

Town of Thompson's Station
Municipal Planning Commission
Minutes of the Meeting
Held On June 28, 2011

Commission Members Present

Millie Halvorson, Chair
Sarah Benson
Tom Evans, Secretary
Carl Hubert
George Ross, Vice-Chair

Staff Members Present

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

The regular meeting of the Municipal Planning Commission was called to order by Chair Halvorson on June 28th, 2011, at approximately 7:00 p.m., at the Thompson's Station Community Center, with the required quorum. Commissioners Corey Napier and Brad Wilson were unable to attend.

Minutes:

The minutes of the April 26, 2011 meeting were previously submitted and were approved unanimously upon a motion by Commissioner Ross, seconded by Commissioner Evans.

Staff Announcements:

Mrs. Deats noted that the Station Hill Coyotes Football and Cheerleading have started their sign ups again. This will be their second year – last year the Board of Mayor and Aldermen gave them approval to use some Town property for their practice with a two (2) year contract.

Mr. Langeliers talked to Mayor Napier today and he intends to appoint Willis Gilliam to the Planning Commission at the August meeting. Mr. Langeliers asked Mr. Gilliam if he would come and sit in at tonight's meeting. Mayor Napier will appoint Mr. Gilliam in the spot that he has typically been in. Mr. Langeliers said that he has talked to most all of the Aldermen and does not think there is any opposition even though Planning Commissioners are at the appointment of the Mayor.

Old Business:

Mr. Langeliers referenced discussions on-going for several months on how to deal with the subdivisions that binder has been down for quite a while, they haven't reached the build-out, etc. – to essentially force the binder, repairs, problems, and issues in most every subdivision.

We are working through Tollgate Village. They have actually done some milling and put some binder down to get their crown and they made some patches in the binder, and it looks like they're ready to put the topcoat down, or will be ready very soon. They are correcting some drainage issues. We are looking forward to that stuff getting solved or those things getting addressed.

Bridgemore, Mr. Langeliers impression at least based on his recollection of how the discussion went, that they were intending to do something similar. He has communicated via e-mail with most of the homeowners who would like to see the same kind of thing done – binder patched, any place curbs are broken or have problems – to have them repaired; and then get the topcoat down there. It appeared to Mr. Langeliers that the indication from the developer was that they are willing to do that – working in that direction. There is a little bit of a dilemma in that we do have letters of credit there. Staff is not recommending that we take an action tonight, obviously if you are interested, you're welcome to propose something; but we do have letters of credit there which is different from what Tollgate is. We have some issues that we really haven't given ultimatums for to either do or we'll pull the letters of credit. We have studied the drainage and erosion issues behind the houses on lots 1089, 1090, and 1091. The Town's Engineer has done some calculations to determine what size pipe it would take to get the water on to the detention pond; and it appears that it would take a very large pipe and would be quite expensive to do that. We are still evaluating exactly what plans and whether there was some mistake made – one solution, according to the Town's Engineer, would be to concrete the bottom of the swale, go ahead and fill it back to where the grade originally was on the plan to keep that from eroding. We have also asked the developer to evaluate it and come up with a some sort of solution. We have some issues that we're working to develop a strategy on how to deal with these and if we push hard enough, the developer has never indicated that they would not do that. Staff had thought that they were moving in that direction in good faith to get some of these things corrected, but that really doesn't seem to be the case right now.

The developer had told us that they were going to actually secure the open space that would be proportionate to the amount of lots developed, which they haven't done. The drip field areas have not been deeded to us and, at this point in time, we're charging \$1,700 a lot for an effluent disposal fee, so the drip field issue is probably not material; so really the material issue is how do we deal with the roads. If we don't have something solid in the right direction by next month's meeting from the developer, we'll probably be making the recommendation that we either call some of the letters of credit and go do the work ourselves, or something akin to that.

Commissioner Ross asked when we are responsible for the roads – at the point that the topcoat goes down or at a certain build-out. Mr. Langeliers said the Subdivision Regulations, and most Subdivision Regulations that he's aware of typically, require that the topcoat go down and then you hold a maintenance bond, which is sometimes 15 – 20% of the performance bond, for a year. Then the municipality (the Board of Mayor and Aldermen) would accept the roads into the municipal road system for upkeep and maintenance after that year. We may need to do something different with sections of Tollgate since we don't have the letters of credit and we may not be getting them but we haven't quite gotten there yet.

