



**Municipal-Regional Planning Commission**  
**June 18, 2020**  
**6:30 p.m.**  
**Meeting Agenda**  
**Atoka Town Hall 334 Atoka-Munford Avenue**

- I. Call to Order & Establishment of a Quorum
- II. Approval of the Minutes
  1. Regular Commission meeting – May, 2020
- III. Reports
  1. Code Enforcement Monthly Activity Report – Rex Wallace,  
Director of Code Enforcement
- IV. Old Business
  - I. Review of Atoka Off-Site Sign Regulation question
- V. New Business –
  - I. Oak Creek Phase 4 Final Plat
  - II. Sterling Ridge Phase 7 Final Plat
- VI. Miscellaneous Items from the Planning Commission
- VII. Citizen Concerns
- VIII. Adjourn



## *Municipal-Regional Planning Commission*

# Meeting - Minutes

Atoka Town Hall  
334 Atoka-Munford Avenue

Wednesday May 27, 2020  
6:30 p.m.

The **Atoka Municipal/Regional Planning Commission** met with the following members present:

Brett Giannini  
John Harber

Michael Smith  
Stephen Shopher

Keith Moore  
Vicki Shipley

Absent:

Also attending:

Shelly Johnstone, Town Planner  
Amanda Faurbo, Acting Clerk  
\*Attached Sign In sheet

Bill Scott, Atoka Fire Department  
Daryl Walker, Mayor

**Planning Commission Meeting** was called to order at 6:30pm.

**Previous Minutes February 20, 2020** –Commissioner Harbor **made a motion to approve the February 20, 2020 minutes as presented.** Commissioner Moore seconded. **All approved. Motion carried.**

### **REPORTS**

**Code Enforcement Monthly Activity Report** – Amanda Faurbo reviewed as presented in Director Wallace’s absence.

### **NEW BUSINESS**

- I. Walker Parkway CTPR – Kamillah Kelly, Memphis Area Association of Governments – virtual presentation.
- II. Concept Plan – Sterling Meadows Shelly Johnstone, Town Planner and Tony Terhune, Apex homebuilders presented the plan. The Commission advised that they would like to see possibly a plan A, B, and C on different means of egress from the Sterling Meadows Subdivision.

**OTHER BUSINESS** - NONE

**MISCELLANEOUS ITEMS FOR THE PLANNING COMMISSION** – Commissioner Harbor advised the Planner that he would like her to check into the offsite signage regulations.

**CITIZEN CONCERN** – Shea Cove residents advised the Commission of a drainage issue they were having due to new development on 2 lots on Shea Cove. Commission advised to have SSR go and look at the situation at hand.

**ADJOURNMENT**

**Commissioner Harbor made a motion to adjourn. Commissioner Moore seconded. All approved.**

**Meeting adjourned at 8:15pm.**

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Stephen Shipley, Chair

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Vicki Shipley, Secretary

Code Enforcement Monthly Report  
2020

PERMIT INFORMATION	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Building Permit - Commercial		1											1
Building Permit - Industrial													0
Building Permit - Residential - Addition	1	1	2	1									5
Building Permit - Residential - New Build	5	8	6	14	9								42
Building Permit - Residential - Upstairs Finish	1			2	2								5
Misc Permit - Detached Garage													0
Misc Permit - Fence													2
Misc Permit - Fireworks Stand					2								2
Misc Permit - Pool Permit		1			5								6
Misc Permit - Sign Permit			1										1
Misc Permit - Storage Shed	2	3											5
<b>TOTAL PERMIT INFORMATION</b>	<b>9</b>	<b>14</b>	<b>9</b>	<b>17</b>	<b>18</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>67</b>
<b>CERTIFICATE OF OCCUPANCY</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>TOTAL</b>
Certificate of Occupancy - Commercial													0
Certificate of Occupancy - Industrial													0
Certificate of Occupancy - Residential	5	7	11	7	12								42
<b>TOTAL CERTIFICATE OF OCCUPANCIES</b>	<b>5</b>	<b>7</b>	<b>11</b>	<b>7</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>42</b>
<b>BUILDING INSPECTIONS</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>TOTAL</b>
Form Board / Set Back Inspection	4	1	1	10	5								21
Footing Inspection				1									1
Plumbing Inspection	9	6	8	8	8								39
Sheeting Inspection	5	6	7	3	7								22
Brick Ties Inspection	12	9	7	6	3								37
Framing Inspection	9	12	7	9	6								43
Insulation Inspection	3	12	3	5	5								28
<b>TOTAL BUILDING INSPECTIONS</b>	<b>42</b>	<b>40</b>	<b>33</b>	<b>42</b>	<b>34</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>191</b>
<b>CODE ENFORCEMENT ACTIONS</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>TOTAL</b>
Municipal Court Citations													0
Property Maintenance Complaints - Closed	17	22	18	28	33								118
Property Maintenance Complaints - Receiver	19	19	58	46	63								205
<b>TOTAL CODE ENFORCEMENT ACTIONS</b>	<b>36</b>	<b>41</b>	<b>76</b>	<b>74</b>	<b>96</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>323</b>
<b>PERMIT FEES</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>TOTAL</b>
Collected Fees	\$2,696	\$3,672	\$3,638	\$7,700	\$5,551	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$23,257
<b>TOTAL PERMIT FEES</b>	<b>\$2,696</b>	<b>\$3,672</b>	<b>\$3,638</b>	<b>\$7,700</b>	<b>\$5,551</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$23,257</b>
<b>COMMENTS</b>													
2 Fence Permit													

