

MAURY COUNTY REGIONAL PLANNING COMMISSION

Tom Primm County Commission Room Building #6

February 24, 2020 at 5:30 p.m.

Minutes

The Maury County Regional Planning Commission (MCRPC) regular meeting was held on Monday, February 24, 2020 at 5:30 p.m. in the Tom Primm County Commission Room, Building #6.

I. Call to Order

With a quorum present, Chairman, Harold Delk called the meeting to order.

The following members were in attendance:

Harold Delk	Mark Cook	Mike Diaz	Brian Vick	Stan Napier
Tim Thomas	Peder Jensen	Gwynne Evans	Sue Stephenson	
Robert Caldiraro, Director of Building & Zoning			Daniel Murphy, County Attorney	
Deborah J. Boehms, Zoning Coordinator			Mike Delvzizis, Consulting Engineer	

II. Approval of the agenda-A motion was made by Mike Diaz to approve the agenda. The motion was seconded by Stan Napier. The motion carried unanimously.

III. Approval of Minutes: The minutes of the Maury County Regional Planning Commission were mailed to each member for review and consideration. A motion was made by Peder Jensen to approve. The motion was seconded by Mike Diaz. The motion carried unanimously.

IV. Rezoning Request: Applicant Montgomery G. Turner, Sr. and property owner Paula G. Woody are requesting a positive recommendation for Rezoning 4.58 acres from A-2 Rural Residential to C-2 (General Commercial) District for a proposed Dollar General Store. The property (12.68 acres) is located at the intersection of Beechcroft Rd. & Carter's Creek Pike Columbia, TN and is further identified as being on County Tax Map 023 Parcel 018.04. A motion was made by Brian Vick to approve a favorable recommendation for the re-zoning request. The motion was seconded by Mike Diaz. After discussion, a roll call vote was taken, the motion failed with a vote of 8-Nays & 1-Aye.

V. Re-Zoning Request & Preliminary Site Plan: T-Square Engineering and property owner James and Kathy Johnson are requesting:

(1) a positive recommendation for the purpose of Rezoning 5.22 acres from A-2 (Rural Residential) to C-3 (Special Commercial) District for a Landscaping Nursery.

A motion was made by Tim Thomas to approve a favorable recommendation for the re-zoning request. The motion was seconded by Mike Diaz. The motion passed with 7 ayes. Sue Stephenson and Gwynne Evans voted nay.

(2) Approval of a Preliminary Site Plan

The property (13.46 acres) is located at 3465 Highway 431, Columbia, Tennessee and is further identified as being on County Tax Map 048, part of Parcel 020.16.

A motion was made by Brian Vick to approve the Preliminary Site Plan with the following conditions that are to be addressed as part of the Final Site Plan submittal.

- (a) The applicant should anticipate additional comments after a Final Site Plan is submitted.
- (b) Be advised and prepared to discuss traffic, turn lanes, roadway improvements, right-of-way dedications, future connectivity locations and other development related conditions with the Planning Commission.
- (c) The parking lot area, driveways and stalls are to be revised to comply with Zoning Resolution Article 4.014 e.
4.014 e. A parking lot containing ten (10) or more spaces shall be paved with an all-weather wearing surface of dustless material which shall be either asphalt or concrete. The Planning Commission may permit the use of double bituminous surface treatment (DBST) where the Planning Commission deems it appropriate as part of their site plan review and approval process.
The Planning Commission may also consider the use of gravel parking, grass parking or off-site parking where the Planning Commission deems it appropriate as part of their site plan review and approval process.
- (e) The landscaping plans are subject to review, modification and acceptance by and at the discretion of the Maury County Regional Planning Commission.
- (f) Provide a Water Availability Letter from Water Utility Company stating that service is available for this property for a commercial use.
- (g) For on-site sewage disposal systems provide documentation regarding soils availability for this property. Show the approximate area available for on-site sewage disposal.
- (h) As we have previously advised, in accordance with the Zoning Resolution: "All septic systems, on-site subsurface disposal fields and appurtenances will be located on the lot served and will not be located in an easement on another lot or tract."
- (i) Stormwater design calculations will be required at the Final Site Plan submittal.

