MINUTES OF REGULAR SESSION
PIPERTON PLANNING COMMISSION
July 12, 2016, 7:00 P.M.

The Piperton Planning Commission met on July 12, 2016 at 7:00 p.m., at City Hall, with Board members: Chairman John Henszey, Mayor Henry Coats, Vice-Mayor Hugh Davis, Commissioner David Crislip and Commissioner Denise Browder present. City Planner Brett Morgan, City Engineer Harvey Matheny, Fire Chief Reed Bullock and City Recorder Beverly Holloway were present along with Preston Trotter, John McCarty, Gwen Brown, Vicki Hancock, Paul Ryan, et al and others in the audience.

Agenda item 1. Call to order, establish quorum

Action taken: Chairman John Henszey called the meeting to order at 7:00 p.m., and established that a quorum was present.

Agenda item 2. Prayer and Pledge of Allegiance to the American Flag

Action taken: Commissioner David Crislip led in the opening Prayer and Mayor Henry Coats led in the Pledge of Allegiance to the American Flag.

Agenda item 3. Any changes to Agenda; Motion to adopt Agenda

Action taken: There were no changes to the Agenda, Commissioner Denise Browder moved to approve the Agenda as is, seconded by Commissioner David Crislip. The Motion received all affirmative votes.

Agenda item 4. Any changes to the Minutes of the June 14, 2016 meeting: Motion to approve Minutes of June 14, 2016.

Action taken: There were no changes to the Minutes of June 14, 2016 and Mayor Henry Coats moved to accept the Minutes of June 14, 2016, seconded by Commissioner Browder. The Motion received all affirmative votes.

Agenda item 5. Shaw's Creek Reserve Master Development Plan

Brett Morgan, City Planner, stated this is a continuation from last month where the revision on the Master Development Plan was approved that allowed a connection to the property to the east through the site and in discussing this afterwards the conclusion was to memorialize all the changes to this point and so what is before you is a new plat with the conditions and there will be a couple of changes for them to make to it and we will need to vote to approve this Master Development Plan as it stands right now or approve it conditional upon the changes that have been requested in the order of how these notes are done and once that is done they will get it back to review.

Chairman Henszey inquired wasn't this already approved.

Mr. Morgan stated we did but didn't have all the verbiage with how we got to where we are on here and we felt if we were going to reseal the plat it would be ideal to have all of that with it, the first seven notes is the 2006 Planning Commission conditions and the last notes is what happened in 2009 and then the middle seven notes is what we have done in the last few months so we are going to rearrange those to have in chronological order and Mr. Ryan has agreed to do that so with that done and returned, the document can be recorded.

Paul Ryan, Shaw's Creek, stated this will memorialize three changes to the Master Development Plan, one was approved several years ago by incorporating a Phase 1A into it then the second change has to do with the access that was addressed at the previous meeting and we are

clarifying the phasing of it and are now making Phase II and Phase III to make clear that Phase II will be the next phase to be developed and that will address the access issue and the third thing is the walking trail through the common open space in the middle and at the very south end there is a little piece of it in Phase I and it didn't make any sense to build it since it is a short section and it doesn't go anywhere so that will be deferred until the rest of the trail is built in the second phase and this was addressed in the last HOA meeting and has also agreed to replace some shrubs and add some lighting to the entrance instead of the walking trail and this will be incorporated into a revised Master Plan to be recorded.

Chairman Henszey inquired if all the revisions are on this page.

Mr. Ryan stated they are but it will be reorganized.

Action taken: Commissioner Crislip moved to accept the changes as proposed with the access, the pending access from the east and the partial one going from 1 to 1A and II and the additional change to the walking trail, seconded by Mayor Coats. The Motion received all affirmative votes.

Agenda item 6. Piperton Preserve Phase II DRC Application

Mr. Morgan stated this is actually part 2 of what was previously covered, last month was the subdivision and this month is the Design Review Application, and with this application is the landscape plan and on reviewing the landscape plan for the DRC the only difference over the other phase is that he has changed a few of the trees species which is no real problem, there is no lighting or signage in this phase, the CCR's of this development covers irrigation and how the common open spaces are maintained, the only condition as far as the landscape is concerned is that the sheet be finished with standard details and general notes for the landscape plan and that will make approval conditional upon the sheet being a finished product for construction (see number 2).

