City Regional Planning Commission  
Special Called Meeting Minutes  
Monday April 27, 2020

**Call to Order**

A Special Called meeting of the Johnson City Regional Planning Commission was called on Monday April 27, 2020 at 6:00 pm virtually via Zoom in accordance with Governor Bill Lee's Executive Order #16 and amended order #34 by Chairman Zajonc. Recorder Nicole Lawrence was present.

**Invocation and Pledge of Allegiance**

Invocation was given by Vice-Chairman Cooper.

Pledge of Allegiance to the flag of the United States of America was led by Vice-Chairman Cooper.

**Members in attendance:**

Dr. Tim Zajonc, Chairman  
Mr. Bob Cooper, Vice-Chairman  
Dr. Larry Calhoun, City Commission Representative  
Mr. Chris Dagenhart, Mayoral Representative, Asst. Secretary  
Gen. Gary Harrell, County Representative  
Dr. Stacey Wild, Secretary  
Dr. Benjamin Whitfield  
Mr. Clay Hixson  
Mr. Jamie Povlich

**City of Johnson City Staff Present:**

Preston Mitchell, Director of Development Services  
Asongayi Venard, Development Coordinator  
Allan Cantrell, Public Works Engineer  
Nicole Lawrence, Recorder

**Quorum**

A quorum was present.

**Agenda**

The Agenda was approved as presented.  
Vote: 9-0

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**Minutes**

The minutes from the March 10, 2020 meeting were approved  
Vote: 9-0

**Old Business**

Reconsideration of the rezoning of property at intersection of N.  
State of  
Franklin and Sunset Dr – portion of Tax Map 045, Parcel 052.00 –  
from  
RTP (Research/Technology Park District) to B-4 (Arterial Business  
District) and RO-2 (Medium Density Residential – Professional  
Office District).

This is to notify the Planning Commission that on March 11, 2020,  
planning staff sent a notice  
by registered mail to Mr. Frank, John & Bill Stout, owners of the  
subject property, informing them of the subject rezoning. The  
notice was received and signed on March 13, 2020. Staff has  
not received any comment, feedback or input on this rezoning from  
the Stouts. This notice was sent as requested by the Planning  
Commission at the March 10, 2020 meeting when the Planning  
Commission held a public hearing on the request initiated by staff.

No changes have been made to the request as initially considered  
by the Planning Commission on March 10, 2020. Staff  
recommended approval.

The public hearing was opened; seeing no emails or  
correspondence were presented; the public hearing was closed.

**MOTION:** To approve the request as presented.  
**MOVER:** Vice-Chairman Cooper  
**SECONDER:** Commissioner Wild  
**RESULT:** Carried 9-0

## New Business

### Consider preliminary plat for Villas at Greenwood Subdivision, Phase I.

This is a request for Preliminary Plat approval of a 12-single family houses on individual lots development known as Phase 1 of the Villas at Greenwood subdivision. The property is zoned RP-3 (Planned Residential Zoning District), which permits 8.5 du/ac. The proposed density for this Phase 1 of the subdivision is 3.46 du/ac. The preliminary plat is generally in conformity with the concept plan that was approved by the City Commission on December 4, 2019 for the rezoning of the property from R-2 to RP-3.

A new local street will be constructed in the future development of Phase 2 of the subdivision. The preliminary plat shows a reservation of a 50 ft right-of-way area for this future street. No new street construction is required in this Phase 1 of the project because all proposed lots have frontage on the existing Willows Springs Dr., which is a public street. Staff recommended approval.

The public hearing was opened;  
At this time Commissioner Wild read several emails from the public concerning this item. Those emails will be a part of the minutes and attached to this record.

The following were against the proposal:

Jamie Herman - Resident of Willow Springs Reserve. Mr. Herman has concerns regarding the median directly across from the entrance to the proposed development. He has concerns with the turning radius in from Greenwood Dr.

Larry Harrison - 309 Anthurium Ct. Spoke in regards to the trees planted between the Cottages at Willow Springs and The Villages at Greenwood. He had concerns that the trees would be removed. Staff replied that after discussion with the developer, the trees would stay. An Email from Mr. Tim Carter, the applicant stated the buffer trees in question will stay.

seeing no other emails or correspondence were presented; the public hearing was closed.

Staff stated the turning radius from Greenwood Dr. into this development met all requirements by the city's standards.

**MOTION:** To approve as presented.  
**MOVER:** Commissioner Whitfield  
**SECONDER:** Commissioner Povlich

**RESULT:** Carried 9-0

**Consider annexation of property at 559 Boring Chapel Rd.**

The property is located within the Urban Service Area and Urban Growth Boundary, and it adjoins current City limits on Boring Chapel Rd. This annexation, which is requested by the property owner, can be seen as beginning the filling up of a territory between two virtually satellite city limits areas - Luther Payne subdivision to the southwest and Lake Harbor Estates subdivision to the northeast. It is estimated that the property will generate \$1,750.00 in City taxes per annum. It will cost \$57,000.00 to extend sewer to the property within two years upon request by the property who will be responsible for the sewer pump installation cost and the cost for extending the sewer line from the property line along Boring Chapel Rd to their house.

Public sewer service will be extended to the property line within 18 (eighteen) to twenty-four (24) months after the property owner submits a request for public sewer service to the City. It shall be the responsibility of the property owner to install the sewer pump, pay any applicable tap fees, and extend the private line from the property line where the public sewer line will be terminated to the house on the property. Staff recommended approval.

The Commissioners had a lengthy discussion regarding this annexation request and the reasons the applicant would like to be annexed into the city. The applicant would like for his children to attend Johnson City Public Schools. At this time the Commissioners did not feel this particular annexation request meet the set criteria for annexation at this time. Commissioners had issue with the plan of services regarding extending sewer to the applicant when he requests it. The city must specify a time frame, without any limits to this time frame, as to when they will extend the sewer line to the property however, the property owner must agree to it. Bringing sewer out to the city line is a large expense for the property owner and there are no guarantees they will do this.

The public hearing was opened; seeing no emails or correspondence were presented; the public hearing was closed.

**MOTION:** To deny request as presented.

**MOVER:** Whitfield

**SECONDER:** Wild

**RESULT:** Carried 6-3 (Cooper, Calhoun, Zajonc)

**Consider annexation of 19.57 acres located at the intersection of Christian Church Rd. and Boones Station Rd. (The Sharp Farm Annexation).**

The property is located within the Urban Services Area and Urban Growth Boundary, and it adjoins current City limits. The annexation is requested by the property owner. It is estimated that the territory in its current undeveloped state will generate \$1,200.00 in City taxes per annum; this amount is expected to increase significantly depending on the value of the possible future commercial development on the site, and because the assessment percentage for tax purposes will increase from 25% for vacant lot to 45% for commercial property. It will cost \$33,000.00 to extend water, and \$98,000.00 to extend sewer to the property.

Public sewer service will be extended within five years from the effective date of the annexation or before a development on the site obtains a certificate of occupancy, whichever is earlier. All other city policies pertaining to sewer service shall apply from the effective date of annexation.

The city's planning and land use control authority as authorized by state law will be extended to the annexed area on the effective date of annexation. This will include the preparation and adoption of land use policy and the administration and enforcement of zoning and subdivision regulations. The area is recommended to be zoned B-4 (Planned Arterial Business District). Upon annexation of the property and assignment of the Zoning District, the Johnson City Board of Commissioners may rezone the property in accordance with the powers granted to it in Tennessee Code Annotated.

Staff recommended approval of the annexation, B-4 (Planned Arterial District) zoning and plan of services.

The public Hearing was opened;

At this time Commissioner Wild read several emails from the public concerning this item. Those emails will be a part of the minutes and attached to this record.

The following were against the annexation:

**Randy Sillyman**

**Chris Brown**

**Cristin Young**

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Kevin Malukiewicz  
Larry Weems  
Julia Martin

**Mr. Lynn Hodge** – The applicant, sent an email in stating he understood the B-4 zoning assignment, the annexation into the city and that the city would extend city water and sewer to the property which is approximately 600-700 feet from the property on Christian Church Rd.

seeing no emails or correspondence were presented; the public hearing was closed.

The Commissioners had a lengthy discussion regarding issues such as; the public input regarding their disagreement with this annexation, the fact that this property lies in the Economic Incentive Zone and in order to receive the benefits from being in zone the property must be in the city, the fact the property lies within the Land Use Plan and how annexation may be inevitable. The Commissioners were concerned with what exactly the applicant will be doing with this land and why they are not bringing in the entire property. The city would have to bring out city services such as water and sewer at a great expense with this small piece of property being the only piece in the city.

The Commissioners also had issue with this annexation not meeting the criteria for annexation including a development proposal. Staff replied as follows;

*criteria 1.5.2.3 To the extent possible, requests for annexation shall be accompanied by specific development proposals.*

Staff stated that there is no specific development proposed on the territory at this time. However, this property falls within the Boones Creek Economic Incentive Zone. Therefore, it is very likely that it will develop for commercial purposes in future.

*Criteria 1.5.2.4 Areas considered for annexation shall be consistent with adopted land use policies of the city.*

The Future Land Use Map designates this territory for commercial development. The requested B-4 Zoning District is consistent with this designation. Action 2.1.1.4 of the Comprehensive Plan 2020 further calls for the consideration of road capacity in annexations. Christian Church Rd and Boones Station Road are small “county roads” not currently suitable for intensive commercial uses permitted in the B-4 Zoning District. Christian Church Rd in particular, which is already a Johnson City public street, from this territory to the Boones Creek Rd will need to be improved in future to the standard of at least a collector street. This will benefit and

encourage the development of other properties along this road that are already in the City, and others that may be in the City as more territory is requested for annexation.

*Criteria 1.5.2.2 The provision of services to areas considered for annexation shall be efficient and cost effective.*

The Water and Sewer Department has estimated that it will cost \$33,000.00 to extend water to the site and \$98,000 to extend sewer to the territory. These lines will be constructed along Christian Church Rd. These utility lines could also serve other properties in the immediate area that may be annexed into the City in the future.

The territory is in the Urban Services Area. Action 2.4.1.2 of the Comprehensive Plan calls for the direction of capital improvements in the Urban Services Area, to support the existing City and its developing fringes.

Commissioners would like to see a more complete plan as to what they want to do with this property and ask the owner why they will not bring in the entire property into this annexation at one time. The commission has concerns about this not being an "orderly" annexation, it creates a type of donut hole with annexation. The capital investment will be large and not knowing the plan for this land is concerning.

Commissioner Cooper made a motion to approve the request with a condition to the plan of services that the city will provide the property with water and sewer services within a 20 year time frame or when a Certificate of Occupancy has been issued. There was not a second, motion died.

**MOTION:** To defer and send this application to committee for review and have further discussion with the applicant regarding development plans.

