

Loudon County Planning Department

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MINUTES

LOUDON REGIONAL PLANNING COMMISSION

May 6, 2015

The May meeting of the Loudon Regional Planning Commission was called to order at 12:30 p.m. Present were Mr. Carey, Mr. Brennan, Mr. McEachern, Mr. Gammons, Mr. Parks, and Mr. Harris. Absent were Mr. Brewster, Ms. Hines, and Ms. Jones

A motion to approve the minutes for the April 1, 2015 meeting was made by Mr. McEachern, second was by Mr. Gammons. Minutes were approved 6-0.

Agenda Item A: Consideration of a re-subdivision in Legacy Park of Lots 54-60, 50-52, and 13-15 located off West Lee Hwy., referenced by Tax Map 48N, Group A, Parcels 54.00-60.00, 50-52, and 13-15, Zoned R-1 (Low Density Residential District).

Applicant: LeMay and Associates/Owner: CMH Parks, Inc.

File # 14-12-74-SU-LO

Mr. Cal Davis and Mr. Josh Jackson, representatives with Wimbledon Properties, were present.

Ms. Smith stated that Legacy Park wanted to re-subdivide the 9 interior lots into 8 and combine 6 lots into 2 for open spaces. She said that when she was reviewing the plat, she contacted them about changing total lots listed in the notes section to 8 instead of 9 lots, to place setback lines on the lots, note if the property was in a flood hazard area, to show the water and sewer lines and fire hydrant, and to provide documents of the home owners association. She stated that she understood that they may have provided the documents for the home owners association when the subdivision was first develop, but she said that she thought this may have changed since then. She said that in the documents for the home owners association, they needed to address the maintenance for the open spaces. She stated that she asked them to show how they plan to access Lot 61 that contained the retention pond, because it looked like it only had access from the highway. She said that Lot 61 would need to be mowed. She stated that her reviewing the older minutes when Legacy Park was first developed; they mentioned a playground in the open space. She said she asked them if they still planned on putting a playground in the open space. She stated that she mentioned to them that the estimate for the top coat on the road they submitted was for a subdivision in Lenoir City. She said they submitted a corrected estimate.

Mr. Davis passed copies of the plat that had the requested corrections made on it. He stated that they could provide any other outstanding items. He said he did not have a copy of the home owners' association maintenance agreement with him.

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Mr. Gammons asked if the access easement shown on the new plat going to Lot 61 would be paved.

Mr. Davis said that the access easement would be grass.

Mr. Gammons asked what the width of the access easement would be.

Mr. Davis stated that he thought the access easement was 20'.

Ms. Smith said that in the notes, it still said that the total lots were 9 instead of 8. She stated that she still needed the document about the maintenance agreement with the home owners association.

Mr. Harris asked if Lot 2 was still available, since it did not have the number on it.

Mr. Davis stated he thought it was just left off in error. He said they had also left off the number on Lot 30, which was a typo.

Ms. Smith said that she would have to check to see if the access easement met the regulations.

Mr. Davis stated that No. 14 in the notes mentioned about the maintenance agreement for the home owners association. He said he could also provide a copy of the agreement.

Mr. Harris asked if the home owners association was currently in place.

Mr. Davis said that they were currently maintaining everything.

Mr. Gray, Loudon Code Enforcer, asked if they maintained the right of way coming into the subdivision.

Mr. Davis stated that they are currently mowing everything.

Mr. Gray said that it needed to be documented who was going to maintain the right of way.

Mr. Park asked some questions about the home owners association.

Mr. Davis stated that they were not currently ready to have a home owners association.

Mr. McEachern explained that 50% of the lots had to be sold before the home owners association could take effect. He said that until that time, the developer would have to maintain the common areas.

Ms. Smith said that she wanted to review the regulations on access easements and get an updated copy of subdivision restrictions and covenants of the home owners association. She stated that it needed to be understood who would maintain the open spaces.

Mr. McEachern suggested placing a time limit for these two things Ms. Smith required.

Ms. Smith stated that she needed to find out if the regulations allowed the access easement.