Mayor Coats stated he would like to add a street light on the northside where the new entrance is and also street lights at any intersections on Hwy and hopefully the HOA will cover those, and the City also has specs on new Leds and the half-life on those is 15 years and the utility drainage is almost nothing and there is one that was just installed about 4 months ago on the southside right ~~there at the Twin Lakes Blvd~~ so that you can see the entry way on both the north and the south.

Lakes of Greenbrier

John McCarty, representing Piperton Preserve, stated you want us to add on Keough, on the northside or just on the Phase II.

Chairman Henszey stated on both entrances.

Mayor Coats stated there is a street light at the Lakes of Greenbrier at the first one.

Mr. McCarthy inquired so we will add one at Keough by the sewer treatment plant where we make that connection and add one when we are tying to the Lakes of Greenbrier with this Phase II project.

Mr. Morgan stated yes.

Mayor Coats stated and at any other main street that we hit and we are trying to go around the City and add lights at the main intersections.

Mr. Morgan requested making that change to the overall Master Development Plan and bringing it back to us or just make sure it is on future phases.

Mr. McCarty stated we can work that out and the Chickasaw Electric design doesn't really show up on our construction plans anywhere, we would install the conduits and they would pull the wire through for that street light but we do need to make sure that they add the street lights in the appropriate places and will also need to add that as a condition of approval on the Development Agreement when we return for approval.

Mayor Coats stated we missed it the last time but will start adding this to all subdivisions.

Mr. Morgan stated that next week there will be a new fee ordinance going before the Board for approval and then wait until next month to bring the Development Agreement in front of the Board and ask Mr. McCarty to let Mr. Russell know.

Mr. McCarty stated he felt Mr. Russell would be okay with that as long as we can pull a grading permit to do some site grading.

Mr. Morgan stated sure, as long as notices were in order and a few other conditions of note: on #6 that the Developer shall be responsible for all fees required by connection to a centralized sewer system and Harvey Matheny has been working on the fee for centralized sewer.

Harvey Matheny, City Engineer, stated there is a fee that the City has had for a while that covers the decentralized systems but hasn't had a need to have a sewer fee for centralized sewer system for gravity collection, pump stations and force mains as well so we have run through some calculations and Mr. Trotter has done some review and provided some comments so we will be prepared to bring to the Board Tuesday night recommendations for a three tier system which is pretty common, one would be a developer fee per lot, another would be a builder tap fee that the builder would pay with the building permit and the third would be the user fees-the monthly rates that would be applicable to customers on the gravity sewer system.

Mr. Morgan stated on #15 which is the required dedication on Keough Road, Keough Road is a part of the Piperton Major Road plan, dedicate 42' of right-of-way in accordance with the Subdivision Regulations and provide payment in-lieu of improvements for one additional travel lane along the Piperton Preserve PD frontage (Phase I and Phase 2) and so while we have already approved Phase 1, we just want to make sure this note covered the payment in-lieu portion for dedication of an additional travel lane on Keough Road.

Mayor Coats inquired between Lakes of Greenbrier Road and the new road.

Mr. Morgan stated from wherever the Phase 2 entrance starts to the east line of Phase 1 so rather than require it now we will get payment in-lieu of.

Commissioner Crislip inquired if that will continue on as Keough Road extends at that same location.

Mr. Morgan stated as development occurs through there-yes, it is on the Major Road Plan as a collector road so developers will have to dedicate and our City Manager likes to collect all money and then do it at one time rather than a patchwork of little pieces of road here and there and so there will be a point at which all of the monies that are collected for payment in-lieu of will be pulled into one project and then approved, a lot of these are just the City's standard Subdivision conditions that are put with every Subdivision plat and so if this Body recommends approval it will be conditional upon the applicant coming back with a completed landscape plan and showing where the street lights will be but will not need to come back before this Board unless this Board requires it, if approved the City Engineer and the City Planner will review it and sign off.