**Johnstone & Associates**  
3469 Countrywood Road  
Belden, MS 38826

**MEMORANDUM**

TO: The Atoka Municipal-Regional Planning Commission  
RE: Staff Recommendations for the June 2020 meeting of the Municipal-Regional Planning Commission.  
FROM: Shelly Johnstone, AICP  
DATE: June 15, 2020  
SUBJECT: Oak Creek V Final Plat

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**I. Regulating language – Atoka Subdivision Regulations:**

The Final Plat is the culmination of the land subdivision process. When approved and duly recorded as provided by law, the Final Plat becomes a permanent public record of the survey of the lots or parcels, rights-of-way, easements and public lands, and the restrictive covenants as may be applicable to the lots or parcels within the boundary of the subdivision. As such, it serves as a vital instrument in the sale and transfer of real estate, in the dedication of rights-of- way easements, and public lands, and in future land survey of the properties contained in or adjoining the subdivision.

- A. Plat Submission - The subdivider/developer shall submit 5 copies of the Final Plat and an electronic file as required by the Town to Town Hall no less than 15 days prior to the Planning Commission meeting at which it is to be considered. The Final Plat shall conform substantially to the approved Preliminary Plat. The original of the Final Plat shall be in black permanent ink on a sheet of moisture resistant drawing cloth or drafting film, 20 inches by 24 inches, to a scale of 1-inch equals 100 feet. If more than one sheet is required, an index sheet of the same size shall be filed and shall show a key map of the entire area being platted. The separate sheet of the Final Plat shall be keyed alphabetically and shall match lines with the adjoining sheets.
- B. Plat Content - The Final Plat shall be prepared by a Professional Civil Engineer or a Land Surveyor licensed in the state of Tennessee; shall be drawn to a scale of not less than 1 inch = 100 feet and shall contain the following information:
  - 1. The lines of all streets and roads with names, alley lines, lot lines, building setback lines, lots numbered in numerical order, reservations for easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
  - 2. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line,

block line and building line whether curved or straight, and curved property lines that are not the boundary of curved streets.