Mr. McEachern said if the regulations did not allow an access easement, they would have to come back to the Planning Commission.

Mr. McEachern made the motion to approve the re-subdivision request subject to them submitting the HOA regulations and the access easement through a platted lot being allowed in the city ordinances.

Mr. Brennan stated that the HOA regulations needed to specify that the open spaces would be maintained.

Mr. Brennan second Mr. McEachern's motion. Motion carried 6-0.

Agenda Item B: Consideration of a request to reduce letter of credit for Legacy Park

Mr. Davis and Mr. Jackson were present for this item.

Ms. Smith stated that the submitted estimate that was included in the agenda packet was for Stonebrook. She said that they had submitted an updated estimate. She said that the estimate was for the topcoat on the existing road. She stated that the current letter of credit was for \$300,000 which included the cost of the turn lane off Highway 11 (has been done), the final paving and topcoat (not done), street lights (has been done), and drain and repair of the detention basin and provide as-built certification from an engineer. She said they had been working with TDEC on the detention basin. She stated that they had submitted one estimate, but she had suggested submitting two estimates for the commission to review.

Mr. Carey asked Mr. Davis how much they wanted to reduce the letter of credit.

Mr. McEachern said that they didn't need to reduce the letter of credit below \$150,000.

Mr. Gray stated that he did not have the as-built certification from the engineer on the detention pond.

Mr. Davis said that he had been working with Ms. Valerie McFall with TDEC. He stated that they had done everything. He said the last item on the list was adding a check dam to the pond. He stated that once they do the check dam on the pond, TDEC will approve.

Mr. Gray stated that the engineer's document insures that everything was built per design. He said that if the pond was not built per design, it needed to be fixed. He stated that the amount to fix the pond would need to be added to the estimates.

Ms. Smith said that she had the stormwater permit information from the time the subdivision was first developed.

Mr. Davis stated that the check dam would be behind the pond. He said that they weren't required by TDEC to do the check dam, but they wanted to go ahead and do the check dam.

Mr. Gray said that when he talked with Mr. Bill Fagg, Loudon City Public Works Director, that his concern was making sure that the drains were flushed and were working properly. He stated that several years ago there was a lot of silt that went into the drains.

Mr. Davis stated that all the drains had been cleaned out. He said that was one of the requirements with TDEC.

Mr. McEachern made the motion to reduce the letter of credit for Legacy Park to \$150,000, second was made by Mr. Harris. Motion carried 6-0.

Agenda Item C: Consideration of subdivision approval for Hope Haven Subdivision, Phase 5, lots consisting of 21-26 and 36-39, located off Roberts Rd. on Hope Way, referenced by Tax Map 49, Parcel 8, Zoned R-2 (High Density Residential District).

Applicant: Loudon County Habitat for Humanity. File #15-02-07-SU-LO

Ms. Shauna Oden, with the Loudon County Habitat for Humanity, was present.

Ms. Smith stated that Habitat wanted to add 10 lots to Hope Haven, Phase 5.

Ms. Oden said that they had made the corrections on the original plat that was submitted to Ms. Smith. She stated that the lots listed were corrected, and the zoning was changed to R-2.

Ms. Smith stated that the re-submitted plat did have the corrections on it. She said she had talked with Ms. Oden in regard to the road profiles, contours, and drainage plan. She stated that all of these items were submitted in 2007 with the preliminary showing the entire development. She said that this was for Phase 1 and approved in November, 2007. She stated that when she went to the location with Mr. Gray, they talked about how steep Lots 20-21 were. She said that Lot 20 was in Phase 1, and Lot 21 was in this phase. She stated that they had submitted the contours and drainage engineer drawings in 2007. She said when reviewing some old minutes, there were alleys in Hope Haven and no curbs or guttering. She said all of this was approved in the original plat. She stated she had talked to Ms. Oden about the street lighting. She said that Ms. Oden said they wanted to wait until all the houses were built. She asked Ms. Oden if they planned on sidewalks.

Ms. Oden stated that they wanted to have some home owners input on the sidewalks.

