

**FARRAGUT BOARD OF MAYOR AND ALDERMEN
MINUTES
February 26, 2015**

**WORKSHOP
Farragut Financial Overview Workshop
6:15 PM**

**BMA MEETING
7:00 PM**

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
- IV. Citizens Forum**
- V. Approval of Minutes**
 - A. February 12, 2015
- VI. Ordinances**
 - A. Public Hearing & Second Reading
 - 1. Ordinance 15-01, to rezone Parcel 191.17, Tax Map 130, located at 11454 Parkside Drive, from O-1-3 and B-1 to C-1 and B-1, 2.2 Acres (Farragut Lands Partners, LLC, Applicant)
 - B. First Reading
 - 1. Ordinance 15-03, to amend the Farragut Municipal Code by adding Title 14, Chapter 6., Farragut Architectural Design Standards, and authorizing the Farragut Municipal Planning Commission to be the Design Review Commission
- VII. Business Items**
 - A. Approval of Salt Purchases from Morton Salt
 - B. Approval of Replacement of the Existing Old Stage Hills Entrance Sign
 - C. Appeal of access determination for the Hodges property, Parcels 1.00, 1.01 and 1.02, Tax Map 152-C, located at the southeast corner of Kingston Pike and Chaho Road, 1.37 Acres
- VIII. Town Administrator's Report**
- IX. Town Attorney's Report**

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, national origin, age, sex, or disability pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting.

The Farragut Board of Mayor and Aldermen met in a regular session on Thursday, February 12, 2015 at 7:00 p.m. Members present were Mayor McGill, Aldermen Honken, LaMarche and Pinchok. Alderman Markli arrived at 7:15 PM.

Approval of Agenda

Motion was made to approve the agenda as presented with the postponement of item VII.C. Moved by Alderman Honken, seconded by Alderman Pinchok; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Pinchok; No Nays; Alderman Markli was absent; motion passed.

Mayor's Report

Mayor McGill expressed his gratitude to the Public Works Department for their hard work and dedication during the recent snow events.

Approval of Minutes

Motion was made to approve the minutes of February 12, 2015 as presented. Moved by Alderman Honken, seconded by Alderman Pinchok; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Pinchok; no nays; Alderman Markli was absent; motion passed.

Alderman Markli arrived, 7:15 PM.

Ordinances

Public Hearing & Second Reading

Ordinance 15-01, to rezone Parcel 191.17, Tax Map 130, located at 11454 Parkside Drive, from O-1-3 and B-1 to C-1 and B-1, 2.2 Acres (Farragut Lands Partners, LLC, Applicant)

Michael Kelley spoke on behalf of the applicant. The following spoke on behalf of the homeowners in Sweetbriar subdivision.

Ken Chipley, 11602 Gates Mill; Deborah Raines, 11324 Gates Mill; Doug Werner; Anthony Mantis, 11302 Gates Mill; John Hoffman, 11341 Gates Mill; Bill Hostable, 11405 Gates Mill and Jim Hill.

After much discussion a motion was made to approve Ordinance 15-01 on second and final reading. Moved by Alderman Honken, seconded by Alderman Markli.

An alternate motion was made to approve Ordinance 15-01 on second and final reading and to deed restrict the property to not allow a drive through and that the fence must be completed behind Panda Express and the property at 11454 Parkside Drive. Moved by Alderman Markli, seconded by Alderman Pinchok; Roll call vote; Alderman Honken, no; Alderman LaMarche, yes; Alderman Markli, yes; Alderman Pinchok, yes; Mayor McGill, no; Motion passed 3-2.

First Reading

Ordinance 15-03, to amend the Farragut Municipal Code by adding Title 14, Chapter 6., Farragut Architectural Design Standards, and authorizing the Farragut Municipal Planning Commission to be the Design Review Commission

Motion was made to approve Ordinance 15-03 on first reading. Moved by Alderman Markli, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Honken, LaMarche, Markli and Pinchok; no nays; motion passed.

Business Items

Approval of Salt Purchases from Morton Salt

Motion was made to approve the purchase of salt, from the State of Tennessee Contract, in the amount not to exceed \$25,371 from Morton Salt. Moved by Alderman Honken, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Honken, LaMarche, Markli and Pinchok; no nays; motion passed.

