



CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

CLARKSVILLE-MONTGOMERY COUNTY REGIONAL PLANNING COMMISSION

MINUTES

Date: July 26,2022

Time: 2:00 PM

Members Present

Richard Swift, Chairman

Thom Spigner, Vice Chairman

Bryce Powers

Wade Hadley

Stacey Streetman

Bill Kimbrough

Maria Jiminez

Larry Rocconi

Others Present

Jeff Tyndall, Director of Planning

Ruth Russell, Site Review/ Address Manager

Brad Parker, Subdivision Coordinator

Brent Clemmons, Design Review Coordinator

Angela Latta, Planning Tech

John Spainhoward, Zoning Coordinator

LaDonna Marshall, Office Manager

Daniel Morris, GIS Planner

Sarah Cook, Long Range Planner

Jackey Jones, Administrative Support

Chris Cowan/Jerome Henderson/Joe Green, City Street Dept.

Ben Browder/Justin Crosby, Clarksville Gas & Water

Jobe Moore/Captain Reed Clarksville Fire Department

Sergeant Norfleet/R. Conery Clarksville Police Department

Mr. Swift called the meeting to order at 1:59 PM.

Pledge of Allegiance.

Approval of Minutes

Mr. Swift asked for a motion for approval of the minutes from June 28, 2022 meeting. Mr. Rocconi moved to recommend approval. The motion was seconded by Mrs. Streetman and carried unanimously.

Announcements/Deferrals

Mr. Tyndall stated the deferrals were Z-16-2022, S-48-2022, S-62-2022, SR-38-2022, SR-39-2022.

Mr. Rocconi made the motion to approve deferrals Mrs. Jiminez seconded. All were in favor and motion passed.

Mr. Swift went over the procedure for addressing The Regional Planning Commission.

City Zoning Cases

CASE NUMBER Z-52-2022 Applicant: AVA Homes LLC Agent: Bryan Gerwitz

REQUEST: R-2 Single-Family Residential District to R-6 Single-Family Residential District

LOCATION: Property fronting on the south frontage of Caldwell Ln., 385 +/- feet east of the Caldwell Ln. & Robert St. intersection.

TAX MAP: 079K 054E PARCEL: A 012.00 ACREAGE: 0.60 +/-

REASON FOR REQUEST: For redevelopment of this large parcel into affordable housing lots.

Mr. Spainhoward read the case and gave the staff recommendations:

APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed R-6 Single-Family Residential District is not out of character with the surrounding development pattern & adequate infrastructure serves the site, including other residential-supportive uses such as, mass transit and retail services are in the area. The adopted Land Use Plan indicates that it is encouraged to maintain a desirable mixture of housing types.
3. R-4 and R-6 exist on the same street and provide similar densities.

Mr. Spainhoward stated that as of 4:30 PM 07/25/2022 there had been no formal public comments.

Cal Burchett spoke in favor of the case stating this would be five or six lots and he was available for any questions.

With there being no further discussion Mr. Rocconi made the motion for approval stating that the zoning is consistent with the Land Use Plan. Mr. Kimbrough seconded. Mr. Powers abstained. All others were in favor. Motion passed.

CASE NUMBER Z-53-2022 Applicant: AVA Homes LLC Agent: Bryan Gerwitz

REQUEST: R-2 Single-Family Residential District to R-6 Single-Family Residential District

LOCATION: Property located at the southeast corner of the Caldwell Ln. & Robert St. intersection.

TAX MAPS: 079K PARCELS: A 010.00 ACREAGE: 0.60 +/-

Reason for Request: For redevelopment of this large parcel into affordable housing lots.

Mr. Spainhoward read the case and gave the staff recommendations:

APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed R-6 Single-Family Residential Zoning is not out of character with the surrounding development pattern & adequate infrastructure serves the site, including other residential-supportive uses such as, mass transit and retail services are in the area. The adopted Land Use Plan indicates that it is encouraged to maintain a desirable mixture of housing types.
3. R-4 and R-6 exist on the same street and provide similar densities.
4. Adequate infrastructure serves the site & no adverse environmental issues have been identified relative to this request.

