

CLARKSVILLE-MONTGOMERY COUNTY
REGIONAL PLANNING COMMISSION

- MINUTES -

December 19, 2019

2:00 P.M.

PLANNING COMMISSION MEETING ROOM
329 MAIN STREET

I. CALL TO ORDER/QUORUM CHECK:

Mr. Swift called the meeting to order at 2:00 p.m.

MEMBERS PRESENT:

- Richard Swift, Chairman
- Bryce Powers, Vice Chairman
- Russell Adkins
- Richard Garrett
- Wade Hadley
- Mark Kelly
- Bill Kimbrough
- Larry Rocconi
- Amanda Walker

OTHERS PRESENT:

- Director of Planning, Jeff Tyndall
- J. Stan Williams, RPC Transportation Planning Coordinator
- Ruth C. Russell, RPC Planner/Address Manager
- Brad Parker, RPC Subdivision Coordinator/Planner
- Brent Clemmons, RPC GIS Manager
- John Spainhoward, RPC Planner/Zoning Coordinator
- Sonny Emmert, RPC GIS Planner
- Judy Burkhart, RPC Office Manager / (Angela Latta), RPC Admin. Support Clerk
- Kristin Costanzo, Long Range/Special Projects Planner
- Garth Branch, City Engineer's Office
- (Greg Stewart/Patrick Chesney), Mark Riggins City Gas & Water Dept.
- David Shepherd, City Street Department
- (Chris Cowan) Jeff Bryant/Eric Salmon, City Street Department
- David Smith, City Building & Codes Department
- Mike Frost, County Highway Department
- Rod Streeter/John Doss/David Roan, County Zoning Enforcement Office
- Freddie Montgomery/Ray Williams/Ricky Cumberland, Clarksville Fire Department
- (Norm Brumblay, James Sumrell, Milard House), CMCSS

II. APPROVAL OF MINUTES OF MEETING OF 11/26/2019

Mr. Swift asked for a motion for approval of the minutes of November 26, 2019. Mr. Kelly moved to recommend approval. The motion was seconded by Mr. Garrett and carried unanimously.

III: ANNOUNCEMENTS/DEFERRALS

Mr. Tyndall announced that there were no announcements or deferrals this month.

IV. CITY & COUNTY ZONING CASES:

CASE NUMBER Z - 35 - 2019 APPLICANT(S): Cbp Properties Christian Black

Agent: Christian Black

REQUEST: R-1

to R-2A Single-Family Residential District

LOCATION:

TAX MAP(S): 088-A-B PARCEL(S): 001.01 ACREAGE: 2.28 CIVIL DISTRICT(S): 11

REASON FOR REQUEST: To more efficiently develop this parcel now that sewer is available

Mr. Spainhoward read the case and gave the staff recommendation for a one month deferral. He stated that this property is in the City's Growth Plan. He stated that there were no departmental comments of any concern. He stated that the Access Ordinance must be followed for the Arterial Road. He stated that the applicant requested the one month deferral but it was outside the 72 hour window, therefore we will need to conduct a public hearing.

There was no one present to speak in favor of or in opposition of this case.

There being no more discussion, Mr. Hadley moved to recommend deferral. The motion was seconded by Dr. Walker and carried with Mr. Powers abstaining.

CASE NUMBER Z - 36 - 2019 APPLICANT(S): John Hadley

REQUEST: M-2

to C-5 Highway & Arterial Commercial District

LOCATION:

TAX MAP(S): 032 PARCEL(S): 109.00 ACREAGE: 4.24 CIVIL DISTRICT(S): 2 & 6

REASON FOR REQUEST: Zone change needed in order for two businesses to be located on the property. The existing building is planned to be a service center for fleet vehicles. The remaining property is planned for a newly constructed automobile leasing center. Both of the USCS stated above are not allowed in M-2 but allowed in C-5.

Mr. Spainhoward read the case and gave the staff recommendation for approval. The proposed zoning request is consistent with the adopted Land Use Plan. The proposed C-5 zoning classification is not out of character with the surrounding area or established uses. Adequate infrastructure serves the site and no adverse environmental issues were identified relative to this request. He stated that the only departmental comment was in reference to no sewer on the property but sewer is directly in the vicinity for the property. He stated that as of this morning at 9:00 A.M. there had been no public comments received in reference to this application.

There was no one present to speak in favor of or in opposition of this case.

There being no more discussion, Mr. Kimbrough moved to recommend approval based on this request being consistent with the adopted Land Use Plan. The motion was seconded by Mr. Adkins and carried with Mr. Hadley abstaining.