Approval of Replacement of the Existing Old Stage Hills Entrance Sign

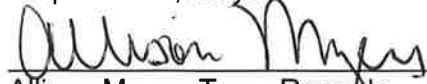
Motion was made to approve the replacement of the Old Stage Hills subdivision entrance sign subject to the approval from the Visual Resources Review Board (VRRB). Moved by Alderman LaMarche, seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Honken, LaMarche, Markli and Pinchok; no nays; motion passed.

Town Administrator's Report

David Smoak, Town Administrator, announced that Elliott Sievers was named the Code Official of the Year by the East Tennessee Building Officials Association (ETBOA). He also announced that he, Mayor McGill, Aldermen LaMarche and Pinchok would be attending the Tennessee Municipal League conference in Nashville. Also the 10th Annual Shamrock Ball-Father Daughter Dance Saturday, March 7.

Meeting adjourned at 8:40 PM

Ralph McGill, Mayor



Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 15-01, on second reading, to rezone Parcel 191.17, Tax Map 130, located at 11454 Parkside Drive, from O-1-3 and B-1 to C-1 and B-1, 2.2 Acres (Farragut Land Partners, LLC, Applicant)

BACKGROUND AND DISCUSSION:

This request involves a zoning map amendment for the property that is currently vacant and located between the Tennessee State Bank and the 3-story office building (Parkside Medical Center) on Parkside Drive. The property is currently zoned O-1-3 (Office, Three Stories) and B-1 (Buffer) and the proposed map amendment is to rezone the property to C-1 (General Commercial) and B-1 (Buffer).

When Parkside Drive was initially constructed, the developer prepared a zoning plan for the entire area. As part of the developer's zoning plan, this property was specified as Office and included a 100 foot deep buffer area from the rear property line that, in this case, abuts the Sweet Briar Subdivision. The Town ultimately adopted the proposed zoning plan and the main portion of the property was zoned Office and the 100 foot buffer area was zoned Buffer (B-1).

DISCUSSION: Similar to the zoning map amendment that was approved for the tract (now the TVA Employee Credit Union and the Panda Express) to the west of the Tennessee State Bank in September of 2012, the requested rezoning to commercial is consistent with the predominant plan of development along Parkside Drive. The requested rezoning is also consistent with this parcel's designation on the future land use map in the Comprehensive Land Use Plan (CLUP) which calls for commercial along both sides of Parkside Drive.

In addition to compatibility with the general plan of development and the CLUP, the requested rezoning is consistent with the Strategic Plan in that it promotes Goal 2 – Strengthen the Local Economy - by providing for retail businesses that could increase the sales tax base and revenues for the Town. The rezoning would also advance Goal 4, Objectives 5 and 6, which encourage consistency with Town plans (e.g. the CLUP).

Attached please find a map of the parcel that is the subject of this rezoning. Also attached please find a copy of Ordinance 15-01.

RECOMMENDATION BY: Though the staff recommends approval of Ordinance 15-01 for the reasons noted above, at the Farragut Municipal Planning Commission meeting on January 15, 2015, the recommendation to approve Resolution PC-15-01, which recommended approval of Ordinance 15-01, failed 7-0. A number of residents from the Sweet Briar Subdivision spoke in opposition to the rezoning. They were concerned about the noise and smell associated with certain commercial uses, such as restaurants. After hearing these concerns, the commission felt that the existing office zoning designation should not be changed to commercial.

At the first reading of the Board of Mayor and Aldermen on February 12, 2015, the board recommended approval of Ordinance 15-01 by a vote of 3-2. The approval was subject to the developer, Turkey Creek Land Partners, working with the adjoining residents in the Sweet Briar Subdivision on a supplemental plant material plan that would be presented to and approved by the Town's Visual Resources Review Board and then installed per the approval. The board also stipulated that the approval of the rezoning would be subject to the installation

of a privacy fence along the rear property line similar to the fences that are on the adjacent properties that abut the Sweet Briar Subdivision.