**MOVER:** Vice- Chairman Cooper

**SECONDER:** Commissioner Wild

**RESULT:** Deferral Carried 9-0

The Commissioners who volunteered to sit on the committee were:  
Commissioner Whitfield  
Commissioner Harrell  
Commissioner Wild  
Vice-Chairman Cooper

*\*Commissioner Harrell left the meeting at this time.*

Consider abandonment of a section of an alley right-of-way traversing properties at 1008 E. 8th Ave and 1010 E 8th Ave, and an undeveloped section of Wall St right-of-way adjoining 1008 E. 8th Ave.

The City has received a request from Elizabeth M. Bridgeforth and Chester Blankenship, owners of property at 1008 E. 8th Ave and 1010 E. 8th Ave respectively to abandon a section of an alley public right-of-way traversing these two properties, and a section of Wall St public right-of-way that is currently partially occupied by the driveway to the house at 1008 E. 8th Ave.

The alley is 18 ft. wide and 224 ft. long, and the Wall Street right-of-way section proposed for abandonment is 30 ft. wide and 140 ft. long.

The applicants have been maintaining the right-of-way sections and, which have not been used by the general public for transportation and they intend to reclaim the right-of-way areas for their private use. This alley and Wall Street section concerned are not used currently for transportation by the general public. There is an overhead power line that extends the full length of the alley.

Staff recommended that the City of Johnson City abandons the 30 ft. wide and 140 ft. long Wall Street right-of-way section and 18 ft. by 224 ft. long alley right-of-way, and a 15 ft. wide utility easement should be reserved along the entire length of the alley section for the delivery of electric power service.

The public hearing was opened; seeing no emails or correspondence were presented; the public hearing was closed.

MOTION: To approve as presented.  
MOVER: Commissioner Wild  
SECONDER: Commissioner Whitfield

RESULT: Carried 8-0

Seeing there was no further business to go before the Commission, the meeting was adjourned at 8:45 pm.

  
Chairman - Dr. Tim Zajonc

  
Date



**RESOLUTION REPEALING SECTION 3-4 ON "MULTIPLE BUILDING DEVELOPMENT" AND ADOPTING SOME "ACCESS STANDARDS", "PLAT CERTIFICATIONS" AND "STANDARD NOTES" IN THE JOHNSON CITY REGIONAL PLANNING COMMISSION SUBDIVISION REGULATIONS**

**WHEREAS, Tennessee Code Annotated** Section 13-3-403(a) grants the Johnson City Regional Planning Commission the powers to adopt regulations governing the subdivision of land within its jurisdiction;

**WHEREAS, Tennessee Code Annotated** Section 13-3-403(c) provides a process for amendment of Subdivision Regulations;

**WHEREAS,** the Johnson City Regional Planning Commission on April 11, 2020 published in a newspaper of general circulation a notice of public hearing for the repeal of Section 3-4 on "Multiple Building Development" and adoption of certain access provisions in the Johnson City Regional Planning Commission Subdivision Regulations;

**WHEREAS,** The Johnson City Regional Planning Commission, TN has determined that it is in the public interest to amend its Subdivision Regulations as applicable in its planning region jurisdiction;

**NOW, THEREFORE, BE IT RESOLVED BY THE JOHNSON CITY REGIONAL PLANNING COMMISSION AS FOLLOWS:**

**SECTION 1.** That Section 3-4 on "Multiple Building Development" and Section 4-1 on "Streets" in the Subdivision Regulations of the Johnson City Regional Planning Commission, Tennessee, Exhibit A, are amended as underlined or stricken.

**SECTION 2. BE IT FURTHER RESOLVED,** That Plat Certifications and Standard notes, "Exhibit B", are adopted as underlined or stricken, and incorporated into the Johnson City Regional Planning Commission Subdivision Regulations.

**SECTION 3. BE IT FURTHER RESOLVED,** That all provisions of the Johnson City Regional Planning Commission Subdivision Regulations in conflict herewith be and the same are hereby repealed.

**SECTION 4. BE IT FURTHER RESOLVED,** That this resolution shall take effect upon final passage, the public welfare requiring it.

APPROVED and effective upon adoption, this 12th day of May, 2020

Sign: 

Dr. Tim Zajonc

Chairman, Johnson City Regional Planning Commission

Date: 

Attest:

Sign: Stacy Wild

Date: 5/12/20

Dr. Stacy Wild

Secretary, Johnson City Regional Planning Commission

## EXHIBIT A

### SUBDIVISION REGULATIONS

#### JOHNSON CITY REGIONAL PLANNING COMMISSION (Hereinafter Referred to as the *Planning Commission*)

#### ~~3-4 Multiple Building Development~~

##### ~~3-4.1 Categories~~

~~The following categories of multiple building developments are established to provide appropriate standards for condominium and rental developments.~~

##### ~~3.4.1.1 Single family and two family Developments~~

~~———— All single family and two family developments shall provide internal access built to public street standards in accordance with Article 4, General Requirements & Standards of Design.~~

##### ~~3-4.1.2 Multi family Rental Development~~

~~A rental development containing buildings with three or more units shall provide internal vehicular access to each building by a driveway in accordance with the minimum standards of Section 11.2.8 of the Parking Regulations in the Zoning Ordinance. In addition, adequate pedestrian access to connect each building to the nearest public right-of-way shall be provided. The location and layout of the pedestrian access shall be at the discretion of the developer and approved by the staff. All pedestrian access trails shall be a minimum of four feet in width and be constructed of asphalt, concrete, or other hard surface materials approved by the Planning Commission. Access between buildings and parking areas shall meet all applicable ADA and Fair Housing standards for accessibility.~~

##### ~~3-4.1.3 Multi family Condominium Development~~

~~A condominium development containing buildings with three or more units shall provide internal vehicular access to each building by a driveway in accordance with Johnson City Public Works Department's Standards of latest issue for pavement width and thickness. In addition, adequate pedestrian access to connect each building to the nearest public right-of-way shall be provided. The location and layout of the pedestrian access shall be at the discretion of the developer and approved by the staff. All pedestrian access trails shall be a minimum of four feet in width and be constructed of asphalt, concrete, or other hard surface materials.~~



~~approved by the Planning Commission. Access between buildings and parking areas shall meet all applicable ADA and Fair Housing standards for accessibility.~~

#### ~~3-4.1.4 Multi-family Planned Unit Development~~

~~A subdivision involving the development of two or more units with each unit including a structure containing the roof, walls, and other necessary building components situated on a parcel of land and sold as such. The subdivision of land shall only include the dimensions of the unit and land not maintained by the homeowners association. The parcel/lot is not required to meet the minimum lot size of the zoning district in which it is located. The parcel does not require frontage on a public right of way. Such subdivision shall be approved by the Planning Commission in accordance with an approved Concept Plan or site plan.~~

#### ~~3-4.2 Submittals~~

~~Multiple building developments required to provide access by a driveway, or public street shall meet the applicable following standard:~~

##### ~~3-4.2.1 Driveway Category~~

~~All multiple building developments required to provide access by a driveway shall be required to submit five (5) sets of development plans with the required processing fee to the Development Coordinator for staff review. The development plan shall contain the following information:~~

- ~~(1) The location and dimensions of all existing and proposed roads, driveways, entrances and exits, lanes, easements, and parking areas, including the number of parking spaces;~~
- ~~(2) Proposed use, building sizes and locations, and number of units;~~
- ~~(3) Boundary and dimensions of the tract;~~
- ~~(4) Location and extent of existing and proposed landscaping, buffer yards, fences, lighting, and pedestrian walkways;~~
- ~~(5) The complete grading and erosion control plan, including existing and proposed drainage facilities. If required by the City Engineer, storm water runoff calculations and detention facility plans shall also be submitted;~~
- ~~(6) Profiles of proposed sanitary sewers and stormwater sewers with grades, sizes, and elevations indicated;~~

- ~~(7) Proposed water distribution system showing pipe sizes and the location of all pumps, valves, and fire hydrants; and~~
- ~~(7) The location and extent of other utility facilities, including electric, telephone, and TV cable lines, natural gas lines, and poles for power or telephone.~~

#### ~~3-4.2.2 Public Street Category~~

~~Multiple building developments required to provide access by a public street shall meet the provisions of Article 4, General Requirements & Standards of Design.~~

### ~~3-4.3 Procedure~~

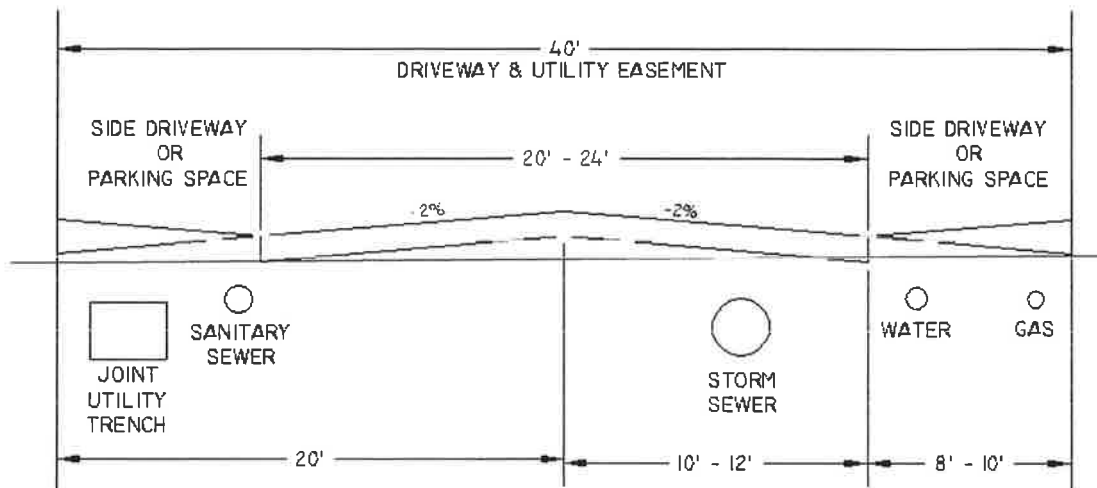
#### ~~3-4.3.1 Review and Approval~~

- ~~(1) A multiple building development which provides access by a driveway or easement may be approved by staff, provided it complies with all applicable city codes and standards, including the Subdivision Regulations and the Water and Sewer and Public Works Departments' standards of latest issue. After review, the Development Coordinator shall notify the applicant of approval or any reasons for disapproval. Any disagreement between staff and applicant may be appealed to the Planning Commission by the applicant. Such appeal must be submitted in writing to the Development Coordinator at least ten (10) working days before the next Planning Commission meeting.~~
- ~~(2) Multiple building developments required to provide access by a public street shall conform to the requirements of Section 3-2, Standard Subdivision.~~

#### ~~3-4.3.2 Schedule~~

- ~~(1) Plans for multiple building developments which provide access by a driveway may be submitted to staff at any time.~~
- ~~(2) Multiple building developments required to provide access by a public street shall conform to the requirements of Section 3-2, Standard Subdivision.~~

Figure-3  
~~Driveway & Utility Easement~~





## ARTICLE 4

### GENERAL REQUIREMENTS & STANDARDS OF DESIGN

#### 4-1 Access Standards

##### 4-1.1. Means of Access

###### 4-1.1.1. General Provisions

In the subdivision of property, all lots shall either front on a public street – in which case they may have driveways that meet sight distance requirements from the lot to the street - or have access to a public street by one of the following:

- (1) Access to a public street by an approved private street; (2)

Access to a public street by an approved private drive;

- (3) Access to a public street by an approved private shared permanent access easement.

