

Minutes of the Meeting
Of the Municipal Planning Commission
Of the Town of Thompson's Station, Tennessee
August 28, 2012

Call to Order:

The meeting of the Municipal Planning Commission of the Town of Thompson's Station was called to order at 7:00 p.m. on the 28th day of August, 2012, at the Thompson's Station Community Center with the required quorum. Members and staff in attendance were: George Ross, Chair; Willis Gilliam, Vice Chair; Tom Evans, Secretary; Sarah Benson, Commissioner; Carl Hubert, Commissioner; and Brad Wilson, Commissioner. Town Staff present were Greg Langeliers, Town Administrator; Doug Goetsch, Town Recorder; Wendy Deats, Town Planner; Richard King, Building Official; Todd Moore, Town Attorney; and Leah Dennison, Town Clerk.

Pledge of Allegiance.

Minutes:

The minutes of the June 26, 2012 meeting were previously submitted. Mr. Gilliam made a motion to accept the minutes as submitted. Mrs. Benson seconded the motion and the minutes were unanimously approved.

Staff Announcements:

Mrs. Deats introduced and welcomed Leah Dennison, recent hiree as Town Clerk.

Mrs. Deats also reported that the exercise equipment being donated to the Town Park by Vanderbilt and Williamson Medical Center has been ordered and is expected to be installed in about a month. The installation process will take about a week, and it is planned to be installed in time for the Fall Festival. Mrs. Deats said the junior and adult exercise stations would be an exciting addition to the park.

Mrs. Deats stated that the ordinance regarding design standards for automotive uses had gone before the Board of Mayor and Alderman and been approved on first reading at the August 14, 2012 meeting. It had been scheduled for a Public Hearing and Second Reading on September 11, 2012.

Mr. Moore said that, if approved, the changes would be effective 15 days after final passage.

Mrs. Deats requested that the Planning Commission hear a non-agenda item: a resolution for a plan of services for an annexation on Lewisburg Pike. Mrs. Deats requested that the non-agenda item be heard first.

Mr. Ross asked whether there was any certain urgency to this item.

Mrs. Deats said yes; the item had to go before the Board of Mayor and Alderman at the September 11th meeting in order to meet the deadline of the Williamson County Election Commission to get the annexation on the ballot for the November elections. Mrs. Deats said the property owner had requested the annexation.

Mr. Ross consulted the commissioners and no one had an objection, so the item was added to the top of the agenda.

Mr. Langeliers announced that he would request a deferral on agenda item 9, because staff had not yet had an opportunity to go look at the roads.

Old Business:

Bridgemore Erosion Situation:

Mr. Langeliers said he had been in contact with Mr. Carbine and he is ready to go out and put soil down on the rock area. Mr. Langeliers said the rock appears to have been stable through the summer, granted it had been relatively dry. He added that there's some vegetation growing up through the rock, and adding some more soil and grass might help the vegetation to hold. Mr. Langeliers said they were going to try and get that done in the next few weeks, and some of the property owners have agreed to help keep it watered so that it does not die out.

Mr. Langeliers said the town had never received certification from TDEC that the sinkhole repairs met their requirements. Mr. Langeliers said it was up to the board whether or not to require a TDEC inspection.

Mr. Langeliers said there are some other concerns in Bridgemore that needed to be addressed, some places in the roads where the binder needed repair before the end of the paving season. Mr. Ross asked how much longer the growing season would continue, in regards to the sinkhole repairs.

Mr. Langeliers said the present time was opportune season for planting grass, so as long as the planting was done soon, the grass should be well established enough to last the winter. He added that the project ought to be complete by the time the commission meets next month.

Mr. Ross asked whether any action needed to be taken on the sinkhole issue.

Mr. Langeliers said technically the sinkhole is the responsibility of the HOA, which at this point is still controlled by the developer.

Mr. Hubert asked what documentation the town has of the sinkhole besides some photographs.

