

OFFICIAL MINUTES
McKENZIE MUNICIPAL-REGIONAL PLANNING COMMISSION
24 MAY 2017 MEETING
MCKENZIE MUNICIPAL COMPLEX @ 3:00 P.M.

1. Call to Order:

The Meeting was called to order by Chairman Robb at 3:00 P.M.

2. Roll Call/Establish of Quorum:

a. Quorum Present

- i. MMRPC:** Chairman, Dean Robb; Vice-Chair, Bobby Young; Council Liaison, Charles Pruneau; Acting Secretary, Peggy Kee; Ken Mitchum.
- ii. Absent:** Mayor, Jill Holland (Family Medical); Secretary, Garlon Prewitt (Medical).
- iii. Other:** Shelton I. Merrill, SWTDD Regional Planner; Casey Drewry, Drewry Real Estate.
- iv. Media:** None

3. Review and Approval of 24 May 2017 Agenda:

Motion by: Ken Mitchum;
*** Absent**

Second By: Peggy Kee;

Passed: 5-0-2*

4. Review and Approval of 26 April 2017 Minutes:

Motion by: Peggy Kee;

Second By: Bobby Young;

Passed: 5-0-2*

4. Old Business: None.

5. New Business:

A. Review of the Casey Drewry Property De-annexation Request

Background:

Mr. Casey Drewry has submitted a written letter to the City of McKenzie petitioning to have property in which he owns located on U.S. Highway 79 / Highland Drive de-annexed. The subject properties are zoned B-2 (Highway Business) and are not situated within an area of one percent (1%) chance of periodic flooding and is further described as tax parcels 22.00 and 23.00, Carroll County Tax Map 011. During the previous meeting, staff erroneously reported tax parcel 23.00 was not in the corporate limits based upon a submitted site plan prepared by Reasons Engineering for a proposed storage unit facility. Staff apologizes for that happening.

Analysis:

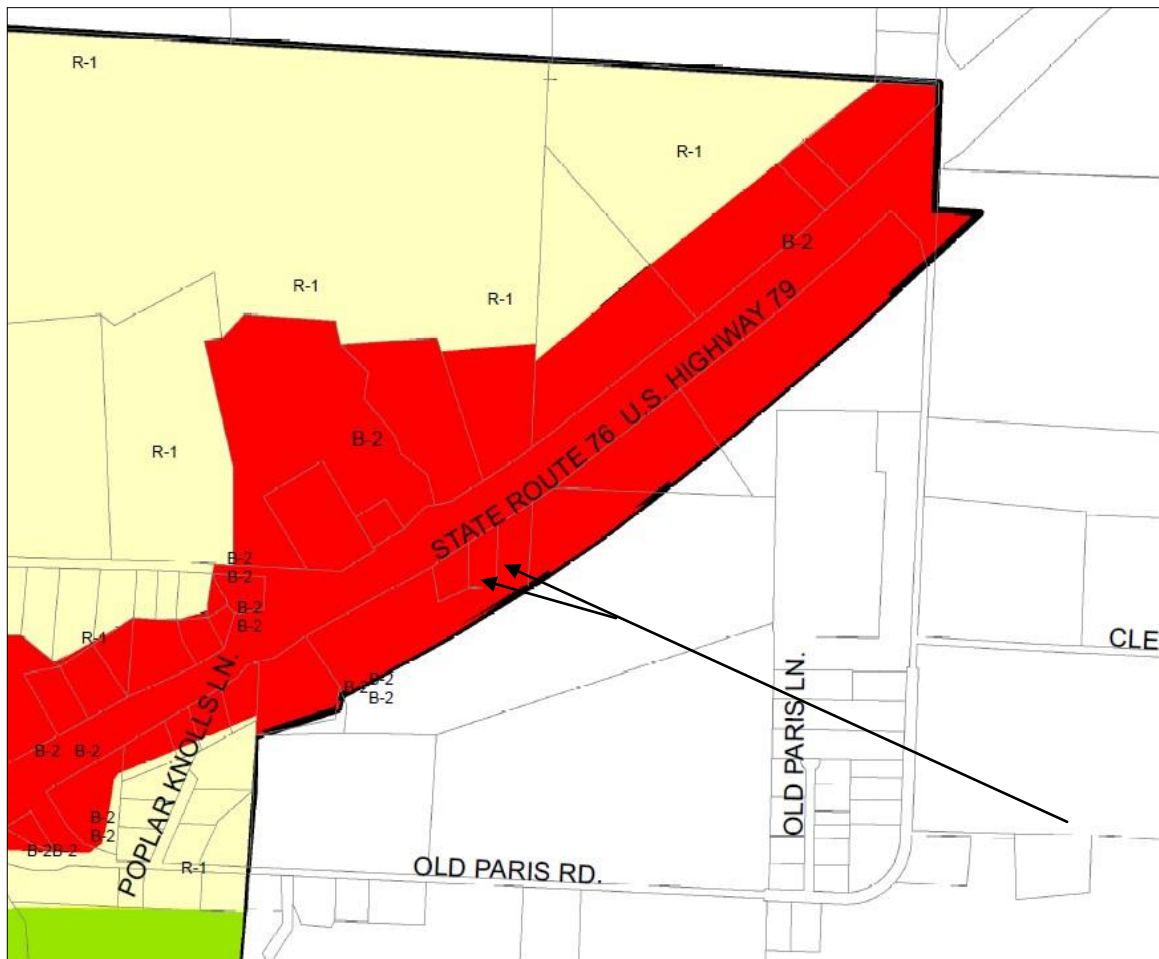
The State of Tennessee Comptroller of the Treasury Property Data Assessment Page depicts the following image for the above-mentioned tax parcels:

