

**Town of Thompson's Station
Municipal Planning Commission
Minutes of the Regular Meeting
Held On July 28, 2009**

Commission Members Present

Sarah Benson
Nina Cooper, Chairman
Tom Evans
Millie Halvorson, Vice-Chair
Leon Heron
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 on July 28th, 2009, at approximately 7:00 p.m., at the Thompson's Station Community Center, with the required quorum.

Minutes:

The minutes of the June 23rd, 2009 meeting were previously submitted and were approved unanimously upon a motion by Commissioner Ross, seconded by Commissioner Heron.

Staff Announcements:

Mrs. Deats stated that Williamson County Mayor Anderson has appointed Joe Horne, the Williamson County Community Development Director, to serve as the chairman for the Williamson County Complete Count Census Committee. They are asking that the Town have about five (5) individuals from our municipality to volunteer to serve on this committee. Mrs. Deats noted that anyone interested can contact her and she will make the recommendations to Mr. Horne.

Commissioner Benson arrived at this time.

Mr. Langeliers said that if you've traveled Thompson's Station Road West, you've noticed the work that has started on the culverts. One has been replaced completely and the other should be finished some time tomorrow.

Mr. Langeliers informed the Commission that Staff does have a couple of non-agenda items they would like to discuss with this body and they will be addressed during 'New Business'.

Old Business:

A. Ordinance 09-011 to Modify Zoning to Recognize Property / Easement Dedication for Density / Intensity Bonuses.

Mr. Langeliers explained this to be a minor change in the language when presented to the Board of Mayor and Alderman, per Town Counsel's recommendation; and will read as follows:

“Subject to approval by the Planning Commission, all property dedicated to and accepted by the Town for public use, including rights of way, trails, greenways, utility easements, etc., may be credited to the property owner for density bonuses, on an acre by acre basis, in lieu of other consideration, provided that the property dedicated is not related to a proposed development.”

Mr. Langeliers stated that the change, in Staff's opinion, did not change the substance but is a change in wordage.

Mr. Moore, Town Counsel, added that it was just a grammatical change and re-working of the language that did not change the substance of the ordinance at all; and will be going for second reading at the Board meeting. He noted that this is to make this commission aware of the change, but does not require an action from them.

Chair Cooper referenced a prior discussion with Mr. Langeliers regarding the drainage at the Tennessee Equine Hospital, and asked that he reiterate those concerns for the commission.

Mr. Langeliers stated that basically the vet hospital has added 60,000 square feet to their site plan, which included essentially a few paddocks and a driveway. There were contingencies associated with the site plan - one being that an ARAP permit be obtained prior to any construction taking place in the drain. A letter has been received from TDEC stating that it is being viewed as a drain, therefore an ARAP permit is not required for the crossing as long as they work within the confines of the language in the general permit. Staff has asked Tennessee Equine to prepare a plan for that crossing for Staff to review. Mr. Langeliers noted that some rough calculations were received and Staff is confident that by filling on the 60,000 square feet, they have pulled enough water into their detention basin on the main site to over-compensate for any extra run-off that the compacted gravel might bring.

The detention facility has not been constructed exactly per the plan – there is plenty of free-board, plenty of room for a little bit of extra water to compensate for the gravel – the issue is that there is some extra fill, the outlet structure doesn't seem to be right, it's actually holding water (which appears to be about four feet [4'] of water when the plan suggested it would hold about one-half foot [½ '] of water); so Staff meet with them today, asking them to modify the plan or modify the detention facility to reflect what the original plan shows.

They also have a slope on part of the detention facility that is probably greater than two to one (2-1) and they have been asked to determine what the slope is exactly and find out if could be stabilized by putting sod on it.

Mr. Langeliers stated that if it is stabilized and they can get an outlet structure to work, then they should be able to get an “as-built”, since there have been some site / field adjustments.

Chair Cooper noted that it looks like they are doing everything they can to grade it properly, and she did speak with the Reeds today (adjoining property owners) and they do not have any water coming on to their property and are perfectly happy with what is going on next door. She agreed that she does have some concern since the detention pond is not what it’s supposed to be and that it probably will be addressed, but asked if a time limit could be given for the plans requested by Staff so that it will not continue to go on.

Commissioner Heron asked if this is an issue that should be addressed by the Town’s Engineer since the elevation of the building was raised, resulting in the problems with the engineering of the detention pond.

Commissioner Benson objected at this time, reiterating the conditions of approval as follows:

- she does not believe that they submitted a detention strategy acceptable in a timely fashion to Staff;
- Staff is accepting as-builts;
- they do not have an ARAP permit; and
- (in reference to the tree row) is the hole part of the detention plan.

