



**Municipal-Regional Planning Commission  
September 17, 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 – August 20, 2020
- III. Reports
  1. Code Enforcement Monthly Activity Report – Rex Wallace,  
Director of Code Enforcement
- IV. Old Business
  - I. Consideration of an Amendment to the Atoka Zoning Ordinance –  
adoption of Planned Unit Development provision
- V. New Business –
  - I. Consideration of Sterling Meadows Preliminary Plat - APEX
- 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

Thursday August 20, 2020  
6:30 p.m.

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

Michael Smith

Keith Moore

John Harber

Stephen Shopher

Vicki Shipley

Absent:

Brett Giannini(Military Duty)

Also attending:

Shelly Johnstone, AICP, Town Planner

Bill Scott, Atoka Fire Department

Rex Wallace, Director

Amanda Faurbo, Acting Clerk

Marc Woerner, Town Administrator

Ben Ledsinger, Town Engineer

\*Attached Sign In sheet

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

**Previous Minutes June 18, 2020** –Commissioner Harber made a motion to approve the June 20, 2020 minutes as presented. Commissioner Moore seconded. Commissioner Shopher called for a roll call vote. Commissioner Harber, Yes. Commissioner Shipley, Yes. Commissioner Moore, Yes. Commissioner Smith, Yes. Commissioner Shopher, Yes. All Approved. Motion Carried.

### REPORTS

**Code Enforcement Monthly Activity Report** – Rex Wallace, Director reviewed as presented.

### OLD BUSINESS

1. **Consideration of an Amendment to the Atoka Zoning Ordinance – off-site sign regulations-** Shelly Johnstone, AICP presented the amendment to the Zoning Ordinance to add off-site premises sign language for the NC and Residential Zones. **Commissioner Harber made a motion that the Planning Commission recommend to the BMA that the town amend the Zoning Ordinance describing and regulating off-premise signs in the NC and Residential Zones in regard to Title 14.201 Article 17. Commissioner Moore seconded.** Roll-call vote: Commissioner Harber, Yes. Commissioner Shipley, Yes. Commissioner Moore, Yes. Commissioner Smith, Yes. Commissioner Shopher, Yes. All Approved. Motion Carried.
2. **Report on Design and Site Plan Review – Air Serv-** Shelly, AICP presented the improvements that have been made to the site and she stated the Planning Commission will be made aware of the remainder of improvements through the process. Commissioner Shopher added that he had spoken to Mr. Downing and he felt very confident that Mr. Downing will follow through with everything they had agreed to in the design meeting. Commissioner Moore asked about the driveway in this commercial subdivision. Bill Scott, Atoka Fire Department, answered his question.

### NEW BUSINESS

1. **Consideration of Wallace Estates Final Plat – Paul Frazier, PFMT**  
Shelly, AICP presented the staff report. She verified that all conditions were met that were required for the final plat approval. Staff and the potential builder of the development (DR Horton) had a discussion about the landscaping, cluster box location, sidewalks, lighting etc. in the Common Open Spaces, which was not included in the preliminary or final plat. **Commissioner Harber made a motion to accept the final plat of Wallace Estates based on the staff recommendation and staff notes. Commissioner Smith seconded.** Commissioner Shopher called for a roll call vote.

Commissioner Harber, Yes. Commissioner Shopher, Yes. Commissioner Moore, Yes. Commissioner Smith, Yes. Commissioner Shipley, Yes. All Approved. Motion Carried.

**2. Consideration of a Rezoning request of 28.645 acres on Atoka-Idaville Road (recently annexed) from FAR to R-1 – Wayne Boulter, Munford Development Co.**

Shelly, AICP presented the request for rezoning (map amendment) from Munford Development (Wayne Boulter) for property recently annexed by the Town of Atoka, and advised that it is the Planning Commission's role to recommend such proposed changes to the Board of Mayor and Aldermen. She indicated that the rezoning request met the tests for rezoning in the Town. The BMA will hold a public hearing and make the final decision on the map amendment.

**Commissioner Moore made a motion that we recommend approval of the rezoning. Commissioner Harber seconded.**

Commissioner Shopher called for a roll call vote. Commissioner Harber, Yes. Commissioner Smith, Yes. Commissioner Moore, Yes. Commissioner Shipley, Yes. Commissioner Shopher, Yes, All Approved. Motion carried.

**3. Consideration of Shepherd's Ridge Preliminary Plat- Wayne Boulter, Munford Development Co.** Shelly, AICP presented the Staff report. **Commissioner Moore made a motion to approve the Shepard's Ridge Preliminary Plat as discussed tonight contingent upon the BMA approving the re-zoning of the same property. Commissioner Harber seconded.** Commissioner Shopher called for a roll call vote. Commissioner Harber, Yes. Commissioner Smith, Yes. Commissioner Moore, Yes. Commissioner Shipley, Yes. Commissioner Shopher, Yes, All Approved. Motion carried.

**OTHER BUSINESS** - Commission Education Session – Transitioning to a MS4 Community- Ben Ledsinger, P.E., John C. Chlarson, P.E- Ben Ledsinger, Town Engineer introduced the speaker John C. Chlarson, MTAS. Mr. Chlarson presented the first one of three PowerPoint presentations that cover the MS4 stormwater program. He went over one of the presentations and the Planning Commission requested the other two presentations be presented later. Atoka's participation in the MS4 program would occur after the results of the 2020 Census are published.

**MISCELLANEOUS ITEMS FOR THE PLANNING COMMISSION** – Commissioner Harber questioned staff in regard to the expansion at the Ballfield on Rosemark Road. Shelly, Town planner advised we could request the property owner to bring in a site plan for design review since they have established another field on the lot.

Commissioner Moore wanted clarity on future developments and the design review. He referenced Wallace Estates because the Final was approved, and the design phase of the common open spaces were discussed after the approval. He would like this all to take place prior to the final approval. Shelly, AICP responded and advised the Commission that the Town regulations are directed at the Developer not the Builder. She stated Code Enforcement Official has the authority to do a site plan review of every lot in a development according to the Town regulations if need be. Amendments to the Ordinance will include builders if they are ones to improve the open spaces, including the cluster mailboxes.

**CITIZEN CONCERN** – Trisha Phelps, Sterling Ridge Subdivision Property Owner, stated she has presented her concerns at the BMA Meeting and to individual aldermen, but she has not presented her concerns to the Planning Commission. Her concern is the safety in the subdivision due to only one means of ingress/egress. She stated there is a petition with over 70 signatures in support of resolving the issue before the Town continues to build out in the same area. Parking on the street in the construction areas is also an issue and Commissioner Harber advised he would be willing to look at options for on-street parking regulations. At this time, the only regulation the Town has for on-street parking is that it is limited to 12 hours.

**ADJOURNMENT**

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

**Meeting adjourned at 8:38pm.**

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Stephen Shopher, Chair

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Vicki Shipley, Secretary

## 2020

Fence Permits issued: 3

## **D R A F T Planned Unit Development District (PUD)**

This section is intended to provide the means and the guidelines through which tracts of land may be developed through an overall unified approach rather than the traditional lot-by-lot treatment afforded by other districts in this Ordinance. It is intended to provide a maximum of design freedom in order to create a better living environment, by making the best use of topography and land features and by permitting the developer an opportunity to more fully utilize the physical characteristics of the site through the reduction of lot sizes, the absence of yard and bulk restrictions and the planned mixing of uses. Through the requirement of a development plan, it is the intent that property under this section will be developed through a unified design providing continuity between the various elements and ultimately leading to a better environment. Increased residential densities may be permitted under this Section if such increase can be substantiated on the basis that the superior design makes greater densities possible with no reduction of amenities. This section should not be utilized as a device just for making increased densities more acceptable or as a means of circumventing the Town's development regulations.

### **Objectives**

The Board of Mayor and Aldermen may, upon proper application, rezone a site of **any size** to PUD to facilitate the use of flexible techniques of land development and site design by providing relief from zone requirements designed for conventional developments. In addition, the Board may establish standards and procedures, including restricting land uses to only those compatible to surrounding development, prior to a rezoning in order to obtain one or more of the following objectives:

1. Promote flexibility in design and permit planned diversification in the location of structures.
2. Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
3. Preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion.
4. Provide for more usable and suitably-located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures.
5. Combine and coordinate architectural styles, building forms and building relationships within the planned developments.
6. Ensure a quality of construction commensurate with other developments within the Town.
7. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
8. Rational and economic development in relation to public services.

9. Efficient and effective traffic circulation, both within and adjacent to the development site.
10. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.

### **Planned Unit Developments**

Under this section, Planned Unit Developments (PUD) shall be permitted, subject to the stated requirements. PUD's are established by overlaying a Preliminary Development Plan over the existing district. The overlays are as follows: PUD (Planned Unit Development) over R-1, R-2 and R-3 residential districts and the **General Commercial District**. A zoning amendment is required following the procedures outlined in this section and in accordance with Title 14.20, Article 17 of this Zoning Ordinance.

