

**Town of Thompson's Station
Municipal Planning Commission
Minutes of the Regular Meeting
Held On September 28, 2010**

Commission Members Present

Sarah Benson
Nina Cooper, Chair
Tom Evans
Millie Halvorson
Corey Napier
Roger Nixon

Staff Members Present

Greg Langeliers, Town Administrator
Wendy Deats, Town Planner
Doug Goetsch, Town Recorder
Todd Moore, Town Attorney
Richard King, Building Codes Official
Lisa Stewart, Town Clerk

The regular meeting of the Municipal Planning Commission was called to order on September 28th, 2010, at approximately 7:00 p.m., at the Thompson's Station Community Center, with the required quorum. Commissioner George Ross was unable to attend.

Minutes:

The minutes of the August 24, 2010 meeting were previously submitted and were approved unanimously upon a motion by Commissioner Benson, seconded by Commissioner Nixon.

Staff Announcements:

Mrs. Deats reminded everyone of the Thompson's Station Town Festival on October 9th, 2010, at the Town Park with events and activities for the entire family.

Mrs. Deats referenced discussions at various meetings regarding the status of the playground equipment. She has contacted MTEMC to provide parameters for the grant money from them, and the next step will be to set a date with the Commission, community, Outdoor Encounters, and others to establish a committee to develop a plan with the help of a landscape architect and the Community Association to be presented to this commission and pursue from there.

Chair Cooper asked if that will include a master plan for the Park, and Mrs. Deats replied yes.

Old Business:

A. Graceland Community Church: Review Site Plan.

Mr. Langeliers referred to last month's meeting and that the Commission wanted some time to consider whether or not to require that the connection not be made to Watkins Road from the access point to the church. Staff researched and came up with the following time line:

- Re-zone the 55 acre property behind, and next to SR840, that is accessed by Watkins Road (including the church and some residential and non-residential components) ;

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- Re-zone the property behind Callie Subdivision with a zoned concept plan for condo's on it;
- Both of those re-zonings plans passed with the minutes reflecting the discussion that none of that construction could take place by access coming through the subdivision. In order for that to happen, there needed to be a construction access that would come off of a different point and go back by just crossing Jameson Drive and then taking Watkins Road back.
- The initial concept was to build the church back on the 55 acres next to I65; because of the cost of getting infrastructure (water, sewer, etc.) back there, they purchased property up towards the front from Conrad Matthews (the original property that Callie came off of).
- Initially, they were going to re-use or refurbish a pole barn on the site and use it temporarily as a facility for their church services. It's Staff's opinion that a site plan is a site plan – that footprint, whether it was a re-use of that building or not, didn't matter. If you were going to build something and the Design Review Commission approves it, etc., then it's good to go.
- We informed the Planning Commission that they had changed their minds and decided they were going to take that down and build something new – a very similar footprint, which was modified a couple of different times – their site plan that was brought into us also showed a portable building to be located on site as well.
- There were two (2) different site plans – the most recent one did actually show this road connecting, but there was not specific discussion about it connecting. It was Staff's opinion, and he thinks the minutes reflect that, there was not an approval on that site plan to connect this road.
- It has always been Staff's opinion that that's where the road was proposed in the original plan and that at some point in time, that road would become a public road. It would be built and designed to public road standards. It is being tested as it is being built, to make sure it is meeting those standards.
- Without the property owner / developer (the church) coming in to dedicate the right-of-way, put the binder down the way it's required in the Subdivision Regulations, and either put the topcoat down or put up a letter of credit to insure that the topcoat goes down, then it's not a public road. It's just an access road that either can or can not, based on the preference of the Planning Commission, connect through Jameson Drive and extend on to Miller Lane.
- It is probably still Staff's opinion that it would benefit the subdivision more by having them come in and out; and very unlikely that the church would use that. That said, there is really no reason, on the other hand, to not put up a gate and keep it closed until such time that you go through the process of dedicating the right-of-way, putting down the binder per the requirements, and bonding the road. Based on information received from some of the homeowners in Callie, Mr. Langeliers thinks that is what they would prefer.
- Mr. Langeliers stated that he got some information that the church is still communicating with TDOT relative to the possibility of actually having an entrance directly across from the on / off ramp. If that's indeed the case, then that hasn't been determined yet either; which means even more so that this is an access point to the church and probably until somebody decides exactly where the ultimate public road is supposed to go; then we can go ahead and leave it closed / gated / whatever.

