

**Town of Thompson's Station
Municipal Planning Commission
Minutes of the Regular Meeting
Held On November 25, 2008**

Commission Members Present

Sarah Benson
Nina Cooper, Vice-Chair
Tom Evans
Marcia Franks
George Ross

Staff Members Present

Greg Langeliers, Town Administrator
Doug Goetsch, Town Recorder
Todd Moore, Town Attorney
Wendy Deats, Town Planner
Lisa Stewart, Town Clerk

The regular meeting of the Municipal Planning Commission was called to order by Vice-Chair Cooper on November 25th, 2008, at approximately 7:00 p.m., at the Thompson's Station Community Center with the required quorum. Chairman Brown Daniel and Commissioner Millie Halvorson were unable to attend.

Minutes:

The minutes of the October 28th, 2008 meeting were previously submitted and were approved unanimously upon a motion by Commissioner Ross, seconded by Commissioner Benson.

Staff Announcements:

Mr. Langeliers made the following announcements:

- two (2) road crossings have been made and most of the Phase 1 sewer line is in; and
- the bid for repairing the culverts should be awarded next week and hopefully start after the first of the year.

Commissioner Benson expressed great appreciation for the diligence and perseverance of all the Town Staff on the undertaking of this arduous sewer project.

Old Business:

Commissioner Evans referenced last month's discussion regarding the fiber optic markers, noting that he has received an e-mail from James Carbine stating that the markers will be removed some time this week; however, he asked how this will be addressed in the future to prevent franchises, utilities, etc., from working in the easements without the proper notices and / or requests to the Town.

Mr. Langeliers stated that a permit is required to work within the Town's right-of-ways, which could possibly be expanded to include easements. He suggested considering notations on the plats to better define more specifically what is and is not allowed in the easements / right-of-ways.

LETTERS OF CREDIT:

Mr. Langeliers suggested the Commission review Staff's recommendations and make a motion on all the letters of credit collectively, unless there is one that they would like to review separately.

The Commission agreed to consider the letters of credit as a whole as follows:

Item 1 - Bridgemore Village, Section 1A – expiring 1/02/09:

\$ 90,000 for Roads, Drainage and Erosion Control, Landscaping, and On-Site Sewer.

Recommendation: reduce to \$30,000 and extend for one (1) year.

Item 2 - Bridgemore Village, Section 1B – expiring 1/02/09:

\$ 317,500 for Roads, Drainage and Erosion Control, Landscaping, and On-Site Sewer.

Recommendation: reduce to \$175,000 and extend for one (1) year.

Item 3 - Fields of Canterbury, Section 1A – expiring 1/03/09:

\$ 30,000 for Maintenance.

Recommendation: reduce to \$15,000 and extend for one (1) year.

Item 4 - Fields of Canterbury, Section 1B – expiring 1/03/09:

\$ 150,000 for Maintenance.

Recommendation: reduce to \$100,000 and extend for one (1) year.

Item 5 - Fields of Canterbury, Section 3 – expiring 1/29/09:

\$ 260,000 for Roads, Drainage and Erosion Control.

Recommendation: reduce to \$150,000 and extend for one (1) year.

Item 6 - Heritage Commons Day Care - expiring 1/31/09:

\$ 35,000 for Landscaping.

Recommendation: reduce to \$12,000 and extend for one (1) year.

Item 7 - Heritage Commons Development – expiring 2/16/09:

\$ 10,000 for Roads, Drainage and Erosion Control.

Recommendation: Release this letter of credit.

Item 8 - Heritage Commons Development – expiring 2/16/09:

\$ 20,000 for Sewer Collection System.

Recommendation: Defer until January meeting.

Commissioner Ross made a motion, seconded by Commissioner Benson, to accept and approve Staff's recommendations on all letters of credit. The motion passed by unanimous vote.

SINGLE LOT SITE PLAN – NON-RESIDENTIAL:

Item 9 - Davis Property, on approximately 1.99 acres located at 1504 Thompson's Station Road West. **WITHDRAWN**

FINAL PLATS – RESIDENTIAL:

Item 10 - Blackberry Estates containing 22 lots on 31.95 acres, located at 2056 Lewisburg Pike.