The motion was seconded by Mike Diaz. The motion carried with 7-Ayes & 2-Nays.

VI. Preliminary Plat: Traditions Subdivision (20-lots)

Applicant and property owner McBroom Family Partnership are requesting approval. The property is located at Old Zion Rd. near Clearview Ln., Columbia, TN and is further identified as being on County Tax Map 111 Parcel 018.00 & 018.16.

A motion was made by Sue Stephenson to approve with the following conditions.

- (a) The wording "Easement Dedication to Parcel 018.04 (Eas'mt B)" shall be changed to read "Property Dedication to Parcel 018.04 for ROW for access easement (ROW B)"

The motion was seconded by Peder Jensen. The motion carried unanimously.

VII. Concept Plan: Forest Trails Subdivision (84-lots)

Applicant and property owners Woodland Trails, LLC and Allan M. & Deena Stalnaker are requesting approval. The properties are located at 5124 Ollie Chunn Rd. and off of US Highway 431 and are further identified as being on County Tax Map 048 Parcels 024.00 and 024.05.

A motion was made by Gwynne Evans to defer until the March 23, 2020 meeting. The motion was seconded by Sue Stephenson. The motion carried unanimously.

VIII. Major Road Plan Revisions: Review modifications for the plan based on development activity outside of the Maury County Regional Planning Commission jurisdiction.

A portion of the plan was discussed. No action was taken

IX. Letters of Credit

(a) Mathis Valley Section 5 Phase 1: General Homes of Columbia, LLC is requesting the following two items:

- i. to have the letter of credit lowered from \$493,000 to \$339,000.
- ii. request in advance for approval for placing the final asphalt surface course on the roads.

A motion was made by Peder Jensen to not approve a reduction in the Letter of Credit nor grant the developer the ability to place the final asphalt surface course at this time. The motion was seconded by Sue Stephenson. The motion carried unanimously.

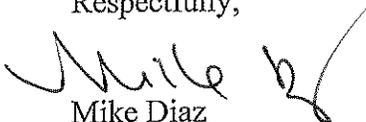
X. Reports of officers, committees and staff: None

XI. Public Comment: Gennifer Mallard, 1445 Charleston Lane, Columbia, Tennessee spoke for herself and for others in the community in opposition of the proposed Dollar General Store at the intersection of Carters Creek Pike and Beechcroft Rd.

XII. Other Business: None

XIII. Adjournment-A motion was made by Mike Diaz to adjourn the meeting at 7:05 p.m. The motion was seconded by Mark Cook. The motion carried unanimously.

Respectfully,



Mike Diaz
Secretary

Comments made by Sue Stephenson for the preceding Agenda Item IV
Planning Commission Member and District 6 County Commissioner

Initially, when contacted, we must review and consider all petitions that come before us with an open mind, fairness, impartiality, and objectivity without any bias or political pressure or influence.

In the near future there are many other property owners in District 6, many of whom own large parcels, who will be putting their properties up for sale. There are many investors and developers who either have already or who are looking to purchase land in District 6. And it is for this reason, as your County Commissioner that I reached out this past week to communicate with constituents, property owners, and others who are concerned who live in District 6. I wanted to talk with you about planning and zoning, and future development in the Carters Creek Pike community and to share important information with you, but I can't convey that information, give you recommendations and answer your questions if you're not there.

The location of this proposed rezoning is in a multi-jurisdictional area that also happens to be an area of large growth and development. It is a multi-jurisdictional area that involves the City of Spring Hill (urban growth boundary area) the City of Columbia (CPWS/water lines, sewer lines) Maury County, Maury County Water Systems and the State of Tennessee (TDOT).