Mr. Langeliers said Town Staff had visited the site and had seen photos of it being filled. Mr. Langeliers said the repairs looked to be consistent with TDEC's requirements although there was no official documentation or inspection provided by TDEC.

Mrs. Benson asked about the town's liability regarding the sinkhole.

Mr. Moore said that it was difficult to imagine a scenario in which the town would be liable for a sinkhole on private property, and that any liability should lie with the HOA.

Mr. Hubert said he was concerned that the town had said from the beginning that the repairs needed to be done according to TDEC's standards. While the developer was claiming to have made repairs according to those standards, there was still no indication that TDEC had visited the site, and therefore no official documentation that TDEC standards had been met.

Mr. Langeliers asked Bob Nichols to comment on how TDEC might go about certifying the sink hole repairs.

Bob Nichols from Ragan-Smith Associates came before the board and stated that no one from his firm was present at the time the sinkhole repairs were made but had been given several photographs of the repairs, including different sizes of rock and a geotechnical mat of some kind. Mr. Nichols suggested that if it was not possible to get a TDEC representative to inspect the repairs, a geotechnical engineer should be qualified to do so. He said further that geotechnical engineering was outside the scope of Ragan-Smith.

After discussion, Commissioner Hubert made a motion to send a certified letter to Bridgemore developer James Carbine requiring that he procure certification either from TDEC or a geotechnical engineer that the sinkhole the repairs had been done consistently with TDEC's standards.

Mr. Gilliam added an amendment to the motion requiring a response from Mr. Carbine be submitted within 30 days.

Mrs. Benson seconded the amended motion. The motion carried unanimously.

Zoning Discussion Update:

Mrs. Deats said town staff is prepared to have a joint work session with the Planning Commission and the Board of Mayor and Alderman regarding zoning discussion update. Mrs. Deats said she would coordinate schedules via email and would like to have everyone in attendance if possible.

Mrs. Deats said she has a staff report prepared for the work session and would also be making recommendations on what uses should have additional standards. She said she would proceed with scheduling the work session for late September or early October.

Tollgate Open Space Update:

Mrs. Deats said she has kept a running log of open space as it is recorded. She reported that currently Tollgate had 22.09 recorded acres of open space, and there was additional open space on the agenda for final plat at tonight's meeting.

Interchange Study Update:

Mr. Langeliers said he and Mr. Gilliam had attended a meeting about the possibilities for an interchange at [Spring Hill's] Buckner Road and I-65 or Thompson's Station Road East and I-65. The result of the meeting was that an interchange was thought to be justifiable and there was so far no dominating preference between the two possible locations.

Non-Agenda Item: Resolution 12-010 recommending that the Board of Mayor and Alderman pursue annexation through referendum for 5.02 acres at 1655 Lewisburg Pike per the request of property owner and resident Laurel Chalfin.

Mrs. Deats explained that this property was just outside the town's jurisdiction to the north and not within the Urban Growth Boundary—therefore, an annexation could only be obtained through referendum. She said that if the Planning Commission made this recommendation to the Board of Mayor and Aldermen, that the Board would prepare a resolution requesting of the Williamson County Election Commission to get the annexation on the ballot for the November election.

Mrs. Deats noted that Mrs. Chalfin was present and available for questions as well as staff. Mr. Ross invited Mrs. Chalfin to address the board and discuss why she would like to be annexed.

Mrs. Chalfin said that her next door neighbor and Bonds' property across the street are already annexed. She said she is well aware of the impending growth with the completion of 840 and felt that the proactive annexation of her property at this time would be mutually beneficial to her and the town.

Mr. Evans asked Mrs. Deats what zoning classification the property would be annexed as.

Mrs. Deats said that a zoning assignment would follow the annexation. She said that factors to consider would be the zoning of neighboring properties and proximity to 840.

Mrs. Deats said she used to think that everything was supposed to be automatically zoned Low Intensity, but that was not present in the code. The zoning would be assigned according to what was reasonable and appropriate given the property's context.

