



Regional Planning Commission
Kingston Springs, Tennessee

11 April, 2024
Meeting Packet



**Kingston Springs Regional Planning Commission
Meeting Agenda
11 April 2024**

Submittal Deadline Date: 13 March, 2024

The meeting was called to order by _____ at _____ pm.

1. Roll Call of Voting Members:

- Keith Allgood _____
- Tony Thompson _____
- Tony Gross _____
- Mike Hargis _____
- Lauren Hill _____
- Mike Patenaude _____
- Craig Kitch _____
- Marie Spafford _____
- Bob Stohler _____

2. Non-Voting Staff:

- Sharon Armstrong, Planner _____
- Peter Chimera, P.E. _____ (Attends at Request of Planning Commission)

3. Ex Officio Attendance:

- John Lawless, City Manager _____
- Attorney _____ (Attends at request of Planning Commission)

4. Declaration of Quorum by Chairperson.

5. Motion to approve 14 March 2024, Planning Commission meeting minutes.

6. Motion to approve 11 April 2024 Planning Commission meeting agenda.

7. Community Input

Public Comments shall be:

- a. limited to three (3) minutes for all regular agenda items and items removed from the Agenda and an overall time limit for all comments on an agenda item to ten (10) minutes unless extended by vote of a majority of the Planning Commission

b. The Chairman shall limit comments to the Agenda items, to relevant comments and shall restrict comments that are disruptive in nature.

8. Declaration of Conflict(s)

In the event that any member shall have a personal interest of any kind in a matter then before the Kingston Springs Municipal-Regional Planning Commission, she/he shall disclose his/her interest. Conflict of Interest is defined in the Kingston Springs Municipal Code Title 1, Chapter 4, Section 1-402 through Section 1-404.

9. Old Business:

A. Ellersly PUD – Consideration of Approval of Amended Grading Plans

B. GCTN – Update on Maintenance Facility Proposed Site Plan, Performance Bond Requirements for construction damage to South Harpeth Rd, to CC Rd. within the city limits of the Town of Kingston Springs

a. Soil and Erosion issues reported by Mimi Rose

b. Consideration of approval of Performance Bond for repairs to South Harpeth Rd.

C. Discussion of Sidewalks from the Ellersly PUD to Downtown Kingston Springs – Update.

D. Roy B McPherson - The Willows, 129 E. Kingston Springs Rd., Core Drill update

10. New Business: Recommendations by the Town of Kingston Springs City Commission

A. Requested Rezone for the property located at 795 South Harpeth Rd., Map 100, Parcel 011.00 from Agricultural District to R1 Low Density Residential District for the purpose of subdividing the property. Property located in FEMA NFIP X Zone. Recommendation by the KS Regional Planning Commission - Concept Review Application, property at located 173 Luyben Hills Rd. regarding proposed from C-2 Highway Commercial District to I-1 Light Industrial District.

11. Discussion – McPherson Property

a. Discussion of Core Drill and Letter sent by Mr. McPherson (No vote or formal action can be taken by the Planning Commission as the letter was not received in time to advertise the request of the applicant.

12. Motion to Adjourn.

The meeting was adjourned by _____ **at** _____ **pm.**

Lauren Hill
Planning Commission Chair

Jamie Dupré
City Recorder



**Kingston Springs Regional Planning Commission
Meeting Minutes
14 March 2024**

Submittal Deadline Date: February 9, 2024

The meeting was called to order by Chair Lauren Hill at 7:00 pm.

1. Roll Call of Voting Members:

Keith Allgood	Absent
Tony Thompson	Absent
Tony Gross	Present
Mike Hargis	Present
Lauren Hill	Present
Mike Patenaude	Present
Craig Kitch	Absent
Marie Spafford	Present
Bob Stohler	Absent

2. Non-Voting Staff:

Sharon Armstrong, Planner	Present
Peter Chimera, P.E.	Absent (Attends at Request of Planning Commission)

3. Ex Officio Attendance:

John Lawless, City Manager	Present
Attorney Tim Potter	Absent (Attends at request of Planning Commission)

4. Declaration of Quorum by Chairperson.

Chair Hill declared a quorum.

5. Motion to approve 9 February, 2024, Planning Commission meeting minutes.

Motion to approve 9 February, 2024, Planning Commission meeting minutes made by Mike Patenaude, with a second by Mike Hargis. Motion passed.

6. Motion to approve 14 March, 2024 Planning Commission meeting agenda.

Motion to approve 14 March, 2024, Planning Commission meeting agenda made by Mike Patenaude, with a second by Marie Spafford. Motion passed.

7. Community Input

Public Comments shall be:

- a. limited to three (3) minutes for all regular agenda items and items removed from the Agenda and an overall time limit for all comments on an agenda item to ten (10) minutes unless extended by vote of a majority of the Planning Commission
- b. The Chairman shall limit comments to the Agenda items, to relevant comments and shall restrict comments that are disruptive in nature.

8. Declaration of Conflict(s)

In the event that any member shall have a personal interest of any kind in a matter then before the Kingston Springs Municipal-Regional Planning Commission, she/he shall disclose his/her interest. Conflict of Interest is defined in the Kingston Springs Municipal Code Title 1, Chapter 4, Section 1-402 through Section 1-404.

9. Old Business:

A. Ellersly PUD – Update

City Planner Armstrong said they received plans with improvements for drainage, but they came in too late to get them on the agenda to advertise, so will be on the agenda for next month. Armstrong said the Planning Commission had voted to allow staff to approve them so that the project can move forward before the heavy rain and wouldn't increase the issues on site. That occurred, and they will be brought before the Planning Commission for formal approval. The work continues. There have been some complaints on a couple of builds in progress of trash that's going off site. Armstrong will share that with the code enforcement officer so that we can address that in the future.

B. GCTN – Update on Maintenance Facility Proposed Site Plan, Performance Bond Requirements for construction damage to South Harpeth Rd, to CC Rd. within the city limits of the Town of Kingston Springs

a. Soil and Erosion issues reported by Mimi Rose

City Planner Armstrong said there was a complaint by one of the residents who lives adjacent to the Golf Club that there was a recent very heavy rain several weeks ago and water did displace dirt into the creek. It did make it across the road at the four-pipe area. Armstrong directed Ms. Rose to contact TDEC and Cheatham County since it is in their jurisdiction, and Armstrong noted that to the Golf Club of DBI. She spoke to Mr. Hooper, the engineer for the project. He relayed that they had traced the entire soil erosion in that area all the way to the top of the hill but could not find the exact location of the breach. The soil erosion experts seem to think the water was just so intense for several hours that it overwhelmed the catchments they had in place. Armstrong asked them to share the EPSC for the previous month so to give city staff a little more insight into what's going on at the site. It appears to be corrected now. The complainant was a somewhat alarmed by the event. As discussed previously, that is enforced by TDEC. It's their permit. All we can do in note and follow-up.

Armstrong added that they had a discussion with the Golf Club of TN about the location of its maintenance facility briefly to update the Planning Commission

that was deferred several months back because they needed to work through an easement agreement between the Golf Club of TN and the Priscilla Dorris Property Trust. They presented a site plan for the project which was tabled because the easement agreement has to be in place before that can be considered. Since the bridge has been replaced, they are no longer taking the detour. They are taking the city section of the road out to CC Road. They had a positive discussion with them. The Town will provide them with a performance bond. The paving contractor for the city will calculate the cost per linear foot and then a performance bond will be put in place for the construction phase of the project from the exit of the maintenance facility where the gravel road exists now, all the way to CC Road. That will be put in place for the construction phase. When the site plan comes off the table and back to the Planning Commission, there will be some road improvements that will be required by our ordinance of that location. The road width in that location is slightly under 17 feet, so when you are turning out a dump truck or a large vehicle, you can't stay on the road surface, and they're going into the ditch line on the other side of the road, and because that has never been a formed driveway, it's just graveled in, it's compromising both ditches, which in turn compromises flow of water going down the road. Given the location and the number of cars coming in and out of there, they have 65 parking spaces on that plan for the maintenance facility and an office space there as well. Armstrong, Engineer Peter Chimera, and City Manager Lawless are going to meet with their engineer to discuss what improvements may need to be made so that it is no longer an issue for the road. This will only be for the Town's portion of South Harpeth Road. Armstrong said it was her understanding that the performance bond placed with the county has been satisfied, and the county is making some improvements in the four-pipe area. Armstrong said they were putting in some culvert improvements in the four-pipe area on the county side.

