

Municipal-Regional Planning Commission December 17, 2020 6:30 p.m. Meeting Agenda Atoka Town Hall, 334 Atoka-Munford Avenue, Atoka, TN

- I. Call to Order & Establishment of a Quorum
- II. Approval of the Minutes

Regular Commission meeting – November 19, 2020

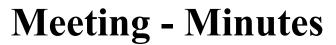
III. Reports

Code Enforcement Monthly Activity Report – Rex Wallace, Director of Code Enforcement

- IV. Old Business Shelly Johnstone, AICP
 - A. Oak Creek Phase V Final Plat
 - B. Report on Consideration of Amendments to the Atoka Subdivision Regulations
 - C. Report on Wallace Estates Minor Subdivision
- V. New Business Shelly Johnstone, AICP
 - A. Rezoning request 673 Maple Drive, R-1 to Neighborhood Commercial
 - B. Rezoning request Munford Development, Maple Drive Re-zoning from R-1 to R-2
- VI. Miscellaneous Items from the Planning Commission
- VII. Citizen Concerns
- VIII. Adjourn



Municipal-Regional Planning Commission



Atoka Town Hall 334 Atoka-Munford Avenue Thursday November 19, 2020 6:30 p.m.

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

Absent:			Giannini en Shopher	Vicki Shipley via	zoom
Also attending:					
Amand	ohnstone, AICP, Town a Faurbo, Acting Clerk ned Sign In sheet	Planner	Bill Scott, Atoka Fire Depar Marc Woerner, Town Adm		Rex Wallace, Director Ben Ledsinger, Town Engineer

Planning Commission Meeting was called to order at 6:31 pm.

<u>Previous Minutes October 22, 2020</u> –Commissioner Giannini made a motion to approve the October 22, 2020 minutes as presented. Commissioner Harbor seconded. Commissioner Shopher called for a roll call vote. Commissioner Harber, Yes. Commissioner Shipley, Yes. Commissioner Moore, Yes. Commissioner Shopher, Yes. Commissioner Giannini, Yes. All Approved. Motion Carried.

REPORTS

<u>Code Enforcement Monthly Activity Report</u> – Rex Wallace, Director reviewed as presented.

OLD BUSINESS

- 1. **Consideration of Amendments to the Atoka Zoning Ordinance Shelly Johnstone, AICP** presented the changes to the zoning ordinances:
 - 1. An Ordinance to amend the Town of Atoka's Municipal zoning ordinance by adding a new zoning district for Planned Unit Developments. Commissioner Harber made a motion to send a recommendation to the Board of Mayor and Aldermen to approve the Planned Unit Development Ordinance Title 14-201 Article 13 provisions governing (PUD) district with the following changes: Section 13.4 replace All Zoning Districts vs in the above and cleaning up the language with the off-street parking to refer to commercial establishments. Commissioner Moore seconded. Commissioner Shopher called for a roll call vote. Commissioner Harber, Yes. Commissioner Shopher , Yes. Commissioner Smith, Yes. Commissioner Shipley, Yes. Commissioner Giannini, Yes. All Approved. Motion Carried.
 - 2. An Ordinance to Amend the Town of Atoka's Municipal Zoning Ordinance by Amending Sign Regulations, Requiring Monument Signs in the N-C, and defining and Regulating OFF-PREMISES signs. Commissioner Harber made a motion to send a recommendation to the Board of Mayor and Aldermen to amend the Town of Atoka's Municipal Zoning Ordinance by amending the sign regulations requiring monument signs in N-C, defining and regulating Off-premise signs as presented, clarifying how many signs per lot, adding a provison for nonconforming signs. Commissioner Giannini seconded. Commissioner Shopher called for a roll call vote. Commissioner Harber, Yes. Commissioner Shopher , Yes. Commissioner Moore, Yes. Commissioner Shipley, Yes. Commissioner Giannini, Yes. All Approved. Motion Carried.

3. An Ordinance to amend the Atoka Zoning Ordinance to define Mobile Homes,, Manufactured Housing, Modular Housing and Wireless Communication Facilities, to rename TITLE 14.4 "SPECIFIC STANDARDS FOR WIRELESS COMMUNICATION FACILITIES" and redefine the purpose of the regulations, to change the abbreviation for the Industrial Zone to "I" from "M", and to limit principal buildings per lot to one, to specify Flood Hazard Definitions to be specific to the section, to add uses permitted on appeal to N-C and G-C Zones, to add multiple family use as a permitted use in the R-3 Zone, to add Golf courses and country clubs as a use permitted on appeal in the R-1 Zone, to remove nonprescriptive wording in Day Care Regulations, to change the design requirements for uses in the R-3 Zone, to allow Town Planner to take appeals to the BZA, change building inspector to Town Planner to bring Pattern Books Amendment to governing authorities, to add "DEVELOPED" properties to design guidelines, to add institutional uses permitted on appeal in Residential Zones to design review requirements. Commissioner Moore made a motion to send a recommendation to the Board of Mayor and Aldermen to amend the Town of Atoka's Municipal Zoning Ordinance by define Mobile Homes,, Manufactured Housing, Modular Housing and Wireless Communication Facilities, to rename TITLE 14.4 "SPECIFIC STANDARDS FOR WIRELESS COMMUNICATION FACILITIES" and redefine the purpose of the regulations, to change the abbreviation for the Industrial Zone to "I" from "M", and to limit principal buildings per lot to one, to specify Flood Hazard Definitions to be specific to the section, to add uses permitted on appeal to N-C and G-C Zones, to add multiple family use as a permitted use in the R-3 Zone, to add Golf courses and country clubs as a use permitted on appeal in the R-1 Zone, to remove nonprescriptive wording in Day Care Regulations, to change the design requirements for uses in the R-3 Zone, to allow Town Planner to take appeals to the BZA, change building inspector to Town Planner to bring Pattern Books Amendment to governing authorities, to add "DEVELOPED" properties to design guidelines, to add institutional uses permitted on appeal in Residential Zones to design review requirements. Commissioner Harber seconded. Commissioner Shopher called for a roll call vote. Commissioner Harber, Yes. Commissioner Shopher, Yes. Commissioner Moore, Yes. Commissioner Shipley, Yes. Commissioner Giannini, Yes. All Approved. Motion Carried.