Mr. Moore added that, as a general rule, an annexed property retains whatever zoning it was assigned by the county until and unless it is rezoned by the town—that the town could not automatically “down zone” a property upon annexation.

With no further discussion, Mr. Gilliam made a motion to recommend annexation of the Chalfin property to the Board of Mayor and Alderman. Mr. Evans seconded. The motion passed unanimously.

LETTERS OF CREDIT:

**Item 1 – Bridgemore Village Sec 2A – expires 9/30/12;
\$ 60,000 for Roads, Drainage and Erosion Control.**

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

After discussion, Mr. Hubert moved to accept staff’s recommendation to extend the letter of credit for one year. Mr. Wilson seconded and the motion carried unanimously.

RESIDENTIAL BUSINESS:

Item 2 – Supreme Machining

Mrs. Deats explained that resident Wayne Cope, who was present in the audience, was requesting approval for a machine shop residential business at his home, 2756 Thompsons’s Station Road East. She said his property was 8.04 acres within a low intensity zone.

Mrs. Deats noted that this was the first residential business to be reviewed by the Planning Commission; they had previously been reviewed by the Board of Zoning Appeals. She cited item eight on the agenda which would address the jurisdiction of residential business items going forward.

Mrs. Deats referred to her staff report in which she cited Section 2700 of the Zoning Ordinance which regulates residential businesses. She highlighted specific code requirements and explained that Mr. Cope’s property complied with each requirement, including minimum lot size, residency of those engaged in the business, parking area, structure size, enclosed storage, setbacks, and buffer yard requirements.

Mrs. Deats described the business as low-impact, low-noise, and the site as well-vegetated and in need of no additional landscaping. No signage has been proposed at this point; any future signage would be subject to sign standards.

Mrs. Deats said staff recommended approval of this residential business.

Mr. Cope approached the board and described his business. He said he subcontracts with larger Nashville machine shops and takes their overflow. He makes small parts such as bolts, screws, special fittings, and tooling for industrial applications. The only shipping is when he sends the completed orders. Mr. Cope said he is a retiree and runs his business on a part-time basis and is not looking to expand to full time.

Mr. Gilliam said he has been to the property and the business site is a clean, neat facility that is not at all obvious to those who don't know it's there.

Mr. Wilson made a motion to approve the residential business per staff's recommendation. Mrs. Benson seconded and the motion carried unanimously.

Mr. Ross welcomed Mr. Cope to the Thompson's Station business community and asked whether he had a business license yet. Mr. Cope said he did not, and Mrs. Deats invited him to come by Town Hall next week to fill out the application.

REVISION TO FINAL PLAT-RESIDENTIAL:

Horvath Property, located on 2632 Pantall Road

Mrs. Deats said the applicant was proposing a modification to a property consisting of two individual lots. The change proposed was to adjust the rear property line of one lot to create a rectangular shape. This would effectively add 0.57 acres to the second lot. Mrs. Deats said staff had no concerns; the applicants had gone through sewage disposal and had two septic areas that would support a four-bedroom house. She said there is no request for development at this point, but because the applicant is currently working with a buyer, she anticipated that they would be submitting plans for a single family house.

Mrs. Deats said the change is minor and staff recommended approval, with the standard contingency that the applicant obtain all the necessary county approvals before recordation of the plat, which staff would confirm upon receipt of their mylar.

Mr. Gilliam made a motion to accept staff's recommendation. Mr. Hubert seconded and the motion was unanimously approved

Fields of Canterbury, Section 1B, revision to open space lot and Lot 171 located on Becket Circle

Mrs. Deats explained that the requested revision would add one single family lot to the open space area. She said the section under consideration fronts Critz lane, and that the change would not represent a deviation from the overall density, which staff had calculated to be 3.6. Mrs. Deats said planning staff had met with the applicant from the Fields of Canterbury development and had encouraged them to submit a revised Master Plan. She anticipated they would propose a Master Plan Revision within the next few months. They had recently sold about 38 acres to Mars Petcare and lost some townhome units and single family units as well as some

open space. She said it was time to regroup and make sure the project would remain consistent with the high intensity in the Urban Overlay Zone that was originally approved under the county.

