

**MINUTES OF THE REGULAR SESSION OF THE  
PIPERTON PLANNING COMMISSION  
June 09, 2020, 6:00 P.M.**

The Piperton Planning Commission met on June 09, 2020 at 6:00 p.m., at City Hall, with Board members: Chairman John Henszey, Mayor Henry Coats, Vice-Mayor Mike Binkley, Commissioner Mimi Ragon and Commissioner Bob Archer present. City Planner Brett Morgan, City Engineer Harvey Matheny, Public Works Director Bill Kilp, and City Recorder Beverly Holloway were also present along with Vicki Hancock, Josh Burnette, Eric Tucker, John McCarty, Tony Hunt (Shaw's Creek HOA), and Carson Hardwick in the audience.

**Agenda item 1.** Call to order, establish quorum

**Action taken:** Chairman John Henszey called the meeting to order at 6:00 p.m., and established that a quorum was present.

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

**Action taken:** Commissioner Bob Archer 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; Additions/Deletions; Motion to adopt Agenda

**Action taken:** There were changes to the published Agenda and Mayor Coats moved to adopt the Agenda with the moving of item 7 before item 5, seconded by Vice-Mayor Mike Binkley. The Motion received all affirmative votes.

**Agenda item 4.** Any changes to the Minutes of the Regular Session of May 12, 2020; Motion to adopt the Minutes of the Regular Session of May 12, 2020

**Action taken:** Commissioner Archer moved to approve the Minutes of the Regular Session of May 12, 2020 as written, seconded by Mayor Coats. The Motion received all affirmative votes.

**New Agenda item 5.** Eric Tucker Accessory Structure application

City Planner Brett Morgan stated Eric and Jennifer Tucker are requesting approval of a 2,840 s.f. accessory structure (Barn) on what would be the side yard of the principle structure on 79.43 acres at 850 Ballard road, it is located over 300 feet from Ballard Road, this is the R-C zoning district and the primary structure is 4,700 s.f., the combined total of all accessory structures can be no more than 40% of the primary structure which in this case would be 1,880 s.f., but Article 3.3.J gives exceptions 1) agricultural related improvements, 2) proposals for accessory structures greater than 5 acres with Planning Commission and the Board of Mayor and Commissioners approval, the barn is strictly for storage, it will have a restroom and a storage loft with an open area on the north side for equipment, staff feels as far as the Planning Commission is concerned the main function is to look at it in regards of design elements to make sure it meets the requirements, it does meet bulk requirements of the zoning district, the height of the structure is 24'11 ½" to the middle of the gabled roof, the materials are set to match the existing principle structure, Mr. Tucker is present in the audience.

**Action taken:** Vice-Mayor Binkley move to approve the Tucker accessory structure including DRC approval and that as the Planning Commissioner make recommendation to the Board of Mayor and Commissioner subject to the 4 conditions, seconded by Commissioner Mimi Ragon. The Motion received all affirmative votes.

**Agenda item 6.** LaGrange Pointe/Madeline Farms CD-O Phase Final Plat application

Mr. Morgan stated the Planning Commission approved and recommended to the Board of Mayor and Commissioners amending the Madeline Farms CD-O (formerly LaGrange Pointe CD-O) and in that approval gave preliminary approval of Phase 2 and so tonight the applicant is requesting for final approval of Phase 2 of Madeline Farms, Phase 1A and 1B have been improved all except for the entrance at Raleigh LaGrange Road which was discussed in the amendment needing to be done prior or in conjunction with a third phase of the development, so we are mainly looking at Phase 2 that includes the pavilion, sports field, pond and some walking trails but I would note if you look up in Phase 4 they have already started addressing the Master Plan Development amendment conditions, one of which would be to add an entrance to Phase 4 and to pull that development 120 feet off of Raleigh LaGrange Road, there are 35 lots in this phase and it does meet all the bulk requirements of the amended Madeline Farms CD-O.

Mr. McCarty stated we agree with all the conditions of approval except for item 2, it says all improvements from Phase 1, there are 2 parts to that, one is the connection to Raleigh LaGrange that was technically part of Phase 1 and we are still in disagreement in connecting the stub street west of the property line, it was ever a original part of Phase 1 based on documents, I was not there but looking at all the plat language my opinion is that the language on the plat does not require the construction of the road but Frank Fitzgerald was supposed to be able to find the old paperwork but has not been able to find the paperwork yet from 2005.

Chairman Henszey inquired if he would be interested in thinking about a payment-in-lieu for not constructing it.

Mr. McCarty stated that is probably one of the biggest issues is the money side of it, doesn't want to go between houses and build it but Mr. Fitzgerald is adamant that it wasn't part of the original document and with construction cost being so much higher.

Mr. Morgan inquired when does Mr. Fitzgerald think it was going to be built.

Mr. McCarty stated Mr. Fitzgerald's opinion is that was not required to be built, it just had to be dedicated right-of-way and even though he wasn't there he agrees based on the note on the plat that was part of the original submission.