Mr. Spainhoward stated that as of 4:30 PM 07/25/2022 there had been no formal public comments.

There being no further discussion Mr. Kimbrough made the motion for approval stating that R-4 and R-6 are on the same street and provide similar density. Mrs. Streetman seconded. Mr. Powers abstained. All others were in favor. Motion passed.

CASE NUMBER Z-54-2022 Applicant: Mid State Properties GP Agent: Kolt Milam

REQUEST: R-3 Three-family Residential District to R-6 Single-Family Residential District

LOCATION: Property fronting on the south frontage of Lynes St., 240 +/- feet west of the Greenwood Ave. & Lynes St. intersection.

TAX MA: 079D PARCEL: L 020.00 ACREAGE: 0.13 +/-

REASON FOR REQUEST: I want to create an affordable single-family lot.

Mr. Spainhoward read the case and gave the staff recommendations:

APPROVAL

1. The proposed zoning case is consistent with the Land Use Plan.
2. The proposed R-6 Single-Family Residential Zoning is not out of character with the surrounding development pattern & adequate infrastructure serves the site, including other residential -supportive uses such as, mass transit and retail services are in the area. The adopted Land Use Plan indicates that it is encouraged to maintain a desirable mixture of housing types.

3. Other smaller lots exist in the neighborhood.
4. Adequate infrastructure serves the sit & and no adverse environmental issues were identified relative to this request.

Mr. Spainhoward stated that as of 4:30 PM 07/25/2022 there had been no formal public comments.

Kolt Milam spoke in favor of the request stating the plan is to better utilize the property. He stated he was available for any questions.

With there being no further discussion Mr. Rocconi made the motion for approval stating that the R-6 single-family residential zoning is not out of character with the surrounding development pattern. Mrs. Streetman seconded. All others were in favor. Motion passed.

CASE NUMBER Z-55-2022 Applicant: Dominus Properties LLC

REQUEST: R-3 Three Family Residential District to R-6 Single-Family Residential District

LOCATION: Property fronting on the east frontage of S. 11th St., 490 +/- feet south of the Commerce St. & S. 11th St. intersection.

TAX MAP: 066L PARCEL: B 028.00 ACREAGE: 0.17 +/-

REASON FOR REQUEST: None given.

Mr. Spainhoward read the case and gave the staff recommendations:

APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed R-6 Single-Family Residential Zoning is not out of character with the surrounding development patterns & adequate infrastructure serves the site, including other residential-supportive uses such as, mass transit and retail services are in the area. The adopted Land Use Plan indicates that it is encouraged to maintain a desirable mixture of housing types.
3. R-6 rezoning would be in character with the variety of uses in this neighborhood.
4. Adequate infrastructure serves the site and no adverse environmental issues were identified relative to this request.

Mr. Spainhoward stated that as of 4:30 PM 07/25/2022 there had been no formal public comments.

Michael Bevilacqua spoke in favor of the case stating he is looking to provide infill developments. He stated he was available for any questions.

With there being no further discussion Mr. Spigner made the motion for approval stating that the zoning would be in character with the variety of uses in the neighborhood. Mr. Kimbrough seconded. All others were in favor. Motion passed.

CASE NUMBER Z-56-2022 Applicant: Dominus Properties LLC

REQUEST: R-3 Three Family Residential District to R-6 Single-Family Residential District

LOCATION: Property fronting on the south frontage of Cedar St., 135 +/- feet east of the Glen St. & Cedar St. intersection.

TAX MAP: 066E PARCEL: F 006.00 ACREAGE: 0.16 +/-

REASON FOR REQUEST: None given

Mr. Spainhoward read the case and gave the staff recommendations:

APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed R-6 Single Family Residential District is not out of character with the surrounding development pattern & adequate infrastructure serves the site, including other residential-supportive uses such as, mass transit and retail services are in the area. The Adopted Land Use Plan indicates that it is encouraged to maintain a desirable mixture of housing types.
3. Similar R-6 rezoning requests have been approved in the neighborhood.
4. Adequate infrastructure will serve the site & no adverse environmental issues were identified relative to this request.

