#### Town of Thompson's Station Municipal Planning Commission Meeting Agenda February 28, 2017

**Meeting Called To Order** 

**Pledge Of Allegiance** 

Minutes-

Consideration Of The Minutes Of The January 24, 2017 Meeting

Documents:

01242017 MINUTES.PDF

**Public Comments-**

**Town Planner Report** 

• Concept Plan Revision for the Fields of Canterbury (CP 2017-001)

Documents:

PLANNER REPORT 022817.PDF
PLANNER REPORT - MAY 2015 FC DEVELOPMENT PLAN.PDF
PLANNER REPORT - REV AUGUST 2015 FC DEVELOPMENT PLAN.PDF
PLANNER REPORT - PROPOSED FC DEVELOPMENT PLAN.PDF

#### **Unfinished Business:**

1. Final Plat For Phase 15 Of Tollgate Village To Create 83 Single Family Lots And Four Open Space Lots (FP 2017-001)

Documents:

ITEM 1 MEMO PHASE 15 TV.PDF
ITEM 1 FINAL PLAT TV PHASE 15.PDF
ITEMS 1 3 AND 4 TV DEVELOPMENT PLAN 4-15-14.PDF

#### **New Business:**

2. Rezone Of 12.71 Acres Of Land Located At 4545 Columbia Pike From (CC) Community Commercial To (IL) Industrial Low (RZ 2017-002; CP 2017-002)

Documents:

ITEM 2 STAFF REPORT REZONE THOMPSONS MACHINERY.PDF ITEM 2 THOMPSONS MACHINERY REZONE SUBMITTAL.PDF

3. Preliminary Plat For Phase 16 To Create 105 Single Family Lots, Six Open Space Lots And The Removal Of Eight Trees Exceeding 24 Inches In Diameter (PP 2017-001)

Documents:

# ITEM 3 STAFF REPORT PHASE 16 TV.PDF ITEM 3 PRELIM PLAT TV PHASE 16.PDF

4. Preliminary Plat For Phase 17 To Create 71 Single Family Lots, Five Open Space Lots And The Removal Of Seven Trees Exceeding 24 Inches In Diameter (PP 2017-002)

Documents:

ITEM 4 STAFF REPORT PHASE 17 TV.PDF ITEM 4 PRELIM PLAT TV PHASE 17.PDF

#### **Recent Correspondence**

Documents:

MBSC CORRESPONDENCE 2-22-2017.PDF
MBSC CORRESPONDENCE 2 2-22-2017.PDF

#### Adjourn

This meeting will be held at 7:00 p.m. at the Thompson's Station Community Center 1555 Thompson's Station Rd West

# Minutes of the Meeting

# of the Municipal Planning Commission of the Town of Thompson 's Station, Tennessee January 24, 2017

#### 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 24<sup>th</sup> day of January at the Thompson's Station Community Center with the required quorum. Members and staff in attendance were: Chairman Jack Elder; Vice Chairman Mike Roberts; Commissioner Ben Dilks; Commissioner Sarah Benson; Commissioner Don Blair; Town Planner Wendy Deats; Town Administrator, Joe Cosentini; Town Attorney Todd Moore and Town Clerk, Jennifer Jones. Commissioner Debra Bender was absent. Commissioner Darren Burress resigned his position, and the Mayor appointed Commissioner Trent Harris as his replacement.

#### Pledge of Allegiance.

#### **Election of Chairman/Vice – Chairman:**

Commissioner Benson made a motion to continue with the current Commission as it stands. The motion was seconded and carried by all.

#### Minutes:

The minutes of the November 15, 2016 meeting were previously submitted.

Commissioner Roberts moved for approval of the November 15, 2016 meeting minutes. The motion was seconded and carried unanimously.

#### **Introduction:**

Mrs. Deats introduced new Planning Commissioner Trent Harris.

#### **Public Comment:**

Jordan Bryant – 2016 Bungalow Dr. – Voiced concerns regarding the letter that Tollgate Residents received from MBSC (Daniel Gluck).

Larry Simmons – 3116 Hazelton – Voiced concerns regarding the light at Tollgate Village, with the Developer (MBSC), with the (lack of) secondary entrance to Tollgate Village, and the streets within Tollgate Village.

#### **Town Planner Report:**

Mrs. Deats updated the Commission on the following:

- Design Guidelines PlaceMakers has prepared a revised draft of the Design Guidelines that will be reviewed and ultimately adopted by the Design Review Commission. Mrs. Deats requested any comments be sent to her.
- General Plan Update The Board of Mayor and Aldermen have requested a work session to begin the process of revising our General Plan.
- Two Farms The referendum was completed in December 2016 and is annexed into the Thompson's Station municipal boundary. The applicant will still be required to go through the zoning and concept plan process.

Municipal Planning Commission – Minutes of the Meeting January 24, 2017 Page 2

• SIA/Mars Project – TDOT is currently on schedule.

#### **Unfinished Business:**

None

#### **New Business:**

2. Final plat for phase 15 of Tollgate Village (FP 2017-001).

Mrs. Deats reviewed her report and recommended that the Planning Commission defer the application for final plat for Phase 15 of Tollgate Village to allow the developer to:

- Revised the traffic study so that it provides "a specific scope being a schedule of improvements for traffic mitigation including a secondary access shall be reviewed and approved by the Town." In addition, the plat does not provide for the construction of a secondary access as shown on the approved site development plan and the developer does not have the ability to access Declaration Way at this time. Therefore, any consideration for access to Declaration Way must be coordinated with Williamson County Schools and agreement for access reached.
- Obtain TDOT approval for intersection including the traffic signal at Columbia Pike/Tollgate and the turn lane.

Mr. George Dean, attorney for MBSC, came forward to speak on behalf of the applicant. Mr. Brandon Baxter with Ragan Smith, came forward to speak about the secondary entrance. Mr. Bryan Rowe, with Henry and Wallace came forward to speak on behalf of the applicant.

After discussion, Commissioner Dilks made a motion to deny the Final Plat for Phase 15 of Tollgate Village based on the following contingencies not being met: 1. A development agreement not being reached, 2. A secondary access point not being identified, and 3. A bond not being issued for the traffic signal at Tollgate to ensure completion of the signal. The motion was seconded and failed by a tied vote with Commissioners Dilks, Benson and Blair voting for, and Commissioners Elder, Roberts and Harris voting against.

After further discussion, Commissioner Roberts made a motion to accept Staff's recommendation to defer the final plat of Tollgate Village. The motion was seconded and carried by a vote of 4 to 2 with Commissioners Dilks and Blair casting the opposing vote.

3. Preliminary Plat for Phase 16 to create 105 single family lots, six open space lots and the removal of eight trees exceeding 24 inches in diameter (PP 2017-001).

Mrs. Deats reviewed her staff report and recommended that the Planning Commission deny the application for preliminary plat and tree removal for Phase 16 of Tollgate Village for the following reasons:

- There are no completed public roads to access this phase of the development and no sureties in place to guarantee that such infrastructure will be completed. The Planning Commission previously suspended all future plat approvals within Tollgate until this issue was resolved.
- The plat does not provide for the construction of a secondary access as shown on the approved site development plan and the developer does not have the ability to access Declaration Way at this time. The proposed traffic study does not adequately address the issue of when a secondary access should

Municipal Planning Commission – Minutes of the Meeting January 24, 2017
Page 3

be required to be installed. Based on the most recently approved traffic study, a secondary access should be installed prior to final plat approval for Phase 16.

• It has not been determined whether the existing wastewater infrastructure in Tollgate can support this phase of the development.

Mr. Brett Smith with Ragan Smith came forward to speak on behalf of the applicant.

After discussion, Commissioner Roberts made a motion to accept Staff's recommendation for denial. The motion was seconded and carried unanimously.

4. Preliminary plat for Phase 17 to create 71 single family lots, five open space lots and the removal of seven trees exceeding 24 inches in diameter (PP 2017-002).

Mrs. Deats reviewed her staff report and recommended that the Planning Commission deny the application for preliminary plat and tree removal for Phase 17 of Tollgate Village for the following reasons:

- There are no completed public roads to access this phase of the development and no sureties in place to guarantee that such infrastructure will be completed. The Planning Commission previously suspended all future plat approvals within Tollgate until this issue was resolved.
- The plat does not provide for the construction of a secondary access as shown on the approved site development plan and the developer does not have the ability to access Declaration Way at this time. The proposed traffic study does not adequately address the issue of when a secondary access should be installed prior to final plat approval for Phase 1.
- It has not been determined whether the existing wastewater infrastructure in Tollgate can support this phase of the development.

Mr. Brett Smith with Ragan Smith came forward to speak on behalf of the applicant.

After discussion, Commissioner Blair made a motion to accept Staff's recommendation for denial. The motion was seconded and carried unanimously.

1. Land Development Ordinance Amendments (Zone Amend 2017-001).

Mrs. Deats reviewed her staff report and recommended that the Planning Commission recommend to the Board of Mayor and Aldermen the Staff initiated amendments to the Land Development Ordinance (amended to exclude all sign related amendments, including Section 4.17.2e, Section 4.17.4eii, Table 4.25 and Section 4.17.6j).

After discussion, Commissioner Roberts made a motion to accept all Staff recommended amendments as modified, excluding all sign related amendment, including Section 4.17.2e, Section 4.17.4eii, Table 4.25 and Section 4.17.6j). The motion was seconded and carried by all.

Mrs. Deats and Mr. Cosentini reviewed the Board of Mayor and Aldermen requested LDO Amendments, in sections 1.2, 1.22, 1.2.3, 1.2.8 and 1.3 as follows below:

#### Add these three bullets

g. Development should occur with a balanced mix of residential and commercial products to positively affect the Town's economy by increasing sales tax revenue.

- h. Residential development should include both a balanced and diverse mix of housing products to positively affect the Town's economy by increasing local retail opportunities and growing the tax base.
- i. It is the Town's desire that non-modular single-family detached units remain the primary dwelling type.
- 1.2.3. The community

#### **Modify the following bullet**

- e. Within neighborhoods, a *balanced* range of housing types should be provided to accommodate diverse ages and incomes *and positively affect the Town's economy by increasing local retail opportunities and growing the tax base*.
- 1.2.8. Subdivision Regulations

#### Modify the following bullet

- a. That future growth and development in the Town should be performed in an orderly, *balanced*, incremental and predictable manner, in accordance with the General Plan, as adopted and amended.
- 1.3 Definitions

#### **Modify the following definition**

Mixed Use: multiple functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency, or at a proximity determined by warrant. **Residential** functions within a mixed use building shall not exceed 66.67% of the total use.

#### Modify the following definition

Mixed Use Building: Residential use combined with commercial use within the same building through superimposition or adjacency. This building type is urban in character and frequently is a multi-story building with residential uses above commercial uses. *Residential uses within a mixed use building shall not exceed 66.67% of the total use.* 

Commissioner Blair made a motion to define a mixed use building as accommodating a mix of uses with 1/3 being commercial and 2/3 being housing. Commissioner Blair then amended his motion to accept the definition as written of mixed used building. The motion was seconded and carried by all.

Commissioner Dilks then made a motion to recommend to BOMA that the items other than the definition of mixed use building outlined in the Staff Report with comments to be handled as part of a larger discussion with the General Plan. The motion was seconded and carried by all.

Municipal Planning Commission – Minutes of the Meeting January 24, 2017 Page 5

Commissioner Dilks then reviewed the following recommendation:

#### **Modify the following bullets**

- a. The resource inventory map must identify all non-invasive trees of 18 inches in caliper ... from the Planning Commission for all trees 18 inches in caliper ...
- b. ... which shall document all trees that are 18 inches or greater ...

Commissioner Benson made a motion to accept the 18 inches or greater definition. The motion was seconded and carried by all.

Commissioner Dilks reviewed the following recommendation:

Change wording in paragraph

5.3.1 Amendments to the Ordinance

No change or departure from the text or maps of this ordinance shall be made, unless such amendment be first submitted to the Planning Commission for review and recommendation. The Town Administrator shall ensure no amendment proposal takes longer than forty (40) days between the time it is submitted to the Town and the time it is reviewed by the Planning Commission. After Planning Commission review and regardless of recommendation [approve, disapprove, or no recommendation], the Town Administrator shall ensure the first Public Hearing of the amendment proposal takes place during the next Town Board of Mayor and Aldermen meeting.

Before finally adopting any such amendment ...

Commissioner Dilks made a motion to accept proposed amendment 5.3.1. The motion was seconded and carried by all.

There being no further business, Commissioner Benson made a motion to adjourn. The motion was seconded and the meeting was adjourned at 8:50 p.m.

	Jack Elder, Chairman
est:	
Don Blair, Secretary	

Phone: (615) 794-4333 Fax: (615) 794-3313 www.thompsons-station.com



1550 Thompson's Station Road W. P.O. Box 100 Thompson's Station, TN 37179

**DATE:** February 21, 2017

**TO:** The Planning Commission

**FROM:** Wendy Deats, Town Planner

**SUBJECT:** Planner Report 2/28/2017

<u>Fields of Canterbury Concept Plan Revision (CP 2017-001)</u>: The developer of The Fields of Canterbury is proposing a modification to the site development plan. No changes to density or housing types are proposed, the development plat was reviewed with 204 townhomes and 612 single-family dwellings for a total of 816 dwelling units within the development. No changes to the access is proposed, Westerham Way and Callaway Park Place are the two entrances along Critz Lane into the development.

The changes to the development plan occur predominantly in phase 13. The developer is proposing a modification to the layout of the roadways and lots. Most of the new roadways in phases 11, 12 and 13 will be 50 feet in width with a five-foot landscape strip and a five-foot sidewalk. However, during the approval of phase 11, the developer requested to eliminate some of the houses that fronted Chaucer Park Lane in order to create an open space lot with a 40-foot one-way loop around the open space with housing fronting the open space (see August 2015 plan). The stub outs for this one-way loop were built during the phase 11 construction as proposed in the revised layout. At this time, the developer is requesting to revise the overall roadway and lot layout due to block length requirements. The proposed layout will create a local road connecting to this one-way loop road with other modifications to create additional cul de sacs. In addition, another cul de sac will be eliminated to extend Bramblewood Lane to plan for a future connection to the southern property line. Roadway widths are 50 feet and the two stub outs for the loop are already constructed. Therefore, the developer will be required to request a deviation from the Planning Commission to permit the 40-foot-wide roadways.

Natural resources are evaluated with each preliminary plat that is submitted, therefore natural resource inventory and geotechnical report will be required with the preliminary plat for phase 13. Other Land Development Ordinance requirements related to lot widths, setbacks orientation or sizes of garages, spacing or location of driveways, provision of amenities, etc. are not identified at this time. As the project moves forward, all zoning and subdivision requirements in place at the time of preliminary plat submittal shall be required for the project.

#### **Attachments**

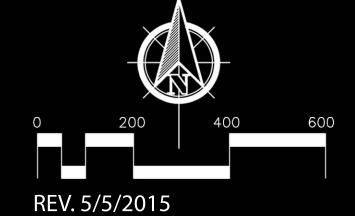
May 2015 Site Development plan August 2015 Site Development Plan Proposed Site Development Plan





The Fields of Canterbury

Development Concept Presentation















The Fields of Canterbury







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1550 Thompson's Station Road W. P.O. Box 100 Thompson's Station, TN 37179

**DATE:** February 21, 2017

**TO:** The Planning Commission

**FROM:** Wendy Deats, Town Planner

**SUBJECT:** Item 1 – PP 2017-001 – Deferred from January 2017 Planning Commission meeting

On January 24, 2017, the Planning Commission deferred the request to the February meeting in order to give the developer time to revise the traffic study in order to provide a specific scope for the traffic improvements and to obtain approval from TDOT for traffic improvements, including posting the required sureties.

At this time, an updated traffic study has not been submitted, however, Staff met with the developer's traffic engineer and TDOT to discuss secondary access. In addition, TDOT has received all requested information including a letter of credit for \$150,000 for the turn lane improvements on Columbia Pike at Tollgate Boulevard. The Town has not received any further update on the schedule for the traffic signal or the surety in the amount of \$126,000 for the signal at Columbia Pike and Tollgate Boulevard.

#### Recommendation

Plats are suspended within Tollgate Village, therefore, Staff recommends that the Planning Commission deny Phase 15 within Tollgate Village for the following reasons:

- 1. There are no completed public roads to access this phase of the development and no sureties in place to guarantee that such infrastructure will be completed. The Planning Commission previously suspended all future plat approvals within Tollgate until this issue was resolved.
- 2. The plat does not provide for the construction of a secondary access as shown on the approved site development plan and the developer does not have the ability to access Declaration Way at this time. The traffic study does not adequately address the issue of when a secondary access should be required to be installed.

Once the plat suspension is lifted, the following contingencies will be recommended for project approval:

- 1. Prior to the recordation of the final plat for phase 15, the developer shall obtain approval of the phase 15 Development Agreement.
- 2. Prior to the recordation of the final plat for phase 15, the developer shall submit a revised traffic study specifically including the scope and timing of traffic improvements, including but not limited to the secondary access shall be reviewed and approved by the Town.
- 3. Prior to the recordation of the final plat, the developer shall obtain the grading permit from TDOT for the turn lane improvements.
- 4. Prior to the recordation of the final plat, all sureties for each phase/section in Tollgate Village shall be posted and submitted to the Town in accordance with the requirements with the Land Development Ordinance.
- 5. Prior to the recordation of the final plat, a surety will be required in the amount of \$380,000 for roads, drainage and erosion control.

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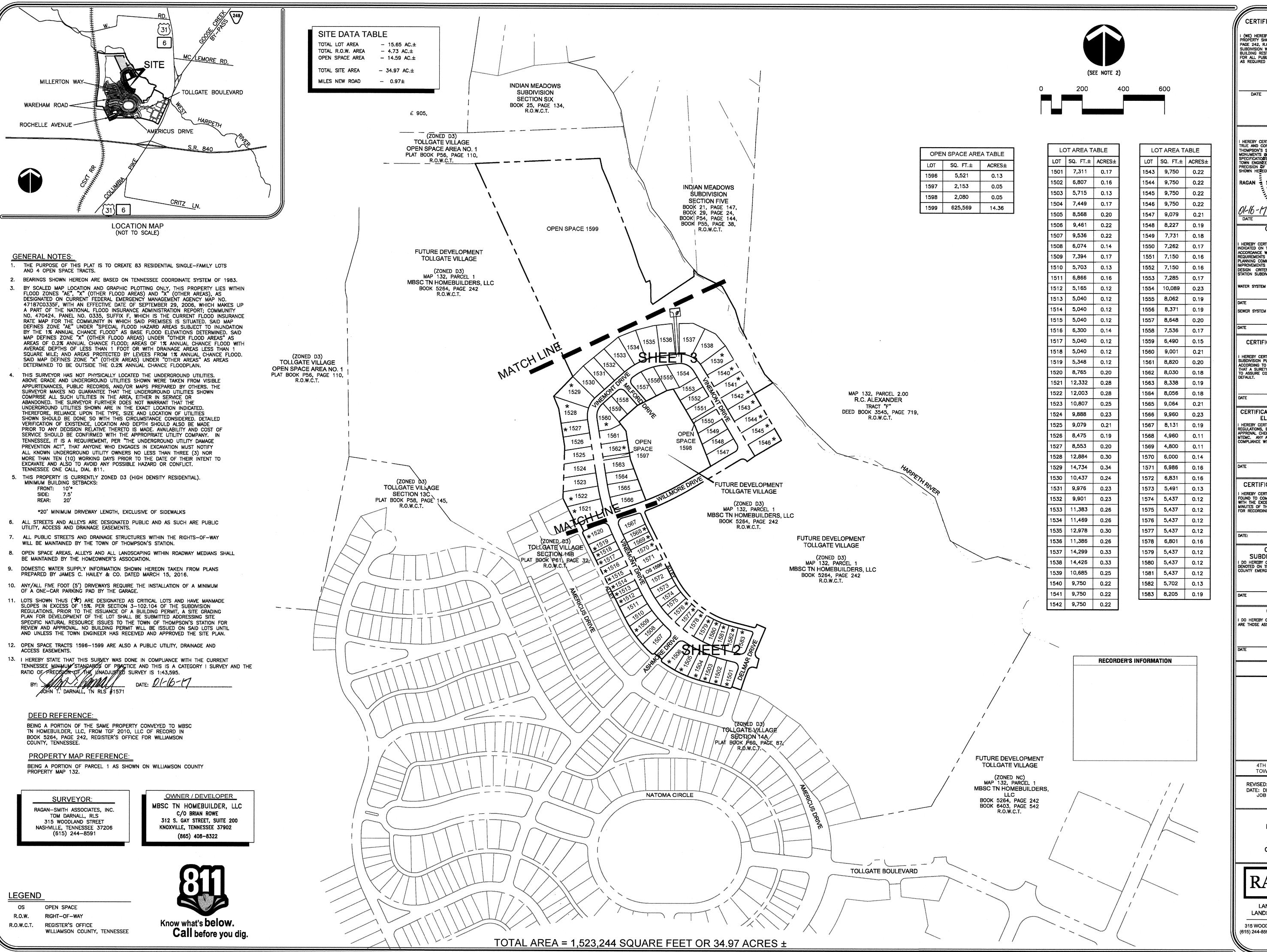


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- 6. Prior to the recordation of the final plat, a surety shall be required in the amount of \$285,000 for sewer.
- 7. Prior to recordation of the final plat, a surety in the amount of \$126,000 shall be posted for the installation of the traffic signal.
- 8. The construction route adjacent to Tollgate Boulevard, north of Phase 14 into Phase 15 shall be utilized by all construction traffic.
- 9. As builts shall be required for the drainage and sewer system with a letter from the Design Engineer that they are constructed per the approved drawings and functioning as intended.