C. Discussion of Sidewalks from the Ellersly PUD to Downtown Kingston Springs – Update.

City Planner Armstrong said the City Commission recommended to the Planning Commission to explore having sidewalks come from the Ellersly PUD to downtown. Most of the residents are taking a pathway where Phase I ends and through the condos to go downtown and come out by Turnbull Provisions. The other possible route was along West Kingston Springs Road. There were safety concerns coming that way, plus the town would have to acquire the right-of-way across those properties, which could be prohibitively expensive. Staff had a conversation with the folks at Ellersly and they are amenable to allowing a sidewalk to come off that project in the rear location. Armstrong has emailed the HOA representative for the condos next door, which would be the natural connection because they have sidewalks in front of their buildings. The HOA representative is going to schedule a meeting with the board to discuss it. If that step progresses, then staff will have a discussion with Carl Francis regarding the rental house in the turn that will get us from the condos all the way to the sidewalk on the side of the commercial complex at Turnbull Provisions, and will bring the residents out in an area that is much safer than traveling on West Kingston Springs Road.

D. Discussion of revision to the Zoning Ordinance, Article 3.100 Accessory Uses Update.

City Planner Armstrong said she is still trying to flesh out all of the impacts that the change would have. The accessory use regulations impact the zoning ordinance in more than 31 separate places. As we work through trying to figure out a way to allow more use, we then bump up against not only the other sections of the zoning ordinance where there are limitations on lot coverage and all sorts of other things, and as we try to work through the HOA or covenants of restrictions for several subdivisions that lie within these zoning districts, we can't write anything that minimizes the covenants and restrictions that are privately placed. We have to look at lot coverage, and not all lots are same size, so doing it on a percentage level becomes cumbersome and, in some cases, if we increase the percentage that you can use based on the zoning district that you are in, it bumps up against the lot coverage restrictions that people buy those lots for, and in some cases, it bumps up against covenants and restrictions. We can't write anything that allows something that an HOA prohibits. Courts have ruled that whichever is more stringent applies. We can't undermine their covenants and restrictions with something that would allow or bar use that they allow. Armstrong is trying to wrangle all of this language to make sure that it's seamless when it goes in and one section of the ordinance doesn't contradict the other. While we don't enforce HOA restrictions, we can't violate them. We can't issue a permit that contradicts them. Mike Hargis asked for confirmation on where a subdivision that doesn't have an HOA, that the ordinance rules apply, and that was correct. Armstrong said as we work with lot coverage in the districts. The larger the lot, the less intense the district. R1A is the least intense district. The less intense it is, the greater the restriction on lot coverage because people buy those lots with the understanding that they're only allowed to use 25% of that lot for coverage. Hill and Gross asked, do we try to do a one size fits all or do we change the current code or leave it. Armstrong said as we work through the districts, we are going to bump up against lot coverage is almost every circumstance. Mike Hargis thought increasing by percentage would work, because not every lot is same size, so they would be limited by lot size. Armstrong said you can't provide something to some people in a district that would not be available to other people in the district. Hargis said it would be the same issue no matter where you set the bar, at 50%, or 60%. He did not see a problem with increasing the accessory amount if people have a lot big enough to accommodate it. You can't provide an advantage to one that doesn't apply to others. Armstrong said it had to be level across the district. Armstrong said it is not impossible, but when you write it, it has to be able to withstand the challenges. Hill asked if it was necessary. Is it really going to impact things going forward. Mike Patenaude said the accessory use, whether it is 50%, 60% or 75%, is still subject to other restrictions, whether it's septic or setbacks. He said if these restrictions don't come into play, then this is acceptable if it's in the ordinance. He said it shouldn't be an issue. Accessory use can be at 50% or 60%, subject to sewage, subject to lot coverage. As long as you can meet your sewage and setbacks, and you can meet lot coverage, then it applies. Armstrong said she thinks we will bump up against complaints. People buy in certain districts and expect to have a certain distance on that lot between them and anything else that can be built when they buy that lot. On the larger zoning districts, it probably isn't an issue, but in the smaller zoning districts you are going to get blowback. It can't be just R1 and R1A. The others are too difficult to work around because most small lots are on sewer. You have a sewer tank, driveway, setbacks. Tony Gross said we haven't had any cases in the R1 and R1A, so we are really

talking about an R2 issue, and that can't be resolved. Armstrong said R1 and R1A you could allow that increase across those lots. There's a random lot here or there that would not comply in those districts. Tony Gross said this whole process sounds like a solution in search of a problem. He did not know that the problem exists within the current zoning. Armstrong said that the complaints that we've had are pretty much limitations that regardless of what we change, will still not address the issue. Armstrong said accessory use has to be subordinate to the principal use of the lot. For residential, the primary use is defined by law as the principal structure. Everything that comes on that lot after the principal structure has to be subordinate in use and in size. Hill asked why they were moving forward with this constant discussion, if they were in fact, a solution searching for a problem. Armstrong said there are two reasons. One that it was forwarded to the Planning Commission by the City Commission, so it can't be just tabled, and two, the Planning Commission makes these decisions. Armstrong said she works at the direction of the Planning Commission to provide what they think is appropriate. Tony Gross said he thought this might not be a valuable use of staff hours. Hill agreed. Hill asked for a vote to see if they should continue to pursue. Tony Gross made a motion to no longer pursue this, with a second from Mike Patenaude. There was a brief discussion. The Planning Commission was asked to explore the issue and bring back to the City Commission the results of that exploration, and the Planning Commission's decision. Hill said the discussion needed to occur. Marie Spafford said the City Commission asked the Planning Commission to explore it. They did, and discussed it and there's no problem. Motion passed unanimously.

E. Roy B McPherson - The Willows, 129 E. Kingston Springs Rd., Core Drill update

City Planner Armstrong provided an update. She received notice from the engineering firm, GeoTech Engineering, from six weeks ago that core drilling was completed and report was rendered and given to Mr. McPherson. The Planning Commission hasn't received it. She has requested that they forward it to the Planning Commission, so that they can review it. At this point the Planning Commission approved the core drilling locations. The lab report was to be produced. That was completed and finished six weeks ago, and applicant has chosen not to share it with the Planning Commission thus far. Armstrong made another request that the information be provided to the Planning Commission, reminding them that it was a requirement rather than a request. Tony Gross said as a review, last month they voted not to renew the PUD plan for this project, and of course they still need the core drill update and that data. He asked where they stood with this right now – no response from the applicant? Armstrong said she has not spoken directly with Mr. McPherson. She has been in communication with the engineer. She will follow up again and request that information. Mr. McPherson has not granted the engineering firm permission to release it to her, so she can't get it from them. What comes next is the question. This is now purely depending on what's determined in that report. If the report is good, then there's not anything there we need to worry about going into our water stream; the ground is stable, and we're not subject to the whole back of the hill falling off. If that is the case, the permit is closed and everything is stopped where we are. If that is not the case, it becomes an enforcement action, much as it did the first time. Tony Gross asked if that lot needs to be returned to something besides a dirt spot. Armstrong said that will be one of the requirements of enforcement, that it be flat graded and cleaned out. The downside to where we are with this project is, as you know, Ms. Down's access to her property lies through that construction road on

that property, and if that is locked, then it's going to have to be unlocked because Mr. McPherson can't deny her access to her property through there. There have been a number of allegations over the gate being opened by people and the horse getting and some other things occurring. For the Planning Commission, it is simply a matter of saying you can't close that exit/entrance. It cannot be blocked. The ground has to be returned to somewhat of a flat state and all the debris that is not necessary is removed and soil erosion addressed.

10. New Business: Recommendations by the Town of Kingston Springs City Commission

A. Knobel Signs - 121B Luyben Hills Rd. Considerations of Signage recommendation of the KS Design Review Committee to the KS Regional Planning Commission.

1. Recess for the Design Review Committee Recommendation on Signage – 121B Luyben Hills Rd.

Motion to recess so that the Design Review Committee, which is the Planning Committee, can consider the recommendation on the signage made by Mike Patenaude, with a second by Mike Hargis. Motion passed. Meeting recessed at 7:38 pm.