Mr. Spainhoward stated as of 4:30 PM 07/25/2022 there had been no formal public comments.

Michael Bevilacqua spoke in favor of the case stating he was looking to provide additional housing for the infill development.

With there being no further discussion Mrs. Streetman made the motion for approval stating it is consistent with the land use plan and similar R-6 zoning requests have been approved in the neighborhood. Mrs. Jiminez seconded. All others were in favor. Motion passed.

CASE NUMBER Z-57-2022 Applicant: A & Y Properties. LLC

REQUEST: R-2 Single-Family Residential District to R-6 Single-Family Residential District

LOCATION: Property fronting on the west frontage of Greenwood Ave., 465 +/- feet south of the Greenwood Ave. & Lynes St. intersection.

TAX MAP: 079F PARCEL: D 030.00 ACREAGE: 0.30 +/-

REASON FOR REQUEST: Better utilization of the subject property.

Mr. Spainhoward read the case and gave the staff recommendations:

APPROVAL

1. The proposed zoning request is consistent with the adopted Land Use Plan.
2. The proposed R-6 Single Family Residential Zoning is not out of character with the surrounding development pattern & adequate infrastructure serves the site, including other residential-supportive uses such as, mass transit and retail services are in the area. The adopted Land Use Plan indicates that it is encouraged to maintain a desirable mixture of housing types.
3. Similar R-6 rezoning requests have been approved in the neighborhood.

4. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.

Mr. Spainhoward stated that as of 4:30 PM 07/25/2022 there had been no formal public comments.

With there being no further discussion Mr. Kimbrough made the motion for approval stating the zoning is not out of character with the surrounding development pattern. Mr. Spigner seconded. All others were in favor. Motion passed.

CASE NUMBER Z-58-2022 Applicant: William Belew

REQUEST: R-1A Single-Family Residential District to R-4 Multiple-Family Residential District

LOCATION: A tract fronting on the east frontage of Needmore Rd. east of the Needmore Rd. & Beckett Dr. intersection, also fronting on the south frontage of Hazelwood Rd., 400 +/- feet east of the Hazelwood Rd. & Needmore Rd. intersection.

TAX MAP: 018 PARCEL: 042.05 ACREAGE: 20.56 +/-

REASON FOR REQUEST: To allow for multi-family development.

Mr. Spainhoward read the case and gave the staff recommendations:

APPROVAL

1. The proposed zoning request is consistent with the Land Use Plan.
2. The intersection of Needmore Rd. and Hazelwood Rd. already has R-4 and C-5 zoning in the area and the requested R-4 is an extension of the R-4 to the West and South.
3. R1-A is not the appropriate zone anymore with the surrounding development patterns. Additional neighborhood commercial zoning on this property could benefit the community however.
4. Adequate infrastructure serves the site & no adverse environmental issues were identified relative to this request.

Mr. Spainhoward stated that public comments are included in packet (pages 50-52).

Cal Burchett spoke in favor of the case stating they had provided the traffic assessment and were aware of the widening project and will reserve any right of way required. He further stated that all drainage for this site flows to an existing sinkhole that Mr. Belew is improving. He stated he was available for any questions.

With there being no further discussion Mr. Powers made the motion for approval stating it is an extension of the R-4 district. Mr. Kimbrough seconded. All others were in favor. Motion passed.

CASE NUMBER Z-59-2022 Applicant: Byard & Mabry Holdings, LLC

REQUEST: AG Agricultural District to R-2 Single-Family Residential District

LOCATION: Property fronting on the south frontage of Ringgold Rd., 440 +/- feet east of the Ringgold Rd. & Brentwood Cir. Intersection.

TAX MAP: 030 PARCEL: 010.00 (p/o) ACREAGE: 8.53 +/-

REASON FOR REQUEST: Applicant requests an extension of adjacent R-2 zoning to subject tract so that it is the same of the tract of which subject property is a portion. Applicant intends to submit a preliminary plat on the entire tract after zoning is approved and that plat is attached for information and transparency.

Mr. Spainhoward read the case and gave the staff recommendations:

APPROVAL

1. The proposed zoning request is consistent with the Land Use Plan.
2. This property will allow a second access point to an already approved subdivision and additional housing units.
3. Adequate infrastructure serves the site and no adverse environmental issues were identified relative to this request.