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Tax Parcels 22.00 & 23.00, Carroll County Tax Map 011

The current City of McKenzie Corporate Limit Boundary in the subject area is as follows:



Staff was forwarded the following letter written by Mr. Drewry:



17363 Highland Drive McKenzie, TN 38201

731-393-0233 Phone 731-393-0087

May 8, 2017

Mayor Jill Holland
2470 Cedar Street
McKenzie, TN 38201

Re: De-annexation of property on Highway 79 North

Dear Mayor Holland,

This letter is requesting de-annexation of 2 parcels of land located on Highway 79 North. As per the zoning committee, these parcels are zoned and divided as city/county. Therefore, we propose a de-annexation of the two parcels which is identified as map 11, parcels 22 and 23. Plans for these parcels are still not determined but do to the nature and length of zoning regulations by locating in county limits this will allow for a smoother transition and development after de-annexation.

Thank you for taking this into consideration, and we are available for any questions.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Casey Drewry'.

Casey Drewry

Tennessee Code Annotated states the following pertaining to de-annexations:

Tennessee Code Annotated § 6-51-201 (2017)

6-51-201. Procedure-Ordinance-Referendum.

- (a) Any incorporated city or town, whether it was incorporated by general or special act, may contract its limits within any given territory; provided, that three fourths (3/4) of the qualified voters voting in an election thereon assent thereto.
- (b) **(1)** Any incorporated city or town, whether it was incorporated by general or special act, may after notice and public hearing, contract its limits within any given territory upon its own initiative by ordinance when it appears in the best interest of the affected territory.
- (2) Such contraction of limits within any territory shall not occur unless a majority of the total membership of the city legislative body approves such contraction.
- (3) Such contraction of limits within any territory shall not occur if opposed by a majority of the voters residing within the area to be de-annexed. The concurrence of a majority of the voters shall be presumed unless a petition objecting to de-annexation signed by ten percent (10%) of the registered voters residing within the area proposed to be de-annexed is filed with the city recorder within seventy-five (75) days following the final reading of the contraction ordinance. If such a petition is filed, a referendum shall be held at the next general election to ascertain the will of the voters residing in the area that the city proposes to de-annex. The ballot shall provide a place where voters may vote for or against de-annexation by the city. If a majority of those voting in the referendum fail to vote for the de-annexation, the contraction ordinance shall be void and the matter may not be considered again for two (2) years. If a majority vote for de-annexation, the ordinance shall become effective upon certification of the result of the referendum.