2. Reconvene to consider recommendation of the Design Review Committee Recommendation on Signage – 121B Luyben Hills Rd.

Planning Commission reconvened at 7:41 to consider recommendation of the Design Review Committee Recommendation on Signage – 121B Luyben Hills Road.

Tony Gross made the motion that the Planning Commission accept the recommendation of the Design Review Committee to approve signage at 121B Luyben Hills Road, with a second by Mike Patenaude. Motion passed.

B. Recommendation by the KS Regional Planning Commission - Concept Review Application, property at located 173 Luyben Hills Rd. regarding proposed from C-2 Highway Commercial District to I-1 Light Industrial District.

City Planner Armstrong said Mr. Chris Collins filed the application on behalf of the Buchanan Trust. Armstrong said 173 Luyben Hills Road is the 3-acre lot by the Box Factory that was the subject of a concept review discussion last month for landscaping, mulching, delivery service. Armstrong said she and Mr. Collins have spoken at length about plans, though he is not the owner of the property. Armstrong spoke with the Real Estate Agent Amanda Bell last week. The proposal is to have a number of flex spaces, buildings on this lot, and have whatever that business is such as furniture maker and sign maker in the front and the smaller portion of building in rear will be a kind of warehouse or place where they would put their product until they delivered them. Armstrong said under the current C-2 we allow those activities as long as the warehouse space is subordinate both in size and use to the commercial space. Mr. Collins has asked if the property could be rezoned to I-1. For the same reasons discussed in the past when these proposals have come up in the C-2 Zone, there is a limited amount of commercial space in town. Rezoning to I-1, regardless of the plan that's currently on the table, you open up the district to every industrial use within zone. Some of those uses are quite intense. None

of the lots or locations in this area can accommodate the traffic, the footprint, the infrastructure, or uses, in some cases. Armstrong advised Mr. Collins of that, but he still wanted to come and talk to the Planning Commission about rezoning it industrial. Armstrong's recommendation was that the use that he's proposing as described is perfectly doable within the C-2 zone, without increasing the intensity of the use in that area. Industrial, as you know, some uses have traffic issues and infrastructure issues, and it would be very difficult to absorb along that corridor. That's the staff recommendation. Tony Gross asked Mr. Collins what he thought the advantage to zoning industrial. Collins said that 90% of these commercial flex spaces that are being developed fall under industrial use because of the warehouse size and the parking. Armstrong said parking intensity is based on use, not zone district. They define all of the uses throughout the zoning ordinance, whether residential, school, whatever it is, based on the particular use at the time of application is filed for development there. The downside of this is for someone who buys this 3-acre lot is our lot coverage restriction in the industrial areas is 50%. If you take a 3-acre tract, it's just been reduced to its usable space to an acre and a half. She was asked about commercial lot usage. Lot coverage usage for commercial is not restricted, as long as you are not offensive to your neighbor and stay on your own lot – you are wall to wall. There is very little restriction in C-2. Rezoning to I-1 reduces the usability of the lot by 50%, which from an economic standpoint doesn't make a lot of sense; it doesn't maximize the use of the lot to accommodate that. The intensity isn't the only question. If you're talking about a business flex space or commercial flex space, that doesn't come with heavy industrial use, it doesn't come with heavy waste. The intensity of the use is the reason why this corridor is not zoned industrial. The box plant existed before the zoning layer was done. It was there before so it's grandfathered, and in this particular case, the intensity, regardless of what's proposed. Once you zone it, it is open to everything in the industrial zone, and some of those uses are not congruent with that area. Collins said industrial was his first choice because it's easier to find tenants. He said the building will be sectioned off at 2000 SF. There would be 3-400 SF of office space when you walk in, bathroom, and the rest of the space would be open for whatever the case might be, whether workshop, display area, whatever the case. Some of the tenants would skilled trades, event centers, studios – a blank canvas. If that is doable on the commercial space with that zone, then he would be happy to proceed down that road. In his past experience, it usually falls under industrial. Tony Gross said Tyler Technologies is located in a commercial lot. They are doing light manufacturing. Armstrong said the resistance to industrial is that once the lot is zoned industrial it opens the district to every single use, and some of those uses are very intense and they are not to be adjacent to residential or adjacent to commercial. There are barriers. Traffic is pretty much at saturation level with no potential to widen the road. There are a number of people in relatively large subdivisions that live on the other side of the overpass. We are always concerned about emergency services provision because that would force them to drive a long way around in the event of a fire or medical emergency, so that occurs to them for traffic. Armstrong said the other thing is the number of uses under industrial that cause an impact to environment. This is a very water saturated area. There are blue line streams everywhere. The area where C-2 is located now, just across the road is adjacent to the river. It's in the pathway that the buildings that were lifted from their foundations took to the river during the flood. All of that means that whatever occurs there in a heavy rain or flood, with all the blue line saturation underneath the ground, migrates into the ground that goes into the river, from where drinking water comes and the water that goes into the

river the more costly it is to treat. You have to worry about the sewage issues which are done in step tanks which are located on every single lot that tie into the main in the event of heavy saturation or some chemical use that's more costly to treat. It also limits the use of that lot to 50% which means if you had a use as the ones described, there would be insufficient lot space to accommodate the parking, the step tanks that are going to be required for each building, access in and out of driveways. Those types of things take up room on a lot. It would be limited to a very small footprint by the time you actually got to the building. Collins said for the square footage, the idea was to do it in phases, but the number he was going for would hit that 50% mark. Armstrong said she did not disagree with him with his concept. She clarified with him that it would be a 2,000 SF building with 25% of that being the actual office, and then there would be a workshop and maybe residual warehouse space in the back. Collins said it would be up to each tenant. It would be roughly, the smallest space available would be the 2000 SF; 3-400 SF office. Tony Gross said it sounds like he might be able to accomplish it in the current zoning and actually get more use out of the property. Collins said he's heard this type of development called a business park or office warehousing. Mike Hargis said he may be thinking about his tenants in terms of they are more industrial than they are retail. It will probably fit under C-2, and you have the opportunity to use the other acre and a half in case it goes well and you want to expand it. Hargis thought he could do C-2 and be happy with the available tenants that are out there. Collins asked if it were left at C-2, what kinds of things would the Planning Commission like to see from him. Would he need a traffic study? Are there any big issues or red flags? Armstrong said that what they do for people pursuing development in that area is provide them with copies of the traffic studies that have already been done because we want that information as it moves from one study to the next study to be consistent and want it included. We don't want you to just study the traffic on your lot, we want to know what that impact is on the corridor grid, so you are provided with that information. You are also provided with a TPR that was conducted by the state during the 2019 and adopted at the end of that year, because there were things that needed to be included for alternate traffic patterns for what happens in this area when there's a wreck and gridlock. Their considerations are public safety first. That would be done when you actually put pen to paper and say here's what I want to build and where the step tank will go and parking. Parking is based on use; it is not dictated by zone. Kingston Springs requires 10x20 parking spaces. Other considerations are sewer capacity and water capacity. Sometimes the use predicts how much water and sewage treatment are going to be required Some types of businesses are very water consumptive, and that creates runoff and stormwater and wastewater, which has to be treated at the owner's expense. Armstrong spoke about the next thing the Planning Commission needs to see from Collins. He can't present an actual plan unless he owns the property. Collins said he doesn't feel comfortable buying the property unless he gets a plan approved. Armstrong said he could bring a preliminary plan to the Planning Commission They're good at giving feedback on everything. Collins asked if he presented a site plan, the final approval won't be given until he owns the property. Armstrong said they would need a legal document from the present owner. The Planning Commission cannot approve plans, entertain rezoning, anything that affects a piece of property, without owner consent. He will need to have to have something from the owner that grants him that authority to appear, just as they give to their engineer or architect when they come here. He needs to have that consent. Mike Hargis wanted to make sure that Mr. Collins knew they appreciated his interest in investing in the community. He said

Mr. Collins needed to work with his attorney and architect to draw the plans, and talk with the property owner on a purchase option document, giving you the right to buy it assuming the plans are approved. Armstrong said he did not have to go that far. These are standard real estate documents. The seller's real estate agent, Amanda Bell, is completely proficient on how to do these agreements. It simply allows you to purchase if they approve your plan going forward. It allows you an escape clause if they don't. Collins said that is the kind of contract he has now, contingent on approval. No further questions of Mr. Collins.

