

## MINUTES

### LOUDON REGIONAL PLANNING COMMISSION

**FEBRUARY 7, 2007**

The February meeting of the Loudon Regional Planning Commission was called to order at 12:30 PM. Present were Mr. Carey, Mr. McEachern, Mr. Melton, Mr. Greenway, Mr. Garner, Mr. Gammons, Mr. Brewster and Ms. Millsaps. Mr. Brennan was absent.

Motion to approve the minutes for the January 3, 2007 meeting was made by Mr. Melton, seconded by Mr. Garner and approved 8-0.

**Agenda Item A: Request consideration of final plat approval of 3 lot subdivision of property located at 822, 824, and 828 Commerce Street, referenced by Tax Map 41H, Group D, Parcel 11.00 & 12.00, Zoned R-2, High Density Residential District. Owner: Lynn & Phyllis Millsaps [07-01-04-SU-LO]**  
Mr. Millsaps was present.

Mr. Reynolds described the property and location for the Board, noting this is a replat of two parcels into three parcels, consisting of 9 original city lots, with four structures on the three lots. This cleans up the property line situation the best that it can be with the existing structures, and there will be variances required for these structures.

Mr. Newman made the recommendation to approve the replat subject to the variances being approved by the Board of Zoning Appeals.

Mr. McEachern made the motion to approve the plat on the condition that any variances granted were to the existing buildings only. Mr. Melton seconded and motion was approved 8-0.

**Agenda Item B: Request consideration of preliminary plat approval of 159 lot subdivision of 81.50 acres of property, Rarity Landings, Phase I, located on Poplar Springs Road, referenced by Tax Map 33, Parcel 80.00, Zoned R-1, Low Density Residential District. Owner: Tellico Lake Properties LLC [06-12-284-SU(P)-LO]**  
This item was moved to the end of the meeting.

**Agenda Item C: Request consideration of preliminary plat approval of 35 lots in Pod 3, Phase 3 in Tennessee National Golf and Residential Development, Zoned Planned Development District (PDD), located in Matlock Bend, referenced by Tax Map 23, part of Parcel 1.00. Owner: Tennessee National LLC [06-12-289-SU(P)-LO]**

Mr. Ryan McMaster of LandDesign was present. He noted that instead of being Pod 1, Phase 1, this portion of the project was now Pod 2, Phase 3. He described the property and location for the Board, and explained that it will consist of 35 lots, an average of 25,000 square feet each, and will have setbacks of 25' front and rear and 10' on the sides.

Mr. Newman recommended approval of the preliminary plat. Mr. Garner made the motion to approve, Mr. McEachern seconded, and motion was approved 8-0.

**Agenda Item D: Request consideration of preliminary plat approval of 51 lots in Pod 8 in Tennessee National Golf and Residential Development, Zoned Planned Development District (PDD), located in Matlock Bend, referenced by Tax Map 23, part of Parcel 1.00. Owner: Tennessee National LLC [06-12-290-SU(P)-LO]**

Mr. McMaster described the property and location for the Board, and explained that it will consist of 51 lots, an average of 24,000 square feet each, and will have setbacks of 20' front setbacks, and 25' rear setbacks and 12' on the sides. Two new roads will be created.

Mr. Newman recommended approval of the preliminary plat. Mr. Garner made the motion to approve, Mr. Gammons seconded, and motion was approved 8-0.

**Agenda Item E: Request consideration of approval of site plan for E-911 Communications Center located on Maremont Parkway, referenced by Tax Map 40, Parcel 55.00, Zoned R-2, High Density Residential District. Owner: City of Loudon / Applicant: Loudon County [07-01-02-SP-LO]**

Mr. Newman described the proposed site to the Board. He noted several issues with the site plan that do not conform with the Ordinance, and he has given a list of the changes that need to be made to the architect. Those changes included, stormwater detention, parking spaces sizes, erosion control, utilities, water service, dumpster location and a copy of the TDEC grading permits. He recommended approval of the site plan with those items being addressed.

Mr. McEachern made the motion to approve the site plan with the contingencies that Mr. Newman had listed. Mr. Gammons seconded, and motion was approved 8-0.