NEW BUSINESS - NONE

<u>MISCELLANEOUS ITEMS FOR THE PLANNING COMMISSION</u> – Commissioner Harber asked about the status of the Ballfield on Rosemark Road. He spoke of concerns with the ballfield including a truck parked on the lot, the appearance of the storage containers, trash on lot, and port-a-potty.

Commissioner Harber asked the Town Administrator about the status of filling the vacant position of Reginal Planning Commissioner.

CITIZEN CONCERNS-ADJOURNMENT

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

Meeting adjourned at 7:25pm.

Stephen Shopher, Chair

Vicki Shipley, Secretary

Code Enforcement Monthly Report 2020

												COMMENTS Fence Permits issued: 2
\$0	\$4,334	\$4,520	\$9,035	\$6,758	\$8,355	\$11,832	\$5,551	\$7,7 0 0	\$3,638	\$3,672	\$2,696	TOTAL PERMIT FEES
	\$4,334	\$4,520	\$9,035	\$6,758	\$8,355	\$11,832	\$5,551	\$7,700	\$3,638	\$3,672	\$2,696	Collected Fees
DEC	NON	OCT	SEP	AUG	JUL	JUN	MAY	APR	MAR	FEB	JAN	PERMIT FEES
0	44	57	64	130	93	63	96	74	76	41	36	TOTAL CODE ENFORCEMENT ACTIONS
	20	36	47	91	56	43	63	46	58	19	19	Property Maintenance Complaints - Received
	24	21	17	39	37	20	33	28	18	22	17	Property Maintenance Complaints - Closed
												Municipal Court Citations
DEC	VOV	OCT	SEP	AUG	JUL	NUL	MAY	APR	MAR	FEB	JAN	CODE ENFORCEMENT ACTIONS
0	37	54	70	24	40	43	34	42	33	40	42	TOTAL BUILDLING INSPECTIONS
	6	4	10	2	7	6	л	5	ω	12	ω	Insulation Inspection
	6	8	10	თ	8	14	6	9	7	12	9	Framing Inspection
	6	7	12	6	7	7	ω	6	7	9	12	Brick Ties Inspection
	9	10	12	თ	7	ω	7	з	7		л	Sheeting Inspection
	7	16	11	з		7	8	8	8	6	9	Plumbing Inspection
						6		1				Footing Inspection
	ы	9	15	ω	11		5	10	1	1	4	Form Board / Set Back Inspection
DEC	VON	ОСТ	SEP	AUG	JUL	NUC	MAY	APR	MAR	FEB	JAN	BUILDING INSPECTIONS
0	2	7	17	4	7	19	12	7	11	7	л	TOTAL CERTIFICATE OF OCCUPANCIES
	2	7	17	4	7	19	12	7	11	7	თ	Certificate of Occupancy - Residential
												Certificate of Occupancy - Industria
												Certificate of Occupancy - Commercial
DEC	NOV	ОСТ	SEP	AUG	JUL	JUN	MAY	APR	MAR	FEB	JAN	CERTIFICATE OF OCCUPANCY
0	0	15	29	17	24	26	18	17	9	14	9	TOTAL PERMIT INFORMATION
		4	2	4	3	6				3	2	Misc Permit - Storage Shed
		1	1		1	1			1			Misc Permit - Sign Permit
		1	12	1	5	4	5			1		Misc Permit - Pool Permit
		1				2	2					Misc Permit - Fireworks Stand
												Misc Permit - Fence
				1		1						Misc Permit - Detached Garage
			1			1	2	2			1	Building Permit - Residential - Upstairs Finish
		6	13	11	14	9	9	14	6	8	л	Building Permit - Residential - New Build
		2			1	2		1	2	1	1	Building Permit - Residential - Addition
												Building Permit - Industrial
										1		Building Permit - Commercial

Johnstone & Associates

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

MEMORANDUM

TO: The Atoka Municipal-Regional Planning Commission
RE: Staff Report for the December 2020 meeting of the Municipal-Regional Planning Commission.
FROM: Shelly Johnstone, AICP
DATE: December 17 2020
SUBJECT: Oak Creek V Final Plat

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 1inch 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.

II. CONSIDERATION OF OAK CREEK V FINAL PLAT

The Oak Creek Phase V Preliminary Plat was approved by the Planning Commission at the August, 2019 meeting. Construction plans were approved by the Town Engineer.

The Town Engineer reviewed the Final Plat and had no comments on the final plat as presented by the developer. However, an in-the-field inspection revealed some grading and drainage issues. Per the Town Engineer:

"On page C3 of the Construction Plans you have the proposed grading plan. As we discussed in the field the lots on the north side of the road are supposed to drain in both directions, half towards the street and half towards the back. They are designed to have a swale that runs along the back of the lots all the way down to the detention pond. That swale is not very defined. We need to check it and make sure that it drains all the way to the pond. All in all the north side appears to conform relatively closely to the design plan. The south side of the road does not appear conform as closely. On the grading plan lots 1-5 fall 2-4 feet from the curb to the back of the lot before dropping off significantly to the creek. They also have swales draining to the creek between every lot. This does not appear to be the case in the field. Lots 6 and 7 rise up 1-2 feet to the middle of the lot but have swales that drain from the front to the back. This does not appear to be the case in the field on the grading plan but does generally drain to the back. This one does appear to conform to the drainage plan.

I would suggest that we check the elevations of the swales along the back of lots 9-13. I think we will see that there is fall but that the swale is not well defined. Also, I would suggest that we check the lot elevations south of the roadway and the proposed swale locations and have the developer make corrections as necessary so that the lots drain according to the proposed plan.

Last thing, the basin has not been installed as a sediment basin per sheet C-8. Right now there are no bmp's in place to prevent sediment from leaving the pond and entering the creek. In particular there is a detail on the bottom left corner that the pond should conform to."

The developer indicated that the grading corrections can be done in less than a day. Recommend approval of the plat with the condition that the grading corrections are made.

The Town Planner reviewed the Final Plat and would like to add that sidewalks are to be provided by the builder. The final layer of asphalt has been installed, negating the need for a surety for that improvement.