12. Motion to Adjourn.

Motion to adjourn made by Tony Gross, with a second by Mike Hargis. Motion passed, and the meeting was adjourned by Chair Hill at 8:05 pm.

Lauren Hill
Planning Commission Chair

Jamie Dupré
City Recorder

Structure Report

Struct No.	Structure ID	Junction Type	Rim Elev (ft)	Structure			Line Out			Line In		
				Shape	Length (ft)	Width (ft)	Size (in)	Shape	Invert (ft)	Size (in)	Shape	Invert (ft)
1	D1	Combination	511.00	Cir	4.00	4.00	24	Cir	506.86	24	Cir	507.00
2	D2	Combination	511.00	Cir	4.00	4.00	24	Cir	507.13	24	Cir	507.30
3	D3	OpenHeadwall	516.00	n/a	n/a	n/a	24	Cir	507.37			

Project File: Line D.stm	Number of Structures: 3	Run Date: 1/24/2024
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Storm Sewer Summary Report

Line No.	Line ID	Flow rate (cfs)	Line Size (in)	Line shape	Line length (ft)	Invert EL Dn (ft)	Invert EL Up (ft)	Line Slope (%)	HGL Down (ft)	HGL Up (ft)	Minor loss (ft)	HGL Junct (ft)	Dns Line No.	Junction Type
1	D1-D2	20.47	24	Cir	12.000	506.80	506.86	0.500	508.80	508.86	0.75	509.61	End	Combination
2	D2-D3	20.24	24	Cir	26.000	507.00	507.13	0.500	509.61*	509.78*	0.73	510.51	1	Combination
3	D3-D4	20.00	24	Cir	14.000	507.30	507.37	0.500	510.51*	510.61*	0.63	511.24	2	OpenHeadwall

Project File: Line D.stm	Number of lines: 3	Run Date: 1/24/2024
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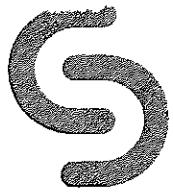
NOTES: Return period = 25 Yrs. ; *Surcharged (HGL above crown).

Inlet Report

Line No	Inlet ID	Q = CIA (cfs)	Q carry (cfs)	Q capt (cfs)	Q Byp (cfs)	Junc Type	Curb Inlet		Grate Inlet			Gutter						Inlet			Byp Line No	
							Ht (in)	L (ft)	Area (sqft)	L (ft)	W (ft)	So (ft/ft)	W (ft)	Sw (ft/ft)	Sx (ft/ft)	n	Depth (ft)	Spread (ft)	Depth (ft)	Spread (ft)		Depr (in)
1	D1	0.34	0.00	0.32	0.02	Comb	4.0	2.50	0.00	2.50	2.00	0.050	2.00	0.020	0.020	0.013	0.07	3.29	0.11	1.22	1.0	Off
2	D2	0.34	0.00	0.32	0.02	Comb	4.0	2.50	0.00	2.50	2.00	0.050	2.00	0.020	0.020	0.013	0.07	3.29	0.11	1.22	1.0	Off
3	D3	20.00*	0.00	20.00	0.00	Hdwl	0.0	0.00	0.00	0.00	0.00	Sag	0.00	0.000	0.000	0.000	0.00	0.00	0.00	0.00	0.00	Off

Project File: Line D.stm Number of lines: 3 Run Date: 1/24/2024

NOTES: Inlet N-Values = 0.016; Intensity = 65.39 / (Inlet time + 11.50) ^ 0.75; Return period = 25 Yrs. ; * Indicates Known Q added. All curb inlets are Horiz throat.



CSDG

Planning | Engineering | Landscape Architecture

Project: Ellersly
Subject: Culvert + Ditch
Date: 12/22/23 By: REL

• W. Kingston Springs Culvert
Area = 17.8 Ac

$$Q_{25} = CIA$$

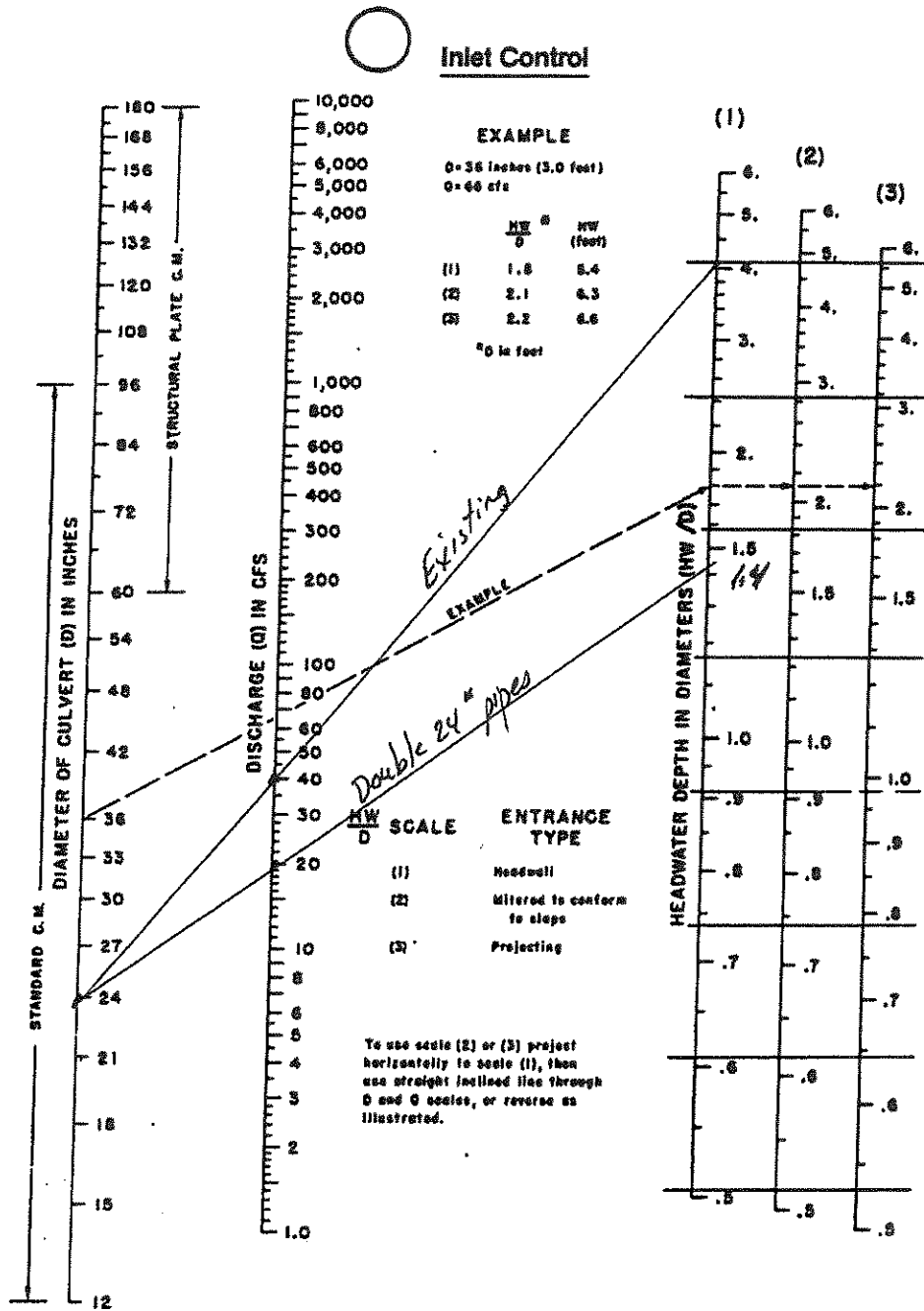
$$T_c = 15 \text{ min}$$
$$\rightarrow i = 5.5$$

- 8.5 Ac Lots @ 0.45
 - 5.3 Ac Grass @ 0.35
 - 4 Ac Woods @ 0.28
- } → 0.47 weighted

$$Q_{25} (0.47) (5.5) (17.8 \text{ Ac}) = \boxed{46.0 \text{ cfs} = Q_{25}}$$

• Per the inlet control nomograph:

- a double 24" ϕ pipe will have a 1.6 headwater depth which equates to 3.2' of water depth
- \approx 1.2' of water above the pipe during a 25-yr storm event.