- (4) Access to a public street by an approved private permanent cross access easement

###### 4-1.1.2. Designation on Subdivision Plat

Where access is provided by an approved private street, private drive, shared access easement, or permanent cross access easement, the area and limits of these means of access shall be clearly designated and labelled on the plat.

###### 4-1.1.3. Other Nuance Appellations Prohibited

On subdivision plats, the use of other nuance appellations not provided in Subsection 4-1.1.1 and lacking design specifications in this Subdivision Regulations shall be prohibited. Where the Planning Commission grants a deviation from the design standards of any of these means of access specified herein, the design cross section shall begin with the label, "Modified".

##### 4-1.2. Private Street

###### 4-1.2.1. General Provisions

- (1) A private street is a privately owned access road that is separate from the lots that it serves.

- (2) The Planning Commission may approve a private street to serve two

- (2) or more lots that do not have direct frontage on a public street.
- (3) A lot shall be considered to be served by a private street if the lot abuts and has legal traversable access to the private street.
- (4) All lots fronting on the private street shall meet the sight distance requirements for public streets.
- (5) The designated area of a private street shall not be included in computing the area of lots served through the private street.
- (6) A homeowners association or other legal entity shall be established that addresses maintenance of the private street. The applicant must demonstrate to the reasonable satisfaction of the Planning Commission that the private street will be properly maintained.
- (7) A note shall be placed on the final plat that the private street is not a public street and will not be maintained by the City of Johnson City or the applicable county when the subdivision is outside of the Johnson City corporate limits but within the Johnson City Planning Region. A standard note to this effect is provided in the Appendix of this Subdivision Regulations.
- (8) Public and private drainage infrastructure and utilities may be constructed within private streets. Where public drainage and utilities infrastructure are installed the owner shall dedicate public drainage and utility easements as required by the Public Works Department and by the Water and Sewer Services Department.
- (9) Private streets may be gated, provided the gate conforms to the standards set forth in Article 5.
- (10) A private street shall not be approved if it will create a connection between two (2) public streets.
- (11) Except for gated communities, the Planning Commission may disapprove the creation of a private street based on the need and feasibility for street interconnectivity considering site topography and other natural features.

#### 4-1.2.2. Construction Standards

Private streets, irrespective of the type of use they provide access to, shall be constructed to public street standards as provided in this Subdivision Regulations.

#### 4-1.2.3. Street Identification

- (1) All private streets shall be named in accordance with the street naming standards provided in Subsection 3-2.4.6 of this Subdivision Regulations.
- (2) The street name sign for private streets shall have a blue background with white color street name letters. The street name post shall also bear a sign with yellow background and the following label in black letters: "NO PUBLIC MAINTENANCE".
- (3) The cost for all private street name signs and the "NO PUBLIC MAINTENANCE" signs shall be paid by the developer to the Johnson



City Department of Public Works for the erection of the signs before the Secretary of the Planning Commission may sign the final plat for recording.

#### 4-1.2.4. Approval Procedure

The approval procedure for a subdivision to be accessed by a private street shall be the same as that of a major subdivision to be accessed by a public street.

### 4-1.3. Private Drive

#### 4-1.3.1. General Provisions

- (1) A private drive shall be a privately owned access strip that is separate from the lots that it serves, and which shall serve no more than nine lots or individual tax parcel properties.
- (2) A lot or a tax parcel shall be considered to be served by a private drive if the lot abuts and has legal traversable access to the private drive.
- (3) The designated area of a private drive shall not be included in computing the area of lots or tax parcels served through the private drive.
- (4) The private drive at its intersection with a public street shall meet sight distance requirements, and shall have the same curve radii as for a public street.
- (5) A homeowners association or other legal entity shall be established that addresses maintenance of the private drive. The applicant must demonstrate to the reasonable satisfaction of the Planning Commission that the private drive will be properly maintained.
- (6) A note shall be placed on the final plat that the private drive is not a public street and will not be maintained by the City of Johnson City or the applicable county when the subdivision is outside of the Johnson City corporate limits but within the Johnson City Planning Region. A standard note to this effect is provided in the Appendix of this Subdivision Regulations.
- (7) Public and private drainage infrastructure and utilities may be constructed within private drives. Where public drainage and utilities infrastructure are installed the owner shall dedicate public drainage and utility easements as required by the Public Works Department and by the Water and Sewer Services Department.
- (8) Private drives may be gated, provided the gate conforms to the standards set forth in Article 5 of this Subdivision Regulations.

- (9) A private drive shall not be approved if it will create a connection between two (2) public streets.
- (10) Except for gated communities, the Planning Commission may disapprove the creation of a private drive based on the need and feasibility for street interconnectivity considering site topography and other natural features.

#### 4-1.3.2. Construction Standards

- (1) Private drives shall be constructed to the standard shown in Figure 6 of this Subdivision Regulations
- (2) The sidewalk constructed along a private drive shall meet ADA requirements.
- (3) An area at least 10ft wide adjoining the curb on the side of the private drive that does not have a sidewalk shall be graded for possible future construction of a sidewalk.
- (4) A consolidated mailbox complex shall be provided for developments to be accessed through a private drive. The location of the complex shall be shown on the construction plans and designated as a common use easement area on the final subdivision plat.
- (5) A dead end private drive shall have a suitable turnaround area that meets the requirements of the Johnson City Department of Public Works and Fire Department guidelines.
- (6) A profile shall be provided in the preliminary plat and in the construction plans to determine whether a proposed private drive will be traversable.

#### 4-1.3.3. Private Drive Identification

- (1) All private drives providing access to three or more lots or tax parcels shall be named in accordance with the street naming standards provided in Subsection 3-2.4.6 of this Subdivision Regulations. Where the private drive provides access to less than three lots or tax parcels, it shall not be named.
- (2) The name sign for private drives shall have a blue background with white color name letters. The private drive name post shall also bear a sign with yellow background and the following label in black letters: "NO PUBLIC MAINTENANCE".
- (3) The cost for all private drive name signs and the "NO PUBLIC MAINTENANCE" signs shall be paid by the developer to the Johnson City Department of Public Works for the erection of the signs before the Secretary of the Planning Commission shall sign the final plat for recording.

#### 4-1.3.4. Approval Procedure

- (1) The approval procedure for a subdivision to be accessed by a private



drive involving three or more lots or tax parcels properties shall be the same as that of a major subdivision.

- (2) The approval procedure for a subdivision to be accessed by a private drive to less than three lots or tax parcels properties shall be as follows: staff shall review and approve the construction plans, and the final plat shall be approved as a minor subdivision plat. No preliminary plat shall be required.

#### 4-1.4. Shared Permanent Access Easement

##### 4-1.4.1. General Provisions

- (1) A shared permanent access easement is a right-of-way granted for access with its width lying on multiple properties at the same latitudinal points, but not dedicated to the city, for the limited use of private land where general use and maintenance of such right-of-way is governed by an agreement that runs with the land, is unseverable therefrom, and is recorded with the county register of deeds.
- (2) For both residential and commercial subdivisions, shared permanent access easements shall be limited to no more than three lots or tax parcel properties.
- (3) The designated area of a shared permanent access easement may be included in computing the area of no more than one lot or tax parcel served through the shared permanent access easement. The lot containing such easement shall have sufficient buildable area not included in the area of the shared permanent access easement.
- (4) The shared permanent access easement at its intersection with a public street shall meet sight distance requirements for a driveway.
- (5) A note shall be placed on the final plat that the shared permanent access easement is not a public street and will not be maintained by the City of Johnson City or the applicable county when the subdivision is outside of the Johnson City corporate limits but within the Johnson City Planning Region. A standard note to this effect is provided in the Appendix of this Subdivision Regulations.
- (6) Public and private drainage infrastructure and utilities may be constructed within the shared permanent access easement. Where public drainage and utilities infrastructure are installed the owner shall dedicate public drainage and utility easements as required by the Public Works Department and by the Water and Sewer Services Department.
- (7) A shared permanent access easement shall not be approved if it will create a connection between two (2) public streets.
- (8) Mailboxes for properties having a shared permanent access easement shall be located along the public street from which the shared permanent access easement extends.
- (9) The Planning Commission may consider a subdivision that would create additional lots on a previously approved shared permanent access easement, or create additional lots or tax parcels that would require the extension of a previously approved shared permanent

easement. Such subdivision of land shall be subject to the applicable requirements of Section 4-1.2 and Section 4-1.3, as determined by the Planning Commission.

#### 4-1.4.2. Construction Standards

Shared permanent access easement shall meet at least the standard of a driveway as shown in Figure 3 of this Subdivision Regulations.

#### 4-1.4.3. Shared Permanent Access Easement Identification

Shared permanent access easements shall not be named; however, its area shall be clearly identified on a subdivision plat.

#### 4-1.4.4. Approval Procedure

- (1) A preliminary plat shall not be required for a subdivision proposed to be accessed through a shared permanent access easement.
- (2) Staff shall review and approve construction plans for a subdivision proposed to be accessed through a shared permanent access easement.
- (3) The approval of a final plat for a subdivision to be accessed by a shared permanent access easement involving the creation of three lots or tax parcels properties shall be reserved to the Planning Commission.
- (4) The final subdivision plat for a subdivision proposed to be accessed through a shared permanent access easement involving the creation of two lots shall be approved as a minor subdivision plat.

### 4-1.5. Permanent Cross Access Easement

#### 4-1.5.1. General Provisions

- (1) A permanent cross access easement is a strip of land on one property granted for use as access to other lots.
- (2) All other lots benefiting from the use of the cross access easement shall have the required street frontage on a public street.
- (3) Cross access easements shall generally be limited to nonresidential developments.
- (4) Cross access easements for residential developments shall generally be limited to two lots. Where the proposed cross access easement involves more than two lots, approval by the Planning Commission shall be required. The developer must show cause based on the natural features of the land that make the construction of individual driveways to the lots impractical.
- (5) A note shall be placed on the final plat specifying the grant of cross access easement, the beneficiary properties, and stating that the permanent cross access easement is not a public street and will not



be maintained by the City of Johnson City or the applicable county when the subdivision is outside of the Johnson City corporate limits but within the Johnson City Planning Region. A standard note to this effect is provided in the Appendix of this Subdivision Regulations.