#### **Attachments**

January 2017 staff report Final Plat



CERTIFICATE OF OWNERSHIP & DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AS EVIDENCED IN BOOK 5264, PAGE 242, R.O.W.C., AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINE, AND THAT OFFERS OF IRREVOCABLE DEDICATION FOR ALL PUBLIC STREETS, UTILITIES AND OTHER FACILITIES HAVE BEEN FILED AS REQUIRED BY THESE REGULATIONS.

MBSC TN HOMEBUILDERS, LLC

CERTIFICATE , OF ACCURACY

RAGAN

CERTIFICATE OF APPROVAL OF UTILITY SYSTEMS

I HEREBY CERTIFY THAT THE FOLLOWING UTILITY SYSTEMS OUTLINED OR INDICATED ON THE PLAN SHOWN HEREON HAVE BEEN INSTALLED IN ACCORDANCE WITH CURRENT LOCAL AND/OR STATE GOVERNMENT
REQUIREMENTS OR THAT A SURETY BOND HAS BEEN POSTED WITH THE
PLANNING COMMISSION TO ASSURE COMPLETION OF ALL REQUIRED
IMPROVEMENTS IN CASE OF DEFAULT. ALSO, I CERTIFY THAT THE HYDRAULIC DESIGN CRITERIA SPECIFIED IN SECTION 3-106 OF THE THOMPSON'S STATION SUBDIVISION REGULATIONS HAVE BEEN MET.

WATER SYSTEM

HB&TS UTILITY DISTRICT GENERAL MANAGER

NAME, TITLE, AND AGENCY OF AUTHORIZED APPROVING AGENT CERTIFICATION OF THE APPROVAL OF STREETS

I HEREBY CERTIFY: (1) THAT ALL STREETS DESIGNATED ON THIS FINAL SUBDIVISION PLAT HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO THOMPSON'S STATION'S SUBDIVISION REGULATIONS, OR (2) THAT A SURETY BOND HAS BEEN POSTED WITH THE PLANNING COMMISSION TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF

TOWN ENGINEER

CERTIFICATE OF APPROVAL OF MIDDLE TENNESSEE ELECTRIC MEMBERSHIP CORPORATION I HEREBY CERTIFY THAT THE REQUIREMENTS SET FORTH IN RULES, REGULATIONS, BY-LAWS, POLICY AND OPERATIONAL BULLETINS, PLAT APPROVAL CHECKLIST AND TREE PLANTING GUIDELINES HAVE BEEN MET FOR MTEMC. ANY APPROVAL IS AT ALL TIMES CONTINGENT UPON CONTINUING COMPLIANCE WITH THE AFOREMENTIONED REQUIREMENTS.

MIDDLE TENNESSEE ELECTRIC
MEMBERSHIP CORPORATION

CERTIFICATE OF APPROVAL FOR RECORDING FOUND TO COMPLY WITH THOMPSON'S STATION SUBDIVISION REGULATIONS WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY REGISTER.

SECRETARY OF PLANNING COMMISSION

CERTIFICATE OF APPROVAL OF SUBDIVISION NAME AND STREET NAMES I DO HEREBY CERTIFY THAT THE SUBDIVISION NAME AND STREET NAMES DENOTED ON THIS FINAL PLAT HAVE BEEN APPROVED BY THE WILLIAMSON COUNTY EMERGENCY COMMUNICATIONS AGENCY.

WILLIAMSON COUNTY PUBLIC SAFETY

CERTIFICATE FOR ADDRESSES I DO HEREBY CERTIFY THAT THE ADDRESSES DENOTED ON THIS FINAL PLAT ARE THOSE ASSIGNED BY DEPARTMENT OF INFORMATION TECHNOLOGY (IT).

IT DEPT. E-911 ADDRESSING COORDINATOR

FINAL PLAT

# TOLLGATE **VILLAGE**

**SECTION 15** 

4TH CIVIL DISTRICT OF WILLIAMSON COUNTY. TOWN OF THOMPSON'S STATION, TENNESSEE

REVISED: JANUARY 16, 2017 DATE: DECEMBER 21, 2016 JOB NO. 10-081

SCALE: 1"=200' W.O. 9260

OWNER/DEVELOPER MBSC TN HOMEBUILDER, LLC

C/O BRIAN ROWE

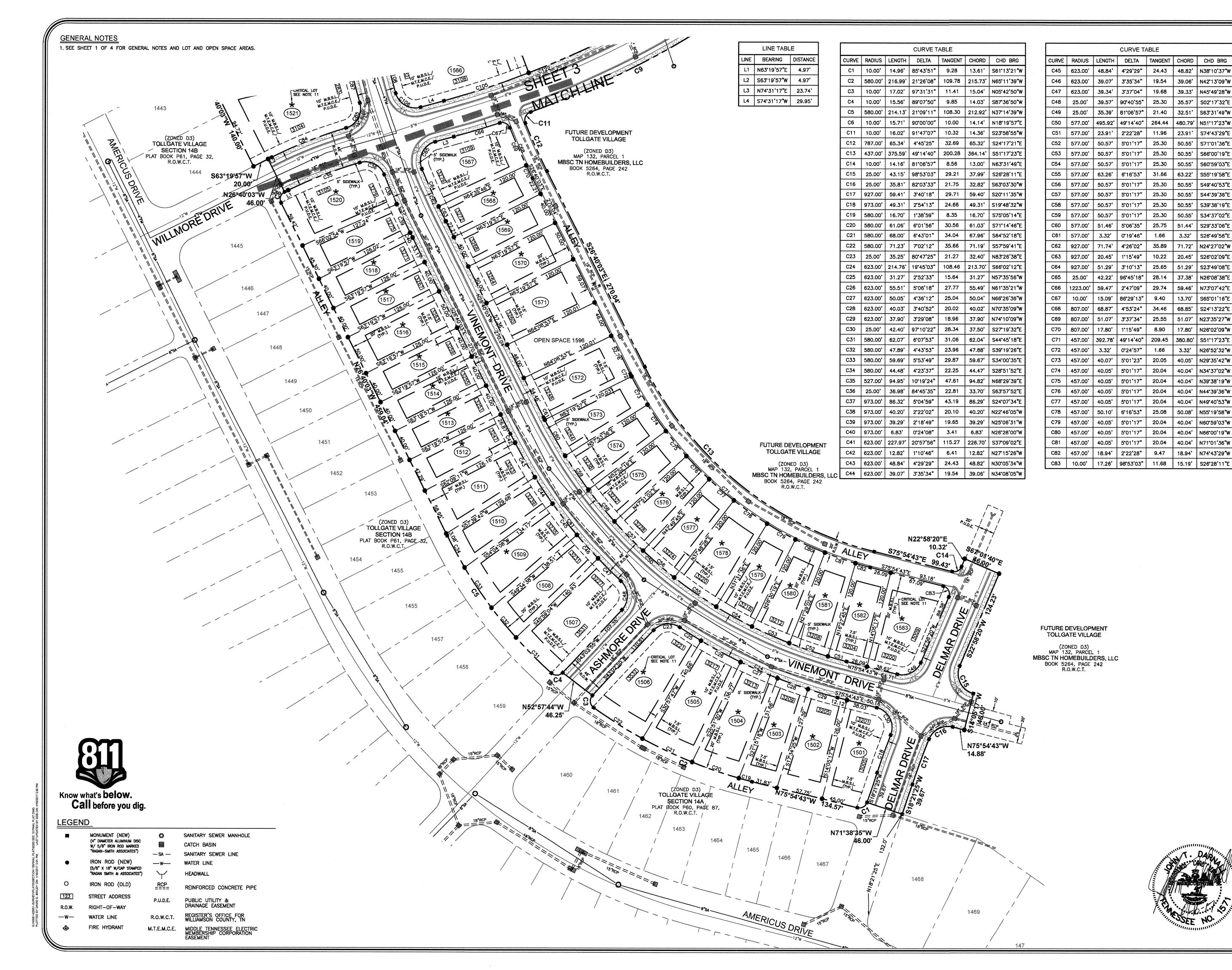
312 S. GAY STREET, SUITE 200 CHATTANOOGA, TENNESSEE 37902 (865) 408-8322

RAGAN•SMITH

LAND PLANNERS • CIVIL ENGINEERS LANDSCAPE ARCHITECTS • SURVEYORS 315 WOODLAND ST. P.O. BOX 60070 NASHVILLE, TN. 37206 (615) 244-8591 FAX (615)244-6739 tdarnall@ragansmith.com

CONTACT: TOM DARNALL, RLS

SHEET 1 OF 4





0 50 100 1

RECORDER'S INFORMATION

FINAL PLAT

# TOLLGATE VILLAGE SECTION 15

4TH CIVIL DISTRICT OF WILLIAMSON COUNTY, TOWN OF THOMPSON'S STATION, TENNESSEE

REVISED: JANUARY 16, 2017 DATE: DECEMBER 21, 2016 JOB NO. 10-081

2016 SCALE: 1"=50" W.O. 9260

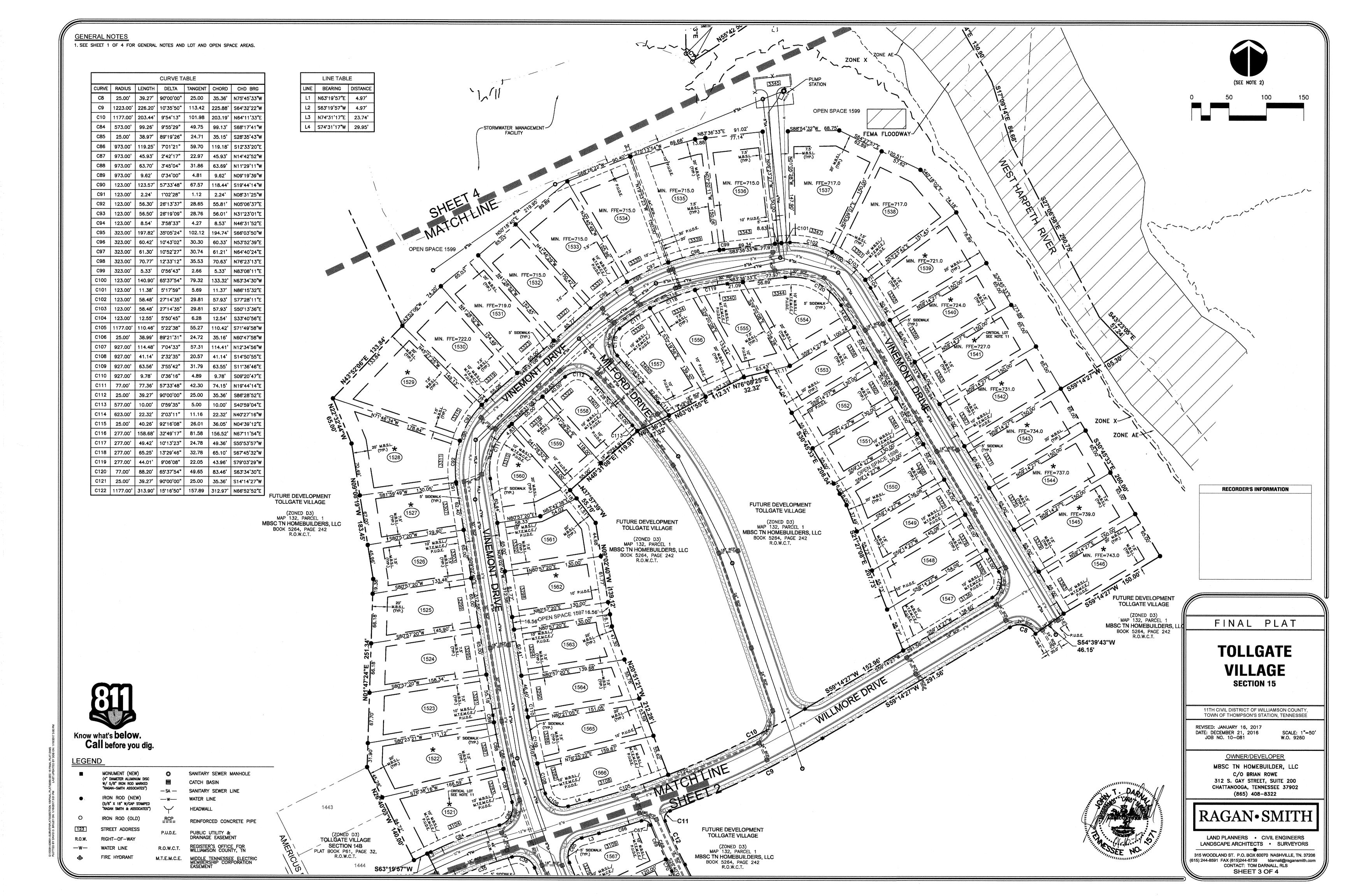
OWNER/DEVELOPER

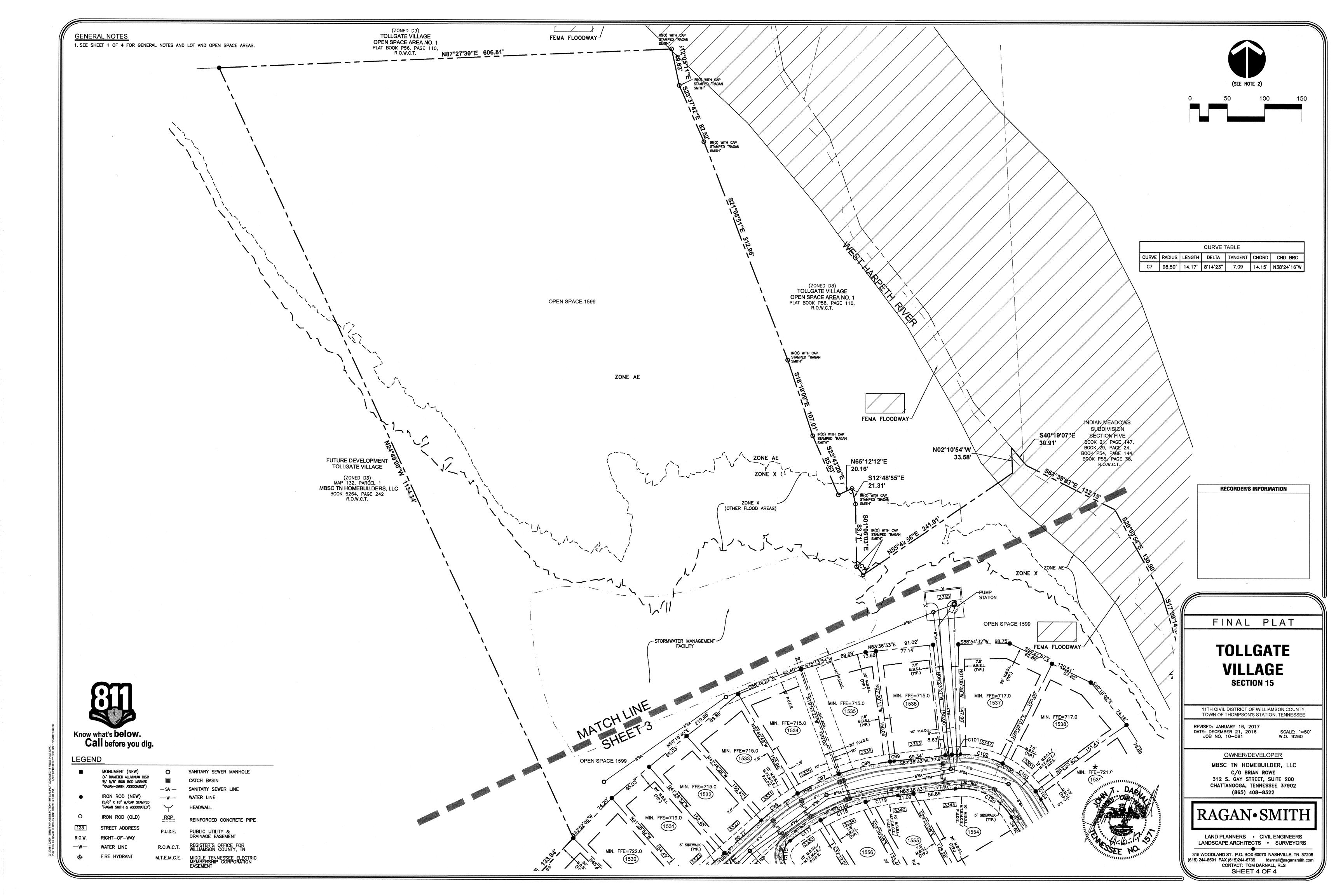
MBSC TN HOMEBUILDER, LLC
C/O BRIAN ROWE
312 S. GAY STREET, SUITE 200
CHATTANOOGA, TENNESSEE 37902
(865) 408-8322