Reference: USDOT, FHWA, HDS-5 (1985).

*W. KS Rd Culvert
 12/22/23*

Figure 5-7
 Inlet Control Chart for Circular CMP Culverts



a Post Basin to entrance culvert

- EXIST 18" CMP
- Plus proposed 24" REP

• Area = 7.45Ac plus 4.79Ac = 12.2Ac

$$Q_{25} = CIA = (0.15)(5.5)(12.2) = \underline{33.5cfs}$$

per nomograph the 18" plus new 24" ϕ will handle
the flows during a 25-yr storm event

APPLICATION FOR ZONE CHANGE

The Cheatham County Department of Codes, Building Safety, and Land Use
338 Frey St. / Ashland City, TN 37015 / (615) 792-7915 / Fax (615) 792-2040 / codes@cheathamcountyttn.gov

There will be a \$5.00 ARCHIVE FEE charged for all applications

Certified letters notifying adjoining property owners of the rezone request, including directly across the street, will be mailed by the Building & Codes Department and will be charged to the applicant at the current USPS rate for certified letters.

Zone Change Application Fee is \$120.00 plus the cost of certified letter notification. A public notification sign will be provided to the applicant and shall be posted and maintained on the property which is the subject of the proposed zoning district change for at least fifteen (15) days prior to the public hearing on the zoning boundary change and shall remain until final action of the County Commission or the application is withdrawn.

NAME & ADDRESS OF PROPERTY OWNERS

DATE RECEIVED: _____

Scott Michael Summers

795 South Harpeth Road Kingston Springs, TN 37082

TELE: 615-815-9366

EMAIL: ssummers@mossyoakproperties.com

APPLICANT &/OR AUTHORIZED AGENT IS REQUIRED TO ATTEND MEETING

NAME & ADDRESS OF AUTHORIZED AGENT

Chapdelaine and Associates Land Surveying

TELE: 615-799-8104

EMAIL: surveying@chapsurveyor.com

ROAD NAME: South Harpeth Road ZONE _____

Map 100 Parcel 011.00 Acreage 20.22

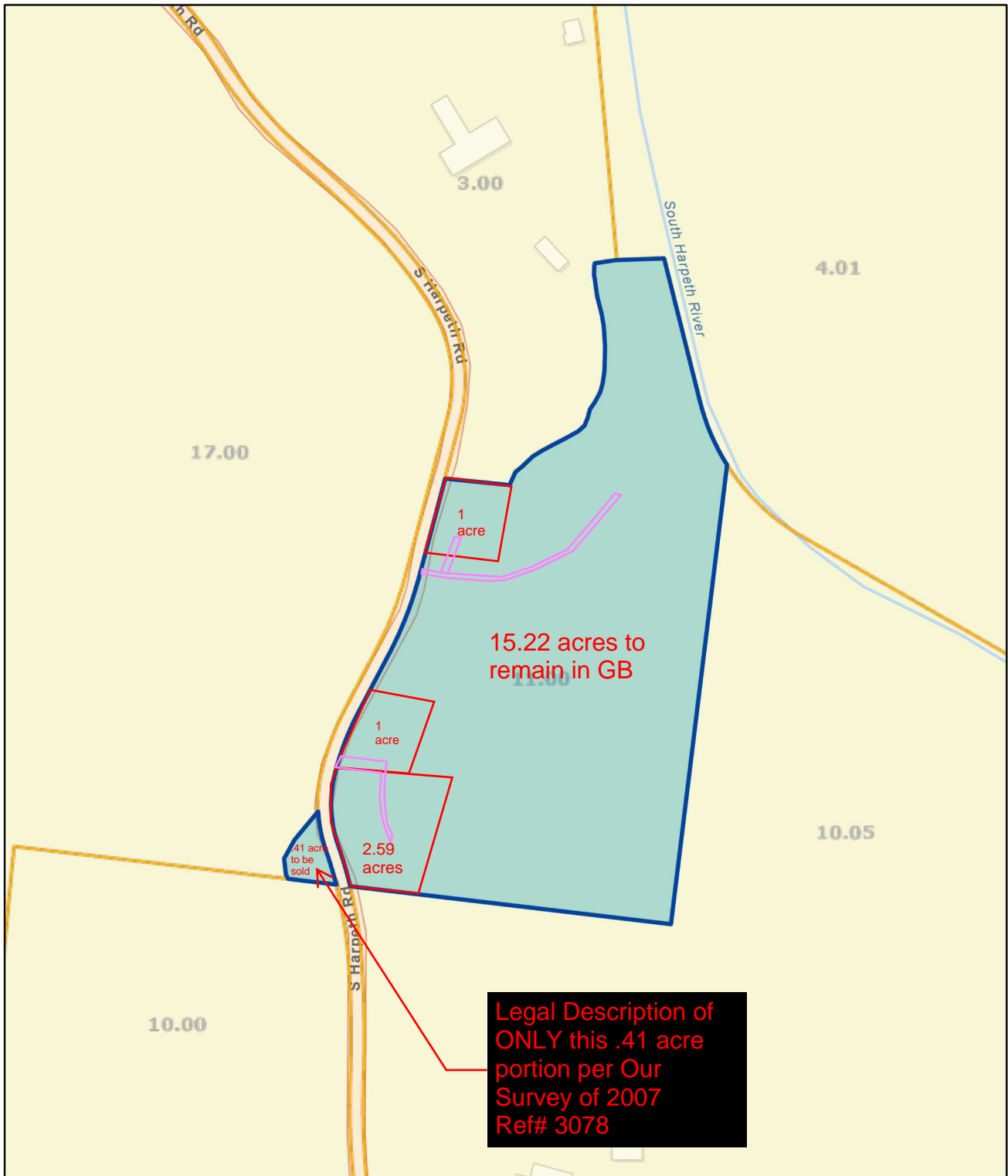
IS THE PROPERTY IN THE CHEATHAM COUNTY GROWTH PLAN? No

CURRENT ZONING Agricultural PROPOSED ZONING R1

TO MY KNOWLEDGE, INFORMATION AND BELIEF, THE ABOVE INFORMATION IS CORRECT (FALSE STATEMENT HEREIN MAY BE GROUNDS FOR DISMISSAL AND/OR DEFERRAL OF THIS APPLICATION).

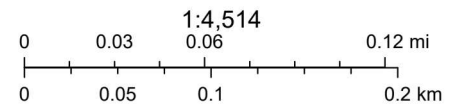
Zack Harvill
APPLICANTS SIGNATURE

Cheatham County - Parcel: 100 011.00



Date: November 17, 2022

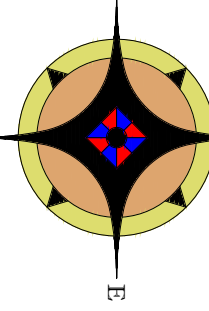
County: Cheatham
Owner: SUMMERS SCOTT MICHAEL
Address: S HARPETH RD 795
Parcel Number: 100 011.00
Deeded Acreage: 20.22
Calculated Acreage: 0
Date of TDOT Imagery: 2017
Date of Vexcel Imagery: 2021



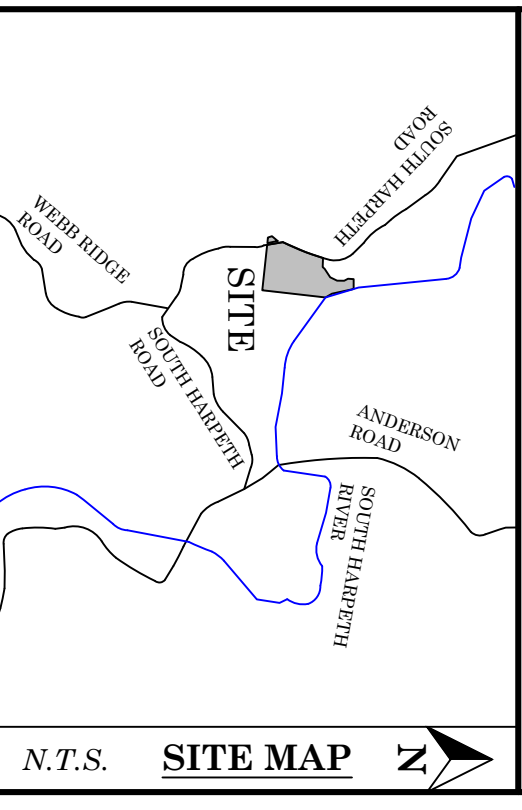
Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, State of Tennessee, Comptroller of the Treasury, Office of Local Government (OLG)

The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.