**Agenda Item F: Request consideration of release of \$100,000 letter of credit for Sweetwater Creek Phase I. Owner: Saddlebrook [06-01-13-SU(F)-LO]**

Mr. Newman recommended a reduction in this letter of credit to \$20,000.

Mr. Melton made the motion to approve the reduction, Mr. McEachern seconded, and motion was approved 8-0.

**Agenda Item G: Request consideration of reduction of letter of credit from \$46,397 to \$17,600 for Pod 6 of Tennessee National Development [05-03-66-SU(F)LO]**

Mr. Newman recommended the reduction of this letter of credit to \$17,600. He noted that everything is complete but the sidewalks.

Mr. Kevin Downs noted that the sidewalk in front of the houses is the responsibility of the builder/homeowner. After most of a section is developed, the developer will finish the sidewalks.

Mr. Brewster made the motion to approve, Mr. Greenway seconded, and motion was approved 8-0.

**Agenda Item H: Request consideration of reduction of letter of credit from \$153,500 to \$38,720 for Club Road of Tennessee National Development [04-12-307-SP-LO]**

Mr. Newman recommended the reduction in the letter of credit to \$38,720 to cover the remaining cost of sidewalks.

Mr. Downs noted that that construction should begin in a few weeks.

Mr. Melton made the motion to approve, Ms. Millsaps seconded, and motion was approved 8-0.

**Agenda Item I: Request consideration of release of \$74,836 letter of credit for Spine Road of Tennessee National Development [05-03-68-SP-LO]**

Mr. Newman noted that the main road in the development is complete, and recommended release of the letter of credit.

Mr. Brewster made the motion to release the letter of credit, Mr. Gammons seconded, and motion was approved 8-0.

**Agenda Item J: Request discussion of Bonds vs. Letters of Credit for future improvements in Tennessee National.**

In the interest of time, and with the agreement of Mr. Downs, this discussion was tabled until the March meeting.

**Agenda Item K: Request approval of Philadelphia Municipal Floodplain Ordinance [07-01-10-RGZ-LO(PHIL)]**

Mr. Newman recommended approval of the Floodplain Ordinance for Philadelphia. If approved, it will be heard by Philadelphia City Council February 13, 2007.

Mr. Melton made the motion to approve, Mr. Greenway seconded, and motion was approved 8-0.

**Agenda Item B: Request consideration of preliminary plat approval of 159 lot subdivision of 81.50 acres of property, Rarity Landings, Phase I, located on Poplar Springs Road, referenced by Tax Map 33, Parcel 80.00, Zoned R-1, Low Density Residential District. Owner: Tellico Lake Properties LLC [06-12-284-SU(P)-LO]**

Mr. Mike Ross, developer, and Mr. Russ Rackley of Sterling Engineering were present. Mr. Rackley gave an overview of the project, noting that Phase 1 is for 159 lots on the northern area of the property. There will be three of the golf holes in this area, and they are working around the TVA flowage easement. There will be a gated entrance at both ends of the development. There will be a 12" water line from the south end, and the sewer line will run under the river. They are working with LUB on the water lines, the tanks, pressure and flow. These are low speed roads in a gated community with no through traffic, and variances will be needed from a 10% grade to an 11% grade in two areas, and one area will require a 12% grade. There will be an asphalt gutter section instead of concrete, but there will be concrete curbs.

Mr. McEachern noted that Notch-in-Hill is a city road, and the city has not closed the road yet.

Mr. Garner stated that if the road remained public the city would be obligated to upgrade it.

Mr. Newman said the property was annexed to be a private, gated community.

Mr. Bobby Emory, Poplar Springs Road, said his family has used Notch-in-Hill road for 70 years, and since the road was dug up to install water lines he has had to go 8 miles out of his way.

Mr. McEachern stated that a road closure was not guaranteed.

Mr. Ross said that they planned two gated entrances, and planned to upgrade Notch-in-Hill Road on the Hwy 72 end.

Mr. Garner asked what would be needed on the portion of the road that belonged to the County.

Mr. Newman said that a prescriptive easement would be required. The County would have the right to maintain the road after Rarity improved and paved it. He then asked about the entrance differences, as they are not shown on the plans.

Mr. Ross stated the entrance on the Loudon side would be manned, and there would be a call box and camera on the Poplar Springs side.