PROPOSED MOTION: To approve Ordinance 15-01, on second reading, to rezone Parcel 191.17, Tax Map 130, located at 11454 Parkside Drive, from O-1-3 and B-1 to C-1 and B-1.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>PINCHOK</u>	<u>HONKEN</u>	<u>LAMARCHE</u>	<u>MARKLI</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 15-03, on first reading, to amend the *Farragut Municipal Code* by adding Title 14, Chapter 6., Farragut Architectural Design Standards, and authorizing the Farragut Municipal Planning Commission to be the design review commission

BACKGROUND AND DISCUSSION: Several months ago, the Town of Farragut contracted with Winter and Company out of Boulder, Colorado, to develop town-wide architectural design standards. This project was undertaken to help implement the Town's Comprehensive Land Use Plan (CLUP) and the Town's Strategic Plan by enhancing the community's image and appearance, protecting the community's economic base, and promoting consistent, high quality design in Farragut's commercial, mixed-use and multi-family districts.

Over the past year, the consultants and staff have hosted focus groups and public workshop sessions related to the development of the town-wide architectural design standards, with the latest public workshop being on February 12, 2015. Throughout this public process, the design guidelines have been modified to capture public input and are now reflected in the design standards provided for in Ordinance 15-03. Please find below some key dates related to the consultant's visits and draft release dates:

June 5 & 6, 2014	Winter & Company - Trip 1
July 28, 2014	Design Guidelines Strategy Report
October 15, 2014	Draft 1
October 28 & 29, 2014	Winter & Company - Trip 2
December 3, 2014	Draft 2
February 4, 2015	Draft 3 – proposed final draft
February 12, 2015	Winter & Company - Trip 3

As discussed at previous meetings, the Planning Commission will have the primary review authority for compliance with the Architectural Design Standards. As part of Ordinance 15-03 and in accordance with the Tennessee Code Annotated (TCA), Section 6-54-133, a design review commission must be designated and, in the Town of Farragut this will be the Farragut Municipal Planning Commission. Also in accordance with the Tennessee Code Annotated (TCA), Section 6-54-133, should an appeal be made to a planning commission decision such appeal will come to the Farragut Board of Mayor and Alderman. The design review roles and design review process chart are specifically included in your packets.

Please note however that, due to the size of the entire document, the latest Architectural Design Standards are not included in the packet. Rather they are available at www.townoffarragut.org/design . Please advise staff if you need a hardcopy of the document for the review. Once approved, a hard copy will be provided to all commissioners and board members.

RECOMMENDATION BY: Ordinance 15-03 is consistent with both the CLUP and the Strategic Plan. Specifically, in terms of the CLUP, Ordinance 15-03 advances Strategy 7 – Enhance Our Identity (natural and built) and Strategy 8 – Plan for the Remaining Vacant Parcels. In terms of the Strategic Plan, Ordinance 15-03 advances Goal 3, Objective 5, which provides for the development of architectural standards and lighting throughout the Town with a theme and Goal 4, Objectives 5 and 6, which encourage consistency with Town plans and more beautiful corridors and development. The implementation of Architectural Design Guidelines was also listed as a Top Priority Policy Agenda Item in the 2014 Strategic Plan.

Ordinance 15-03 will be presented to the Farragut Municipal Planning Commission at their meeting on February 19, 2015 for their formal recommendation to the Board of Mayor and Aldermen. The staff will update the board on the action taken by the planning commission and include any applicable addendums per the planning commission's discussion. The staff recommends approval of Ordinance 15-03.

PROPOSED MOTION: To approve Ordinance 15-03, on first reading, to amend the *Farragut Municipal Code* by adding Title 14, Chapter 6., Farragut Architectural Design Standards, and authorizing the Farragut Municipal Planning Commission to be the design review commission

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>PINCHOK</u>	<u>HONKEN</u>	<u>LAMARCHE</u>	<u>MARKLI</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY:

SUBJECT: Approval of Salt Purchases from Morton Salt

DISCUSSION:

In the Fiscal Year 2014-2015 budget the Board approved an expenditure of \$12,000 for snow removal supplies. The Public Works department purchased salt for \$9,621 in November 2014 for the 2014/2015 winter season. A majority of the salt was used during the snow/icy conditions this past week. Currently, the Public Works department is in the process of acquiring additional salt for the remainder of the season. The estimated cost of the additional salt is \$10,500. With the additional costs, the total purchases from Morton Sale will exceed the \$10,000 threshold for board approval. The Town is purchasing the salt from the State of Tennessee contract with Morton Salt, so there is no requirement to solicit bids. Therefore, approval is needed for the salt purchase, as it will be over \$10,000. Additional funds will be funded through the General Fund available balance.