IV. CITY & COUNTY ZONING CASES (CONT.):

CASE NUMBER CZ - 19 - 2019 APPLICANT(S): William & Emily Shropshire

REQUEST: C-1

to AG Agricultural District

LOCATION: Property fronting on the west frontage of SR 48, 1,840 +/- feet north of the SR 48 & Louise Creek Road intersection.

TAX MAP(S): 143 PARCEL(S): 088.01 ACREAGE: 1.51 CIVIL DISTRICT(S): 22

REASON FOR REQUEST: Single Family Home

Mr. Spainhoward read the case and gave the staff recommendation for approval. The proposed zoning request is consistent with the adopted Land Use Plan. The AG Zoning request is not out of character with the surrounding properties. No adverse environmental issues were identified relative to this request. He stated that there were no departmental comments received in reference to this case. He stated that they would only be able to yield one single family home with this request. He stated that it is in the Cunningham Utility District and would be served by septic.

Mr. Shropshire stated that he and his wife just want to put a home on the property. He stated that the neighbor across the street had reached out to him last week and congratulated them.

There was no one present to speak in opposition of this request.

There being no more discussion, Mr. Powers moved to recommend approval as this is already surrounded by AG zoning. The motion was seconded by Mr. Hadley and carried unanimously.

PLANNING COMMISSION SUBDIVISION ACTIONS: Mr. Swift stated that unless a case needs to be heard separately, all cases will be heard on a consent agenda. Mr. Parker stated that the staff would like to pull cases S-94-2019 and S-98-2019 from the consent agenda due to variances being requested by the applicant (see those cases for discussion and action).

Mr. Parker read the cases on the consent agenda and gave the staff recommendation for approval.

There being no more discussion, Mr. Kimbrough moved to recommend approval. The motion was seconded by Mr. Kelly and carried with Mr. Hadley abstaining from case S-97-2019.

V. SUBDIVISIONS:

CASE NUMBER: S - 93 - 2019 APPLICANT: BONNIE LOU HOLT WELCH

REQUEST: Minor Plat Approval of RIVER HILLS SECTION 1

LOCATION: North of River Hills Drive, South of and adjacent to Mosley Road, west of and adjacent to Lock B Road North.

MAP: 125 PARCEL(S): 003.16 ACREAGE: 9.87

OF LOTS: 9 CIVIL DISTRICT(S): 15

STAFF RECOMMENDATION: FINAL PLAT APPROVAL BY MINOR PLAT PROVISIONS

VARIANCES REQUESTED: N/A

V. SUBDIVISIONS (CONT.):

CASE NUMBER: S - 94 - 2019 APPLICANT: BONNIE LOU HOLT WELCH

REQUEST: Preliminary Plat Approval of RIVER HILLS SECTION 2

LOCATION: North of River Hills Drive, south of Mosley Road, west of and adjacent to Lock B Road North

MAP: 125 PARCEL(S): 003.16 ACREAGE: 12.90

OF LOTS: 10 CIVIL DISTRICT(S): 15

STAFF RECOMMENDATION: PRELIMINARY PLAT APPROVAL SUBJECT TO THE CONDITIONS LISTED.

1. Approval by the County Highway Department of road and drainage plans, for drainage structures within the proposed rights-of-way, before construction begins on site.
2. Approval by the County Building and Codes Department of all drainage, grading, water quality and erosion control plans. No grading, excavating, stripping, filling or other disturbance of the natural ground cover shall take place prior to the issuance of a grading and/or water quality permit
3. Approval by the City Engineer's Office or the Utility District and the State Department of Environment and Conservation of all utility plans before construction of utilities begins.

VARIANCES REQUESTED: The applicant is requesting three (3) variances from the Subdivision Regulations:

1. Section 5.2 Subsection 32) of the Subdivision Regulations to allow the development to not provide a road stub to the adjacent tract to the west.
2. Section 4.1.9 Subsection 1. to allow a cul-de-sac length of 1,106 feet in length which exceeds the maximum allowed of 750 feet.
3. Section 4.1.9 Subsection 2. to allow a cul-de-sac exceeding one thousand feet (1,000) in length to not install an intermediate turnaround.

Mr. Parker read the variance requests. He stated that included in the packet was an email from an adjacent property owner to the west.

Mr. Cal McKay, McKay, Burchett and Company, stated that he was here on behalf of the Welch's. He stated that they are here as well if there are any questions. He stated that this just boils down to whether to provide a stub out to the west or not. He stated that this is a rural setting and they are basically just picking up ten lots with addition of the road stub. He stated that he thought it was also in the staff report that the property to the west, for topographic reasons, does not have much room for any type of extension or development. He stated that the other variances are basically because they are asking not to provide a road stub.

