

**Town of Thompson's Station  
Municipal Planning Commission  
Minutes of the Meeting  
Held On November 22, 2011**

Commission Members Present

Sarah Benson  
Willis Gilliam  
Carl Hubert  
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 November 22<sup>nd</sup>, 2011, at approximately 7:00 p.m., at the Thompson's Station Community Center, with the required quorum. Chair Millie Halvorson and Commissioner Tom Evans were unable to attend.

**Minutes:**

The minutes of the October 25, 2011 meeting were previously submitted and were approved unanimously upon a motion by Commissioner Benson, seconded by Commissioner Hubert.

**Staff Announcements:**

Mrs. Deats referenced a memorandum she sent the Planning Commissioners last week regarding a request to hear a non-agenda item and would like to see if the Commissioners would make a motion to hear this non-agenda item this evening and it can be added to the agenda.

**Commissioner Wilson made a motion to hear the item and add it to the agenda. Commissioner Hubert seconded the motion, which passed unanimously.**

---

Mrs. Deats announced that Lee Kittrell is having a 'needs drive' and is collecting canned goods and other non-perishables, cleaning products, etc. for Graceworks; and these items can be left at Town Hall and Alderman Brinton Davis will pick those up.

**Old Business:**

A. Park Update:

Mrs. Deats noted that they met with the Board of Mayor and Aldermen and the Community Association; and was permitted to place an order for some playground equipment. The order has been placed and the items will be installed as soon as they arrive.

Commissioner Benson added that five or six large trees are also being donated to the Park by Riverbend Nursery (Steve Bennett) and installation provided by Brentwood Tree Farms (Dale Holmes).

Mrs. Deats also stated that, once the playground equipment is installed, mulch will be ordered and put around the equipment. She said that we have plans for a train and are working on getting estimates to build it.

**LETTERS OF CREDIT:**

Mr. Langeliers asked that the following Letters of Credit be considered together, recommending that they all be extended in their current amounts for another year.

**Item 1 - Fields of Canterbury, Section 1A – expiring 1/03/2012:**  
**\$ 15,000 for Roads, Drainage and Erosion Control.**

**Item 2 - Fields of Canterbury, Section 1B – expiring 1/03/2012:**  
**\$ 100,000 for Roads, Drainage and Erosion Control.**

**Item 3 - Fields of Canterbury, Section 3 – expiring 1/29/2012:**  
**\$ 150,000 for Roads, Drainage and Erosion Control.**

Commissioner Hubert referenced Staff's comments on the amounts being tight, and if that is based on today's pricing. Mr. Langeliers replied that it is. Commissioner Hubert noted that the trend now is back up again, and Mr. Langeliers stated that even though it's close, it makes more sense to extend it than to ask that it be increased. Commissioner Hubert asked if he is comfortable based on today's price point, and Mr. Langeliers replied that he is.

**After further discussion, Commissioner Benson made a motion to accept and approve Staff's recommendation on all three (3) Letters of Credit. Commissioner Wilson seconded the motion, which passed unanimously.**

**CONCEPT PLAN:**

**Item 4 - Tollgate Village – Second Revision to the Concept Plan (file # 1-A-11-002).**

Mrs. Deats reviewed the report, recommending approval of the revision for the development of office uses.

Brett Smith, with Ragan Smith Associates representing the applicant, Shelter Insurance, was present to address any questions or concerns. Mr. Terry Dykes, Vice-President with Shelter Insurance, stated that they are excited about the prospect of becoming a part of this community and Tollgate Village. He said their goal is to move their staff from their office in Cool Springs to this location in the spring of 2013.

The following concerns were discussed:

- lighting from parking lot: there will be landscape buffer requirements and lighting standards;
- other tenants: none other than Shelter Insurance related;
- a call center: not in the plans at this point; maximum staffing of 15 – 20 employees; and
- consider a permeable / pervious parking surface.

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

**PRELIMINARY PLAT – RESIDENTIAL:**

**Item 5 - Bridgemore Village, Section 2B – 47 lots on approximately 67.35 acres (file # 1-C-11-002). Submittal Fee Not Paid.**

Vice-Chair Ross asked counsel if there is any legal issue stating that the submittal fee must be paid prior to being heard by this Commission.