Attachments

Oak Creek V Preliminary Plat Staff Report Oak Creek V Preliminary Plat Oak Creek Final Plat



384 A Catriage House Drive Jackson, TN 39305 732-424-7664

MEMORANDUM

- TO: The Atoka Municipal-Regional Planning Commission
- FROM: Will Radford, AJCP
- DATE: August 0, 2019
- SUBJECT: Staff Recommendations for the August meeting of the Municipal-Regional Planning Commission.

Major Subdivisions

Oak Creek Phase V – Preliminary Plat.

Background

A preliminary subdivision olat has been submitted by Munford Development Company to create 14 lots and includes new road construction. The property can be identified as Parcel 1.00 (A portion) on Tipton County Tax Map 142. The property is zoned R-1 (Low Density Residential) district. The property does not appear to be in a federally identified flood hazard area.

Analysis

All fots appear to meet the solback requirements and the lot area and width requirements.

All loss have the required amount of road frontage, (30 Feet)

Underground Electric and sidewalks are required.

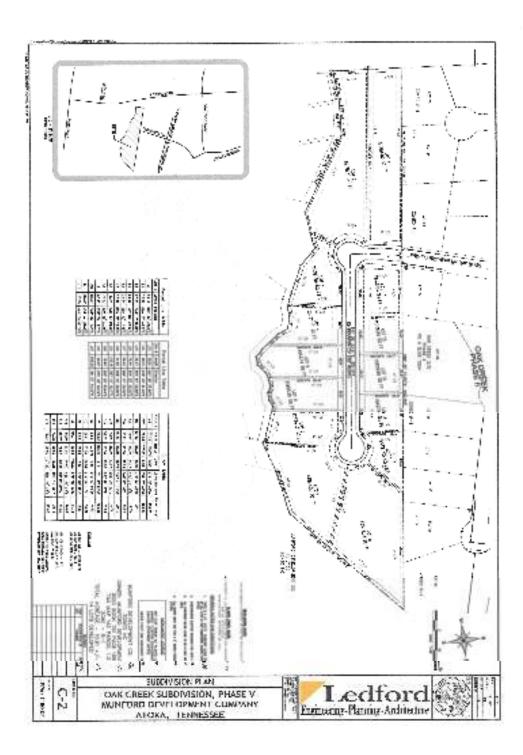
Construction Plans should be submitted and approved by the City Engineer prior to final plat submission The street names are required to be approved by the Tipton County E-911 office. The required certificate needs to be on the front page of the preliminary plat and signed.

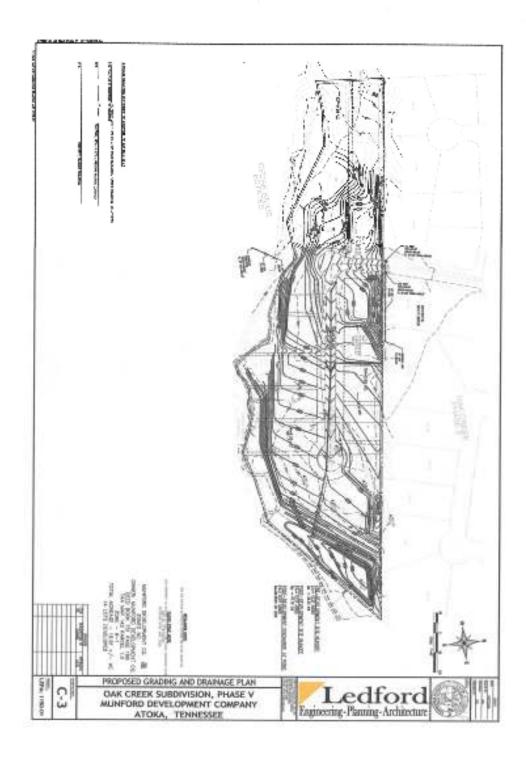
Chinkapin Drive is being extended into Chinkapin Cove and "Dead-Ends" with a cul-de-sac.

Underground Electric and sidewalks are required and noted on the plat.

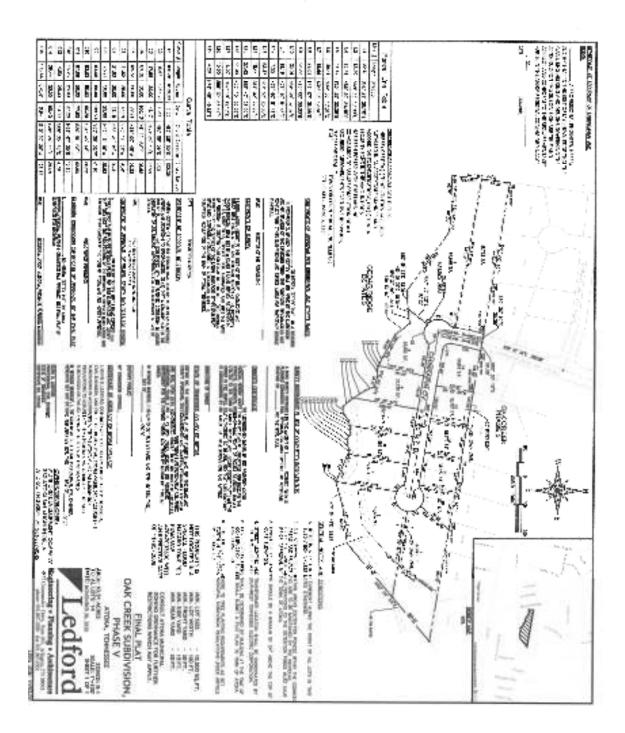
Recommendation

Staff recommends approval of the plat.





Oak Creek Final Plat



Johnstone & Associates

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

MEMORANDUM

TO:	Atoka Planning Commission
DATE:	12.14.2020
FROM:	Michele Johnstone, AICP, Atoka Town Planner
RE:	Request for a Rezoning from R-1 to N-C for a Doggie Day Care Facility at 673
Maple Drive	

I. Regulating language – Atoka Zoning Ordinance TITLE 14-201 ARTICLE 17 - AMENDMENT

17.1 Zoning Amendment Petition - The Board of Mayor and Aldermen, of Atoka, Tennessee, may amend the regulations, restrictions, boundaries, or any provision of this ordinance. Any member of the Board of Mayor and Aldermen may introduce such amendment, or any official, board or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this ordinance.