- (6) Public and private drainage infrastructure and utilities may be constructed within permanent cross access easements. Where public drainage and utilities infrastructure are installed the owner shall dedicate public drainage and utility easements as required by the Public Works Department and by the Water and Sewer Services Department.

#### 4-1.5.2. Construction Standard

- (1) Permanent cross access easements for single family and duplex residential developments on individual lots shall be constructed to the standard of a driveway as specified in the zoning ordinances of the applicable zoning jurisdiction or in Figure 3 of this Subdivision Regulations, whichever is more restrictive.
- (2) Permanent cross access easements for multifamily and commercial developments, including Planned Unit Developments, shall be constructed to the standard of a driveway specified in the zoning ordinances of the applicable zoning jurisdiction or in Figure 3 of this Subdivision Regulations, whichever is more restrictive. Such permanent cross access easement for multifamily and/or commercial uses shall provide internal pedestrian circulation paths on both sides of the easement connecting the different buildings, units or lots and extending to the public street.

#### 4-1.5.3. Approval Procedure

- (1) Subdivisions that create more than two lots or tax parcels properties, and which one or more lots therein shall be accessed through permanent cross access easements shall be approved by the Planning Commission.
- (2) Subdivisions that create no more than two lots, and which access to one lot shall be by a cross access easement shall be approved administratively.

### 4-24 Streets

The scope of these standards is to allow new streets and roads in the planning region to conform to the Major Thoroughfare Plan of the planning region, and to ensure that private streets and drives conform to certain standards of design.

#### 4-24.1 General Provisions

#### ~~4-24.1.1~~ Private Streets and Driveways

~~Every subdivided property shall be served from a publicly dedicated street, except for developments approved under the RP Zoning Districts that with Planning Commission approval of the Generalized Site Plan may contain private streets. All private streets shall conform to the standards of design that follow except for those provisions regarding rights-of-way. Private streets, permanent easements, and driveways may be gated provided the gate conforms to the standards set forth in Article 5. In addition to the provision of Section 4-1 of this Subdivision Regulations, the following standards shall be applicable in the subdivision of property:~~

#### ~~4-24.1.2~~ Right-Turn Lanes

Subdivisions located on collector, arterial, or streets with average daily traffic (ADT) volumes of 1,500 trips or higher shall provide a right-turn lane into the subdivision.

#### ~~4-24.1.3~~ Additional Right-of-Way Dedication

*Subdivisions* that adjoin existing *streets* shall dedicate additional *right-of-way* to meet the minimum *right-of-way* widths required by these regulations. The entire *right-of-way* shall be provided where any part of the *subdivision* is on both sides of the existing *street*. When the *subdivision* is located on only one side of an existing *street*, one-half of the required *right-of-way*, measured from the centerline of the existing roadway, shall be provided.

#### ~~4-24.1.4~~ Restriction of Access

Where a *subdivision* abuts or contains an existing or proposed major *street*, the *Planning Commission* may require design adjustment as necessary for adequate protection of residential properties. Streets proposed to be extended in future, or required by the Planning Commission to be extended in future shall terminate in street stubs. Street stubs shall not be used as the public right-of-way frontage of any lot.

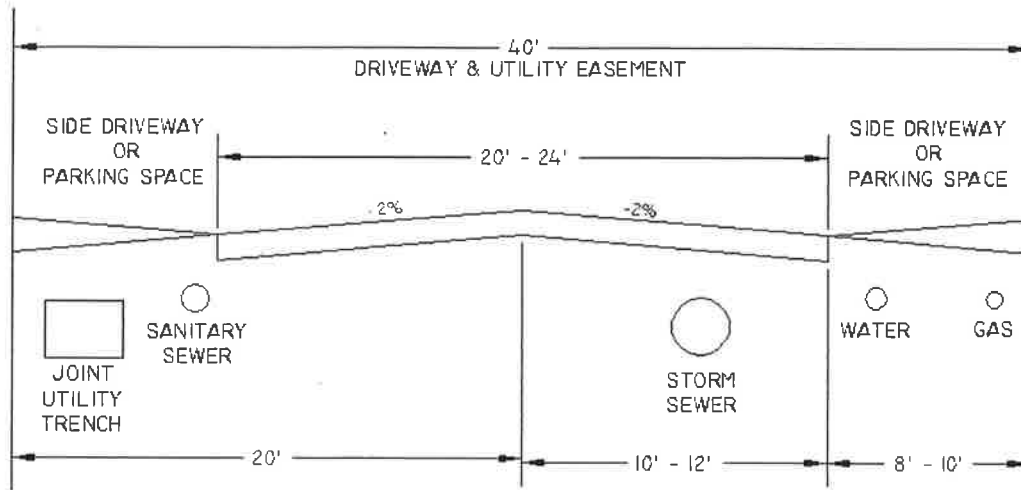
#### ~~4-24.1.5~~ Control Strip

There shall be an access control strip along the final five feet of *rights-of-way* along the exterior boundary of a *subdivision*. The location of a control strip required at the end of all street stubs is shown in Figure 4. No person shall cross or otherwise utilize this control strip without approval from the *Planning Commission*. There shall be no control strips restricting access to *streets* except where access to such strip is dedicated as public *right-of-way* and the control of such strips is placed with the *Planning Commission*.

*Note: The content of proceeding sections of Article 4 are left unaltered, except that the sections are re-numbered sequentially and the following design figures are renumbered with the adoption of private drive design standard.*

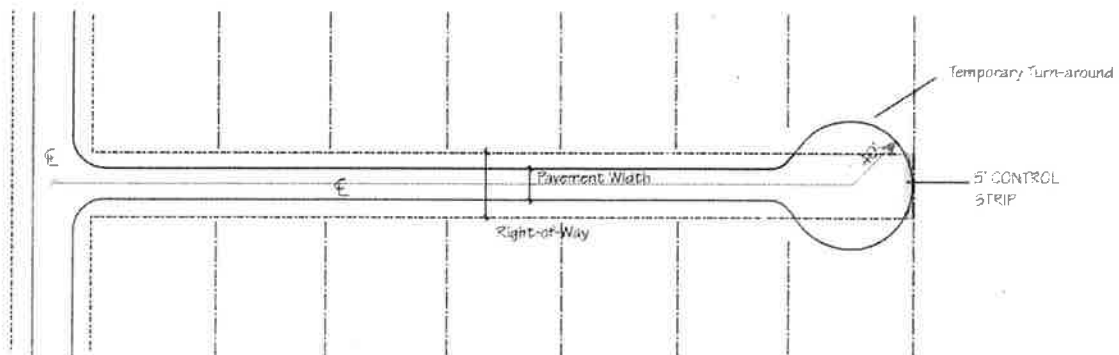
**Figure 3**

**Driveway and Utility Easement**



**Figure 4**

**Control Strip**

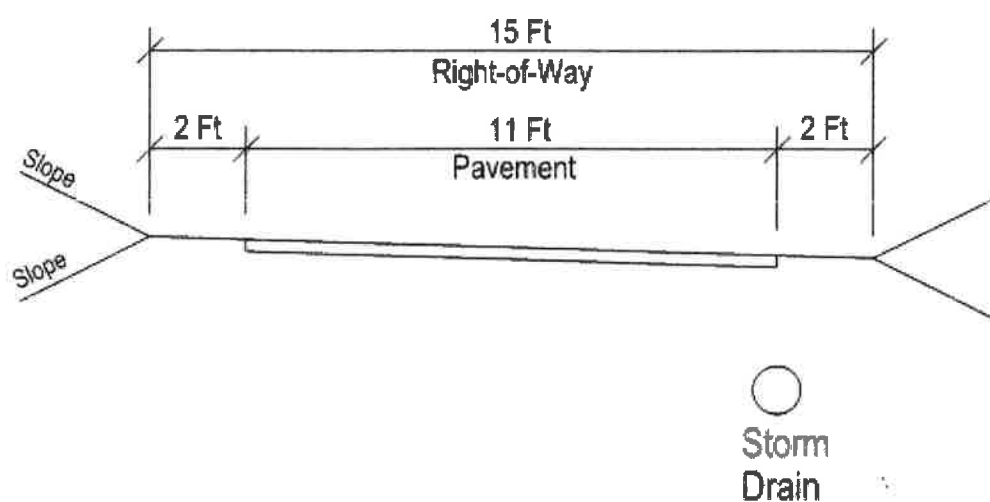


**Figure 5**

**Alley**

A street set aside primarily for vehicular access to the side or rear of properties otherwise abutting a street.

Right-of-way	15 Feet
Pavement Width	11 Feet
Pedestrian	None



**PAVEMENT SCHEDULE**

6.00" Mineral Aggregate Base Material  
2.00" Binder Course  
1.25" Surface Course

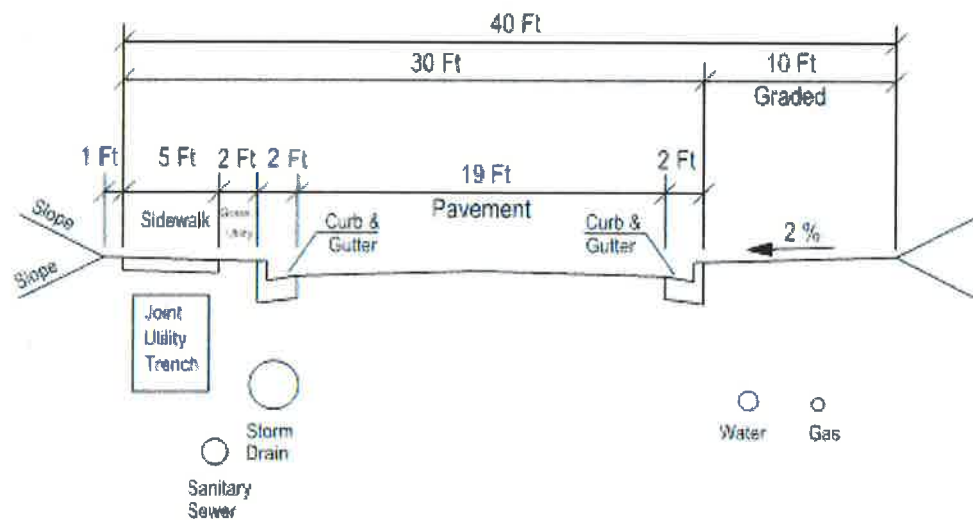


**Figure 6**

**Private Drive**

A private drive designed to carry up to 90 vehicles per day, which may be configured as a loop drive or a cul-de-sac.