Mr. Langeliers said that, as he understands it, they found the remains of a house that had burned down, such as brick and garbage, that is being dug out and will fill it back in. He stated that a letter has been received from TDEC stating that an ARAP permit is not required. He also noted that the strategy, as was expected, for covering the run-off was to demonstrate that they had filled enough that enough of that 60,000 square feet, that formerly flowed toward the drain, will now flow back towards the detention to be captured there; and they have demonstrated that there is plenty of room in the detention pond. It will clearly over-compensate for the additional water that will be created because they have a gravel drive there. Staff is satisfied that it is clearly over-compensated and the issue Staff has is that the existing detention facility is not per the design.

Commissioner Benson asked if Staff does not have any issue with how much they’ve changed the elevation of the property and the grade in the field on the 1 ½ acre. Mr. Langeliers stated that they are not finished and they have assured Staff that they are going to have a 3 – 1 slope on the side slopes.

Chair Cooper added that after being on this site and looking at the setbacks, it does appear that they’ll have plenty of room for the 3 – 1 slope and she’s comfortable with that aspect.

Commissioner Halvorson referenced discussions at previous meetings about having a charrette to discuss what we would like to do with the 'downtown' area of Thompson's Station; and also prior discussions to meet with Doug Hood, Director of Williamson County Parks and Recreation, noting an article stating that the County is still looking for park properties.

Mr. Langeliers replied that it was suggested that the charrette be held in September, some time after school started; and Staff will begin checking on dates for that. He noted that several overtures were made to Williamson County Parks and Recreation, making suggestions of some areas that might be workable for them. Mr. Langeliers stated that the response gotten typically is no interest unless there is something they can get without paying for it, and Staff's reply is not that we know of right now.

Commissioner Heron added that he has talked with the County Mayor regarding parks in the Town area and they generally want the non-passive parks with ballfields, lights, etc., and are not inclined to build the more passive parks. However, he suggested a meeting with Mr. Hood couldn't hurt.

LETTERS OF CREDIT:

Item 1 - Tollgate Village Medical Office Plaza – expiring 8/12/09:

\$ 60,000 for Landscaping.

Mr. Langeliers reviewed the report, recommending the letter of credit be reduced to \$20,000 for a period of one year.

Commissioner Heron made a motion, seconded by Commissioner Ross, to accept and approve Staff's recommendation. The motion passed by unanimous vote.

Item 2 - Kroger Fuel – expiring 8/18/09:

\$ 8,000 for Landscaping.

Mr. Langeliers reviewed the report, recommending this letter of credit be released.

Commissioner Benson asked if this landscaping has any irrigation, and Mr. Langeliers replied that he does not know. She referenced a previous conversation about this, noting that she has noticed several trees that appear stressed, and is concerned since the Town will have to pay to replace anything that dies if this letter of credit is released.

Commissioner Ross asked who is responsible, if this letter of credit is released, to replace the tree if it dies; and Mr. Langeliers stated it would be Kroger Fuel's responsibility. Commissioner Ross asked if they said they would, should we release this LOC; and Mr. Langeliers replied that they have not been asked. Typically, the LOC would be held for another six (6) months if there is doubt, but generally there is some mortality in a landscaping plan over time.

Commissioner Heron asked the number of trees that appear stressed, and the general consensus was one (1) or two (2). He noted the cost to replace one (1) could be about \$400, so approximately \$1,200 to \$1,500 should they die. Commissioner Heron felt it acceptable to release this letter of credit, with communication to Mr. Warren (the Kroger manager) that he's agreeable to replacing the couple of trees if they die within the next six (6) months; adding that to hold this LOC for \$8,000 is a little steep.

Mr. Langeliers pointed out that this Letter of Credit is not held by Kroger, but by the landscaper that did the work, noting that they have called about it previously.

After further discussion, Commissioner Benson made a motion to release this letter of credit, asking Kroger to replace any trees if they die. Commissioner Heron seconded the motion, which passed unanimously.

RE-ZONING REQUEST:

Item 3 - Two (2) Parcels located on Columbia Pike Requesting Re-Zone from High Intensity to Town Center.

Commissioner Heron asked if an exhibit was available, and Mrs. Deats replied that Staff does not have one; however, the applicant provided a map in an information packet they distributed to the commissioners.

Mrs. Deats reviewed the report, recommending approval and moving the project on to the Board of Mayor and Aldermen.

Commissioner Halvorson asked if the re-zoning is for the proposed battlefield park or for additional uses. Mrs. Deats explained that the High Intensity zoning does not allow any use other than residential and due to the historical nature, the applicants are exploring other possible uses for the property.

Commissioner Heron noted, for clarification, that this property is still in a conservation easement (Land Trust) which does not allow them to build anything else there.

Mr. Franks and Mr. Darby, applicants and property owners, were present and indicated their agreement in requesting this zoning change.

Mr. Franks added that he will be also be requesting signage regarding the battle, and he is working in conjunction with the Tennessee Trail project, and is working on a master plan to consider some type of pull-off on Columbia Pike to make the property more accessible.

After further discussion, Commissioner Benson made a motion to approve and recommend this project to the Board of Mayor and Aldermen. Commissioner Ross seconded the motion, which passed by unanimous vote.

OTHER:

Item 4 - Article II Revisions to Zoning Ordinance.