Action taken: Mayor Coats moved to approve Piperton Preserve Phase 2 with the 30 recommendations by Staff, seconded by Commissioner Browder. The Motion received all affirmative votes.

Agenda item 7. Revision of Zoning Ordinance Language

Mr. Morgan stated there is language in the Zoning Ordinance that is confusing on how we measure lots and where we measure them from and in one place it states we measure from the street and in another place it seems to say we measure at the building setback line and so staff is proposing to change or amend the Zoning Ordinance text to reflect what the intent was all along that we measure these lots at the building setback line and not at the front of the street and we know we have to have a minimum of 50 feet of frontage for lots at the street but the measure of the minimum width of the lot is at the building setback line this effects Article 2 in the definitions, Article 3 of the General Provisions, Article 5 governing the RC and R1 Zoning, Article 6 governing all of the B and Office Zoning, and Article 7 governing the Industrial on M1, M2 and M3 Zoning and this will not affect the PDO or CDO because those are dictated by the actual project text of that planned development and this will not prevent pie shaped lots, we want to make sure we have plenty of side yard and also causes staff to make changes to the tables in each one just adding the one footnote under minimum lot width which says "shall be established at the required building setback line. In no instance shall the narrowest part of a proposed lot be in conflict with Section 3.6, meaning you have to have at least

50 feet at the road but the minimum lot width is still at the building setback line, this will have to go to the Board for First Reading next Tuesday night.

Mr. Matheny inquired if the City allows flag lots.

Mayor Coats stated no.

Mr. Morgan stated not typically but occasionally things happen occasionally and they get grandfathered in but no, staff will not allow this.

Action taken: Commissioner Crislip moved to recommend to the Board of Mayor and Commissioners to approve Zoning Text Amendment in Articles 2,3,5,6 and 7 as presented, seconded by Commissioner Browder. The Motion received four affirmative votes with Chairman Henszey abstaining, the Motion passes.

Agenda item 8. Ballard Road Farms Subdivision Application

Mr. Morgan stated this is a two lot subdivision on Ballard Road and these two lots have a pie-shape but at the road they don't have the required minimum lot width of 300 feet in RC zoning and so they would have to leave this as one big lot and not be able to subdivide into two lots were it interpreted incorrectly and that is as measured at the right-of-way line or the front line, and so the minimum building setback for RC lots is 50 feet but Mr. McCarthy has pushed the front yard setback back until each lot has the minimum width required in the RC zoning of 300 feet and he was able to do this because we are making sure we measure at the building setback line not at the front of the road, these two lots are roughly 14 and 15 acres a piece so they will maintain their RC zoning-single family residential which requires a minimum of 5 acres per lot and they both have their required 50 foot plus of road frontage and there is a 50 foot ingress/egress easement that wraps around the south line and the east line of both lots and that is for access to the rear and the residual lot that is not a part of the subdivision which is still called Ballard Road Farms of 59.69 acres and it wraps around and actually comes back out to Ballard Road.

Chairman Henszey inquired if it comes back around to Ballard Road do you still need that access.

Mr. McCarty stated it is not necessary from a legal standpoint but the farm crossing across that big creek that is there and at some point the fellow that bought a lot of the land south of Tommy Joseph wants to buy all of the frontage along Ballard Road and if they sell all the frontage along Ballard Road this will still allow the farming part to still have access.

Mr. Morgan stated the Major Road Plan does have a proposed east/west local connector and a north/south local connector that splits through the property and the local connectors are not really required by the City for development-anything that the City can legally require as collector and above and so that was placed on the Major Road Plan to show some connectivity both north and east.

Mayor Coats stated it was based on the more dense lots had they changed the subdivision's density.

Mr. Morgan stated with two lots there is really no place for those two roads to go and so there is no problem and ultimately the Major Road Plan should be revised.

Chairman Henszey stated at some point they could subdivide each of those or come in with a plan.