Mayor Coats inquired if it was there.

Mr. McCarty stated the right of way, yes.

Mayor Coats inquired are there two houses there.

Mr. McCarty stated there are and the note on the plat reads that the right of way is to be dedicated for future road extension.

Mr. Morgan stated it does not specify what the future means.

Mr. McCarty stated there is no definitive language, typically in the engineering if you state for future road extension that would be for whenever it was needed, the construction plans for Phase 1 did not show any grading improvements for that road and it only shows the right of way being dedicated, then there is a note former City Engineer Bob Conrad wrote on the construction plans that grading is to occur being phases, so I don't want to memorialize fees or conditions of approval that lock that road in because it will be an ongoing and this be the only official word on that road.

Commissioner Archer inquired if there were minutes or documents retained by the City.

Ms. Holloway stated there are minutes which I can research, but could not find a recorded document. (Phase 1A & Phase 1B plats are recorded)

Mr. McCarty stated the recorded Master Plan is what could not be found.

Mr. Morgan stated in light of not being able to find anything, I felt it was incumbent that we make a decision when this road gets completed, whether it is now or a payment in lieu of.

Vice-Mayor Binkley inquired this is for future access into this other property.

Mr. Morgan stated it is to connect to this property.

Chairman Henszey stated it is our only east-west connection into this development.

Vice-Mayor Binkley stated it doesn't necessarily need to be done now but it needs to be done before the subdivision is complete, and inquired to Mr. McCarty if they are in agreement with that or just don't want to do it.

Mr. McCarty stated Mr. Fitzgerald's opinion is that it was not required as part of the Phase 1 development agreement and would rather not do for multiple reason; one of which is the cost factor and two-a sub-street in a subdivision is an eyesore and having it sit there for 20 years until a piece of property may develop next door.

Mayor Coats stated in lieu of doesn't effect that.

Mr. McCarty stated but in lieu of does effect the cost of it.

Mr. Morgan stated the amended Master Development Plan has the middle entrance on Raleigh LaGrange Road with the next Phase 3, and another entrance with Phase 4 and the reason I suggest to do it now is: 1) we are moving away from this side as it goes around and 2) these other phases already have some additional cost with these entrances.

Mayor Coats stated Phase 4 is completely changing.

Mr. McCarty stated Phase 4 will probably be two phases just from the number of lots in it but it will be basically the same number of lots, totaling the neighborhood and will go much further down the easement, will take the same lot size across the creek so our goal tonight is move Phase 2 forward with whatever language that needs to be attached to bring this back to the table as it goes forward but not just memorialize it as it has to be done as part of this phase.

City Engineer, Harvey Matheny, stated if it is not built now I would recommend there to be some fencing or something along both property lines and maybe signage to indicate that both property owners and all the residents in the area that a road will be here in the future, it is on the plat but that is something the residents would not look at.

Mr. Morgan stated all the Planning Commission can do tonight is give final site plan approval but they cannot record the plat because the DRC part of this (which the CD-O has to have) has not been submitted yet so they will have to come back before this body which will include the sports pavilion, and other amenities that are part of the common open space plan and so we can move it forward and free them up to start grading and cutting their lake.

Mr. Matheny stated even the subdivision has to go before the Board of Mayor and Commissioners for a development contract at which time the conditions could be modified if needed.

Mr. Morgan stated staff recommends approval of Phase 2 subdivision and read recommendation 2 to the Commission, a discussion ensued.

Mr. McCarty stated if possible we could escrow funds through phases based on a calculation on a total number of lots (206) to be developed, would divide lots from Phase 2 through Phase 4 and escrow into the fee in lieu of, then it wouldn't be a burden on Phase 2 which I am not speaking for Mr. Fitzgerald but he really doesn't want to do it because he feels it is not his legal responsibility but he has not found any paperwork to show otherwise.

Mayor Coats stated we need the road.

Mr. McCarty stated that between the Master Development Plan that we will re-record here shortly and the one we are bringing in, I think if we have to have language in this current one before we record it to whatever we can sort out in the next couple weeks.

Mr. Morgan stated recommendation 2 would be revised to read: the applicant shall complete all Phase 1 improvements including open space improvements and including the trail systems, so that would remove the connecting stub street to the property west of the development and add a condition 32 for the requirement of payment in lieu of.

**Action taken:** Vice-Mayor Binkley moved to approve Phase 2 subdivision plat subject to the following 31 conditions with the change made to item 2, deleting connecting stub street to the property west of the development and the addition of condition #32, Planning Commission recommends to the Board of Mayor and Commissioners to require a payment in lieu of for the stub street to the west with Phase 4 in the Development Agreement and amend the Master Development Plan conditions, seconded by Commissioner Archer. The Motion received all affirmative votes.

Mayor Coats asked Mr. Matheny to calculate the fee in lieu of before the next meeting. Mr. Matheny will take a look at it.