There was no one present to speak in opposition of these variance requests.

There being no more discussion, Mr. Powers moved to recommend approval of the first variance. The motion was seconded by Mr. Hadley and carried unanimously.

There being no more discussion, Dr. Walker moved to recommend approval of the second variance. The motion was seconded by Mr. Hadley and carried unanimously.

There being no more discussion, Mr. Hadley moved to recommend approval of the third variance. The motion was seconded by Mr. Adkins and carried unanimously.

There being no more discussion, Mr. Kimbrough moved to recommend approval of case S-94-2019. The motion was seconded by Mr. Garrett and carried unanimously.

V. SUBDIVISIONS (CONT.):

CASE NUMBER: S - 95 - 2019 APPLICANT: BRISTOL RIDGE APARTMENTS, LLC & CITY OF CLARKSVILLE

REQUEST: Preliminary Plat Approval of SOUTH GATEWAY PLAZA BOULEVARD & ROAD A RIGHT-OF-WAY DEDICATION.

LOCATION: South of and adjacent to Highway 76, approximately 2,000 feet west of the intersection Highway 76 and Little Hope Road, south of and adjacent to the terminus of Gateway Plaza Boulevard.

MAP: 063 PARCEL(S): 067.00 & 068.00 ACREAGE: 3.06

OF LOTS: 0 CIVIL DISTRICT(S): 11

STAFF RECOMMENDATION: PRELIMINARY PLAT APPROVAL SUBJECT TO THE CONDITIONS LISTED.

1. Approval by the City Engineer's Office and the State Department of Environment and Conservation of all utility plans before construction of utilities begins.
2. Approval by the City Street Department of all road, drainage, grading, and erosion control plans before construction begins. No grading, excavating, stripping, filling, or other disturbance of the natural ground cover shall take place prior to the approval of a grading, drainage, and erosion control plan.
3. Approval by the City Street Department of all driveway access locations to the public right-of-way before construction begins on site, as per City of Clarksville Driveway Access Ordinance.

VARIANCES REQUESTED: N/A

CASE NUMBER: S - 96 - 2019 APPLICANT: KURT FINLEY

REQUEST: Minor Plat Approval of KURT FINLEY PROPERTY MOCKINGBIRD HILL ROAD LOTS 1-4

LOCATION: East of Shiloh Canaan Road, west of Old Metal Road, north of and adjacent to Mockingbird Hill Road, immediately west of the intersection of Mockingbird Hill Road and Hummingbird Meadows

MAP: 140 PARCEL(S): 014.09 ACREAGE: 10.25

OF LOTS: 4 CIVIL DISTRICT(S): 20

STAFF RECOMMENDATION: FINAL PLAT APPROVAL BY MINOR PLAT PROVISIONS

VARIANCES REQUESTED: N/A

CASE NUMBER: S - 97 - 2019 APPLICANT: SEAY WILSON

REQUEST: Preliminary Approval of WALKER FARMS PRELIMINARY PLAT

LOCATION: North of Sequoia Lane, west of and adjacent to Trenton Road, south of and adjacent to 101st Airborne Division Pkwy, east of and adjacent to Pea Ridge Road.

MAP: 041 PARCEL(S): 039.00 ACREAGE: 15.55

OF LOTS: 6 CIVIL DISTRICT(S): 6

STAFF RECOMMENDATION: PRELIMINARY PLAT APPROVAL SUBJECT TO THE CONDITIONS LISTED.

1. Approval by the City Engineer's Office and the State Department of Environment and Conservation of all utility plans before construction of utilities begins.
2. Approval by the City Street Department of all road, drainage, grading, and erosion control plans before construction begins. No grading, excavating, stripping, filling, or other disturbance of the natural ground cover shall take place prior to the approval of a grading, drainage, and erosion control plan.
3. Approval by the City Street Department of all driveway access locations to the public right-of-way before construction begins on site, as per City of Clarksville Driveway Access Ordinance.

VARIANCES REQUESTED: N/A

V. SUBDIVISIONS:

CASE NUMBER: S - 98 - 2019 APPLICANT: Jeff Burkhart

REQUEST: Preliminary Approval of NORTH RIDGE LANDING & THE RESERVE AT NORTH RIDGE

LOCATION: North of 101st Airborne Division Parkway, east of Tobacco Road, west of Little Bobcat Road Road, South of Tiny Town Rd.

MAP: 6 PARCEL(S): 039.00 ACREAGE: 172.93

OF LOTS: 493 CIVIL DISTRICT(S): 3

STAFF RECOMMENDATION: PRELIMINARY PLAT APPROVAL SUBJECT TO THE CONDITIONS LISTED.