Right-of-way      40 Feet  
Pavement Width   19 Feet  
Pedestrian        5 Feet Total, One Sidewalk



**PAVEMENT SCHEDULE**

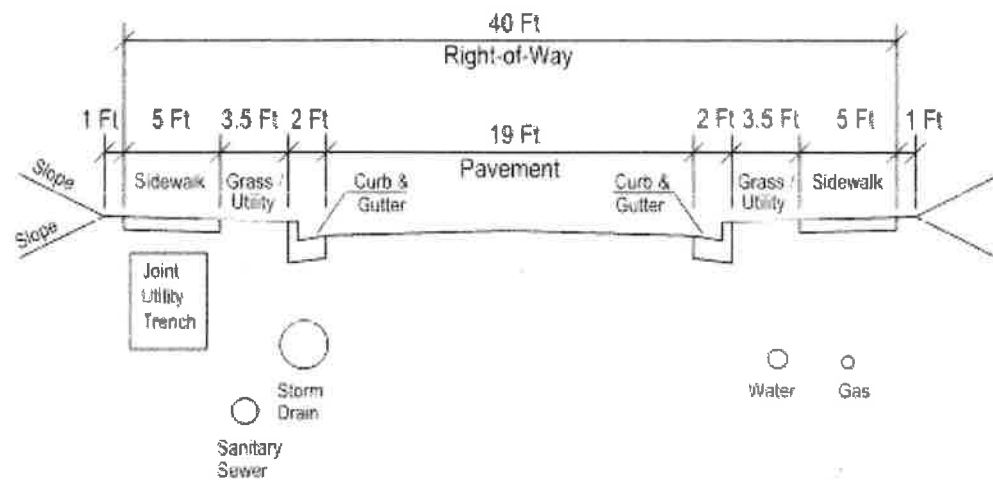
6.00" Mineral Aggregate Base Material  
2.00" Binder Course  
1.25" Surface Course

**Figure 7**

**Lane**

A street designed to carry up to 240 vehicles per day, which may be configured as a through street, a loop street or a cul-de-sac.

Right-of-way 40 Feet  
Pavement Width 19 Feet  
Pedestrian 10 Feet Total, Sidewalks (5 Feet Ea.)



**PAVEMENT SCHEDULE**

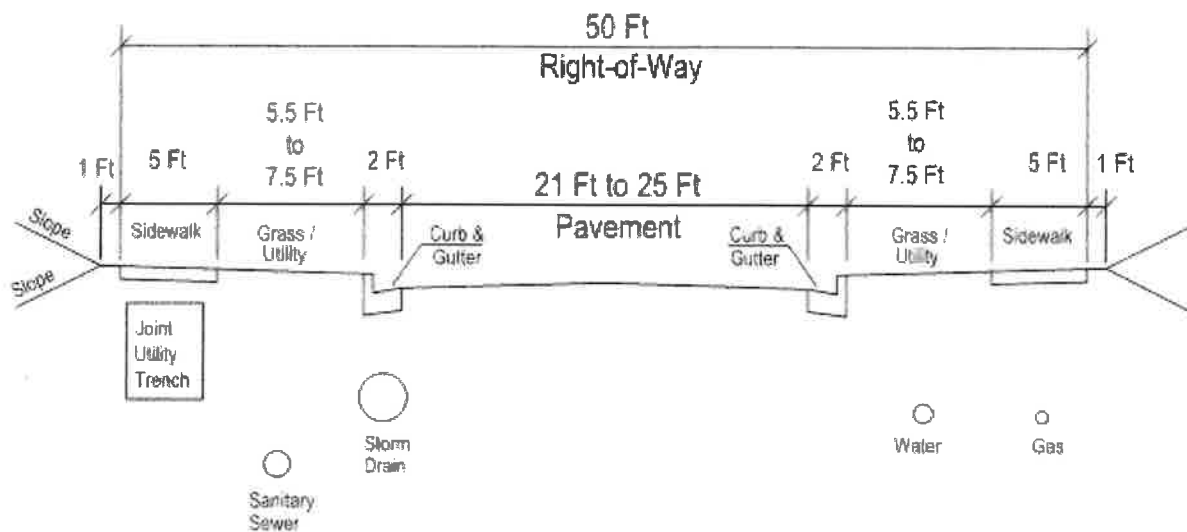
6.00" Mineral Aggregate Base Material  
2.00" Binder Course  
1.25" Surface Course

**Figure 8**

**Local Street**

A street designed to carry between 240 and 1,500 vehicles per day.  
The street's pavement width may vary from 21 feet to 25 feet at the discretion of the subdivider.

Right-of-way      50 Feet  
Pavement Width    Varies, 21 Feet to 25 Feet  
Pedestrian        10 Feet Total, Sidewalks (5 Feet Ea.)



Note: The Grass / Utility strip will vary from 5.5 feet wide with a 25 foot pavement to 7.5 feet wide with a 21 foot pavement

**PAVEMENT SCHEDULE**

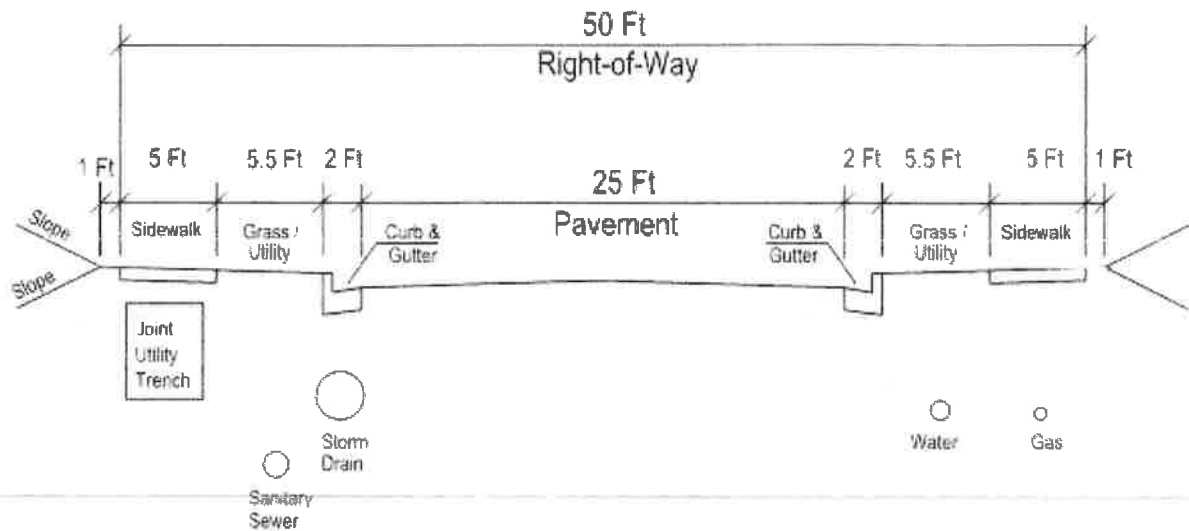
6.00" Mineral Aggregate Base Material  
2.00" Binder Course  
1.25" Surface Course

**Figure 9**

**Feeder Street**

A higher volume residential street designed to carry more than 1,500 vehicles per day.

Right-of-way      50 Feet  
Pavement Width   25 Feet  
Pedestrian        10 Feet Total, Sidewalks (5 Feet Ea.)



**PAVEMENT SCHEDULE**

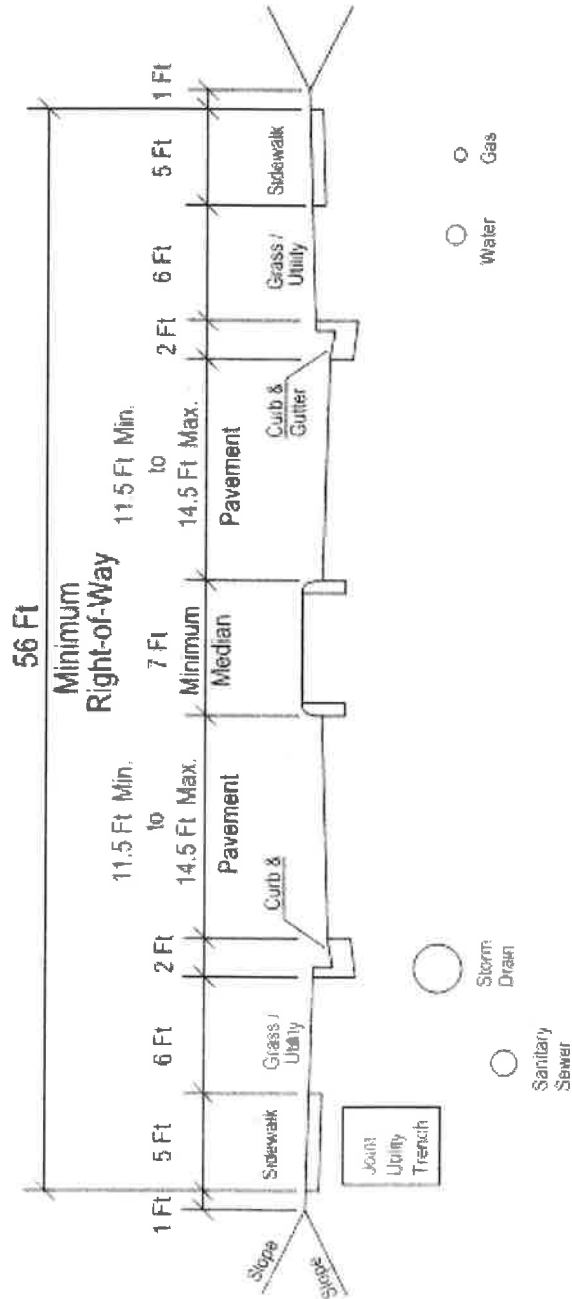
6.00" Mineral Aggregate Base Material  
2.00" Binder Course  
1.25" Surface Course

**Figure 10**

**Boulevard**

An optional street configuration, which can be a local or feeder street, with the travel lanes separated by a landscaped median.

Right-of-way 56 Feet  
Pavement Width Varies, 11.5 Feet to 14.5 Feet Each Side of Median  
Pedestrian 10 Feet Total, Sidewalks (5 Feet Ea.)



Note: The median curbs must be a mountable type.  
Right-of-way width will increase proportionally with increases in pavement and median width.