Mrs. Deats said staff did not have any concerns with this project; although they would be reducing the open space by half an acre with this revision, staff had talked to Ragan-Smith about keeping a running log of open space, as was being done in Tollgate. The revision was consistent with density and open space at this point.

Mrs. Benson asked whether the house would face Becket Circle.

Mr. Bob Nichols of Ragan-Smith said it would.

He said because of the locations of the detention pond, utilities and drainage, water line and utility lines, the rear portion was established based on the edge of the easement. He said this lot was larger than some others. He said it was likely that this would be the only lot to be picked up in that area, as there wasn't much room for more due to the easements.

Mr. Hubert asked about the topography and elevation differences between the lots.

Mr. Nichols said it was fairly flat, and that he had talked with staff and the developer about the potential to add some landscaping in the future along the margin of Critz lane.

Mrs. Deats added that was also the area where staff had also been looking at the possibility for trails.

Mrs. Deats also pointed out that staff had sat down with the developer of Canterbury Fields and discussed that staff did not want to piecemeal this in with revision after revision, but rather go through the possibilities now including landscaping, street buffering and units. She said they said that they had discussed it with their salespeople and had found it to be more advantageous to keep the rest of the lot as open space.

Mr. Nichols said the developer was on board with reworking the Master Plan to present in the fall and they had been seeing a lot of interest from builders in the project.

Mr. Evans said more landscaping buffer was needed along Critz lane and asked if that would be included in the Master Plan.

Mr. Nichols said additional landscaping would be included in the new Master Plan, and he expected that would be presented to the board sometime in the fall.

Mr. Wilson said he was concerned that if the Board approved the proposed revision tonight, the lot may be sold before the new Master Plan was submitted. The changes may not be agreeable to the purchasers, who could take the position that none of the revisions were shown on the plat when they bought it.

Mr. Wilson said he would like to defer the item until a more comprehensive site plan is put together, including the additional landscaping and the easement for future trails.

Mr. Gilliam said he had walked the property and disagreed with the description of the property as being flat. He said there was a significant elevation change. He said he thought it was likely that the people who live at Lot 120 were told at the time of purchase that no one was ever going to build against them. He said he understands that things change and the development wants to recoup the lots that were lost in the sale to Mars, but like Mr. Wilson, he would prefer to see this item deferred.

Mr. Nichols said a deferral would be fine; the applicant wants the town's concurrence. Mrs. Deats and Mr. Moore pointed out that they were nearing the end of the 60 day window in which action had to be taken on the item.

Mr. Langeliers suggested that the applicant withdraw the item and file again once they've had some more time to work with staff on platting open space and coming up with a new Master Plan.

Mr. Nichols agreed and asked to have the item withdrawn.

Tollgate Village Section 33 including four (4) lots

Mrs. Deats said this was a new section for Tollgate Village near the front of the Master Plan area. This final plat would create four parcels for residential and non-residential. It's about 15.5 acres total, and they are asking for one 9-acre multi-family lot, one 2.25 acre commercial lot, a half-acre lot for mixed-use development, and 3.25 acres for single-family.

Mrs. Deats said the development's overall Master Plan included a mix of these uses in the area, and thus this final plat was consistent with the Master Plan. She said site plan review would be required before any grading permits or building permits would be issued, including commercial development and multi-family development. A final plat would be submitted for single-family lots that would break that area down further into individual single-family lots. She said staff had no concerns and recommended approval of the project.

Mr. Wilson asked about the depth of the property from Americus Drive to the rear of the property.

Mrs. Deats said the lots would be about 110 feet deep; staff had discussed this regarding the 10-foot easement.

Mr. Wilson said all of the units there now have rear alley access. He asked if the 110 feet provided for rear alley access, and how that depth compared with the other lots along Rochelle Avenue.