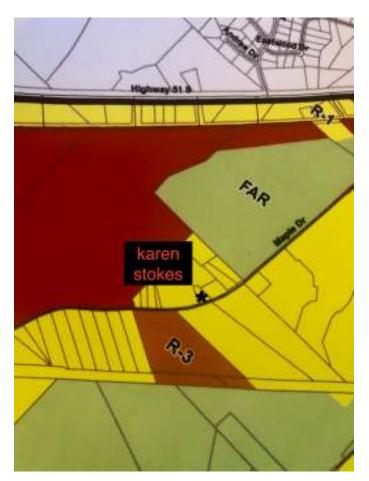
17.2 Planning Commission Review - No amendment shall become effective until it is first submitted to and approved or disapproved by the Atoka Municipal / Regional Planning Commission. If the proposed amendment is disapproved by the planning commission, it shall require the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen to make such amendment effective. If the Atoka Municipal / Regional Planning Commission does not approve or disapprove an amendment which has been submitted for their review within thirty (30) days after such submission, the failure to act on such amendment shall be deemed approval.

17.3 Public Hearing on Proposed Amendment - Upon the introduction of any amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment, together with the time set for hearing by the Board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the Town of Atoka, Tennessee. Such hearing by the Board of Mayor and Aldermen shall take place not sooner than fifteen (15) days after the date of publication of notice of such hearing shall be collected by the Town of Atoka from any party or parties entering a petition for amendment.

II. Request for Rezoning

Karen Stokes is requesting a rezoning for property on Maple Drive from R-1 to N-C for the construction and operation of a doggie day care facility. The lot is surrounded by R-1 zoning and uses, but nearby to GC, FAR and R-3 zoning. The lot in question will be just north of the proposed extension of Walker Parkway, and lies between that area and commercial uses further north (Kroger, etc.).

The structure that would be removed from the lot to be replaced with a new commercial structure, is a mobile home. Mobile homes are non-conforming uses in Atoka, so approving the new zone and introducing a new construction project would remove an eyesore and non-conforming use.



Location Map with nearby zoning



Current use of lot – non-conforming mobile home

III. Zoning and Land Use

The use, which is commercial in performance, is not a **Permitted Use** in the R-1 zone, and no commercial uses are **Permitted Upon Appeal** in this zone. **Home Occupations** are **Permitted Upon Appeal**, but this would not meet the test for that, as the owner would like to construct a new facility. The Future Land Use Map in the <u>2008 Land Use and Transportation Plan</u> indicates Neighborhood Commercial at nearby nodes, including the intersection of Maple Drive with the Walker Parkway Extension and the intersection of Maple Drive with Kimbrough Avenue. This is likely to change with a new comp plan and the subsequent allowance for mixed uses and mixed use zones. This area in particular has the potential to offer new forms of commercial activity with potential access to both Maple Dr. and Highway 51 (the family owns additional parcels contiguous to the lot in questions, that they might consider rezoning to commercial).

IV. Spot zoning, change/mistake rule, and design issues

The general area around the lot which is proposed for rezoning is not exclusively residential (multiple family zoning across the street and general commercial zoning to the west toward Highway 51). Spot zoning is defined as "singling out a small parcel of land for a use classification different and inconsistent with the surrounding areas, for the benefit of the owner of the property and detrimental of the rights of other property owners". It does not appear that the neighboring landowners would suffer from any decline in property value from the rezoning, particularly if the rezoning is to Neighborhood Commercial, and Site and Design Standards are strictly adhered to. In addition, sign and use standards are less intensive in the NC zone. Public purposes can also overcome a claim of spot zoning. The rezoning to Neighborhood Commercial can effectively clean up a deteriorating older residential area that has not seen any interest by developers in expanding the existing residential use.

Change in the area is indicated by the planned Walker Parkway extension in the vicinity.

V. Dimensional Requirements and Permitted Use

There is no minimum lot area or minimum lot width at the building line in the NC zone. Maple Drive is considered a minor arterial road on the most recently adopted road plan so the minimum required front yard setback is 35'. The use would be permitted under **11.2.7 Miscellaneous Services**. Because this is a use that specifically caters to families with pets, it is important that it be located convenient to residential areas.

VI. Issues with Development

The lot sits in a curve on a relatively unimproved road. A turn/deceleration lane would be a needed safety requirement. The business will generate additional traffic, although I am not sure if it will be peak time or spread over the day. In a meeting with Ms. Stokes, she indicated that the facility would have both inside and outside spaces for the dogs, and will have daily, overnight and holiday daycare and boarding services. We discussed the need for a turn lane into the business for safety purposes, design and site plan review standards, and signage requirements. We indicated that she may need to screen the outside play areas from public view. Lt. Bill Scott, AFD, noted that there are no fire hydrants in the area, and it appears Maple Drive is served by a 2" line. A minimum 6" line would be required to service a fire hydrant. These issues are all development issues, not rezoning issues, and will be reviewed in the site and design review phase of the development process.

VII. Caveat

Rezoning approvals are not tied to the use presented by the landowner, so if this particular proposal does not materialize, it means that any permitted Neighborhood Commercial use could be allowed on this lot.

The staff review indicated no issues with rezoning the property from R-1 to N-C.

Johnstone & Associates Michele Johnstone, AICP 3469 Countrywood Road Belden, MS 38826 662.419.0161 Sjohnstone73@icloud.com

MEMORANDUM

TO:	Atoka Planning Commission
FROM:	Michele Johnstone, AICP
DATE:	12.15.20
RE:	Wallace Estates Plat Amendment/Minor Subdivision Report

I. Situation

Builders DR Horton are requesting a change to the Wallace Estates final plat to reflect an enlargement of Lot 19 and the addition of an access easement in order for the HOA to maintain the detention pond.

The enlargement of the lot is due to an oversight in designing the original lot, as the initial configuration would limit the number of house plans that could be accommodated on the lot.

The addition of the access easement (over a drainage easement) is to ensure that the HOA will be able to get grass cutting equipment to the detention pond for regular maintenance.