FINANCIAL SECTION:

Account Number: 110-43000-452

<u>Total Budget</u>	<u>Expenditures to Date</u>	<u>Estimated Additional Costs</u>	<u>Remaining Amount</u>
\$20,121	\$9,621	\$10,500	\$0

Approved By: A. Myers

RECOMMENDATION BY: Bud McKelvey, Public Works Director

PROPOSED MOTION: To approve the purchase of salt, from the State of Tennessee contract, in the amount of 20,121 from Morton Salt.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>HONKEN</u>	<u>LAMARCHE</u>	<u>MARKLI</u>	<u>PINCHOK</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Request for approval to replace the existing subdivision entrance sign that is situated within the public right of way of Way Station Trail for the Old Stage Hills Subdivision

BACKGROUND: As noted in the Executive Summary included in your packets, the Old Stage Hills Subdivision is requesting to replace their subdivision entrance sign that has been situated within the public right of way of Way Station Trail prior to the Town's incorporation. The existing sign is in the middle of a raised median that is near the intersection of Way Station Trail and Kingston Pike. Given its age, the existing sign is in condition of disrepair that will necessitate replacement rather than normal maintenance.

The request before you, and which is outlined under the "Solution" heading in the Executive Summary, is to replace the stone veneer on the columns with a modular size red brick (the existing foundation will not be altered) and replace the existing wood sign panel with a black granite panel that includes the same copy (Old Stage Hills). Upgrades to lighting and landscaping are also requested to visually enhance this entrance area.

DISCUSSION: Since the existing Old Stage Hills Subdivision entrance sign is in the middle of the public right of way of Way Station Trail, the replacement of this sign must be authorized by the Board of Mayor and Alderman as specified in Section 9-405(2)(b) of the Farragut Sign Ordinance. Specifically, this section notes that any sign placed on public property without the consent of the public authority having jurisdiction over the property is not permitted. The Town of Farragut has jurisdiction over the right of way in this area and the legislative body of the Town must authorize a sign to be placed (or replaced) within its right of way.

This request is similar to the Farragut High School entrance sign that was approved in December to be situated within right of way extending from N. Campbell Station Road to the high school property. This request is also similar to a number of older subdivision entrance signs (e.g. Linda Heights, Concord Hills, and Kingsgate) that were originally placed within the public rights of way prior to the Town's current setback requirements and that were either allowed to be upgraded and/or replaced.

As with any structures within the public right of way, the staff has consulted with the Town's insurance provider for any liability concerns related to this specific request. Since this sign will not extend any closer to the roadway and will maintain the existing sign's greater than five (5) foot setback from the curb of the median there were deemed to be no concerns with the sign's replacement. The staff has also made it clear to the applicant that if the sign is permitted to be replaced and remain within the public right of way the Town will incur no maintenance related obligations. Maintenance will be entirely dependent on the Old Stage Hills Homeowners Association. This is acknowledged by the applicant as item #5 under the Solution heading in the Executive Summary.

RECOMMENDATION BY: Staff recommends approval of the replacement of the subdivision entrance sign for the Old Stage Hills Subdivision as outlined by the applicant in the Executive Summary. The appearance of the sign, including lighting and landscaping, must however be presented to and approved by the Visual Resources Review Board.

PROPOSED MOTION:

To approve the replacement of the subdivision entrance sign for the Old Stage Hills Subdivision subject to the staff's recommendations noted above.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>PINCHOK</u>	<u>HONKEN</u>	<u>LAMARCHE</u>	<u>MARKLI</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

OLD STAGE HILLS SUBDIVISION “ENTRANCE SIGN” REPAIR & REFURBISHMENT

EXECUTIVE SUMMARY

Objective

The Old Stage Hills subdivision is seeking Town of Farragut approval to repair and refurbish the subdivision's entrance sign located at the Way Station Trail & Kingston Pike entrance.