- Mr. Langeliers stated that it is Staff's interpretation that there was not an intention to have this open on the site plan; and without a modification to the site plan requested by the applicant with an offer to dedicate the right-of-way, we take the position essentially that that is what the site plan says.

After further discussion, all Commissioners were in agreement to have a gate put up and a modified site plan can be submitted if the church wants to change it.

Ralph Duncan, the applicant and minister for Graceland, stated that he is back to the main campus every day; actually footings were dug today that they are excited about. He said that he doesn't think anyone in their group has a strong objection to the gate, except that it is in the face of who they are and what they are all about – they are a welcoming community. Neighbors are using the road and if the gate is left open, will it be policed? They are planning and building for the future, and the road is being built to the standards of a collector. The previous owner had planned to partner with them on the road and this Commission approved that property as commercial property with the requirement that access be available. He understands that it has not been dedicated as a public road yet. Neighbors are using the drive and they are welcome to use it; but who will police if the lock is on the gate?

Mr. Langeliers said that he gets calls if there is too much dust, if someone is working too early or too late, and would suspect that he will get calls if someone doesn't like how the gate is being operated.

Randall McPherson, of 1799 Jameson Drive in Callie Subdivision, stated that part of their issue is that they have already had a neighbor get their door kicked in during the middle of the night; and they've had the Sheriff's Department out on another issue in their neighborhood and their suggestion was that as long as it remains a single access community, the better it would be for the safety of the community, referencing the easy access to I65. He noted an e-mail loop that went through the neighborhood with little objection to having a gate, with some preferring a greater impediment of construction traffic and equipment. Mr. McPherson said that Jameson Drive will not stand up to the weight of that much construction traffic. He also stated that they do not have their erosion control up properly.

Mr. Langeliers stated that the Town has been working with the owner of the Davis property to come to an agreement regarding a zoning violation. We have filed a suit, and have been working to try to enter into an agreement, presented this site plan (distributed to the Commissioners at this time) – discussing some of the things on this site plan that is very similar to the site plan that we saw several months back, with the exception that this one actually shows a seven foot (7') front buffer yard and a new fence that is being proposed, the re-location of some of the cars associated with the car restoration building to be parked in the rear behind that building, and to connect to sewer since we're not sure about any of the septic. We see this as getting a distance down the direction we are hoping to go, and we are looking for a motion or direction by the

Planning Commission to approve this site plan and recommend that the Board move forward based generally on this plan into an agreement with the property owner as it relates to this use.

Mr. Moore stated that basically we are looking for a recommendation of some sort with regard to this plat. The Board of Mayor and Alderman will make the final determination with regard to the lawsuit, but presumably the Board will rely heavily on the Planning Commission's recommendation; and whether or not this Commission sees this as a suitable resolution of the pending case.

Chair Cooper asked Mr. Langeliers if he could note specifically the changes that are on this plan versus the old one. Mr. Langeliers noted the following:

- the old one didn't show the 7 ½ foot buffer and new fence detail in front;
- he doesn't know if there's a note about hooking to the sewer system, but it did not address hooking to the sewer system at all; and
- the parking that is in front of the car restoration building has been re-located to be towards the side and to the rear of that building.