**PAVEMENT SCHEDULE**

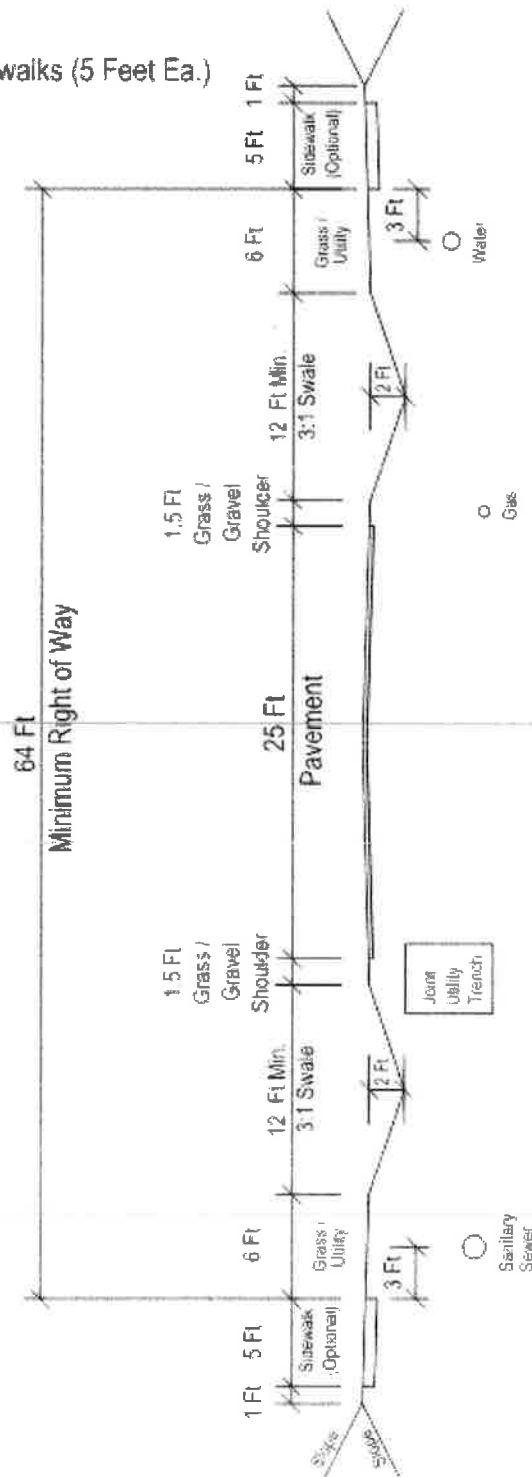
6.00" Mineral Aggregate Base Material  
2.00" Binder Course  
1.25" Surface Course

**Figure 11**

**Rural Street**

An optional street with no curb and gutter shall be permitted only under the following conditions:  
(1) Minimum lot size of 2 acres; (2) Minimum street frontage of 200 feet for each lot; (3) Minimum front yard setback of 75 feet; and (4) Resubdivision to create smaller lots shall not be permitted.

Right-of-way      64 Feet  
Pavement Width   25 Feet  
Pedestrian        Optional,  
                         10 Feet Total, Sidewalks (5 Feet Ea.)



**PAVEMENT SCHEDULE**

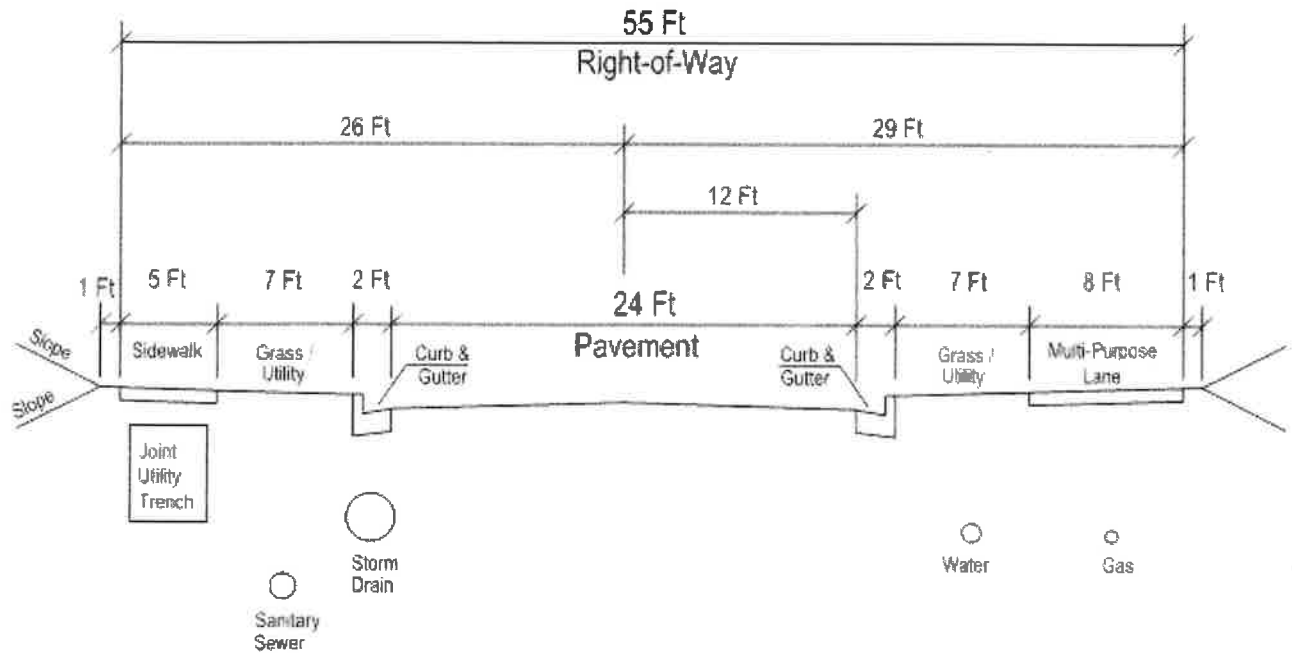
- 6.00" Mineral Aggregate Base Material
- 2.00" Binder Course
- 1.25" Surface Course

**Note:** Swale to be grass lined except where slope generates velocities that will require other types of lining for soil reinforcement.

**Figure12**

**Local Non-Residential**

Right-of-way      55 Feet  
Pavement Width    24 Feet  
Pedestrian / Bike   13 Feet Total, Sidewalk (5 Feet) and Multi-Purpose Lane (8 Feet)



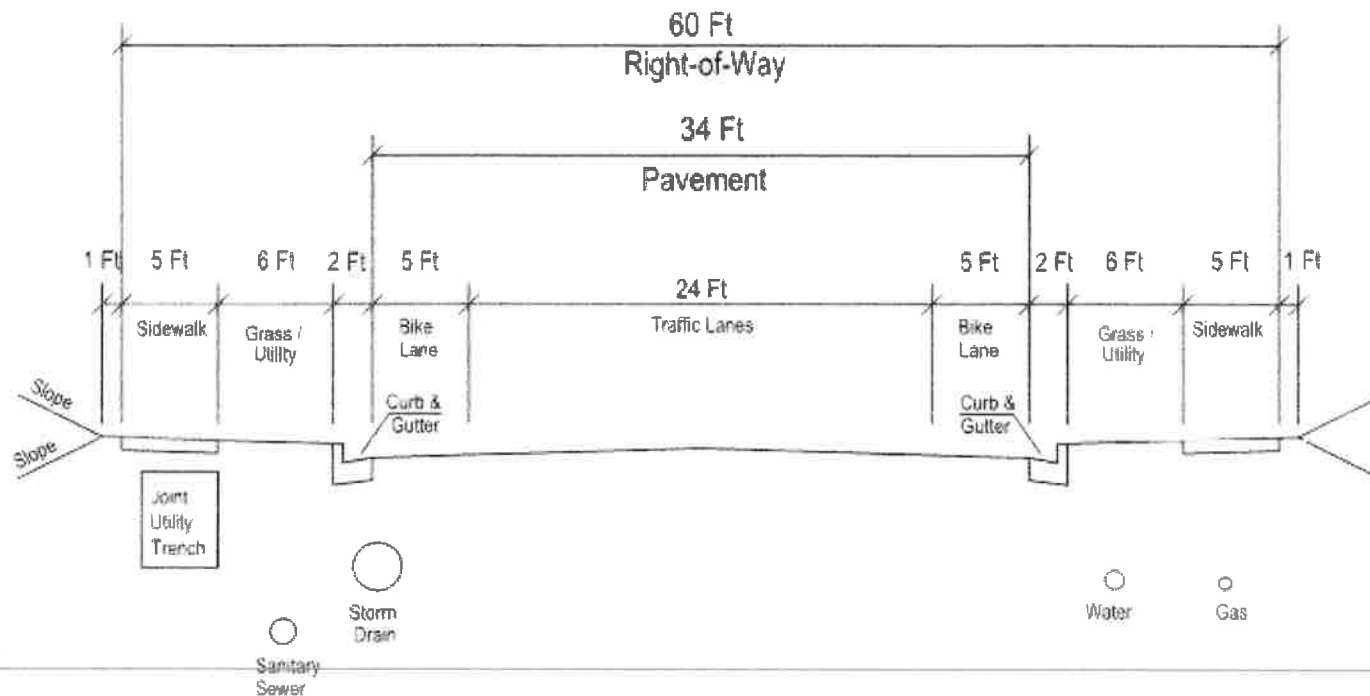
**PAVEMENT SCHEDULE**

8.00" Mineral Aggregate Base Material  
3.00" Binder Course  
1.25" Surface Course

**Figure 13**

**Minor Collector with Bike Lane Each Side of Street**

Right-of-way      60 Feet  
Pavement Width   34 Feet Total, 24 Feet - Traffic Lanes (12 Feet Ea.) , 10 Feet - Bicycle Lanes (5 Feet Ea.)  
Pedestrian        10 Feet Total, Sidewalks (5 Feet Ea.)



**PAVEMENT SCHEDULE**

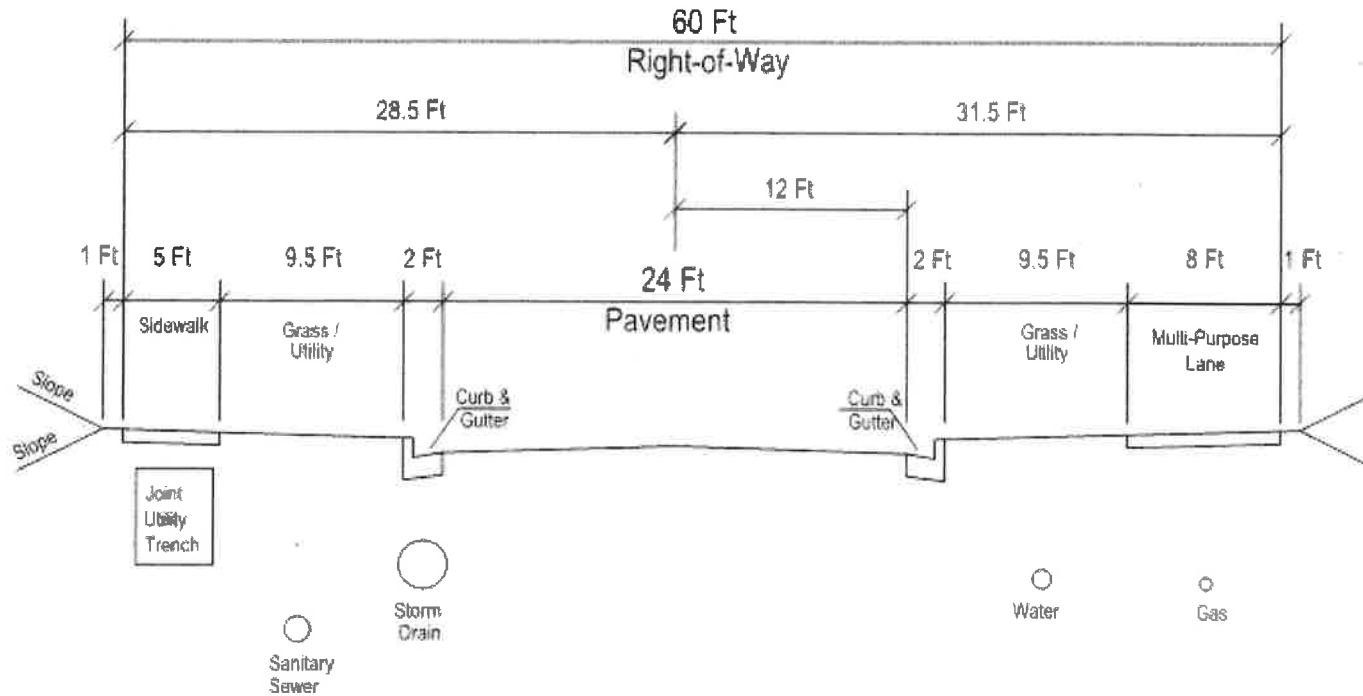
8.00" Mineral Aggregate Base Material  
3.00" Binder Course  
1.25" Surface Course