Problem

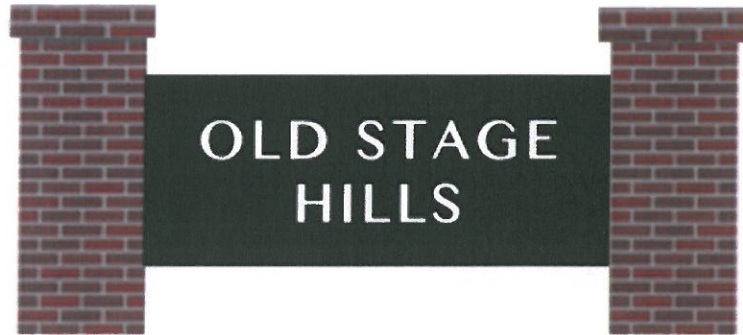
The current entrance sign is believed to be approximately 50 years old. Investing dollars to extend the function life of the current sign via a 'band-aid' approach is no longer a viable option.



Solution

- 1) Replace the existing cracked and dilapidated stone veneer on the columns with a modular size red brick. The existing foundation and block substrate will not be altered as to not change the current size and dimensions of the overall sign structure.
- 2) Replace the existing wood sign panel(s) located between the columns with black granite that host the embossed copy “Old Stage Hills”
- 3) Make necessary repairs to the lighting and irrigation located within the sign island. (All lighting shall meet TOF requirements)
- 4) Clean up, re-plant as necessary, and mulch the island.
- 5) Indemnify the Town of Farragut, as necessary, from any work or maintenance needed to the sign (including replacement if it is damaged to such extent). Said responsibility would be solely burdened by the Old Stages Hills Homeowner's Association and not the Town of Farragut.

OLD STAGE HILLS SUBDIVISION “ENTRANCE SIGN” REPAIR & REFURBISHMENT



Project:

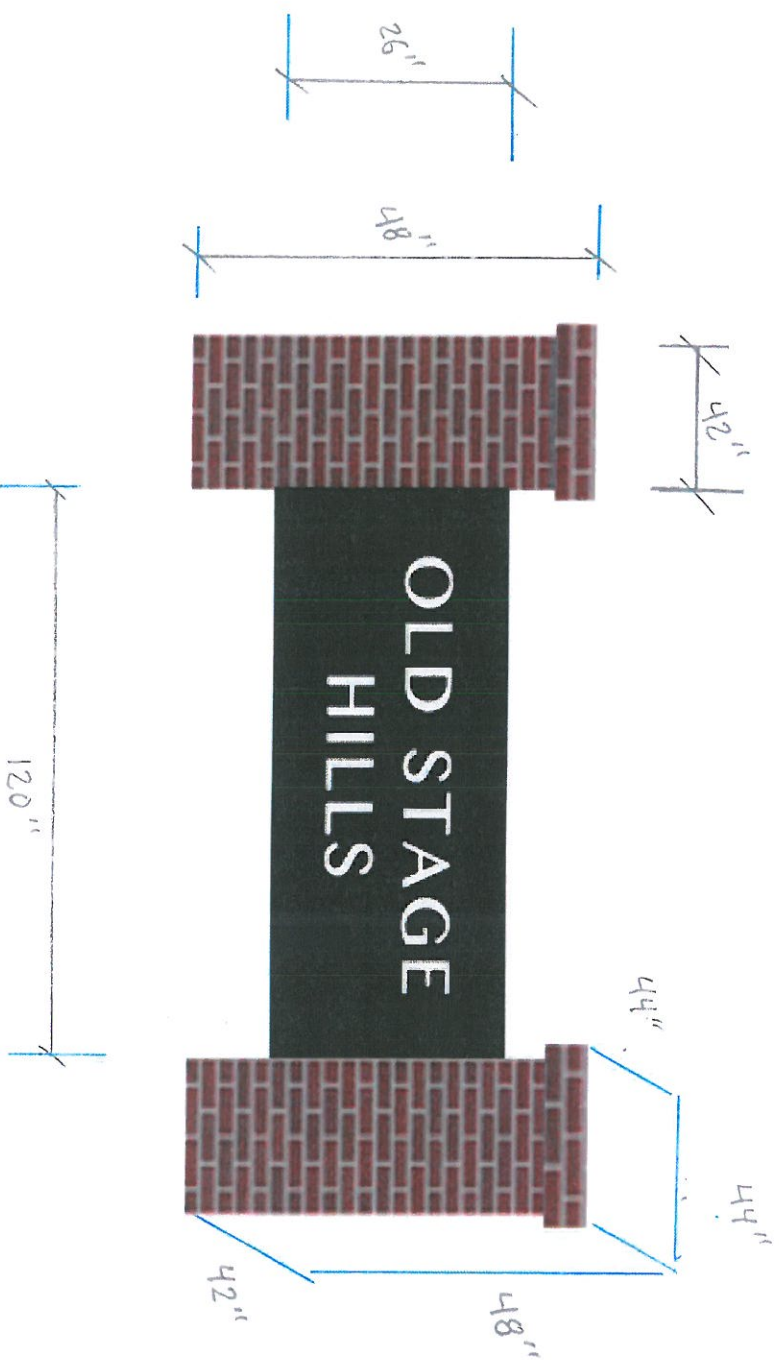
Repair & Refurbishment
Old Stage Hills subdivision
“Entrance Sign”

