



**Kingston Springs Regional Planning Commission
Meeting Minutes
June 13, 2019**

**Planning Commission Meeting Minutes
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The meeting was called to order by Chair Patenaude at 7:00 pm.

1. Roll Call of Voting Members:

Keith Allgood	Present
Tony Campbell	Present
Tom Cullen	Present
Tony Gross	Present
Brian McCain	Present
Mike Patenaude	Present
Glenn Remick	Present
Chuck Sleighter	Present
Bob Stohler	Present

2. Non-Voting Staff:

Sharon Armstrong	Present
John Lawless	Present
Martha Brooke Perry	Present

3. Declaration of Quorum by Chairperson:

Chair Patenaude declared a quorum was present.

Chair Patenaude addressed the audience and stated there was a misprint in The Advocate newspaper indicating a discussion of zoning for property on East Kingston Springs Road would take place at this meeting. Patenaude explained that discussion would be held at first reading of the rezoning ordinance at the KS Board of Commissioners meeting on Thursday, June 20, 2019.

4. Motion to approve May 9, 2019 Planning Commission meeting minutes

Motion to approve the May 9, 2019 Planning Commission meeting minutes made by Chuck Sleighter, seconded by Tony Campbell, and passed unanimously.

5. **Motion to approve June 13, 2019 Planning Commission meeting agenda**

City Planner Armstrong requested addition of New Business item D. for discussion of the permitting process, and New Business item E. for discussion of three cease and desist orders. Chair Patenaude stated he understood agenda item A. under Old Business had been withdrawn. City Manager Lawless read and email received the morning of Thursday, June 13th, from Todd Smutz, Development PM at Thorntons LLC stating a wish to withdraw their application for this meeting. Planner Armstrong stated she would like to keep the item on the agenda for discussion. Tony Gross asked if Old Business item A. should be separated into two separate discussions and Planner Armstrong indicated it should. The Thorntons Group Old Business item was then amended to A. Plat Revision and Filing, and B. Consideration for Signage Relocation. Motion to approve the June 13, 2019 Planning Commission meeting agenda as amended made by Chuck Sleighter. seconded by Keith Allgood and passed unanimously.

6. **Old Business**

A. **Thorntons group – Plat Revision and Filing – 126 Luyben Hills Road**

Planner Armstrong stated that in February of this year Thorntons appeared before the Planning Commission and they were directed to file a plat to replace the plat they used for the purposes of acquisition. This updated plat had not filed. She reminded the Planning Commission that the updated plat was directed to be filed with an overlay of the development site. Armstrong stated she had been in communication with Thorntons and their surveyor, and stated there appears to be some issue with the recorded data at the deeds office and the surveyor is unable to secure what he needs to make the plat. Armstrong stated she pulled the property data on both parcels Thorntons had acquired, and one 4.33 acre parcel was still listed in the Dillard Group's name, and the 17 acre parcel was listed for Thorntons. She pulled the data two days later and both parcels were listed as Thorntons. She stated she pulled the data again two days after that and it had reverted back to the Dillard Group and Thorntons ownership of the parcels. Armstrong stated that until the updated plat is filed, we don't know the actual footprint of the development. Armstrong recommended a stop work order be placed until the boundary issues can be resolved. Tony Campbell asked if the stop work order was for the entire project. Armstrong stated the building inspections were not a concern because building codes could still be inspected, but where there is excavating and infrastructure being placed, we do not know if they are in the confines of Lot 1 or not until the update plat is filed. Armstrong stated this issue came to planning's attention when Thorntons filed an application to relocate a sign, and in doing the research on the sign relocation application it was discovered the updated plat was not filed. Chair Patenaude asked Armstrong what she was proposing as a stop work order. Armstrong stated she is proposing a stop work order be issue from a zoning perspective for the land disturbance because we are unable to determine the footprint of where the work is being conducted. The building itself is not an issue, but the parcel next door contains a great deal of flood area. The redesigned plat Thorntons presented in February does not contain flood area so they're trying to straddle regulatory lines on a development without a measurement to go by. Tony Campbell stated, as clarification, that Thorntons could continue to work on the building but can't do any more site work. Armstrong stated that was correct. Tony

Gross asked, as a procedural matter, if the vote on a stop work order for this project should come at this agenda item or at the added New Business item F. discussion of three cease and desist orders. Armstrong stated the current agenda item was informational only and the vote on a stop work order would fall to the added New Business item F.