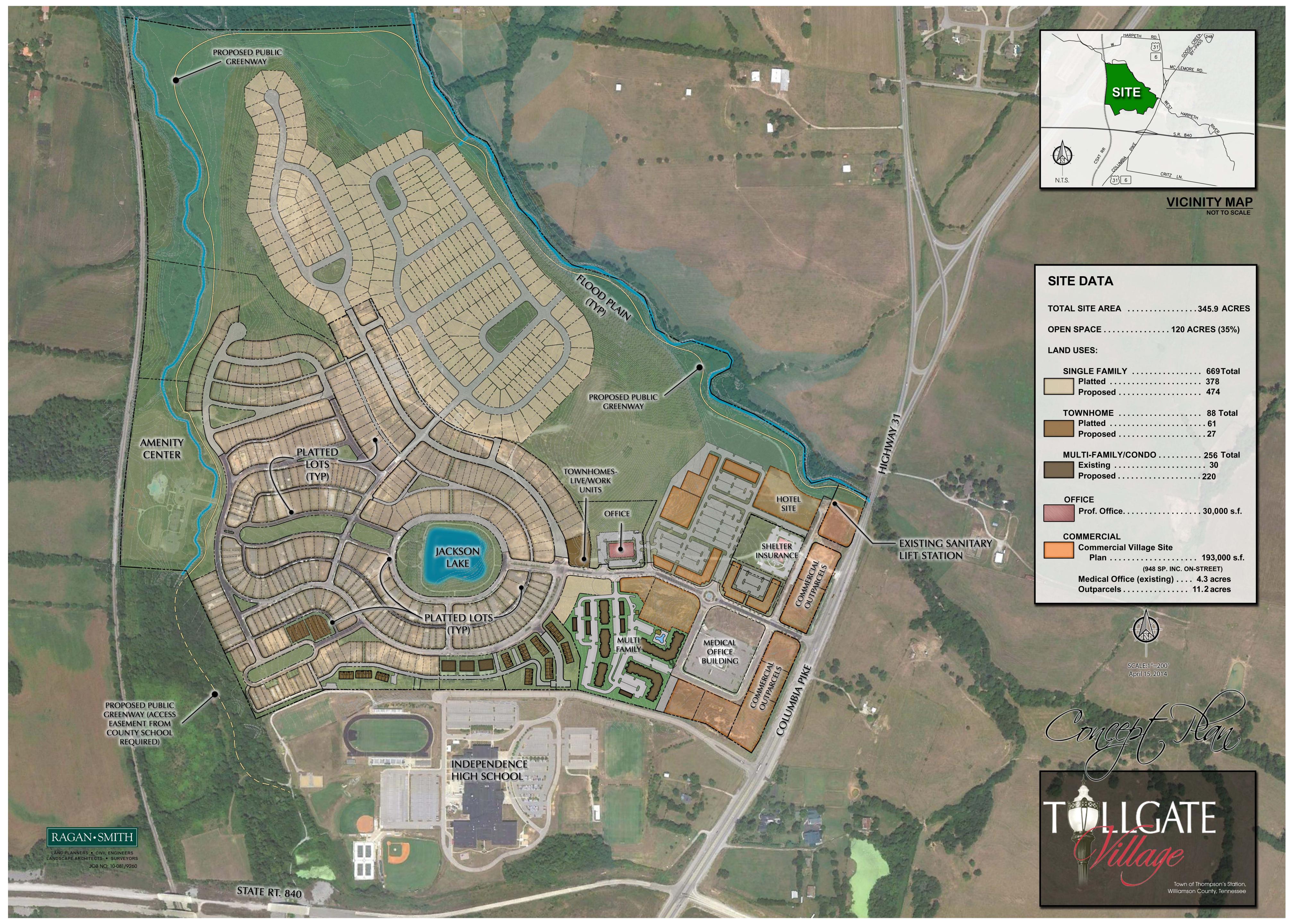
# RAGAN•SMITH

LAND PLANNERS • CIVIL ENGINEERS
LANDSCAPE ARCHITECTS • SURVEYORS

315 WOODLAND ST. P.O. BOX 60070 NASHVILLE, TN. 37206 (615) 244-8591 FAX (615)244-6739 tdarnall@ragansmith.com
CONTACT: TOM DARNALL, RLS
SHEET 2 OF 4





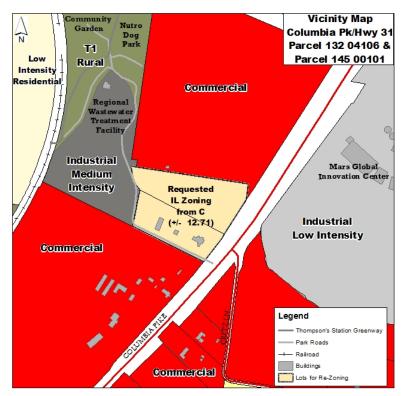


## Thompson's Station Planning Commission Staff Report – Item 2 (Zone Amend 2017-002; CP 2017-002) February 28, 2017

Amendment to the zoning map to rezone 12.7 acres of land along the west side of Columbia Pike from Community Commercial to Industrial Low (IL).

#### PROJECT DESCRIPTION

A request to amend the Town's zoning map to designate 12.7 acres of land located at 4541 Columbia Pike.



#### PURPOSE OF A ZONING MAP AMENDMENT OR REZONE REQUEST

Amendments to the zoning ordinance or the zoning map are considered on a case by case basis upon request or petition to the Planning Commission. Proposed map amendments must be "predicated by a finding that the proposed amendment is consistent with the intent of the Town's General Plan and the proposed amendment will not have a deleterious effect on surrounding properties or the Town as a whole" (LDO 5.3.3).

Changing the zoning of a particular parcel will allow the owner of the parcel to develop or use their property based on the corresponding use table within the Land Development Ordinance (Table 4.1 Land Use and Building Type). The Planning Commission is to evaluate the request based on the General Plan and make a formal recommendation to the Board of Mayor and Aldermen. The recommendation can be one of denial, approval, or approval with conditions.

#### THE REOUEST BEFORE THE PLANNING COMMISSION

The subject site is zoned Community Commercial – CC. The applicant, Kiser Vogrin Design, on behalf of Thompson's Machinery is requesting approval of Industrial Low – IL in order to

develop a retail/industrial building on the site for the sales, rental and maintenance of agricultural and construction equipment.

#### **STAFF FINDINGS**

The subject property is located along the west side of Columbia Pike, south of State Route 840. The subject property is located in the G2 – Intended Growth Sector of the General Plan which permits development of commercial and/or industrial land uses. The land surrounding the subject site is also located within the G2 sector. Goal 3, Policy 3.1 of the General Plan supports designating a "variety of land uses that are compatible with surrounding land uses, locating higher intensity uses near the major thoroughfares and freeways." The subject site is located along Columbia Pike, a major thoroughfare and is in proximity to State Route 840. The site is also located adjacent to the Town's wastewater facility zoned IM and is in proximity (across Columbia Pike) to the Mars Nutro innovation center zoned IL.

The applicant intends to seek approval for the construction of a facility to sell, rent and maintain agricultural and construction equipment, which is not permitted within the Community Commercial (CC) zone. The IL zone would permit the development of the proposed land uses and the site is adjacent to and across Columbia Pike from other industrial zoned land. Therefore, there are industrial uses within the vicinity. However, given the location of the site and the proposed storage of large equipment, it is also important to consider the future aesthetics along this corridor, which could be considered a gateway into Thompson's Station. Special care should be taken with the quality of the built environment. The development of the site will be subject to site plan approval before the Planning Commission and the Design Review Commission. The Design Guidelines seek to protect the view shed by dictating that all outdoor storage and equipment be located in the rear of the site, screened by architecturally compatible walls, fencing or landscaping. Therefore, as a requirement to the development of this site, Staff recommends a contingency be placed within the ordinance to maintain the front setback in a landscaped condition and require all equipment to be kept in the rear of the site behind appropriate and architecturally compatible screening. Therefore, with the incorporation of the contingency to protect the aesthetics of the corridor and general vicinity, the amendment will not have "a deleterious effect on surrounding properties."

#### **RECOMMENDATION**

The Planning Commission recommends to the Board of Mayor and Aldermen to rezone the land (Map 132 041.02 and Map 145 001.01) for 4541 Columbia Pike as Industrial Low (IL) with the following contingency:

1. All sales and rental equipment shall be stored and maintained in the rear of the site behind appropriate and architecturally compatible screening.

#### **ATTACHMENTS**

Application Statement Concept Plan Submittal



RE: Columbia Pike Parcels 132 04106 and 145 00101 Rezoning

KVD Project No.: 17001

Ms. Deats,

Please find included our re- submittal of the rezoning request and concept sketch for +/- 12.71 acres in 2 parcels identified as parcels 132 04106 and 145 00101 located near the southwest corner of Columbia Pike at the Interstate 840 Interchange.

Per your direction, find the following included herein:

- Cover Letter
- Project Description portion of the Rezoning Application Form
- Subject Parcel Exhibit
- Rezoning Request Exhibit
- Sketch Concept Plan (plus 12 additional copies)

Note that an electronic submittal of this cover letter and the attached submittal documents has been sent to you via email to <u>wdeats@thompsons-station.com</u>.

As always, we appreciate your time and consideration. Please call or email with any questions, comments, or concerns.

Thank you,

Jeffrey A. Rosiak **Kiser + Vogrin Design** 

(615) 545-4121 jeff@kiservogrin.com

<b>Project Description Information:</b>	
Subdivision / Project Name:	
Plat Book & Page #:	
Project Description:	
Rezoning of a +/- 12.71 acre property from existing CC	zoning to proposed IL zoning to allow for sales
rental and maintenance of agriculture and construction n	nachinery. 0.06 acres will be dedicated to TDOT
ROW improvements. While the proposed uses are large	ely consistent with the intent of CC zoning, a
rezoning is necessary due to the fact that equipment sale	s / rental / maintenance is not specifically allowed
in CC zoning.	
<u>Justification Statement:</u> State why the application(s) sh	ould be approved, based on the required findings
(if any). Attach additional pages if necessary.	
This proposed rezoning is consistent with the Town of T	Chompson's Station's General Plan and will
achieve several of the Land Use Goals of the Town. The	e rezoning of the subject parcel, which is located
in the G2 "Intended Growth" sector of Thompson's Stat	ion, is consistent with adjacent zoning policies as
the property is surrounded with similar IL policy and the	e more intense IM policy to the west of the
property. This rezoning will encourage an area of non-r	esidential uses in a location that makes the most
sense, with ready access to Interstate 840. These non-re	sidential uses will provide job opportunities and
will help to address the jobs: housing balance concerns i	

will also capitalize on traffic improvements already in process or already planned in Thompson's Station

and will, thereby, maximize the efficiency of investments already made in the community.





Columbia Ave. Property
Rezoning Request for Parcels 132 04106 and 145 00101

Thompson's Station, Tennessee







Columbia Ave. Property
Rezoning Request for Parcels 132 04106 and 145 00101

Thompson's Station, Tennessee



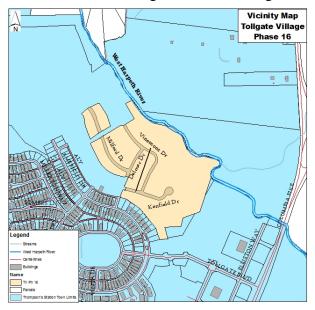


## Thompson's Station Planning Commission Staff Report –Item 3 (PP 2017-003) February 28, 2017

Preliminary plat for Phase 16 to create 105 single family lots, six open space lots and approval for the removal of eight trees exceeding 24 inches in diameter.

#### **PROJECT DESCRIPTION**

A request to approve the preliminary plat for Phase 16 of Tollgate Village to create 105 single family lots, six open space lots and removal of eight trees exceeding 24 inches in diameter.



#### **BACKGROUND**

On September 27, 2016, the Planning Commission suspended all plats within Tollgate Village due to issues related to infrastructure in several sections of the Tollgate Village which have not been completed by the developer and no sureties in place to ensure completion of the improvements.

At this time, Tollgate Village still does not have completed public roads to access this phase of the development and no sureties are in place to guarantee completion of such infrastructure.

On October 25, 2016, the Planning Commission denied the request for the preliminary plat approval for phase 16 of Tollgate Village for the following reason:

Based on the lack of completed public roads and other infrastructure necessary to serve this phase of Tollgate Village, and the absence of adequate surety to complete such roads and infrastructure which has resulted in the suspensions of plats within Tollgate Village, and based upon (1) the lack of traffic signal installation or surety (2) lack of an updated traffic study addressing secondary access and traffic mitigation (3) lack of evaluation of the main pump station to determine necessary upgrades the Planning Commission has denied the final plat for Phase 17 of Tollgate Village.

On January 24, 2017, the Planning Commission denied the request for a preliminary plat approval for phase 16 of Tollgate Village for the following reasons:

1. There are no completed public roads to access this phase of the development and no sureties in place to guarantee that such infrastructure will be completed. The Planning Commission previously suspended all future plat approvals within Tollgate until this issue was resolved.

- 2. The plat does not provide for the construction of a secondary access as shown on the approved site development plan and the developer does not have the ability to access Declaration Way at this time. The proposed traffic study does not adequately address the issue of when a secondary access should be required to be installed. Based on the most recently approved traffic study, a secondary access should be installed prior to final plat approval for Phase 16.
- 3. It has not been determined whether the existing wastewater infrastructure in Tollgate can support this phase of the development.

#### **ANALYSIS**

#### **Preliminary Plat**

The preliminary plat provides an analysis of the site's special features and the response to those features (LDO Section 5.4.3). This preliminary plat for phase 16 includes the creation of 105 single family lots and six open space lots totaling approximately 21 acres of open space. However, the layout of this phase is not consistent with the approved development plan (dated 4-15-14). Changes include a revision to the layout of the roads, including roads not identified on the development plan, removal of two open space areas, the addition of another open space lot and the phase is shifted eastward up the hill previously identified as open space. The applicant has submitted an open space exhibit showing that the shift is due to storm water infrastructure and that 120 acres (35%) of the land will still be platted as open space.

#### Roadways

The standard for local roadways is 50 feet. The Planning Commission approved 46 foot roadways with a five-foot grass strip for other roadways within this subdivision. The applicant is requesting the Planning Commission approve the 46-foot width for the roadways within this phase to be consistent with these approved right-of-way widths to continue/maintain the existing streetscape that has been established.

#### Critical Lots

Lots 1601-1602, 1607-1608, 1610-1613, 1617-1620, 1631-1639, 1646-1658, 1670-1674, 1679-1681, 1683-1686, 1688-1695, 1700 and 1704 are designated as critical lots on the plat. The slope identified on the plan indicates that these lots have slopes between 15 and 25%. The plan illustrates that areas exceeding 25% slope are within the proposed open space. All critical lots will require engineered site plans to address all site specific issues.

#### Lot Standards

The single family lots will vary in size from .16 acres to .38 acres with a minimum of 50 feet for lot widths. Proposed setbacks are 10 feet for the front yard, 7.5 feet for the side yard and 20 feet for the rear yard with a minimum of a 20-foot driveway. Block lengths do not exceed 800 feet, except where adjacent to open space as permitted within the ordinance. Blocks that exceed 500 feet in length will have a 16-foot pedestrian access provided.

#### **Traffic Improvements**

In 2015, a revised concept plan was submitted along with an updated traffic study (See attached study). The plan was not approved and the traffic study was not accepted or approved. In 2016, an updated traffic study, as required for approval of the phase 15 preliminary plat, was submitted in December. A "preferred" secondary access was noted in the report as a connection to Declaration Way. The schedule for the incorporating this secondary access is recommended after 248 additional units are constructed. The Town's Consulting Traffic Engineer reviewed the traffic study and

submitted comments to Staff. Staff provided the traffic engineer's comments along concerns/comments from Staff review.

On January 17, 2017, the applicant submitted responses to these comments which were submitted to and commented on by the Town's Traffic Engineer. In addition, Staff has met with the developer's traffic engineer and TDOT to discuss the secondary access along Columbia Pike, north of Tollgate Boulevard. After receiving comments from Staff and TDOT, the developer's traffic engineer is working on the revised traffic study in order to provide a study with "a specific scope being a schedule of improvements for traffic mitigation including a secondary access shall be reviewed and approved by the Town" as required by the contingency for the preliminary plat approval of phase 15.

#### Traffic Signal

The traffic signal at Tollgate Boulevard/Columbia Pike was approved by the Planning Commission in November 2015. The Planning Commission approved the signal with the following contingencies:

- 1. Prior to the approval of installation of the traffic improvements, the Town Engineer shall approve the construction plans.
- 2. Prior to the approval of construction plans, the applicant shall post a surety in the amount of \$126,000 for the traffic signal.
- 3. Prior to the approval of the construction plans, the applicant shall post a surety in the amount of \$95,000 which could be waived if TDOT requires a surety that meets or exceeds this amount for the turn lane improvements.
- 4. The signalization shall include a controller compatible with signal synchronization within Thompson's' Station.

TDOT has received all necessary information including a letter of credit in the amount of \$150,000 for the turn lane improvements and anticipates issuing the grading permit. Since TDOT will be requiring a \$150,000 surety, contingency #3 will be satisfied. Staff recommends that prior to any future final plat approvals, a contingency for installation and operation of the signal be incorporated.

#### <u>Sewer</u>

During the construction drawing approval phase, it was noted that an analysis of the wastewater system was needed for Tollgate Village. The development team tested the pump station and an evaluation of the collection system is ongoing to identify the necessary improvements. Prior to any plat approvals, all necessary upgrades should be identified with a contingency for completion of the improvements prior to final plat approvals.

#### Tree Removal

Development of phase 16 requires the removal of eight trees for a total of 218 inches. The Land Development Ordinance requires the replacement of trees exceeding 24 inches at a ratio of one and a half inches for every inch removed. Therefore, 327 inches of trees is required to be replaced on the site. The replacement plan includes 164 trees to be planted within the open space on the eastern edge of phase 16. The replacement trees will be 2-inch caliper in size and are a variety of deciduous and evergreen trees such as American Sycamore, Southern Magnolia, Leylandi Cypress, Red Oak, White Pine, American Sweet Gum, and Eastern Red Bud. Total tree replacement will be 328 inches.

#### RECOMMENDATION

Plats are suspended within Tollgate Village, therefore, Staff recommends that the Planning Commission deny Phase 16 within Tollgate Village for the following reasons:

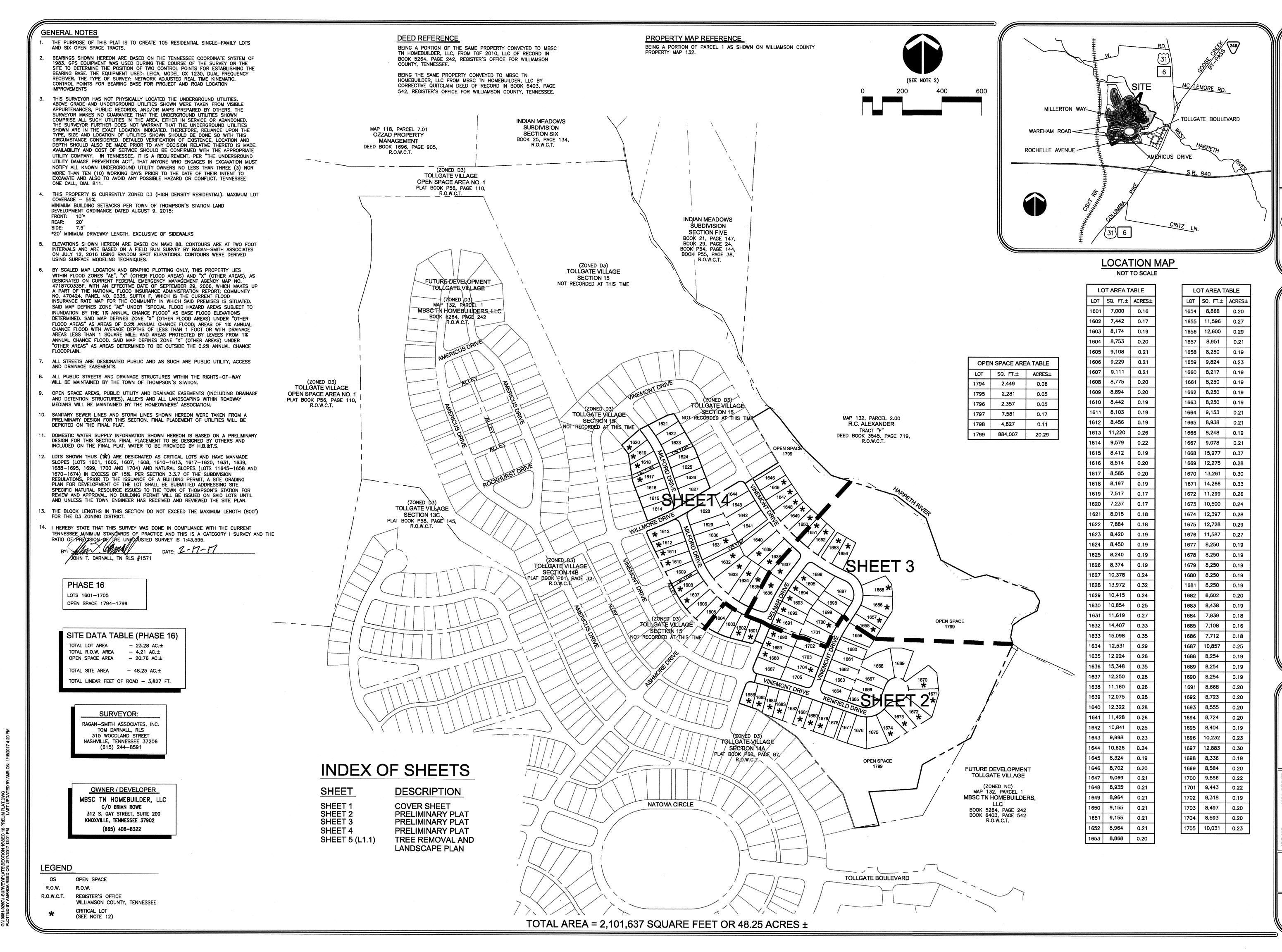
- 1. There are no completed public roads to access this phase of the development and no sureties in place to guarantee that such infrastructure will be completed. The Planning Commission previously suspended all future plat approvals within Tollgate until this issue was resolved.
- 2. The plat does not provide for the construction of a secondary access as shown on the approved site development plan and the developer does not have the ability to access Declaration Way at this time. The traffic study does not adequately address the issue of when a secondary access should be required to be installed.
- 3. The necessary improvements to the existing wastewater infrastructure in Tollgate have not been identified.