Ms. Smith said that initially they were going to put sidewalks in.

Ms. Oden stated that if they did put the sidewalks in, they would have to raise money to do that. She said she thought the home owners were satisfied with what they have now.

Mr. McEachern noted that when this development was approved, they had a very different concept than other developments. He stated that they wanted the water to flow freely, due to the way the land laid out in the development. He said that concrete does channel water.

Ms. Smith said that the lots in Phase 5 were in accordance with the zoning regulations.

Mr. McEachern made the motion to approve the subdivision request for Hope Haven, Phase 5, second was made by Mr. Harris. Motion carried 6-0.

Questions were directed to Ms. Oden about the costs and mortgages to the homeowners. Ms. Oden explained the process of owners qualifying for a Habitat home. She passed out information to the Commission about Habitat for Humanity. She also passed out invitations to a house dedication on May 17th.

Agenda Item D: Consideration of site plan approval to expand existing rear deck for Taco Loco Restaurant, located at 859 Mulberry Street, Loudon, referenced by Tax Map 41H, Group F, Parcel 24.00, Zoned C-2 (Highway Business District). Applicant: Herberto Navarrete

Mr. Navarrete was present.

Mr. Navarrete passed out the site plan for the expansion of the existing rear deck. He stated that the deck would be 10' X 20'. He said he proposed to put 6 tables with umbrellas on the deck for outside seating. He stated that by expanding the deck, he would lose existing parking spaces. He said he would still have 16 parking spaces in the rear (including 2 handicap spaces).

Mr. Brennan asked Mr. Navarrete how people would access/leave the deck.

Mr. Navarrete said that there would be stairs and a handicap ramp to access the deck. He stated that the roof would not extend over the deck.

Mr. McEachern stated that they had his permission to use his parking spaces for his business on the side of Taco Loco Restaurant when his business was closed, after 5 p.m.

Mr. Navarrete said he did not have a problem with parking for lunch, but needed the extra spaces available from McEachern's at night.

Ms. Smith stated that Mr. Navarrete had adequate parking spaces. She said that dividing the square footage of the dining area by 850 which came to 9 required parking spaces. She stated that they had to add 1 space for every employee, which he had a total of 14 employees with 5 employees per shift. She said that would be an additional 3 spaces to the required 9 parking spaces.

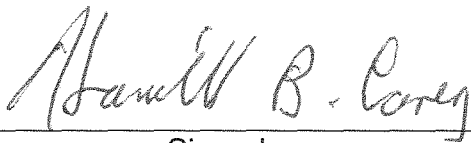
Mr. McEachern made the motion to approve the site plan, second was made by Mr. Gammons. Motion carried 6-0.

Additional Public Comment: There were none

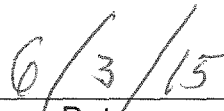
Announcements and/or Comments from the Board/Commission:

Planning Commissioner Training sponsored by ETDD (East Tennessee Development District, TDEC (Tennessee Department of Environment and Conservation), and The University of Tennessee on Tuesday, June 30, 2015 in Oak Ridge, TN at 5:45 p.m. Pre-registration is required by calling (865) 748-5113 or email MJessiman@ETDD.org.

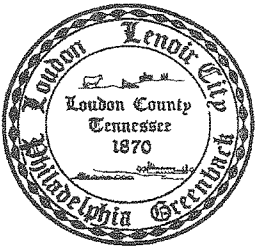
Meeting was adjourned at approximately at 1:35 p.m.



Signed



Date



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MINUTES

LOUDON BOARD OF ZONING APPEALS

May 6, 2015

The May meeting of the Loudon Board of Zoning Appeals was called to order at approximately 1:35 p.m. Present were Mr. Carey, Mr. Brennan, Mr. McEachern, Mr. Gammons, and Mr. Harris. Absent were Mr. Brewster, Mr. Parks, Ms. Jones, and Ms. Hines.

Mr. Harris made the motion to approve the minutes from the January 7, 2015 meeting, second was made by Mr. McEachern. Motion carried 5-0.

