

MINUTES

LOUDON REGIONAL PLANNING COMMISSION

JULY 2, 2008

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

Motion to approve the minutes of the June 4, 2008 meeting was made by Mr. McEachern, seconded by Mr. Gammons and approved 7-0.

Agenda Item A: Request consideration of final plat approval of 5 lot subdivision located in Pod 5 of 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 [07-05-108-SU(F)-LO]

Mr. Wayne Bove and Mr. Mark Fronznak were present.

Mr. Newman told the Board that the plans were to transfer property from Tennessee National to Mr. Bove as the property is developed. There are plans for five buildings, and the subdivision is for 19 acres of property into 5 parcels. The parcels will be re-combined as they are developed.

Mr. Bove said they are planning a July 20 launch date, and plan to start construction in the spring. They have 5 units sold and they want to have 15 sold before they start construction.

Mr. Newman recommended approval of the plat, noting one property line needed moved to meet setback regulations for the planned unit. He also noted there would need to be a letter of credit for the completion of Mossy Creek Road.

Mr. McEachern made the motion to approve, Mr. Brewster seconded, and motion was approved 7-0.

Agenda Item B: Request consideration of approval of site plan for Ready-Mix Plant at Pour-In-Place, located on Blair Bend Drive, referenced by Tax Map 41, Parcel 35.00, Zoned M-2, Heavy Industrial District. Owner: Jeff VanHoose [08-06-158-SP-LO]

Mr. VanHoose and Mr. Rusty Baksa were present.

Mr. Newman described the property and location for the Board, noting the entire site is 33 acres. The Board reviewed the Pour-In-Place component in May, and Mr. VanHoose plans to add a batch plant to be used with the Pour-in-Place operation. The engineer has completed and submitted a site plan. Then entire site for the batch plant is 3.9 acres in addition to the original 1.7 acres for the other operation. State permits are also required for this type of facility. The stormwater plans are completed and the notice of coverage has been received from TDEC. Water quality and air quality permits are required, and those take longer to get issued

There are also air quality public notices and hearings with public input required. If approval is granted at this point, the Board would lose the benefit of having those things. Another company submitted a plan before this one, and Mr. Newman asked those permits be acquired before the site plan was presented to the RPC. He wants to make the Board aware that they could benefit hearing this item after permits are issued. The owner has requested the item be heard before those permits are obtained.

Mr. McEachern asked about the public hearing.

Mr. Newman said there are minimum requirements the state has for the controls on this type of facility. The public hearing will deal with other community comments.

Mr. Brewster asked why this one was before the Board and not the other one.

Mr. Newman said it was because the owner requested it.

Mr. Baksa said they were asking for conditional approval and passed out a letter he had sent to Mr. Newman (copy attached in minute book). He noted that conditional approvals have been given before Land disturbance Permits have been approved by the State.

Mr. Newman said that the TDEC Land Disturbance Permit was in place, but that is totally different permit from the water quality and air quality permits. He felt the RPC needed the benefit of the full knowledge of information obtained during that permit process.

Mr. Brewster asked what the problem would be if this were delayed.

Mr. VanHoose said there is a lot of steel in the plant and he needs to place his order.

Mr. Brewster questioned ordering the steel without the state permits.

Mr. VanHoose said he could lock in the price with only RPC approval. He does not think he will be turned down by the state because of his state of the art systems and the controls he has in place.

Mr. Baksa stated he could not find where one of these plants has been turned down in middle or east Tennessee.

Mr. McEachern asked why Mr. VanHoose thought his site plan would be turned down and could the public hearings affect the outcome of what the RPC may do.

Mr. Newman said that could be a possibility.

Mr. Garner told Mr. VanHoose that he had already heard the "hold him up" spiel on the first part of the site plan, and now he has to have this one approved "now". He does not want it to appear the Board is approving Mr. VanHoose's equipment, because the Board is aware of the pollution issue.

Mr. Brewster asked Dr. Bud Guider what TDEC's stance is on the Air Quality issue.

Dr. Guider said that most hearings are held prior to the site plan approvals. TDEC works closely with the Air Quality Task Force and listens to public input. The AQTF would want to review the plans and ask for a public hearing.

Mr. Baksa said there are equipment issues that have to be reviewed. This plan meets the site plan requirements that the RPC normally reviews.

Mr. Carey said the RPC does not handle the air quality issue, they can say it has to have TDEC approval.

Mr. Newman stated there is a specific provision regarding noxious or other activities that are not permitted. The regulations are very general. If the site plan is approved at this point the board will lose the benefit of the public hearing process. This is also a use issue.