Mr. Nichols said he didn't have the Rochelle dimensions with him tonight; he said they based the depth on a proposed detached townhome type of project. He said they were essentially giving 20 feet for an alley, leaving 90 feet between the right of way of the alley to the right of way of the road. He said he was speaking from memory, but it seemed like a compatible lot.

Mrs. Deats said she agreed it would be fairly compatible. She said Amanda with Ragan-Smith had taken into consideration the various easements and rights of way needed when calculating the lot size.

Mr. Nichols said the vision was to not make the multi-family tract too large. He said it had been reducing in size as the development moved forward. He said there was also potential for some commercial and live-work properties on the corner of the tract. What was left in the interior is what would be filled in with multi-family units. He also said someday if there were a connection made to Declaration Way, that would drive the traffic away from the single family unit areas.

Mrs. Benson asked how they would configure the multi-family.

Mr. Nichols said they didn't really know yet, as they didn't have a buyer right now. He said what he would envision would be some kind of two-three split stepping down the hill, working with the topography and trying to include some landscaping strips instead of stark retaining walls. He said right now they were just trying to establish a parcel of land that was a reasonable size, and not bigger than it needed to be.

Mr. Wilson asked about the Planning Commission's previous request to have Section 3301 platted separately, to keep the multi-family section by itself. He asked if he should be concerned about giving that up.

Mrs. Deats said she recalled that discussion by the Planning Commission, and that technically this would be platting the multi-family area with three other parcels. However, she said that as the Planner she didn't have concerns because it would be platted with a mixed residential, commercial and cottage/town-home style dwelling units.

Mr. Gilliam asked what the difference was between platting them together or separate if individual site plans had to come back before the Commission. He said he didn't think they'd be giving up any control.

Mr. Langeliers said there wasn't really a difference; the risk was to go through several plat revisions, but there wasn't likely any way to avoid that. He said to create the other lots and leave that section as a deeded tract didn't seem to make much sense. He suggested going ahead and platting it as a lot. Any revisions, site plans, re-subdivisions, etc would have come back before the Commission.

Mrs. Deats added any non-residential or multi-family was also subject to Design Review on the architecture and landscaping.

Mr. Wilson made a motion to accept the final plat according to staff's recommendation. Mr. Gilliam seconded and the motion carried unanimously.

Tollgate Village, Open Space – approximately 28.46 acres

Mr. Langeliers said the town had asked the developer here to plat property that was intended as open space and also to map the areas they had identified for drip fields. He said they were also working on adjacent property for drip field areas. The town would need to put a force main and a reuse line through the property. The purpose of the plat was to secure the drip field areas and access needed to install, maintain and repair the water lines.

Mr. Langeliers said this addition would get Tollgate closer to its correct amount of open space.

Mrs. Deats explained that this plat would bring Tollgate's open space total close to 50.5 acres.

Mr. Langeliers said having these drip fields would provide a place for the Town to put some water down before the repairs were complete on the wastewater facility, if heavy rainfall were to require that. He said he did not anticipate that, but should it become necessary, this would give the town an outlet.

Mrs. Benson asked whether the property would meet the criteria for pivot irrigation.

Mr. Langeliers said he didn't think so.

Mr. Hubert made a motion to accept staff's recommendation and approve the plat revision. Mr. Evans seconded and the motion carried unanimously.

Tollgate Village, Amenity Area – approximately 15.9 acres

Mr. Langeliers said this plat would go from the existing reuse lines in the lift stations to the ones we looked at in the previous item. He said the applicant had been working on a revision to the Amenity Area open space anyway, so the town had asked if they would go ahead and put that portion in an easement so the town could install and access utilities.

Mr. Wilson made a motion to approve, and Mrs. Benson seconded. The motion carried unanimously.

Mr. Ross asked to move Forrest Landscaping up on the agenda so the citizens in the audience did not have to wait until the end of the meeting.

Forrest Landscaping –site plan revision

Mr. Ross said this item had already gone through three meetings and that it needed to be resolved soon. At the last meeting, he said, the Planning Commission had strongly urged the two parties involved to sit down together and try to reach a resolution. He asked whether they had met, and they had not.