1. Approval by the City Engineer's Office and the State Department of Environment and Conservation of all utility plans before construction of utilities begins.
2. Approval by the City Street Department of all road, drainage, grading, and erosion control plans before construction begins. No grading, excavating, stripping, filling, or other disturbance of the natural ground cover shall take place prior to the approval of a grading, drainage, and erosion control plan.
3. Approval by the City Street Department of all driveway access locations to the public right-of-way before construction begins on site, as per City of Clarksville Driveway Access Ordinance.
4. As indicated by the Clarksville Montgomery County School System (CMCSS), required by the Subdivision Regulations, and shown on the Master Preliminary Plan, an ADA compliant sidewalk and easement connecting to the adjacent Barker's Mill School property shall be required at the time of Final Plat submission.
5. The proposed Folly Beach Drive shall connect to Little Bobcat Lane at the time of Final Plat submission.

VARIANCES REQUESTED: The applicant is requesting a variance to Section 4.1.9 Subsection 1. of the Subdivision Regulations to allow a cul-de-sac for the proposed Rainbow Row to be 1,000 feet in length, which exceeds the maximum allowed of 750 feet.

Mr. Parker read the variance request. He stated that included in the packet was an email and school system comments about this proposed subdivision.

Mr. Ben Weakley stated that they are requesting the variance for excessive cul-de-sac length for a property that is fairly isolated due to topographical issues.

There was no one present to speak in opposition of this variance request.

There being no more discussion, Mr. Hadley moved to recommend approval of the variance due to topographical reasons. The motion was seconded by Mr. Powers and carried unanimously.

Mr. Parker presented case S-98-2019. There was no one present to speak in favor of or in opposition of this case.

Mr. Jim Sumrell, Operations Officer for CMCSS, stated that this kind of jumped on them a little quickly. He stated that it does involve School System land and they have not even mentioned it to the Board of Education yet, having just found out about it. He stated that they simply ask for time to consider this and to discuss it with the engineers who designed it without consulting with them about coming across the land that is owned by the District. He stated that the Board of Education would have to approve it and they are not aware of it as of yet.

Mr. Kimbrough asked if they were asking for a deferral or just some time. Mr. Sumrell stated that they are just asking for time to discuss it with the engineers. He stated that this is a unique situation.

Mr. Powers asked if this could be worked out between preliminary plat and final plat approval. Mr. Tyndall stated that is correct and that if this does not get worked out, the applicant has shown the ability to cul-de-sac Folly Beach Drive and not connect it. He stated that the RPC staff, as well as other departments, feel that this connection is pretty vital to the community. Mr. Tyndall stated that it has been a quick month and that Norm and Jim are right, they have had about two and a half weeks because our meeting is a week sooner than most months. He stated that staff's recommendation right now is still approval with several conditions as Brad mentioned. He stated that the bottom line is that they can continue to work this out in the future and amend the plan.

Mr. Sumrell stated that there are no Board of Education meetings in December and the next meetings are the first and second Tuesday of January.

V. SUBDIVISIONS (CONT.):

Mr. Kimbrough asked if he understood Mr. Tyndall correctly in saying that they are showing that connection to Little Bobcat but they have other plans if that does not work, to cul-de-sac that, or do something in that area. Mr. Tyndall stated that they can accommodate a cul-de-sac in that area. Mr. Tyndall stated that the plan right now is to connect. He stated that if that does not work out, the applicant does not lose anything. He stated that they will just remove the connection and put a cul-de-sac in next to Little Bobcat Lane. Mr. Kimbrough asked if they would have to have approval from the School System first. Mr. Tyndall stated whether it is approval, some sort of right-of-way, or an agreement to cross what amounts to a couple of feet of grass to connect the two roads, yes. Mr. Tyndall stated that we could continue to work on this with the School System, the applicant, and any other City or County offices that need to be involved.

Mr. Weakley stated that they were definitely open to any discussions between now and final to get this resolved. He stated that they submitted as a cul-de-sac and it was recommended that they connect so they connected. He stated that any of the options are fine with them and they recommend it go through preliminary plat this month and all of this will be resolved in the planning process. Mr. Tyndall asked which section would be built first and Mr. Weakley stated that he could not say for sure.

There being no more discussion, Mr. Powers moved to recommend approval as they have a plan B in place if this does not work out. The motion was seconded by Mr. Kimbrough and carried unanimously.