II. Regulating Language from the Atoka Subdivision Regulations

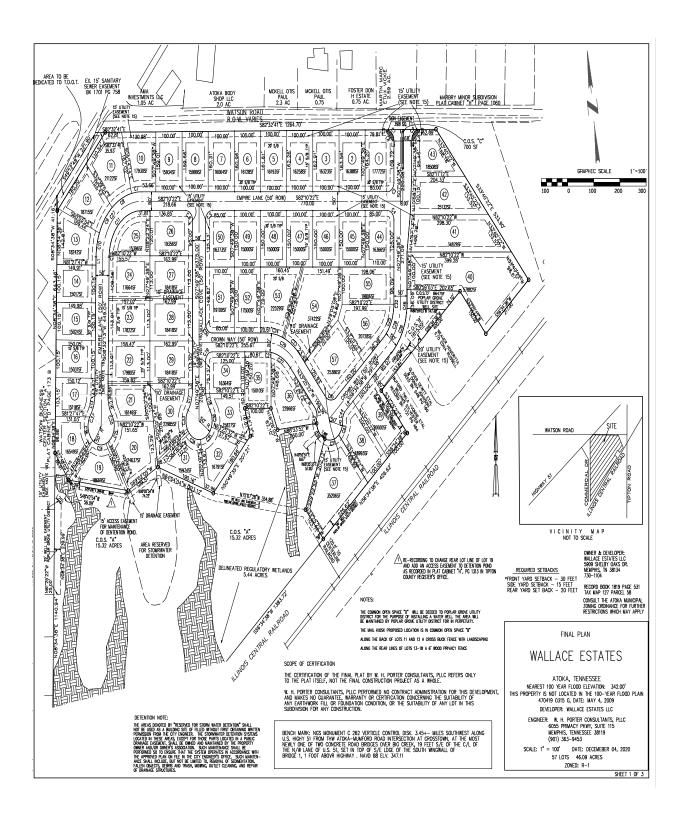
1. Whenever subdivision meets the criteria described below, the Secretary of the Atoka Municipal-Regional Planning Commission may approve a subdivided plat without the approval of the planning commission:

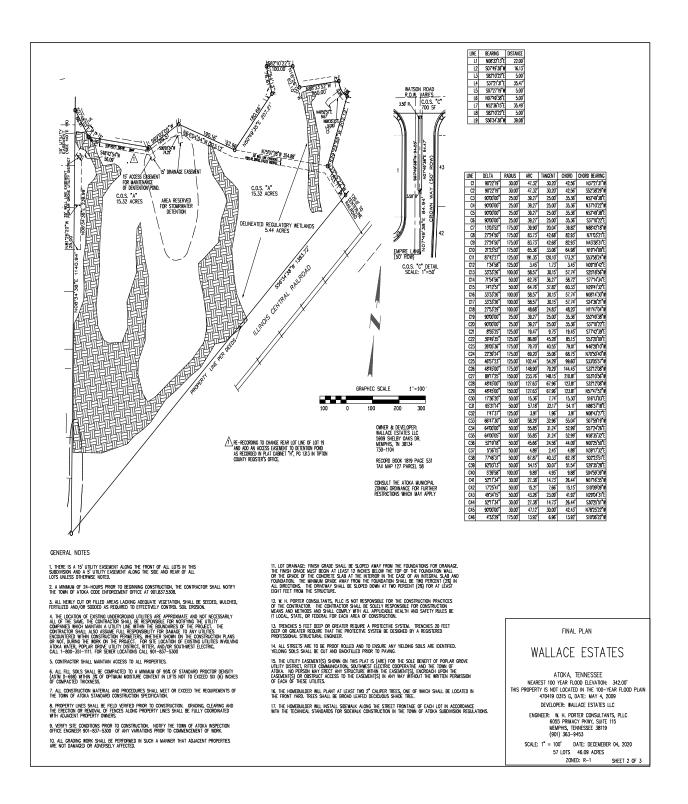
a. The divided tract involves no more than two (2) lots;

b. The planning staff of the planning commission certifies that the subdivision meets all the regulations adopted by the planning commission, and;

c. No request for variance from the adopted regulations of the planning commission has been made.

d. Re-subdivision involving no more than 2(two) lots or establishing new or additional utility easements. viii





OWNER'S CERTIFICATE		CERTIFICATE OF ADEQUACY OF STORM DRAINAGE	CERTIFICATE C	OF APPROVAL OF WATER, SEWER AND DRAINAGE
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IOWIN ENGINEER	DATE			WALLACE ESTATES
URLIC UTILITIES DIRECTOR	DATE			ATOKA, TENNESSEE NEAREST 100 YEAR FLOOD ELEVATION: 342.00' THIS PROPERT IS NOT LOCATED IN THE 100-YEAR FLOOD PL/ 470419 0315 G, DATE: MAY 4, 2009 DEVELOPER: WALCE ESTATES LLC
				ENGINEER: W. H. PORTER CONSULTANTS, PLLC 6055 PRIMACY PKWY, SUITE 115 MEMPHIS, TEMPESSEE 38119 (901) 363–9453
				SCALE: 1" = 100' DATE: DECEMEBER 04, 2020 57 LOTS 46.09 ACRES ZONED: R-1 SHEET 3 C

App	olicant	Name Ledford Engineering, Planning, & Architecture, LLC.
		Address 5567 Commander Drive, Suite 105, Arlington, TN 38002
Ow	ner	Name Munford Development Company
		Address P.O. Box 373, Atoka, TN 38004
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		r request:
b.		

I, <u>Kyle Ham, E.I.</u> hereby certify that the statements made here in by me herein and the maps other accompanying data submitted herewith are true and correct. I will be responsible for the cost of publishing and filing this application.

Signature of Applicant



рн. 901.867.5220 FX. 901.867.5331

December 1, 2020

File 1150-04

Ms. Amanda Ciapponi Community Service Supervisor Town of Atoka 334 Atoka-Munford Avenue Atoka, Tennessee 38004

RE: Rezoning of 79 Acres between Meade Lake Road and Maple Drive

Dear Ms. Ciapponi,

On behalf of the Munford Development Company we are requesting an amendment to the Atoka Zoning Map for two parcels of land located between Meade Lake Road and Maple Drive, just south of the existing Maple Village Subdivision. The two parcels are approximately 79 acres total and are currently zoned R-1 Low Density Residential. Our client would like to have the zoning changed to R-2 Medium Density Residential.