### **Modification of District Regulations**

Planned Unit Developments may be constructed in the above zoning districts subject to the standards and procedures set forth below:

1. Except as modified by and approved in the Ordinance approving a preliminary development plan, a Planned Unit Development shall be governed by the regulations of the district or districts in which the said Planned Unit Development is located.
2. The Ordinance approving the preliminary development plan for the Planned Unit Development may provide for such exceptions from the district regulations governing area, setback, width and other bulk regulations, parking, and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed Planned Unit Development, provided such exceptions are consistent with the standards and criteria contained in this section and have been specifically requested in the application for a Planned Unit Development and further provided that no modification of the district requirements or subdivision regulations may be allowed when such proposed modification would result in:
  1. Inadequate or unsafe access to the Planned Unit Development.
  2. Traffic volume exceeding the anticipated capacity of the major street network in the vicinity.
  3. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the Planned Unit Development.

4. A development which will be incompatible with the purposes of this Ordinance.

Such exceptions shall supersede the regulations of the zoning district in which the Planned Unit Development is located.

### **Coordination with Subdivision Regulations**

The uniqueness of each proposal for a Planned Unit Development may require that specifications for which the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards may be subject to modification from the specifications established in the Subdivision Regulations. Modifications may be incorporated only with the review of the Atoka Planning Commission and approval of the Board of Mayor and Aldermen as part of its review of the Development Plan for a PUD and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval by the Planning Commission of the plan.

1. It is the intent of this Ordinance that subdivision review under the Subdivision Regulations be carried out simultaneously with the review of a Planned Unit Development under this section of the Zoning Ordinance.
2. The development plans submitted under **Procedures for Planned Unit Development Approval** must be submitted in a form that will satisfy the requirements of the Subdivision Regulations for preliminary and final plats.
3. The requirements for both this section of the Zoning Ordinance and those of the Subdivision Regulations shall apply to all PUD's, and all actions of the Board of Mayor and Aldermen pertaining to PUD's shall be based upon a recommendation by the Planning Commission.

### **General Provisions**

The following general provisions shall apply to any Planned Unit Development Districts created by the Board of Mayor and Aldermen.

### **Application for Planned Unit Development Permit Required**

Each application for a Planned Unit Development shall be submitted in accordance with requirements of these regulations and the requirements set forth in the Subdivision Regulations. Variances to the requirements of both regulations may be granted upon review by the Planning Commission.

### **Waiver of Board of Zoning appeals Action**

No action of the Board of Zoning Appeals shall be required in the approval of a Planned Unit Development District.

## **Ownership and Division of Land**

No tract of land may be considered for, or approved as a PUD, unless such tract is under the single ownership of a landowner. For the purpose of this Ordinance, a landowner may be a person, partnership, corporation, association or any other legal entity entitled to own property. The holder of a written option to purchase, a party purchaser to a contract for the sale of real property contingent upon the success of a PUD application for the property, or any governmental agency shall be considered landowners for the purpose of this Section. Unless otherwise provided as a condition of approval of a PUD, the landowner of an adopted PUD may divide and transfer parts of such development. The transferee shall complete each section and use and maintain it in strict conformance with the final development plan.

## **Professional Design**

The Atoka Planning Commission shall not consider any development plan for any proposed Planned Unit Development, either on a preliminary or final basis, nor shall the Atoka Board of Mayor and Aldermen concur with any preliminary development plan for a proposed Planned Unit Development unless such proposed plan includes a certification that the services of a licensed civil engineer or licensed land surveyor was utilized in the preparation of the master plan for utility placement and storm water facility development. Applicants may also use the services of a land planner or landscape architect in the development of the plan.

At a minimum, the Site and Design Review Standards in the Atoka Zoning Ordinance shall apply to commercial uses of any PUD overlaying the R-1, R-2 and R-3 Residential Districts, and to a PUD overlaying the General Commercial District.

## **Development Period; Staging**

The expeditious construction of any Planned Unit Development authorized under these provisions shall be undertaken to assist in the assurance of the full completion of the development in accordance with the adopted final development plan.

### **1. Start of Development**

Within five years from the date of preliminary approval of a PUD, actual construction shall have commenced in such development. Actual construction is defined to include the placing of construction materials in a permanent position and fastened permanently or extensive grading including demolition or removal of existing structures necessary for the development. If no substantial construction, as determined by the Building



Inspector, has begun within the time stated in the final development and construction schedule, the final development plan shall lapse upon written notice to the applicant from the Planning Commission and shall be of no further effect. At its discretion and for good cause, the Planning Commission, may extend for a reasonable time, not to exceed one year, the period for the beginning of construction.

## 2. Completion Period

The Atoka Planning Commission may establish a reasonable period of time for the completion of the Planned Unit Development at the time the PUD district is established.

## 3. Staging of Development

The Planning Commission may elect to permit the staging of development, in which case, the following provision shall be complied with:

Each stage shall be so planned and so related to existing surrounding and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the development or its surrounding at any stage of the development. The development staff shall review any proposed phasing plan and recommend to the Planning Commission a plan for the phasing and recommended construction of improvements including site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, plantings and screening. The Developer shall also prepare a cost estimate of the recommended improvements to be approved by the Town Engineer for bonding purposes.

## **Common Open Space and Public Facilities**

The requirements of common open space and public facilities shall be in accordance with the provisions of this Section.

1. Common open space may be usable for active or passive recreational purposes and must provide visual, aesthetic and environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Unit Development considering its size, density, expected population, topography and the number and type of structures to be provided.
2. Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses which are authorized therefor, and must conserve and enhance the amenities of the

common open space, having regard to its topography and the intended function of the common open space.

3. The development phasing sequence which is part of the preliminary development plan must coordinate the improvement of the common open space, the construction of the buildings, structures and improvements in the common open space, the construction of public improvements and the construction of residential dwellings in a Planned Unit Development, but in no event shall occupancy permits for any phase of the final development plan be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.
4. No common open space of a Planned Unit Development shall be conveyed or dedicated by the developer or any other person to any public body, homeowners' association or other responsible party unless the Atoka Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which it was intended. The Planning Commission may give consideration to the size and character of the dwellings to be constructed within the Planned Unit Development, the topography and existing trees, the ground cover and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes, and the existence of public parks or other public recreational facilities in the vicinity.
5. All land shown on the final development plan as common open space may be either:
  1. Conveyed to a public body, if said public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it; or
  2. Conveyed to an organization for ownership and maintenance subject to the following:
    - (a) The Atoka Planning Commission and Atoka Board of Mayor and Aldermen may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the Town of Atoka and said dedication be approved by the Board of Mayor and Aldermen. However, the conditions of any transfer shall conform to the adopted final development plan.
    - (b) In the event that the organization established to own and maintain common open space, or any successor organization, shall

at any time after the establishment of the Planned Unit Development fail to maintain the common open space in reasonable order and condition in accordance with the adopted final development plan, the Building Official may serve written notice upon such organization and/or the owners or residents of the Planned Unit Development and hold a public hearing. After thirty (30) days when the deficiencies of maintenance are not corrected, the Building Official shall call upon any public or private agency to maintain the common open space.

(c) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the Planned Unit Development that have a right of enjoyment of the common open space and shall become a lien on said properties.

(d) If the common open space is deeded to a Homeowners' Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include but not be limited to the following:

(i) The Association must be set up before homes are sold.

(ii) Membership must be mandatory for each homebuyer and any successive buyer.

(iii) The open space restrictions must be permanent, not just for a period of years.

(iv) The Association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.

(v) Homeowners must pay their pro rata share of the cost of the assessment levied by the association to meet changed needs.

### **Dedication of Public Facilities**

The Atoka Planning Commission, as a condition of approval and adoption and in accordance with the final development plan, may require that suitable areas for streets, public rights-of-way, schools, parks and other public areas be set aside, improved and/or dedicated for public use.

### **Bond Requirement for Improvements**

The Planning Commission shall require that a performance bond be furnished and filed with the Town of Atoka for private and public improvements in coordination with the procedures set forth in Atoka's Municipal Subdivision Regulations.

### **Relation to Utilities, Public Facilities**

PUD districts shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems and other utilities systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale, or timing resulting in higher net public cost or earlier incursion of public cost than would development in a form generally permitted in the area. Such districts shall be so located with respect to schools, parks, playgrounds and other public facilities required as to have access in the same degree as would development in a form generally permitted in the area.

### **Site Planning**

Site planning within any PUD shall provide for the protection of the development from potentially adverse surrounding influences and shall also provide for the protection of surrounding areas from potentially adverse influences within the development, including, but not limited to, area storm water management plans, hydrological studies, water and wastewater facilities, streets, noise and other environmental considerations. All reports and plans shall be submitted to the planning staff for review and approval and shall be made a part of the final development plan. Site plans shall be required for all uses except single family detached dwellings.