Mr. Morgan stated the only way they could do it was to rezone it to some higher density because if they kept it RC they got to have a minimum of 300 feet of frontage at the building setback line and in this case we can't prevent him from subdividing his land on a road we can't require but because Ballard Road is a collector on the Major Road Plan we are requiring 30 feet of dedication on that road and payment in-lieu of as well for the improvements to Ballard Road and they will have to install septic here for sewer and for water it is in the conditions that the subdivider will be responsible for providing water service to each of these lots.

Mr. McCarty stated the intentions are to hook up to City water and already has the certificate for the septic approval.

Mr. Matheny stated staff would have to confirm that Twin Lakes has excess capacity at their decentralized plant and then modification to the City permit to add one or two lots so there would be steps to go through and the applicant could go through the process if they wanted to tie on.

Action taken: Commissioner Browder recommend approval for Ballard Road Farms Project based on staff's conditions 1 through 21, seconded by Mayor Coats. The Motion received all affirmative votes.

Agenda item 9. Discussion-Rezoning of Lot 3, Piperton Business Center Phase 1

Mr. Morgan stated Mr. Ackermann is thinking about purchasing this lot to do the indoor gun range and so we added a special exception to M1 Zoning District to allow that use but now we are talking about B2 Zoning District which is not allowed and there are several options that we have; 1) make a special exception in B2 as we did in M1 to allow this use, 2) rezone it to M1 which allows that use as a special exception and 3) we could extend the M3 zoning and the make a special exception in the M3 zoning as well, the easiest route to go is ask them to come before this Body and the Board to rezone the lot to M1 and this use is a commercial use that will be put on the lot and that would be staff's recommendation.

Mayor Coats stated the financier likes this lot and they can build and it has sewer there, this is 5.5 acres.

Mr. Morgan stated it is already a special exception in M1 so they would have to come before this Body then go to the BZA to get the special exception and go to the Board of Mayor and Commissioners to get approval, so there would be a lot of steps to go through to get approval.

Mayor Coats stated for Piperton's standpoint going M1 is cleaner.

Mr. Morgan stated a good condition to be placed on this once BZA approved the special exception that they would have a year to get a building permit and if not done this would revert back to B2 and if they reach their limit it can be extended for good cause and that would be staff's suggestion.

Agenda item 10. Discussion-TDOT Corridor Management Agreement (CMA) update

Mr. Morgan stated this is an update and he has tried to contact Carlos McCloud but hasn't been able to contact him and he is supposed to be coming to us with documentation so there is really nothing to report but wanted to advise this Body of it.

Agenda item 11. Discussion-Update of the Land Use Chart

Mr. Morgan stated we are in the final steps of that process and wanted to ask if there was anything you would like considered, please give to Bev or email to me.

Commissioner Crislip inquired if we are demonstrating on our land use the expectation of how the Wolf River Conservancy will grow along there.

Mr. Morgan stated no sir, we need to come up with a Corridor/Greenbelt plan as developers come to us that we can say we would like some Greenbelt area.

Agenda item 12. Any other old/new business, questions or matters from the audience

Chairman Henszey stated under old business; regarding the Economic Study that will be held in August, and what they are seeing and looking at the commercial market here, primarily in the next 5 to 7 years and we don't have the rooftops to support anything but there is a fair amount of traffic coming through that can be developed in the short term.

Mr. Morgan stated almost every two weeks, he gets a phone call from someone to put rooftops here but most are not serious but had one that was so we shall see, but you are correct we don't have enough rooftops.

Mayor Coats stated you can go on the TDOT website to look up the roads and see exactly what part is traveled.

Vicki Hancock inquired if there were any plans coming to make accommodations for all the noise buffer since all the trees where torn down on the former Webb property.

Mayor Coats stated that is going to be part of a planned development in that area as far as a Sonic and some other buildings but until we see the development and landscaping plans we don't know.

Ms. Hancock stated they took down those trees and that made a huge difference and you don't realize how much is there until it is gone.

Agenda item 13. Adjournment

Action taken: Mayor Coats moved for adjournment, seconded by Commissioner Browder. The Motion received all affirmative votes, and the meeting was adjourned at 8:06 p.m.

Respectfully submitted,

Beverly Holloway, City Recorder

Approved: _____date:_____