To the best of our knowledge we believe that this rezoning does not adversely affect the adjoining landowner's, nor does the owner or any group of landowner's profit from the zoning change to the detriment of the general public.

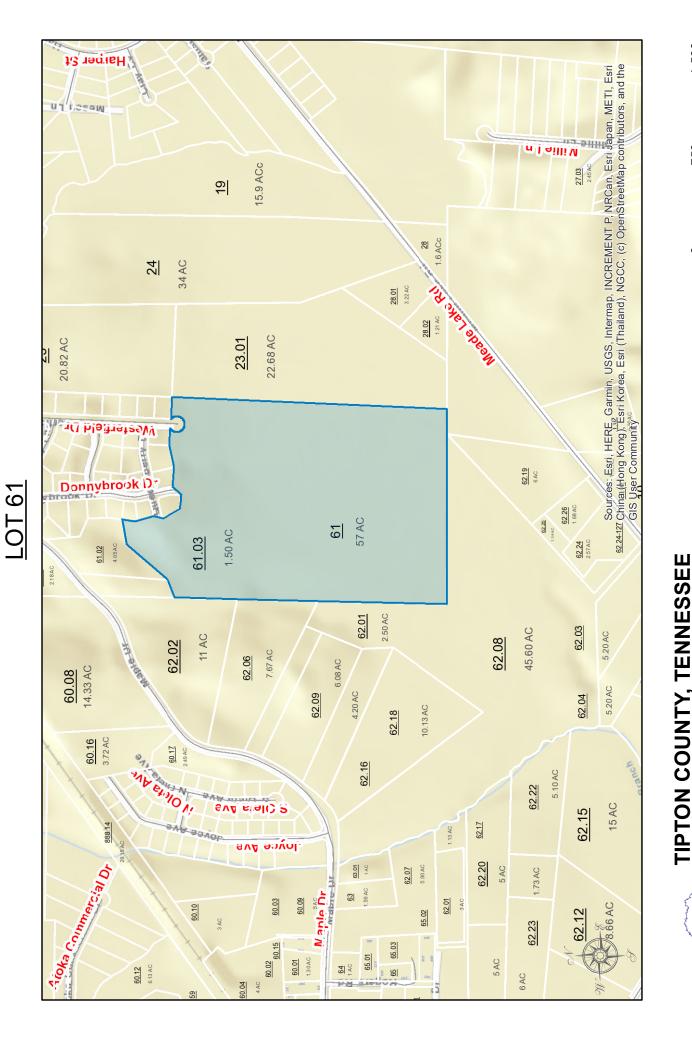
With this letter we are transmitting the requirements per the Town of Atoka's Rezoning Application.

Respectfully,

Myle How

Kyle Ham, E.I. *Project Engineer*





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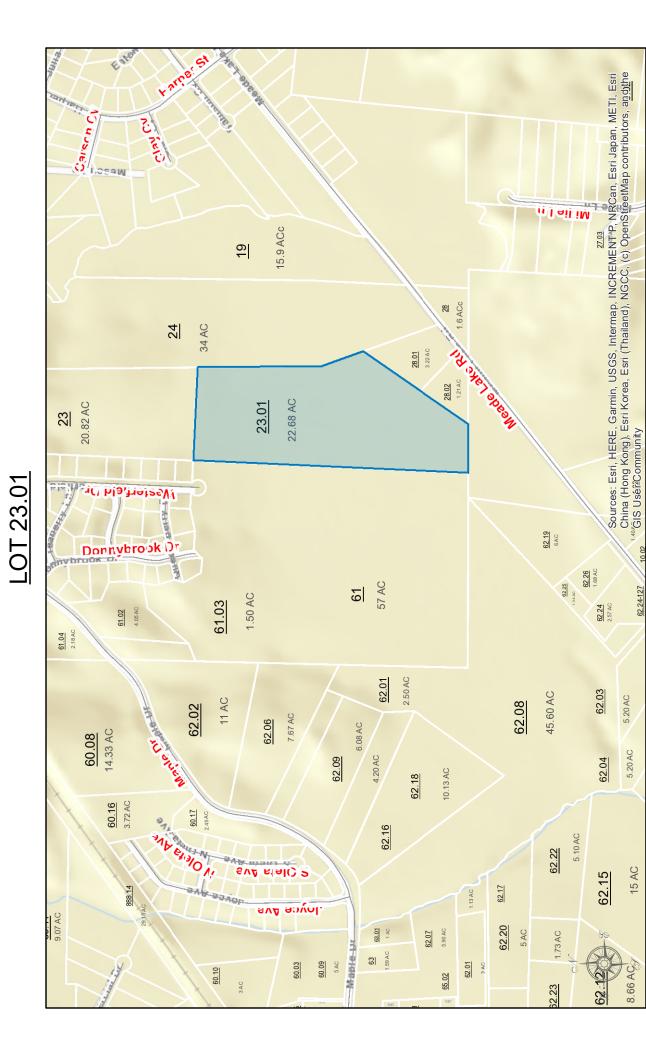
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Feet