Location: Way Station Trail & Kingston Pike

Prepared for: Old Stage Hills s/d HOA

Prepared by: R. Knick Myers

- Proposed dimensions are unchanged
- from current dimensions



*Renderings Not to scale

Agenda Item VII.C.
February 26, 2015

MEMORANDUM

TO: Farragut Board of Mayor and Aldermen

FROM: Thomas M. Hale, Town Attorney

DATE: February 5, 2015

RE: Appeal of Access Determination by Hodges

This appeal submitted by Bill Hodges results from the submission of a site plan (see Exhibit A). The site plan relates to three adjacent parcels of land, each of which is approximately 100 feet by 200 feet. These three parcels of property were the subject of an agreement between the owners and the Town that was executed in 1983 (the "Agreement"). The agreement provided for the creation of a 20 foot drainage easement which traverses the three parcels of land as shown on the attached drawing which is an attachment to the Agreement (Exhibit B).

The proposed site plan contemplates the relocation and reestablishment of the drainage easement and provides for the construction of a drainage way paralleling the rear property lines of the parcels with the flow from the drainage easement being piped in a south to north direction from the rear of the westernmost parcel along the west property line to an existing manhole. The relocation of the drainage easement is the only construction provided for in connection with this site plan.

The site plan submitted by the applicant proposes a construction access to the property from Chaho Drive in relation to completing the drainage improvement. It also shows an access to the property from Kingston Pike immediately adjacent to the existing access way that is shared by the building that houses Urban Engineering and First Tennessee Bank.

The action of the Planning Commission was approval of the site plan with the conditions set out on the attached excerpt from the minutes of the November 18, 2014 meeting of the Farragut Municipal Planning Commission (Exhibit C). At issue is condition #3 which notes that consideration of and access to Kingston Pike is premature in that the details of any development planned for the property are unspecified and unknown as evidenced by the site plan itself. Otherwise, the access from Chaho Drive to complete the proposed work is adequate for the purposes that the site plan was filed to accomplish (i.e. relocation of the drainage easement).

The applicant has appealed by submission of the letter of Attorney Edward Pratt, dated December 29, 2014 and attached as Exhibit D. The appeal states it is based upon § 16-411 of the Farragut Municipal Code ("FMC") which provides "An appeal from adverse determinations on an application for an access permit shall be to the Board of Mayor and Aldermen." The "adverse determination" referenced by the appeal is that the Planning Commission did not approve the requested access directly to Kingston Pike.