CHAPPELAINE & ASSOCIATES
LAND SURVEYING



7376 WALKER ROAD,
FAIRVIEW, TENNESSEE 37062
(615) 799-8104
chapsu.rcv@cs.com
Randolph L. Chappelaine
TN R.L.S. #1444



N.T.S. SITE MAP

Preliminary
03/04/2024 11:17:48 AM

CERTIFICATE OF ACCURACY
I HEREBY CERTIFY THAT THIS IS A CATEGORY IV SURVEY AND THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION. THIS SURVEY WAS DONE IN COMPLIANCE WITH CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE, AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- REAL TIME KINEMATIC & BASE STATION GNSS 3
- POSITIONAL ACCURACY: 0.05 FEET
- DATE OF SURVEY: 8/22/2023
- DATA / EPOCH: NAD83 (2011) EPOCH
- PUBLISHED / FIXED CONTROL: TDOT CORNS NETWORK
- ORSD MODEL: GIBRD 12P
- COMBINED GRID FACTOR: 0.99999392

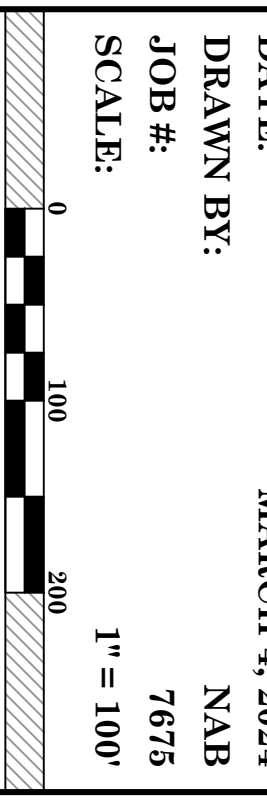
Preliminary
03/04/2024 11:17:48 AM

RANDOLPH L. CHAPPELAINE, R.L.S. # 1444 DATE

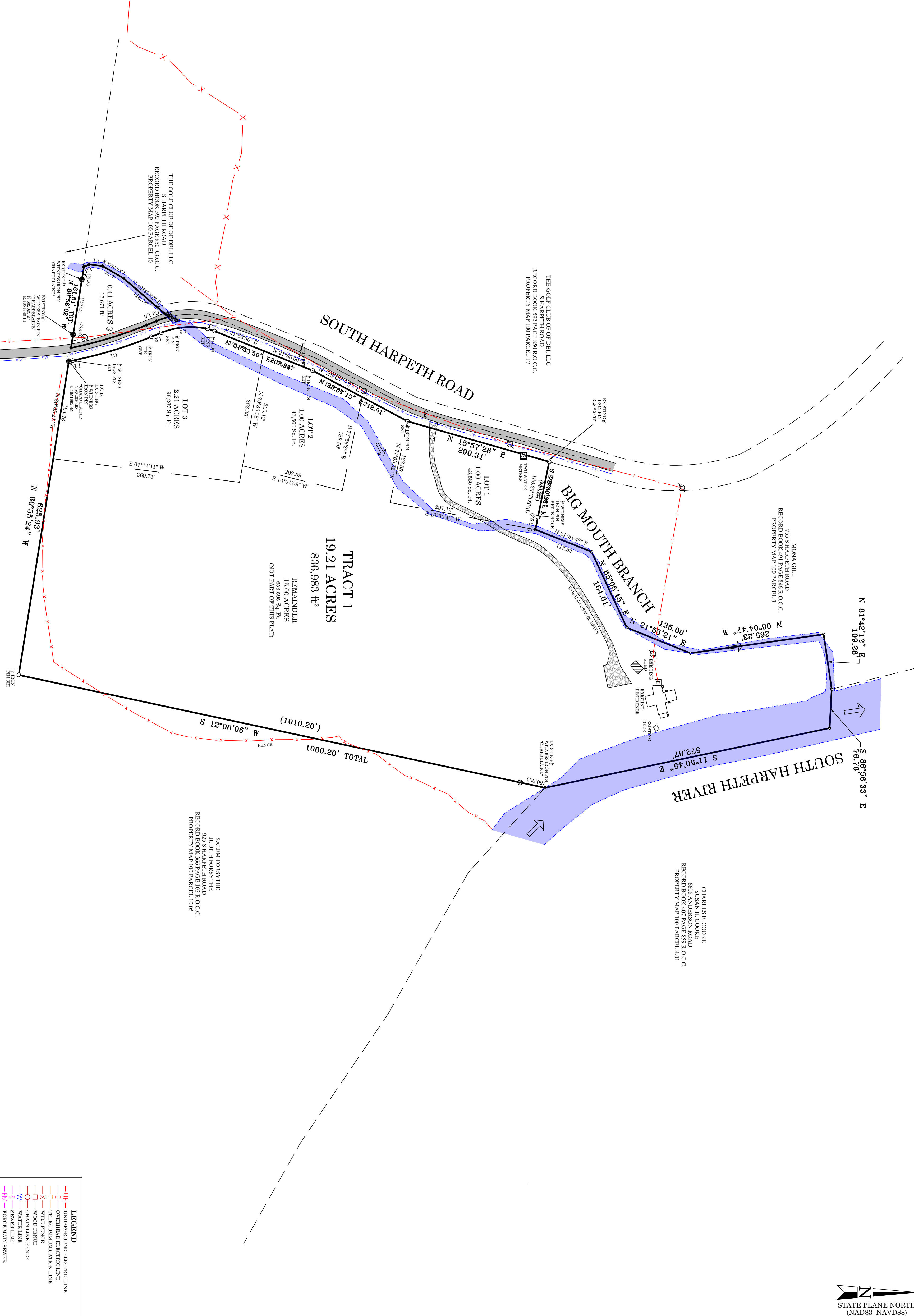
SCOTT MICHAEL SUMMERS
7376 WALKER ROAD
DEER BROOK 469 PAGE 368 R.O.C.C.
PLAT BOOK 13 PAGE 236
13th CIVIL DISTRICT OF CHEATHAM COUNTY,
TENNESSEE
PROPERTY MAP 100 PARCEL 11
ZONING: AGRICULTURAL
19.51 ACRES

REVISION #	DATE

DATE:	MARCH 4, 2024
DRAWN BY:	NAB
JOB #:	7675
SCALE:	1" = 100'



V-1.1



LINE	BEARING	DISTANCE
L1	N 09°25'14" W	7.18'
L2	N 22°05'46" W	21.02'
L3	N 26°31'55" W	10.55'
L4	N 06°12'38" E	26.74'
L5	S 22°09'38" E	20.98'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	863.06'	162.38'	N 16°45'45" W	10°46'48"	
C2	154.28'	92.44'	N 05°01'12" W	34°19'52"	
C3	179.01'	15.37'	N 17°25'06" E	4°25'12"	
C4	179.46'	25.48'	S 18°05'04" E	8°08'06"	
C5	835.47'	155.66'	S 16°49'29" E	10°40'30"	

- GENERAL NOTES
- THE PURPOSE OF THIS PLAT IS TO REZONE FROM AGRICULTURAL TO R1.
 - ALL PROPERTY LINES SHOWN ON THIS PLAT ARE BASED ON THE SURVEY DATA AND FIELD MEASUREMENTS.
 - THE SUBJECT PROPERTY LIES IN A ZONE "X" AREA OF ANIMAL FEED BAZAAR, AS SHOWN ON PMA.
 - THE SUBJECT PROPERTY LIES IN A ZONE "X" AREA OF ANIMAL FEED BAZAAR, AS SHOWN ON PMA.
 - TO THE EXTENT POSSIBLE, THE SURVEY DATA HAS BEEN BASED UPON AGRICULTURAL SURVEYING METHODS.
 - EXISTENCE, LOCATION, SIZE, AND DEPTH SHOULD BE MAINTAINED THROUGHOUT THE SURVEYING PROCESS.
 - THIS SURVEY WAS MADE WITHOUT THE ASSISTANCE OF A TITLE REPORT. IT IS THE BURDEN OF THE SURVEYOR TO OBTAIN A TITLE REPORT TO DETERMINE THE STATUS OF THE PROPERTY.
 - THIS PROPERTY IS SUBJECT TO BOTH RECORDOR'S LIENS, AND TO THOSE UNKNOWN TO THIS SURVEYOR.
 - THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACTUAL SURVEYING WORK PERFORMED.
 - NO WARRANTY IS MADE BY THE SURVEYOR AS TO THE ACCURACY OF THE INFORMATION PROVIDED.
 - THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACTUAL SURVEYING WORK PERFORMED.
 - NO WARRANTY IS MADE BY THE SURVEYOR AS TO THE ACCURACY OF THE INFORMATION PROVIDED.