Once plat suspension is lifted, the following are recommended to be incorporated as contingencies to project approval:

- 1. Prior to the approval of construction plans, a development agreement shall be approved and executed between the Town and the Developer
- 2. Prior to the recordation of the final plat for phase 16, the traffic signal be installed and operational in accordance with the approved intersection improvement plans.
- 3. Prior to the recordation of the final plat for phase 16, the secondary access onto Columbia Pike shall be constructed.
- 4. Prior to the recordation of the final plat for phase 16, all sewer improvements must be installed.
- 5. The construction route adjacent to Tollgate Boulevard, north of Phase 14 shall be utilized by all construction traffic.
- 6. All tree replacement requirements as approved by the Planning Commission shall be satisfied to the satisfaction of the Town.

#### **ATTACHMENTS**

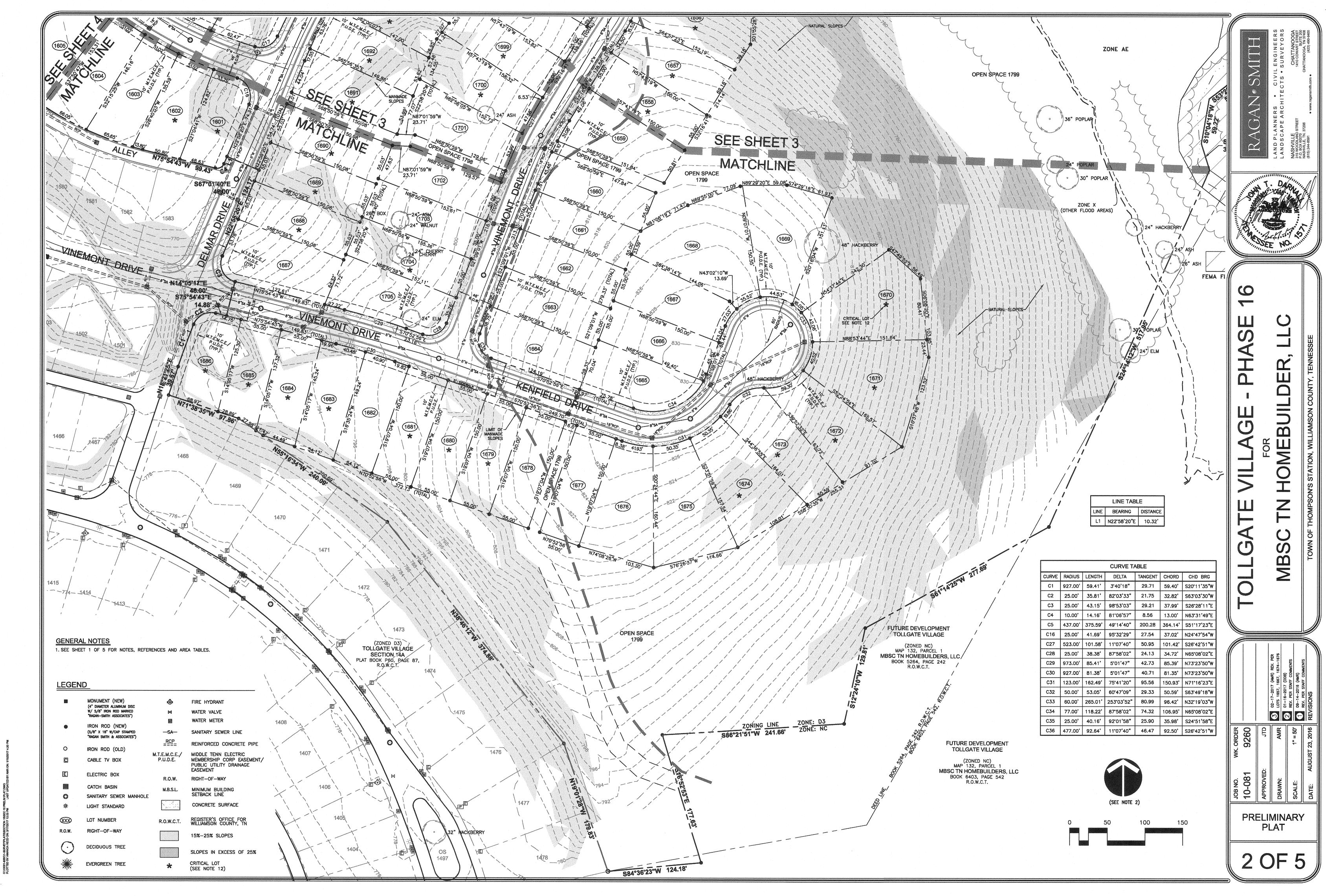
Preliminary Plat Site Development Plan (4/15/2014)

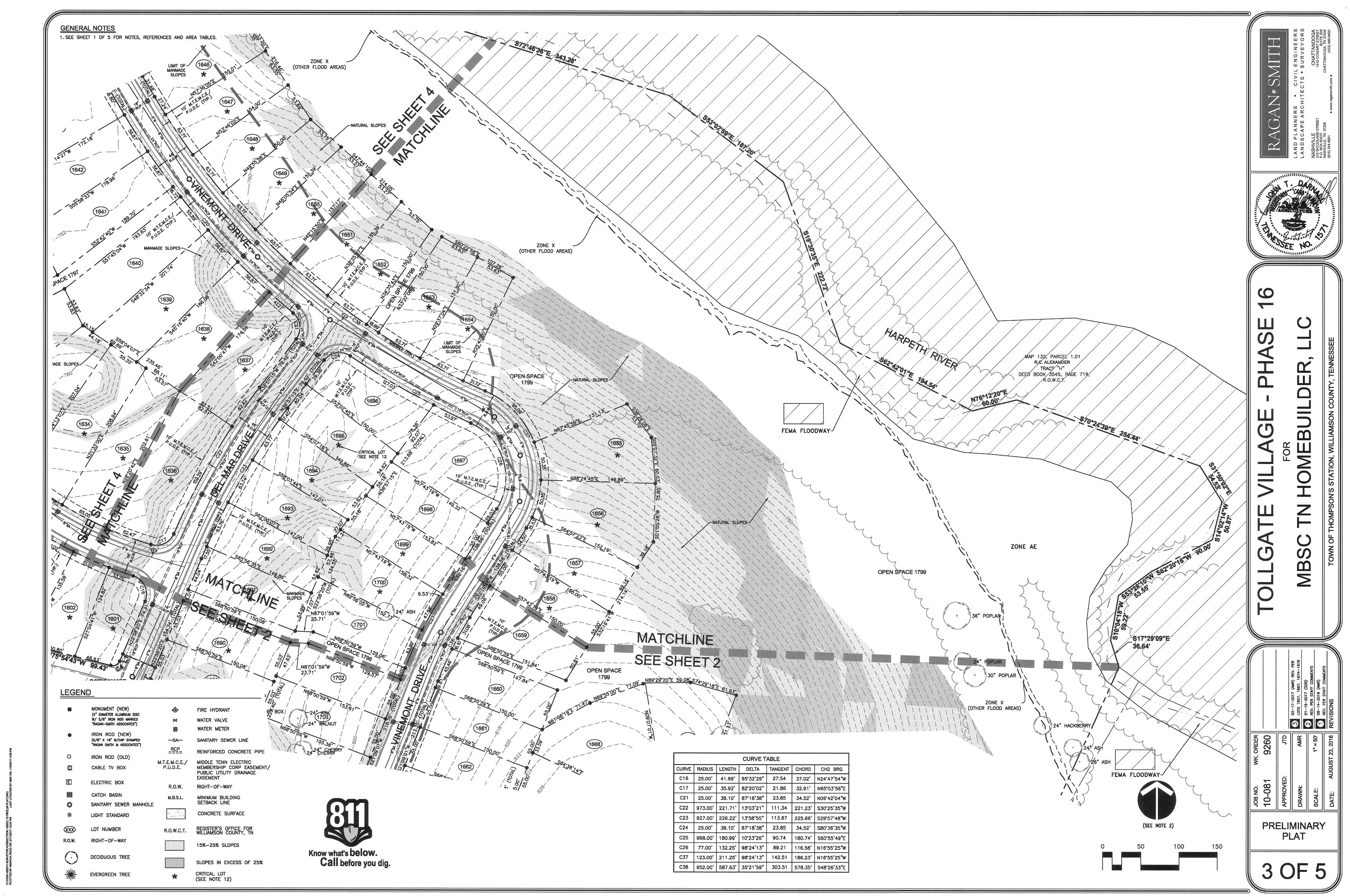


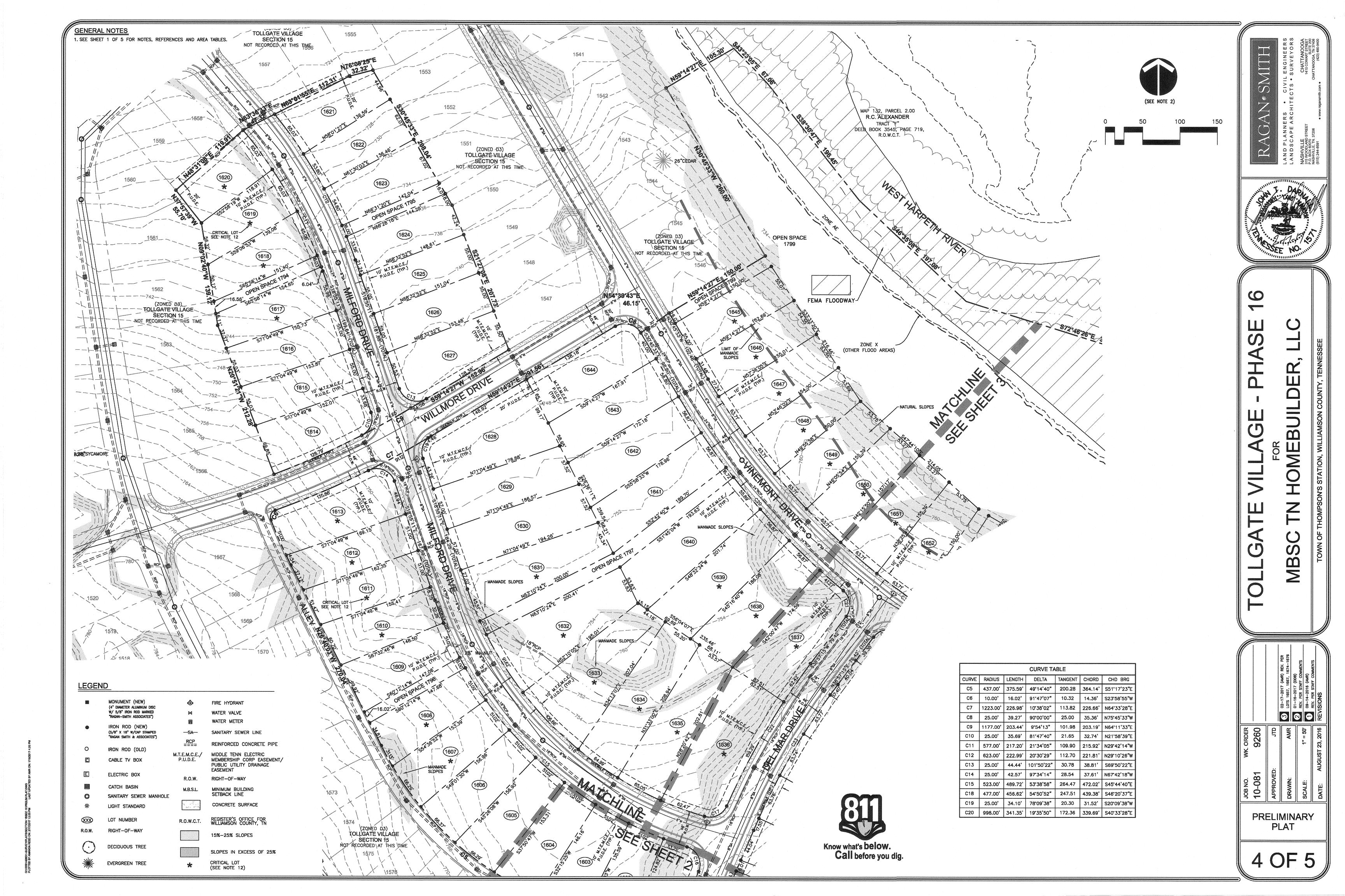
000 9260 JOB NO.

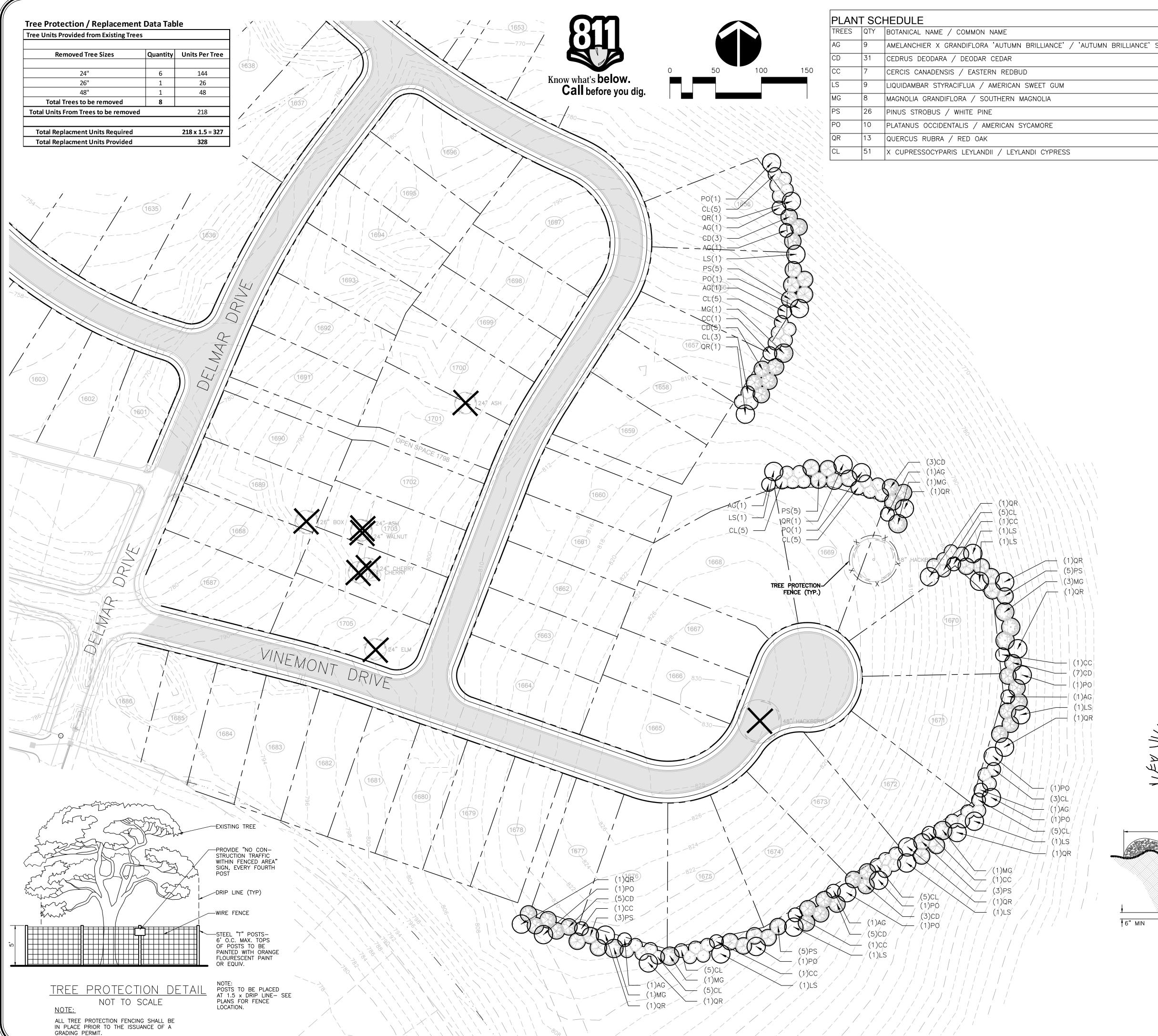
**PRELIMINARY** PLAT

OF 5









#### SPACING REMARKS AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE' / 'AUTUMN BRILLIANCE' SERVICEBERRY DECIDUOUS AS SHOWN |B&B " CAL. EVERGREEN AS SHOWN 2" CAL. DECIDUOUS AS SHOWN | B&B 2" CAL. DECIDUOUS AS SHOWN |B&B 2" CAL. EVERGREEN AS SHOWN | FULL TO BASE 2" CAL. EVERGREEN AS SHOWN CAL. DECIDUOUS AS SHOWN | B&B CAL. ノ" CAL. DECIDUOUS AS SHOWN |B&B EVERGREEN 2" CAL. AS SHOWN | FULL TO BASE

# PLANTING NOTES

FINAL ACCEPTANCE.