Mr. Ed Dilts approached the podium.

Mr. Langeliers said the newest proposal was to put a paved public road that would cul-de-sac and shorten the driveway of the rear property, belonging to the Dixons. Additional landscaping buffer was being proposed in lieu of a fence.

Mr. Langeliers said staff had discussed with the applicant that the parking area also needed some additional rock; it was pretty rough.

The public road would be a 22-ft wide cross section consisting of two 11-foot lanes. Mr. Langeliers said if this proposal was favorable to the Planning Commission, a time frame would have to be established within which to complete the public road. He said the process would be to submit a preliminary plat with construction drawings from the engineering firm. That would need to be approved by the Planning Commission before construction could begin.

Mr. Langeliers said it seemed reasonable to expect the binder down sometime next summer, and probably a ninth-month construction process after that.

He said the benefit to the Dixons of this proposal versus previous versions was that it would provide the potential of public road frontage to their property line, given the dedication of right of way. He said generally public road frontage is thought to add market value to the property; though that doesn't necessarily mean the current property owners (the Dixons) see the road as desirable to them.

Mr. Ross said he did not see a privacy fence in the plan.

Mr. Dilts said according to the Ordinance there was no fence required if the buffer yard was 30-foot wide. He said he would plant whatever additional landscaping was necessary.

Mr. Langeliers said since the fence was initially approved, they could revert to that plan. Under the new proposal, the buffer yard had been expanded such that a fence was no longer required per the Ordinance. Mr. Langeliers said his personal preference visually would be a solid plant buffer that was well-maintained as opposed to a fence.

Mr. Hubert said he also saw the potential for future road extension, which would mean the plants would all disappear.

Mr. Langeliers said any future road extension would have to be approved by the Planning Commission; it may be the case that the property owner at that time would like to see those plants go in exchange for more road frontage, in order to subdivide and develop property.

Mr. Hubert asked if there was a limitation on how many residences could be accessed by one easement.

Mr. Langeliers said the maximum is five residences. He said that he didn't want to speak for the Dixons or any of the neighbors, but in theory, the potential to expand public road frontage could add market value to their property, which they may or may not see as desirable. If they do not like the idea of the road, he suggested reverting back to the former proposal and moving forward with it.

Mr. Ross asked whether this plan had been shared with the adjacent property owners before tonight's meeting.

Mr. Dilts said it had not.

Mr. Gilliam said he just wants something done at this point.

Mr. Dilts said every time he has tried to talk to the Dixons, they call the Town Staff and the Planning Commissioners and he gets stopped.

Mr. Ross said the Commission either needs to approve the change proposed or go back to the original plan that had been approved.

Mr. Moore said the original site plan is still in effect, until and unless this new revision was approved. It could be approved with a condition that a preliminary plat be brought back within a certain time frame. The alternative would be to revert back to the site plan that was previously approved.

Mr. Langeliers said to do a preliminary plat within 30 days or 60 days would incur some engineering costs; there would be some activity that one could argue would demonstrate a vested interest by the applicant to see the project through to fruition.

Mr. Gilliam asked how the road would impact the water line.

Mr. Dilts said it would probably have to be moved at his expense, and that he had always said that--they had that in writing.

Mr. Ross said he would like the Dixons to weigh in on which of the two options they would prefer.

Mr. Moore said the Commission had to make the decision ultimately, and while they could invite the Dixons' input, it would not be determinative.

Mr. Ross said he understood but would like them to have the opportunity to voice their opinion. He asked if they would come forward to address the board.

Teresa Dixon came before the board and said she preferred the original plan from 2007 without the public road.

Mr. Gilliam asked if Mrs. Parker would like to give any input.

Mrs. Theresa Parker said she wasn't here four years ago and wasn't familiar with the original plans. She asked whether another public road was needed. She said she didn't know how she felt about this.

