

**Town of Thompson's Station
Municipal Planning Commission
Minutes of the Meeting
Held On January 24, 2012**

Commission Members Present

Sarah Benson
Tom Evans
Willis Gilliam
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
Lisa Stewart, Town Clerk

The regular meeting of the Municipal Planning Commission was called to order by Vice-Chair Ross on January 24th, 2012, at approximately 7:00 p.m., at the Thompson's Station Community Center, with the required quorum. Commissioner Brad Wilson was unable to attend.

Minutes:

The minutes of the November 22, 2011 meeting were previously submitted and were approved unanimously upon a motion by Commissioner Evans, seconded by Commissioner Hubert.

Election of Officers:

Commissioner Benson nominated by motion to elect the following officers:

**Chair: George Ross;
Vice-Chair: Willis Gilliam; and
Secretary: Tom Evans.**

Commissioner Evans seconded the motion and it passed unanimously.

Staff Announcements:

There were none at this time.

Old Business:

Mr. Langeliers referenced a few months back when this Commission took an action to lift the suspension of the plats in Tollgate Village based on two (2) conditions:

1. That the Town be provided easement on the drip field land located in Tollgate Village;
and
2. That the legal action against T.S. Basin / Tollgate Village be dismissed.

Since then we have made a determination in working with the State that the soil areas in Tollgate Village have mostly been disturbed, compacted, etc., and there was only about six (6) acres that was workable. Subsequent to that we have been trying to figure out an angle on how to get the soil areas taken care of. The owners of Tollgate Village have agreed to pre-pay the Effluent

Disposal Fee to get our permit corrected and get out from under the NOV with TDEC and we've got to secure land by easement at least in the interim while we're collecting the Effluent Disposal Fees and then either utilize that land or some other land should we choose to. We have a letter of intent from them to actually go ahead and pre-pay 45 of those fees upfront so that we've got some cash to look at some land and hopefully try to procure that. We've already collected approximately \$50,000 in those fees. Also they've agreed to grant us an easement on the six (6) acres that is there and we have done a preliminary soils evaluation on the Community Garden area and probably have 4 – 5 acres there, and they've agreed to grant us easement on some open space at Bridgemore Village, that's about 30 acres total that he suspects will kind of get us where we need to be. We are looking at about three (3) different possibilities, actually did some soil investigation today that was pretty promising on some property – we haven't secured it, we don't have a contract on it or anything like that – so we're moving in that direction. So it would be Staff's recommendation that we go ahead and revise the recommendation to remove those two (2) contingencies; and we have this letter of intent that Mr. Langeliers' is confident we'll move forward with and the easements he thinks the Mayor will execute.

Commissioner Hubert noted the one issue still on the erosion that hasn't been addressed in Bridgemore, and Mr. Langeliers said that is a separate issue. Commissioner Hubert wanted to be sure that it's still a part of the agreement and Mr. Langeliers replied yes. He said that the preliminary plat in Bridgemore (which is a separate issue) has those conditions on it – one of them is that it gets tied into a performance agreement with the Town.

Town Attorney Moore wanted to clarify that the only thing that is being requested is for the un-suspending of the notice of the plat suspension that was previously put in place, initially at the time, because of the failure of the developer to put letters of credit back in place after his lender had been taken over by the government at that point. He knows now that the developer for Tollgate and Bridgemore are the same entity but we are just dealing with the plats that are suspended in Tollgate Village.

Commissioner Gilliam made a motion to accept Staff's recommendation to un-suspend the plats. Commissioner Evans seconded the motion, which passed unanimously.

Mrs. Deats wanted to let the Commission know that the modification to the Zoning Code for second units and guest houses, and also an update to the Definitions, has passed first reading at the Board of Mayor and Aldermen, and will go for a public hearing and second reading on February 14th, 2012.

Mrs. Deats stated that the Administration and Enforcement section that went before them on first reading was deferred by the Board because there are still questions as to how to word some of the portions of the Administration section and we are working with counsel on that. She said that a bigger issue has come up, and come up amongst Staff in the past, and what we'd like to do

now is present this to the Commission and have a work session to re-evaluate our Zoning Code as a whole and our Zoning Map.

Commissioner Gilliam asked if Town Counsel will be present and available for questions at the work sessions, and Mr. Moore said that he would be glad to be available.

CASH BOND:

Item 1 - Fields of Canterbury, Section 2 – review 3/02/2012:

\$ 50,000 for Roads, Drainage and Erosion Control.

Mr. Langeliers recommended to hold this cash bond for an additional year – noting that the curbs look good and the only real issues we've in Canterbury tends to be erosion in a couple places and they've been pretty good to clean it all up. The binder looks real good, it's a real small section, and he thinks we're confident this \$50,000 doesn't need to be increased.