6' DIA. MULCH F

TREE PLANTING

NOT TO SCALE

- 1. ANY SERIES OF TREES TO BE PLACED IN A PARTICULAR ARRANGEMENT WILL BE FIELD CHECKED FOR ACCURACY. ANY PLANTS MISARRANGED WILL BE
- 2. SOIL USED IN BACKFILLING PLANTING PITS SHALL BE TOPSOIL AND MIXED WITH 25% PEAT BY VOLUME. EXCEPT FOR ERICACEOUS PLANTS, VERY ACID OR SOUR SOIL (SOIL HAVING A pH less than 6) SHALL BE MIXED WITH SUFFICIENT LIME TO PRODUCE A SLIGHTLY ACID REACTION (A pH of 6.0 to 6.5). ADD 10-10-10 COMMERCIAL FERTILIZER AT THE RATE OF 2 POUNDS PEŔ CUBIC YARD. MIX BOTH FERTILIZER AND PEAT THOROUGHLY BY HAND OR ROTARY TILLER.
- 3. SOIL USED IN BACKFILLING ERICACEOUS PLANTS SHALL BE TOPSOIL MIXED WITH 50% PEAT BY VOLUME. ADD 5-10-5 COMMERCIAL FERTILIZER AT THE RATE OF 5 POUNDS PER CUBIC YARD. MIX BOTH FERTILIZER AND PEAT THOROUGHLY BY HAND OR ROTARY TILLER.
- 4. UPON SECURING PLANT MATERIAL AND BEFORE INSTALLATION, THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE FOR A PRE-INSTALLATION INSPECTION TO VERIFY ALL PLANT MATERIAL MEETS SPECIFICATION. MATCH TREES OF SAME SPECIES IN GROWTH CHARACTER AND UNIFORMITY.
- 5. APPLY HERBICIDE (TREFLAN OR EQUIVALENT) TO ALL PLANT BEDS PRIOR TO PLANTING FOR NOXIOUS WEED CONTROL AT A RATE OF 2 POUNDS PER 1,000 SQUARE FEET. 6. CONTRACTOR SHALL SUBMIT A 10 OUNCE SAMPLE OF THE TOPSOIL
- PROPOSED TO A TESTING LABORATORY FOR ANALYSIS. SUBMIT TEST RESULTS WITH RECOMMENDATIONS FOR SUITABILITY TO THE OWNER'S REPRESENTATIVE FOR APPROVAL. 7. PLANTS SHALL BE ORIENTED FOR BEST APPEARANCE AND VERTICAL. ALL
- NON-BIODEGRADABLE ROOT CONTAINERS SHALL BE REMOVED. 8. SELECTIVELY TRIM TREE BRANCHES BY 25%, MAINTAINING NATURAL SHAPE. PRUNE ALL DEAD AND BROKEN BRANCHES IN TREES AND SHRUBS. REMOVE TAGS, TWINE OR OTHER NON-BIODEGRADABLE MATERIAL. 9. SCARIFY SUBSOIL IN PLANTING BEDS TO A DEPTH OF 3 INCHES. ALL
- PLANTING BEDS SHALL RECEIVE A MINIMUM OF 6 INCHES OF TOPSOIL. 10.CONTRACTOR SHALL PROVIDE SMOOTH, NEATLY TRENCHED (3 INCH DEEP)
- 11.ALL PLANTING BEDS TO HAVE A MINIMUM 4 INCH DEEP PINE BARK MULCH, PINE STRAW MULCH OR OTHER MULCH AS SPECIFIED. 12.DIMENSIONS FOR TRUNK CALIPER, HEIGHTS, AND SPREAD SPECIFIED ON THE MATERIAL SCHEDULE ARE A GENERAL GUIDE FOR THE MINIMUM REQUIRED SIZE OF EACH PLANT. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH A.N.S.I. Z80 "AMERICAN STANDARD FOR NURSERY STOCK" (CURRENT EDITION) AS PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC.
- 13.THE QUANTITIES INDICATED ON THE MATERIAL SCHEDULE ARE PROVIDED FOR THE BENEFIT OF THE CONTRACTOR, BUT SHOULD NOT BE ASSUMED TO ALWAYS BE CORRECT. IN THE EVENT OF A DISCREPANCY, THE PLANTING PLAN (PLANT SYMBOLS) WILL TAKE PRECEDENCE OVER THE MATERIAL SCHEDULE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS/HER OWN QUANTITY CALCULATIONS AND THE LIABILITY PERTAINING TO THOSE QUANTITIES AND ANY RELATED CONTRACT DOCUMENTS AND/OR PRICE QUOTATIONS. 14.CONTRACTOR TO WARRANTY ALL MATERIAL FOR ONE YEAR AFTER DATE OF

-DO NOT HEAVILY PRUNE THE TREE AT PLANTING. PRUNE ONLY CROSSOVER LIMBS, CO-DOMINANT LEADERS, AND BROKEN OR DEAD BRANCHES. SOME INTERIOR TWIGS AND LATERAL BRANCHES MAY BE PRUNED; HOWEVER, DO NOT REMOVE THE TERMINAL BUDS OF BRANCHES THAT EXTEND TO THE EDGE OF THE CROWN. -MARK THE NORTH SIDE OF THE TREE IN THE NURSERY, AND ROTATE TREE

TO FACE NORTH AT THE SITE WHEN EVER POSSIBLE. -EACH TREE MUST BE PLANTED SUCH

THAT THE TRUNK FLARE IS VISIBLE AT THE TOP OF THE ROOT BALL. NO MULCH SHALL BE WITHIN A MINIMUM OF 3" FROM THE TRUNK OF THE TREE. DO NOT COVER THE TOP OF ROOT BALL WITH SOIL. SET TOP OF ROOT BALL FLUSH TO GRADE OR 1-2" HIGHER IN SLOWLY DRAINING SOILS.

~4" PINE STRAW MULCH, DO NOT PLACE MULCH IN CONTACT WITH TREE TRUNK. -3" RAISED EARTH RING

WIRE, AND BURLAP FROM TOP 为 OF ROOT BALL. SCARIFY SIDES BEFORE PLANTING.

-REMOVE ALL TWINE, ROPE,

-TAMP SOIL AROUND ROOT BALL BASE FIRMLY WITH FOOT PRESSURE SO THAT ROOT BALL DOES NOT SHIFT. BACKFILL WITH TOPSOIL IN 9" LAYERS. WATER EACH LAYER UNTIL SETTLED. DO NOT TAMP AFTER WATERING.

-PLACE ROOT BALL ON UNEXCAVATED OR TAMPED SOIL.

1. DO NOT STAKE TREES UNLESS APPROVED BY THE LANDSCAPE ARCHITECT. IF STAKED, REMOVE AFTER ONE GROWING SEASON. 2. DO NOT WRAP TREE TRUNKS UNLESS APPROVED BY THE

LANDSCAPE ARCHITECT. REMOVE WRAP AFTER PLANTING. 3. NON-BIODEGRADABLE BURLAP TO BE REMOVED OR ROLLED UNDER ROOT BALL AFTER PLANT IS PLACED IN HOLE.

1

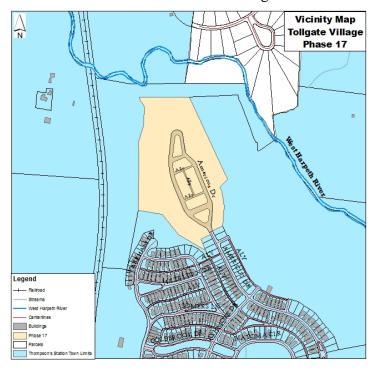
TREE REMOVAL & LANDSCAPE PLAN

## Thompson's Station Planning Commission Staff Report –Item 4 (PP 2017-004) February 28, 2017

Preliminary plat for Phase 17 to create 71 single family lots, five open space lots and approval for the removal of seven trees exceeding 24 inches in diameter.

#### **PROJECT DESCRIPTION**

A request to approve the preliminary plat for Phase 17 of Tollgate Village to create 71 single family lots, five open space lots and removal of seven trees exceeding 24 inches in diameter.



#### **BACKGROUND**

On September 27, 2016, the Planning Commission suspended all plats within Tollgate Village due to issues related to infrastructure in several sections of the Tollgate Village which have not been completed by the developer and no sureties in place to ensure completion of the improvements.

At this time, Tollgate Village still does not have completed public roads to access this phase of the development and no sureties are in place to guarantee completion of such infrastructure.

On October 25, 2016, the Planning Commission denied the request for the preliminary plat approval for phase 17 of Tollgate Village for the following reason:

Based on the lack of completed public roads and other infrastructure necessary to serve this phase of Tollgate Village, and the absence of adequate surety to complete such roads and infrastructure which has resulted in the suspensions of plats within Tollgate Village, and based upon (1) the lack of traffic signal installation or surety (2) lack of an updated traffic study addressing secondary access and traffic mitigation (3) lack of evaluation of the main pump station to determine necessary upgrades the Planning Commission has denied the final plat for Phase 17 of Tollgate Village.

On January 24, 2017, the Planning Commission denied the request for a preliminary plat approval for phase 17 of Tollgate Village for the following reasons:

- 1. There are no completed public roads to access this phase of the development and no sureties in place to guarantee that such infrastructure will be completed. The Planning Commission previously suspended all future plat approvals within Tollgate until this issue was resolved.
- 2. The plat does not provide for the construction of a secondary access as shown on the approved site development plan and the developer does not have the ability to access Declaration Way at this time. The proposed traffic study does not adequately address the issue of when a secondary access should be required to be installed. Based on the most recently approved traffic study, a secondary access should be installed prior to final plat approval for Phase 16.
- 3. It has not been determined whether the existing wastewater infrastructure in Tollgate can support this phase of the development.

#### **ANALYSIS**

#### **Preliminary Plat**

The preliminary plat provides an analysis of the site's special features and the response to those features (LDO Section 5.4.3). This preliminary plat for phase 17 includes the creation of 71 single family lots and five open space lots totaling 16.8 acres of open space. However, the layout of this phase is modified from the approved development plan (dated 4-15-14). Changes include a revision to the layout of the roads and alleys and the addition of another open space lot.

#### Roadways

The standard for local roadways is 50 feet. The Planning Commission approved 46 foot roadways with a five-foot grass strip for other roadways within this subdivision. The applicant is requesting the Planning Commission approve the 46-foot width for the roadways within this phase to be consistent with these approved right-of-way widths to continue/maintain the existing streetscape that has been established.

#### Critical Lots

Lots 1709-1710, 1716-1731, 1734-1738, 1745-1750, 1755-1756, 1759, and 1764-1776 are designated as critical lots on the plat. The slope identified on the plan indicates that these lots have slopes between 15 and 25%. The plan illustrates that areas exceeding 25% slope are within the proposed open space. All critical lots will require engineered site plans to address all site specific issues.

#### Lot Standards

The single family lots will vary in size from .14 acres to .34 acres with a minimum of 50 feet for lot widths. Proposed setbacks are 10 feet for the front yard, 7.5 feet for the side yard and 20 feet for the rear yard with a minimum of a 20-foot driveway. Block lengths do not exceed 800 feet, except where adjacent to open space or where a preexisting block occurs as permitted within the ordinance. Blocks that exceed 500 feet in length will have a 16-foot pedestrian access provided.

#### **Traffic Improvements**

In 2015, a revised concept plan was submitted along with an updated traffic study (See attached study). The plan was not approved and the traffic study was not accepted or approved. In 2016, an updated traffic study, as required for approval of the phase 15 preliminary plat, was submitted in December. A "preferred" secondary access was noted in the report as a connection to Declaration Way. The schedule for the incorporating this secondary access is recommended after 248 additional units are constructed. The Town's Consulting Traffic Engineer reviewed the traffic study and

submitted comments to Staff. Staff provided the traffic engineer's comments along concerns/comments from Staff review.

On January 17, 2017, the applicant submitted responses to these comments which were submitted to and commented on by the Town's Traffic Engineer. In addition, Staff has met with the developer's traffic engineer and TDOT to discuss the secondary access along Columbia Pike, north of Tollgate Boulevard. After receiving comments from Staff and TDOT, the developer's traffic engineer is working on the revised traffic study in order to provide a study with "a specific scope being a schedule of improvements for traffic mitigation including a secondary access shall be reviewed and approved by the Town" as required by the contingency for the preliminary plat approval of phase 15.

## Traffic Signal

The traffic signal at Tollgate Boulevard/Columbia Pike was approved by the Planning Commission in November 2015. The Planning Commission approved the signal with the following contingencies:

- 1. Prior to the approval of installation of the traffic improvements, the Town Engineer shall approve the construction plans.
- 2. Prior to the approval of construction plans, the applicant shall post a surety in the amount of \$126,000 for the traffic signal.
- 3. Prior to the approval of the construction plans, the applicant shall post a surety in the amount of \$95,000 which could be waived if TDOT requires a surety that meets or exceeds this amount for the turn lane improvements.
- 4. The signalization shall include a controller compatible with signal synchronization within Thompson's' Station.

TDOT has received all necessary information including a letter of credit in the amount of \$150,000 for the turn lane improvements and anticipates issuing the grading permit. Since TDOT will be requiring a \$150,000 surety, contingency #3 will be satisfied. Staff recommends that prior to any future final plat approvals, a contingency for installation and operation of the signal be incorporated.

## <u>Sewer</u>

During the construction drawing approval phase, it was noted that an analysis of the wastewater system was needed for Tollgate Village. The development team tested the pump station and an evaluation of the collection system is ongoing to identify the necessary improvements. Prior to any plat approvals, all necessary upgrades should be identified with a contingency for completion of the improvements prior to final plat approvals.

## Tree Removal

Development of phase 17 requires the removal of seven trees for a total of 264 inches. The Land Development Ordinance requires the replacement of trees exceeding 24 inches at a ratio of one and a half inches for every inch removed. Therefore, 396 inches of trees is required to be replaced on the site. The replacement plan includes 105 trees to be planted within the two open space lots of phase 17. The replacement trees will be either 2 or 3-inch caliper in size and are a variety of deciduous and evergreen trees such as American Sycamore, Southern Magnolia, Leylandi Cypress, Red Oak, White Pine, American Sweet Gum, and Eastern Red Bud. Total tree replacement from these 105 trees is 290 inches within phase 17. The developer is requesting that the 61 inches of trees to satisfy tree replacement be planted within the open space for Section 7. These trees will be

between 2, 3 or 4-inch caliper in size with one 6-inch caliper tree as a specimen tree. The variety will consist of an Allee Elm as the six-inch specimen tree, Shumard Oak, Zelkova and Nuttall Oak. And lastly, the remaining 45 inches will be planted in the open space along Americus Drive and in the alley open space lot of Section 12. Total tree replacement will be 396 inches.

## RECOMMENDATION

Plats are suspended within Tollgate Village, therefore, Staff recommends that the Planning Commission deny Phase 17 within Tollgate Village for the following reasons:

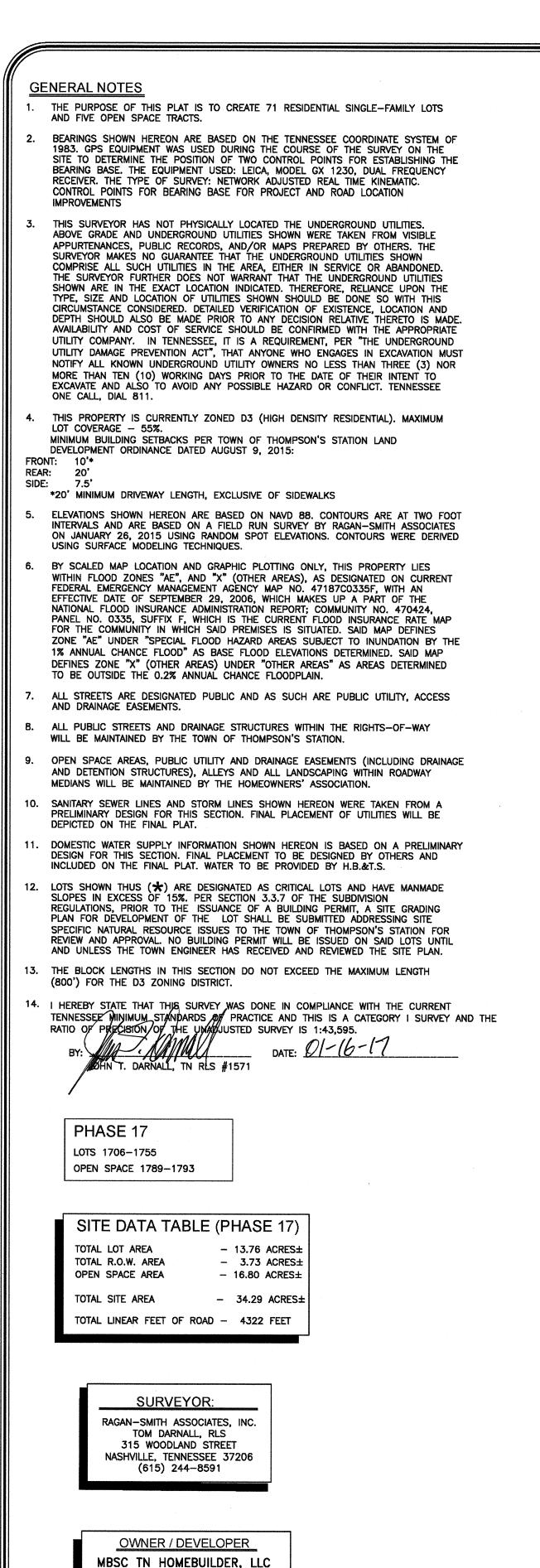
- 1. There are no completed public roads to access this phase of the development and no sureties in place to guarantee that such infrastructure will be completed. The Planning Commission previously suspended all future plat approvals within Tollgate until this issue was resolved.
- 2. The plat does not provide for the construction of a secondary access as shown on the approved site development plan and the developer does not have the ability to access Declaration Way at this time. The traffic study does not adequately address the issue of when a secondary access should be required to be installed.
- 3. The necessary improvements to the existing wastewater infrastructure in Tollgate have not been identified.

Once plat suspension is lifted, the following are recommended to be incorporated as contingencies to project approval:

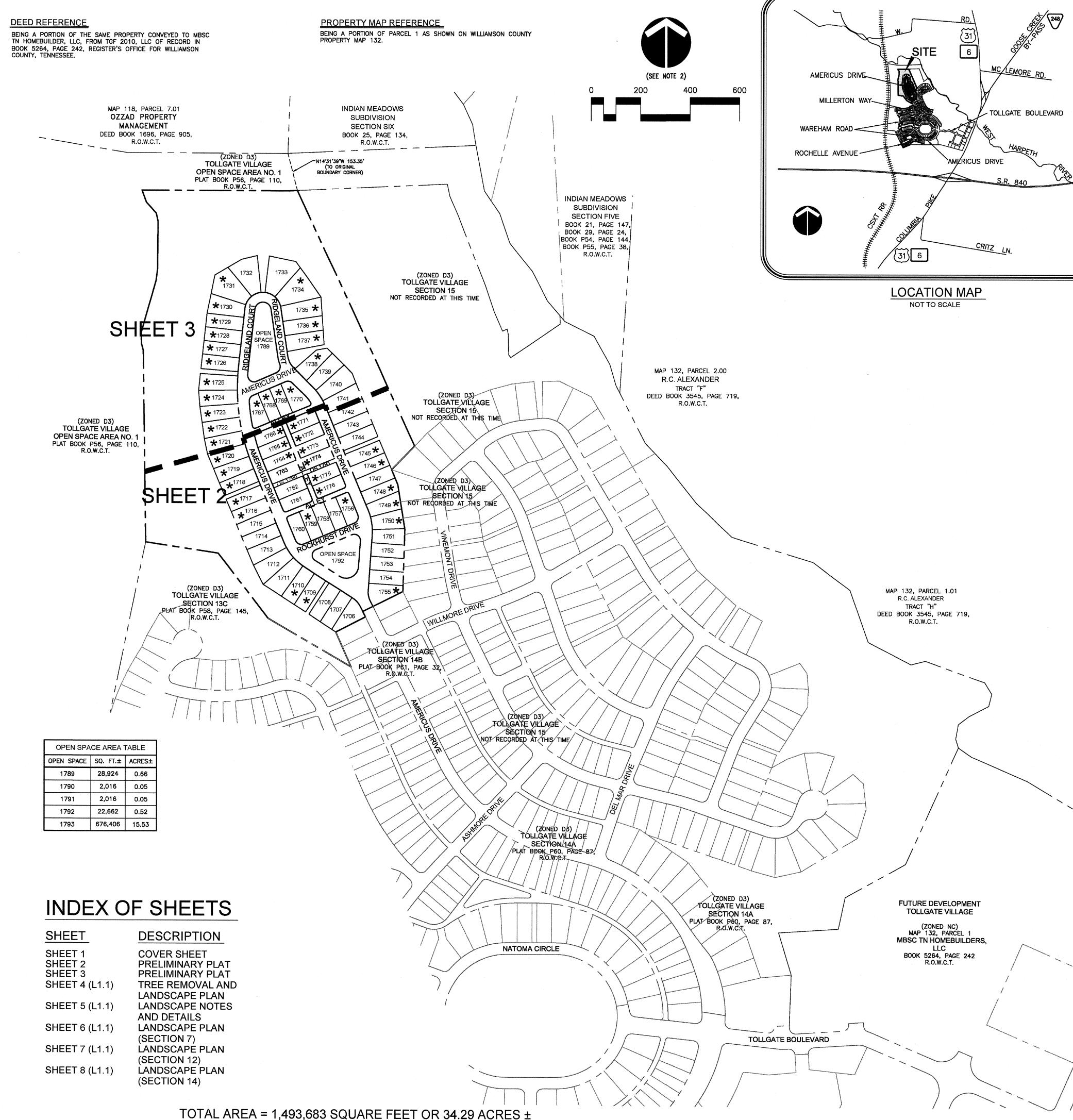
- 1. Prior to the approval of construction plans, a development agreement shall be approved and executed between the Town and the Developer.
- 2. Prior to the recordation of the final plat for phase 17, the traffic signal be installed and operational in accordance with the approved intersection improvement plans.
- 3. Prior to the recordation of the final plat for phase 17, the secondary access onto Columbia Pike shall be constructed.
- 4. Prior to the recordation of the final plat for phase 17, all sewer improvements must be installed.
- 5. The construction route adjacent to Tollgate Boulevard, north of Phase 14 shall be utilized by all construction traffic.
- 6. All tree replacement requirements as approved by the Planning Commission shall be satisfied to the satisfaction of the Town.