6-51-202. Election.

The election provided for in § 6-51-201, shall be held under an ordinance to be passed for that purpose. A full report of the election shall be spread upon the minutes of the board, if three fourths (3/4) of the voters assent to the contraction, and in the report the metes and bounds of the territory to be excluded must be fully set forth.

The regional staff planner believes it would not be in the best interest of the City of McKenzie to possibly create a doughnut hole within its corporate limits just to accommodate a proposed commercial development that is not a permitted use allowed under the guise of the Zoning Ordinance of McKenzie, Tennessee.

Recommendation:

Staff recommends the Planning Commission to send a negative recommendation concerning the Drewry Petition to de-annex tax parcels 22 & 23, Carroll County Tax Map 011.

Mr. Drewry addressed the Commission regarding the de-annexation request stating he now better understood the implications and possible “snowball” effect such a de-annexation could create and is seeking a better solution or compromise to be able to proceed with the storage units project.

Planner Merrill suggested an alternative could be to withdraw the de-annexation request and instead request an exception/variance for relief from the McKenzie Board of Zoning Appeals since “Warehousing, i.e., storage units are not a permitted use within the uses permitted section for B-2 (Highway Business) Districts. Mr. Drewry commented that a compromise would be acceptable.

Chairman Robb advised Mr. Drewry that a more detailed site plan showing “street view” screening/buffering with additional landscaping, proper boundary setbacks and any other details would be more conducive to a favorable decision from any Board of Zoning Appeals review.

Mr. Drewry was also made aware of the ten (10) day prior published public notice requirement for any Board of Zoning Appeals public hearing after the formal request and fee is recorded by the City of McKenzie.

Mr. Drewry stated his intent to withdraw the de-annexation request by letter to Mayor Holland and to file a request to the Board of Zoning Appeals.

Motion to permit Mr. Drewry to withdraw the de-annexation request without prejudice for the subject properties in order to pursue a McKenzie Board of Zoning Appeals public hearing for an exception to the B-2 Highway Business uses permitted section of the McKenzie Zoning Ordinance.

Motion by: Peggy Kee;

Second By: Bobby Young;

Passed: 5-0-2*

6. Other Business:

A. Review and Discussion on the Current Dormant Land Use along University Drive.

Planner Merrill led a general discussion relative to existing zoning pattern along University Drive. Planner Merrill cautioned and encouraged the planning commission concerning a plan to consider, in the coming monthly meetings and work sessions, a detailed review of zoning and possible action by the planning commission for the University Drive properties on a lot by lot basis in accordance with the land use map and other concerns and employing zoning considerations; INS Institutional and I-R Restricted Institutional, R-2 Medium Density Residential, M-1 Light Industrial and UAG Urban Agricultural. Specifically cautioning the commissioners to avoid any extreme land use or zoning action not beneficial to the economic and cultural future of the City of McKenzie, but to responsibly consider choices to necessary enhance the community of McKenzie Citizens.

Motion to authorize Planner Merrill to prepare future recommendations concerning Land Use and affected Zoning Map changes as an on-going review process.

Motion by: Peggy Kee;

Second By: Bobby Young;

Passed: 5-0-2*

B. Review of the Status of Planning Legislation discussed during the First Session of the 110th Tennessee General Assembly.

Planner Merrill presented a comprehensive overview of the current list bills affecting Tennessee planning entered on record, passed, tabled by the legislators and/or signed by Governor Haslam. Planner Merrill cautioned and encouraged the planning commission to be aware of the general climate and future actions of the legislators in regard to planning, annexation and cities future economic health.

C. Municipal Reports:

None.

D. Meeting Dates and Adjournment:

a. Agenda Meeting and Formal Monthly Meeting Scheduled Dates:

JUNE:

Agenda Meeting: 14 JUNE 2017, Wednesday @ 3:00 P.M.

Formal Monthly Meeting: 28 JUNE 2017, Wednesday @ 3:00 P.M.

Adjournment:

Motion By: Bobby Young;

Second By: Peggy Kee;

Passed: 5-0-2*

b. Adjournment Time: 4:29 P.M.