### **Accessory Off-Street Parking and Loading**

Accessory off-street parking and loading in the PUD shall be regulated by Article Title 14-201, Article 3.10 of this Zoning Ordinance, but may be modified to meet the goals of the PUD.

### **Specific Standards and Criteria for Planned Unit Developments**

In addition to the general standards and general provisions set forth above, Planned Unit Developments shall comply with the requirements and standards that follow.

### **Permitted Uses**

The following uses are permitted subject to review by the Planning Commission and approval of the Board of Mayor and Aldermen.

- a. Any permitted use, accessory use, or conditional use allowed in the underlying residential district or districts.
- b. Other uses specifically permitted by the Planning Commission and the Board of Mayor and Aldermen in their review of the Preliminary Development Plan for the PUD development.

## **Residential Densities**

In PUD Developments there are no minimum lot sizes or yard requirements. However, lot dimensions and lot sizes must be shown on the Preliminary Development Plan which must be reviewed by the Planning Commission and approved by the Board of Mayor and Aldermen. Within any PUD classification, the Board of Mayor and Aldermen may authorize an increase in overall residential density within the project area. The base densities are as follows:

### **Zone Density**

1. R-1 3.48 units per acre
2. R-2 5.40 units per acre
3. R-3 5.40 units per acre

a. An increase in density not to exceed sixteen percent (16%) will be granted for the dedication of six percent (6%) of the total PUD to the Town of Atoka. The site must be of such nature that excessive cut or fill is not required. The site must also be landscaped to the specifications of a landscape plan that must be submitted by the developer and approved by the Planning Commission. The Town reserves the right to accept or decline any proposed land dedication.

An increase in density not to exceed ten percent (10%) may be granted for incorporating the following provisions into the development:

1. Providing additional recreational uses and facilities, or imagination in recreation design such as providing clubhouses, swimming pools, tennis courts, and other major facilities.
2. Providing additional landscaping, where applicable on the public land with a minimum of six (6) shade trees per acre with a height of between eight (8) to ten (10) feet.

b. An increase in density, not to exceed ten percent (10%) may be granted for providing superior aesthetics within a development by:

1. Combining distinctiveness and excellence in architectural setting and design.
2. Exceptional design of the automobile circulation system to include a minimum of paved surfaces.
3. Providing enclosed or sub-surface parking where applicable.

4. Providing a comprehensive fencing or screening system that offers the greatest possible degree of privacy.

The Board of Mayor and Aldermen may prohibit or limit an increase in density to avoid the following conditions:

1. Inconvenient or unsafe access to the Planned Unit Development.
2. Traffic congestion in the streets within or adjoining the Planned Unit Development.
3. An excessive burden on parks, recreation areas, schools, police and fire protection, and other public facilities which serve or are proposed to serve the Planned Unit Development.

The developer shall submit documentation, plans and drawings as necessary to justify density increases. The Board of Mayor and Aldermen may decrease or eliminate allowed density increases if it is determined that the developer is not conforming to standards as agreed upon.

### **Accessibility of Site for Automobiles**

All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the Planned Unit Development. The location of the entrance points of the streets and driveways upon existing public roadways shall be subject to the approval of the Planning Commission.

### **Off-Street Parking**

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use.

Screening of parking and service areas shall be required through use of trees, shrubs, berms, and/or hedges and screening walls.

### **Pedestrian Circulation**

The development should include a system of pedestrian walkways for safe circulation to schools, churches, shopping and other traffic generators. The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

### **Privacy**

The Planned Unit Development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the Planned Unit Development.

Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers.

## **Procedures for Planned Unit Development Approval**

The provisions of this Section govern the procedure for approval of all Planned Unit Developments provided herein.

### **Pre-Application Procedure**

1. At least fifteen (15) days prior to filing any application for a Planned Unit Development, the prospective applicant shall request a pre-application conference with the Planning Staff.
2. To obtain information, each applicant shall confer with the planning staff in connection with the preparation of the Planned Unit Development application. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered before submission of the Planned Unit Development application. Thereafter, the planning staff shall furnish the applicant with comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to his preparing the components of the Planned Unit Development application.

### **Preliminary Development Plan**

A preliminary development plan shall be submitted to the Planning Commission with the application for the Planned Unit Development.

#### **a. Written Documents**

- (1) A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.
- (2) A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
- (3) A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.

- (4) If the Planned Unit Development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:
- (5) the approximate date when construction of the project can be expected to begin;
- (6) the order in which the phases of the project will be built;
- (7) the minimum area and the approximate location of common open space and public improvements that will be required at each stage.
- (8) A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.
- (9) Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate net residential densities; total amount of open space (including a separate figure for usable open space).
- (10) A statement setting forth in detail either, 1. the exceptions which are required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed Planned Unit Development, or, 2. the bulk regulations under which the Planned Unit Development is proposed.

### **Site Plan and Supporting Maps**

A site plan and any maps necessary to show the major details of the proposed PUD must contain the following minimum information:

1. The existing site conditions including contours at two-foot (2') intervals, water courses, flood plains, unique natural features and tree cover.
2. Proposed lot lines and plot designs.
3. The location and floor area size of all existing and proposed buildings, structures and other improvements including maximum heights, types of dwelling units, and density per type.
4. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public uses.
5. The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership, public or private should be included where appropriate.



6. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.
7. The existing and proposed utility systems including sanitary sewers, storm sewers, water lines, and drainage. (Detailed drainage plan and calculations shall be handled at the final development plan stage.)
8. A general landscape plan indicating the treatment of materials used for private and common open spaces, including locations of existing trees or clusters of trees.
9. Enough information on land areas adjacent to the proposed PUD to indicate relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.
10. The proposed treatment of the perimeter of the PUD including materials and techniques used such as screens, fences and walls.
11. Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed PUD.

### **Preliminary Development Plan Approval Process and Effect of Approval**

At least thirty (30) days prior to the Planning Commission meeting at which it is to be considered, the owner of the property or his agent shall submit to the Planning Commission the Preliminary Development Plan, a completed application form, and all other information required under this Section. The Planning Commission shall review the application and shall recommend to the Board of Mayor and Aldermen to: approve; disapprove; or approve the Planned Unit Development subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until the next regular meeting.

The Board of Mayor and Aldermen shall hold a public hearing on the application for the Planned Unit Development and the preliminary plan after receipt of recommendations from the Planning Commission and any notice of appeal. The Board of Mayor and Aldermen shall establish a date for a public hearing and shall provide written notice and publication in accordance with Title 14-201, Article 17.3 of this Ordinance. The Board of Mayor and Aldermen shall render a decision on any appeal and shall: approve; disapprove; or approve the proposed Planned Unit Development and preliminary development plan subject to conditions, and if approved, shall set forth the conditions imposed.

The approved preliminary development plan shall bind the applicant, owner, and mortgagee, if any, and the Town of Atoka with respect to the contents of such plan.

The Atoka Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.

### **Final Development Plan Approval Process**

An application for approval of a final development plan of the entire Planned Unit Development, if it is to be completed in one phase, or of a portion of the Planned Unit Development, if it consists of more than one phase, shall be submitted by the applicant at least thirty (30) days prior to the Planning Commission meeting.

The application for final development plan approval shall be filed with the Planning Commission and shall include, but not be limited to, the following:

- (1) A plan/plat suitable for recording with the Tipton County Register's Office.
- (2) Proof referred to on the plan and satisfactory to the Town Manager as to the provision and maintenance of common open space.
- (3) All certificates, seals and signatures required for the dedication of land and recordation of documents.
- (4) Tabulations of each separate use area, including land area, bulk regulations and number of dwelling units per gross acre and the gross floor area for commercial and industrial uses.
- (5) Location and type of landscaping.
- (6) Location and dimensions of utility and drainage facilities.
- (7) All other requirements of a Final Plan under the Atoka Municipal Subdivision Regulations.

A decision shall be rendered on a final development plan by the Planning Commission. If a final plan is disapproved by the Planning Commission the applicant may file a final development plan that substantially conforms to the approved preliminary plan, or the applicant may file for an amendment to the approved preliminary development plan.

After a final development plan is approved by the Planning Commission, the Building Inspector shall record such plan in the Tipton County Register's Office after receipt of any necessary bonds, fees and contracts to provide improvements required in the Town of Atoka Subdivision Regulations and the required signatures for recordation have been secured.

## **Zoning Administration – Permits**

The Building Official may issue building permits for the area of the Planned Unit Development covered by the approved final development plan for work in conformity with the approved final development plan and with all other applicable Ordinances and regulations. However, the Building Official shall not issue an occupancy permit for any building or structure shown on the final development plan of any stage of the Planned Unit Development unless the open space and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or Homeowners' Association or a responsible party. The Building Official shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan if the completed building or structures conforms to the requirements of the approved final development plan and all other applicable regulations and Ordinances.