## **ATTACHMENT**

Preliminary Plat Site Development Plan (4/15/2014)



LOT AREA TABLE LOT SQ. FT.± ACRES± 1706 8,261 0.19 1707 8,316 0.19 1708 8,298 0.19 1709 8,274 0.19 8,804 0.20 1711 10,603 0.24 1712 10,679 0.25 1713 | 9,148 | 0.21 8,250 0.19 1714 1715 8,250 0.19 1716 8,250 0.19 1717 8,250 0.19 1718 8,250 0.19 1719 8,716 0.20 1720 9,031 0.21 1721 9,132 0.21 1722 9,202 0.21 1723 9,197 0.21 1724 9,345 0.21 1725 9,243 0.21 1726 8,614 0.20 1727 8,250 0.19 1728 8,250 0.19 1729 8,250 0.19 1730 9,841 0.23 1731 | 13,716 | 0.31 1732 | 12,940 | 0.30 1733 | 14,161 | 0.33 1734 | 14,599 | 0.34 1735 | 11,258 | 0.26 1736 9,216 0.21 1737 9,534 0.22 1738 8,436 0.19 1739 9,027 0.21 1740 | 10,478 | 0.24 1741 9,041 0.21 1742 8,250 0.19 1743 8,250 0.19 1744 8,250 0.19 1745 8,250 0.19 1746 8,250 0.19 1747 8,250 0.19 1748 8,172 0.19 1749 8,541 0.20 1750 8,412 0.19 1751 7,866 0.18 1752 7,341 0.17 1753 7,458 0.17 1754 7,575 0.17 1755 8,429 0.19 1756 6,837 0.16 1757 | 6,678 | 0.15 1758 | 6,678 | 0.15 1759 6,678 0.15 1760 7,077 0.16 1761 7,013 0.16 1762 6,678 0.15 1763 6,678 0.15 1764 6,678 0.15 1765 6,624 0.15 1766 6,710 0.15 1767 7,220 0.17 1768 6,300 0.14 1769 6,300 0.14 1770 8,014 0.18 1771 7,013 0.16 1772 | 6,678 | 0.15 1773 | 6,678 | 0.15 1774 | 6,678 | 0.15 1775 6,678 0.15 1776 7,013 0.16



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**PRELIMINARY** 

PLAT

RVEY'PLATSISECTION 17APRELIMINARY PLATISEC 17 PRELIM PLAT.DWG D. BRILEY ON: 1/16/2017 2:54 PM LAST UPDATED BY DDB ON: 1/16/2017

LEGEND

R.O.W. R.O.W.

R.O.W.C.T. REGISTER'S OFFICE WILLIAMSON COUNTY, TENNESSEE

OPEN SPACE

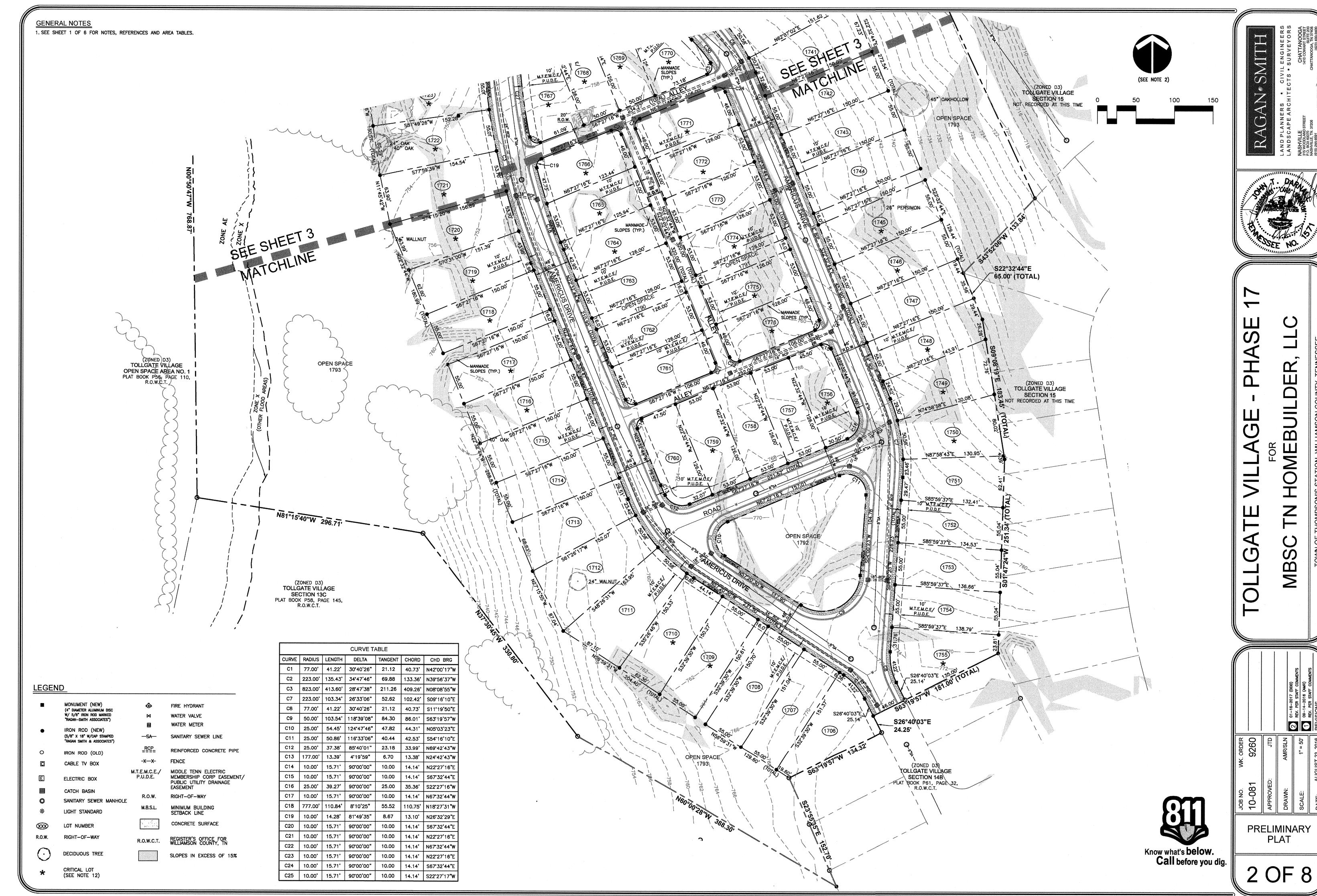
C/O BRIAN ROWE

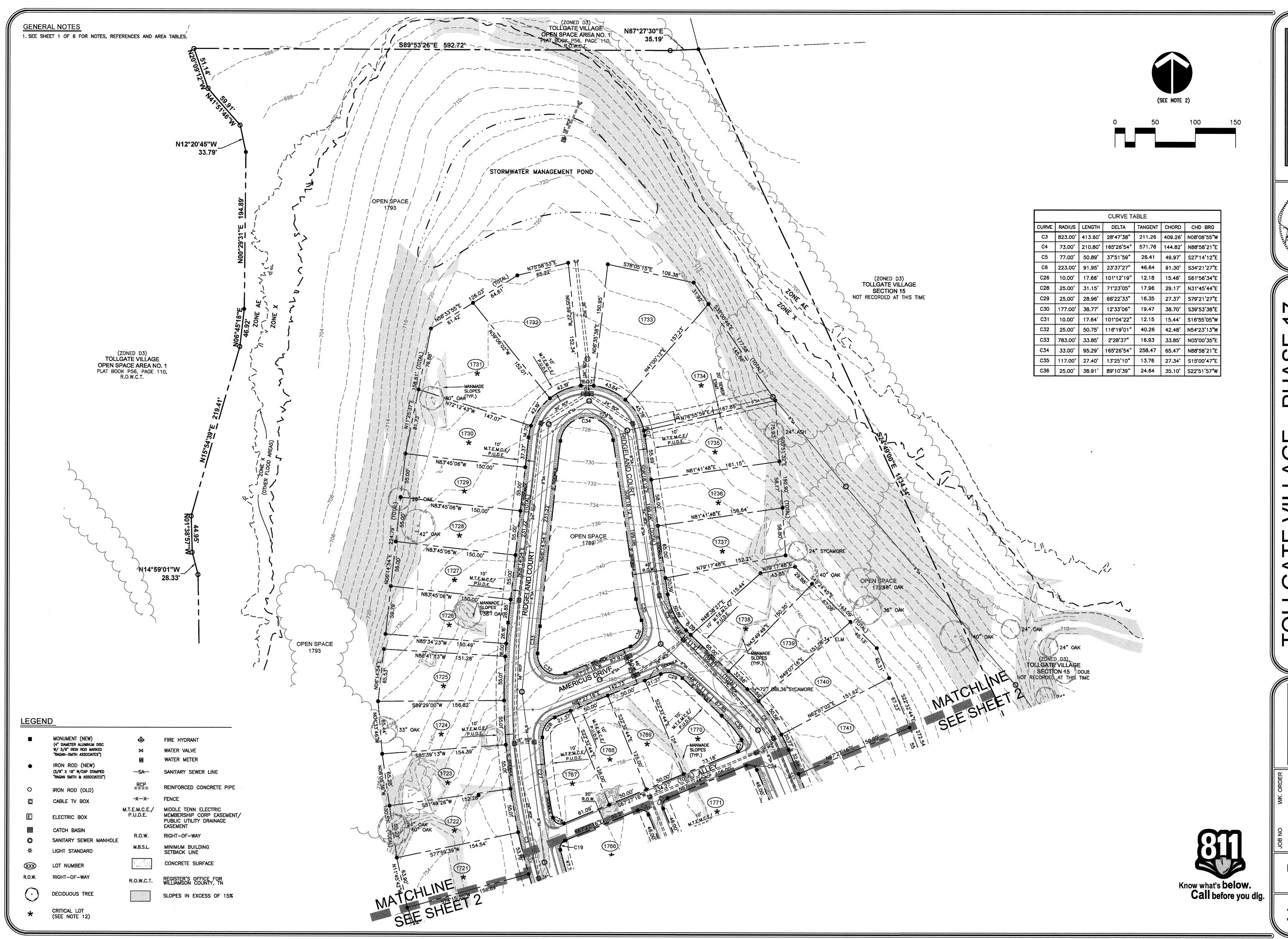
KNOXVILLE, TENNESSEE 37902

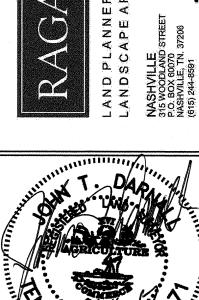
(865) 408-8322

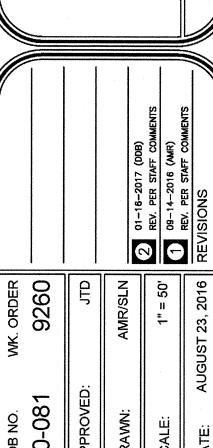
312 S. GAY STREET, SUITE 200

CRITICAL LOT (SEE NOTE 12)



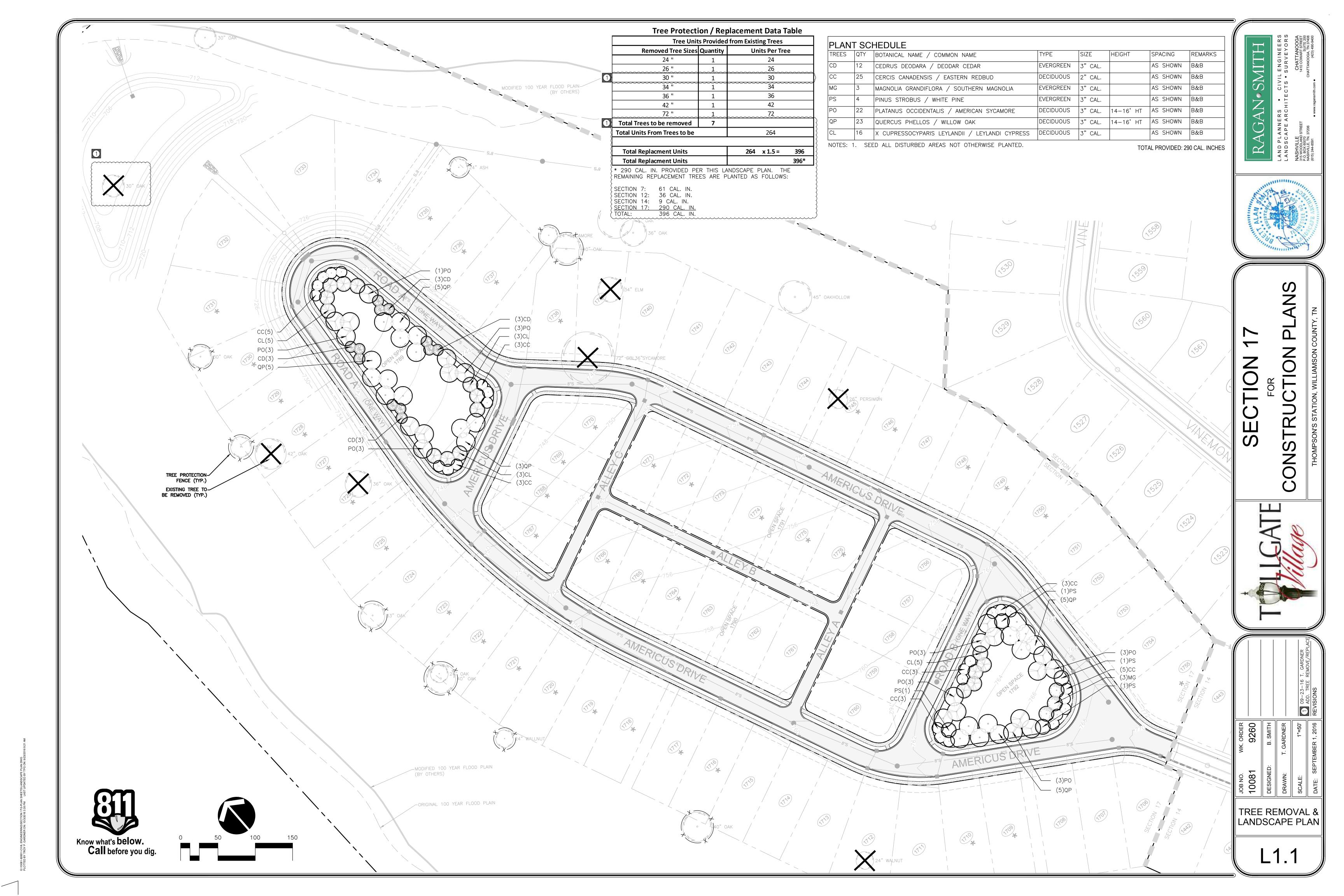






PRELIMINARY PLAT

3 OF 8



LANDSCAPE **NOTES AND DETAILS** 

MARK THE NORTH SIDE OF THE TREE IN THE NURSERY, AND ROTATE TREE TO FACE NORTH AT THE SITE WHEN EVER POSSIBLE. FEACH TREE MUST BE PLANTED SUCH SHALL BE WITHIN A MINIMUM OF 3" GRADE OR 1-2" HIGHER IN SLOWLY DRAINING SOILS. 74" PINE STRAW MULCH, DO NOT PLACE MULCH IN CONTACT WITH TREE TRUNK. √3" RAISED EARTH RING 6' DIA. MULCH RINA -REMOVE ALL TWINE, ROPE, 为 OF ROOT BALL. -SCARIFY SIDES BEFORE PLANTING. -TAMP SOIL AROUND ROOT BALL BASE WITH TOPSOIL IN 9" LAYERS. WATER EACH LAYER UNTIL SETTLED. DO NOT 6" MIN

MIN

TREE PLANTING NOT TO SCALE

ROOT BALL

\_\_DO NOT HEAVILY PRUNE THE TREE AT PLANTING. PRUNE ONLY CROSSOVER LIMBS, CO-DOMINANT LEADERS, AND BROKEN OR DEAD BRANCHES. SOME INTERIOR TWIGS AND LATERAL BRANCHES MAY BE PRUNED; HOWEVER, DO NOT REMOVE THE TERMINAL BUDS OF BRANCHES THAT EXTEND TO THE EDGE OF THE CROWN.

THAT THE TRUNK FLARE IS VISIBLE AT THE TOP OF THE ROOT BALL. NO MULCH FROM THE TRUNK OF THE TREE. DO NOT COVER THE TOP OF ROOT BALL WITH SOIL. SET TOP OF ROOT BALL FLUSH TO

WIRE, AND BURLAP FROM TOP

FIRMLY WITH FOOT PRESSURE SO THAT ROOT BALL DOES NOT SHIFT. BACKFILL TAMP AFTER WATERING.

-PLACE ROOT BALL ON UNEXCAVATED OR TAMPED SOIL.

1. DO <u>NOT</u> STAKE TREES UNLESS APPROVED BY THE LANDSCAPE ARCHITECT. IF STAKED, REMOVE AFTER ONE GROWING SEASON.

2. DO <u>NOT</u> WRAP TREE TRUNKS

UNLESS APPROVED BY THE

LANDSCAPE ARCHITECT. REMOVE

WRAP AFTER PLANTING. 3. NON-BIODEGRADABLE BURLAP TO BE REMOVED OR ROLLED UNDER ROOT BALL AFTER PLANT IS PLACED IN HOLE.

## -EXISTING TREE -PROVIDE "NO CON-STRUCTION TRAFFIC WITHIN FENCED AREA" SIGN, EVERY FOURTH -DRIP LINE (TYP) \_\_\_WIRE FENCE -STEEL "T" POSTS-6' O.C. MAX. TOPS OF POSTS TO BE PAINTED WITH ORANGE FLOURESCENT PAINT OR EQUIV.

## TREE PROTECTION DETAIL NOT TO SCALE

NOTE:

ALL TREE PROTECTION FENCING SHALL BE IN PLACE PRIOR TO THE ISSUANCE OF A GRADING PERMIT.

POSTS TO BE PLACED AT 1.5 x DRIP LINE- SEE PLANS FOR FENCE

LOCATION.