Mr. Langeliers reviewed the report, suggesting the following options to the Commission:

A. Plat Approval

Staff recommends approval of this final plat contingent on the following:

1. That the plat not be approved for recording (signed by the secretary) until after the repair of the shed on the open space structure and the replacement of the entire roof or the posting of a letter of credit in the amount of \$20,000 is posted to insure these improvements within 90 days;
2. That a letter of credit insuring roads, grading, drainage and erosion control be posted in the amount of \$_____;
3. That verification is provided that T-DOT has approved the construction plans for the connection of Blackberry Drive to Lewisburg Pike;
4. That all requisite signatures be obtained (water & septic) on the final plat; and
5. That a variance be granted to allow for fire flows of 500 gallons per minute.

B. Plat Deferral

Staff recommends the deferral of this final plat. A re-submittal should anticipate the following issues:

1. The posting of a letter of credit insuring all road, grading, drainage and erosion control improvements;
2. Revisions to the plat consistent with the recommendations of Williamson County relative to the sketch plan (This may include replacing lot 12 with detention; the construction of the previously proposed cul-de-sac, and the construction of turn lanes on Lewisburg Pike.);
3. That all requisite signatures be obtained (water & septic) on the final plat; and
4. That a variance be granted to allow for fire flows of 500 gallons per minute.

Leon Stanford, representing the owner Tom Irvin, explained why Mr. Irvin feels it's very important to remove the building. He stated that Mr. Irvin has been advised that to leave the barn will detract from the subdivision, making it difficult to market homes in the \$500,000 range. Mr. Irvin's bank insisted that the barn be removed, and his real estate advisor said that it was a detriment to the subdivision. Mr. Stanford stated that Mr. Irvin did not understand when the preliminary plat was approved that he had to leave the building there, and he said he would take credit for Mr. Irvin not being made aware of what was to be done; however, Mr. Irvin feels it will be detrimental and can not leave the barn on the property.

Mr. Stanford referenced Mr. Langeliers' comment regarding an issue of a Home Owners Association (HOA) with only 22 homes, but the intent was for it to be utilized as open space with the Town maintaining all that property including the detention facility; and also take care of the maintenance of the surrounding property and the barn. He noted that Mr. Irvin is still willing to donate the land to the Town with the barn removed; however, if the Town does not want the property without the barn, Mr. Stanford suggested removing the line between the open space and lot 1, making one lot of 5+ acres and be the responsibility of the homeowner.

Commissioner Ross asked about a cul-de-sac on a prior plan, and Mr. Langeliers stated that there was a short cul-de-sac proposed and the lots were designed differently. It was Staff's position that because the road did not actually connect to the property and the property not being large enough to extend the road into, it was in the developers best interest to re-configure the lots.

Commissioner Ross stated that he thought the barn was to remain for the Town to store equipment that would be used to maintain the detention and drainage areas. Mr. Langeliers agreed that was Staff's understanding as well.

Commissioner Franks referenced her notes, agenda, and copy of the minutes from that particular meeting, recalling asking about the condition of the barn, and writing down that the barn is to remain for Town's use; and also indicated the same to be in the minutes. Most of the commissioners agreed that to be their understanding also.

Discussion continued regarding turning lanes, approval of the turning lanes from TDOT, a Home Owners Association, restrictive covenants, maintenance / upkeep by the homeowner if lot 1 includes the detention area, and the note on the plat that the common ground is not a buildable lot.

Tom Irvin, the owner and developer, stated that he foresees a strong Home Owners Association and he would rather have the property as part of the common area with the HOA responsible.

Vice-Chair Cooper noted that it appears we are avoiding the initial conversation with Mr. Langeliers that the lot would be deeded to the Town and the barn would remain, and suddenly, over a weekend, someone began tearing the barn down. She stated that the lot is of no value to the Town without the barn and the original conversations were that the barn would stay.

Mr. Irvin pointed out that he personally has had one conversation with Mr. Langeliers, other than cordial hellos at the meetings, adding that Mr. Langeliers has discussed this through his associates. When Mr. Irvin agreed to deed the land to Thompson's Station, he was told that a park was going to put there, with an easement behind the existing house for a bike trail. If he had been told that the Town wanted to put tractors there, he would have never agreed to it.