### **Reapplication if Denied**

If any application for a Planned Unit Development is denied by the legislative body, a reapplication pertaining to the same property and requesting the same Planned Unit Development may not be filed within twelve (12) months of the date final action was taken on the previous application unless such reapplication is initiated by the Planning Commission or authorized by the Board of Mayor and Aldermen.

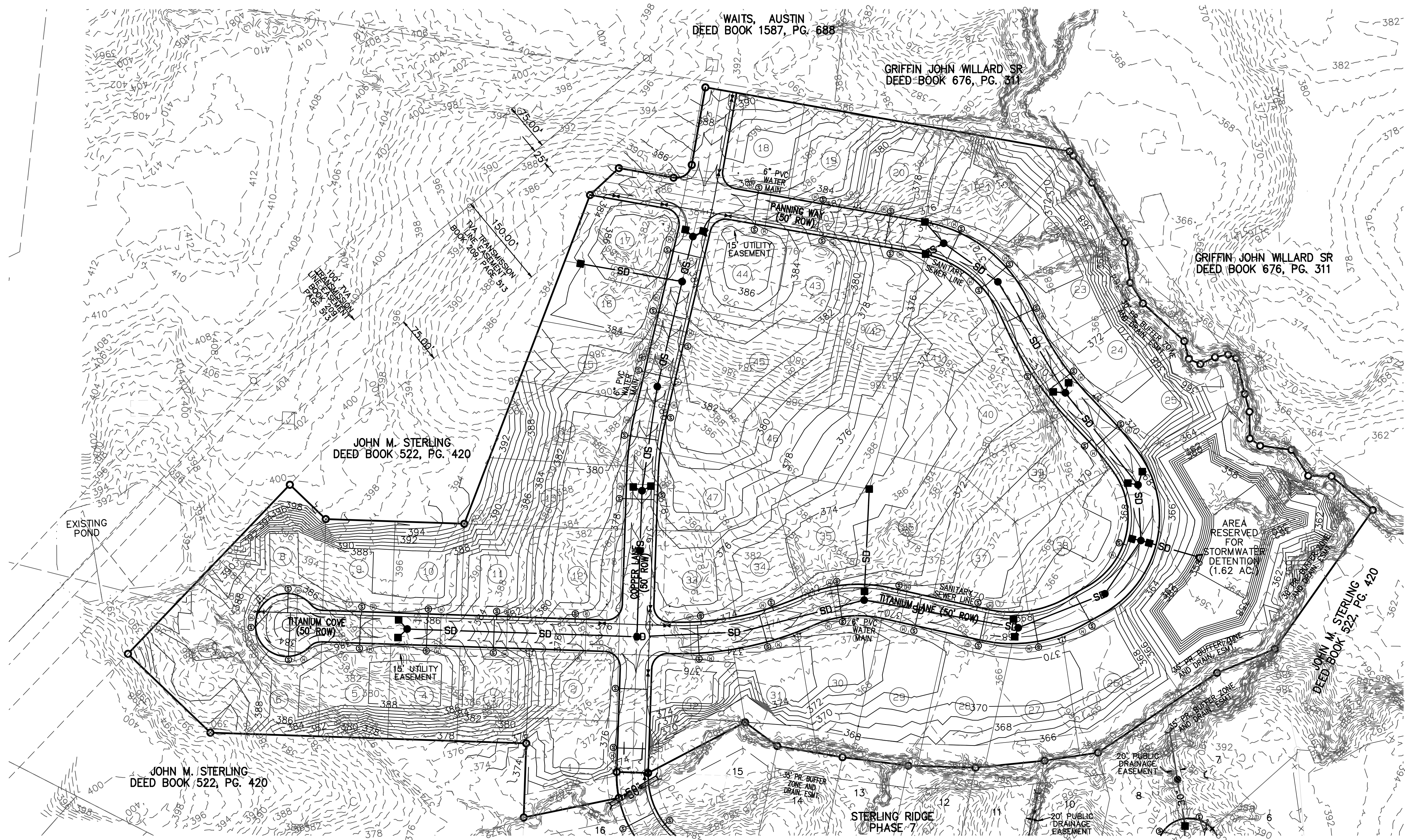
### **Procedure for Amendment**

A Planned Unit Development and the approved preliminary development plan may be amended in accordance with the procedure that governed its approval as set forth in this Section.





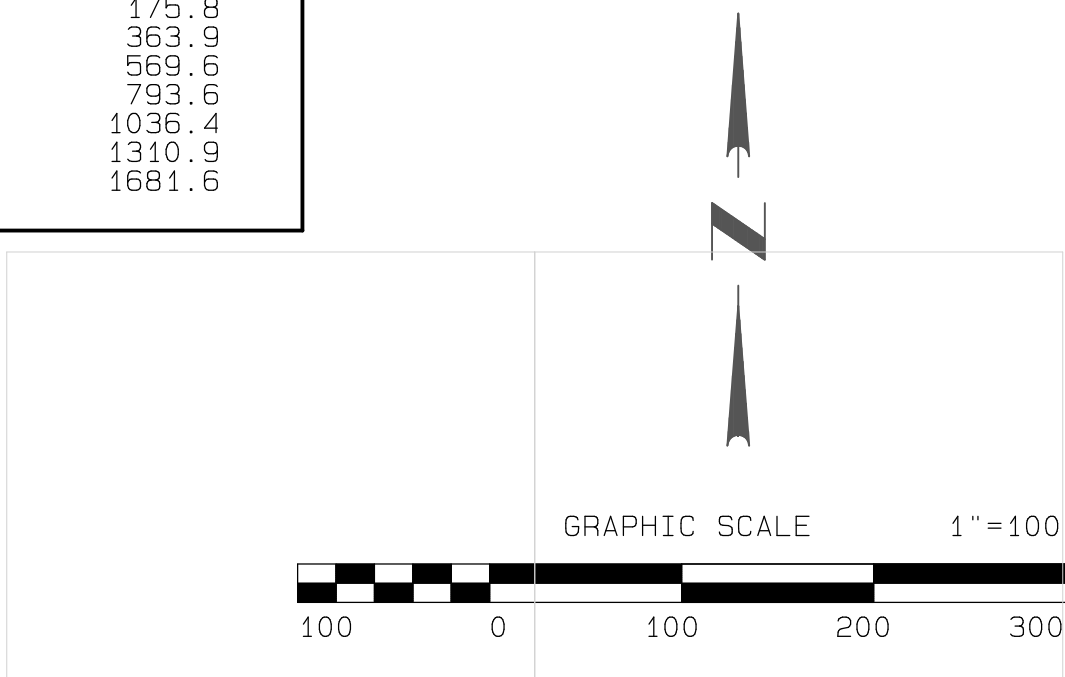




HYDROLOGIC REPORT - SUMMARY OF PEAK FLOW RATES				
DRAINAGE BASIN: STERLING MEADOWS SUBDIVISION				
ID: DETENTION BASIN 1				
PREDEVELOPMENT				
AREA	=	29.26		
AVERAGE BASIN SLOPE	=	1.85		
HYDRAULIC LENGTH	=	1734.00		
TIME OF CONCENTRATION	=	0.88		
BASIN CURVE NUMBER	=	67.00		
DEVELOPMENT				
AREA	=	20.43		
AVERAGE BASIN SLOPE	=	2.30		
HYDRAULIC LENGTH	=	1358.00		
TIME OF CONCENTRATION	=	0.45		
BASIN CURVE NUMBER	=	72.00		
BYPASS				
AREA	=	8.83		
AVERAGE BASIN SLOPE	=	1.95		
HYDRAULIC LENGTH	=	1230.00		
TIME OF CONCENTRATION	=	0.57		
BASIN CURVE NUMBER	=	72.00		
Frequency (years)	Pre-developed Peak Q (cfs)	By-pass area Peak Q (cfs)	Developed Peak Q (cfs)	Allowable Peak Peak Q (cfs)
10	37.5	18.3	48.6	19.2
25	49.3	23.3	61.8	26.0
100	68.7	31.4	83.0	37.3

HYDROGRAPH RESERVOIR ROUTING	
ID: DETENTION BASIN 1	
10 YEAR STORM FREQUENCY	
TIME TO PEAK	= 13.33 HOURS
MAXIMUM OUTFLOW	= 6.48 CFS
MAXIMUM STORAGE	= 95417 CU FT
MAXIMUM ELEVATION	= 369.32 FT
INFLOW VOLUME	= 203868 CU FT
OUTFLOW VOLUME	= 203234 CU FT
25 YEAR STORM FREQUENCY	
TIME TO PEAK	= 13.50 HOURS
MAXIMUM OUTFLOW	= 6.87 CFS
MAXIMUM STORAGE	= 127131 CU FT
MAXIMUM ELEVATION	= 361.25 FT
INFLOW VOLUME	= 256812 CU FT
OUTFLOW VOLUME	= 257459 CU FT
100 YEAR STORM FREQUENCY	
TIME TO PEAK	= 13.42 HOURS
MAXIMUM OUTFLOW	= 9.36 CFS
MAXIMUM STORAGE	= 178599 CU FT
MAXIMUM ELEVATION	= 362.62 FT
INFLOW VOLUME	= 348075 CU FT
OUTFLOW VOLUME	= 334487 CU FT