The attached letter also requests that the Board approve variances of the permanent access distance requirements set forth in FMC § 16-406 as related to the Kingston Pike access. The authority for this request is set forth in FMC § 16-408 which provides “Notwithstanding anything contained herein to the contrary, the Board of Mayor and Aldermen may grant approval for access and/or frontage roads other than as specifically herein permitted, provided such an access is reviewed with a recommendation by the Town Engineer or his/her designee and the Planning Commission.”

The Farragut Municipal Code § 16-405(1). Permit Approval, provides “The Planning Commission and the Board of Mayor and Aldermen shall review applications for access for all developments requiring the submittal of a site plan and residential drives onto non-local streets.” Subsection (2) of 16-405 provides that “The Planning Commission, the Board of Mayor and Aldermen, and the Town staff shall review applications for access *for compliance with the requirements of this chapter*. The Planning Commission, the Board of Mayor and Aldermen or the Town staff *may require such revisions, corrections and additions to the plans of access and such additional supporting documentation of the plan of access as may be reasonable considering the locations of proposed and existing access, the traffic impact study if required, and considerations of public safety and welfare*. All revisions, corrections, and additions required shall be recorded on a final copy of a subdivision plat, site plan, or “drawing or sketch” of the access requested for approval before issuance of a permit.” (emphasis added).

Other than containing the drainage way pursuant to the agreement with the Town of Farragut, the three parcels in question have not been used for any purpose since the formation of the Town. The three parcels were originally part of a larger tract owned by Bill Hodges and wife, Elsie Hodges. By a series of three quitclaim deeds dated in early 1980 by and among Bill A. Hodges, David A. Dill and wife, Gail Hodges Dill, and Elsie Hodges, title to 100 foot by 200 foot tracts were vested respectively in each of Elsie Hodges, Gail Hodges Dill and Bill A. Hodges, such that each of them own a single tract. No recorded subdivision plat approving establishment of the three tracts has been found.

Staff’s position on these issues is as follows:

1. The Chaho Road access shown on the site plan is adequate for the work to be performed in relocating the drainage facilities. The Kingston Pike access shown on the proposed site plan is unnecessary to the accomplishment of the work proposed by the site plan.
2. The proposed Kingston Pike access does not comply with the distance requirements of FMC 16-406. Of particular concern is the fact that the west edge of the proposed access would be only a few feet from the east edge of the existing access serving First Tennessee Bank.
3. As has been the case for at least the past 35 years, there are no buildings on or ongoing use of the property requiring access from Kingston Pike.
4. Without having an understanding of the nature and details of the development that will go on the property, if any, it is premature and unwise to make judgments about the most

appropriate access from Kingston Pike to the property considering the health, safety and welfare of the citizens and the other requirements of the Town's regulations.

TMH

TMH/pcm

Enclosures

cc: David Smoak
Mark Shipley
Ashley Miller
Gary Palmer



DISCUSSION AND PUBLIC HEARING ON A SITE PLAN FOR DRAINAGE MODIFICATIONS ASSOCIATED WITH PARCELS 1.00, 1.01 AND 1.02, TAX MAP 152-C, SOUTHWEST CORNER OF KINGSTON PIKE AND CHAHO ROAD, 1.37 ACRES (Bill Hodges, Applicant)

The staff recommended approval of the drainage modifications proposed on this site plan subject to the following comments being addressed:

1. Please coordinate the landscaping with the planning division. The modified drainageway will be required to be landscaped;
2. A plat will be needed once drainage and grading work approved by the Town is complete. This plat will provide for any modified easements and required right of way per the subdivision regulations;
3. As noted on the plan sheets, this is a site plan associated with drainage improvements. Consequently, please remove reference to a proposed driveway. Since the only known improvements proposed at this time relate to the relocated drainage, consideration of an access is premature. If the access, as proposed, is considered by the commission as part of this site plan, the staff recommends denial because it does not comply with the Town's Driveways and Other Accessways Ordinance. Again, consideration of such a site element is premature since improvements associated with a driveway, such as the building and parking lot placement, are not known at this time. Only the construction entrance access should be shown on these plans since it is required in association with the drainage improvements. The construction entrance access is correct in the location proposed;
4. Please coordinate with the Town Attorney on how this proposal should be addressed as it relates to the stipulations provided for in the existing drainage easement as recorded in Deed Book 1771/Page 994;
5. Additional silt fence will likely be required on south side of new drainage way until site is stabilized;
6. Please submit an irrevocable letter of credit for erosion control in the amount of \$9400;
7. Please submit copy of NOC, as well as SWPPP. This comment was not generated from prior submittal, as staff misread that the intent is to regrade the entire properties, comprising more than one acre of disturbance; and
8. If grading work is to encroach onto TDOT ROW a permit from TDOT will be required.

