



Municipal-Regional Planning Commission Work Session
March 25, 2021
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 – December 17, 2020
- III. Reports
Code Enforcement Monthly Activity Report – Rex Wallace, Director of Code Enforcement
- IV. Old Business – Shelly Johnstone, AICP
 - A. Report on Hwy. 206 Roundabout
 - B. Report on Consideration of Amendments to the Atoka Subdivision Regulations
- V. Miscellaneous Items from the Planning Commission
- VI. Citizen Concerns
- VII. Adjourn



Municipal-Regional Planning Commission

Meeting - Minutes

Atoka Town Hall
334 Atoka-Munford Avenue

Thursday December 17, 2020
6:30 p.m.

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

Keith Moore
John Harber

Brett Giannini
Stephen Shopher

Michael Smith
Vicki Shipley via zoom

Absent:

Also attending:

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

Bill Scott, Atoka Fire Department
Marc Woerner, Town Administrator

Rex Wallace, Director

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

Previous Minutes November 19, 2020 – Commissioner Giannini made a motion to approve the November 19, 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. Commissioner Smith, Yes. All Approved. Motion Carried.

REPORTS

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

OLD BUSINESS

- A. **Oak Creek V Final Plat, Shelly Johnstone, AICP** presented the staff report. Developer's Engineer, Kevin Ledford answered questions from the Commission. Commissioner Moore made a motion to approve the final plat for Oak Creek V contingent upon 1. That concerns of staff are addressed; 2. That the stormwater detention maintenance, Cluster box easement and, the easement around the pond be dedicated to the HOA. 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. Commissioner Giannini, Yes. All Approved. Motion Carried.
- B. **Report on Consideration of Amendments to the Atoka Subdivision Regulations - Shelly Johnstone, AICP** presented the potential changes to the Subdivision Regulations. She advised that the Town through Public Works Director, Dalton Patrick is working on technical manual. Staff is working on inspection lists, development packets, preliminary requirements, fee structure on development. Commissioner Harber requested a 1-2-year cost vs fees on development from the Town Administrator.
- C. **Report on Wallace Estates Minor Subdivision - Shelly Johnstone, AICP** presented the amendment to the Wallace Estates final plat. Lot 19 needed an easement to access the detention pond. If a fence permit is requested for lot 19 or the lot that abuts the easement, it will not need to include access to the easement to the detention pond. Staff approved in house. No action from the Commission taken. The Planning Commission did request that in-house minor subdivisions and amendments be submitted to the Commission for input before they are approved.

NEW BUSINESS –

- A. Rezoning request –) **Shelly Johnstone, AICP** presented the staff report on the rezoning request for a rezoning request for 673 Maple Drive, from R-1 (Single-Family Residential) to N-C (Neighborhood Commercial for a Doggie Day Care Facility. Commissioner Moore made a motion to recommend approval of the rezoning of 673 Maple Drive from R-1 (Single-Family Residential) to N-C (Neighborhood Commercial) to Atoka’s Board of Mayor and Aldermen. Commissioner Harber seconded. Commissioner Shopher called for a roll call vote. Commissioner Harber, Yes. Commissioner Shopher, Yes. Commissioner Moore, Yes. Commissioner Smith, Yes. Commissioner Shipley, Yes. Commissioner Giannini, Yes. All Approved. Motion Carried.
- B. Rezoning request –) **Shelly Johnstone, AICP** presented the staff report on the rezoning request Munford Development, for property off of Maple Drive from R-1 (Single-Family residential) to R-2 (Medium-Density Residential). Developer’s Engineer, Kevin Ledford answered questions from the Commission. Commissioner Harber made a motion to recommend approval of the rezoning of Maple Drive from R-1 to R-2 based on the parcel numbers provided in the packet to Atoka’s Board of Mayor and Aldermen. 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. Commissioner Giannini, Yes. All Approved. Motion Carried.

MISCELLANEOUS ITEMS FOR THE PLANNING COMMISSION –

Commissioner Harber asked about property on Maple Drive near Kroger. Shelly advised if the lots are over 5 acres, there is no requirement to bring the lots to the Planning Commission.