STAGE/STORAGE			
ID: DETENTION BASIN 1			
ELEV	STORAGE (CU.FT.)	OUTFLOW (CFS)	2S/T+0 (CFS)
356.00	0.0	0.0	0.0
357.00	6223.4	0.0	44.5
358.00	25795.9	3.9	175.8
359.00	53836.9	5.0	363.9
360.00	84556.4	5.9	569.6
361.00	118035.4	6.7	793.6
362.00	154392.4	7.4	1036.4
363.00	193586.4	20.3	1310.9
364.00	235815.7	109.5	1681.6



SHEET 2 OF 4

## PRELIMINARY PLAT STERLING MEADOWS SUBDIVISION

ATOKA, TENNESSEE

THIS PROPERTY IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN  
470419 0320 G, DATE: MAY 4, 2009

DEVELOPER: APEX HOMESBUILDERS, LLC

ENGINEER: W. H. PORTER CONSULTANTS, PLLC

6055 PRIMACY PKWY, SUITE 115

MEMPHIS, TENNESSEE 38119

(901) 363-9453

SCALE: 1" = 100' DATE: SEPTEMBER 05, 2018

47 LOTS 29.26 ACRES

ZONED: R1



SCOPE OF CERTIFICATION

THE CERTIFICATION OF THE FINAL PLAT BY W. H. PORTER CONSULTANTS, PLLC REFERS ONLY TO THE PLAT ITSELF, NOT THE FINAL CONSTRUCTION PROJECT AS A WHOLE.

W. H. PORTER CONSULTANTS, PLLC PERFORMED NO CONTRACT ADMINISTRATION FOR THIS DEVELOPMENT, AND MAKES NO GUARANTEE, WARRANTY OR CERTIFICATION CONCERNING THE SUITABILITY OF ANY EARTHWORK FILL OR FOUNDATION CONDITION, OR THE SUITABILITY OF ANY LOT IN THIS SUBDIVISION FOR ANY CONSTRUCTION.

W. H. PORTER & CO., INC. MAKES NO GUARANTEE, WARRANTY OR CERTIFICATION CONCERNING THE SUITABILITY OF ANY EARTHWORK FILL OR FOUNDATION CONDITION OR SUITABILITY OF ANY LOT IN THIS SUBDIVISION FOR FOUNDATION CONSTRUCTION FOR ANY STRUCTURE PROPOSED HEREIN.

SCOPE OF CERTIFICATION

THE CERTIFICATION OF THE FINAL PLAT BY W. H. PORTER CONSULTANTS, PLLC REFERS ONLY TO THE PLAT ITSELF, NOT THE FINAL CONSTRUCTION PROJECT AS A WHOLE.

W. H. PORTER CONSULTANTS, PLLC PERFORMED NO CONTRACT ADMINISTRATION FOR THIS DEVELOPMENT, AND MAKES NO GUARANTEE, WARRANTY OR CERTIFICATION CONCERNING THE SUITABILITY OF ANY EARTHWORK FILL OR FOUNDATION CONDITION, OR THE SUITABILITY OF ANY LOT IN THIS SUBDIVISION FOR ANY CONSTRUCTION.

GENERAL NOTES

1. THERE IS A 15' UTILITY EASEMENT ALONG THE FRONT OF ALL LOTS IN THIS SUBDIVISION AND A 5' UTILITY EASEMENT ALONG THE SIDE AND REAR OF ALL LOTS UNLESS OTHERWISE NOTED.
2. A MINIMUM OF 24-HOURS PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE TOWN OF ATOKA CODE ENFORCEMENT OFFICE AT 901.837.5308.
3. ALL NEWLY CUT OR FILLED AREAS LACKING ADEQUATE VEGETATION, SHALL BE SEEDED, MULCHED, FERTILIZED AND/OR SODDED AS REQUIRED TO EFFECTIVELY CONTROL SOIL EROSION.
4. THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE APPROXIMATE AND NOT NECESSARILY ALL OF THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE UTILITY COMPANIES WHICH MAINTAIN A UTILITY LINE WITHIN THE BOUNDARIES OF THE PROJECT. THE CONTRACTOR SHALL ALSO ASSUME FULL RESPONSIBILITY FOR DAMAGE TO ANY UTILITIES ENCOUNTERED WITHIN CONSTRUCTION PERIMETERS, WHETHER SHOWN ON THE CONSTRUCTION PLANS OR NOT, DURING THE WORK ON THE PROJECT. FOR SITE LOCATION OF EXISTING UTILITIES INVOLVING ATOKA WATER, POPLAR GROVE UTILITY, RITTER, AND/OR SOUTHWEST ELECTRIC, CALL 1-800-351-1111. FOR SEWER LOCATIONS CALL 901-837-5300.
5. CONTRACTOR SHALL MAINTAIN ACCESS TO ALL PROPERTIES.
6. ALL FILL SOILS SHALL BE COMPACTED TO A MINIMUM OF 95% OF STANDARD PROCTOR DENSITY (ASTM D-698) WITHIN 3% OF OPTIMUM MOISTURE CONTENT IN LIFTS NOT TO EXCEED SIX (6) INCHES OF COMPACTED THICKNESS.
7. ALL CONSTRUCTION MATERIAL AND PROCEDURES SHALL MEET OR EXCEED THE REQUIREMENTS OF THE TOWN OF ATOKA STANDARD CONSTRUCTION SPECIFICATION.
8. PROPERTY LINES SHALL BE FIELD VERIFIED PRIOR TO CONSTRUCTION. GRADING, CLEARING AND THE ERECTION OR REMOVAL OF FENCES ALONG PROPERTY LINES SHALL BE FULLY COORDINATED WITH ADJACENT PROPERTY OWNERS.
9. VERIFY SITE CONDITIONS PRIOR TO CONSTRUCTION. NOTIFY THE TOWN OF ATOKA INSPECTION OFFICE ENGINEER 901-837-5300 OF ANY VARIATIONS PRIOR TO COMMENCEMENT OF WORK.
10. ALL GRADING WORK SHALL BE PERFORMED IN SUCH A MANNER THAT ADJACENT PROPERTIES ARE NOT DAMAGED OR ADVERSELY AFFECTED.

11. LOT DRAINAGE: FINISH GRADE SHALL BE SLOPED AWAY FROM THE FOUNDATIONS FOR DRAINAGE. THE FINISH GRADE MUST BEGIN AT LEAST 12 INCHES BELOW THE TOP OF THE FOUNDATION WALL OR THE GRADE OF THE CONCRETE SLAB AT THE INTERIOR IN THE CASE OF AN INTEGRAL SLAB AND FOUNDATION. THE MINIMUM GRADE AWAY FROM THE FOUNDATION SHALL BE TWO PERCENT (2%) IN ALL DIRECTIONS. THE DRIVEWAY SHALL BE SLOPED DOWN AT TWO PERCENT (2%) FOR AT LEAST EIGHT FEET FROM THE STRUCTURE.

12. W. H. PORTER CONSULTANTS, PLLC IS NOT RESPONSIBLE FOR THE CONSTRUCTION PRACTICES OF THE CONTRACTOR. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS AND METHODS AND SHALL COMPLY WITH ALL APPLICABLE HEALTH AND SAFETY RULES BE IT LOCAL, STATE, OR FEDERAL FOR EACH AREA OF CONSTRUCTION.

13. TRENCHES 5 FEET DEEP OR GREATER REQUIRE A PROTECTIVE SYSTEM. TRENCHES 20 FEET DEEP OR GREATER REQUIRE THAT THE PROTECTIVE SYSTEM BE DESIGNED BY A REGISTERED PROFESSIONAL STRUCTURAL ENGINEER.

14. ALL STREETS ARE TO BE PROOF ROLLED AND TO ENSURE ANY YIELDING SOILS ARE IDENTIFIED. YIELDING SOILS SHALL BE CUT AND BACKFILLED PRIOR TO PAVING.

15. THE UTILITY EASEMENT(S) SHOWN ON THIS PLAT IS (ARE) FOR THE SOLE BENEFIT OF POPLAR GROVE UTILITY DISTRICT, RITTER COMMUNICATION, SOUTHWEST ELECTRIC COOPERATIVE AND THE TOWN OF ATOKA. NO PERSON MAY ERECT ANY STRUCTURE WITHIN THE EASEMENT(S), ENCROACH UPON THE EASEMENT(S) OR OBSTRUCT ACCESS TO THE EASEMENT(S) IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF EACH OF THESE UTILITIES.

CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	90°00'00"	25.00'	39.27'	25.00'	35.36'	N54°58'48"E
C2	13°33'59"	175.00'	41.44'	20.82'	41.34'	N04°50'54"W
C3	90°00'00"	25.00'	39.27'	25.00'	35.36'	N43°03'54"W
C4	48°11'23"	25.00'	21.03'	11.18'	20.41'	S67°50'24"W
C5	81°38'28"	50.00'	71.25'	43.19'	65.37'	N84°33'57"E
C6	98°21'28"	50.00'	85.83'	57.88'	75.68'	S05°26'06"E
C7	96°22'50"	50.00'	84.11'	55.90'	74.54'	S88°03'57"E
C8	48°11'23"	25.00'	21.03'	11.18'	20.41'	S63°58'13"E
C9	90°00'00"	25.00'	39.27'	25.00'	35.36'	S46°56'06"W
C10	1°37'33"	525.00'	14.90'	7.45'	14.90'	N02°44'52"E
C11	9°46'18"	525.00'	89.54'	44.88'	89.43'	S08°26'48"W
C12	93°21'09"	25.00'	40.73'	26.51'	36.37'	S33°20'38"E
C13	90°00'00"	25.00'	39.27'	25.00'	35.36'	N35°01'12"W
C14	86°38'51"	25.00'	37.81'	23.58'	34.31'	S56°39'22"W
C15	27°50'30"	225.00'	109.33'	55.77'	108.26'	N66°05'57"W
C16	18°14'08"	225.00'	71.61'	36.11'	71.31'	N43°03'38"W
C17	9°36'22"	225.00'	37.72'	18.91'	37.68'	S29°08'23"E
C18	6°22'16"	475.00'	52.82'	26.44'	52.79'	N27°31'20"W
C19	12°58'53"	475.00'	104.86'	52.64'	104.64'	N37°01'54"W
C20	52°24'28"	175.00'	160.07'	86.13'	154.55'	S50°32'26"E
C21	18°21'10"	525.00'	168.17'	84.81'	167.45'	S33°30'47"E
C22	0°39'59"	525.00'	6.11'	3.05'	6.11'	S43°01'21"E
C23	7°09'53"	475.00'	59.40'	29.74'	59.36'	S39°46'24"E
C24	20°48'38"	175.00'	63.56'	32.14'	63.21'	S71°15'28"W
C25	20°48'38"	175.00'	63.56'	32.14'	63.21'	N87°55'53"W
C26	9°50'41"	225.00'	38.66'	19.38'	38.61'	N82°26'55"W
C27	25°40'45"	225.00'	100.84'	51.28'	100.00'	S79°47'23"W
C28	12°57'10"	475.00'	107.38'	53.92'	107.15'	S72°30'21"W
C29	12°57'10"	475.00'	107.38'	53.92'	107.15'	S85°27'31"W
C30	90°00'00"	25.00'	39.27'	25.00'	35.36'	S43°03'54"E
C31	4°40'43"	475.00'	38.79'	19.40'	38.78'	N04°16'27"E
C32	6°43'08"	475.00'	55.70'	27.88'	55.67'	N09°58'22"E
C33	90°00'00"	25.00'	39.27'	25.00'	35.36'	N46°56'06"E
C34	11°18'38"	525.00'	103.64'	51.99'	103.47'	N86°16'47"E
C35	11°32'13"	525.00'	105.71'	53.04'	105.53'	N74°51'21"E
C36	36°26'40"	175.00'	111.31'	57.61'	109.45'	N84°15'06"E
C37	12°23'27"	225.00'	48.66'	24.42'	48.56'	S83°43'18"E
C38	20°28'51"	225.00'	80.43'	40.65'	80.00'	N79°50'34"E
C39	8°44'59"	225.00'	34.36'	17.21'	34.33'	N65°13'39"E
C40	3°03'29"	525.00'	28.02'	14.01'	28.02'	N67°33'30"E
C41	0°55'14"	225.00'	3.62'	1.81'	3.62'	S66°29'23"W
C42	25°54'20"	500.00'	226.07'	115.00'	224.15'	S78°58'56"W
C43	36°26'40"	200.00'	127.22'	65.84'	125.08'	N84°15'06"E
C44	41°37'17"	200.00'	145.29'	76.02'	142.11'	N81°39'47"E
C45	19°01'09"	500.00'	165.97'	83.76'	165.21'	N33°50'46"W
C46	55°41'01"	200.00'	194.37'	105.63'	186.81'	N52°10'42"W
C47	11°23'51"	500.00'	99.46'	49.90'	99.30'	N07°38'01"E
C48	48°08'12"	150.00'	126.02'	67.00'	122.35'	N11°21'09"W
C49	48°08'12"	150.00'	126.02'	67.00'	122.35'	N36°47'03"E
C50	7°50'19"	525.00'	71.82'	35.97'	71.77'	N39°26'11"W
C51	85°59'46"	175.00'	262.66'	163.18'	238.69'	N07°34'38"E
C52	10°16'39"	175.00'	31.39'	15.74'	31.35'	N55°42'50"E
C53	96°16'24"	125.00'	210.04'	139.49'	186.18'	S12°42'57"W
C54	0°46'12"	475.00'	6.38'	3.19'	6.38'	S35°48'21"E
C55	3°16'33"	175.00'	10.01'	5.00'	10.00'	S78°22'56"E
C56	1°40'37"	500.00'	14.63'	7.32'	14.63'	N10°49'06"E
C57	1°40'32"	500.00'	14.62'	7.31'	14.62'	S12°29'41"W

LINE	BEARING	DISTANCE
L1	N14°44'28"W	29.29'
L2	N00°59'12"W	42.50'
L3	N54°44'15"W	19.85'
L4	N82°38'29"W	50.12'
L5	N32°48'47"W	49.01'
L6	N88°31'38"W	37.04'
L7	S40°23'15"E	8.66'
L8	S34°53'26"E	52.37'
L9	S07°41'37"E	64.67'
L10	S31°44'53"E	38.55'
L11	S47°36'03"E	88.74'
L12	S14°01'49"E	29.32'
L13	S66°31'54"E	20.03'
L14	N64°48'35"E	25.67'
L15	N78°41'07"E	21.22'
L16	S65°57'23"E	14.05'
L17	S13°33'15"E	58.40'
L18	N88°03'54"W	50.00'
L19	N80°15'06"W	40.77'
L20	S82°41'24"E	13.88'
L21	N88°16'38"W	14.18'
L22	S84°11'41"W	14.90'
L23	S81°30'40"W	29.39'
L24	S81°30'40"W	56.36'
L25	N75°43'46"W	41.40'
L26	S28°39'34"E	27.14'
L27	N24°20'12"W	19.62'
L28	S31°44'53"E	22.69'
L29	S31°44'53"E	15.85'
L30	N43°21'21"W	6.55'
L31	S14°01'49"E	10.35'
L32	S14°01'49"E	18.97'
L33	S13°19'57"W	14.43'

SHEET 3 OF 4

PRELIMINARY PLAT

STERLING MEADOWS  
SUBDIVISION

ATOKA, TENNESSEE

THIS PROPERTY IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN  
470419 0320 G, DATE: MAY 4, 2009

DEVELOPER: APEX HOMESBUILDERS, LLC

ENGINEER: W. H. PORTER CONSULTANTS, PLLC

6055 PRIMACY PKWY, SUITE 115  
MEMPHIS, TENNESSEE 38119  
(901) 363-9453

SCALE: 1" = 100' DATE: SEPTEMBER 05, 2018

47 LOTS 29.26 ACRES

ZONED: R1

OWNER'S CERTIFICATE

WE, THE PROPERTY SHOWN HEREON, HEREBY ADOPT THIS AS MY PLAN OF SUBDIVISION AND DEDICATE THE STREETS, EASEMENTS, RIGHT-OF-WAYS, RIGHTS OF ACCESS AS SHOWN AND ALL UTILITIES TO THE TOWN OF ATOKA FOREVER, AND HEREBY CERTIFY THAT I AM THE OWNER IN FEE SIMPLE, DULY AUTHORIZED SO TO ACT, AND THAT SAID PROPERTY IS UNENCUMBERED BY ANY TAXES THAT HAVE BECOME DUE AND PAYABLE.

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
 (NAME OF DEVELOPER)

NOTARY'S CERTIFICATE

STATE OF TENNESSEE  
COUNTY OF TIPTON

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE AND COUNTY AFORESAID, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED \_\_\_\_\_, WITH WHOM I AM PERSONALLY ACQUAINTED AND WHO, UPON OATH, ACKNOWLEDGE HIMSELF TO BE OWNER OF THE SUBDIVISION, AND HE AS SUCH OWNER, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED BY SIGNING HIS NAME AS OWNER.