CASE NUMBER: S - 99 - 2019 APPLICANT: JIMMY MILLER

REQUEST: Approval of SOUTHERN POINTE SECTION 1

LOCATION: South of Lock B Road South, east of Old Highway 48, west of and adjacent to Chapel Hill Road, north of and adjacent to Liverworth Road, at the intersection of Chapel Hill Road and Liverworth

MAP: 131 PARCEL(S): 026.00 ACREAGE: 14.3

OF LOTS: 9 CIVIL DISTRICT(S): 16

STAFF RECOMMENDATION: FINAL PLAT APPROVAL BY MINOR PLAT PROVISIONS

VARIANCES REQUESTED: N/A

PLANNING COMMISSION SITE REVIEW ACTIONS: Mr. Swift stated that if anyone wished to have a case pulled from the consent agenda now was the time. Ms. Russell stated that cases SR-35-2019 and SR-38-2019 needed to be pulled for separate consideration (see those cases for discussion and action).

Ms. Russell gave the staff reports. She stated that for SR-39-2019 a gentleman sent in some questions which she responded to and those are included in the packet.

There being no more discussion, Mr. Garrett moved to recommend approval. The motion was seconded by Mr. Kelly and carried with Mr. Hadley abstaining from case SR-39-2019.

VI. SITE REVIEWS AND/OR ABANDONMENTS:

CASE NUMBER: SR - 35 - 2019 APPLICANT: FRANKLIN STREET CORP.

Agent: Cal McKay

DEVELOPMENT: BREW HOUSE

PROPOSED USE: COMMERCIAL/BREW HOUSE

LOCATION:

MAP: 066-G-K-019.00 ACREAGE: 0.09

CIVIL DIST.: 12

STAFF RECOMMENDATION: APPROVAL, SUBJECT TO THE FOLLOWING CONDITION(S):

- CONDITIONS:**
1. Approval of all utility plans by the Office of the Chief Utility Engineer.
 2. Approval by the City Traffic Engineer.
 3. Approval from the Common Design Review Board.

Ms. Russell gave the staff report.

Mr. Tyndall stated that the Common Design Review Board has already acted on several designs but that they have one active design. He asked if this would require additional approval by the Common Design Review Board if the design did not change again. Ms. Russell stated that she would need to defer to Mr. Clemmons on that.

Mr. Jeff Robinson stated that Mr. Olson and Ms. Dial are here if any questions of a legal nature come up, as well as Mr. McKay for engineering questions. Mr. Robinson stated that back in the Fall of 2015 they submitted a site plan to get started with a building on Second Street. He stated that shortly after that the Gas and Water Department contacted him and asked if he would accommodate them in doing a sewer main extension project in the land adjacent to him and he said yes. He stated that their site plan was developed with a survey that had an error in it. He stated that it was off by five feet and caused their building to be five foot narrower than it could have been. He stated that the City of Clarksville took their site plan and that is what they used to plan and install their sewer. He stated that their sewer wandered off of their property. He stated that it resulted in a one foot, nine inch encroachment of the City sewer line onto their property which resulted in a three and a half year lawsuit which ended last month. He stated that the jury determined that the City had to pay them for the one foot nine inches that they took. He stated that they then submitted a site plan for a new building. He stated that any potential setback for utility easement, going past that one foot nine inches, was not addressed. Mr. Robinson presented a site plan which he stated showed the maximum width they could build the building right up to the edge of the pipe. He stated that a 32.5 foot building puts it right up against the sewer main extension. He then showed a site plan which showed a normal five foot utility easement which would make them have to shrink their building down to 28 foot one inch. He then presented some pictures, to the commissioners, of the sewer main extension going in to give an idea of the amount of space required to do the job and the depth of the sewer. He also presented pictures of the building that they would like to build someday.

Mr. Robinson stated that normally you would just ask for an approval but that he does not believe it can be approved the way that it is. He stated that he talked to Jay Harris who does the majority of their plumbing and asked how much space was needed to access the pipe and how close their building could be to it. He stated that Mr. Harris stated that he needs six feet at the top to be able to get the bucket in their to dig it out and to put his trench box in there which is required by OSHA for anything over five feet deep and room to work safely. Mr. Robinson stated that what he would really like is for the City, the Planning Commission, or someone to basically give us an honest answer of what do you need. He stated that they could shrink their building by two feet or three feet but that passing this as it is, is wrong.

Mr. Tyndall asked Mr. Robinson to clarify his remark that, "he is basically asking us to deny the application that he submitted for approval?" Mr. Robinson stated that was correct or you could, "approve it with some legitimate easement."

There was no one present to speak in opposition of this request.