Mr. Hubert said her objection last month was that it was going to put in another road closer to her home. This new proposal would eliminate that; however, nothing could be done to eliminate the traffic, whether a road or driveway of asphalt, gravel, dirt or mud.

Mr. Ross said the public road would give access to both properties should they want to develop their properties in the future.

Mr. Langeliers pointed out that if the road remains a driveway, any future issues would be a civil matter with the neighbors. If it were a public road, the town would be responsible for ensuring its upkeep.

Mrs. Dixon said she also had to consider the safety of her daughter who would be catching a bus at the end of the road.

Mr. Gilliam said a public road seemed favorable because the responsibility of maintenance would be the Town's and because a public road offered the potential to subdivide and develop the properties should the property owners ever want to. He asked Mr. Moore what the options were.

Mr. Moore said the Commission could approve this plan or revert to the original site plan. Whatever the Commission chose would come back before the Commission to review as a preliminary plat. If the Commission determines that the new plan is an improvement and is in the best interest of the town, they could approve the plat without regard to the neighbors' preferences.

Mr. Ross said he thought the new design looked like a safer arrangement from a traffic standpoint, as far as the safety of the Dixons' child catching the bus.

Mr. Gilliam asked Mr. Dilts to get a sign on the driveway pointing to Forrest Landscaping, so as to deter traffic from the Dixons' drive.

Mr. Dixon asked whether shelters from the original plan could be required in the new plan. Mr. Langeliers said the Commission could require the original fence as part of the landscaping but did not have the power to require the construction of a shed. He said a landscaping buffer that is well maintained seemed like it could be more desirable visually than a fence.

Mr. Wilson said the Commission could either approve the plan that shows shelters or the one that doesn't.

Mrs. Deats explained that the design standards would allow for a school bus to come down the public road all the way to the cul-de-sac at the Dixons' property; however, it would be up to Williamson County Schools to decide whether to send a bus down the road.

After further discussion, Mr. Wilson made a motion to approve the revised C1.02 site plan with the recommendation that the future road extension designation be removed from the plat.

Mr. Gilliam made an amended motion to see a preliminary drawing by the October Planning Commission meeting, including a plan that shows additional rock in the employee parking area, a sign in the driveway pointing to the business, and taking out the note about the future road. Mr. Hubert seconded and it was unanimously approved.

Mrs. Deats asked Mr. Dilts to submit his plats by the end of the first week in October in order to have time to review it and prepare it for the October Planning Commission meeting on October 23, 2012.

Zoning Ordinance Amendments – Section 2306 – Residential Property Standards (multi-family building heights); Section 2307 – Non-Residential Property Standards (building heights); and Section 2720 – Administration (Residential Businesses); file #6-A-12-002

Mrs. Deats said there had been multiple requests to deviate from the maximum height of 35 feet, including Mars, Hoodoo and Shelter Insurance. The reasons were having higher ceilings, accommodating tall interior equipment, and screening mechanical equipment on rooftops. Mrs. Deats said the proposed amendments would raise the maximum building height to 45 feet for multi-family and non-residential buildings but would not change the maximum number of stories, which would remain three.

Mrs. Deats cited exhibit B and said that up until now, requests for residential businesses had come before the Board of Zoning Appeals in error. They were actually supposed to go before the Planning Commission. Mrs. Deats said the reason for the error was when staff wrote the residential business Ordinance, they had considered them to be similar to the special exception permits, which do in fact go before the BZA. She said three residential businesses had so far been approved by the BZA, including the Dixons' plumbing business, a drapery business and a kennel. Mrs. Deats said that it was as staff was reviewing Mr. Cope's request that they realized the error. The amendment before the Commission tonight would officially assign Residential Business items to the Board of Zoning Appeals.

Mr. Gilliam asked to separate the building heights amendment from the Residential Business amendment so that the Planning Commission could act on them individually. Mr. Ross said he would like to separate them too.

Regarding the building heights, Mr. Ross said he did not have a problem with raising the building heights.