Commissioner Moore requested a street list that the Town is responsible for applying the final layer of asphalt. Town Administrator, Woerner advised he will forward the list to the Commission. Commissioner Moore would like the agenda and packet to the Commission much sooner than of late.

Commissioner Shopher advised that he’d like to see staff reaching out to bring commercial into the empty buildings. Now that many citizens are working remotely at home in Atoka there is more demand for daytime activities, like lunch.

CITIZEN CONCERNS–

ADJOURNMENT

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

Meeting adjourned at 7:53pm.

Stephen Shopher, Chair

Vicki Shipley, Secretary

Code Enforcement Monthly Report
Fiscal Year 2021

PERMIT INFORMATION	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL
Building Permit - Commercial					1		1						2
Building Permit - Industrial													0
Building Permit - Residential - Addition	1			2			2						5
Building Permit - Residential - New Build	14	11	13	6	6	10	12	3					75
Building Permit - Residential - Upstairs Finish			1		3	2	1	2					9
Misc Permit - Detached Garage		1											1
Misc Permit - Fence					1								
Misc Permit - Fireworks Stand				1	1	1							3
Misc Permit - Pool Permit	5	1	12	1		1		1					21
Misc Permit - Sign Permit	1	4	1	1	1								4
Misc Permit - Storage Shed	3	4	2	4	7	2							22
TOTAL PERMIT INFORMATION	24	17	29	15	20	16	16	6	0	0	0	0	142
CERTIFICATE OF OCCUPANCY	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL
Certificate of Occupancy - Commercial												1	1
Certificate of Occupancy - Industrial													0
Certificate of Occupancy - Residential	7	4	17	7	2	7	4	5					53
TOTAL CERTIFICATE OF OCCUPANCIES	7	4	17	7	2	7	4	5	0	0	0	1	54
BUILDING INSPECTIONS	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL
Form Board / Set Back Inspection	11	3	15	9	3	4		4					49
Footing Inspection													0
Plumbing Inspection		3	11	16	7	12	9	1					59
Sheeting Inspection	7	5	12	10	9	9	11	3					66
Brick Ties Inspection	7	6	12	7	6	10	10	5					63
Framing Inspection	8	5	10	8	6	21	16	8					82
Insulation Inspection	7	2	10	4	6	10	12	12					63
TOTAL BUILDING INSPECTIONS	40	24	70	54	37	66	58	33	0	0	0	0	382
CODE ENFORCEMENT ACTIONS	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL
Municipal Court Citations													0
Property Maintenance Complaints - Closed	37	39	17	21	24	12	16	13					179
Property Maintenance Complaints - Received	56	91	47	36	20	13	21	15					299
TOTAL CODE ENFORCEMENT ACTIONS	93	130	64	57	44	25	37	28	0	0	0	0	478
PERMIT FEES	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL
Collected Fees	\$8,355	\$6,758	\$9,035	\$4,520	\$4,334	\$5,680	\$6,698	\$1,790					\$47,170
TOTAL PERMIT FEES	\$8,355	\$6,758	\$9,035	\$4,520	\$4,334	\$5,680	\$6,698	\$1,790	\$0	\$0	\$0	\$0	\$47,170

COMMENTS

Fence Permits issued:

Listing of recommended changes to the subdivision regulations, under discussion, to date:

1. Add resource material in appendix, from public utilities, fire department and State of Tennessee (TDOT, TEDEC). Appendix
2. Allow land planner and landscape architect, in addition to registered land surveyor and registered engineer to develop the Preliminary Plat. Pg. 8*
3. Make sure Common Open Spaces are included in lot numbering on plats. Pg. 9
4. Require Utility Coordination Meeting in the Construction Plan process. Pg. 12
5. Require on-site pre-construction conference before utility construction commences. Pg. 14
6. Add Performance Guarantee Agreement to the subdivision process. Pg. 14
7. Allow land planner and landscape architect, in addition to registered land surveyor and registered engineer to develop the Final Plat. Pg. 15
8. Adjust wording to make sure that other utilities are included in dedication of utilities to the proper authority. Pg. 15
9. Remove from wording, "In general, all lots within a subdivision shall have about the same area". Pg. 22
10. Remove wording, "to discourage use by through traffic". Pg. 25
11. Remove wording, "The use of curvilinear streets, cul-de-sacs, or U shaped streets shall be encouraged where each will result in a more desirable layout". Pg. 25
12. Change wording from, "All subdivisions of three (3) or more (?), including the parent tract in Residential Districts, shall require the subdivider/developer to improve the existing road adjoining said development". To "The subdivider/developer shall improve the adjoining roadway the entire length of the development or pay an "in lieu" fee to the Town for future road improvements. The Town Engineer shall determine the improvements to be made or the "in lieu" fee." Pg. 27
13. Change pavement base course per Town Engineer's recommendation. Pg. 29
14. Change wording for number of access points for a subdivision, from "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 point of public road access", to "Paved, all weather, public access hall be

provided to and from the subdivision. A minimum of two permanent access points shall be provided for ingress and egress to and from the subdivision to existing public roads. A split boulevard is not necessarily considered to be two access points. Approval of adequate access (for emergency vehicle access and general circulation purposes) by the Town Engineer shall be a condition of approval for the plat by the Planning Commission. Any subdivision in excess of five (5) lots is required to complete a Traffic Impact Analysis to determine the required number of connections to existing and future roadways, as well as other needed on- and off-site road improvements.” Pg. 30

15. Change required width of sidewalks from 4’ to 5’. Adopt TDOT policy on slope of sidewalks. pg.45

16. Add provision for placement of Cluster Mailbox Units. Pg. 46

17. Add requirement for a Residential Pattern Book for subdivisions over 19 lots. Pg. 48

18. Re: sureties, change receiver of sureties from PC to Town of Atoka. Surety must be renewed in one-year increments until improvements are completed and inspected. Remedy is cancelling the surety (Calling the Bond). Still to do – adjust this for other utility improvements, not just final layer of asphalt. Check maintenance bond requirements – pg. 54

19. Responsibility for “pass through” builder improvements to be noted in the Performance Guarantee document. Pg. 54

20. Adjust definition of Homeowners’ Association to add: “Membership in the association must be automatic with the purchase of a dwelling unit or other property in the development. The association shall have the ability to legally assess each dwelling unit or other property, which assessment shall be enforceable as a lien against the property.” Pg. 59

21. Adjust development fees to reflect what the Town is spending on review.

22. Administrative – develop a flow chart for applications for Town approval. Create a developer packet and put review flow chart and forms on the Town’s website, improve application forms to reflect what is needed, improve permit process, provide follow-up on soil test results, etc. Should there be a grading permit as part of the permit process?

23. Prohibit cul-de-sacs unless developer can prove an overriding reason to have them in the development.

*page numbers refer to Subdivision Regulations

Report on the November 17, 2020 meeting of the Committee to Review Atoka Zoning Ordinance and Subdivision Regulations

1:00 p.m.

Atoka Town Hall

Present

Amanda Faurbo

Lt. Bill Scott

Rex Wallace

Marc Woerner

Stephen Shopher (ZOOM)

Vickie Shipley (ZOOM)

Matt Peters

Dalton Patrick

Brett Gianinni

Curtis Mayo

Shelly Johnstone, AICP

Absent

Wayne Bouler

This was the second meeting of this committee, having first met on November 10, 2020 to begin discussion about changes to the Atoka Zoning Ordinance.

Shelly began the discussion by finishing up with the changes to potential zoning ordinance amendments that were reviewed at the previous meeting. At that meeting Wayne Bouler asked if the PUD could permit a higher density that 5 units per acre. Shelly noted that she could add a density bonus, which was presented at this meeting. The density bonus allows up to 8 units per acres for single-family and two-family development. The cap for multiple-family remains at 20 units per acre. She handed out a copy of the existing density in each zone as a point of comparison.