Mr. Spainhoward stated that comments are in the Commissioner's packet (page 60).

Lawson Mabry spoke in favor of the case stating this comprises three tracts essentially to get a second entrance into the property. He stated asking to rezone to R-2 that surrounds it.

Michael McLaughlin spoke in opposition of the case stating that traffic is an issue. School zone slows people down and there are no sidewalks in the area. He further stated we do not need any more houses on Ringgold Road.

With there being no more discussion Mr. Hadley made the motion for approval stating it is an extension of existing R-2 and provides another access to Ringgold Road. Mr. Powers seconded. Mr. Rocconi abstained. All others were in favor and motion passed.

CASE NUMBER Z-60-2022 Applicant: Ann Rees Agent: Stanley M. Ross, Harvill Ross PLLC

REQUEST: AG Agricultural District to R-5 Residential District

LOCATION: A tract of land fronting on the south frontage of Rossview Rd., south of the Rossview Rd. & Rollow Ln. intersection.

TAX MAP: 058 PARCEL: 003.01 ACREAGE: 11.86 +/-

REASON FOR REQUEST: None given.

Mr. Spainhoward read the case and gave the staff recommendations:

Deferral requested by applicant.

Stanley Ross on behalf of the applicant asked for a deferral of case.

With there being no further discussion Mr. Rocconi made the motion to defer for one month. Mrs. Jiminez seconded. All others were in favor. Motion for deferral passed.

CASE NUMBER ZO-2-2022 Applicant: City Council City of Clarksville

REASON FOR REQUEST: In response to City Council Resolution 63-2021-22

Mr. Tyndall presented the case (see attachment) and stated he was available for any questions.

With there being no further discussion Mr. Rocconi made motion for approval as presented. Mrs. Streetman seconded. All others were in favor and motion passed.

County Zoning Cases

CASE NUMBER CZ-14-2022 Applicant: M Ireland LLC

REQUEST: R-1 Single-Family Residential District to C-5 Highway & Arterial Commercial District

LOCATION: Property fronting on the south frontage of Hwy 79/Dover Rd., 1,6000 +/- feet west of the Hwy 79/Dover Rd. & Liberty Church Rd. intersection.

TAX MAP: 053 PARCEL: 148.06, 148.01 ACREAGE: 11.2 +/-

REASON FOR REQUEST: Rezone request to C-5 as commercial uses conform to Dover highway needs.

Mr. Spainhoward read the case and gave the staff recommendations:

APPROVAL

1. The proposed zoning request is consistent with the Land Use Plan.
2. C-5 Arterial and Highway Commercial District is the appropriate zone along US 79 Dover Road.
3. The growing Woodlawn community will have more access to commercial services locally.
4. No adverse environmental issues were identified relative to this request & adequate infrastructure serves the site.

Mr. Spainhoward stated that as of 4:30 PM 07/25/2022 there had been no formal public comments.

Vernon Weakley spoke in favor of the case stating he was available for any questions.

With there being no further discussion Mr. Spigner made the motion for approval stating that C-5 Highway and Arterial Commercial District is the appropriate zone along US 79. Mrs. Streetman seconded. Mr. Kimbrough abstained. All others were in favor. Motion passed.

CASE NUMBER CZ-15-2022 Applicant: Kevin & Gwen Griffy

REQUEST: R-1 Single-Family Residential District to C-5 Highway & arterial Commercial District

LOCATION: Property fronting on the south frontage of Keese Rd., 2,315 +/- feet west (following the ROWO of the River Rd. & Keese Rd. intersection.

TAX MAP: 091 PARCEL: 026.00 (p/o) ACREAGE: 5 +/-

Reason for Request: A pole barn on property will be used for venue for gatherings. Weddings, Corp. meetings our church (North 2nd Street Church of Christ).

Mr. Spainhoward read the case and gave the staff recommendations:

APPROVAL

1. The application is consistent with the Land Use Plan.
2. The proposed AGC zone will provide for appropriate rural commercial uses of the property.
3. The building on site is already constructed as an agricultural event center.
4. There is concern about large truck traffic accessing the site, but if used for an event center the road should be adequate.
5. No adverse environmental issues were identified relative to this request & adequate infrastructure serves the site.