**Figure14**

**Minor Collector with Multi-Purpose Lane**

Right-of-way      60 Feet  
Pavement Width    24 Feet  
Pedestrian / Bike   13 Feet Total Total, Sidewalk (5 Feet) and Multi-Purpose Lane (8 Feet)



**PAVEMENT SCHEDULE**

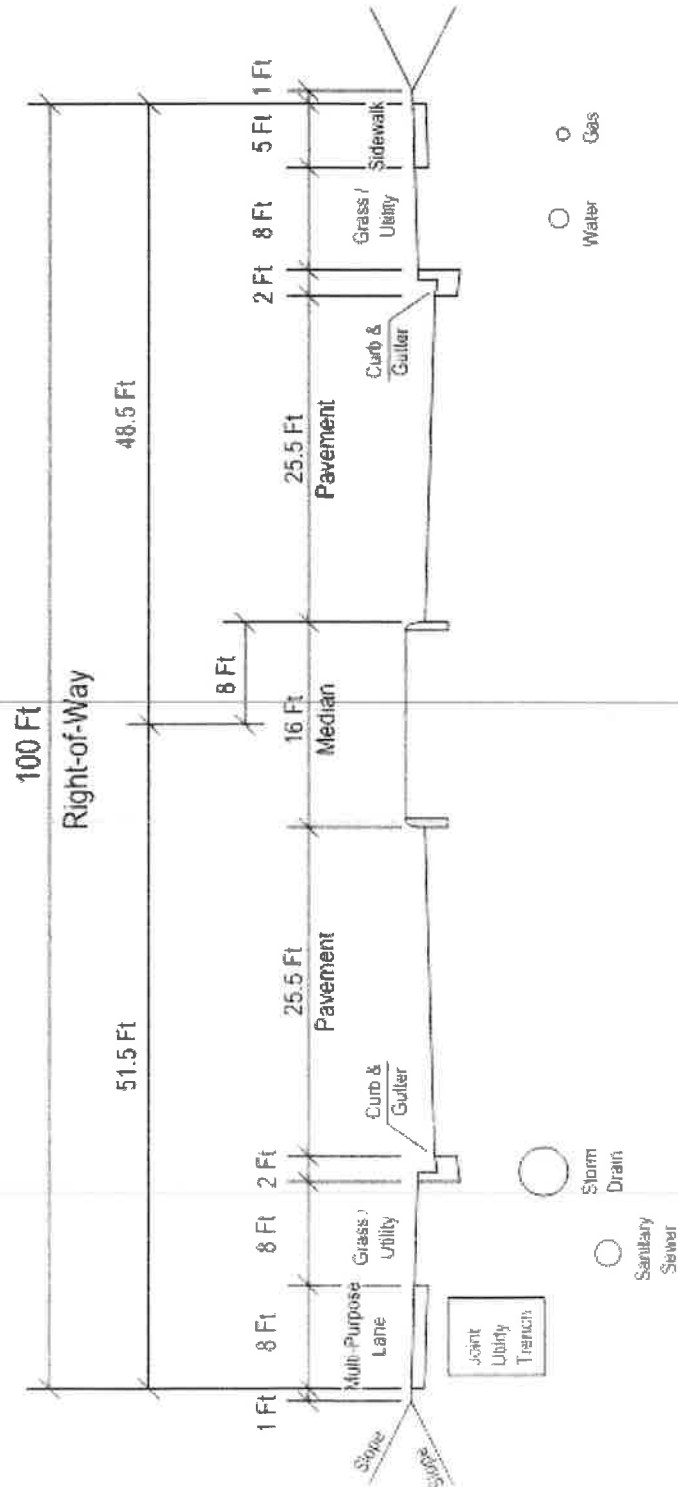
8.00" Mineral Aggregate Base Material  
3.00" Binder Course  
1.25" Surface Course

**Figure15**

**Major Collector with Multi-Purpose Lane and Median**

A through street limited to four travel lanes.

Right-of-way      100 Feet  
Pavement Width    51 Feet Total, 25.5 Feet, Each Side of Median  
Pedestrian / Bike    13 Feet Total, Sidewalk (5 Feet) and Multi-Purpose Lane (8 Feet)



**Note:** The median curbs must be a mountable type.

**PAVEMENT SCHEDULE**

8.00" Mineral Aggregate Base Material  
3.00" Binder Course  
1.25" Surface Course

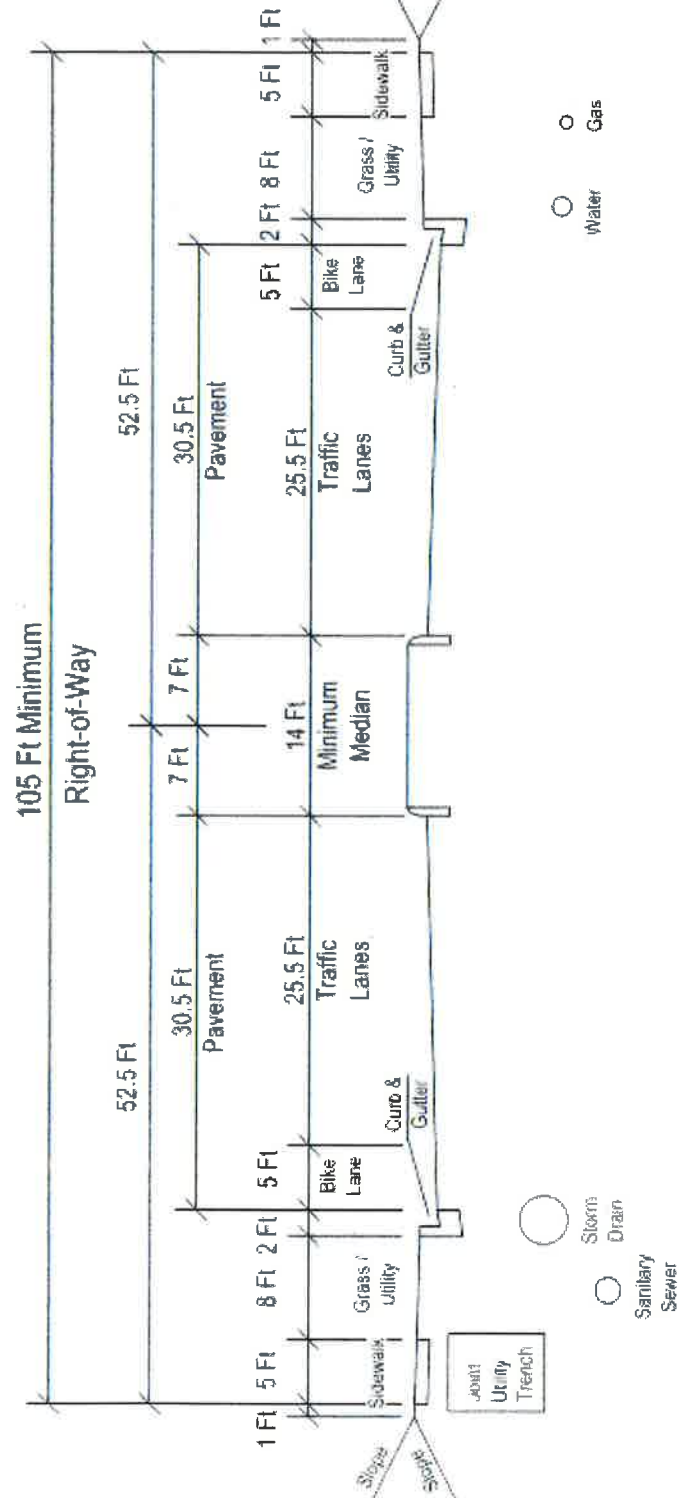
## Major Collector with Bike Lanes and Median

A through street limited to four traffic lanes.

Right-of-way 105 Feet

Pavement Width 61 Feet Total, 30.5 Feet Each Side of Median - (25.5 Feet each side for Traffic Lanes)

Pedestrian 10 Feet Total, Sidewalks (5 Feet Ea.) - (5 Feet each side for Bike Lane)