Mr. Baksa asked the site plan be approved subject to the public hearing review comments to come back to Mr. Newman, and the plan come back to the Board if there are any changes. This process will have less dust than a standard ready mix operation.

Mr. Brewster asked if this plant was for Mr. VanHoose's use only.

Mr. VanHoose stated he will be selling to the public.

Mr. Garner said that he understood from the meeting in May that this operation would be for Pour-in-Place's use only.

Mr. VanHoose said he had crews in the field, he would have his plant, and he would also be selling to the public.

Mr. Garner asked why that had changed now.

Mr. Brewster said he likes the site plan, and does not want to hold it up, but he can't support it with another business of the same type is waiting on their permits before coming before the Board.

Mr. Garner expressed concern of a liability to the Board if this one is approved without the same permits the other one is in the process of obtaining.

Mr. Newman said he would notify the other applicant if this site plan is approved.

Mr. Greenway asked that if the state issues a permit and the site plan is OK, why not approve this at this time.

Mr. Newman said the Board would lose the benefit of the public hearing, the public input, and the comments from the AQTF. The Ordinance requires a public hearing if there are noxious issues that could affect the public.

Dr. Guider reminded the Board that Loudon County is in non-attainment for ozone and particulate matter such as dust.

Mr. Baksa said that this type of plant has never been turned down in Middle or East Tennessee. Permits are just a paperwork trail.

Mr. Garner asked if the owner of the other Ready-Mix facility would have legal recourse against the RPC if this plant is approved without permits.

Mr. Newman said his recommendation would be to postpone this plan. Mr. Baksa has a valid argument, but the potential exists for the Board to lose the benefit of the public hearing process.

Mr. VanHoose said it would take at least 3 ½ months to obtain the state permits.

Mr. McEachern said if that was the case he did not think the RPC was the problem or the hold up.

Mr. Brewster made the motion to postpone reviewing the site plan until the state permits are obtained. Mr. Garner seconded.

Mr. Greenway asked why the state would issue permits in a non-attainment area.

Dr. Guider said they can and they do, but they do look at non-attainment areas differently and consider the public input.

Mr. Greenway asked if the AQTF was against it, would the state still issue a permit.

Mr. Newman said the state could legitimately deny the permit.

Mr. VanHoose said he only has to meet the state's minimum standards.

Mr. Garner asked Mr. VanHoose to estimate the volume and number of trucks that would be entering and leaving the facility.

Mr. VanHoose said he would have five trucks of his own and would be getting deliveries of aggregate and cement brought it.

When Mr. Carey called for the vote, it was 5-2 to postpone the approval with Mr. Carey and Mr. Greenway voting nay.

Agenda Item C: Request consideration of approval of site plan for 30 x 30 addition to Loudon Pediatric Clinic located at 616 Ward Avenue, referenced by Tax Map 41-H, Group F, Parcel 8.00, Zoned P-1, Professional and Civic District. Owner: Dr. James P. Guider [08-06-160-SP-LO]

Dr. Guider was present.

Mr. Newman described the property and location for the Board, noting no record was found of the original approved site plan which would have shown the future addition. Dr. Guider would be adding one addition

doctor to the practice. The addition takes up no parking, and parking requirements were met. He recommended approval of the addition.

Mr. Brewster made the motion to approve, Ms. Millsaps seconded, and motion was approved 7-0.

Agenda Item D: Request consideration of approval of release of letter of credit for improvements to Queener Road at Hampton Place Subdivision in the amount of \$220,000.00

No one was present for the developer.

Mr. Newman told the Board the developer has requested release of the letter of credit since their plan is to not develop past Phase I. The original road improvements were based on 100 lots. They are trying to sell the other property that has not been final platted.

Mr. Branam noted the developer had signed an agreement with the city to participate in the widening and straightening of Queener Road.

Mr. Newman said he did not think this request affected that.

Mr. Garner said it could. They have made an impact to the road and should pay their fair share, especially since someone will develop it.

Mr. Newman said he was not recommending release of the letter of credit. The developer requested this item be put on the agenda. At this time the impact of the first 40 lots is still unknown, as there are only 6 homes in the development now.

Mr. Garner also said there could be matching state money linked to this. There is also a holdup obtaining the right of way. He feels that the agreement should be adhered to.

Mr. Garner made the motion to deny the request for the release of the letter of credit, Mr. Gammons seconded, and motion was approved 7-0.

With no additional comments from the Board or the audience, the meeting was adjourned at approximately 1:45 PM

Signed

Dated