Mr. Spainhoward stated that as of 4:30 PM 07/25/2022 there have been no formal public comments.

Gwen Griffy spoke in favor of the case stating it would be a gathering spot for her church, wedding and corporate events.

There being no further discussion Mr. Rocconi made the motion for approval of the case stating that the Agricultural Commercial Zone will provide an appropriate rural commercial use of the property. Motion was seconded by Mr. Spigner. All others were in favor. Motion passed.

SUBDIVISION CASES:

Mr. Parker read the consent agenda cases into the record.

CASE NUMBER: S-60-2022 APPLICANT: Guillermina Escobedo/Rafael Gutierrez

REQUEST: Revised Preliminary Plat Approval of Replat Fairlane Subdivision Sections A & D Lots 2, 12-17, 31-34 and Final Plat of Lots 2A, 2B and 2C

LOCATION: South of Kennedy Ave., north of Laura Drive, at 10 Montana Ave.

MAP: 054I PARCEL: D 003.00 ACREAGE: 5.4 +/- #OF LOTS: 3 +/- ZONING: R-2 GROWTH PLAN: CITY

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

1. 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 begin.
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.

CASE NUMBER: S-61-2022 APPLICANT: Alpine Development, LLC

REQUEST: Preliminary Plat Approval of Kennedy Place (Cluster)

LOCATION: West of Kennedy Lane, south of Meadowgate Lane, approximately 310 feet northwest of the Heatherwood Trace and Kennedy Lane intersection.

MAP: 017 PARCEL: 017.02 ACREAGE: 14.4 +/- #OF LOTS: 38 +/- ZONING: R-4 GROWTH PLAN: CITY

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.

CASE NUMBER: S-63-2022 APPLICANT: Kolt Milam

REQUEST: Preliminary Plat Approval of Kolt Milam Property

LOCATION: North of and adjacent to Crossland Avenue, west of and adjacent to Kelly Lane, east of and adjacent to Shearon Lane.

MAP: 065P PARCEL: H 011.00 H 011.01 ACREAGE: 0.42 +/- #OF LOTS: 10 +/- ZONING: R-6 GROWTH PLAN: CITY

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.

Mrs. Streetman made the motion to approve consent agenda. Mr. Rocconi seconded. All others were in favor and motion passed.

CASE NUMBER: S-47-2022 APPLICANT: Jack Miller/Jack Rudolph

REQUEST: Preliminary Plat Approval of Red River Ridge (Cluster)

LOCATION: North of Memorial Drive, south of the Red River, east of and adjacent to Little Barn Drive and Woodmeadow Drive.

MAP: 064 PARCEL: 020.00, 014.00 (portion) ACREAGE: 148 +/- #OF LOTS: 278 +/- ZONING: R-1GROWTH PLAN: CITY

Mr. Parker read the case and read the conditions for approval into record and gave the staff recommendations.

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 begin.
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.

Chris Goodman spoke in favor of the case stating that he is happy to report that construction access easement has been obtained across Mr. Miller's property for construction access. He further stated they had answered all the additional information requests from the Planning Commission which you will see in your packet. He stated he believed they had submitted a plat that meets all current regulations. He stated he would be happy to answer any questions.

Mr. Spigner asked if he could speak a little more to the construction entrance. Where it will be located, how it will be constructed.

Mr. Goodman stated it would be across Mr. Miller's property and we will work with the City Street Department as to how they want the access built, that he was sure it would be some sort of gravel.

Mr. Kimbrough asked percentage wise of construction traffic. Will one hundred percent be on construction entrance?

Mr. Goodman stated that he didn't want to say one hundred percent, that if it is a contractor driving his pick-up it may not use construction entrance but if it is a heavy truck it will use construction access.

Mr. Spigner asked how will it be enforced.

Mr. Goodman stated he guessed the Street Department and Police Department could get involved but Meritage developers will have all their subcontractors use the construction access easement.