3. All dimensions to the nearest 100th of a foot and bearings to the nearest minute.
  4. Location and description of monuments.
  5. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining properties.
  6. Date, title and name of the subdivision, designer of the subdivision, vicinity map, graphic scale, total acreage subdivided, zoning classification and true north arrow.
  7. Any restrictive covenants which are to apply to lots or other parcels within the subdivision.
  8. The following certificates are required on the Final Plat (Appendix III):
    - a. Certification showing that the applicant is the landowner and dedicates the streets, rights-of-way, utilities and any sites for public use to the Town of Atoka.
    - b. Certification by a surveyor or engineer to the accuracy of the survey, the plat and the placement of the monuments.
    - c. Certification by the public works supervisor of approval of the water, sewer (if applicable) and drainage systems.
    - d. Certification by the Mayor or his designated representative of receipt of approved water and sewer (if applicable) construction plans from the Tennessee Department Environment and Conservation.
    - e. Certificate of Approval of installation of streets, water, sewer and drainage or the posting of sufficient financial surety to insure completion of all required improvements by the public works supervisor.
      - i. Certificate of approval of installation of streets, water, sewer and drainage or certificate that sufficient financial surety has been posted to insure completion of all required improvements.
- 6) Certification by the Tipton County Health Department of approval of an individual subsurface wastes disposal system or water system.
- (7) Certification by an engineer as to the accuracy of the Engineering and Design of the subdivision.
- (8) Certification by an engineer as to the Adequacy of Engineering and Design of the Storm Drainage System.
- (9) Certificate of Approval by the secretary of the Planning Commission.
- (10) Certificate of Sport Shooting Range Area. Pursuant to Public Act 2004 Chapter 494, any new subdivision that is located in whole or in part within one thousand (1,000) feet of any portion of the outside boundary of any land on which is contained a sport shooting range (defined as an area designated and operated for the use of rifles, pistols, silhouettes, skeet, trap, black powder, or other similar sport shooting), the owner shall provide a certificate (See Appendix).iii

i. The approximate distance and bearing at the right-of-way line from a corner of the subdivided property to the nearest public crossroad, including the name of the road, and rounded to the nearest foot.

3. Plat Review

1. Subdivision Review Staff - The subdivision review staff shall recommend to the Planning Commission the approval, approval with conditions or disapproval of the application.
2. Planning Commission - Within 60 days after submission of the Final Plat, the Planning Commission shall review the plat and indicate its approval, disapproval, or approval subject to modifications. If a plat is disapproved, reasons for such disapproval shall be stated in writing. If approved, subject to modifications, the nature of the required modifications shall be indicated. The Planning Commission may, prior to the close of the public meeting, hold the matter under advisement or defers a decision until the next regular meeting. Substantial changes made to the plat after review by the subdivision review staff shall be cause for the Planning Commission to defer a decision pending review of a revised plat. iv
3. Revised Plat - If changes or modifications are required by the Planning Commission and or variances have been granted, the subdivider/developer shall submit a revised Final Plat which clearly depicts all required changes or approved variances no less than 15 days prior to the Planning Commission meeting at which it is to be considered.
4. Failure to Take Action - Failure of the Planning Commission to act on the Final Plat within 60 days shall be deemed approval of this plat, provided, however, that the applicant, with the Commission's approval, may waive this requirement and consent to the extension of such period. v

4. Plat Approval

1. Prior to Approval – Prior to submission of a Final Plat, Construction Plans shall have been approved in accordance with Article II, Section C., and all required improvements including, but not limited to streets, sewer and water lines, surface and subsurface drainage shall be installed, inspected and approved by the Town.
2. Action upon Approval - Upon approval of the Final Plat by the Planning Commission, the subdivider/developer shall present the original and 1 paper copy of the plat for signing by the Planning Commission secretary. The subdivider/developer shall then provide the signed copies to the town recorder or his/her designated representative for filing in Town Hall.

c. Effect of Approval - The approval of the Final Plat by the Planning Commission shall not constitute acceptance by the public of the dedication of any road or street or grounds, until all water, sewer, streets, drainage, and other improvements shall have been installed, approved, and accepted by the Atoka Board of Mayor and Alderman.

d. Recording of the Final Plat

(1) Upon approval of the Final Plat by the Planning Commission, the subdivider/developer shall submit to Town Hall the original and 1 paper copy of the plat. The town recorder or his/her designated representative shall verify that the plat is acceptable for recording and that required modifications, if any, have been properly made. Upon such verification, the secretary of the Planning Commission shall attest to approval by signing the appropriate certificate on the original and copy of the plat. The town recorder or his/her designated representative, shall record the approved plat in the Office of the Registrar of Tipton County, Tennessee, and shall note the date, plat book and page number of recording on the file copy of the plat.

(2) The recorded original plat shall be retained as a permanent record in the Planning Commission files after it has been stamped and signed by the County Registrar.

**E. SURETY INSTRUMENT** - If a surety instrument in an amount equal to or greater than the cost of constructing all required improvements including, but not limited to streets, sewer and water lines, surface and subsurface drainage, has not been submitted to the Town prior to approval of the Final Plat by the Planning Commission then one shall be submitted to the Town before the Final Plat is signed by the secretary of the Planning Commission.