The committee then discussed non-conforming signs, amortization and do dark provisions for signs. The specific question was about damage to signs; for example, if a car hit a sign or wind blew it over – would the new sign need a permit and need to adhere to new sign regulations. There is no nonconforming sign regulation in the Atoka Zoning Ordinance.

(This would cure that)

Nonconforming Signs

In instances where a sign is nonconforming to any of the requirements of this ordinance, such sign and any supporting structure other than a building may be allowed although such sign does not conform to the provisions hereof. No such nonconforming sign may be enlarged or altered in any way (including changing the sign face, except on changeable copy signs which comply with this regulation or legal Outdoor Advertising Signs), which increases its nonconformity, or relocated. No sign, which has been damaged 50 percent or more of its fair market value, shall

be restored except in conformity with the regulations of this ordinance. However, any sign, which is prohibited by this ordinance and was also prohibited by any previous Town of Atoka Zoning Ordinance, shall be discontinued and removed.

Amortization provisions? Amortizing nonconforming signs can help Atoka eliminate signs that do not conform to sign regulations. However, amortization is fraught with complexities and legal issues.

The committee then reviewed potential changes to the Atoka Subdivision Regulations. Amanda suggested the Town hold a pre-construction conference, before the construction plans go to the Town Engineer for review, with principals involved in installing streets and utilities (contractors, developer, utility companies, etc.). It was agreed the pre-construction conference should happen.

Shelly suggested the Town specify who is responsible for inspection of utilities and to require that inspection instead of leaving it to the Planning Commission to decide on a case-by-case basis. The group agreed inspection should always occur.

Marc questioned what is included on Preliminary Plat requirements and suggested that the developers be required to submit more detail (that which is required in the subdivision regulations) to the Planning Commission at the that stage. Shelly noted that this has been controversial with the development community, but the committee agreed that this will take place from now on. Shelly asked is some of these issues were substantive rather than process. Marc noted that SSR was using 10-year flooding (rainfall?) event to calculate drainage needs. He said we needed to use a 100-year flooding event. Ben Ledsinger will be at the next meeting to participate in this discussion.

Bill Scott asked that we remove the “desirability” of cul-de-sacs. It has been recommended that the language is to be removed. Marc asked if we should just make them illegal. Shelly and Brett suggested that it was not necessary to outright outlaw them as they may be necessary in certain circumstances.

Matt Peters asked about community involvement in the discussion around individual developments. This was thought to be a good idea, and Matt will be invited to staff meetings concerning new developments.

Shelly suggested it would be a good idea to gather the development community together (developers, builders, engineers, etc.) to discuss why the Town is improving its design and technical standards.

Rex asked if the committee could discuss the Cluster Mailbox issue. Marc asked if it was untrue that Atoka was the only community adhering to the USPS mandate. It is not. Rex wants to make sure the mailbox area is ADA compliant and that people know about the informed delivery system and opting out of junk mail. There are provisions for Cluster Mailbox placement (for

safety and aesthetics) in the recommendations, but the local postmaster/mistress has the final say on placement.

Shelly noted that the existing standard vehicle access requirement (number of lots) is recommended to be removed and replaced with a requirement for a traffic study and Town Engineer analysis. Emergency apparatus rules from the Fire Code will also be factored in. Shelly asked that the group consider what all needs to be bonded. At this point, the existing sureties are only for the final layer of street paving.

The committee will meet again on December 1, 2020 at 1:00 p.m. at Atoka Town Hall.

Ordinance Revision Review Committee

February 5, 2021

1:00 p.m.