Mr. Newman asked about the overall number of homes.

Mr. Rackley stated that Phase I was being developed first because it would be the easiest to develop.

Mr. Mark Brevini questioned Poplar Springs Road usage by construction vehicles, as Poplar Springs is not a very wide road. He expressed concern about the trucks on the small road.

Mr. Rackley said that he anticipated the construction traffic to come in from the Hwy 72 side.

Mr. Mike Roberson, property owner near the planned Poplar Springs entrance described the road and provided photos for the Board. He asked for a delay in the approval due to the development not being served by 18' paved roads. He also noted that the original concept plan that accompanied the annexation request in May showed a common line between his property, which is zoned agricultural, to be joined to the golf course, which would provide a buffer between the properties.

Mr. Carey stated he felt this would be a nice Rarity development, but he was also listening to the neighbors. He stated he felt it would be County responsibility to upgrade and maintain the county roads, and the city's responsibility to do the same for the city roads.

Mr. Rackley said the 18' requirement can be achieved through improvements to the Hwy 72 end of Notch-In-Hill Road. He also noted that the County had problems with Poplar Springs Road before the development came in. They are seeking preliminary plat approval to be able to get capital to get started on the project.

Mr. Garner asked when the golf course would be finished.

Mr. Ross stated that it would be 2-3 years away. He also stated that he would be willing to give gate passes to the local residents and also have them available for emergency vehicles.

Mr. McEachern said he thought it would be good if the public could pass through the development, and Mr. Ross stated "area residents, not the public".

Mr. Newman noted that the plans for Notch-in-Hill Road that were not on the property were not designed yet, but the Board needed to know what segment will be done and what traffic impact they would be dealing with. If it is to be the County's responsibility to deal with is no money budgeted for that.

Mr. Rackley said the road could be easily improved by scraping and widening.

Mr. Newman said that Mr. Ross should make the commitment as part of the development, and Mr. Ross said he would do that.

Mr. Rackley said the road could easily be made 18' wide.

Mr. Newman stated that the road needs the same cross section as the main road of at least 24' wide.

Mr. Rackley stated that he was not sure how much right of way the county owned and asked if that would require County Commission action.

Mr. Newman stated that the Subdivision Regulations require the minimum standard for a road serving that amount of traffic to be 24' wide.

Mr. Rackley asked if the County would give that.

Mr. Roberson noted that Phase I also includes the Poplar Springs end of the development.

Ms. Jeannie Gravetti of Robinson Lane asked if the north end of the project would be open and used in Phase I, and noted that if they are using it the roads need improved before the project starts.

Mr. Rackley stated that the road issue existed before the Rarity project and the county should take action regarding that. They are asking for preliminary plat approval at this time and will commit to improving Notch-in-Hill Road to minimum standards.

Mr. Roberson stated that the preliminary plat is legal authorization for the subdivision to begin Phase I. The regulations do not depend on uncertainties of what the county may do. Everything needs to be agreed on at the front end so the RPC can make decisions. Everything must be in compliance with the regulations before any subdivision of 5 or more lots can be made. He stated that this group cannot legally make these decisions at this time.

Mr. Rackley stated that they RPC could approve with plans in place and with conditions.

Mr. Ross stated that he is open to making the improvements.

Mr. George Peeler, adjacent property owner at the north end of the project, asked how Rarity intended to buffer between the housing lots and the adjacent property owners.

Mr. Roberson stated that the original plan submitted at the rezoning showed a golf course hole adjacent to Poplar Springs Road, and now it shows a line of houses backed up to the road. He asked if the developer could not go back to the May 2 concept plan to be more compatible with the community.

Mr. Rackley stated they had moved the golf hole to be able to back the houses up to the creek. It is a monetary impact they are considering, a concept plan is just a concept.

Mr. Roberson stated monetary seemed to be the driving issue rather than the community.

Mr. McEachern asked what Mr. Roberson and Mr. Peeler wanted between the homes and pasture other than a fence..

Mr. Newman noted the plat shows no lots on the property line. He asked if there is a strip of property between the plated lots and the Peeler property.

Mr. Peeler stated he would like to see green space.

Mr. Rackley stated the developer would landscape as needed.