Mr. Langeliers wanted to address the question. He stated that we don't have anything in our fee structure that specifically defines fees for 're-approval' of a preliminary plat; and preliminary plat fees for this kind of section would generally range \$4 – 5,000. Plat fees are supposed to relate to the amount of work that we do to review them, so in this particular setting, we had to take one plan and compare it to another one and they were the same, and so there really isn't a review process. So, at least in his mind, there wasn't a legitimate way to re-charge preliminary plat fees. Mr. Langeliers said what we need to do, and what he would recommend, or what he intends to pursue, is to revise our fee schedule. We will try to craft something to bring to the Board of Mayor and Aldermen. Without having that specifically designated, Mr. Langeliers said he didn't know how to calculate one.

Mr. Langeliers reviewed his report, recommending re-approval with the following contingencies:

1. Securing enough open space under the control of the HOA so that acreage is proportionate to the amount of lots already platted, including the subject lots.

The developer has obtained control of adequate additional open space area to meet this requirement. An acceptable transfer of this property to insure that it becomes and remains open space must be a condition of the re-approval of this plat.

2. The remediation of a dropout or sinkhole that developed within a drainage way on the eastern edge of the property. This dropout or sinkhole has been filled; however, Staff has not been provided a copy of the plan for the filling or remediation of this dropout or sinkhole and does not know the details of the remediation or repair process. A letter from a licensed engineer indicating that the remediation or repair process met applicable standards must also be a condition of approval of this plat.

3. Repairing and stabilizing the drainage ditch behind lots 1088-1091.

The developer has proposed a repair plan that includes energy dissipation rip-rap at inflow points and a combination of shot rock and fill adequate to maintain grass cover given the reduced intensity of flow given the rip rap. The Town's consulting engineer agrees that if enough flow energy is dissipated the bottom of the ditch may be adequately stabilized. It is understood that the developer is responsible for the ultimate stabilization of the ditch and that this stabilization is a portion of what the existing letters of credit are in place to insure. The implementation of the remediation plan must also be a condition of approval of this plat.

4. The installation of the final topcoat on Sporting Hill Bridge Road to its terminus and on all of Robin's Nest Court. If this work is not substantially completed by the meeting a deferral of this item is recommended.
5. The execution of a developer's agreement approved by the Town's Attorney that details remaining developer's responsibilities insured by the letters of credit.

The execution of this agreement must be a condition of approval for this plat.

6. The execution of an agreement recognizing the payment of the \$1,700 wastewater disposal fee in lieu of the development providing drip land for that purpose.

The execution of this agreement must be a condition of approval for this plat.

Provided that the installation of the final topcoat has been substantially installed by the meeting date, Staff recommends the re-approval of this preliminary plat with the conditions referenced in numbers one through six above.

Commissioner Benson referenced (in item # 2) Staff calling it a 'dropout or sinkhole', and Mr. Langeliers said that he doesn't know if it's been evaluated one way or another as to exactly what it is, and he thinks the only way to make certain of that evaluation would be to get a trackhoe out there, dig it out, find out if it has a throat, and figure out exactly what classification it is. Commissioner Benson stated that she thought someone was already supposed to have evaluated the situation, and Mr. Langeliers said that Bob Stickney did a visual and thinks that it was his opinion that it was a sinkhole; but again, Mr. Langeliers stated that he doesn't know that for a fact so he left both of those options out there because there's no way he had of knowing for certain one or the other. Regardless of that, Mr. Langeliers said, we got several photos and he doesn't know where in the regulations specifically we deal with this. A couple of options would be theoretically to ask the developer if TDEC will look at whatever information they've got and agree that this was remediated per their requirements. We have a letter from an engineer that has looked at the photos and says it appears that it was done per the TDEC criteria.

Commissioner Benson asked if the hole has already been filled, and Mr. Langeliers replied yes.

Commissioner Hubert asked if there is any certification required with TDEC in regards to this and if it is being processed. Mr. Langeliers said no, he doesn't think TDEC has been out. Commissioner Hubert asked if TDEC was notified originally and Mr. Langeliers said he didn't know.

Commissioner Gilliam stated that what we've got is a sinkhole that's been backfilled, that we don't know if the State has looked at or not; we don't know if it had a neck on it; we don't know where it went; and it's been backfilled and graveled with sod put over it. Commissioner Gilliam noted that he saw the sinkhole and it had a neck and ran side-ways; and, based on his past work experience at AT&T, he doesn't think it was fixed adequately in his opinion.