**F. SUBMISSION OF "AS BUILT UTILITY DRAWINGS"** - Prior to the release of the surety instrument or recording of the Final Plat under the "no land" procedure, the subdivider/developer shall cause to be delivered to the Town of Atoka a set of original "as built" drawings which show, as a minimum, the location by station and depth of all sanitary sewer services, water services, drainage improvements, the actual location of all other utilities and the indication of any deviations from the original plans which were approved or field engineered after the construction plans were approved. The Final Plat shall not be released for recording or the bonds and security shall not be released until said "as built" drawings are accepted.

**A. COMPLETION OF IMPROVEMENTS**

Before a Final Plat is signed by the secretary of the Planning Commission or a surety instrument is released, as specified in these regulations, all applicants shall complete, in accordance with these regulations and the adopted standards, the grading and improvement of all roads and streets, the installation of all survey monuments, utilities, water mains and surface and ground water drainage channels and any other improvements, including lot improvements on the individual lots. All improvements that are to be dedicated and or maintained by the Town shall be dedicated free and clear of all liens and encumbrances to the Town of Atoka.

**C. SURETY INSTRUMENT IN LIEU OF COMPLETED IMPROVEMENTS**

The Planning Commission, at its discretion, may waive the installation of the final coat of asphalt prior to the signing of the Final Plat by providing that the subdivision subdivider/developer furnish a construction surety instrument to the Atoka



Municipal- Regional Planning Commission showing the Planning Commission as the beneficiary. The amount of the surety instrument shall equal the cost of the installation of the final coat of asphalt and any required warranty period. The surety instrument shall be effective for one year with renewal for one year with no effort on the part of the Town of Atoka. Terms of the surety instrument shall be as determined by the Planning Commission or its designated representative in accordance with Section 13-4-403 Tennessee Code Annotated and shall and be approved by the Planning Commission, provided the instrument is satisfactory to legal counsel as to form, sufficiency, and manner of execution. The period within which the required improvements must be completed shall be specified by the Planning Commission when approval of the Final Plat is granted and shall be incorporated into the surety instrument.

#### **G. MAINTENANCE OF IMPROVEMENTS**

The applicant shall be required to maintain all improvements, including all lot improvements, until acceptance of the public improvements by the governmental body. Also, the applicant may be required to file a maintenance surety instrument with the Planning Commission prior to dedication, in an amount considered adequate by the appropriate governmental representative and in a form satisfactory to legal counsel in order to assure the satisfactory condition of the required improvements, including all lot improvements, for a period of one year after the date of acceptance of the public improvements by the Planning Commission.

## **II. Consideration of Oak Creek Phase 4 Final Plat Application**

### ***History***

#### ***Planning Commission Discussions/Approvals***

##### ***12/15/2016***

*Oak Creek Phase 4 – Preliminary Plat – There was a question as to the correctness of the street names in regard to Town regulations versus 911 requirements. Developer Wayne Boulter agreed he would be work with Town staff and 911 staff to work out the street names. Commissioner Giannini made motion to approve the plat. Commissioner Chambers seconded. All approved. Motion carried.*

##### ***03/15/2018***

*Oak Creek PH IV Preliminary Subdivision Plat – Town Planner Will Radford advised the Commission that the 911 Road Name Certificate will have to be addressed before the Final Plat. Commissioner Feldmayer made motion to approve the plat. Commissioner Akin seconded. All approved. Motion carried.  
(It looks like there was an increase in the number of lots from one Preliminary Plat approval to the next although this was not noted in the minutes)*

**04/19/2018**

*Oak Creek Ph IV Discussion – Code Official Rex Wallace presented to the Commission an issue that has come up with Oak Creek Ph IV subdivision. Initially, the preliminary plan indicated that E Cherrybark Dr would cross the creek. The developer is asking to instead be allowed to create a cul-de-sac at the end of E Cherrybark Dr, and also creating a cul-de-sac across the creek where the other road will end. Town Planner Will Radford advised that since this was in the preliminary plat stage the Town could make note in the minutes recording the deviation from the original preliminary plat and make sure it is addressed at the Final Plat stage.*

*(Oak Creek II Final Plat was approved June 16, 2016. Oak Creek II was finalized and recorded prior to the Oak Creek IV Preliminary Plat submittal.)*

### **Staff Report**

The developer of Oak Creek IV has put the final layer of asphalt on, instead of bonding that work until a certain percentage of the subdivision is complete. Staff and consultants have agreed that this would be in the best interest of the Town and the developer. The developer is required to post a maintenance bond and the Town will inspect the streets before they are accepted.