Commissioner Hubert expressed concern that at February's meeting an extension was granted for twelve months on the letters of credit for approximately \$210,000, and it seems to him that the work will far exceed that amount. How would that be addressed. Mr. Langeliers stated that there's only a couple of options – one is to either get the work done and have them do the work and it costs what it costs; or we increase the letters of credit. He would argue that it's within the Planning Commission's authority to raise the letters of credit to cover the amount of work that was done. Mr. Langeliers referenced issues or an undercurrent between contractors and the developer that may be part of the developers reluctance to do anything because, based on his limited information, a claim is being made that the road work wasn't done the way it was supposed to be by the contractor; which is odd given the fact that they represented it was done per the Subdivision Regulations when they came to ask us to reduce the letters of credit.

Commissioner Hubert asked if there have been any studies in regards to what type of estimates we're looking at, and Mr. Langeliers said yes; the Town's Engineer came up with a number and they were higher than the security we had.

Commissioner Benson asked Town Counsel for an update on the situation with the bonds in Tollgate Village. Mr. Langeliers stated that he could answer that, referring to agenda items 6, 7, and 8 (Tollgate Village plat submittals), and that Staff is recommending that those be deferred. We are working on an agreement with the present Tollgate development entity as it relates to our effluent disposal fee, some drip field areas, and we're are hoping (and it looks like within a month they'll have the topcoat down and inspected) that we can in a month from now, recommend approval of these three (3) submittal items; at worst case, contingent on the Board of Mayor and Aldermen dismissing the lawsuit that is presently pending. We think that if we can get those three (3) big items answered, we may be in a position to do that and we would then come next month and ask probably for a recommendation that you take an action to un-suspend the plats.

Commissioner Benson stated that what she is talking about is the issue that the bonds that have failed covered more, and asked if there is any option of having the bonds re-instated for the remainder of the work. Mr. Langeliers replied absolutely and that we do not have an option not to so we'll have to make those calculations. Commissioner Benson asked if we feel like the new entity will be willing to get new bonds for the remainder of the work that is not even under consideration at this point. Mr. Langeliers said that when they bring us a final plat, we're going to recommend it's approval and unless all the work has been completed ahead of time, it's going to include a recommendation for a letter of credit and there's been no indication on their part that they don't intend to do that. It's standard procedure everywhere.

Commissioner Benson pointed out that what is being deferred tonight is really not the whole scope of work of that entire development.

Commissioner Benson asked if we have any issues with the Fields of Canterbury at this point. Mr. Langeliers stated that the only issue is that they haven't decided us any drip land either, so we're still in the process of negotiating whether or not they end up paying us the effluent disposal fee or whether we work something else out.

Mrs. Deats informed the Commission that she has been meeting with grading and concrete contractors relating to the Park Project and hope to be getting estimates very soon. She will then schedule a Thompson's Station Community Association meeting so they can select someone for the work to begin.

Mrs. Deats stated that they have been meeting with the Mars group and they are proposing to submit a site plan packet for review for the July meeting.

LETTERS OF CREDIT:

Item 1 - Blackberry Estates – expires 7/13/11;

\$ 120,000 for Roads, Drainage and Erosion Control, and Grading.

Mr. Langeliers reviewed the report, recommending we extend the letter of credit in its current amount for an additional year.

Commissioner Hubert, referencing the issues with Bridgemore Village, asked if this amount is sufficient to meet the requirement of the work involved. Mr. Langeliers replied yes, that this Letter of Credit was established substantially quite a while after Bridgemore's was, so the numbers we are looking at, topcoat wise - this is one (1) road with a very short cul-de-sac – is not as extensive.

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

Item 2 - Tollgate Village Medical Office Plaza – expires 8/12/11;

\$ 20,000 for Landscaping.

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

After discussion, Commissioner Ross made a motion to accept and approve Staff's recommendation. Commissioner Hubert seconded the motion, which passed unanimously.

REVISED FINAL PLATS - RESIDENTIAL:

Item 3 - Country Haven Estates, lot 35, located at 2611 Country Haven Drive.

Mrs. Deats reviewed the report, recommending approval with the following contingency:

1. Prior to the recordation of the final plat, the applicant shall obtain approval from the Williamson County Sewage Disposal Management Department.

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

Item 4 - Pecan Hills, lot 305, located at 2719 Brenda Street.

Mrs. Deats reviewed the report, recommending approval with the following contingency:

1. Prior to the recordation of the final plat, the applicant shall obtain approval from the Williamson County Sewage Disposal Management Department.

The property owner, Richard Bostic, was available to address questions and concerns.

After discussion, Commissioner Hubert made a motion to accept and approve Staff's recommendation. Commissioner Ross seconded the motion, which passed by unanimous vote.

Item 5 - Sedberry Glen, lot 5, located at 1829 Sedberry Road.