IN WITNESS WHEREOF, I HEREUNTO SET OUT MY HAND AND AFFIX MY SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

NOTARY PUBLIC: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

MORTGAGEE CERTIFICATE

WE, THE UNDERSIGNED, \_\_\_\_\_, MORTGAGEE OF THE PROPERTY SHOWN HEREON, HEREBY ADOPT THIS PLAT AS OUR PLAN OF SUBDIVISION AND DEDICATE THE STREETS, RIGHT-OF-WAYS, UTILITIES, EASEMENTS, AND RIGHTS OF ACCESS AS SHOWN TO THE TOWN OF ATOKA FOREVER AND HEREBY CERTIFY THAT WE ARE THE MORTGAGEE DULY AUTHORIZED SO TO ACT AND THAT SAID PROPERTY IS UNENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
 MORTGAGEE

NOTARY'S CERTIFICATE

STATE OF TENNESSEE  
COUNTY OF TIPTON

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE AND COUNTY AFORESAID, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED \_\_\_\_\_ OF \_\_\_\_\_ SUBDIVISION, AND HE AS SUCH REPRESENTATIVE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED BY SIGNING HIS NAME AS REPRESENTATIVE OF THE MORTGAGEE.

IN WITNESS WHEREOF, I HEREUNTO SET OUT MY HAND AND AFFIX MY SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

NOTARY PUBLIC: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

CERTIFICATE OF ADEQUACY OF STORM DRAINAGE

I, \_\_\_\_\_ DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL CIVIL ENGINEER, AND THAT I HAVE DESIGNED ALL STORM WATER DRAINAGE FOR THIS SUBDIVISION IN ACCORDANCE WITH THE ATOKA MUNICIPAL SUBDIVISION REGULATIONS TO ASSURE THAT IN MY PROFESSIONAL OPINION NEITHER SAID SUBDIVISION OR THE ADJOINING PROPERTIES WILL BE DAMAGED.

IN WITNESS WHERE OF, I, \_\_\_\_\_ THE SAID PROFESSIONAL CIVIL ENGINEER, HEREUNTO SET OUT MY HAND AND AFFIX MY SEAL THIS \_\_\_\_\_ 20\_\_\_\_ DAY OF \_\_\_\_\_

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
 CIVIL ENGINEER  
 TENNESSEE CERTIFICATE No. (SEAL)

SURVEYOR'S CERTIFICATE

I, \_\_\_\_\_ DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HAVE SURVEYED THE LANDS, EMBRACED WITHIN THE PLAT OR MAP DESIGNATED AS THE SUBDIVISION, A SUBDIVISION LYING WITHIN THE TOWN OF ATOKA, TENNESSEE; SAID PLAT OR MAP IS A TRUE AND CORRECT PLAT OR MAP OF THE LANDS EMBRACED THEREIN, SHOWING THE SUBDIVISION THEREOF IN ACCORDANCE WITH THE MUNICIPAL SUBDIVISION REGULATIONS OF ATOKA, TENNESSEE; I FURTHER CERTIFY THAT THE SURVEY OF THE LANDS EMBRACED WITHIN SAID PLAT OR MAP HAVE BEEN CORRECTLY MONUMENTED IN ACCORDANCE WITH THE MUNICIPAL SUBDIVISION REGULATIONS OF ATOKA, TENNESSEE.

IN WITNESS WHERE OF, I, \_\_\_\_\_ THE SAID REGISTERED LAND SURVEYOR, HEREUNTO SET OUT MY HAND AND AFFIX MY SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
 WILLIAM D. PORTER, R.L.S.  
 TENNESSEE CERTIFICATE No. 1664

CERTIFICATE OF APPROVAL OF WATER, SEWER AND DRAINAGE SYSTEMS PLANS

I, \_\_\_\_\_ DO HEREBY CERTIFY THAT I HAVE REVIEWED THE WATER, SEWER AND DRAINAGE SYSTEMS PLANS FOR THIS SUBDIVISION AND CERTIFY THAT THEY MEET THE REQUIREMENTS OF THE MUNICIPAL SUBDIVISION REGULATIONS AND TECHNICAL SPECIFICATIONS OF THE TOWN OF ATOKA AND ARE HEREBY APPROVED.

DATE \_\_\_\_\_ PUBLIC WORKS SUPERVISOR \_\_\_\_\_

CERTIFICATE OF RECEIPT OF APPROVED WATER SYSTEM PLANS

I, \_\_\_\_\_ DO HEREBY CERTIFY THAT A SET OF CONSTRUCTION PLANS REGARDING THE WATER SUPPLY AND/OR SANITARY SEWERS FOR THIS SUBDIVISION BEARING THE SEAL OF THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION WHICH INDICATES SAID PLANS MEET THE DEPARTMENT'S REQUIREMENTS, HAVE BEEN RECEIVED.

DATE \_\_\_\_\_ PUBLIC WORKS SUPERVISOR \_\_\_\_\_

CERTIFICATE OF APPROVAL OF STREETS

I HEREBY CERTIFY: (1) THAT THE STREETS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO SPECIFICATIONS, OR (2) THAT A SECURITY BOND IN THE AMOUNT OF \$ \_\_\_\_\_ HAS BEEN POSTED WITH THE PLANNING COMMISSION TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS FOR THIS SUBDIVISION, IN CASE OF DEFAULT.

DATE \_\_\_\_\_ TOWN OR COUNTY ROAD ENGINEER OR OTHER APPROVING AGENT \_\_\_\_\_

CERTIFICATE OF APPROVAL OF UTILITIES

I HEREBY CERTIFY: (1) THAT UTILITIES HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO SPECIFICATIONS, OR (2) THAT A SECURITY BOND IN THE AMOUNT OF \$ \_\_\_\_\_ HAS BEEN POSTED WITH THE PLANNING COMMISSION TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS FOR THIS SUBDIVISION, IN CASE OF DEFAULT.

DATE \_\_\_\_\_ PLANNING COMMISSION ATOKA, TENNESSEE \_\_\_\_\_

CERTIFICATE OF APPROVAL FOR SUBDIVISION AND STREET NAMES

I, \_\_\_\_\_ DO HEREBY CERTIFY THAT I HAVE REVIEWED THE PROPOSED SUBDIVISION AND CERTIFY THAT THE NAME OF THE SUBDIVISION AND/OR NAME (S) OF THE STREET (S) WITHIN THIS PROPOSED SUBDIVISION DO NOT CONFLICT WITH OTHER SUBDIVISIONS' AND STREET NAMES FOR EMERGENCY SERVICE PURPOSES.

DATE \_\_\_\_\_ DIRECTOR OF 911 ADDRESSING \_\_\_\_\_

PLANNING COMMISSION CERTIFICATE OF APPROVAL OF THE FINAL PLAT

I, \_\_\_\_\_ DO HEREBY CERTIFY THAT THE ATOKA MUNICIPAL/REGIONAL PLANNING COMMISSION HAS APPROVED THIS FINAL PLAT OR SUBDIVISION FOR RECORDING.

DATE \_\_\_\_\_ SECRETARY, ATOKA MUNICIPAL/PLANNING COMMISSION \_\_\_\_\_

SHEET 4 OF 4

PRELIMINARY PLAT

STERLING MEADOWS  
SUBDIVISION

ATOKA, TENNESSEE

THIS PROPERTY IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN  
470419 0320 G, DATE: MAY 4, 2009

DEVELOPER: APEX HOMESBUILDERS, LLC

ENGINEER: W. H. PORTER CONSULTANTS, PLLC

6055 PRIMACY PKWY, SUITE 115  
MEMPHIS, TENNESSEE 38119  
(901) 363-9453

SCALE: 1" = 100' DATE: SEPTEMBER 05, 2018

47 LOTS 29.26 ACRES

ZONED: R1



**Johnstone & Associates**

3469 Countrywood Road  
Belden, MS 38826  
662.419.0161  
Sjohnstone73@icloud.com

**MEMORANDUM**

TO: The Atoka Municipal-Regional Planning Commission  
RE: Sterling Meadows Preliminary Plat for the September, 2020 meeting of the  
Municipal-Regional Planning Commission.  
FROM: Shelly Johnstone, AICP  
DATE: September 14, 2020

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**Regulating language – Atoka Subdivision Regulations:****A. PRELIMINARY PLAT**

The Preliminary Plat is the initial formal plat for a proposed subdivision and shall include the full area of the proposed subdivision. The purpose of the Preliminary Plat is to ensure the proposed subdivision conforms to these regulations, the zoning ordinance, the major road plan and other related regulations. The subdivider/developer should consult early with the planning staff and review the municipal major road plan, subdivision regulations and the zoning ordinance prior to submitting a Preliminary Plat for approval.