Commissioner Franks asked if Mr. Irvin was at the September, 2007, Planning Commission meeting, and he replied that he was. Commissioner Franks, among other commissioners, pointed out that the barn was discussed quite thoroughly and covered in the corresponding minutes. Mr. Irvin stated that he did hear Mr. Langeliers comments to the commission relating to the barn and was shocked at what he was hearing. He said that he did not comment on his dissatisfaction since it was open for public discussion.

Commissioner Franks asked if he then began tearing the roof off the barn the next day, or when; and Mr. Irvin stated it to be about a month and a half ago.

Commissioner Benson stated that if Mr. Irvin was so shocked, he should have made this commission aware of his dissatisfaction.

Discussion continued regarding home owner documents and, considering the confusion already witnessed, the review of said documents by this body and / or Town Counsel.

Commissioner Franks suggested that, as the owner / developer of this project, he consider a deferral tonight, make the choice of what he wants on the property, then bring the decisions back with the necessary plans and documentation.

Mr. Langeliers informed the commission that a 'deferral', per the State statute, must be heard again within sixty (60) days or is deemed approved. Since this body does not meet in December, he suggested the applicant 'withdraw' this item, and it be placed on the agenda for the January Planning Commission meeting.

Clarification of some of the issues to be considered / addressed at the next submittal are as follows:

- lot # 1: two (2) separate lots or remain as one (1); and
- if lot # 1 remains as one (1), there be a deed restriction or state in the covenants, that lot # 1 is not sub-dividable in the future;
- review of home owner association documents by counsel;
- if there is no common area, should a HOA exist; and
- note on the plat that the owner of lot # 1 is required to maintain the drainage structures and facilities into perpetuity.

Commissioner Evans agreed with Mr. Langeliers comments on having a common area and expecting all the homeowners to put forth the effort to maintain it and keep it clean; assessing them for a common area that belongs to someone else.

Mr. Irvin acknowledged the noted suggestions, and asked that his item be withdrawn.

Item 11 - Horvath Property containing 2 lots on 20.70 acres, located at 2632 Pantall Road and 2625 Baugh Road. WITHDRAWN

Other:

Item 12 - Ordinance 08-024 to Annex parcel 029.00, map 144, located at 1828 Lewisburg Pike; and

Item 13 - Resolution 08-008 Plan of Services, Exhibit B for Annexation Ordinance 08-024.

Mr. Langeliers explained that the ordinance is for informational purposes and doesn't require an action; however, the resolution (exhibit B for said ordinance) will need an action to recommend, or not recommend, to the Board of Mayor and Aldermen.

Mr. Langeliers informed the commission that this is part of a block of property that is within our Urban Growth Boundary, with only a few parcels west of Lewisburg Pike and east of I-65 that we haven't annexed; and essentially our Plan of Services is the same for all of those.

Commissioner Benson made a motion to recommend approval to the Board of Mayor and Aldermen. Commissioner Evans seconded the motion, which passed 4 – 0 – 1, with Commissioner Franks recusing herself.

Item 14 - Modify Section 1400 - Definitions in the Town's Zoning Ordinance.

Mr. Langeliers noted that Mrs. Deats will be discussing this item, adding that it was talked about at the last meeting that there were definitions by reference essentially in the ordinance that's adopted; however, knowing that we would need to pull in more specific definitions and will probably be added to as time goes by. There were a number of things in this ordinance that they wanted to specifically define rather than sending someone to a reference dictionary.

Mrs. Deats pointed out that this recommendation to the Board of Mayor and Aldermen would be to remove Section 1400 as it reads, replacing it with this modification. The purpose and definitions will be what will be seen in the Zoning Ordinance after adoption.

After further comments, Commissioner Benson made a motion to recommend approval to the Board of Mayor and Aldermen. Commissioner Ross seconded the motion, which passed unanimously.

Updates from Staff:

Mr. Langeliers stated that there will be an item B added under New Business.

