

**Town of Thompson's Station**  
**Municipal Planning Commission**  
**Minutes of the Meeting**  
**Held On July 26, 2011**

Commission Members Present

Sarah Benson  
Tom Evans, Secretary  
Carl Hubert  
Corey Napier  
George Ross, Vice-Chair  
Brad Wilson

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 by Vice-Chair Ross on July 26<sup>th</sup>, 2011, at approximately 7:00 p.m., at the Thompson's Station Community Center, with the required quorum. Chair Halvorson was unable to attend.

**Minutes:**

The minutes of the June 28, 2011 meeting were previously submitted and were approved unanimously upon a motion by Commissioner Benson, seconded by Commissioner Evans.

**Staff Announcements:**

Mayor Napier stated that he has asked Willis Gilliam to serve in his capacity on this Commission, which will require an action by the Board of Mayor and Aldermen next month; and he would like for Mr. Gilliam to join the Commission up front. He thanked Mr. Gilliam for his willingness to serve, and took a seat out in the audience. Mayor / Commissioner Napier did not vote on any of the following agenda items. \*

**Old Business:**

Mr. Langeliers stated that he does have one thing that he'd like to discuss briefly: There is paving and activity taking place in Tollgate. It's good to see things moving and happening there. There are some trails being constructed and quite a bit of progress. The development entity with Bridgemore has made some similar movement / promises to bring something similar forward, but we really haven't seen anything happen there yet. We are trying to figure out how to do that. We have a Subdivision Regulation change that you're looking at, initially last month and again tonight, requiring some builder bonds so that we can deal with roads after we get the topping put down and potential damage to those roads. So what we're wanting do is try to figure out how exactly to deal with Bridgemore. We have looked through the record and there is a lawsuit between the development entity and the contractor that did the paving and grading that would suggest that the developer did not think that things were done according to the Subdivision Regulations, although that's not specifically in anything he's read.

A few months back when we looked at this, we'd also determined the Letters of Credit, based on increasing prices of asphalt and what not, are probably not adequate to do all of the topcoat and everything that needs to be done there; and particularly if there are some issues as it relates to the sub-grade or binder that we may not be aware of, that are a part of this. We are probably going to recommend to you next month (the Town's Engineering consultant is working on a number) to probably go ahead and recommend that we increase those Letters of Credit to make sure that they're adequate to cover whatever the issues are that are out there; and we're looking as far into that as we can to determine exactly what needs to be. It might be five percent (5%) or one-hundred and five percent (105%) - he really doesn't know. We should have a number for you next month and absent the developer coming in with some sort of binding agreement to start getting things accomplished out there, we're going to have make sure that the Town has as much security as possible. Now that said, the Letters of Credit that are out there will do an awful lot of the work that needs to be done and we also have a preliminary plat that's expired that the developer owns so it's not that we are without any leverage.

Vice-Chair Ross asked if the developer has been made aware of our concerns; and Mr. Langeliers replied yes, the developer is aware. Mr. Langeliers noted that he has not talked to the developer about our concept and the fact that we're looking at the lawsuit. If the lawsuit appears to suggest that the roads weren't built to standards, yet at some point in time, (and he hasn't looked at exactly what that time frame is) the developer came in and represented to this body that they were in good enough shape to reduce the Letters of Credit, because we've reduced them. There may be a contradiction there – he's not saying that there absolutely is – but if there's a contradiction there, we want to make sure that it's there and make sure we've got a means by which to make sure we're covered.

Commissioner Hubert asked if the number will include the erosion issues that are behind the three (3) lots: numbers 1089, 1090, and 1091. Mr. Langeliers said yes, and he thinks that we discussed it briefly, looked at the drainage there and have determined that in order to keep that from eroding, it's going to take a minimum concrete bottom to that swale. We will look at that and design into our number something according to that, because the calculations our engineer did said that there's no a way that the grass bottom is going to work, or would have worked, and so it was either an error in calculation on the front end, or either a design or implementation problem that needs to be corrected.

### **TOLLGATE VILLAGE:**

#### **Item 1 - Revised Concept Plan.**

Mrs. Deats reviewed the report, recommending approval contingent on the Planning Commission and the Board of Mayor and Aldermen's approval to un-suspend the plats for Tollgate Village.

Commissioner Hubert questioned parking since the plan shows potential apartments, a hotel, potential commercial, etc. Mrs. Deats explained that the actual number of parking spaces is not

considered until a site plan is submitted; then parking requirements will have to be met and consistent with the Town's code requirements.

Mr. Langeliers added that some of the front parcels are owned by others, actually most of them that front Columbia Highway. We have actually seen site plans on three (3) of those parcels already and all of those site plans have lapsed. They are owned by others so they won't have control over that.

Commissioner Hubert asked if there is a proposed number of apartments, and Brett Smith (with Ragan Smith and Associates) stated 296 on three (3) levels.

Discussion continued regarding setbacks, buffering, trails, and the bond situation.

Commissioner Wilson (also a resident in Tollgate Village) asked that the developer and Ragan Smith consider changing the term "apartments", noting that it could upset some of the home owners. A three-story structure built to face the homes on Americus Drive may cause concern. Commissioner Benson referenced the initial approvals under the previous developer, noting that the issue was addressed then that they not be rental apartments. Mr. Langeliers stated that Staff does not distinguish and there is nothing in the regulations, making a reference to the townhomes that are being rented. Commissioner Wilson noted that, even if the townhomes are rented, they are regulated by the owner. Mr. Langeliers stated that Staff is viewing them as 'apartments', adding that the regulations do not require a single owner of one (1) unit. Mr. Smith suggested the term "multi-family". Commissioner Wilson requested that, when submitted again, the area with the apartments be shown as a completely separate section, and that the term 'apartments' not be used.