Commissioner Honken moved to approve the site plan for drainage modifications subject to staff's recommendation as listed. Commissioner St. Clair seconded the motion and the motion passed 8-0.

BAKER DONELSON
BEARMAN, CALDWELL & BERKOWITZ, PC

RECEIVED

DEC 29 2014

TOWN OF FARRAGUT

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SUITE 600
KNOXVILLE, TENNESSEE 37919

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FAX: 865.525.8569

www.bakerdonelson.com

P. EDWARD PRATT
Direct Fax: (865) 633-7208
E-Mail Address: epratt@bakerdonelson.com

December 29, 2014

Ms. Alison Myers
Town Recorder/ Treasurer
Town of Farragut
11408 Municipal Center Drive
Farragut, Tennessee 37934

Via Hand Delivery

Re: Appeal from December 18, 2014 Farragut Municipal Planning Commission: Discussion and public hearing on a site plan for drainage modifications associated with Parcels 1.00, 1.01 and 1.02, Tax Map 152-C, located at the southwest corner of Kingston Pike and Chaho Road, 1.37 Acres (Bill Hodges, Applicant)

Dear Ms. Myers:

Pursuant to **Section 16-411. - Appeals**, of the Farragut, Tennessee Code of Ordinances, please accept this Notice of Appeal of Applicant Bill Hodges from the actions taken by the Farragut Municipal Planning Commission in denying the application for access permits on Kingston Pike and Chaho Road per the site plan review conducted by the Farragut Municipal Planning Commission on December 18, 2014. Per **Section 16-411**, this appeal of the adverse determinations on the application for access permits is to the Board of Mayor and Alderman. Please place this on the appropriate agenda before the Board of Mayor and Alderman and provide us with notice of any scheduled meeting.

Pursuant to **Section 16-408. - Variance**, of the Farragut, Tennessee Code of Ordinances, please take notice that the Applicant will be seeking variances of the permanent access distant requirements set forth in **Section 16-406** of the Farragut, Tennessee Code of Ordinances and all other applicable distance requirements. Please note that Parcels 1.00, 1.01 and 1.02, Tax Map 152-C, are each owned by different property owners with different access issues. A pending condemnation by the Town of Farragut has removed all access to the three separately owned parcels on Kingston Pike. But for the Town's grant of variances from **Section 16-406**, pursuant to the above-referenced authority, a hardship exists for Parcel 1.01 and 1.02 in that the distance restrictions under **Section 16-406** result in both separately owned parcels being completely landlocked; the only adjoining access is to Kingston Pike.

Parcel 1.00 contains frontage both on Kingston Pike and Chaho Road. **Section 16-407. - Access to two (2) or more roads, streets or highways**, expressly provides that where a parcel fronts on two streets, access may not be allowed to both streets but provides "that access to at least one (1) such road

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shall always be permitted" As a result, for Parcel 1.00, the access off of Chaho Road is not within the driveway distance requirements of **Section 16-406**. Thus, a variance for access off of Chaho Road requires a variance from **Section 16-406** to effectuate the guaranteed one access for Parcel 1.00 per **Section 16-407**.

Please accept this Notice of Appeal and Application for Variances for purposes of the Board of Mayor and Alderman's determination of the Applicant's application for access permits to Kingston Pike and Chaho Road.

Should I be of further assistance, please contact me.

In the meantime, I am

Sincerely yours,



P. Edward Pratt

PEP:alh

cc: Thomas M. Hale, Esq.
David E. Fielder, Esq.
Mr. Bill Hodges
Mr. Jeff Beckett