Present

Stephen Shopher

Dalton Patrick

Marc Boerner

Amanda Faurbo

Wayne Bouler (ZOOM)

Vickie Shipley (ZOOM)

Ben Ledsinger (ZOOM)

Shelly Johnstone

Rex Wallace

Shelly distributed notes from the January 19 meeting, that included a list of all of the recommended changes to date. She asked if there were any burning questions or topics the group wanted to cover. Matt Peters asked about changes made in subdivisions after the Preliminary Plat is approved by the Planning Commission. The group added that Developers be required to notify the Town of any changes (of any kind) to the Plat that happens before they proceed. Ben Ledsinger said that this happens because developers encounter a different situation on the ground than what they had expected. Wayne noted that he had to change because the shape of the lots that were designed did not work on the ground. Matt brought up the change in the location of the detention pond in Sterling Ridge VII and the subsequent abandonment of the HOA requirement. The Town has only been requiring an HOA if there is Common Open Space to be maintained. It was suggested that the developer be required to list the changes made in his/her application for the Final Plat. This change will be made in the application process.

With regard to the Cluster Mailbox Units, Rex noted that the local post office did not have the required equipment (arrow lock), and may not be appropriately trained, which was holding up residents getting mail delivered. This affects the suggestion that we not issue a CO to builders if the CMB units are not installed. It was suggested the Town have a meeting with the appropriate US Post Office officials to help solve the problem, or that an official attend a Planning Commission meeting to explain what is going on.

With regard to what development is coming up next, Wayne mentioned the area he is requesting for a rezoning off Maple Drive. Marc asked him if he was going to follow the Preliminary Plat requirements in the Subdivision Regulations. Wayne noted that he would.

Shelly asked if we needed to require the builders to have a grading permit if they further graded the lots after the grading plan was approved. Ben noted that Rex would notice problems with a finished floor elevation check in the building permit inspection process. He said sometimes issues occur when the landscapers move dirt in a way they are not supposed to.

Rex noted that the type of sewer system in Atoka determines how development can happen. He specifically mentioned 75' lots and trying to get the appropriate slope off the house for drainage, while trying to place sewer equipment. Wayne said that it can be tricky, but can be done.

Marc requested that we prohibit cul-de-sacs because they are problematic for the Town. Wayne said that prohibit was a strong word. Marc indicated we could require the developer to prove that the cul-de-sac was absolutely needed. Shelly said that some communities in Virginia were just not accepting the streets if they were cul-de-sacs, which was discouraging developers from using them. She will research, but said the sub regs allow for a variance, and that developers could use that.

The group discussed fees, and how many communities are charging re-review fees to encourage more complete applications the first time. We will match fees to cost in Atoka.

Report on the December 1, 2020 meeting of the Committee to Review Atoka Zoning Ordinance and Subdivision Regulations

1:00 p.m.

Atoka Town Hall

Present

Amanda Faurbo

Rex Wallace

Marc Woerner

Dalton Patrick

Brett Gianinni

Shelly Johnstone, AICP

Wayne Bouler (ZOOM)

Vickie Shipley (ZOOM)

Absent

Bill Scott

Stephen Shopher

This was the third meeting of this committee, having first met on November 10, 2020 and then on November 17, 2020 to discuss potential changes to the Atoka Zoning and Subdivision Regulation Ordinances.

The meeting began with discussion of **storm water regulations**. Ben Ledsinger, Town Engineer, noted that the Town is currently working with a storm water situation that stems from subdivisions that were approved in the past without storm water detention. There are a lot of flash flooding issues in the Meade Lake basin. He then discussed the regulations relative to the transfer of state regulations to the Town once the Census data is released. The Town is expected to exceed 10,000 population, the benchmark for Atoka being responsible for administering storm water regs. The Town will have 36 months to get it implemented. SSR invited a speaker to a PC meeting to go over the change, and Atoka has applied for funds to help map the Town.

Some of the changes SSR had noted a year earlier in a review of sub regs is that the Town should specify rainfall data based upon NOAA Atlas 14 precipitation data, all drainage to be maintained by the Town shall be reinforced concrete pipe, and that detention pond outlet structures are to be specified in the regulations. He noted that some plastic pipe has gotten much better and could be acceptable in certain situations.

Ben then discussed the need for changes in the **road base material** from soil cement to rock. This will give streets a longer life span and reduce the long-term maintenance costs for the Town. It will also assist in the allowance of the final layer being put down immediately rather than waiting until building is complete (because rock is less sensitive to water intrusion), a practice the Town has been permitting based upon positive experiences in other communities.