Mr. Spigner asked does that mean that current stub roads on Pond Apple may not be tied in during construction.

Mr. Goodman stated that not until they do all the roads, correct.

Mr. Kimbrough asked even after those stubs are connected to the roads the majority of all heavy traffic would use the construction road.

Mr. Goodman stated they have this easement for the duration of the project, for the development and the houses.

Mr. Swift asked if its ten years for total project they would use same area.

Mr. Goodman stated yes sir.

Mr. Powers asked will that be a recorded easement or is that just a between the parties' agreement.

Mr. Goodman stated he would defer to developer.

Mr. Spigner asked if he was going to design the road as a civil engineer, that is going to have to be a very robust road to be held up under that kind of traffic.

Mr. Goodman stated that yes, he would it would be designed and will be part of the construction plans.

Mr. Spigner asked will it be maintained through construction.

Mr. Goodman stated yes.

Casey Keister of Meritage Homes spoke in favor of the case stating that they had worked diligently with the seller to obtain this construction access easement which would be used for all heavy traffic that would be used throughout the life of this project. He stated we will record an official dedicated easement for that but at this point it is a contract amendment with the seller but we will record an official easement for that for the duration of this project. He further stated that he believed they had provided all the information that was requested at the previous meeting and other things requested throughout this past month. He stated we have met all the regulations for this subdivision, we are not requesting any variances and we are agreeable to the three conditions that staff has put on this proposal and he is happy to answer any questions.,

Mr. Kimbrough asked if the easement would be recorded.

Mr. Keister stated that it is our plan to record the construction easement, at this time we have the contract terms together with Mr. Miller for the agreement so its legal and in writing. He stated that they would work diligently with subcontractors to use the construction easement.

Jeff Bibb spoke in opposition of the case stating he thanked the board for deferring to allow them gather more information. He stated that Rudolphtown's neighborhood leadership activities has been focused on fact finding about what type cluster development this would be as well as how it would impact our neighborhood. He stated we heard you in the last meeting state clearly that as long as the boxes are checked that are presented by the Regional Planning Commission staff, you really have no choice but to vote for approval and we respect and understand that however, we are presenting what we think will be a couple of additional boxes for your consideration that didn't exist when those previous boxes were checked. He stated we approached one of neighbors (Cal McKay) who is a licensed professional engineer with extensive expertise in Master Planning, Site Design for industrial, commercial and residential development. He stated we did not seek Cal's expertise on retainer but only as guidance from a neighbor who lives in Rudolphtown.

Cal McKay spoke in opposition of the case stating that he is speaking with no affiliation with McKay, Burchett & Company, he is strictly here as a neighbor to help guide them through this process. He stated that there is one huge box that has not been checked this can't be approved based on Zoning Ordinance 5.9.2 B, "A master plan for the entire tract shall be required for preliminary plat approval." He stated you've got two property owners and several hundred acres and you've got some of their property, a good portion of their property aren't included in this Master Plan. He stated that there are several other issues that he thinks does not check all the boxes, this is the biggest one. He stated he does not care to go into any of the other ones, we just think this should be disapproved, doesn't get any clearer than that.

Cal McKay stated that there have never been any exceptions to this as far as he knows.

Chris Goodman spoke in rebuttal stating that the Master Plan was submitted yesterday, it is in your packet.

Mr. Powers stated that he thinks that is in regards to Mr. Miller's property not Miller and Rudolph, is what they are alluding to.

Mrs. Streetman stated it still shows remainder of parcel.

Mr. Goodman stated right, it is full of sinkholes and will likely never be developed.

Mrs. Streetman stated that is listed as potential future development and road extension by others, there are no lot numbers or anything with that.

Mr. Tyndall stated that it is a concept as it is listed by others.

Mrs. Streetman asked we are approving the preliminary plat today correct.

Mr. Tyndall stated you are approving the preliminary plat and the Master Plan Concept and they are two different things.

Mr. Powers asked if Mr. Rudolph's out parcel needed to be accounted for as well. and Mr. Rudolph's frontage, Mr. Rudolph's is all one parcel

Mr. Tyndall stated that in the packet page 7 is the original preliminary plat, page 8 is the Master Plan of the Miller property, page 9 is the narrative and he read verbatim into the record. (see attached).