The Final Plat substantially represents the Preliminary Plat and the Construction Drawings with the exception of some changes in lots lines. The lots still meet the zoning regulations for area and setbacks. The developer's engineer explained that they were correcting line errors made on previous plats.

Changes were made to not cross the creek as had been preliminarily planned, so Catalpa dead ends before the creek.

More information may be provided at the meeting.

**Michele Johnstone, AICP**  
**Johnstone & Associates**  
3469 Countrywood Road  
Belden, MS 38826  
Sjohnstone73@icloud.com

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RE: Staff Recommendations for the June 2020 meeting of the Municipal-Regional Planning Commission.  
FROM: Shelly Johnstone, AICP  
DATE: June 15, 2020  
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2. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight, and curved property lines that are not the boundary of curved streets.
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  4. Location and description of monuments.
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silhouettes, skeet, trap, black powder, or other similar sport shooting), the owner shall provide a certificate (See Appendix).iii

i. The approximate distance and bearing at the right-of-way line from a corner of the subdivided property to the nearest public crossroad, including the name of the road, and rounded to the nearest foot.

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(2) The recorded original plat shall be retained as a permanent record in the Planning Commission files after it has been stamped and signed by the County Registrar.

**E. SURETY INSTRUMENT** - If a surety instrument in an amount equal to or greater than the cost of constructing all required improvements including, but not limited to streets, sewer and water lines, surface and subsurface drainage, has not been submitted to the Town prior to approval of the Final Plat by the Planning Commission then one shall be submitted to the Town before the Final Plat is signed by the secretary of the Planning Commission.

**F. SUBMISSION OF "AS BUILT UTILITY DRAWINGS"** - Prior to the release of the surety instrument or recording of the Final Plat under the "no land" procedure, the subdivider/developer shall cause to be delivered to the Town of Atoka a set of original "as built" drawings which show, as a minimum, the location by station and depth of all sanitary sewer services, water services, drainage improvements, the actual location of all other utilities and the indication of any deviations from the original plans which were approved or field engineered after the construction plans were approved. The Final Plat shall not be released for recording or the bonds and security shall not be released until said "as built" drawings are accepted.

**J. SIDEWALKS AND HANDICAP RAMPS**

Effective August 18, 2011, sidewalks shall be required in all developments, shall be installed within the right-of-way of all existing streets bordering the subdivision and shall adhere to the following requirements:

1. Sidewalks - Sidewalks shall be located in the street right-of-way with the outside edge coinciding with the right-of-way line. All sidewalks shall have a main slab of not less 4 inches in thickness. For proper drainage all sidewalks shall have .25 inch per foot slope towards the adjacent street. Sidewalks shall conform to the following minimum widths:
  - a. Single family residential – 4 feet wide
  - b. Multi-family residential – 5 feet wide
  - c. Other than residential – 5 feet wide

2. Handicap Ramps - In all subdivisions where sidewalks and curbs and gutters are provided, handicap ramps shall be installed at all crosswalks so as to make the transition from street to sidewalk easily negotiable for physically handicapped persons in wheelchairs and for others who may have difficulty in making the step up or down from curb level to street level. This requirement is not subject to waiver.
3. Quality of Concrete - All sidewalks, curbs, gutters, handicap ramps and driveway aprons shall be constructed of high quality durable Portland cement concrete. The concrete shall be ready-mixed, air entrained, 4000 lb. concrete. All concrete shall be Class A and shall be placed, cured, and tested in accordance with the Technical Specifications.
4. Deferment of Installation - At the request of the subdivider/developer, the Planning Commission may defer the installation of sidewalks and handicap ramps when the individual builders assume responsibility for installation of sidewalks, curb cuts and driveway aprons, the subdivider/developer shall be relieved of responsibility for such installations. The responsibility assumed by individual builders shall become a condition of the building permit and shall comply with the Technical Specifications of the Town of Atoka and the standards pertaining to sidewalks, curb cuts and driveway aprons contained in these regulations. No certificate of occupancy shall be issued until the required improvements are complete and accepted.
  3. Planting of New Trees. In all new Major Residential Subdivisions, the subdivider is required to plant at least two (2) suitable broad-leaved deciduous shade tree per approved lot, one of which shall be located in the front yard, unless specifically exempted by the Planning Commission. All trees shall be the equivalent of well-rooted nursery-grown stock free of injury, harmful insects, and diseases. They shall be well-branched, and the branching structure should be sound. Unless waived by the Planning Commission, the required tree shall not measure less than two (2) inches in girth at the time of planting. Acceptable types of street trees may be selected from a list available from the Town of Atoka. Conditions for waiver of this requirement may include a detailed plan to retain mature trees within the development. At the request of the subdivider/developer, the Planning Commission may defer the planting of trees when the individual builders assumes responsibility for planting. The responsibility assumed by individual builders shall become a condition of the building permit and shall comply with the Technical Specifications of these regulations. No certificate of occupancy shall be issued until these requirements are completed and accepted.