Mrs. Deats noted that the easement modification that was previously discussed under Old Business will automatically be inserted into this article after it's approval.

Mrs. Deats reviewed the changes made from the commissioners comments at the last meeting, adding that input is still needed regarding walls and fencing.

Mrs. Deats noted that currently church uses are not permitted in Planned Commercial, and Staff would like to recommend they be allowed in Planned Commercial, as well as Planned Industrial. She pointed out that any church use request will be presented with a site plan, therefore allowing church uses in any district is probably appropriate; and that change can be incorporated into this if this commission is in agreement.

Commissioner Halvorson asked if this because of a request, and Mrs. Deats replied that there has been a request to locate a church in Heritage Commons. She pointed out that there is already a church that meets at one of the Heritage schools, which is common for them to meet in commercial type districts, making it a use that can be seen along with a grocery store, a bank, etc. and not create a nuisance in those type districts.

Mr. Langeliers pointed out some of the benefits to be shared parking and cross-easements on parking. He noted the request proposed is for a church to lease and hold services adjacent to the day care located in Heritage Commons.

Mrs. Deats suggested an ordinance be drafted allowing church uses in these zoning districts and send to the Board for first reading at their next meeting. The ordinance can then be brought back to this body for their review and approval prior to a second reading by the Board. All the commissioners were in agreement.

Commissioner Benson referred to Section 2401 and the description in the Agricultural District to read "..... areas located west of the CSX Railway,", and if that includes the Dean Road area. Mr. Langeliers indicated it does and that may need to be changed to read '*.. generally located ...*'. Commissioner Benson said she has talked with the residents on Dean Road and suggested Staff approach them again about how they would like to see their area zoned.

Discussion continued regarding setbacks, corner lots determination of front and / or side yard, architectural features maximum height based on the building height – maybe to consider church steeples separately; and the scale of the building, which is covered under the architectural guidelines. The Design Review Guidelines will be reviewed and any duplicates in this Article can be removed.

New Business:

Mr. Langeliers stated that Staff would like to recommend a modification to the Subdivision Regulations, referring to Section 2-113, with copies distributed to the commission which reads as follows:

Section 2-113 – Failure to Complete Improvements. Is amended by adding the following to the end of the existing section:

If the developer fails to renew the bond, or if for any other reason is in default on the bond or if the developer fails to meet any other condition of plat approval, the Town may suspend the final plat approval and may record a document with the Register of Deeds Office declaring that final plat approval for the subdivision is suspended and that the further sale, lease or development of the property within the subdivision is prohibited and that no further building permits will be issued within such subdivision until default is cured and the conditions are met. Nothing herein shall prohibit the Town from allowing further development and issuing building permits to persons who have acquired property from the developer before the date of default.

Mr. Langeliers stated that he thinks this modification is necessary given some of the issues as they relate to some Letters of Credit that are currently in limbo; and would recommend an action by this body.

Commissioner Heron stated that it is important that this language be amended, noting there is an issue with a development where the Letters of Credit (in an excess of \$1 million) have been repudiated by the financial institute that is now managing them. There does not appear to be a resolution any time in the near future, leaving the Town with a potential liability; and we should position ourselves to protect the Town and the taxpayers.

Commissioner Heron made a motion, seconded by Commissioner Evans, that the Subdivision Regulations, Section 2-113, be modified as submitted. The motion passed by unanimous vote.

Mr. Moore stated that the developer has been put on notice, and this amendment will clarify the process and the options available to the Town. The suspension of the plat approval is the most effective mechanism to accomplish, not only getting the Letters of Credit resolved, but also to protect any potential future buyers of these lots, making them aware of the status of the development and letters of credit before an innocent purchaser buys a lot. Discussions with Staff suggested the developer be given notice and an opportunity to correct the issue before this document is filed with the Register of Deeds, and he is in agreement, pending this commissions decision.

After further discussion, Commissioner Heron made a motion directing Staff to provide the developer a ten (10) day notice to cure the default; if he does not do so, file the document with the Register of Deeds suspending the final plat. Commissioner Benson seconded the motion, which passed unanimously.

Mr. Langeliers made the commission aware of a request going to the Board of Zoning Appeals for a windmill to be installed at a private residence. This use was not anticipated in the Zoning Ordinance and is being researched with other municipalities as to the language and guidelines for this type use; and will be brought to this body for their input.

Commissioner Benson had suggested Staff check with the City of Brentwood, noting that she thought one had been put on a farm in that area.

Chair Cooper asked the acreage it is being proposed on, and the average height of a windmill. Mr. Langeliers stated it to be a five (5) acre parcel, and that a height variance will also need to be granted since the windmill is approximately 45 feet tall.

Commissioner Heron agreed with Staff checking with other municipalities, also suggesting input from TVA and Middle Tennessee Electric.

There being no further business, the meeting was adjourned at approximately 8:20 p.m.

Signed: _____
Nina Cooper, Chair

Attest: _____
Tom Evans, Secretary