MAP DATE: November 20, 2020 Tipton County



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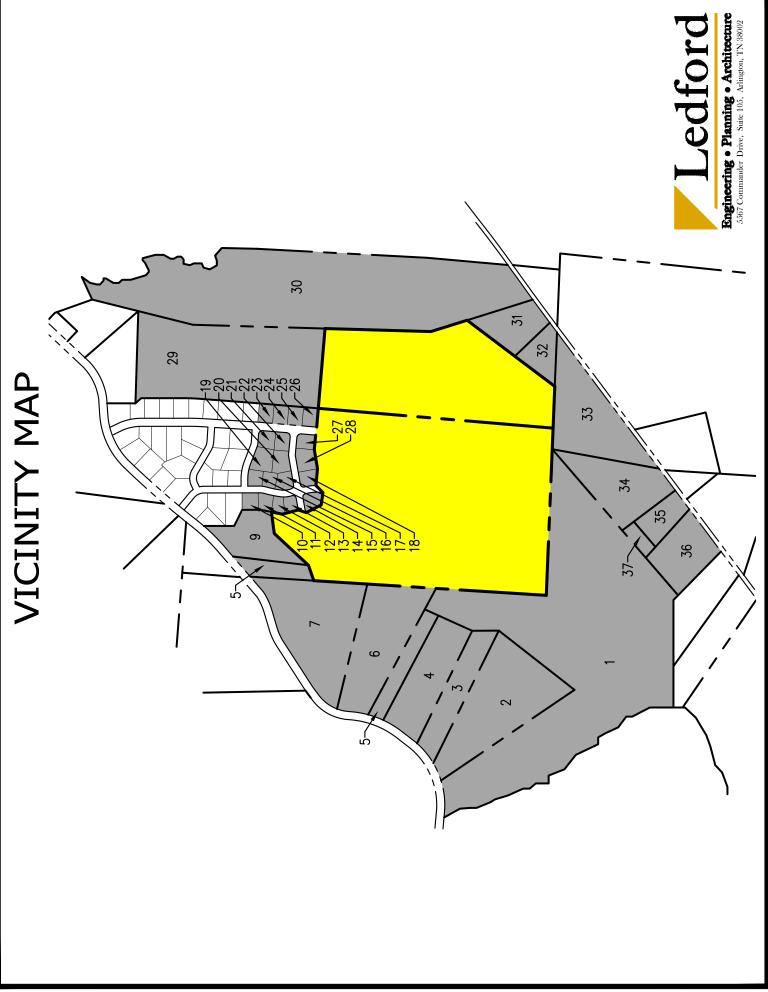
15 AC

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MAP DATE: November 20, 2020





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Johnstone & Associates Michele Johnstone, AICP 3469 Countrywood Road Belden, MS 38826 662,419.0161 Sjohnstone73@icloud.com

MEMORANDUM

TO:	Atoka Municipal/Regional Planning Commission
FROM:	Michele Johnstone, AICP
DATE:	12.15.20
RE:	Request for Rezoning on Maple Drive, from R-1 to R-2

I. Regulating language – Atoka Zoning Ordinance

TITLE 14-201 ARTICLE 17 - AMENDMENT

17.1 Zoning Amendment Petition - The Board of Mayor and Aldermen, of Atoka, Tennessee, may amend the regulations, restrictions, boundaries, or any provision of this ordinance. Any member of the Board of Mayor and Aldermen may introduce such amendment, or any official, board or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this ordinance.

17.2 Planning Commission Review - No amendment shall become effective until it is first submitted to and approved or disapproved by the Atoka Municipal / Regional Planning Commission. If the proposed amendment is disapproved by the planning commission, it shall require the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen to make such amendment effective. If the Atoka Municipal / Regional Planning Commission does not approve or disapprove an amendment which has been submitted for their review within thirty (30) days after such submission, the failure to act on such amendment shall be deemed approval.

17.3 Public Hearing on Proposed Amendment - Upon the introduction of any amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment, together with the time set for hearing by the Board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the Town of Atoka, Tennessee. Such hearing by the Board of Mayor and Aldermen shall take place not sooner than fifteen (15) days after the date of publication of notice of such hearing shall be collected by the Town of Atoka from any party or parties entering a petition for amendment.

II. Situation

Munford Development has requested that approximately 79 acres (two parcels) near Maple Drive be rezoned from zoning classification R-1 (Low Density Residential) to zoning classification R-2 (Medium Density Residential). The attached location maps show where the property is located.

It is the intent of the R-2 zone "to allow a combination of single-family and two-family residences in a harmonious setting. The areas should be served by all municipal services."

The R-2 zoning classification permits a smaller minimum lot size than in the R-1 zone (8,000 square-foot minimum for single-family units and 13,000 square feet for two-family units) (for comparison the minimum lot size requirement for R-1 is 10,000 square feet for single-family homes and does not permit two-family homes). It also permits two-family attached units, and has similar uses Permitted on Appeal as the R-1 zone.

Dimensional differences are outlined below:

2-2
5' minimum width at the building line for
ingle-family homes; 80' minimum width at
ne building line for two-family homes.
finimum required front yard is 25'
ide yard, 10'
ear yard, 20'

Currently there are two access points to the property from adjacent Maple Woods Village subdivision.

The owner has not submitted a subdivision plan so it has not been determined what future development might look like (single-family versus two-family, for example).

The test for rezoning in Tennessee is the "reasonableness" of the rezoning. The Future Land Use map indicates the area to be low-density residential. However, the map only identifies low and high-density, and the R-2 classification is medium-density. The R-1 zone minimum lot size calculates to 4.36 dwelling units per acre; the R-2 to 5.45 dwelling units per acre for single-family units.

The Town Planner is not opposed to the rezoning in principle. The plans for development will go through the subdivision process where environmental, traffic and other concerns can be weighed and managed.

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		Address 5567 Commander Drive, Suite 105, Arlington, TN 38002
Ow	ner	Name Munford Development Company
		Address P.O. Box 373, Atoka, TN 38004
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I, <u>Kyle Ham, E.I.</u> hereby certify that the statements made here in by me herein and the maps other accompanying data submitted herewith are true and correct. I will be responsible for the cost of publishing and filing this application.