Agenda Item A: Consideration of a 5' sideyard and a 3' rearyard setback variance for 1765 Eagle Point Dr., located in Tennessee National, POD 2, Lot 161.

Owner/Applicant: Chris Bridges

Mr. Bridges, the owner, and his contractor, Mr. Bill Biles, were present.

Mr. Bridges stated he proposed to build his new residence on the lot. He said he still planned on working on his farm in Manchester, Tennessee. He stated he currently had a small home in Karns, Tennessee. He said he needed these variances to build garages big enough for the trucks he used in his farming business. He presented his letter of approval from the Tennessee National architectural review board for his variance requests. He also presented the signatures from the adjacent property owners this variance would affect stating they approved. He said he showed them the applications with his request for the variances from the Tennessee National architectural review board and to the Loudon City Board of Zoning Appeals. He stated that there were no houses on any of the lots in this area. He explained that the proposed house would not encroach in the required setback. He said that the garage and the back porch were the only structures that would encroach the required setback.

Mr. Carey asked Mr. Bridges how many square feet his proposed home would be without counting the garage.

Mr. Biles said the proposed home would have approximately 4,500 sq. ft.

Mr. Bridges stated that he and his wife would eventually have living quarters in the home for his wife's mother.

Ms. Smith reminded the Board that in last month's meeting they had approved several new plats for Tennessee National with the setbacks that were listed on those plats. She explained that in the PDD requirements in the zoning ordinance, there were sections in the PDD: neighborhood center, mixed residential, neighborhood edge, and workshop area. She stated that everything that has gone through with Tennessee National has been designated as a POD. She said she did not know which one of these sections applied to a POD. She stated that she had asked last month what section a POD was considered in. She read from the zoning ordinance what was allowed in each section, the descriptions, and the setbacks for each. She said if she understood these definitions correctly, this particular POD would be considered a neighborhood edge. She stated that when POD 2 was approved in 2005, it listed the sideyard setback for the street as being 15' and a 5' interior setback, which is correct for a neighborhood edge. She said she interpreted this to mean if the lot was along the street, the setback would be 15'. She stated that since this lot was not along a street, the setback should be 5', but Tennessee National probably had stricter setback requirements.

Mr. Harris said that Mr. Bridges may not need a sideyard variance from the Board.

Ms. Smith stated that if she interpreted this correctly, the rearyard setback would be 15'. She said the approved final plat for POD 2 listed the rearyard setback being 25'.

Mr. Bridges said he wanted to be in compliance with Loudon, so he could get started on his new home.

Mr. Harris made the motion to approve the variance requests, second was made by Mr. McEachern. Motion carried 5-0.

Agenda Item B: Consideration of a 5' sideyard setback variance for 672 Indian Cave Dr., located in Tennessee National, POD 7, Lot 20. Owner/Applicant: Mark and Patty Cummings

Mr. and Mrs. Cummings were present.

Mr. Cummings stated that his sideyard setbacks listed on his plat was 15'. He said that the side they were asking for the variance was against a vacant lot owned by Tennessee National. He stated that the house on the other side of their lot was the only house built in that POD.

Mr. McEachern asked if they wanted a 5' variance leaving 10' from the property line.

Mr. Cummings said that was correct.

Mr. McEachern asked Mr. Cummings if the proposed home was 2 story.

Mr. Cummings stated that the proposed home was 1 story.

Mr. McEachern said that if the adjacent property owner on this side also needed a 5' variance, there would still be 20' between houses. He stated that this would leave ample room for firemen, policemen, and any automobile to get through.

Mr. Cummings stated that the lots had a unique design being angled. He said that the next home would be forward from them.

Mr. McEachern added that just because they might get the variance approved, did not mean they could put their HVAC unit on that side of the house. He stated that would become an encumbrance into the setback.

Mr. Brennan made the motion to approve the variance request, second was made by Mr. Gammons. Motion approved 5-0.

Additional public comments: There were none.

Announcements and/or comments from the Board: There were none.

Meeting was adjourned at approximately 2:00 p.m.



Signed



Date