1. Plat Submission - After consultation with the Planning Commission and/or the planning staff, but not less than 15 days prior to the Planning Commission meeting at which the Preliminary Plat shall be considered, the subdivider/developer shall submit 5 copies of the plat, an electronic version as required by the Town, together with all applicable fees, to Town Hall.
2. Plat Content - The Preliminary Plat shall adhere to the minimum design standards as set forth in Article 4; 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 even when a subdivision is to be developed in phases or sections;
  1. Scale, date of preparation, north arrow, vicinity map, acreage, zoning classification and number of lots;
  2. Subdivision name; name and address of the subdivider/developer and/or developers and the name of the individual responsible for the preparation of the plat;
  3. Lot lines, dimensions of lot lines, lot numbers, building setback lines, and the lot area in square feet;
  4. Boundary lines from deed records and surveys;

5. Adjoining subdivisions by name and section, and the names of owners and acreage of all abutting tracts;
6. Name, location, and rights-of-way of all existing and proposed streets and alleys; The approximate distance and bearing at the right-of-way from a corner of the subdivided property to the nearest public cross road, including the name of the road, and rounded to the nearest foot
7. All existing buildings, primary and accessory on or within 300 feet on any adjacent properties;
8. Location and type of all existing and proposed utilities (i.e. water, sewer, electric and gas);
9. Proposed method of sewage disposal;
10. 100-year-floodplain, floodway boundaries and elevations of each;
11. Major environmental features, including groupings or stands of trees;
12. All existing and proposed public and private easements including their location, purpose and width, and the instrument number for any existing easements;
13. Existing and proposed contour data showing contour intervals of 5 feet or less; elevation shall reference a bench mark on or near the subject property;
14. Sites reserved for parks, playgrounds, open spaces, schools or other public uses, together with the purpose, and conditions or limitations of such reservations;
15. Where divisions of the property into phases or sections is contemplated, the proposed boundaries of such sections shall be shown and labeled, and the sequence of development listed alphabetically or numerically;
16. A drainage plan which shall include, but not be limited to, an analysis of the drainage area, a storm water routing plan showing maximum quantities of flow and maximum rates of flow before and after development. A map of the drainage area in which the subdivision is located shall be included with the drainage plan and shall include the drainage structures leading to and from the subdivision with their sizes. The scale of the map shall be drawn to scale no less than 1 inch equals 200 feet.
17. Where the re-subdivision of a lot in a previously recorded subdivision is proposed, the title of the proposed subdivision must indicate and identify the lot number and subdivision name from the previous subdivision;
18. The location of existing storm sewers and sanitary sewers or the distance to the nearest available structure if within 750 feet;
19. Request for variances from the subdivision regulations, along with justification of proposed variances, shall be submitted in writing with the application for Preliminary Plat approval; and,
20. Certification by Tipton County 911 stating that there is not duplication in the name of the subdivision or the name of the street.

### 3. Plat Review

- a. Subdivision Review Staff - The subdivision review staff shall recommend to the Planning Commission the approval, approval with conditions or disapproval of the application and shall include all department/agency comments received.

b. Planning Commission - Within 60 days after submission of the Preliminary 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 defer 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

c. Revised Plat - If changes or modifications are required by the Planning Commission, the subdivider/developer shall submit a revised Preliminary Plat which clearly depicts the required changes no less than 15 days prior to the Planning Commission meeting at which it is to be considered.

d. Failure to Take Action - Failure of the Planning Commission to act on the Preliminary Plat within 60 days shall be deemed approval of this plat, provided, however, that the applicant, with the Commission's approval, may waive this.

#### 4. Plat Approval

a. Action upon Approval - Upon approval of the Preliminary Plat by the Planning Commission, the subdivider/developer shall present 5 copies of the approved Preliminary 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.

b. Effect of Approval - The approval of the Preliminary Plat by the Planning Commission shall not constitute acceptance of the Final Plat and shall not be indicated on the Preliminary Plat.

c. Expiration of Approval and Renewal - The approval of the Preliminary Plat shall lapse unless a Final Plat, based thereon, is submitted within 3 years from the date of such approval unless an extension of time is applied for and granted by the Planning Commission, based on TCA 13-4-310. Failure of the subdivider/developer to act within the specified time or denial of a time extension shall require new application for Preliminary Plat approval including the application fee.

#### **B. Sterling Meadows Preliminary Plat (exhibit attached)**

Sterling Meadows is the eighth phase of the Sterling Ridge project. It is named Sterling Meadows because of a self-imposed 200-lot limit on membership in the Homeowners' Association. Sterling Meadows would have its own Homeowners' Association documents. The HOA would be responsible for upkeep and maintenance of the detention area.

In preliminary conversations with APEX, we asked them to produce a traffic impact study (exhibit attached: Traffic Impact Study) (exhibit attached: Town Engineer response), and to develop a common area for detention (as opposed to privately-owned ponds). APEX developed stormwater detention plans that accommodate stormwater for Sterling 7 and Sterling Meadows that are shown as Common Open Space on the Preliminary Plat.

Because of the nature of the connected subdivisions in the Sterling Ridge development as well as adjacent subdivisions, access (both for the convenience and safety of residents) is limited. A recent emergency event highlighted this issue and became a rallying point for residents, resulting in a petition by Atoka residents to limit further development in this area until a solution is found.

The regulating language for access points in the Subdivision Regulations call for:

2. *Number of Access Points - Residential developments with more than 50 lots or dwelling units shall have at least two separate points of public road access. Developments with more than 200 lots or dwelling units should have at least three separate points of public road access.*

The problem with this section is that it does not define “residential developments” (phases? Whole subdivisions?). Also, is public road access a local road or a collector? All of the Oak Creek and Sterling Ridge phases are intertwined and it seems illogical to measure them against the above standard when they are all connected. A better standard is to determine each phase’s impact upon the current road conditions and traffic via a Traffic Impact Study.

The developers conducted a traffic study and the Town Engineer provided a response (see attached).

The traffic conditions under which Sterling Meadows is planned are not unexpected. The form of development in previous subdivisions adjoining Sterling Meadows has created an issue for both transportation convenience and safety. In previous discussions with the developers, staff recommended a point of ingress/egress with Portersville Road to ease any more peak traffic onto and off of, Rosemark Road. Another access point, Sterling Road, has been deemed infeasible due to the improbability of obtaining the land to construct the road. That road also feeds back into Rosemark, which is a poorly rated road already and is very close to the school which would add to the congestion in that area.

There was some discussion about a Nugget Lane cut-through to Ridgetop to help meet the access point rule. Although this would be slightly convenient for homeowners and

provide slightly better response time for emergency responders, I did not think it was enough to provide the kind of traffic circulation that would meet the spirit of the guidelines. Since that time, the lot in question has been sold for development.

SSR Engineers reviewed the design in 2019 and made the comments listed on the Exhibit attached to this report (SterlingMeadowsPlatMarkup.pdf).

At a May Planning Commission meeting, the developers presented a “concept” plan (not an official Preliminary Plat) to receive input from the Planning Commission about the design of Sterling Meadows. The Planning Commission requested that the developers bring alternative access plans to them when they officially consider the Preliminary Plat (see minutes attached).

There is also an issue with Copper Lane extension terminating into the TVA tower; the roadway to the north cannot be aligned with the TVA tower. Minimum clearance as required by TVA and AASHTO clearzone requirements should be met. The roadway to the north should have a right of way dedicated but does not need pavement or subgrade at this time but will be reserved for a future corridor to the north and its location will be coordinated with the Town.

Furthermore, this property was used as detention to compensate for the fact that the detention pond that was supposed to be placed in Lot 7 of Sterling Ridge, Phase 7 was not constructed (STERLING RIDGE PHASE 7\_Detention.pdf). This detention pond now serves as the detention pond for Sterling Ridge, Phase 7 and cannot be demolished until a new detention pond is constructed. This pond will have to be large enough to detain water from Sterling Ridge, Phase 7 and Sterling Meadows, as it is going to replace the existing pond.

As part of the plan for detention for Sterling Ridge, Phase 7, wetlands were delineated on the property on which Sterling Meadows is proposed to be built. In previous dealings with delineated wetlands, the Tennessee Department of Environmental Conservation stated that lots, roadways and detention ponds could not be built in areas of reserved wetlands. The plans for Sterling Meadows cannot be built as shown as they clearly are being built over the top of previously delineated wetlands.

### **Recommendation**

At a staff meeting to review the Sterling Meadows Preliminary Plat on September 11, 2020, the staff review committee unanimously agreed to not recommend approval of the plat until adequate access is provided. In addition, review by the Town Engineer indicated issues with both transportation and stormwater infrastructure.

### **Attachments:**

Sterling Meadows Preliminary Plat submitted August 28, 2020  
Traffic Impact Study

Rosemark Road Capacity Analysis

May 27, 2020 Atoka Planning Commission meeting minutes

Sterling Meadows PlatMarkUp.pdf

STERLING RIDGE DETENTION PHASE 7\_Detention.pdf