Signature of Applicant



рн. 901.867.5220 FX. 901.867.5331

December 1, 2020

File 1150-04

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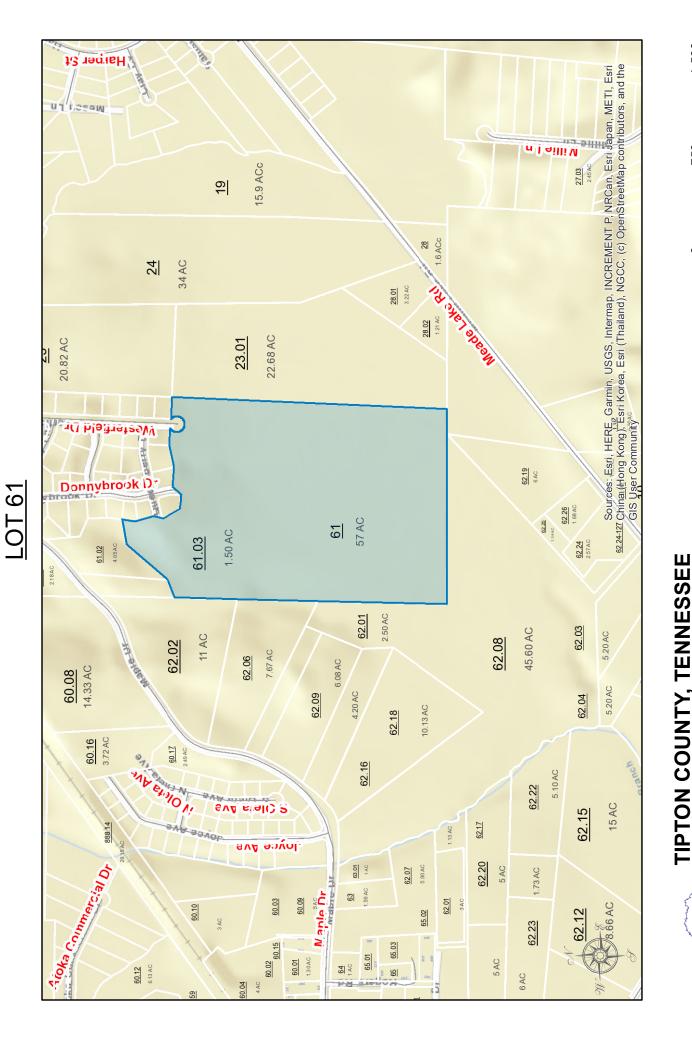
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Myle How

Kyle Ham, E.I. *Project Engineer*





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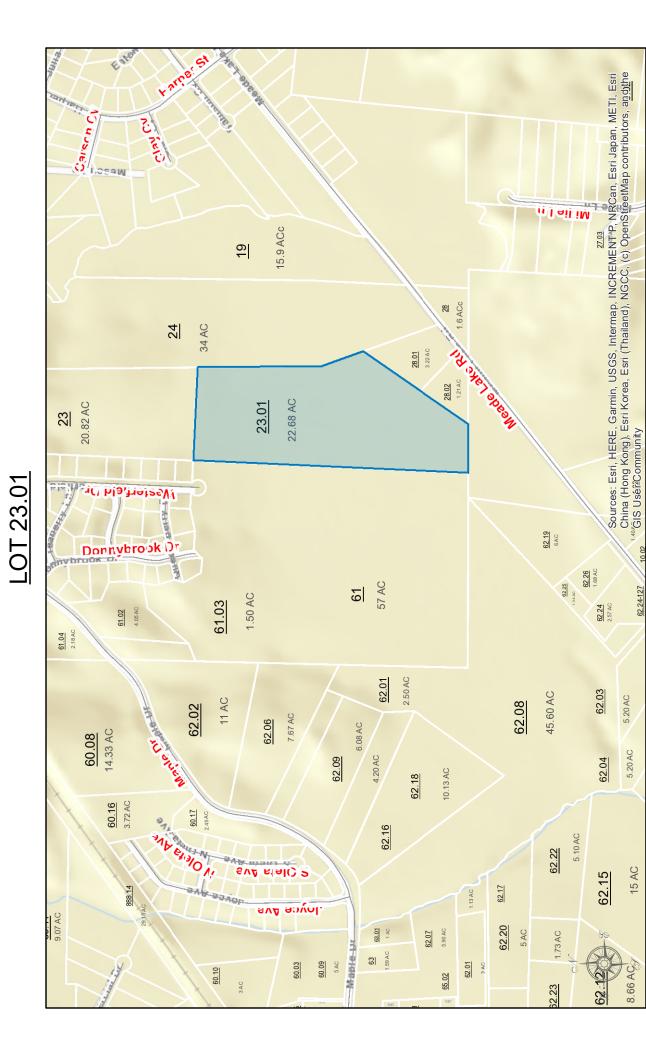
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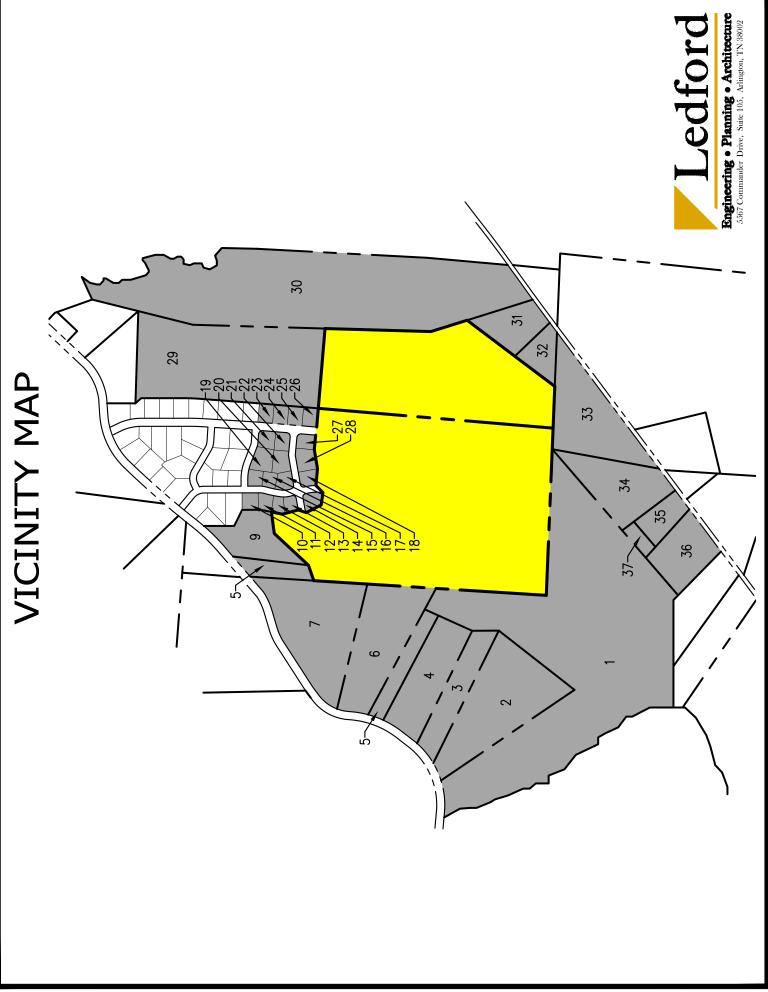
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