## PLANTING NOTES

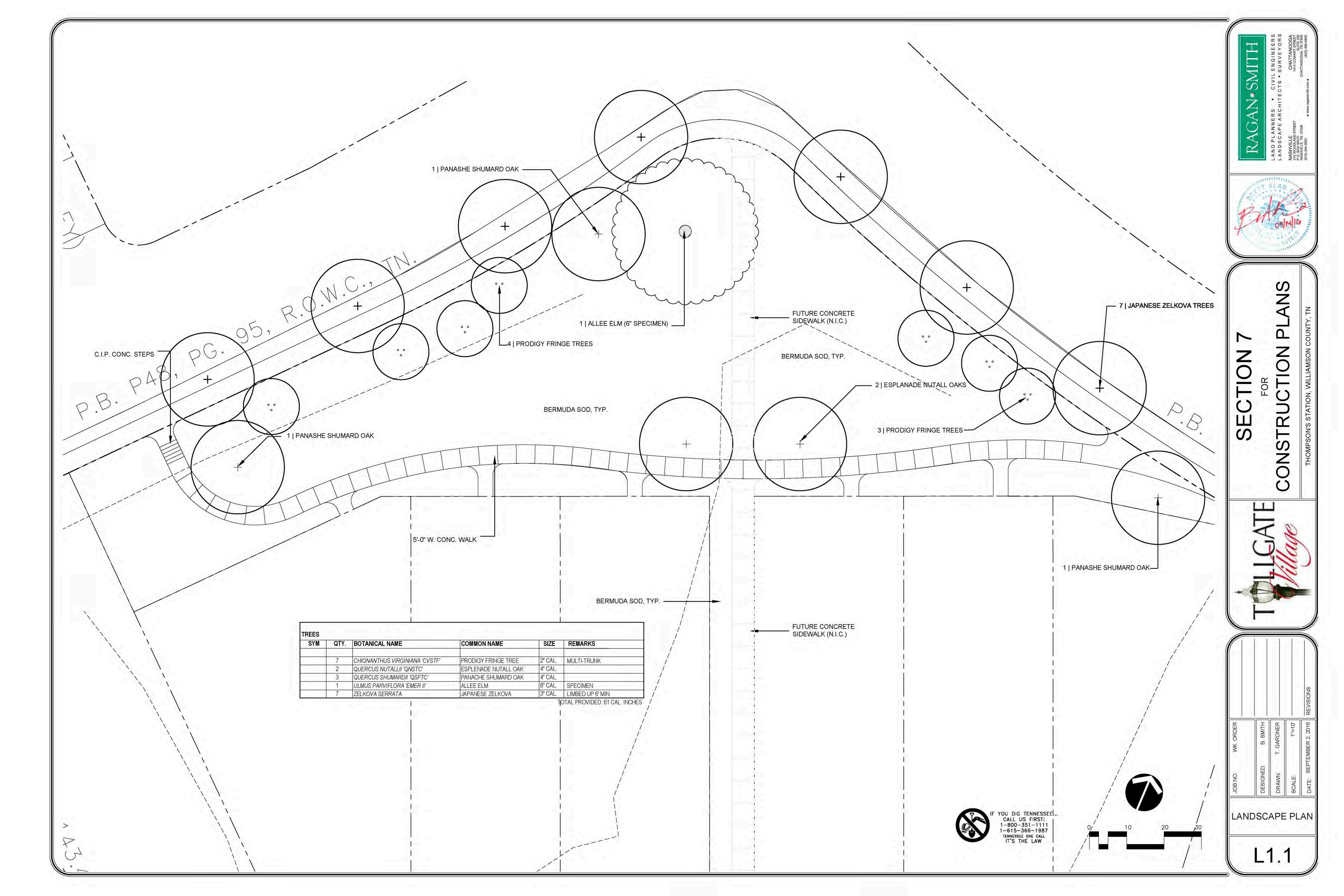
- 1. ANY SERIES OF TREES TO BE PLACED IN A PARTICULAR ARRANGEMENT WILL BE FIELD CHECKED FOR ACCURACY. ANY PLANTS MISARRANGED WILL BE RELOCATED.
- 2. SOIL USED IN BACKFILLING PLANTING PITS SHALL BE TOPSOIL AND MIXED WITH 25% PEAT BY VOLUME. EXCEPT FOR ERICACEOUS PLANTS, VERY ACID OR SOUR SOIL (SOIL HAVING A pH less than 6) SHALL BE MIXED WITH SUFFICIENT LIME TO PRODUCE A SLIGHTLY ACID REACTION (A pH of 6.0 to 6.5). ADD 10-10-10 COMMERCIAL FERTILIZER AT THE RATE OF 2 POUNDS PER CUBIC YARD. MIX BOTH FERTILIZER AND PEAT THOROUGHLY BY HAND OR ROTARY TILLER.
- 3. SOIL USED IN BACKFILLING ERICACEOUS PLANTS SHALL BE TOPSOIL MIXED WITH 50% PEAT BY VOLUME. ADD 5-10-5 COMMERCIAL FERTILIZER AT THE RATE OF 5 POUNDS PER CUBIC YARD. MIX BOTH FERTILIZER AND PEAT THOROUGHLY BY HAND OR ROTARY TILLER.
- 4. UPON SECURING PLANT MATERIAL AND BEFORE INSTALLATION, THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE FOR A PRE-INSTALLATION INSPECTION TO VERIFY ALL PLANT MATERIAL MEETS SPECIFICATION. MATCH TREES OF SAME SPECIES IN GROWTH CHARACTER AND UNIFORMITY.
- 5. APPLY HERBICIDE (TREFLAN OR EQUIVALENT) TO ALL PLANT BEDS PRIOR TO PLANTING FOR NOXIOUS WEED CONTROL AT A RATE OF 2 POUNDS PER 1,000 SQUARE FEET.
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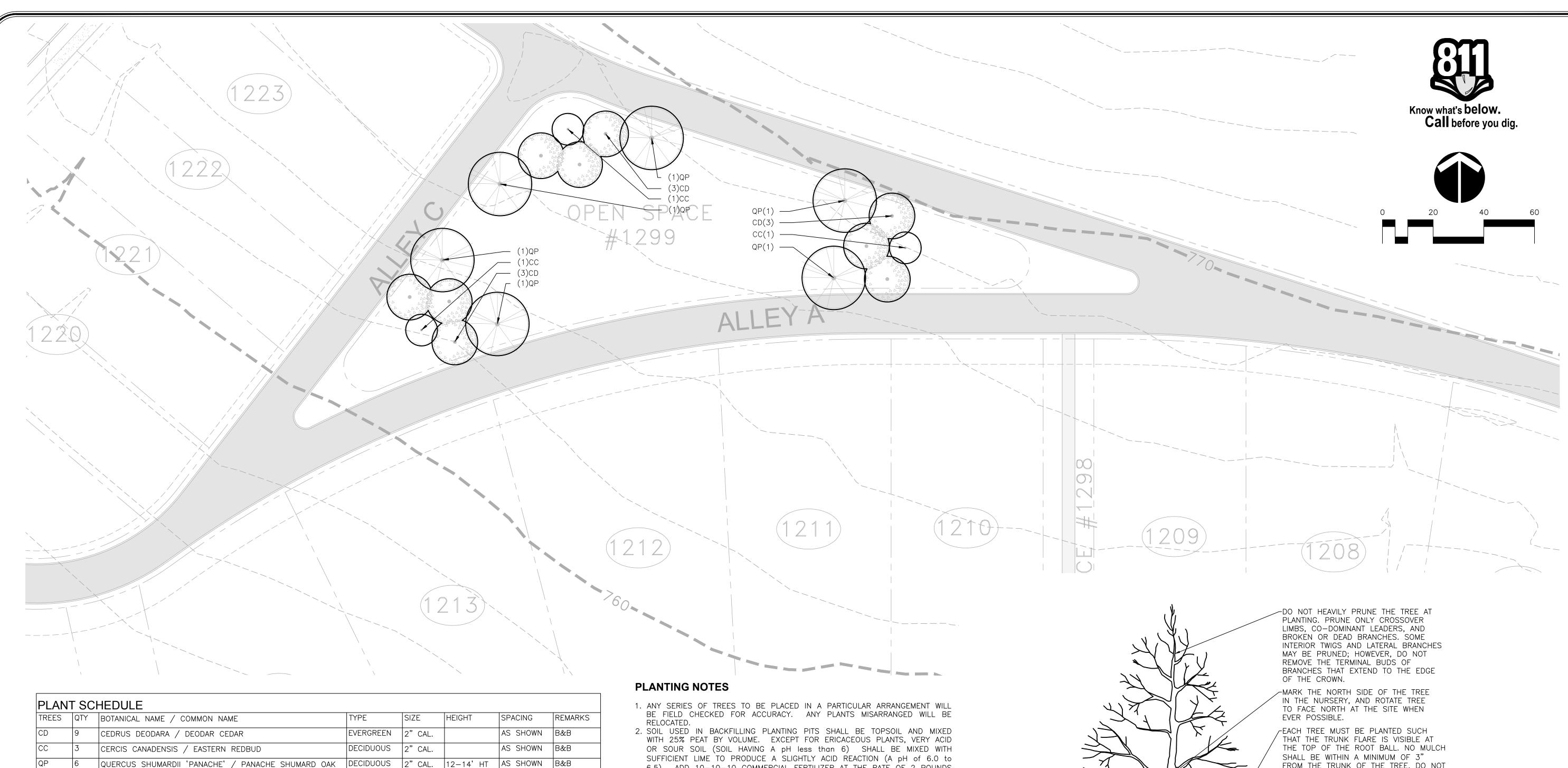
# **SEEDING NOTES**

- 1. SEED ALL DISTURBED AREAS WITH KY-31 AT THE RATE OF 5 POUNDS PER 1,000 S.F. ALL SEED TO BE 98% PURE WITH 85% GERMINATION AND CONFORM TO ALL STATE REQUIREMENTS FOR GRASS SEED. THE FERTILIZER TO BE 6-12-12 COMMERCIAL TYPE WITH 50% OF ITS ELEMENTS DERIVED FROM ORGANIC SOURCES.
- 2. PLACE STRAW MULCH ON SEEDED AREAS. STRAW TO BE OATS OR WHEAT STRAW, FREE FROM WEEDS, FOREIGN MATTER DETRIMENTAL TO PLANT LIFE, AND DRY. HAY OR CHOPPED CORNSTALKS ARE NOT ACCEPTABLE.
- 3. THE CONTRACTOR SHALL VERIFY THAT THE PREPARED SOIL BASE IS READY TO RECEIVE WORK. CULTIVATE THE TOPSOIL TO A DEPTH OF 4 INCHES WITH A MECHANICAL TILLER AND SUBSEQUENTLY RAKE UNTIL SMOOTH. REMOVE FOREIGN MATERIALS COLLECTED DURING CULTIVATION AND RAKING OPERATIONS.
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- 8. CONTRACTOR IS RESPONSIBLE FOR WATERING SEEDED AREAS TO PREVENT GRASS AND SOIL FROM DRYING OUT UNTIL THE INSTALLATION IS INSPECTED AND ACCEPTED BY THE OWNER'S REPRESENTATIVE.

OF ONE YEAR AFTER ACCEPTANCE OF INSTALLATION.

9. CONTRACTOR IS RESPONSIBLE FOR RESEEDING BARE SPOTS FOR A PERIOD





## DECIDUOUS AS SHOWN B&B 2" CAL. |12-14' HT TOTAL PROVIDED: 36 CAL. INCHES NOTES: 1. SEED ALL DISTURBED AREAS NOT OTHERWISE PLANTED.

# **SEEDING NOTES**

FROM ORGANIC SOURCES.

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- 14.CONTRACTOR TO WARRANTY ALL MATERIAL FOR ONE YEAR AFTER DATE OF FINAL ACCEPTANCE.

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73" RAISED EARTH RING

DRAINING SOILS.

6' DIA. MULCH RING

ROOT BALL

TREE PLANTING

NOT TO SCALE

6" MIN

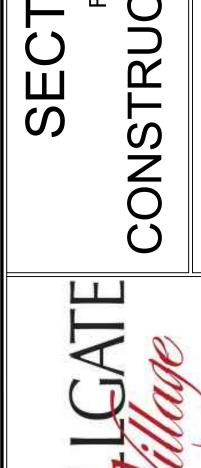
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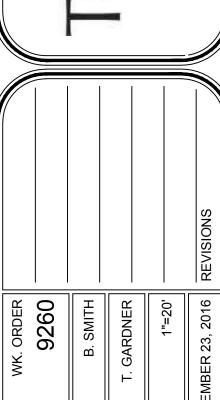
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2



LANDSCAPE PLAN

LANDSCAPE PLAN





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**PLANTING NOTES** 

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PLANT SCHEDULE BOTANICAL NAME / COMMON NAME SPACING REMARKS DECIDUOUS 2" CAL AS SHOWN CERCIS CANADENSIS / EASTERN REDBUD DECIDUOUS 3" CAL. 14-16' HT AS SHOWN |PLATANUS OCCIDENTALIS / AMERICAN SYCAMORE



Call before you dig.

# Know what's below.

# **SEEDING NOTES**

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6' DIA. MULCH RING 6" MIN ROOT BALL TREE PLANTING

NOT TO SCALE

NOTES: 1. SEED ALL DISTURBED AREAS NOT OTHERWISE PLANTED. TOTAL PROVIDED: 9 CAL. INCHES February 21, 2017

Brian Rowe MBSC TN Homebuilder, LLC 767 Fifth Avenue, 17th Floor New York, NY 10153

Mr. Joe Cosentini
Town Administrator
Town of Thompson's Station
1550 Thompson's Station Road West
Thompson's Station, TN 37179

Dear Mr. Cosentini,

In order to address the numerous questions about ownership of the "old" sections of Tollgate Village that were developed prior to MBSC's purchase in 2011, please find attached two documents:

- 1. Excerpts from the Tollgate Purchase Contract, signed by MBSC. Exhibit A shows what land was purchased by MBSC and what land was excluded from purchase in 2011, outlining all the tracts that were purchased and all the excluded tracts.
- 2. A map developed by Ragan Smith which outlines the tracts that were purchased by MBSC and the tracts that were not purchased by MBSC, based on Exhibit A above. Everything in gray was included in the sale, everything in white was excluded.

We request that this information be provided to the Planning Commission members ahead of the Planning Commission meeting in February 28th, 2017 so that the commissioners may better understand what MBSC purchased, and didn't purchase, in 2011. As you will see from the exhibits, MBSC did not purchase any of the "old" sections at Tollgate, nor did it take on any obligations (including road paving and maintenance) for these sections.

Additionally, if there is anyone who would like to look at the entire purchase contract, we can certainly accommodate that request, understanding that there may be some portions of the confidential purchase contract completely unrelated to the issue at hand (such as terms related to purchase price) that would need to be redacted.

Todd Moore has received from MBSC's counsel a memorandum concerning MBSC's purchase of certain Tollgate tracts and MBSC's legal obligations concerning the original developer's failure to complete certain infrastructure improvements, such as the roads in the "old" Tollgate subdivisions. We have not provided this as part of this package but if anyone would like to discuss that information,we will be happy to schedule a call with Todd Moore and Larry Papel. This memorandum further details, in more specific legal parlance, that MBSC did not take on any liability with respect to and has no ownership of any of the "old" sections at Tollgate, and as such has no responsibility for the "old" section roads.

Best regards,

Brian Rowe

MBSC TN Homebuilder, LLC

## EXHIBIT A

#### PROPERTY DESCRIPTION

## TRACT I:

A tract of land located in the Fourth Civil District of Williamson County, Tennessee, fronting on the westerly side of U.S. Highway 31 (Columbia Pike), and more particularly described according to a survey made by Lincoln B. Northcutt, Licensed Surveyor, Fayetteville, Tennessee, dated March 13, 2002, and updated July 10, 2003, as follows:

BEGINNING at a point in the westerly right-of-way line of U.S. Highway 31 (Columbia Pike), such point being located in the center of the West Harpeth River, and 30 feet from the center of said highway as presently located; thence, FROM SAID POINT OF BEGINNING, with the westerly line of U.S. Highway 31, for four (4) calls as follows: South 18°42'57" West 315.24 feet to a metal pin, South 35°33'20" West 149.61 feet to a metal pin, South 23°46'29" West 1.294.22 feet to a point, and South 32°41'14" West 93.37 feet to a metal pin, being the most northeasterly corner of the property acquired by the Williamson County Board of Education in a condemnation proceeding in the Circuit Court for Williamson County, Tennessee, Docket No. 01699; thence with the northerly line of said property acquired by the Williamson County Board of Education for four (4) calls as follows: North 57°18'19" West 356.10 feet to a metal pin, North 75°04'04" West 872.44 feet to a metal pin, West 1,658.09 feet to a metal pin, and South 66°53'44" West 495.81 feet to a railroad spike; thence with the property now or formerly of Roger Cotton, North 25°19'20" West 1,064.07 feet to a metal pin; thence North 25°19'20" West 13.19 feet to a point in a creek; thence North 86°22'14" West 30.01 feet to a metal pin; thence North 86°22'14" West 333.67 feet to a metal pin; thence North 86°22'14" West 70.82 feet to a metal pin, being in the easterly right-of-way line of the CSX Transportation Railroad, said rightof-way having a width of 60 feet at this point; thence with said easterly right-of-way line, with a curve to the right having a radius of 6,034.36 feet, and a chord bearing and distance of North 03°59'55" East 831.01 feet, a distance of 831.68 feet to a metal pin in said right-of-way line; thence North 07°40'16" East 616.62 feet to a metal pin in said right-of-way line; thence with a curve to the left having a radius of 5,922.33 feet, and a chord bearing and distance of North 00°39'11" West 1,410.18 feet, a distance of 1,413.56 feet to a metal pin in said right-of-way line; thence North 07°28'01" West 769.14 feet to a metal pin, said pin being located 30 feet from the center line of said railroad right-of-way; thence, leaving said railroad right-of-way, South 80°39'59" East 501.22 feet to a metal pin; thence North 89°56'26" East 647.19 feet to a metal pin located by an existing fence corner post; thence North 87°17'22" East 736.99 feet to a metal pin; thence North 85°54'48" East 23.68 feet to a point in the center of the West Harpeth River; thence with the center of the West Harpeth River for thirty-five (35) calls as follows: South 10°45'43" East 186.11 feet, South 34°19'44" East 110.12 feet, South 18°59'06" East 125.87 feet, South 38°09'29" East 148.17 feet, South 26°54'00" East 134.05 feet, South 40°19'07" East 109.97 feet, South 63°39'03" East 132.15 feet, South 29°03'54" East 130.90 feet, South 17°09'14" East 84.68 feet, South 27°06'58" East 260.75 feet, South 43°23'05" East 124.30 feet, South 38°30'47" East 196.45 feet (said point being the northwesterly corner of the property conveyed by Tollgate Farm I, L.P. to R.C. Alexander, et ux, by deed of record in Book 2650,

page 706, Register's Office for Williamson County, Tennessee), South 46°35'08" East 197.08 feet, South 72°46'26" East 343.28 feet, South 53°02'59" East 187.20 feet, South 19°30'35" East 222.72 feet, South 62°42'01" East 194.54 feet, North 76°12'20" East 60.00 feet, South 70°24'39" East 254.44 feet, South 31°50'02" East 54.53 feet, South 14°02'14" West 50.87 feet, South 62°20'16" West 90.00 feet, South 53°28'10" West 53.55 feet, South 10°04'18" West 59.22 feet, South 17°29'09" East 36.64 feet, South 54°43'22" East 65.00 feet, South 66°48'40" East 245.82 feet, South 58°57'41" East 354.46 feet, South 39°30'26" East 48.47 feet, South 00°28'39" East 132.39 feet, South 9°03'02" East 67.08 feet, South 39°25'33" East 48.26 feet, North 76°11'08" East 121.42 feet, South 65°14'42" East 231.00 feet (said point being the southeasterly corner of the property conveyed by Tollgate Farms I, L.P. to R.C. Alexander, et ux. by deed of record as aforesaid), and South 60°18'47" East 53.29 feet to the point of beginning; containing 347.12 acres, more or less.

The above descriptions are taken from a survey prepared by Lincoln B. Northcutt, Tennessee License No. 1808, Northcutt Surveying, Inc., 518 South Main Avenue, Fayetteville, Tennessee 37334, dated March 13, 2002, updated July 10, 2003, and bearing W.O. No. 03L-148.

The above description includes property later platted as Tollgate Section 10, of record in Plat Book 50, page 25, Register's Office for Williamson County, Tennessee.