When repairs are made to roads with soil cement as a base, the process is more extensive and more costly.

Shelly noted that her review of past sureties saw a mixed bag. There are some performance bonds and some maintenance bonds, but no consistency. It appears that all of the performance and maintenance bonds on file are for the final layer of asphalt.

Developers who put the final layer of asphalt on immediately will not need to post a performance bond but will post a **maintenance bond** to last for one year. Once a street passes inspection, the developers can request acceptance of the streets by the Town, and the maintenance bond can be released. The acceptance of the streets may happen at the same time as the final plat is presented to the Planning Commission. Acceptance of the streets must be made by the Board of Mayor and Aldermen, however. Maintenance bonds for other infrastructure is an ongoing discussion.

The Committee discussed **subdivision inspection responsibilities** throughout the infrastructure construction process. It was agreed that the Town would hold a utility coordination meeting and a pre-construction conference. Ongoing inspection is needed to ensure that construction is matching the approved construction plans, especially with regard to grading and storm water mitigation. Inspections will be made by a “team” but with certain departments having specific responsibility. For example, sewer lines will be inspected before the contractor backfills the ditch. This will be outlined in the development process flow chart. SSR is now reviewing water and sewer lines in the construction plan process. The planning department will coordinate these inspections.

The Town will develop a “**developer packet**” and include information on the Town’s website. The packet will include a flow chart of the process as well as the actual policy, forms, fees, and a Technical Manual. Patrick Dalton submitted information for water and sewer systems, and other department heads and consultants were asked to submit technical specifications for this manual.

Amanda noted that we needed, for the Town’s record, **test results** done in the subdivision (soil, compaction, etc.) but were not getting them. Wayne Bouler noted that he did turn this information in to the code enforcement/building inspection department. Amanda also noted that we see **changes** in final plats from preliminary plats and construction plans. Shelly noted that this should change with an ongoing inspection process. Developers are either not following construction plans or are making changes and not letting the Town know. Sometimes, builders are changing the grade of the lots and we may need a **grading permit** attached to the building permit process. Wayne also noted that requirements have not been consistent over the years (with changing administrators) and that developers simply want to know what is expected of them.

There was a discussion about what should be on the **Preliminary Plat requirements**. Ben noted that there were some things that are not asked for that he would like to see, like wetlands.

Wayne Bouler agreed, and said he had hired an environmentalist to check for these things. All felt like the initial meeting (sketch plan meeting) was a good place to discuss the list and what was absolutely needed for that particular project. Shelly asked everyone on the Committee to review the list and get specific input back to her.

Shelly discussed the **disconnect between what the developer is responsible for and what gets passed along to the builder**. The regulations, with the exception of sidewalks and lot trees, do not address any other improvements that might be passed to the builder, like for common open space, CBUs, or sign easements. Shelly is recommending that the Planning Commission include these improvements in their design review process and that completion of these improvements be tied to the building inspection process (maybe bonded if necessary).

Shelly included in material given to the Committee, rules about **Cluster Mailbox Units** to be included in the subdivision regulations.

Shelly passed out some information from other communities about **fees**. It looks like most communities are trying to shape the improvement of submittals by charging for changes to plans. There was also some agreement that fees needed to reflect actual cost to the Town for review of projects. This will come under further discussion.

Dalton and Rex asked about **utilities and PUDs**. Shelly said that we will work with all of the developers with regard to their PUDs (some will only be single family) to figure out how sewer, in particular, will be handled. With regard to his experience, Wayne Bouler, feels like the developer should do all of the landscaping and not pass it along to anyone else.

The meeting adjourned at 3:00 p.m.

**Ordinance Review Committee
Subdivision Ordinance Review
1/19/21**

Present:

Amanda Faurbo
Marc Woerner
Shelly Johnstone
Ben Ledsinger
Dalton Patrick
Matt Peters (ZOOM)

Manufactured housing was discussed. This is primarily a zoning issue, but design review could be handled in sub regs. Shelly noted that Tennessee state law does not allow outright prohibition based upon the fact that they are manufactured in a factory. They can be regulated however, based upon aesthetics. Atoka regulates Manufactured Housing in Section 3.14 in the Zoning Ordinance. The regulations are fairly standard and would more than likely not materially change the way the homes look. Only so many designs are made, and it is readily evident what homes are factory made and which are not. Currently mobile homes are not permitted in residential zones, but manufactured and modular housing is not specifically allowed or prohibited.