**Agenda item 7. Shaw's Creek Amended- Request to modify Conditions of Approval**

Mr. Morgan stated he received a letter from Mr. McCarty on June 1<sup>st</sup> requesting to eliminate a condition that was part of the staff report that was approved by the Planning Commission in December 2019, which reads: "The developer shall provide a gated all-weather emergency ingress/egress road, 20' min, width, suitable for fire equipment. Road is to be used as the Phase 2 construction road and shall be approved by the City Engineer and the Fire Chief."

Mr. McCarty stated we discussed this at the last month's meeting but the request is based on the fact that the construction access road will cost \$141,020.00 for a total of 18 lots which is not feasible and we looked at multiple things as part of the request, one of which is based on the Town of Collierville connectivity requirement which allows you to go to 100 lots with only your secondary connection being a stub street and we will be 2 lots shy from that, so we are requesting to move forward with the proposed 18 lots in Phase 2 and then as a condition in the next phase we would connect to Raleigh LaGrange on the east side of the creek to move forward and allow the developer to build the plans that have been designed and knowing the Board's concern to provide that connection with the next phase, if starting at Raleigh LaGrange working half way down we would connect that gap with gravel to provide that connection to the neighborhood at that time.

Mr. Morgan stated we would essentially be amending the conditions of approval and the subsequent development agreement would reflect that amendment and they would move forward with the other improvements such as grading improvement that were a part of that development agreement as well and they were also bonding.

Mr. McCarty stated they would bond the entire entrance from Raleigh LaGrange all the way to the completion of final asphaltting of the subdivision.

Mr. Morgan stated Mr. Tony Hunt, President of the Home Owners Association, is here.

Mr. Tony Hunt stated their biggest concern is all the road damage and the drainage issues, there was an agreement in the proposal there would be some erosion repair at the end of Kirkhill and the crossover area.

Chairman Henszey stated that was included.

Mayor Coats stated we have ask them to bond the road going east and west into that section of subdivision and now they are going to bond the entire road from Raleigh LaGrange and so after the complete the subdivision they will go back and repair any road damage.

Mr. Matheny stated the drainage improvement previously agreed to are still in place.

Mr. Morgan stated they are part of the development agreement which has been rescinded due to non-payment of fees, this would get us back on track with having a surety for those improvements.

Chairman Henszey stated this is a reasonable trade.

Bill Kilp, Public Works Director, inquired to Mr. McCarty who would make the decision that it is necessary to do a road repair or do we wait.

Mayor Coats stated the City Engineer and you would make that determination.

Mr. McCarty stated they understand they will have to patch during the process but we could not wait till the end that would not be fair to the home owners to do that.

Mr. Kilp inquired if we will do an inspection before we start.

Mr. McCarty stated that would be highly encouraged from us to do the inspection.

Mr. Hunt requested better documentation on what is going to be done with the drainage and we already have road damage from the trucks and that is on Regency right now, doesn't know if there is a way to do anything about that or not.

Mr. McCarty stated that is why we will do an inspection prior to.

Mr. Hunt stated we want a nice road.

Mr. Kilp recommended adding Mr. Hunt to the committee with Harvey, myself and Mr. McCarty if approved.

**Action taken:** Vice-Mayor Binkley moved to remove Planning Commission Condition #1 (approved on 12/10/2019) from the Phase 2 subdivision plat and add as #1 that the road be inspected prior to construction and the road will be repaired as construction moves forward to pre-inspected conditions to meet City road condition standards, seconded by Mayor Coats. The Motion received all affirmative votes.

**New Agenda item 8.** Salentine application for Master Development Plan amendment – Piperton Business Center Phase 2 PD-O (JS Designs)

Mr. Morgan stated Jeffrey Salentine of Salentine Enterprises (JS Designs) owns lot 12 of Piperton Business Center PD-O Phase 2, last month there was a motion to an amendment to remove the 25' setback and 15' utility easement and reduce to 5' for lot 10, and now the request is to extend that across all four lots (lot 10,11,12 & 13) that fronts I-269 so that Mr. Salentine can fit his accessory structure (35'x50'x14 metal carport).

Vice-Mayor Binkley would like to see screening go up along that road.

Mr. Morgan stated we are going to look into that.

Mr. Matheny has been assigned that task and has spoken with TDOT.

**Action taken:** Mayor Coats moved to approve and recommend to the Board of Mayor and Commissioners that this change be made, seconded by Commissioner Ragon. The Motion received all affirmative votes.

**Agenda item 9.** Consideration of revision to Subdivision Regulations – Access and Connectivity

**Action taken:** To be carried over to next month's meeting

**Agenda item 10.** Any other questions or matters from the audience

This item was skipped due to time constraints.

**Agenda item 11.** Adjournment

**Action taken:** Mayor Coats moved for adjournment, seconded by Vice-Mayor Binkley. The Motion received all affirmative votes, and the meeting was adjourned at 7:02 p.m.

Respectfully submitted,

Beverly Holloway, City Recorder

Approved: \_\_\_\_\_ date: \_\_\_\_\_