Re: Letter

John Beam <beam@equituslaw.com>

Tue 3/26/2024 4:16 PM

To: Roy Mack <roy14927@gmail.com>; John Lawless <jlawless@kingstonsprings-tn.gov>
Cc: Trent Smith <tsmith@southern-tn.com>; tpotter@rprvlaw.com <tpotter@rprvlaw.com>; City Planner <cityplanner@kingstonsprings-tn.gov>; Lisa Neely <twoks247@gmail.com>; Kyle Schneider <kyle@klobereng.com>

Roy,

Send your letter by FedX. Send me a hard copy by regular mail.

Best regards,
John
615.251.3131

From: Roy Mack <roy14927@gmail.com>

Sent: Tuesday, March 26, 2024 12:49 PM

To: John Lawless <jlawless@kingstonsprings-tn.gov>

Cc: Trent Smith <tsmith@southern-tn.com>; tpotter@rprvlaw.com <tpotter@rprvlaw.com>; John Beam <beam@equituslaw.com>; City Planner <cityplanner@kingstonsprings-tn.gov>; Lisa Neely <twoks247@gmail.com>; Kyle Schneider <kyle@klobereng.com>

Subject: Letter

March 26, 2024

Kingston Springs Planning Commission

ATTN: John Lawless

396 Spring Street

Kingston Springs, TN 37082

Re: Request for Hearing in Reconsideration of Determination to Deny Renewal of the PUD Plans for the Roy E. McPherson at The Willows of Kingston Springs (TWOKS), 129 E. Kingston Springs Road (the "Project").

Dear Mr. Lawless:

After returning home on February 15 from a trip out of the country, I received a link to the video of the February 8 planning commission meeting. On February 8, 2024, the Planning Commission violated its own guidelines by denying the renewal of the PUD Plans for my Project without giving me notice of the hearing, notice of the issues, and an opportunity to present a plan to address those issues. With proper notice, the civil engineer and geotechnical engineer for the Project would have attended the meeting. At the time the renewal for the PUD Plans were denied, the engineer on the project had not submitted a request for renewal. The purpose of this letter is to request a reconsideration of this decision and allow the civil engineer to submit a request for renewal of the PUD Plans. I respectfully request that this item be placed on the next agenda set for April 11, 2024.

No actual notice of the action was sent to my attention. The only public notice appears to be the terse Internet message as follows:

**5. Roy E. McPherson –
The Willows, 129 E. Kingston Springs Rd., Consideration of staff recommendation to deny
renewal of the PUD Plans for the project.**

The following background facts are pertinent to this request for reconsideration. In 2017, the property was purchased. In 2018, the PUD Plans were approved. All approvals were obtained so that work started not long before being shut down with COVID.

The following is work completed over the past 24 months (we had a STOP WORK ORDER for six months of this time):

- (1) Advantage Constructions Services built a segmental retaining wall in the rear of Area 3 at a cost of approximately \$100,000.00. The wall was built to Klober Engineering specifications. The completed wall was inspected and approved by Cheatham County.
- (2) A beautiful serpentine road that leads from Area 1 to Area 3 was completed. The road was built to Klober Engineering specifications.
- (3) Area 1 where the road is located was solid limestone. An extensive amount of time using the hoe ram was required to remove the rock.
- (4) Area 3 currently has \$85,000 worth of storm sewer pipe lying on the ground ready for installation. Receipt upon request.
- (5) The utility district (SSCUD) was paid \$44,000 for water service. The drawings are completed and approved for horizontal drilling under E. Kingston Springs Road for water service.
- (6) The drawings for the sewer line that goes under E. Kingston Springs Road are completed and ready for submission. They were drawn by Klober Engineering.
- (7) The Area 1 site is fully graded and compacted in preparation for construction of two buildings consisting of 24 apartments. The site was prepared to Klober Engineering specification.
- (8) The Area 3 site is fully graded and compacted in preparation for construction of two buildings consisting of 16 apartments. The work was performed to Klober Engineering specifications.
- (9) Preparing the soil has required many truck loads of fill dirt. The excavator sifts through the fill. Bad fill is hauled off. Good fill will be used on the site. Currently area 1 demonstrates this process of preparing the soil.
- (10) We built an easement road.
- (11) We have stored three large mounds of topsoil. Our plans were to use as needed at the end of construction for landscaping.
- (12) The landscape architect has completed all drawings and they have been turned over to the city.
- (13) We purchased \$29,619.84 of stone from the Rogers Group. We have spread all of it on the road and other areas of the project. Receipt upon request.
- (14) The surveyor Tommy Edmundson places stakes around the areas we requested. Afterwards fill dirt is spread and compacted. All fill dirt is placed to Klober Engineering specifications aided by survey stakes.

(15) Had a beautiful and colorful brochure made. This gives you a lot of detail of the project. A copy upon request.

(16) Had a video made displaying the project in great detail with narration.

(17) I purchased the domain site twoks.com. These initials stand for THE WILLOWS of KINGSTON SPRINGS. This domain site will be built at a later date.

(18) The brochure, video & domain site gives you some idea how we have gone to great lengths to make this project successful.

(19) In the past two years five pieces of heavy equipment with one attachment were purchased specifically for this project. Bought a Caterpillar D6 high sprocket dozer, Caterpillar backhoe, John Deere front end loader, Hyster sheeps foot roller (for compaction) and one large Caterpillar excavator with a hoe ram attachment. They have been sitting idle since September 1, 2023. The operators have moved on to other work. All has been destroyed. Receipts for this equipment are available upon request.

Recently, my geotechnical engineer, Trent Smith, called Mrs. Armstrong and requested a meeting with her, himself, my civil engineer and me. She said NO. He told me she started berating me. There was no explanation given for the refusal. Comments made to Mr. Smith were inflammatory assaults on my character rather than helpful concerns for the Project. Many of our respected local engineers share Mr. Smith's experience.

TDOT told me that several years ago they sent letters to all municipalities telling them they were going to widen Kingston Springs Road and that all utilities must move to an area next to but away from the sidewalk.

1. Greater Dickson Gas Company complied
2. Dickson Electric complied
3. Second South Cheatham Utility District (SSCUD) complied.
4. The city of Kingston Springs did not comply.

On September 1, 2023 a stop work order was delivered against the Project (the order is dated August 29, 2023). Very concerned that this stop work order was a pretext for not wanting this project to connect to the sewer. The Project was bonded and ready to connect to the sewer when the stop work order was issued. Interestingly, the City of Kingston Springs does not know where or how deep the sewer line is that runs somewhere along the middle of the highway. It appears that these sewer issues that the city should know, but doesn't know, are the precipitating cause of issuing a stop work order.

The February 8th planning commission meeting led by City Planner, Sharon Armstrong, was very disappointing and shocking. In addition to lack of actual notice of the meeting, there was no notice of the alleged infraction and a request for a plan to remediate the issues. If we were notified of the issues and a plan of action requested, the civil engineer and geo-technical engineer would have attended with me to defend the Project. There was no representation of my position. Property rights were taken without due process of law. Many of the comments at the February 8th meeting were inflammatory, perhaps slanderous. Several of the comments appeared uninformed. For example, at 21 minutes into the video, Mrs. Armstrong talks about

construction waste and other things on the site. This type of comment has very little to do with the PUD Plans on the Property. The Commissioners should consider a site visit with my geotechnical engineer Trent Smith and my civil engineer, Kyle Schneider. They would find an almost spotless building site.

