

Residential Use in a B-3 Zone Zoning Text Amendment

Property Information	City-wide B-3 zoning districts		
Address			
Tax Map, Group, Parcel			
Civil District			
Overlay District			
Land Use Designation			
Acres			
Existing Use		Existing Zoning	
Proposed Use		Proposed Zoning	
Owner /Applicant Information			
Name: The Valcap Group Address: 5600 West Lovers Lane, Ste 309 City: Dallas State: TX Zip Code: 75209 Email: rfishman@valcapgroup.com Phone Number: 858-669-6546		Intent: To amend amend Chapter 114, Section 114-195 for the purpose of adding “residential use on the 2nd floor or higher floor of a building” as a principal use in the B-3 zone.	
Planning Department Recommendation			
(Approve, Deny, or Defer) The Kingsport Planning Division recommends APPROVAL.			
Planner:	Ken Weems	Date:	12/1/22
Planning Commission Action		Meeting Date:	12/15/22
Approval:			
Denial:		Reason for Denial:	
Deferred:		Reason for Deferral:	

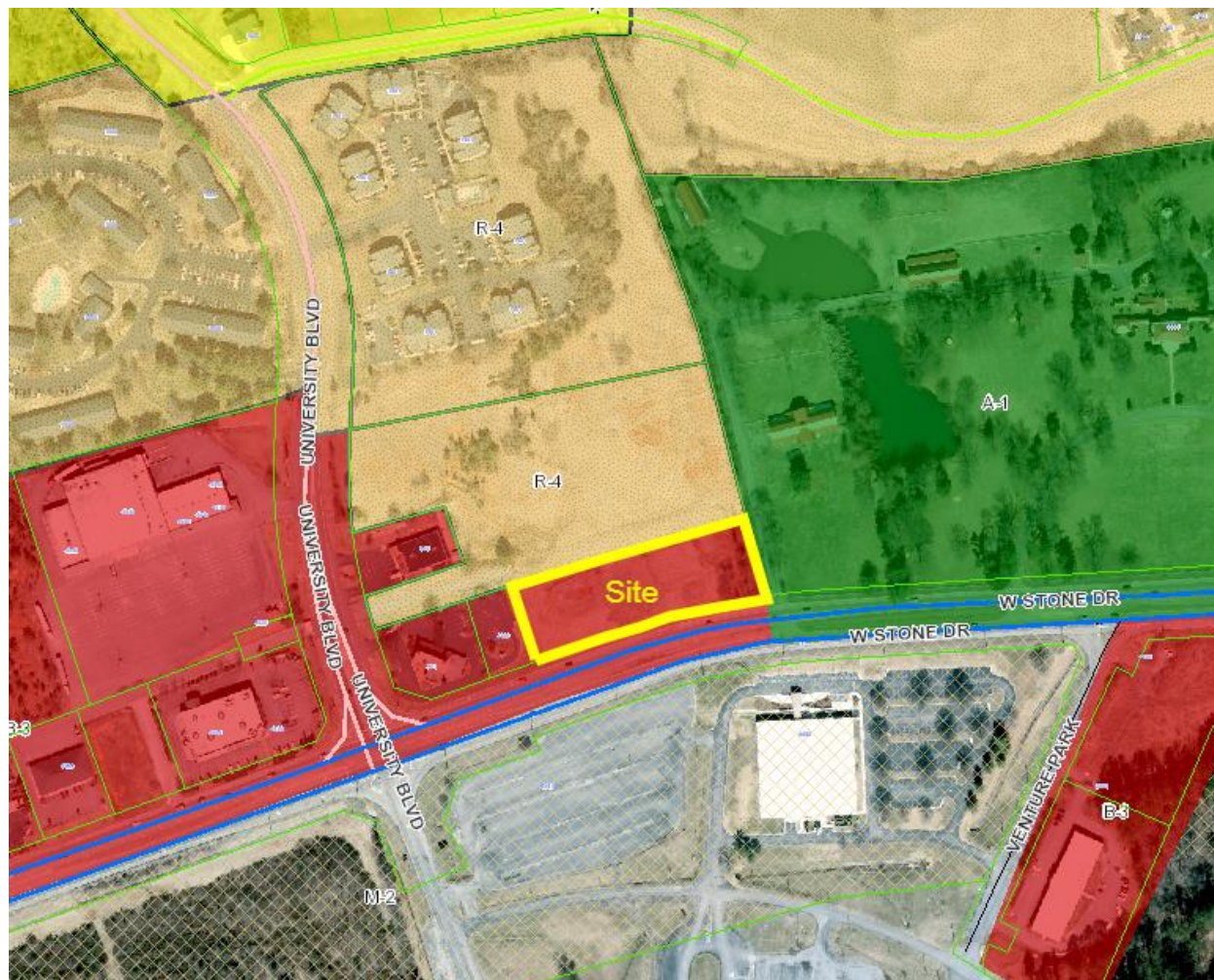
INTENT

To amend Chapter 114, Section 114-195 for the purpose of adding “residential use on the 2nd floor or higher floor of a building” as a principal use in the B-3 zone.