There was much discussion of Master Plan and what is considered the entire tract.

Mr. Rocconi asked what is the timeline, can we do another deferral.

Mr. Tyndall stated you have one more deferral but he stated he encouraged the commission to lay out all requirements at this time and not have another set of requirements at the next Public Commission meeting.

There was discussion between the Commission as to what the entire plat is, connectivity and Master Plan.

With there being no further discussion Mr. Powers made the motion to defer to give the applicant time to complete what we are interpreting as a Master Plan of the entire tracts which would be the entirety of Mr. Miller's and Mr. Rudolph's tracts. Mr. Rocconi seconded the motion.

Mr. Rocconi asked can we time the phases.

Mr. Tyndall stated that Master Plans don't require phasing. He stated that this was the discussion he had with the city attorney yesterday, and we are pretty confident you can not make a person develop a portion of property they are not willing to develop. He stated that just like with a subdivision or site plan and they say here is what we want to do, you can play with what they want approval for but if it is something they are showing on a conceptual plan I do not believe you can say you have to develop this piece of property, whether or not you own it, even if you intend to do it in the future, if you don't intend to do it now and you are not requesting approval now, we don't believe (the attorney and RPC staff) that should be a condition of approval.

Mrs. Streetman stated that if the entire tract which is what we have sat here and thought is the entire tract, which is all of it and there's phasing, in the past we have put conditions as far as the phasing is concerned.

Mr. Tyndall stated page 4 in packet is what they are asking us to approve, you can't go beyond and say you have to do this first when it is not on that plan. He stated if they brought this all in including the other road out and they were saying that would be the last phase then I believe you could do that but they are not asking for us to approve that, that is part of the Conceptual Master Plan which is just an exhibit that goes along with this, not something you are approving.

There was more discussion of Master Plan and phasing.

Mrs. Streetman voted nay. All others were in favor and motion for deferral passed.

SITE REVIEW CASES:

Ms. Russell read through the consent agenda cases.

CASE NUMBER: SR-36-2022 APPLICANT: Alpine Development LLC AGENT: Houston Smith

DEVELOPMENT: Tiny Town Place Apartments PROPOSED USE: Multifamily LOCATION: 2500 Tiny Town Road MAP: 007, 011.00 (P/O) ACREAGE: 5.98 +/-

STAFF RECOMMENDATION: APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS

1. Approval of all utility plans by the office of the Chief Utility Engineer to include offsite lift station upgrades.
2. Approval of all grading, drainage and water quality plans by the City Street Department.
3. Subdivision /Travel easement plat completed.
4. Approval of a landscape plan.

CASE NUMBER: SR-37-2022 APPLICANT: Todd Morris AGENT: Houston Smith
DEVELOPMENT: 446 Needmore Apartments PROPOSED USE: Multifamily
LOCATION: 446 Needmore Road MAP: 032, 077.00 ACREAGE: 4.02 +/-

STAFF RECOMMENDATION: APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS

1. Approval of all utility plans by the office of the Chief Utility Engineer
2. Approval of all grading, drainage and water quality plans by the City Street Department.
3. Approval of a landscaper plan.

With there being no further discussion Mr. Rocconi made the motion for approval. Mrs. Streetman seconded and all others were in favor. Motion for consent agenda passed.

OTHER BUSINESS:

A. MONTHLY PROFIT AND LOSS STATEMENT

Mr. Tyndall presented the monthly P & L statement.

Mr. Tyndall stated he did want to point out that salaries look to be over budgeted but this includes the ARPA funds from the county and city.

Mr. Kimbrough made the motion for approval. Mr. Spigner seconded and all others were in favor. Motion passed.


B. HABITAT FOR HUMANITY FEE REDUCTION

Mr. Tyndall stated that Habitat for Humanity has requested a reduction to \$350.00 for rezoning application through the calendar year. He further stated they would come back on a yearly basis with this request.

Mr. Spigner made the motion for approval. Mr. Powers seconded. All others were in favor and motion passed.

The meeting was adjourned at 3:33 PM

ATTEST:



Chairman