The committee discussed the needed change in base course material for roads. Ben Ledsinger noted that he would send specifics by email (see below):

Eliminate soil cement and upgrade the asphalt mix to a TDOT mix.

*Surface = 1.25" of PG64-22 "D"
Binder = 2" of PG64-22 "B-M2"
Binder = 3" of PG64-22 "A"
Base = 8" of 303-02, Mineral Aggregate, Type B Base*

*For minor residential:
Surface = 1.25" of PG64-22 "D"
Binder = 2" of PG64-22 "B-M2"
Base = 12" of 303-02, Mineral Aggregate, Type B Base*

In discussion about bonds, it was noted that past bonding was only to insure the final paving on streets in subdivisions, and the history/consistency of bonds is sketchy. There were some performance bonds, some warranty bonds and some promises that the Town would do the final pavement.

Shelly noted that the subdivision regulations called for a "stop work order" for any violation of the bond requirements (like not renewing the bond). The regulations call for the bond to be

renewed “with no effort on the part of the Town”. The bonds have been handled in various departments in the Town, mostly in the Town Administrator’s office or by clerical officials. Before the Town and developers agreed that putting the final course of asphalt on before the final plat was approved, Atoka was considering changing that remedy to calling the bond, because a stop work order hurts the builder (who may not be the same person as the developer) and more specifically, the trades people.

We will continue discussion with how to handle bonds and for what improvements they will be required. Some other items that might need to be bonded include fencing, signage and landscaping, where the Planning Commission has reviewed and approved a plan for such. Instead of requiring improvements, where they might not be immediately needed, the Town could exact a “fee in lieu of” improvements or impact fee. We would need specifications for what the Traffic Impact would be, and where; an intersection, stretch of road, etc. Shelly will check with Kasey to make sure the Town can do this in Tennessee.

How to handle subdivision improvements that are to be completed by the builder? The problem is that we don’t know who the builder will be until after the final plat is recorded and the developer can legally sell lots. We need to secure the improvements before the final plat is recorded, so having those bonded by the developer seems to be the best strategy. These can be outlined in the Performance Agreement, along with other items to be bonded (water? sewer?)

The group discussed the need for coordination of ADA regulations regarding sidewalks, especially for one-lot infill. We need to insure it must match the existing sidewalks. (pg. 45 – Bldg. Permit).

The committee discussed the number of access points to a roadway that should be required. They agreed to require a Traffic Impact Analysis for any subdivision over 5 lots and to adjust the wording as noted below.

Listing of recommended changes, to date:

1. Add resource material in appendix, from public utilities, fire department and State of Tennessee (TDOT, TEDEC). Appendix
2. Allow land planner and landscape architect, in addition to registered land surveyor and registered engineer to develop the Preliminary Plat. Pg. 8
3. Make sure Common Open Spaces are included in lot numbering on plats. Pg. 9
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10. Remove wording, "to discourage use by through traffic". Pg. 25
11. Remove wording, "The use of curvilinear streets, cul-de-sacs, or U shaped streets shall be encouraged where each will result in a more desirable layout". Pg. 25
12. Change wording from, "All subdivisions of three (3) or more (?), including the parent tract in Residential Districts, shall require the subdivider/developer to improve the existing road adjoining said development". To "The subdivider/developer shall improve the adjoining roadway the entire length of the development or pay an "in lieu" fee to the Town for future road improvements. The Town Engineer shall determine the improvements to be made or the "in lieu" fee." Pg. 27
13. Change pavement base course per Town Engineer's recommendation. Pg. 29
14. Change wording for number of access points for a subdivision, from "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 point of public road access", to "Paved, all weather, public access shall be provided to and from the subdivision. A minimum of two permanent access points shall be provided for ingress and egress to and from the subdivision to existing public roads. A split boulevard is not necessarily considered to be two access points. Approval of adequate access (for emergency vehicle access and general circulation purposes) by the Town Engineer shall be a condition of approval for the plat by the Planning Commission. Any subdivision in excess of five (5) lots is required to complete a Traffic Impact Analysis to determine the required number of connections to existing and future roadways, as well as other needed on- and off-site road improvements." Pg. 30
15. Change required width of sidewalks from 4' to 5'. Adopt TDOT policy on slope of sidewalks. pg.45
16. Add provision for placement of Cluster Mailbox Units. CBUs must be in place before any Certificate of Occupancy is issued! pg. 46
17. Add requirement for a Residential Pattern Book for subdivisions over 19 lots. Pg. 48