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

LETTERS OF CREDIT:

Chair Ross asked if both Bridgemore items could be heard together, and Mr. Langeliers said he would think so since the recommendations are the same for both of them.

Item 2 - Bridgemore Village, Section 1A – review 3/03/2012:

\$ 30,000 for Roads, Drainage and Erosion Control, Landscaping, and On-Site Sewer.

Item 3 - Bridgemore Village, Section 1B – review 3/03/2012:

\$ 175,000 for Roads, Drainage and Erosion Control, Landscaping, and On-Site Sewer.

Mr. Langeliers said that these letters of credit were probably deficient in their amounts until some work was done there. Now that the topcoat is down on the roads for these two (2) sections, Staff is comfortable that these amounts are now adequate and can extend these in their current amounts for an additional year. He thinks we're obviously in a lot better shape with this now than we were a year ago. With that, Mr. Langeliers did point out that we do have conditions yet to be met on the preliminary plat extension that we did and there are a number of items or discussions with the 'then developer' and the 'now developer' (the 'now developer' are the same people that bought Tollgate). They have purchased the rest of this development, at least a portion that had been taken down by the previous developer, not necessarily the rest of the Adams farm. They have indicated, both them and the past developer, that they understand the conditions and will work towards getting those fixed and plan to enter into this developer agreement by which it's our intention to tie these two (2) letters of credit specifically to some of the issues that had caused you concern that we talked about last time; which is primarily the

sinkhole that they need to dig out and repair according to TDEC's plan, the erosion behind the lots, and also it was pointed out to them that there is a little bit of an erosion problem further down from the sinkhole paralleling Pantall Road. Mr. Langeliers thinks the weather has been their issue, maybe a little bit of staging, but he is pretty confident they will do this and obviously if they don't, we have the preliminary plat that has leverage.

Commissioner Benson asked if we got anything from TDEC or certification relating to the sinkhole, and Mr. Langeliers stated that, as he recalled it, the Planning Commission really wasn't moving very quickly so they saw that it was a dead issue for them and volunteered to dig out the sinkhole and repair it according to TDEC's criteria. He said that's part of the minutes and one of the conditions of the preliminary plat.

Commissioner Hubert made a motion to accept and approve Staff's recommendation to extend the letters of credit with the understanding that prior concerns will be addressed by the new developer. Commissioner Benson seconded the motion, which passed unanimously.

Chair Ross asked Mr. Langeliers to clarify comments regarding the previous developer of Bridgemore Village having sold his interest or part interest, noting that he was not aware of it. Mr. Langeliers said that what happened was that there was a partnership to start out with, which was (he thinks) Carbine Development LLC and C K Development – Carbine Development bought out C K Development and then Carbine Development sold 100% of their interest to the same people who bought out Tollgate Village.

OTHER:

Item 4 - Plan of Services for the Annexation of Six (6) Parcels along Columbia Pike and north of Thompson's Station Road West (file # 6-C-12-001).

118---009.02 – 63 acres along Columbia Pike;

132---004.01 – 5 acres along Columbia Pike;

132---003.00, 132---039.00, and 132---002.00 – approximately 223 acres along Columbia Pike; and

131---011.00 – approximately 183 acres south of State Route 840 north of Thompson's Station Road West.

Mrs. Deats reviewed the report, recommending the adoption of the Plans of Services and Ordinances to the Board of Mayor and Aldermen for annexation of the six (6) parcels identified in the exhibits attached to the resolutions / ordinances.

Mary Jane Cochran, property owner of parcel 004.01, map 132, stated that she received the notice regarding the proposed annexation, and is here to learn more about the process; along with her neighbor, Freda Moon.

Chair Ross asked if there has been any response to the letters Staff sent to the property owners being affected, and Mrs. Deats stated that she has not received anything, other than the two (2) property owners present tonight.

After further discussion, Commissioner Gilliam made a motion to recommend each of the Plans of Services and begin the annexation process for the parcels noted to the Board of Mayor and Aldermen. Commissioner Benson seconded the motion, which passed unanimously.

Commissioner Benson referenced her concern previously noted at the Board meeting regarding the parcel that has since been removed because it was determined that it was not in our Town's Urban Growth Boundary, and what will happen now. Mrs. Deats stated that she will be contacting the property owner, and reasonably we can do it through the next election process.

New Business:


Commissioner Evans asked if the Design Review Committee reviews residential construction? He referenced a house recently built in the Fields of Canterbury that does not have any windows on one whole side of the house. He noted it appears somewhat odd and didn't know if there were any codes in question or design concerns. Mrs. Deats stated that there is no authority for the Design Review Commission to review single family residential or how they are designed.

There being no further business, the meeting was adjourned at approximately 7:42 p.m.

Signed: _____


George Ross, Vice-Chair

Attest: _____


Tom Evans, Secretary