Mr. Gilliam made a motion to recommend to the Board of Mayor and Aldermen raising the building heights per staff's recommendation for multi-family and non-residential buildings. Mr. Evans seconded and the motion carried unanimously.

Regarding the Residential Businesses, Mr. Ross said his personal feeling was that they should normally come before the Planning Commission, unless there is some special variance or circumstance, in which case it would go before the Board of Zoning Appeals if it could not get through the Planning Commission.

Mrs. Deats said her only comment to that was that Residential Businesses by default are not necessarily allowable uses; it's a use that can be permitted, provided that they meet certain special requirements. However, there are not particular standards in place for many different types of businesses. For example, if someone wanted to operate a kennel as a residential business, it would in all likelihood not be allowable just by looking at the general Residential Business Standards. Without the ability to add special standards and contingencies as needed for specific types of businesses, it could be difficult for many Residential Businesses to be approved. One solution could be for staff to think through and draft standards for several various types of Residential Businesses and for the Town to adopt those.

Mrs. Deats said that if a Residential Business comes before the Planning Commission that is in compliance with Section 2700, the Planning Commission does not have the authority to impose extra conditions to be sure it would be compatible with surrounding land uses. The Planning Commission would be limited to saying no to it, whereas the BZA could say yes and has the ability to add extra conditions of approval.

Mr. Ross asked if the Planning Commission could defer to the BZA in special cases where extra contingencies was needed.

Mr. Moore said if a residential business meets all the requirements of the Zoning Ordinance, then the Planning Commission is obliged to grant them the right to operate the business. If there is an issue of compliance, then they are required to apply for a variance.

He said another option is to allow for Residential Businesses such as office uses--which are generally compatible with surrounding land uses—to come before the Planning Commission while other types of uses go before the BZA, such as a machine shop.

He said the decision before the Commission tonight was whether to continue with Residential Businesses coming before the Planning Commission or handing them over to BZA.

Mr. Ross asked if the other commissioners had any input.

Mrs. Benson said that Mr. Cope's business in item two had come before the Planning Commission and did not need any special contingencies for approval.

Mrs. Deats confirmed that his was a very straightforward application and staff had no concerns. He was a perfect example of someone who met the code to the letter.

Mrs. Benson said she agreed with Mr. Ross that they should leave the jurisdiction with the Planning Commission and send exceptions to the BZA. She asked whether Mrs. Deats was seeking to keep them in the BZA.

Mrs. Deats said she could go either way; she had processed them successfully through the BZA before, though in error. But if the will of the Commission was to retain the authority to process these, that was fine with her also.

Mr. Moore noted that any standards governing specific uses, such as the aforementioned kennel business, would have to be adopted by amendment to the Ordinance, and it wasn't realistic to think that the town could draft and adopt standards for every conceivable use; rather they were doing so on a case-by-case basis as different types of uses arose.

Mr. Gilliam said he did not want the Planning Commission to hand over Residential Businesses to the BZA.

Mr. Wilson said he agreed they should keep the Residential Businesses in the Planning Commission's domain and if there was a problem, send them to the BZA.

Mr. Ross thanked Mrs. Deats and other town staff for their work.

Mr. Gilliam made a motion to leave the language as is in the Zoning Ordinance, thus retaining the Planning Commission's authority to hear requests for residential businesses. Mr. Hubert seconded and the motion carried unanimously.

Recommendation for acceptance of certain roadways with Tollgate Village.

Mr. Langeliers requested a deferral. He said he had not had a chance to go out and look at the roads, and would like to bring an exhibit for the Planning Commission to review.

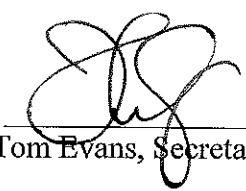
Mr. Wilson made a motion to defer and Mr. Hubert seconded. The motion carried unanimously.

There being no further business, the meeting was adjourned at 9:30 p.m.

Signed: _____


George Ross, Chair

Attest: _____


Tom Evans, Secretary