Mr. Tyndall stated that this is a site plan approval. He stated that, as far as the City Zoning Ordinance or our site plan review process goes, the Planning Commission does not actually require easements. He stated that only when a subdivision comes through, in the subdivision regulations. He stated that as this is not in the City Zoning Ordinance, we then work with our partner agencies, in this case Gas and Water. He stated that we also work with the Street Department, Sheriff's Department, Police Department, etc. depending on what the issue might be with each site. He stated that at that time we collect comments back. The comments received from the Gas and Water Department for this site, and he confirmed this by talking with Mr. Chesney yesterday, are that it requires a utility plan and as built. He stated that this is typical of most site plans that come through. Mr. Tyndall stated that there was no discussion of needing an easement at this time and he will allow Mr. Chesney to elaborate on that. Mr. Tyndall stated that as staff we have really no other choice but to offer the recommendation with conditions that Ms. Russell listed earlier. He stated that we realize that this just came out of litigation, there was a decision that was rendered earlier this week. He stated that it was unclear whether or not the City owns that one foot, nine inches, if there was an easement on that one foot, nine inches or if there was any other additional easement. Mr. Tyndall stated that the judge made no clarification on that. He stated that he believes the City is going to ask for clarification on that from the judge.

Mr. Chesney was called forward by the chairman, he stated that for this site plan they need an approved utility plan for their records. He stated that when it is submitted to them they approve it or disapprove it and work out the comments with the engineers and go forward from there. Mr. Powers asked what the utility plan consists of. Mr. Chesney stated it would show the service lines and the water meter. Mr. Powers asked if it would address this particular issue. Mr. Chesney stated that it can, pending the litigation that it has been through. He stated that as of right now there is no easement on that line. He stated that they are just looking for a site plan to be submitted to their office for approval. Mr. Powers asked how they would maintain it if this building does get constructed. Mr. Chesney stated that there are lines under buildings downtown right now. Mr. Kimbrough asked if those were grandfathered lines and Mr. Chesney stated they were. Mr. Kelly asked if the issue was the ground holding the line was the issue. Mr. Robinson stated that was settled. He stated that the issue is that from this point forward, the City, or someone else has to have access to be able to safely get in there to work on it at some point in time. Mr. Kelly asked if the construct of a building was going to hinder that. Mr. Robinson asked if you put a building right up to it, how do you get a trackhoe in there to dig it up. Mr. Robinson [inaudible from the audience]. Mr. Robinson stated that someone needs to say we need three feet or whatever it is. He stated that it is an engineer, not him.

Mr. Garrett asked if this is something that has to be addressed here and now or if we approve the site plan, is there an opportunity to make modifications later and push the building in to accommodate. Mr. Robinson asked how many dollars he has to spend coming back and forth to get an answer. Mr. Garrett asked on average how much space is needed to get equipment in. Mr. Chesney stated that he was not at liberty to say that right now. Mr. Robinson stated that the ordinance says five feet. Mr. Tyndall stated that is for subdivisions. Mr. Kelly stated if that is for subdivisions, there is not anything written about what goes on Downtown. Mr. Robinson stated that he thinks they are saying that you do not have to have any setbacks from utilities Downtown. Dr. Walker asked what you do with current, grandfathered utilities that are under buildings when you need to get to them. She asked if there had been a recent case where they had to dig under a building. Mr. Chesney stated that to his knowledge they have not had to dig under or destroy a building to get to a line. He stated that there is a chance you could have to go in and reroute it to do something different. Mr. Robinson [inaudible from audience].

Mr. Kimbrough asked if we set precedent if we accept this. Mr. Tyndall stated that all we are taking here is our partners at Gas and Water's comments. He stated that he asked Mr. Chesney on the phone yesterday for any clarification of those two comments, being a utility plan and an as built plan. He stated that there were no additional comments at this time that he wanted to put on that sheet. He stated so that, as a coordinating agency, we are taking comments from other departments. He stated that this also has a Street Department comment on it regarding the ADA accessibility of the ramps out there and we are passing that along. Mr. Tyndall stated that if he has an agency, that upholds their own rules and regulations, telling me that this is a situation where an easement is not needed, I have to take them at their word and they are the experts when it comes to this situation. Mr. Hadley stated that in looking at this before the building is built, you would think it would be poor planning to put the building right up against the sewer line. Mr. Powers stated that he agreed. Mr. Kimbrough stated that the agency is not giving us the whole answer. Mr. Tyndall stated that he cannot determine that. Mr. Robinson stated that the judge determined it was \$8300 for one foot nine inches of property. He stated if the City needs more property for an easement that they should pay for it. Mr. Powers asked Mr. Chesney if it gets approved today and the applicant gets their utility plans with service laterals to the building, essentially there is nothing stopping your departmental approval as you see it right now. Mr. Chesney stated that was correct.