Mr. James Carbine, the developer and applicant, said he looked at it and they took the pictures, and didn't see it going any where, other than just a bowl. They took pictures of it, remediated it per TDEC standards, and the only difference was whether they put a compacted clay layer on top, and they agreed to do that. He said they do have bonds in place on their storm drainage, it is in common area and not in any structural area, and took care of it as soon as they could from a safety standpoint.

Vice-Chair Ross referenced sinkholes in Florida, that he's more familiar with, that have taken houses under, and is concerned if it's something we should have TDEC check.

Commissioner Benson stated that it's her impression that if it's thought to be a sinkhole, it has to go through remediation according to TDEC's specifications; and she is concerned that we have not clearly identified whether it is or is not a sinkhole. She's not comfortable with just filling it in, as the developer has done, without exploring and tell us for sure.

Mr. Carbine said that they didn't think it was a sinkhole but they did remediate it as if it were. Commissioner Benson asked how the Town would know since Staff wasn't on the site during the process, or anyone from TDEC observing.

Vice-Chair Ross referenced the following from the Staff report: *"A letter from a licensed engineer indicating that the remediation or repair process met applicable standards must also be a condition of approval of this plat."* He asked Mr. Langeliers if we have this letter, and Mr. Langeliers said he would argue that we don't. We have a letter from an engineer saying that based on the photos, it appears that it was done per the specifications. Vice-Chair Ross stated that he has a problem with the engineer not going on-site and basing his letter from pictures.

Mr. Carbine said that they will dig it up and start over, hiring an engineer to inspect it.

Vice-Chair Ross pointed out the references to 'the developer' in the Staff report contingencies and asked Mr. Carbine to address the issues listed as an update for the Commission. Mr. Langeliers spoke for Mr. Carbine, stating that he thinks, based on his previous discussion with Mr. Carbine, that the developer is in agreement with the conditions; and Mr. Carbine confirmed same.

Commissioner Wilson asked if we have gotten a time line yet as requested at previous meetings? Commissioner Benson replied no, and that it would be appropriate. Commissioner Wilson asked Mr. Carbine if he could go down the list and give target dates of when the Commission can expect something? Mr. Carbine said that he would like to get it done before the end of the year and by the January meeting when he brings the plat in for the open space.

Vice-Chair Ross asked if Staff is comfortable with all this and Mr. Langeliers replied yes.

Commissioner Wilson noted that he would like to see Staff more hands-on when we get a report of a sinkhole, that we're working with the developers and following up on receiving engineering reports, having someone from Staff on-site when the sinkhole is being repaired; and he's not hearing any of this on this particular sinkhole. Mr. Langeliers said that the most important part of that is that we're notified when it's happening, and if we're notified then we're typically out there.

Commissioner Wilson asked if we require the property owner to engineer the sinkhole and submit a plan of repair to the Town? Mr. Langeliers said that normally there is a procedure and that procedure led to the recommendation of a condition of approval that either the applicant hire a licensed engineer, monitor that work and make sure it's done per TDEC's requirements. Theoretically we could develop a strategy that says we are not going to proceed unless TDEC's out there to do their own evaluation first, then we get a plan and whatever. As these come in and as we're notified, they're supposed to be done per TDEC requirements – the State dictates that and we'll do whatever we can to get that accomplished. Commissioner Wilson asked if TDEC signs off on a plan, and Mr. Langeliers said he doesn't recall ever seeing TDEC sign off on one. Commissioner Hubert stated that if, in fact, we have problems down the road and the HOA is going to be responsible for this (from his understanding), there's no recourse to go back and say it was approved and the HOA ends up taking the responsibility, correct? Mr. Langeliers said yes, he thinks so.

Mr. Carbine stated that Staff was involved in the notification, and he looked at it and discussed it with an engineer and didn't feel like it was a sinkhole; but did remediate it as if it were. It was on common area, not any public improvements that the Town would except, so he takes responsibility for that. Mr. Langeliers stated that, obviously they're aware that they need to notify us, so we'll be out there when they dig it open and see what we've got.

Commissioner Gilliam stated that he rode on the paving today and it rides like a washboard, and if he understands the paving that was requested, then it's is not all complete yet. Mr. Langeliers replied that what he had discussed with the development entity has been completed.

Commissioner Hubert referenced previous discussion regarding how to get new construction traffic through and if there is any more additional information on that; noting that since the topcoat is on now, there will be problems if they go through the main entrance. Mr. Carbine said that he does not have any more information, adding that there is a maintenance bond in place; and they still haven't reached the build-out threshold for what they've already paved.