18. Re: sureties, change receiver of sureties from PC to Town of Atoka. Surety must be renewed in one-year increments until improvements are completed and inspected. Remedy is cancelling the surety (Calling the Bond). Still to do – adjust this for other utility improvements; not just final layer of asphalt. Check maintenance bond requirements – pg. 54

19. Responsibility for “pass through” builder improvements to be noted in the Performance Guarantee document. Pg. 54

20. Adjust definition of Homeowners’ Association to add: “Membership in the association must be automatic with the purchase of a dwelling unit or other property in the development. The association shall have the ability to legally assess each dwelling unit or other property, which assessment shall be enforceable as a lien against the property.” Pg. 59

21. Adjust fees to reflect what the Town is spending on review.

22. Administrative – develop a flow chart for applications for Town approval. Create a developer packet and put review flow chart and forms on the Town’s website, improve application forms to reflect what is needed, improve permit process, provide follow-up on soil test results, etc. Should there be a grading permit as part of the permit process?

**Ordinance Revision Review Committee notes
February 18, 2020**

Members in attendance:

Mayor Daryl Walker
Rex Wallace, Planning
Amanda Faurbo, Planning
Wayne Boulter, developer
Daniel Lovett, Public Utilities
Ben Ledsinger, SSR
Planning Commissioner Woodard
Shelly Johnstone, Town Planner

Absent:

Commissioner Smith
Kasey Cubreath

The committee convened at 10:00 a.m. on February 18, 2020 at Atoka Town Hall.

Shelly Johnstone reviewed the suggestions for changes that she made at the November Planning Commission meeting. Those are attached to these notes. She said some of these are administrative/communication suggestions and some will require ordinance amendments.

The committee first tackled the need to make sureties in perpetuity, because developments take longer than one year to complete and the LOCs or bonds are only for one year. Wayne Boulter, the developer on the committee, says he renews the bonds after one year, but Shelly noted that some developers have declined to renew the bonds. The remedy for this is a stop work order, but she noted that action hurts the builder, but not necessarily the developer. Wayne Boulter noted that Olive Branch is requiring the final layer before the final plat is approved. Shelly will check with Olive Branch's engineer and planner to see how that is working out. The group then discussed negatives and positives to this. Daniel said that, at the very least, the paving needs to be done earlier than it currently is. Shelly said that the town would need to set standards for the condition of the pavement before they take the dedicated street over for lifetime maintenance. Ben noted that the town needs to get away from soil cement and go to rock. Wayne said this is more expensive for the developer, but Shelly said cost savings might be able to be found in narrower street requirements, or increased density.

Shelly noted that Kasey Culbreath was reviewing the Performance Agreement because it was a contract. She noted that the purpose of the PA is to outline responsibilities of the town and the developer (without adding more certificates to the plat) and to articulate the items that would be bonded and how much they would be bonded for.

Shelly asked the committee to review the proposed Planned Unit Development ordinance. She explained the value of PUDs – to allow the city to be more flexible when working with developers. It also gives them the ability to be more responsive to the marketplace. It is based upon Munford’s ordinance because local developers are accustomed to working with this ordinance. Committee members will look at the details and get back with Shelly in the next two weeks.