New Business:

A. Review 2009 Meeting Schedule.

All were in agreement with the proposed schedule.

B. Zoning Relative to the Old Town Area.

Mr. Langeliers noted that Mrs. Deats will be making a presentation regarding zoning as to how to deal with specific issues relative to the existing uses, such as Davis Garage, the hair stylist, and the vet clinic. Staff is looking at possibly creating a different zone, more similar to Williamson County's zoning, for existing uses in this particular area.

Mrs. Deats explained that the Permitted Use chart is being updated to be brought before this body, and that is what prompted a look at zoning options for this area. The mix of uses in this area makes it conducive to light commercial mixed in with residential, the park and Community Center, and the post office.

Staff has looked at the Zoning Map and offered Alternative A and B, which were demonstrated in the presentation.

Staff suggested a public meeting on Thursday, December 18th, 2008, and most commissioners were in agreement that December is too hectic and a date should not be considered until January, 2009.

Commissioner Benson referenced the prior Crossroads Center (CC) zoning through Williamson County which had rather strict buffer requirements, and asked if the buffer requirements will be re-written. Mr. Langeliers replied that is one of the issues they will be wanting public input on. He noted that this area was down-zoned, which wasn't the intent, because the County's 'CC' district allowed quite a few uses. Right now, as a High Intensity zone, the way the Ordinance is written, it is the zone that a lot of things are supposed to be allowed to happen; but the problem is that there are existing uses that would have to come in for re-zonings on tiny little lots. Does it make more sense to make it more similar to what it was but more restrictive or not.

Commissioner Franks questioned why each parcel should not be required to come in to request a re-zoning for commercial. Mr. Langeliers stated that it has never been Staff's intention that there would be very many intense allowed uses. He referenced the house bought by the vet clinic and whether it's being used for an office or a residence; and what the long term plan is for that parcel. He said that there have been some changes in use that are real difficult to deal with which is the toughest part of determining if it's a legal, unchallengeable use.

Mrs. Deats noted that Staff is aware that this area is largely residential in nature and, as part of that, it is one of the key elements in the new zone, and they are not intending that heavy commercial uses will be allowed here. Staff's intent is to express to the public where they might like to see houses that might have an artist studio or something that does not change the substantial character of the neighborhood and mixes in well with the surrounding community. They don't want to change it from residential to commercial, but blend things with an appropriate mix use area that can become a cohesive town center area. She referenced several non-conforming uses that could have been required to request a re-zone, but based on the current codes requirements, does not meet the standards.

Commissioner Franks expressed concern that they are considering way too big of an area, rather than more specific parcels. Mr. Langeliers stated that part of it is consistent with what was zoned 'CC' under Williamson County.

Mr. Langeliers asked if it makes sense to require everybody that is going to modify a use in this area to go through the whole re-zoning process, or craft something to cover existing uses so that they are no longer considered non-conforming; and he requested this body's dialogue and discussion.

Commissioner Franks questioned why Staff is pursuing this without a request from one of the citizens. Mr. Langeliers replied that the biggest reason is a non-conforming use that Staff is working with and have entered into a preliminary discussion about modifying the ordinance so that some uses may be allowed and may work to resolve the codes compliance issues without going through the re-zoning process.

Commissioner Benson asked if this would not be precedent setting to gradually diminish the existing zoning ordinance to allow 'uses by right' in this particular zone, and what will stop others from requesting 'uses by right'. She emphasized that one of the strengths of the ordinance was that nothing was to be allowed by right and would require prior approval, allowing the Town to control uses in any location. Mr. Langeliers recalled discussions last year when adopting the new / updated zoning ordinance, that it may need to be modified if everyone was not happy with how it's working, or there may be legal reasons to go that direction. He doesn't think that existing uses were anticipated and how to deal with changes to existing uses.

Mrs. Deats stated that Staff's goal was to get this commission's input, and they now have ideas to address, such as the size of the area, buffers, development standards, benign uses; and will use this feedback to start the process.

There being no further business, the meeting was adjourned at approximately 8:35 p.m.

Signed: _____
Brown Daniel, Chairman

Attest: _____
Tom Evans, Secretary

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