Commissioner Hubert mentioned talking with Mr. Langeliers about future construction on the roads with topcoat and requiring a bond from the builder. Mr. Langeliers said that we have occasionally done that, but we'll sit down before we issue a grading permit with the developer and ask where they're bringing construction traffic in and out of this particular section, and if it's crossing public roadways that are ours (and he thinks we have the authority even if they're not ours or not accepted yet), to have a separate road protection bond posted. Commissioner Hubert asked if the developer would agree with doing something like that since we're stuck with the main entrance, and Mr. Carbine stated that it is the only alternative we have.

**Commissioner Hubert made a motion to accept and approve Staff's recommendation for re-approval with the contingencies outlined in the Staff report. Commissioner Wilson seconded the motion, which passed unanimously.**

**Item 6 - Tollgate Village, Phase 13 – 65 lots on approximately 25.3 acres (file # 1-C-11-003).**

Mrs. Deats noted that it is not actually 65 lots, but was revised by the applicant to 62 single family residences. She reviewed the report, recommending approval.

The applicant, Brett Smith with Ragan Smith Associates, was present to address questions and concerns.

Discussion continued regarding the following:

- stream location: identified on page 3, along with three (3) sinkholes (the reason for the change/reduction in residential lots);
- appropriate remediation of sinkholes; and
- note on plat regarding the option for a five foot (5') driveway apron requires a concrete driveway pad on those lots.

Commissioner Wilson requested again that the alleyways get as much paving as possible for maximum width to help access for fire protection, etc. Mr. Smith stated that they will make it as wide as they can within the right-of-way.

**Commissioner Wilson made a motion to accept and approve Staff's recommendation with the following contingencies:**

- 1. that paving of the alleyways be as wide as possible; and**
- 2. to include the note on the plat regarding the pad requirement for the five foot (5') driveways.**

**Commissioner Hubert seconded the motion, which passed unanimously.**

Mrs. Deats requested that the non-agenda item be heard at this time, and all were in agreement.

**NON-AGENDA ITEM:**

Mrs. Deats referenced the memo she sent to the Commission, noting that basically this is a revision to a portion of Section 10 for Tollgate Village. Based on a needs assessment of what housing product they want to put on these lots, they are requesting to take ten (10) lots and reduce them to nine (9) to increase the lot size so that they have more flexibility as to the housing product to put on there. She stated that there are no other changes to this plat map, no relocations of utilities; it's simply moving the lot lines and eliminating one (1) lot. Mrs. Deats stated that Staff has no concerns regarding this, it's consistent with the Master Plan, meets the criteria in the Subdivision Regulations, it's a minor revision to an already recorded final plat, and Staff recommends approval of the revision.

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

**OTHER:**

**Item 7 - Modify Section 1400 of the Zoning Ordinance – Definitions: an Update to Include Additional Definitions; and Section 2306 - Residential Property Standards: to Include Secondary Units and Guest Houses (file # 6-A-11-005).**

Mrs. Deats reviewed the report, explained the modifications, and recommended approval to present to the Board of Mayor and Aldermen.

Comments were as follows:

- guest house versus secondary unit - maximum size for secondary unit: not necessary;
- 900 square feet maximum – 1 story or 2: single level only for guest house; and
- consideration for secondary unit to be designed to sub-divide parcel if needed.

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

**New Business:**

Mr. Langeliers referenced next year's meeting schedule for this Commission, and to let Staff know if there are any potential conflicts.

---



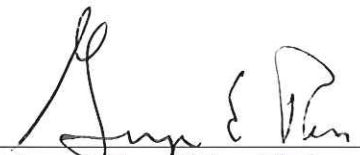
Vice-Chair Ross stated that he received a phone call relating to the article in the newspaper about Ronnie Johnson; and asked if there's anything the Town can do to help the gentleman. Mr. Langeliers replied that you can turn a blind eye to the fact that he's putting him in the garage behind a house up the road to improve his place to live. Volunteers have come by today after seeing the article in the paper, including help to get his social security and / or disability. Commissioner Benson added that Deborah Irwin has set up a bank account for Mr. Johnson for donations toward medical expenses.


---

Commissioner Gilliam asked counsel if January's meeting needs to be moved forward to be inside the 60 day time frame, if we could be in jeopardy before then. Mr. Moore stated that since we approved the plats submitted tonight, there is no action required and / or pending for the January meeting.

---

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

Signed:   
George Ross, Vice-Chair

Attest:   
Tom Evans, Secretary

/las