## **II. Consideration of the Sterling Ridge VII Final Plat**

### **A. History of Approvals**

Sterling Ridge VII received Preliminary Plat approval by the Atoka Planning Commission on June 21, 2018.

*June 21, 2018 Planning Commission Meeting minutes:*

#### ***NEW BUSINESS***

##### ***Major Subdivisions***

*Sterling Ridge Subdivision Ph. VII – Preliminary Plat – Commissioner Feldmayer made motion to approve the preliminary plat contingent on the street names being addressed with 911 Coordinator’s Office. Commissioner Akin seconded. All approved. Motion carried.*

There was subsequent discussion of construction plans on November 15, 2018.

*November 15, 2018 Planning Commission Meeting minutes:*

##### ***Sterling Ridge Phase VII Construction Plans.***

*Tony Terhune with Apex Home Builders presented April minutes and advised he needed clarification about Sterling Ridge Phase VII Preliminary Plat being approved with no other stipulations except 911 had to agree to street names. He stated the PC approved minutes in July where they (Apex) assumed it was a done deal. Mr. Terhune questioned whether the city has the ability to change anything after the fact, once the Preliminary Plat was approved. He stated there is a retention pond on the plat and maybe staff didn’t understand the plans that were presented, and they have been held up for quite some time. Administrator Lewis advised she would like clarification as well. The Preliminary Plat was never signed. Minutes stated PC was expecting new Preliminary Plat to be submitted with Lot 148 and 149 to be redesigned and Wallace stated the developer would present new preliminary plat.*

*Town received Plans that stated the Town would maintain retention pond the day of Planning Meeting. Will Radford, Town Planner advised the PC not to take action at this time.*

*Planning Commission advised Town to move forward on Construction Plan review for Sterling Ridge Phase VII.*



## **B. Staff Report**

Staff reviewed the Sterling Ridge VII Final Plat submitted by the developer, on Tuesday, May 12, 2020. Following the meeting, I sent an email to APEX's engineer outlining what needed to be done for the Final Plat to be considered for approval by the Planning Commission. This included the need for storm water detention that was absent from the plan. Construction drawings, including having storm water detention on Lot 7 were approved by the Town Engineer on 02/05/2019. In initial discussions about Sterling Meadows, it was suggested that the developers could construct storm water detention to handle both Sterling Ridge Phase 7 and Sterling Meadows, but no adjustment to the Sterling Ridge Phase 7 Construction Plans was ever made.

The developers eventually submitted a temporary off-site damn-like structure for review by the Town's Engineer on June 15, 2020. They intend to eventually construct a permanent pond to handle both Sterling Ridge VII and Sterling Meadows.

Because the Town is requiring that an HOA be responsible for maintenance of the pond, the developers will be responsible for maintenance of both the temporary structure and the pond until a legally formed and operating Home Owner's Association takes responsibility for future upkeep and maintenance.

It is the intent of the developer to have begun construction of the detention facility before Thursday's Planning Commission meeting.

The developer has put the final layer of asphalt on rather than post a performance bond for future work after homes have been built. There was a full discussion of the merits of doing this in an Ordinance Review Committee meeting a few months ago. Staff and consultants agreed that this was a good idea. The developers will post a Maintenance Bond for one year that covers workmanship and material failure. Before accepting the subdivision, the Town requires an inspection and repair before it accepts it.

More information may be added at the meeting.