Mr. Powers asked if it was reasonable to think that there is further clarification coming from the court system at some point, where a deferral might be appropriate in lieu of a disapproval or approval here today. Mr. Tyndall stated that he does not think the clarification from the judge is going to reduce what is shown. He stated that if the judge comes back and says that they may have overlooked the need for an easement and comes back and grants the City additional easement, this plan would have to be modified in the future. He stated that would be a judge's decision and that will take 30 to 60 more days which will be beyond what he could guess

at this time. He stated that modifications of this plan could be done at staff level, assuming they meet the other conditions. Mr. Powers asked why was this not at staff level. Mr. Tyndall stated that the applicant requested that it not be at staff level.

Mr. Olson [inaudible from audience].

Mr. Kelly asked if Ms. Russell would read the departmental comments one last time. Ms. Tyndall asked Ms. Russell to read the staff recommendation followed by the department comments. Ms. Russell read the comments which included approval of all utility plans by the Office of the Chief Utility Engineer. Approval by the City Traffic Engineer. Approval from the Common Design Review Board. Mr. Kelly stated that the sticking point on this whole discussion is actually condition one which is approval of all utility plans by the Office of the Chief Utility Engineer. Ms. Russell stated that these are typical site plan comments.

Mr. Tyndall stated that we are planners and coordinators, not engineers. He stated that we have a site plan submitted by a registered engineer in the State of Tennessee that shows a sewer line adjacent to the building, and we have comments received from Gas and Water, which are reviewed by engineers that say it is okay as is. He stated that he is not an engineer and he cannot judge the difference between those two. Mr. Tyndall stated that the Regional Planning Commission has four choices in front of them. He stated that there is the option to approve, approve with conditions, deny, or defer applications.

Mr. Kimbrough stated that he knows that there is nothing that says, other than in subdivisions, a five foot setback is required and there is nothing stating that you cannot build over or right next to a sewer line. Mr. Tyndall stated that he does not want to speak for Mr. Chesney but he believes that is where they would get involved in the site planning process and say that this cannot go here, we need an easement, etc. Mr. Hadley stated that you cannot put a building on top of a sewer line. Mr. Tyndall stated that he would leave that to Gas and Water or to the applicant's engineer to answer that.

There being no more discussion, Mr. Garrett moved to recommend approval with conditions as per staff recommendation. The motion was seconded by Dr. Walker who stated that supposedly we have engineers who are reviewing this. She stated that if there are problems down the road those should be worked out among the Departments. She stated that if they cannot be worked out, they know where the lawyers are. The motion was carried with a vote of 4 to 3.

VI. SITE REVIEWS AND/OR ABANDONMENTS (CONT.):

CASE NUMBER: SR - 36 - 2019 APPLICANT: BILL BELEW
Agent: Cal Burchett

DEVELOPMENT: BRISTOL RIDGE DEVELOPMENT , PHASE 1

PROPOSED USE: MULTI FAMILY

LOCATION:

MAP: 063, 067.00 & 067.02 ACREAGE: 18.0

CIVIL DIST.: 11

STAFF RECOMMENDATION: APPROVAL, SUBJECT TO THE FOLLOWING CONDITION(S):

- CONDITIONS:** 1. Approval of all utility plans by the Office of the Chief Utility Engineer to include as built.
2. Approval of all grading and drainage plans by the City Street Department.
3. Approval from the City Traffic Engineer.
4. Approval of a landscape plan.
5. Right-of-way plat completed.

CASE NUMBER: SR - 37 - 2019 APPLICANT: EDWIN NEELY
Agent: Cal Burchett

DEVELOPMENT: 1140 OAK PLAINS RD

PROPOSED USE: WAREHOUSE/OFFICE

LOCATION:

MAP: 108, 066.00 ACREAGE: 66.00

CIVIL DIST.: 10

STAFF RECOMMENDATION: APPROVAL, SUBJECT TO THE FOLLOWING CONDITION(S):

- CONDITIONS:** 1. Approval of all grading and drainage plans by the County Building and Codes Department.

VI. SITE REVIEWS AND/OR ABANDONMENTS (CONT.):

CASE NUMBER: SR - 38 - 2019 APPLICANT: GREENSPACE PARTNERS

Agent: Jimmy Bagwell

DEVELOPMENT: WOODLAND HILLS TOWNHOMES

PROPOSED USE: TOWNHOMES

LOCATION:

MAP: 079, 025.03 (P) ACREAGE: 16.67

CIVIL DIST.: 12

STAFF RECOMMENDATION: APPROVAL, SUBJECT TO THE FOLLOWING CONDITION(S):

- CONDITIONS:**
1. Approval of all utility plans by the Office of the Chief Utility Engineer to include as built.
 2. Approval of all grading, drainage and water quality plans by the City Street Department.
 3. Approval of a landscape plan.
 4. Right-of-way plat completed.