Mrs. Deats reviewed the report, recommending approval with the following contingency:

1. Prior to the recordation of the final plat, the applicant shall obtain approval from the Williamson County Sewage Disposal Management Department.

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

TOLLGATE VILLAGE:

Mrs. Deats stated that Staff is recommending the following agenda items be deferred. Staff had them on the agenda because they had submitted application and there was no reason why it shouldn't be heard, and we were hoping to be able to make a recommendation for approval upon the resolution of the litigation. We're almost there, but we're not quite there, so that's why we're recommending the deferral on these until July. Staff is confident that by the July meeting, we should be ready to act on them.

Commissioner Benson made a motion to defer the Tollgate Village agenda items until the next Planning Commission meeting. Commissioner Evans seconded the motion, which passed unanimously.

Item 6 - Revised Concept Plan. - Deferred

Item 7 - Preliminary Plat - Residential – Section 12. - Deferred

Item 8 - Revised Final Plat – Residential - Section 5. - Deferred

OTHER:

Item 9 - Comprehensive Plan – Implementation.

Mrs. Deats explained this to be an attachment to the Comprehensive Plan, and assuming there are no changes on this, next month she would like to bring you the entire Comprehensive Plan and all of its components; to be ready for adoption. Mrs. Deats reviewed the various applications and uses of the Comprehensive Plan.

Item 10 - Subdivision Regulations – Revisions to the following Sections: 2.108.3, 2.112, and 2.117 – Modifications to Language Regarding Damage to Town Infrastructure from Construction Activities.

Mrs. Deats summarized what Mr. Langeliers covered previously under ‘Old Business’, noting the following under these three (3) sections:

- 2-108.3: Types of Bonds –
 - added Cash Builders Bond.
- 2-112: Completion of Improvements –
 - if and when the developer does have the topcoat and the roads finished and turned over to the Town, that the builders and / or property owners will be subject to a cash bond, and that cash bond will be for the purposes of any damage that is done so that the Town and the citizens aren’t responsible for paying for the damage done by builders. We want to be sure we protect the community.
- 2-117: Acceptance of Streets and Other Improvements –
 - the structure of the cash bonds.

Commissioner Hubert asked about the wording in Section 2-113 “... no additional building permits shall be issued for any lot” and how it could effect and / or prevent lots sold to the actual homeowner to build. Mr. Langeliers stated that we interpret that to mean the developers lots and properties. Commissioner Hubert expressed concern of holding up another party that’s not at fault. Town Attorney Moore agreed, suggesting an amendment to make it permissive and not mandatory so that we have some flexibility, whether the developer has conveyed it to a third party, or for some other reason, may decide this is not the remedy we want to seek.

Mr. Moore added that we should also have an enforceable Developer's Agreement in place that would give us some other leverage too.

Chair Halvorson opened the public hearing.

A. **Public Hearing** (as advertised in the June 17th, 2011 edition of the *Williamson AM* newspaper, on the Town website, and various postings in Town).

Bob Cietek, of 3061 Americus Drive in Tollgate Village, stated that he had talked with Mr. Langeliers today regarding the topcoat going down. He also talked to Dan Kingsbury today and he said that hopefully in 60 days it will be completed. With that being said, referring back to discussions of when the Town would take over roads, the major issue they have in the subdivision is the way the bylaws are written initially, the parking on the street was for overflow parking. It is being abused and is now becoming a safety issue. He expressed concern when more people move in and a child happens to run out in the street or a fire truck should need to come in. He suggested, when the roads are taken over by the Town, considering Americus Drive be made one way or that vehicles not be allowed to park directly across from each other. Mr. Cietek also pointed out that the school buses can't get through when the vehicles are parked out on the street as well.

Chair Halvorson suggested that Mr. Cietek's comments and concerns also be brought up to the Board of Mayor and Aldermen.

There being no one else wishing to speak, the public hearing was closed.

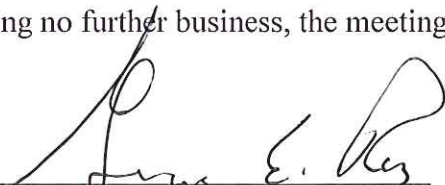
After further discussion, Commissioner Benson made a motion to accept the revisions as submitted by Staff, along with changes / corrections previously discussed. Commissioner Hubert seconded the motion, which passed unanimously.

New Business:

"Complete Streets" presentation by Chair Halvorson.

There being no further business, the meeting was adjourned at approximately 7:50 p.m.

Signed:



Millie Halvorson, Chair

Attest:



Tom Evans, Secretary

/las

George Ross, Vice-Chair