Chair Cooper asked if there are any limitations as to how many different uses there can be on a particular site or piece of property. She confirmed that this is approximately a two (2) acre parcel that currently has six or seven (6 – 7) uses on it; and Mr. Langeliers stated that to be correct. We are in litigation because these are in violation of the Town codes, and if the Planning Commission approves this plan presented tonight, Chair Cooper asked if the owner is going to agree to come into compliance. Mr. Langeliers stated that there would be an agreement that the Board of Mayor and Aldermen would enter into with the property owner that would bring us to a point where, as we understand the ordinance and the pre-existing uses, we would agree that it complies with the intent of the ordinance at the time.

Mr. Moore stated that he doesn't think anybody anticipates that this will bring the property into compliance with the existing zoning of the property. What this is, is a proposal to settle litigation that involves a pre-existing non-conforming use claim, and also mixed uses on the property. What is before this Commission is if this is an acceptable solution to the problem that is there now and recommend to the Board in order to settle the lawsuit.

Commissioner Evans asked how long these uses have been at this location, and Mr. Langeliers said that there has been an automobile repair component there for many years. Commissioner Evans referenced previous concerns with the salvage yard and improving the appearance there; but also expressed concern over taking away someone's ability to utilize their property. He said that he thinks this is a step in the right direction.

Commissioner Napier pointed out that we have been through a lot of zoning changes and subdivision regulation revisions, and this site has had a number of businesses there over the years. It can not be changed overnight and we should be moderate in our approach to some of these situations; and thinks this could go a long way to satisfying a lot of the concerns to be more aesthetically pleasing.

Commissioner Halvorson stated that it seems to her that one of the main concerns is that it is not in compliance as far as the zoning and she would be afraid to approve this. She thinks it could send the message that as long as it looks ok, you can use your site for whatever you wish, whether it's in compliance with the zoning or not. Mr. Langeliers said that the question relates to legal non-conforming rights and whether those are lost.

Commissioner Benson referenced suggestions at prior Planning Commission meetings relating to buffers, fencing, parking, etc.; and if this site plan addresses those – which is basically non-conforming uses. Mr. Langeliers stated that he would agree with that.

Mr. Moore added that he thinks the agreement is that the tow-in component will go away with the timing issue to be addressed.

Commissioner Evans made a motion to recommend the site plan as presented tonight to the Board of Mayor and Aldermen to utilize in an agreement with the property owner to settle the lawsuit, contingent on time limitations being set to discontinue the towing use, install the proposed fencing, and that any and all future uses / proposals be brought before this Commission. Commissioner Benson seconded the motion, which passed unanimously.

OTHER:

Item 1 - Zoning Ordinance: Parking Standards.

Mrs. Deats noted the comments and suggestions from the last meeting, indicating the changes in the blue-line copy. She also referenced an error in the first sentence of Section 4210 that should be incorporated as a noted change should a motion be made on this tonight.

Commissioner Benson suggested a change in wordage of Section 4240 and questioned if an owner changes in the referenced 'agreement for joint use parking'.

Suggestions were also made as follows:

- under Animal Day Care: spaces per employees rather than animals, plus office area;
- Industrial / Aviation: delete, and address as needed;
- define how long "temporary" lighting is for: 'for duration of specified event', or 'as issued / indicated by permit'; and
- actual parking materials (ie: grass, dirt, gravel): "all parking alternatives shall be reviewed by the Planning Commission".

Chair Cooper made a motion, seconded by Commissioner Halvorson, to approve the Parking Standards as presented, and incorporate changes as noted. The motion passed by unanimous vote.

New Business:


There was none at this time.

Chair Cooper recognized a member of the audience.

Brian Moore, of 1794 Jameson Drive in Callie Subdivision, stated that he understands development and growth. He's familiar with the construction world and doing something then asking for forgiveness. It's a quiet neighborhood. He asked that it be taken into consideration that this will greatly impact them; and as things move forward, the Town be stringent in watching this project.

There being no further business, the meeting was adjourned at approximately 8:15 p.m.

Signed: 
Nina Cooper, Chair

Attest: 
Tom Evans, Secretary

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