The above description also includes property later platted as Tollgate Village, Section 30A, of record in Plat Book 50, page 26, Register's Office for Williamson County, Tennessee.

INCLUDED IN THE ABOVE DESCRIPTION OF TRACT I BUT SPECIFICALLY EXCLUDED FROM THIS FORECLOSURE SALE is the following property:

Plan of Tollgate Village, Section 1, of record in Plat Book P42, page 122, Register's Office for Williamson County, Tennessee.

Plan of Tollgate Village, Section 2, of record in Plat Book P42, page 123, Register's Office for Williamson County, Tennessee.

Plan of Tollgate Village, Section 3, of record in Plat Book P42, page 124, Register's Office for Williamson County, Tennessee.

Plan of Tollgate Village, Section 4, of record in Plat Book P42, page 125, Register's Office for Williamson County, Tennessee.

Plan of Toligate Village, Section 5, of record in Plat Book P46, page 35; and all units as set out in the Declaration of Covenants, Conditions and Restrictions for Tollgate Village Townhomes of record in Book 4321, page 554, Register's Office for Williamson County, Tennessee.

Plan of Tollgate Village, Section 6, of record in Plat Book P46, page 102; and all the units and storage areas as set out in the Master Deed and By-Laws for The Retreat at Tollgate Village Condominiums of record in Book 4165, page 1, Register's Office for Williamson County, Tennessee.

Plan of Tollgate Village, Section 11, of record in Plat Book P45, page 144, Register's Office for Williamson County, Tennessee.

Plan of Minor Plat of Open Space Tollgate Amenity Area, of record in Plat Book P47, page 80, Register's Office for Williamson County, Tennessee.

Plan of Tollgate Commercial Center, Section 20, of record in Plat Book P48, page 38, Register's Office for Williamson County, Tennessee.

ALSO INCLUDED IN THE ABOVE DESCRIPTION OF TRACT I BUT SPECIFICALLY EXCLUDED FROM THIS FORECLOSURE SALE are the following properties:

Lots 30.1 and 30.2 on the final subdivision plat of Tollgate Village, Section 30A, as of record in Plat Book 50, page 26, Register's Office for Williamson County, Tennessee, to which plan reference is hereby made for a more complete legal description; and

All open spaces located in Tollgate Section 10 of record in Plat Book 50, page 25, Register's Office for Williamson County, Tennessee, to which plan reference is hereby made for a more complete legal description.

#### TRACT II:

LAND in Williamson County, Tennessee, being all property, including 16.14 acres, more or less, shown on the Minor Plat of Open Space Tollgate Amenity Area, of record in Plat Book P47, page 80, Register's Office for Williamson County, Tennessee, to which plan reference is hereby made for a more complete legal description.

## TRACT III:

LAND in Williamson County, Tennessee, being Unit Nos. 202 thru and including 214 and Unit Nos. 225 thru and including 240, on the Plan of Tollgate Village Townhomes, a Horizontal property Regime with Private Elements, created under Title 67, Section 27-101, et seq., as amended, Tennessee Code Annotated, as established by Declaration of Covenants, Conditions and Restrictions of Tollgate Village Townhomes, a Horizontal Property Regime with Private Elements, of record in Book 4321, Page 554, Register's Office for Williamson County, Tennessee, including without limitation the By-Laws appended thereto, said Register's Office, together with the undivided percentage interest in the Common Elements appurtenant to said Units, as set forth in said Declaration of Covenants. Reference is hereby made to the plan of Tollgate Village Townhomes, shown on Exhibit "C" to the Declaration of Covenants of record in Book 4321, Page 554, for a more complete identification and description of said units.

INCLUDED IN THE ABOVE DESCRIPTION OF TRACT III BUT SPECIFICALLY EXCLUDED FROM THIS FORECLOSURE SALE are Unit Nos. 207, 208, 209, 210, 211, 212, 213 and 214, on the Plan of Tollgate Village Townhomes, a Horizontal property Regime with Private Elements, created under Title 67, Section 27-101, et seq., as amended, Tennessee Code

Annotated, as established by Declaration of Covenants, Conditions and Restrictions of Tollgate Village Townhomes, a Horizontal Property Regime with Private Elements, of record in Book 4321, Page 554, Register's Office for Williamson County, Tennessee, including without limitation the By-Laws appended thereto, said Register's Office, together with the undivided percentage interest in the Common Elements appurtenant to said Units, as set forth in said Declaration of Covenants. Reference is hereby made to the plan of Tollgate Village Townhomes, shown on Exhibit "C" to the Declaration of Covenants of record in Book 4321, Page 554, for a more complete identification and description of said units.

## TRACT IV:

BEING certain Condominium Apartments in Williamson County, Tennessee, being all the Units and Storage Areas in Buildings A, B, C, D, E, G, I, J, K, L, M, N, O, P, Q and R, together with all stairwells, building pads and other common elements and limited common elements included within the bounds of the aforesaid Buildings, of the Retreat of Tollgate Village Condominiums, a Horizontal Property Regime, created under Title 66, Section 27-101 et seq. as amended, Tennessee Code Annotated, and as established by a Master Deed and By-Laws for The Retreat at Tollgate Village Condominiums, of record in Book 4165, page 1, Register's Office for Williamson County, Tennessee, said Register's Office, together with the undivided percentage interest in the Common Elements appurtenant to said Units, as set forth in said Master Deed. Reference is hereby made to the plan of The Retreat at Tollgate Village Condominiums, as set out on Exhibit "B" to the Master Deed, of record in Book 4165, page 1, said Register's Office, for a more complete identification and description of such Units.

INCLUDED IN THE ABOVE DESCRIPTION OF TRACT IV BUT SPECIFICALLY EXCLUDED FROM THIS FORECLOSURE SALE are Buildings G, I & R together with all stairwells, building pads and other common elements and limited common elements included within the bounds of the aforesaid Buildings, of the Retreat of Tollgate Village Condominiums, a Horizontal Property Regime, created under Title 66, Section 27-101 et seq. as amended, Tennessee Code Annotated, and as established by a Master Deed and By-Laws for The Retreat at Tollgate Village Condominiums, of record in Book 4165, page 1, Register's Office for Williamson County, Tennessee, said Register's Office, together with the undivided percentage interest in the Common Elements appurtenant to said Units, as set forth in said Master Deed. Reference is hereby made to the plan of The Retreat at Tollgate Village Condominiums, as set out on Exhibit "B" to the Master Deed, of record in Book 4165, page 1, said Register's Office, for a more complete identification and description of such Units.

## TRACT V:

LAND in Williamson County, Tennessee, being Lot Nos. 111, 130, 131, 136, 137, 138 and 145 on the Plan of Tollgate Village, Section 11, of record in Plat Book P45, page 144, Register's Office for Williamson County, Tennessee, to which plan reference is hereby made for a more complete legal description thereof.

INCLUDED IN THE ABOVE DESCRIPTION OF TRACT V BUT SPECIFICALLY EXCLUDED FROM THIS FORECLOSURE SALE are Lots 136, 137 and 145 on the Plan of

Tollgate Village, Section 11, of record in Plat Book P45, page 144, Register's Office for Williamson County, Tennessee, to which plan reference is hereby made for a more complete legal description.

## TRACT VI:

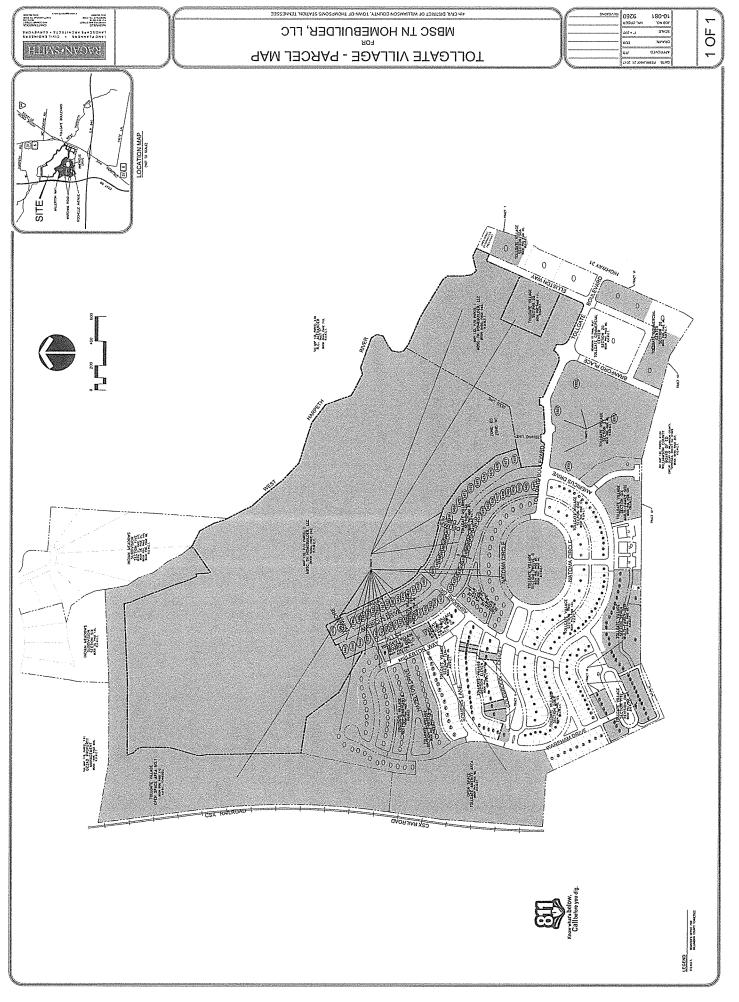
LAND in Williamson County, Tennessee, being Lot Nos. 20.1, 20.2, 20.3, 20.4, 20.6, 20.7, 20.8, and 20.9 on the Plan of Tollgate Commercial Center, Section 20, of record in Plat Book P48, page 38, as revised in Plat Book 48, page 94, Register's Office for Williamson County, Tennessee, to which plan reference is hereby made for a more complete legal description thereof.

INCLUDED IN THE ABOVE DESCRIPTION OF TRACT VI BUT SPECIFICALLY EXCLUDED FROM THIS FORECLOSURE SALE are Lot 20.1 on revision to minor plat Section 20, Tollgate Commercial Center in Plat Book 49, page 80 (formerly known as Lots 20.1, 20.2 and 20.3 of Plat Book 48, page 38) and Lot 20.9, on the Plan of Tollgate Commercial Center, Section 20, of record in Plat Book P48, page 94, Register's Office for Williamson County, Tennessee.

Being the same property conveyed to TGF 2010, LLC by Substitute Trustee's Quitclaim Deed dated November 9, 2010 of record in Book 5202, Page 201, Register's Office of Williamson County, Tennessee.

The property addresses are believed to be: Tract I: 235.61 Acres-Columbia Pike; Section 10 as follows: Lot 147-3874 Somers Lane, Lot 148-3870 Somers Lane, Lot 149-3866 Somers Lane, Lot 150-3862 Somers Lane, Lot 151-3858 Somers Lane, Lot 152-3854 Somers Lane, Lot 153-3850 Somers Lane, Lot 154-3846 Somers Lane, Lot 155-3842 Somers Lane, Lot 156-3838 Somers Lane, Lot 157-3834 Somers Lane, Lot 158-3830 Somers Lane, Lot 159-3826 Somers Lane, Lot 160-3822 Somers Lane, Lot 161-3818 Somers Lane, Lot 190-3057 Millerton Way, Lot 191-3053 Millerton Way, Lot 192-3049 Millerton Way, Lot 193-3045 Millerton Way, Lot 194-3041 Millerton Way, Lot 195-3037 Millerton Way, Lot 196-3033 Millerton Way, Lot 197-3029 Millerton Way, Lot 198-3025 Millerton Way, Lot 199-3021 Millerton Way, Lot 200-3017 Millerton Way, Lot 201-3013 Millerton Way, Lot 202-3009 Millerton Way, Lot 203-3005 Millerton Way, Lot 204-3001 Millerton Way; Lot 30.3-987 Elliston Way, Section 30A Open Space-Elliston Way; Tract II: Amenity Area-Wareham Dr.; Tract III: Lot 202-1088 Rochelle Ave., Lot 203-1084 Rochelle Ave., Lot 204-1080 Rochelle Ave., Lot 205-1076 Rochelle Ave., Lot 206-1072 Rochelle Ave., Lot 225-1085 Rochelle Ave., Lot 226-1081 Rochelle Ave., Lot 227-1073 Rochelle Ave., Lot 228-1077 Rochelle Ave., Lot 229-1069 Rochelle Ave., Lot 230-1065 Rochelle Ave., Lot 231-1061 Rochelle Ave., Lot 232-1057 Rochelle Ave., Lot 233-1053 Rochelle Ave., Lot 234-1049 Rochelle Ave., Lot 235-1045 Rochelle Ave., Lot 236-1041 Rochelle Ave., Lot 237-1037 Rochelle Ave., Lot 238-1033 Rochelle Ave., Lot 239-1029 Rochelle Ave., Lot 240-1025 Rochelle Ave.; Tract IV: 2100 Newark Ct., Units A-100, 101, 200, 201, 202, 203, 300, 301, 302, 303; Units B-100, 101, 200, 201, 202, 203, 300, 301, 302, 303; Units C-100, 101, 200, 201, 202, 203, 300, 301, 302, 303; Units D-100, 101, 200, 201, 202, 203, 300, 301, 302, 303; Units E-100, 101, 200, 201, 202, 203, 300, 301, 302, 303; 2000 Newark Lane, Units J-100, 101, 200, 201, 202, 203, 300, 301, 302, 303; Units K-100, 101, 200, 201, 202, 203, 300, 301, 302, 303; Units L-100, 101, 200, 201, 202, 203, 300, 301, 302, 303; Units M-100,

101, 200, 201, 202, 203, 300, 301, 302, 303; Units N-100, 101, 200, 201, 202, 203, 300, 301, 302, 303; Units O-100, 101, 200, 201, 202, 203, 300, 301, 302, 303; 2100 Paloma Lane, Units P-100, 101, 200, 201, 202, 203, 300, 301, 302, 303; Units Q-100, 101, 200, 201, 202, 203, 300, 301, 302, 303; Tract V: Lot 111-3650 Wareham Dr., Lot 130-3821 Somers Lane, Lot 131-3817 Somers Lane, Lot 138-3421 Colebrook Dr.; Tract VI: Lot 20.4-2201 Portsmouth Dr., Lot 20.6-2209 Portsmouth Dr., Lot 20.7-1109 Elliston Way, Lot 20.8-1105 Elliston Way, all in Thompson's Station, Tennessee.



#### MBSC TN HOMEBUILDER. LLC

767 Fifth Ave, 17<sup>th</sup> Floor New York, NY 10153

February 21, 2017

Dear Thompson's Station Planning Commissioners,

RE: Tollgate: Sections 15, 16 and 17

We believe we have complied with all the necessary requirements for approval of our Section 15 final plat and Section 16 and Section 17 preliminary plats at Tollgate. In order to ensure you are fully briefed prior to the February 28<sup>th</sup> planning commission meeting, and in order to ensure ample time to address any questions you might have ahead of the meeting, we would like to lay out for you all of the actions we have taken and commitments we are making with regard to Tollgate:

- 1. **Traffic Study:** Our engineers are providing the staff-requested additional information and expanded scope for the previously submitted traffic study. This study includes: (a) proposed traffic controls and improvements; (b) timing for the installation of the improvements; and (c) a proposal for a secondary entrance (see paragraph 2 below).
- 2. Secondary Access to Tollgate: Our engineers are working on options for a secondary entrance to Tollgate. Although a full entry north of Tollgate Blvd, in front of the Shelter Insurance building, cannot be installed until TDOT expands the bridge (a multi-million dollar project which we understand is on TDOT's future project list), we have submitted to the Town a concept for a "right in/right out only" connection to Columbia Pike that could be expanded to a full entrance/exit when the TDOT bridge project is completed. MBSC and our engineers have also proposed a connection to Declaration Way as an alternative. Williamson County Schools, which controls this right-of-way, has suggested it is willing to investigate that option further; however, based on discussions with Town staff and with Planning Commission and BOMA members, it seems that the best path forward at this point will be the entrance/exit on the north side in front of Shelter Insurance.
- 3. **Road Repairs:** Over the past few weeks, our contractor has been working to complete significant road repairs within Tollgate, including the alleyway between Millerton Way and Americus Drive, and Newark Lane. While the wet weather has hindered their ability to finish these repairs prior to the date of this letter, we are hopeful they will be completed by the time of the actual Planning Commission meeting. All other minor road repairs within the "Old Sections" at Tollgate will be completed as part of the road final paving, as detailed below.

4. **Road Final Paving:** We are prepared to complete the remaining repairs and to put the final top coat of asphalt on the Old Sections at Tollgate (Sections 1-10), as well as the newer sections that are completed (Sections 12 & 13), upon approval of our Section 15 final plat and Sections 16/17 preliminary plats. We have provided the Town staff with contractor bids to complete this work, and are prepared to post a bond for the contract amount immediately after approval of our Section 15 final and Sections 16/17 preliminary plats. We are providing Town staff with a letter from our bank demonstrating that the necessary funds have been placed into an account as collateral for the bank to issue a letter of credit to the Town as surety for the roadwork. If we receive the approvals, we will schedule completion of paving as soon as possible, expediting the paving schedule as much as weather will permit. We are hopeful that the final paving will be completed within 8-12 weeks of the approval of our Sections 15/16/17 plats, though the bonds/surety will be in place immediately.

One important reminder: The Old Section roads were built by the previous developer well before MBSC purchased property in Tollgate. MBSC has no legal obligation to complete roads in the Old Sections, which are subdivisions with which MBSC has never had ownership or any other financial relationship, and MBSC did not assume any obligations related to the Old Sections when it bought the undeveloped real property at Tollgate (we are happy to have our attorney walk through this legal landscape with anyone who wants a fuller explanation – please let us know if you would like for us to set this up). That said, we are committing to finish repairs and final paving of the Old Sections and the newer sections (which we've developed), subject to the approval of our plats, in the spirit of being a good partner to both the residents of Tollgate and the Town of Thompson's Station.

5. Tollgate Traffic Light: We are pleased to report that we expect to receive, by the February 28<sup>th</sup> PC meeting, the required permit from TDOT to install the traffic light at the front of Tollgate. We have posted a \$150,000 bond with TDOT and submitted all the paperwork required to receive this permit. We are also prepared to post the \$126,000 bond with the Town required prior to the traffic light installation. We have previously submitted to Town staff a letter from our bank demonstrating that we have the \$276,000 in an escrow account with them as collateral for this letter of credit required by the Town (\$150,000 for TDOT bond and \$126,000 for Town bond). Coterminous with receiving the above referenced plat approvals, we will post the bond with the Town and immediately get on the contractor's schedule to begin installation of this traffic light and turning lane. We know this is a top priority for Tollgate residents and we are anxious to provide this traffic light for them.

In summary, we hope you recognize the work that our team has put in to address the issues raised by the Town, and also to provide the Town with financial surety that all the above referenced work will be completed by MBSC. Everyone is looking for certainty here: MBSC is looking for certainty of receiving the plat approvals that should be routine since MBSC has satisfied all required conditions pursuant to applicable requirements, and the Town is looking for certainty that the traffic light will be installed, the

roads paved, and a secondary emergency access point established. MBSC is "putting its money where its mouth is" by providing financial surety (i.e., bonding) on the road paving obligations and traffic light, such that if it were ever unable to perform, the Town would have the financial means to complete the work.

We hope that you will appropriately approve the plats for Sections 15, 16 and 17 so that the Tollgate residents can soon enjoy paved roads, a traffic signal, and an emergency secondary access point to their subdivision. A denial will likely lead to otherwise avoidable litigation that will cost the taxpayers money and will ultimately result in indefinite delays in completion of needed improvements.

Please do not hesitate to reach out to us with questions prior to the February 28<sup>th</sup> Planning Commission meeting.

Sincerely,

MBSC TN HOMEBUILDER, LLC