Mr. Gravetti noted that there are families on this road, and the development will be bringing even more cars and questioned why mores houses were being planned near a busy road.

Mr. Carey stated he felt there needed to be more negotiations between Rarity, the City and the County.

Councilman Lynn Millsaps noted that the road is a county road that leads into the property.

Mr. Newman stated that at the gate it would become Mr. Ross's responsibility, but the city would have to make the decision to close the road.

Mr. Grevetti commented on the electrical line to Kimberly Clark and possible elimination of it if Kimberly Clark agreed to go to municipal services provided by LUB.

Mr. Roberson again stated that there are no exceptions allowed in the regulations. There needs to be adequate roads of 18' width on each end.

Mr. Ross said that nothing would be done until the issues are resolved.

Mr. Roberson stated that in that case the approval needs to be delayed.

Mr. Ross stated he needed the preliminary approval before he spent money.

Mr. Roberson stated the existing road needed upgraded first.

Mr. Newman stated that the preliminary plat approval does allow the developer to do site work prior to the final plat approval. The preliminary is a significant approval and all issues need to be identified. He stated there does need to be an answer to the road situation at one end of the development or the other. If the entrance is oriented to Hwy 72, re recommended postponement of the approval for 30 days to see what can be done on the south segment of the road to tie it to Hwy 72. Also, the RPC needs to recommend to City Council that Notch-in-Hill Road be closed. The City also needs to take an official position. If the City demands the right of way, the county would have to condemn property if the developer is willing to build a 24' road.

Mr. Ross stated that if the right of way does not exist there is no way to achieve the required road.

Mr. Rackley asked how long it would take to get an agreement with the county.

Mr. Newman said he would expect a letter within two weeks from the County Road Superintendent as to how wide a road right-of-way exists. If there is approval for the preliminary plat, it needs to be subject to the

county superintendent's letter and the physical data about the road being received by Mr. Newman within two weeks. If not received, any approval would be dissolved.

Mr. Brewster asked if they should consider a contingency to allow the developer to be allowed to do improvements in less than 30 days.

Mr. Roberson asked if the preliminary approval would also require 24' on the north end, because he would like assurances about that, since the preliminary plat also shows a north end entrance that does not have an adequate road system.

Mr. Ross stated he is willing to close the planned north entrance.

Mr. Roberson stated the road issues on the north end effects the preliminary plat approval. The regulations are designed to address that. A contingency would prevent the public from having input.

Mr. Garner noted that this is a major development that does have questions, and it is good for Loudon. If the developer has to wait 2 weeks or 30 days, they should still count their blessings. The regulations for an 18' wide required road were passed for a reason.

Mr. Newman suggested postponing the item for 30 days and have a plan brought back for an entrance to Hwy 72, with a gate on the north end of the project until the road on that end is improved.

Mr. Garner stated the developer needed to get with the County Road Commissioner to work on the roads.

Mr. Carey stated that at least one roadway needs to be 18' wide to access the development, and Notch-in-Hill Road needs to be 24' wide, but 22 ½ feet would not stop the subdivision.

Mr. Brewster made the motion to approve the preliminary plat contingent with Rarity coming back to Mr. Newman with proof of a 24' easement for pavement on Notch-in-Hill Road on the south end of the development, automatically retuning to the Commission if they do not have a 24' wide right-of-way.

Mr. Greenway suggested the approval for the plan with the south entrance only, with plan revision to reflect no connection to Poplar Springs Road until it is addressed by the County.

Mr. Newman noted that public roads could be used for construction.

Mr. McEachern seconded Mr. Brewster's motion.

Mr. Roberson provided a letter (Tennessee Historical Commission letter attached in minute book) stating that there is Federal concern for this area, and Federal approval is required before a lot can be platted.

Mr. Rackley stated they are required to apply for TVA and Corps of Engineers permits for any water use, which open the property up to TVA review for the common area marina and all areas that contribute to the marina.

Mr. Roberson noted that lots could not have site work started if a dig is located.

Mr. Ross said there were ways to mitigate that.

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Mr. Brewster disclosed that he has done site work for Rarity in the past, but he has no contracts with them at this time.

Mr. Carey called for the vote and motion was approved 8-0.

With no further business, the meeting was adjourned at approximately 3:40 PM

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Signed

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Dated