B. Consideration of Approval of Signage Relocation. Map 96K C – Parcel 025.00 and Map 96 – Parcel 059.01

Gross then asked if, although it was withdrawn, anything needed to be said about the Thorntons signage request. Armstrong stated there was concern with the relocation of the pole sign but the application for relocation was withdrawn by the applicant because of the plat issue.

7. New Business

A. Plat Revision – Lot Combine – Allgood – 19 & 20 Founders Lane Map 99D A Parcel 19.00 and Map 99D A Parcel 20.00

Keith Allgood and Brian McCain recused themselves from this business item. City Planner Armstrong stated this was a combination of two lots and is a revision to an existing plat that meets all Town regulations. Motion to approve Plat Revision Lot Combine of 19 & 20 Founders Lane - Map 99D A Parcel 19.00 and Map 99D A Parcel 20.00 made by Tony Gross, seconded by Chuck Sleighter, and approved unanimously. Keith Allgood and Brian McCain recused themselves from this vote.

B. Plat Revision – Lot Combine – El Jardin – 115 Luyben Hills Road. Map 96K C Parcel 23.00 and Map 96K C Parcel 24.00

City Planner Armstrong stated that with the rebuilding of the service station next to this location the previous shared parking for these two locations would no longer be available. The EL Jardin owner acquired the lot adjacent and to the rear of the restaurant. Planner reviewed their request for resolution to their parking and advised them that this was a change to their site plan as the now two lots would be combined, which is the first operation, because development can't be considered before the combining of the two lots is considered. The applicant wished to combine the two lots so they can accommodate the number of parking spaces needed to comply with their original site plan, and they filed a subsequent site plan reflecting those parking spaces. Armstrong stated the Commission could hear this as two separate items. The first is the consideration of combining the two lots together, and the second consideration is the site plan which has been reviewed and meets all requirements. Chair Patenaude clarified that the site plan is looking at the combined two lots. Armstrong stated there is an existing commercial building on the newly acquired lot and during review the applicant was reminded that the existing building would require parking as well because it is a separate structure. In submitting their site plan the applicant complied with parking regulations for the existing restaurant and the separate structure. Brian McCain recused himself from this item. Motion to combine two lots at 115 Luyben Hills Road. Map 96K C Parcel 23.00 and Map 96K C Parcel 24.00 made by Tony Campbell, seconded by Chuck

Sleighter, and passed unanimously. Brian McCain recused himself from this vote. Motion to approve site plan submitted for El Jardin – 115 Luyben Hills Road made by Tony Campbell, seconded by Chuck Sleighter, and passed unanimously. Brian McCain recused himself from this vote. Armstrong then stated, as a training moment for the Planning Commission, that this is an existing business and is insulated by several state statutes for expansion. The Planning Commission can require the changes from the site plan perspective and can review the combination of the two lots for the plat but are prohibited by state statute to forbid a business to expand, which includes parking.

C. Concept Discussion – Ellersly Subdivision

City Planner Armstrong gives the Planning Commission a refresher on the history of Phase 1 of the Ellersly Subdivision project and the steps that will be required to continue the additional phases of the project. Armstrong also reminded the Planning Commission that there is a notation on the Phase 1 plat dealing with lots at or above a specific slope, and that the topography of additional phases could be challenging. Ryan Lovelace with Civil Site Design Group then explained their ideas for the continued development of Phase 2 and Phase 3 of the subdivision.

Armstrong advised the applicant to submit a concept plan with a general layout taking into consideration contours, drainage, and drainage calculations, and submit that first for staff review and comments before an entire plan set is developed.