Ms. Russell gave the staff report. She stated that Ms. Trish Yates had emailed for information and she sent her a copy of the site plan.

Mr. Jimmy Bagwell stated that he was available to answer any questions.

Ms. Mary Hoffpauir, 1219 Beverly Hills Drive, stated that she received a letter but had no idea what it was about. She stated that when she called, she was told that the Old Charlotte Trace was a road going into the Bypass. She stated that she is neither for nor against this but just wants more information and wants to know how it is going to affect her property. She stated that several of her neighbors did not receive letters.

Ms. Russell showed Ms. Hoffpauir the site plan. Ms. Russell explained that the preliminary subdivision has already been approved. Ms. Hoffpauir stated that she wants to be able to tell her neighbors because she had spoken to two or three of them and they did not get a letter.

Dr. Walker asked that they address who gets letters. Mr. Tyndall stated that we send letters to all of the property owners within 100 feet of the site. He stated that since this is more on the Bypass side that there were not that many notifications.

Mr. Mark Phillips, 960 Swift Drive, stated that he lives adjacent to this property. He stated that he is concerned about the environmental impact on the neighborhood and the creek.

Mr. Bagwell stated that the drainage will be going in the opposite direction from where Mr. Phillips is so there should not be any drainage issues. Mr. Hadley stated that you have to account for all of your drainage and Mr. Bagwell stated that is correct.

Mr. Phillips asked about the impact to the neighborhood and the type of homes that would be built. Mr. Bagwell stated that he was not the one building the homes and that he could not answer that question. Mr. Phillips stated that he did not want Section 8 housing. Mr. Phillips stated that he would like further information about the runoff. Mr. Swift stated that Mr. Phillips probably should speak with Mr. Bagwell outside of the meeting.

There being no more discussion, Mr. Hadley moved to recommend approval. The motion was seconded by Mr. Kimbrough and carried with Mr. Powers abstaining.

VI. SITE REVIEWS AND/OR ABANDONMENTS (CONT.):

CASE NUMBER: SR - 39 - 2019 APPLICANT: BROWN GROUP LLC

Agent: Cal Burchett

DEVELOPMENT: WALKER FARMS

PROPOSED USE: RETAIL

LOCATION:

MAP: 041, 039.00 ACREAGE: 15.55

CIVIL DIST.: 6

STAFF RECOMMENDATION: APPROVAL, SUBJECT TO THE FOLLOWING CONDITION(S):

- CONDITIONS:**
1. Approval of all utility plans by the Office of the Chief Utility Engineer to include as built.
 2. Approval of all grading and drainage plans by the City Street Department.
 3. Approval from the City Traffic Engineer.
 4. Approval of a landscape plan.
 5. Subdivision plat completed.

VII. PLANNING DIRECTOR'S REPORT:

A. MONTHLY PROFIT AND LOSS STATEMENT: Mr. Tyndall stated that for the first five months of the fiscal year we are only down \$878.00. He stated that we are doing really good there and are almost half way through the year.

There being no more discussion, Mr. Kimbrough moved to recommend approval. The motion was seconded by Mr. Hadley and carried unanimously.

B. ROAD NAME CHANGE: Mr. Tyndall stated that last month we had a road name change from Solar Way to Google Drive. He stated that Google then, almost immediately after the meeting, requested that Google Drive now be renamed to Boolean Drive. Mr. Tyndall stated that the Google sign was already out there. He stated that they contacted the other departments and they were fine with this name change.

There being no more discussion, Mr. Kimbrough moved to recommend approval. The motion was seconded by Mr. Hadley.

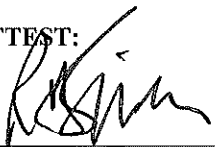
Mr. Tyndall stated that the Regional Planning Commission will be closed tomorrow at 2:00 P.M. for our annual Christmas party. He stated that we hope to see the Commissioners there. He stated that on Monday, the County Mayor has announced that County Departments are closing at noon on Monday, the 23rd. Mr. Tyndall stated that he has been in contact with the City Mayor and the Regional Planning Commission will close somewhere between noon and 1 o'clock on Monday.

Mr. Tyndall then presented Mr. Adkins with a certificate of appreciation for eight years served on the Regional Planning Commission.

VII. ADJOURNMENT:

The meeting was adjourned at 3:17 p.m.

ATTEST:



Richard Swift, CHAIR