## PAVEMENT SCHEDULE

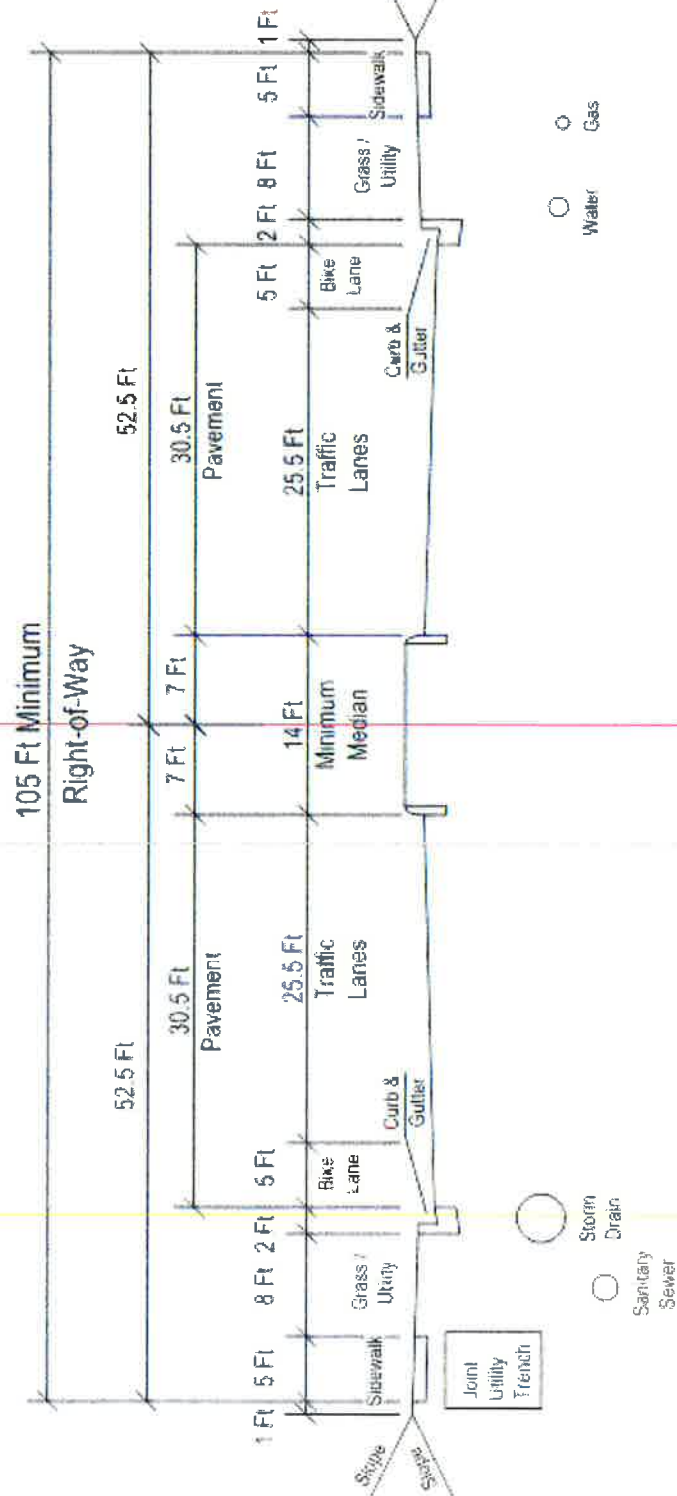
8.00" Mineral Aggregate Base Material  
 3.00" Binder Course  
 1.25" Surface Course

Figure 17

# Arterial with Bike Lanes and Median

A through street which may contain between 4 and 6 traffic lanes.

Right-of-way 105 Feet  
 Pavement Width 61 Feet Total, 30.5 Feet Each Side of Median (25.5 Feet each side for Traffic Lanes and 5 Feet each side for Bike Lane)  
 Pedestrian 10 Feet Total, Sidewalks (5 Feet Ea.)



## PAVEMENT SCHEDULE

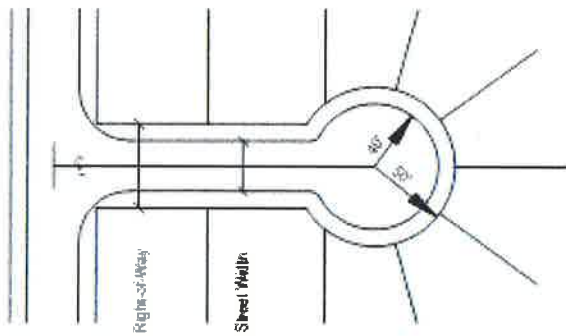
8.00" Mineral Aggregate Base Material  
 3.00" Binder Course  
 1.25" Surface Course

Note: The median curbs must be a mountable type.  
 Right-of-way width will increase proportionally with increases in median or pavement width.

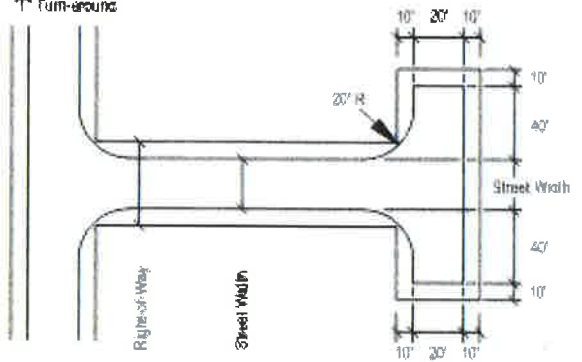
**Figure 18**

**Types of Cul-de-sacs**

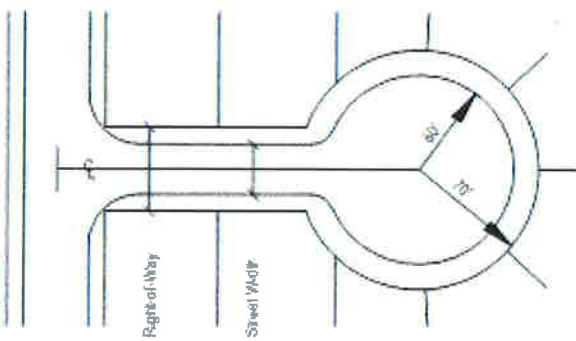
**Residential Cul-De-Sac**



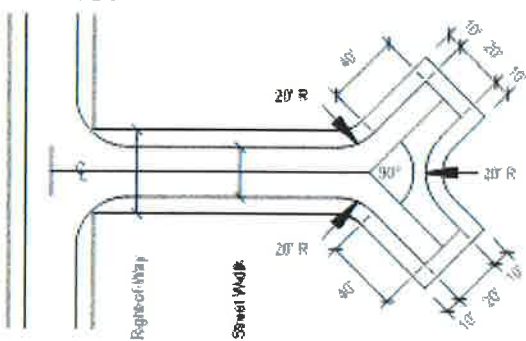
**T-Turn-around**



**Commercial and Industrial Cul-De-Sac**



**T-Turn-around**



**EXHIBIT B**

**APPENDIX**

**PLAT CERTIFICATIONS**

**CERTIFICATION OF THE APPROVAL FOR 911 STREET ASSIGNMENT**

I HEREBY VERIFY THAT THE STREET NAME(S) AS NOTED ON THE FINAL  
PLAT ARE APPROVED AS ASSIGNED.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DIRECTOR OF 911 ADDRESSING

**CERTIFICATION OF THE APPROVAL OF SEWAGE SYSTEM**

I HEREBY CERTIFY THAT THE SEWAGE DISPOSAL UTILITY SYSTEM  
OR SYSTEMS INSTALLED, OR PROPOSED FOR INSTALLATION, FULLY  
MEET THE REQUIREMENTS OF THE TENNESSEE DEPARTMENT OF  
ENVIRONMENT AND CONSERVATION, DIVISION OF WATER RESOURCES,  
OR THE LOCAL MUNICIPAL SEWER DEPARTMENT, AND  
HEREBY APPROVED AS SHOWN.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CITY OR COUNTY HEALTH OFFICER OR HIS AUTHORIZED REPRESENTATIVE

**CERTIFICATION OF THE APPROVAL OF WATER SYSTEM**

I HEREBY CERTIFY THAT THE WATER SUPPLY UTILITY SYSTEM  
OR SYSTEMS INSTALLED, OR PROPOSED FOR INSTALLATION, FULLY  
MEET THE REQUIREMENTS OF THE TENNESSEE DEPARTMENT OF  
ENVIRONMENT AND CONSERVATION, DIVISION OF WATER RESOURCES,  
OR THE LOCAL MUNICIPAL WATER DEPARTMENT, AND  
HEREBY APPROVED AS SHOWN.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CITY OR COUNTY HEALTH OFFICER OR HIS AUTHORIZED REPRESENTATIVE

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE  
PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY  
ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT,  
ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE ALL STREETS,  
ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS  
NOTED.

\_\_\_\_\_  
OWNER SIGNATURE                      DATE

\_\_\_\_\_  
OWNER SIGNATURE                      DATE

**CERTIFICATE OF ACCURACY**

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON  
IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE  
JOHNSON CITY TENNESSEE REGIONAL PLANNING COMMISSION  
AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SURVEYOR

**CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES**

I HEREBY CERTIFY: (1) THAT STREETS, DRAINAGE AND  
INFRASTRUCTURE HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER  
AND ACCORDING TO THE CITY SPECIFICATIONS OR, (2) THAT A SECURITY BOND  
IN THE AMOUNT OF \$                      HAS BEEN POSTED WITH THE PLANNING  
COMMISSION TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF  
DEFAULT.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CITY ENGINEER OR COUNTY ROAD COMMISSIONER



## CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERIFY THAT THE SUBDIVISION PLAT SHOWN HEREON  
HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS  
FOR JOHNSON CITY, TENNESSEE WITH THE EXCEPTION OF SUCH VARIANCES,  
IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND THAT IT  
HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE  
COUNTY REGISTER

DATE

SECRETARY, JOHNSON CITY REGIONAL PLANNING COMMISSION

## STANDARD NOTES

1. In addition to all applicable notes as provided in various sections of this  
Subdivision Regulations, or as may be required by the City of Johnson City to  
provide clarity on different features of the subdivision plat, the following standard  
notes shall be placed on all subdivision plats, unless a deviation from them is  
approved by the Johnson City Regional Planning Commission

7.5 FEET WIDE EASEMENTS FOR UTILITIES AND DRAINAGE  
ARE LOCATED ALONG ALL FRONT, REAR AND SIDE PROPERTY LINES.

THIS PLAT DOES NOT ELIMINATE OR CHANGE THE DIMENSIONS OF EXISTING  
EASEMENTS OR THE LOCATION OF EXISTING EASEMENTS THAT ARE  
ASSOCIATED WITH ANY UNDISCOVERED UNDERGROUND UTILITY.

2. Where a private street, private drive, shared access easement, and/or cross access  
easement is/are included in the subdivision plat, the following standard notes shall be  
placed on the plat.

THE (PRIVATE STREET, PRIVATE DRIVE, SHARED  
ACCESS EASEMENT, AND/OR CROSS ACCESS EASEMENT) SHOWN ON THIS  
PLAT SHALL BE OWNED AND MAINTAINED BY THE DEVELOPER OR THE  
HOMEOWNERS ASSOCIATION. THE CITY OF JOHNSON CITY OR THE COUNTY  
HIGHWAY DEPARTMENT IN WHICH THE PROPERTY IS LOCATED IS NOT  
RESPONSIBLE FOR THE MAINTENANCE OR REPAIR OF THIS MEANS OF  
ACCESS.



A TRANSPORTATION EASEMENT ACROSS THE ENTIRE AREA OF THE  
(PRIVATE STREET, PRIVATE DRIVE, SHARED ACCESS  
EASEMENT, AND/OR CROSS ACCESS EASEMENT) SHOWN ON THIS PLAT IS  
HEREBY GRANDTED TO THE CITY OF JOHNSON CITY AND OTHER PUBLIC  
AGENCIES FOR THE PROVISION OF PUBLIC SERVICES TO THE BENEFICIARY  
LOTS, PARCELS, UNITS OR PROPERTIES SHOWN ON THIS PLAT