D. Discussion of Planning and Permitting Process

City Planner Armstrong proposed that the Planning Commission adopt as a formal process the submission and review of building permits. Armstrong stated the Town's ordinance requires submission of materials 30 days in advance of a Planning Commission appearance to allow sufficient time to review. Armstrong stated any submission of permit application or process for development application should be submitted for zoning review first so that it can be vetted for zoning compliance, floodplain management compliance, and potential slope and runoff issues. After this review then building permit applications will be sent to the Building Inspector. Armstrong proposed that all permits go to Planning first, then to the Building Department. Brian McCain stated that Williamson County has a similar procedure in place. City Attorney Perry stated this would be an amendment to the current ordinance. The amendment would need to be put in place, be approved by the Planning Commission, the referred the Kingston Springs Board of Commissioners. Tony Gross stated the current ordinance indicated the Town's Building Inspector was responsible for plan review and asked if that language also needed to be amended. Armstrong stated it would and asked that the language reflect the administration of the zoning ordinance lies with the Planner or the Planning Commission rather than the Building Inspector, and the permitting process for building lies with the Building Inspector. Attorney Perry stated the verbiage could be stated to indicate the administration of zoning lies with the Planning Commission or their designee, then by resolution establish the designee. Motion to request City Attorney to draft an amendment to the current ordinance for review by the Planning Commission to amend the current building application process, and to have the administration of the zoning regulations lie with the Planning Commission or their designee made by Tony Campbell, seconded by Brian McCain, and approved unanimously.

E. Discussion of Three Cease and Desist Orders

City Planner Armstrong stated the BP remodel on Luyben Hills Road has not submitted the appropriate documents for the partitioned area of the building. She stated the building permit was issued for 2500 sqft on a 4600 sqft building and was not submitted for zoning and planning review when the building was partitioned into two spaces. Armstrong stated with the building partitioned as a convenience store/gas station on one side and a restaurant on the other the requirements of parking, lighting, landscaping, etc, are different for a convenience store compared to a restaurant. Armstrong also stated the applicant needs to decide if they want to be considered a single commercial development, or do they want to be considered a commercial complex, as this distinction will impact their signage allowance. Armstrong asked for direction from the Planning Commission on next steps. Tony Campbell stated the project should follow established guidelines and asked about parking for the proposed restaurant. Armstrong stated an additional requirement that will come with the proposed restaurant will be a traffic study as they exceed the limits of not having one in place. Armstrong stated we have requested the outstanding documents needed and is reluctant to allow the project to proceed with any development on the property until requested materials are received for review. Motion to request the Building Inspector to issue a stop work order with respect to the deficiencies on a zoning compliance perspective and a building permit perspective until proper paperwork is provided to staff satisfaction made by Tony Campbell. Motion seconded by Bob Stohler and passed unanimously.

Armstrong then relayed information on the McPherson property on East Kingston Springs Road. She stated town staff had laid out very clear steps of the boundaries of what could be done and what needed to be done on the property to resolve the current Notice of Violation. However, the property owner has excavated material off of phase 1 and filled and compacted phase 2 which was not part of the stated agreement. Armstrong stated the procedure given to the property owner was to excavate the fill on the property, sort the suitable fill from the unsuitable fill, call for inspection, furnish haul tickets from disposal of unsuitable fill, and at that point they could apply for a permit to install the clean fill and begin the compaction process. It was also relayed that when the fill was installed and compacted the Town would require an independent firm to inspect to assure that no unsuitable fill was being installed on the property. This has not taken place. Armstrong stated she would like to issue a cease to their activity until independent core drills are done. Motion to issue a cease for violation of the Planning Commission order for the remediation of the property and Notice of Violation made by Tony Campbell, seconded by Tony Gross, and passed unanimously.

Armstrong then addressed the Thorntons property and requested the issuance of a cease for the area of the property that exceeds the original Lot 1 Thorntons acquired, with the exception of the building being constructed, until they file the required plat with the development overlay. Motion made by Tony Gross, seconded by Brian McCain, and passed unanimously.

8. Other (For Discussion Only)

Discussion for scheduling next Planning and Zoning Community Information Meeting.

Armstrong requested the Planning Commission set a date for the next Planning and Zoning Community Meeting. She also requested consideration of development of a comprehensive plan for future development in the town. Armstrong stated she would send proposed dates to the Planning Commission for consideration at next month's meeting. Armstrong also stated there are specific ground rules for advertising meetings and she wants to make sure we're hitting them. She suggested advertising meetings in the local newspaper with the meeting agenda included.

Tony Campbell commended City Manager Lawless for presenting the first Planning and Zoning Community Meeting stating it was well done.

9. Motion to adjourn made by Tony Campbell, seconded by Bob Stohler, and unanimously approved. The meeting was adjourned at 8:02pm.

Mike Patenaude
Chair

Debbie Finch
Assistant City Manager / Recorder