The Planning Commission gets its duties and authority from the State of Tennessee through state statutes (state laws) and then we must consult with our own guidance plan and supporting documentation. The county has its own Zoning Resolution, Subdivision Regulations, and Land Use Map. Each municipality has their own district classifications, their own zoning ordinances and zoning classifications, their own designated character areas, their own land use plans and maps, their own projected transportation projects, thoroughfare plans, and park plans. The County and the municipalities all have their own urban growth boundaries that were established by the state.

As with any petition or proposal that I must consider, I always do my due diligence. I've spoken with the City of Columbia (CPWS, Wastewater Department), City of Spring Hill (Wastewater Department, Planning/Zoning Department, Economic Development, and elected officials regarding their urban growth boundary, Maury County Water Systems about growth & development and water lines), and the State of Tennessee through TDOT.

I have researched and read through many documents including the CTAS (County Technical Advisory Service through UT), Tennessee Planning Commissioner Handbook from the State Department of Economic & Community Development, the Powers & Functions of Local Planning Commissions in Tennessee, the Land Use & Planning in Tennessee Manual published by the Tennessee Advisory Commission on Intergovernmental Relations, numerous state statutes, the Maury County Zoning Resolution, the Maury County Subdivision Regulations, the Maury County Comprehensive Growth Plan (Map), the 2011 Comprehensive Plan, the 2015 Spring Hill Rising 2040 Plan, the Spring Hill Unified Development Code which consolidated Spring Hill's zoning ordinance, subdivision regulations and land-use ordinance in 2018. I've spoken with planners and engineers with the City of Columbia, the City of Spring Hill, and with both the Director and

Zoning Coordinator in the Maury County Building & Zoning Department. I have spoken with the developer, the property owner and with constituents who contacted me by phone and initially those 9 or 10 who contacted me by email.

At last month's Regional Planning Commission meeting, I stated that I was not going to support this proposed development because I believe that it is premature in terms of the infrastructure that is needed. However, I must also be able to legitimately support that position.

TCA 13-3-301 (a): "It is the function and duty of a regional planning commission to make and adopt a general regional plan for the physical development of the territory of the region. The regional plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the region planning commission's recommendations for the development of the territory covered by the plan and may include, among other things the identification of areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined the services are necessary in order for the development to occur."

TCA 13-3-413: Power of regional planning commission to promulgate provisions for development: "The provision of well-designed and properly constructed infrastructure within developments is vital to the health, safety and welfare of the public utilizing such development and the community as a whole." These infrastructure and internal development improvements include, but not limited to, public and nonpublic roads, water and sewer lines, landscaping, green or open space, sustainable design features and other improvements as required by the planning commission.

TCA 13-3-403: States that our regulations may provide for "the avoidance of such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation or other public services or would necessitate an excessive expenditure of public funds for the supply of such services..." This section clearly gives a regional planning commission the power to develop growth management strategies that would time the development of land to the availability of public services and facilities. For example, "leap-frog" development and urban sprawl into rural areas could be prevented if public facilities were lacking. A planning commission may not exercise this power in an arbitrary manner. Such decisions must be founded upon definite plans, policies, and programs to substantiate them and ultimately provide the necessary services. However, it does give a regional planning commission adequate authority to regulate the time and the location of land development."

Tennessee Planning Commissioners Handbook: "It can be said that a Regional Planning Commission has broad powers to plan for the total region. It may plan, regulate and time the development of such things as utilities, roads and housing areas. The commission may prevent urban sprawl and help preserve agricultural and open-space areas. It may plan for schools and roads. While it's well accepted that the Title 13 statutes are enabling, the necessity to accept

the growth management responsibilities stated and inferred by the Growth Management Act is clearly a duty that cannot be ignored. Planning at all levels of government is not mandatory, but it should certainly be considered obligatory.”

At this time, I still believe that this proposed rezoning is premature in regard to Infrastructure that is needed. I am particularly concerned about the current condition of these state routes at this particular intersection. I will not support this rezoning at this location at this time.