At 22 minutes into the video Mrs. Armstrong erroneously stated that the people who did the core drilling used cardboard tubes for samples. This comment has no basis in fact. FYI *“thin-walled, hollow galvanized steel tube, was used to extract a relatively undisturbed soil sample for use in laboratory tests for compaction. One end of the tube has a chamfered cutting edge; the upper end includes holes for securing the tube to a drive head.”* Though this was an unnecessary comment, Mr. Smith, the geotechnical engineer for the Project, could have cleared up this and other questions in the meeting he requested with the city planner. The city planner refused to meet with both engineers.

At 28 minutes into the video Mrs. Armstrong reports that she and her staff question the willingness of the developer to move forward and the lack of progress on the Project. Mrs. Armstrong never made these accusations to any person working on the Project. Once again, these are unfair, inflammatory comments that are not supported by the facts, and demand a rebuttal.

At 36 minutes into the video Ms. Armstrong made the intentionally judgmental comment that the developer takes three steps back and one step forward and ends up in the same place. At 38 minutes into the video the city planner states that dirt has been pushed around for 13 years. This is the very type of false information that the Commission should want to correct. This is the type of unfounded information that makes the Commission’s conclusion arbitrary and capricious.

At 38 minutes into the video Mrs. Armstrong said It is like if you turn a toddler loose on a bulldozer. It is not going anywhere ending up in the wrong place and the wrong way. These words are completely insulting and degrading.

She said dirt pushed around with no goal in mind is baseless. Not only was this comment an unnecessary personal attack, it indicates the arbitrary and capricious nature of the singling out this Project rather than simply seeking an explanation with specific issues stated, and requesting a plan of action.

At 29 minutes into the video Ms. Armstrong stated that the plans were submitted in 2013 and withdrawn, then plans were submitted again in 2016 and withdrawn. In reality, in 2017 the real property for the project was acquired. From this false information from the city planner, the Commission followed the recommendation and voted not to renew the PUD Plans. Were the true facts submitted to the Commission, there would likely be a different vote. Mrs. Armstrong also misstated the law, and gave no consideration to the COVID shut down that halted the project for some time. A reconsideration is necessary.

At 37 minutes into the video Mrs. Armstrong stated that the work on the grading and other work on the site were in opposition to the plans as approved. This statement is disputed. The survey

objectively indicates that the site is built to Klober Engineering specifications. On this site, all fill was placed in the area staked by the surveyor.

Without any testimony from any person, at 28 minutes into the video Mrs. Armstrong accused me of willful violations. Not only is this insulting and inflammatory, it damages my good name and reputation in the community. At 32 minutes into the video the same innuendo occurs. Mrs. Armstrong stated that “he did again like he did four years ago.”

This false accusation goes from a willful violator to a habitual offender. Four years ago, an issue was pointed out and quickly resolved.

One year ago, when completing Area 3 of the Project, it was apparent that the walking trail west of the building pads was too steep for older folks or those with special needs. Fill dirt was added to the walking trail to make it more user friendly. The civil engineer advised us to proceed with the reminder that later the area must be surveyed, drawings made, and sent to TDEC. These steps were taken because there were no buildings involved. Without requesting or considering an explanation, on August 30, 2023 Mrs Armstrong overreacted. She immediately closed down Areas 2 and 3. We contacted the surveyor immediately. He surveyed the area in question. The surveyor then sent his drawings to civil engineer Kyle Schneider. Mr. Schneider made new drawings of the area and immediately sent them to TDEC. The Project is now in full compliance.

From the video of February 8th, it appears that the fill on the walking trail was an arbitrary pretext to shut down this project. From the perspective of the developer and the Project, the city planner likely perpetrated a scheme to stop this Project. After significant effort, everything was lined up to start the horizontal drilling under E. Kingston Springs Road in September 2023. All necessary parties were lined up for the connection when the city planner stopped the Project. A few weeks earlier, in August 2023, the city required a bond for drilling under the road. Mrs. Armstrong was aware that drilling was scheduled to start in September 2023. During the bond discussion, I perceived that as soon as the bond was purchased, she would close the project down. I told my operators of this fear. Sadly, this fear became reality. I told her closing me down would destroy my project and would lose my operators and people I have contracted with to start drilling on the highway. I begged her not to close me down.

Following a hard rain the day before, on August 30, 2023 the equipment was being serviced since it was too wet to operate. The city planner arrived on site. She appeared boiling mad. The job foreman went with the city planner to Area 3 where the extra fill was placed. She came back and asked me about the retaining wall and storm sewer pipe. Next, she falsely characterized water puddles from the rain as “Blue Streams.” This was totally false. TDEC previously sent a letter stating there were no blue streams on the property. The next question was out of place. She persistently and boldly kept asking “Where did you bury the house?” At this time I was getting very nervous about the situation and felt things were out of control. There was originally a one room block house when property was first purchased. It was hauled off years ago. Afterwards, her husband privately told me he was very concerned about her.

She issued a stop work order on areas 3 and 2. There was never a list of issues presented. There was no request for a plan of action. There was no vote or hearing. As she anticipated, all contracts and permits for horizontal drilling to connect to the sewer would soon expire. She

appeared not to care. The following contracts, agreements & permits that have now expired are: (1) the permit for horizontal drilling under a Tennessee Highway from TDOT, (2) the permit from TDEC, (3) the contract with Hunter Excavating & Road Boring, (4) the agreement with Gavin Barnes to dig the launching pits and receiving pits, (5) the contract with Marty Mangrum to install pipe and spacers inside the steel casings, (6) the contract with Hayes Pipe Company to deliver pipe and steel casings for the Project, (7) the agreement with Tim Brasher to supervise the horizontal drilling, (8) the contract for water with Second South Cheatham Utility District (SSCUD), 8) the agreement to install a gas line with Greater Dickson Gas Company.

When I thought things couldn't get any worse this happened: Mrs. Armstrong told me that I had to get core samples on my building site. She also told me the STOP WORK ORDER would stay in effect until this is completed. I called three geotechnical engineers and they all told me it would take approximately six months to a year to complete it. They were all backlogged. They all said they could perform the work while we were actively working on the project. At this very moment I knew if I could not get Mrs. Armstrong to reconsider closing me down this project would be destroyed. I was desperate. I called Mrs. Armstrong and told her about the situation. She started berating me. I could not believe her words. I told her about my workers and all the people I had contracted with. I felt she was enjoying this moment. At this moment my world came CRASHING DOWN. Talking with my equipment operators afterwards was one of the worst days of my life. They did not understand. All I could do was to say I am sorry.

The city planner chose a harsh remedy in stopping the Project. There were possibly no legitimate concerns. From the owner's perspective, there was no concern stating that substantial relationship to public health, safety, or welfare. Our local code provides for a process, stated as follows:

The town commission shall serve upon the landowner, by certified mail, written notice to comply. The notice shall set forth the measures needed to comply. In determining the measures required, the commission shall take into consideration the technology and quantity of work required. Within thirty (30) days after such notice, the town commission shall hold a public hearing, during which the landowner shall be allowed to participate, to determine whether and to what extent corrective measures are necessary. Upon such a finding by the town commission, the landowner shall develop and submit a plan for such correction within thirty (30) days thereafter. Upon approval of the plan by the town engineer or his designee, the landowner shall have forty-five (45) days to implement the plan. Failure to submit a plan as required shall constitute a violation of this chapter. (Code, § 14-506)

The local ordinance gives the landowner due process of law. The city planner wanted to avoid due process of law to prevent the Project from connecting to the sewer. Because this Project appears personal to the city planner, perhaps one or a small group of Commissioners will meet with the geotechnical engineer and the civil engineer on the Project. The geotechnical engineer believes any issue can be explained in short order. Though his compaction report on the Project is not perfect, compaction was 95%. These engineers believe a Commissioner will quickly recognize that the Project is far better than presented. Mrs. Armstrong has made this a personal attack, choosing to make issues out of minor, seemingly arbitrary items. Items that the engineers and a concerned Commissioner can quickly resolve.

All of this has been embarrassing to me and my family. I am sure some of you are aware this situation has gotten on social media.

I love Kingston Springs. Hopefully, any perceived problems can be communicated and resolved so the Project can move forward.

If my request is granted, my geotechnical engineer, civil engineer and I will be in attendance.

Sincerely,

Roy McPherson

615-418-9941

roy14927@gmail.com