Dan Kingsbury, Project Manager for Tollgate Village, stated that this is entirely conceptual as a 'multi-family site' for whatever the market brings. Should they be approached to build townhomes or condominiums, they would be willing to do that; however, at this point, they are planned to be 'luxury apartments'.

Commissioner Benson asked if the bond issues are relevant, and Mrs. Deats replied not on the concept plan.

**Commissioner Wilson made a motion to accept and approve Staff's recommendation contingent on the Planning Commission and the Board of Mayor and Aldermen's approval to un-suspend the plats for Tollgate Village, and that the area including any proposed apartments be assigned a separate section and subject to all Design Review Commission rules and regulations. Commissioner Hubert seconded the motion, which passed unanimously. \***

**TOLLGATE VILLAGE:**

**Item 2 - Preliminary Plat - Residential – Section 12.**

Mrs. Deats reviewed the report, recommending approval contingent on the Planning Commission and the Board of Mayor and Aldermen’s approval to un-suspend the plats for Tollgate Village.

**After discussion, Commissioner Wilson made a motion, seconded by Commissioner Evans, to accept and approve Staff’s recommendation. The motion passed by unanimous vote. \***

**TOLLGATE VILLAGE:**

**Item 3 - Revised Final Plat – Residential - Section 5.**

Mrs. Deats reviewed the report, recommending approval contingent on the Planning Commission and the Board of Mayor and Aldermen’s approval to un-suspend the plats for Tollgate Village.

Commissioner Wilson referenced previous discussion to re-work the parking pads on the properties so we do not continue to have the problem with Tollgate homeowners parking. Mrs. Deats confirmed that he is requesting a rear setback with a minimum of 20 feet so that there are no cars parked in the driveways. He said the homeowners in Tollgate need the five foot (5’) setback taken out.

Discussion continued regarding a separate parking area to be designed to help eliminate on-street parking. Commissioner Evans questioned if we have requirements insuring the roads are wide enough for emergency access and if this meets that requirement. Mrs. Deats stated that it meets the 30 foot right-of-way. Commissioner Evans asked if the 30 foot includes cars parking on the side of the streets or are the vehicles encroaching the right-of-way when parked on the street; and again, is it wide enough for emergency vehicles to come through. Mr. Smith pointed out that they are not changing anything on the road network. Commissioner Wilson noted that Ragan Smith should not have to make that change, and that it has been a problem before they became involved. He would like to see any future development stay away from the parking pad located five feet (5’) from the curb to the entrance of the garage.

**After further discussion, Commissioner Benson made a motion to accept and approve Staff’s recommendation contingent on the Planning Commission and the Board of Mayor and Aldermen’s approval to un-suspend the plats for Tollgate Village; and the notation be added to the plat stating “any / all five foot (5’) driveways require the installation of a minimum of a one-car parking pad by the garage. Commissioner Evans seconded the motion, which passed 4 – 1, with Commissioner Wilson voting no. \***

**OTHER:**

**Item 4 - Comprehensive Plan - Adoption.**

Mrs. Deats referenced minor changes / additions to the copy distributed to the commission, recommending adoption by this body.

**Commissioner Wilson made a motion, seconded by Commissioner Benson, to approve adoption of the Comprehensive Plan. The motion passed by unanimous vote. \***

Commissioner Wilson complimented Mrs. Deats and Staff for putting this together and doing a great job.

**Item 5 - Subdivision Regulations – Revision to Section 2.113: Failure to Complete Improvements.**

Mrs. Deats reviewed the report, recommending approval of this modification.

Vice-Chair Ross opened the public hearing.

- A. **Public Hearing** (as advertised in the July 12<sup>th</sup>, 2011 edition of the *Williamson AM* newspaper, on the Town website, and various postings in Town).

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

**Commissioner Wilson made a motion to accept and approve Staff's recommendation. The motion passed by unanimous vote. \***

**New Business:**

Commissioner Wilson asked the status of the Letters of Credit with the developer of Tollgate Village. His concern is that the Town has allowed them to go in and they're top-coating everything, even where there's heavy construction going on. If those roads are damaged during the heavy construction, and they leave, does the Town have the money to fix them. Mr. Langeliers replied no. He said what they are paving right now are the sections where the Letters of Credit were repudiated by the bank that failed. So the Subdivision Regulation modification that we just passed is designed where they'll be subject to it and they'll be the ones with the most cash out there – not a great deal of cash – but that's where the issue is and we didn't know exactly where and how to draw the line and tell them to pave everything except two-thirds of a certain section; and so everything that was under those original Letters of Credit that we no longer have, we agreed essentially that they go ahead and put the pavement down on all of that. Now the Town does not have the obligation to accept those roads. As we're working through this process and try and get to a point where we can un-suspend the plats, the logic is that the

Subdivision Regulations say that we're going to watch the roads for a year before we take them over, even after the Maintenance period or Maintenance Bond. So we'll do the same thing with these and once these have been in place for a year, the Town would have the option of accepting or not accepting the roads. Mr. Langeliers said that his best guess is that we'll go ahead and take an action a year from the time this project is all completed and we'll take portions or sections of these roads, but we will not take the sections that may have just put new asphalt on and there's only two or three houses built in that section. He said he wondered why they were doing this, but it's part of this section and we thought about how we break it out – how do we say do just a portion and not this portion – so we said if you want to pave all of those, pave all of them, but put up a cash bond for these houses based on the Subdivision Regulations changes and they intend to do that. Mr. Langeliers stated that we won't have probably everything we would need but we'll have something and we'll have way more than we have now.

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There being no further business, the meeting was adjourned at approximately 8:10 p.m.

Signed:   
Millie Halvorson, Chair

Attest:   
Tom Evans, Secretary

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