Presentation:

The developer of the property surrounding the Bradley Hills property desires to construct residential use on the second floor or higher floor of their proposed commercial uses along W. Stone Drive. The Planning Commission and Board most recently approved an R-4 rezoning for the adjacent residential property to the north. The site in question is flanked by the Allandale Mansion to the east and a financial center plus University Parkway to the west. A graphic is provided below that shows the specific area:

Site specific graphic:



The City's B-3 zone currently only allows residential use in accessory form as shown below from the zoning code Sec 114-195(b)1:

(b) *Accessory uses.* Accessory uses which are incidental and subordinate to the principal use are as follows:

(1) Dwelling unit for owner, operator or employee of principal use.

(2) Industry, manufacturing and offices, but only as accessory and incidental to principal use.

(3) Telecommunication facilities.

It should be noted that mixed commercial and residential use is currently only permitted in the City's commercial zones of B-2, B-2E and B-1 districts. The existing mixed commercial and residential uses in these zones have been welcomed by the citizenry with very few adverse issues arising from the mixing of these land use types.

Staff has examined adjacent city zoning codes from Bristol, TN and Johnson City. Both of these municipalities already allow residential use in their respective zones that are comparable to Kingsport's B-3 zone. Excerpts are provided below from both Bristol, TN and Johnson City codes:

1. **Bristol, TN:** As shown in Sec 405, B-3 District- General Business Zone, Permitted Uses:

hh. Residential purposes as specified below:

1. 236115 - Single and two-family residences
2. 236116 - Multifamily residences

As shown above in Bristol, TN, there are no floor restrictions to the residential use in their B-3, General Business Zone.

2. **Johnson City:** As shown in Sec 6.17, B-4 Arterial Business District, Permitted Uses:

6.17.2.28 Residential dwellings on the upper floors of buildings;

As shown above in Johnson City, residential dwellings are permitted on the upper floors of buildings

Proposed Change:

The changes proposed for the City's B-3 code occur in two separate parts of the B-3 code description. First, the specific language to be added to define residential on the 2nd floor or higher floor as principal use is shown below with added words highlighted with yellow background:

Sec. 114-195. - B-3, Highway Oriented Business District.

(a)

Principal uses. Principal uses and other substantially similar uses permitted in the B-3, Highway Oriented Business District area as follows:

(1)

Ambulance services; animal hospitals; antennas; antique shops; artist studios; automobile sales and services; automobile service stations; bakeries, retail and wholesale; boat sales; brewpubs; building materials and services; business services and supplies; catering services; climate controlled indoor storage facilities; convenience stores; craft breweries; distilleries; eating and drinking establishments; equipment sales, service and rentals; financial institutions; fitness centers; food and beverage sales; funeral and internment services; hotels and motels; laboratories; maintenance and repair services; major and minor motor vehicle repair; manufactured and mobile home sales; off-premises and on-premises alcohol sales; plant nurseries; offices; open air uses (garden supplies, lawn furniture, plant nurseries, playground equipment); pawn shops; personal improvement services; printing and publishing; recreation vehicle sales; research and development; residential use on the 2nd floor or higher floor of a building; restaurants; retail sales; shopping centers; wineries.

Additionally, the “prohibited uses” portion of the B-3 code needs to be changed to account for the proposed change. The amended code, with struck language appears below.

(d) *Prohibited uses.* Uses prohibited in the B-3 district are as follows:

(1) ~~Residential, except as provided under accessory uses;~~ industry, manufacturing as principal uses; junkyard; auto salvage.

(2) Mini-storage warehouses.

Note that the full B-3 code description is provided in this report for full context during the vetting process.

Current literature in the planning field characterize the benefits of mixed commercial and residential uses as increased economic viability, lower infrastructure costs, increased tax revenue, budget cost savings, and healthier walkable places, among others

Staff recommends sending a positive recommendation to the Board of Mayor and Aldermen in support of the zoning text amendment. It is staff's opinion that the change is an appropriate one and that the change will keep our most land-use intensive commercial zone consistent with uses found in adjacent cities.