

## PLANNING COMMISSION MEETING

November 27, 2017

7:00 PM

### CALL TO ORDER

The meeting was called to order by Cyndi Timbs at 7:00pm.

### ROLL CALL

#### Present

Kinney Bridges  
Jason Dittrich  
Gail Good  
John Pate  
Cyndi Timbs

#### Absent

Mayor Sarah Crocker  
Bob Bailey

**Others Attending:** Rick Steig, City Planner;

**Guests:** Clifton and Javanha Davis, 1046 Portersville Road, Brighton, TN

### APPROVAL OF MINUTES

**Minutes Approval: Regular Meeting October 23, 2017.** John Pate made a motion to approve the minutes as written. The motion was seconded by Jason Dittrich. All approved. Motion passed.

### NEW BUSINESS

#### Carrington Estates Subdivision – Detention Basin reserved for Lot 15

The subdivision was approved in September 2003. At that time, Lot 15 was discussed and required to be constructed and maintained as a storm water detention basin. The current owner approached the city in the last few weeks requesting permission to build a single family on this lot. The detention basin appears to exist on an aerial image, with a concrete headwall to the south where storm water exits the basin, and there may be a concrete swale lining the basin bottom. The lot is still reserved for storm water detention and therefore should continue to be designated as a non-buildable lot within the subdivision.

As the Planning Commission was looking at the final plat.....Mr. Stieg said there should have been a public easement. The Town maintains the headwall and any structures in the detention basin is the way the easement should have been set up. It wasn't mentioned at that time according to the minutes and no tape was found. According to the construction plans submitted at the time, they show a detention basin. In fact, there was a problem with the top of the bank of the detention pond extending right up to the adjacent property lines which can make maintenance of the banks difficult. They asked for a 5 foot easement for maintenance if the Town maintained it. It's in private ownership. It's not in a public basin. It shows a dimensioned outline like it was set aside for a building footprint but we don't know if that was the intent of the Planning Commission that night or not. It's not reflected in the minutes. Mr. Ken King, Town Engineer, said the entire lot was set aside for a detention basin and that's what it's supposed to be. Mr. Stieg concurs with him. They did not install a sewer tap at the time the subdivision was built. There

shouldn't be a sewer tap on that lot. Mr. Davis said there is one there. Jason Dittrich asked if there was a water meter there. Mr. Davis said you have to put that in as you go. Mr. Stieg said if there's a sewer tap on that lot then it's a buildable lot based on those dimensions on that plat. Mr. Timbs said that basin doesn't hold much water because most of the water flows to the creek behind it.

**Mrs. Timbs:** My memory was that when we did Carrington that we included it a buildable lot on purpose because McLister Subdivision we ended up with two outparcels and we had to pay the city to take those to maintain them. In fact, we had to pay them \$20,000.00 to take them and maintain them for the future. And we purposely tried to put that on a lot for that purpose so we didn't do it again.

**Mr. Stieg:** So the whole thing is under...except for the concrete headwalls and stuff, we're supposed to be in a city run, city maintained easement. All that property...cutting that property belongs to the homeowner or to the property owner. And if there's a sewer stub there and he wants to build a house where that sewer pipe is...I mean it's coming out of the ground then you can build your house but you've got to cut the lot. How's that sound?

**Mr. Davis:** Well this is how it went down. I've got the lot up for sale. And the buyer called up here instead of coming up here with the plans; he called on the phone and the lady on the phone said he couldn't build so the deal fell through. So now I'm back to within next year, trying to build a house on it myself. I've got the house plans and everything that the house will fit on for that purpose.

**Mr. Stieg:** Do you have to add any field dirt to that flat surface?

**Mr. Davis:** We normally go 2 foot up; raise it up just to be safe. But I ain't never seen it flood there. I mean it fills up with water and drains the next day.

**Mr. Pate:** Is your plan to put a house in the middle of it or off to one side?

**Mr. Stieg:** No there's a flat where that area is....

**Mr. Pate:** I see that on these drawings.

**Mr. Stieg:** There ain't much room for a house...other than...I'd like to see that myself. It's going to be a tight fit.

**Mr. Davis:** Well these 2 house plans...just in case I sell it...if y'all approve it. If I do sell it, like I got these plans saying...whoever buys this lot; this has been approved to build these kind of houses just in case I sell it.

**Mr. Stieg:** Yeah the minutes of the meeting will show that Lot 15 at Carrington Estates is eligible for a single building lot. Single building permit if y'all agree to that.

**Mr. Davis:** This is the house. This is 30ft setback. You have 27ft in the back for a backyard. This is what I submit to the engineer...the layout.

**Mr. Pate:** Is this the existing concrete?

**Mr. Davis:** That's the layout.

**Mr. Dittrich:** The easements right here...L46...45... 44...

**Mr. Stieg:** And those dimensions were recorded with the plat so they're legal. The ones you see on that plan right there. I wish they had given you my phone number when this first started because I would have asked you if there was a sewer tap coming out of it. But no one said a thing.

**Mr. Davis:** Well I could probably get any plan and build a house on it to make me/everybody happy. But you know, I didn't figure it would be a problem. Because it's got the dimensions on here.

**Mr. Stieg:** The only problem we had was the minutes of the meeting says it was set aside as a detention basin. It didn't mention buildable area at all. And I didn't know there was a tap there. That should have been in the minutes at the time. We figured somebody said something on tape. It didn't get transferred to the minutes. So the tape is the only record we have of it. But since you've got a tap, I got no problem with a building permit. That's a legal lot. We can't stop you from building a house on it.

**Mr. Davis:** Well that's what I'm saying, I got this from the courthouse and it was showing all the layouts. I said well I got two plans that will fit that lot perfect.

**Mr. Pate:** How big are the houses?

**Mr. Davis:** One is 2400 square feet. The other one is 2700 square feet.

**Mr. Pate:** Well, that's consistent with the neighborhood.

**Mrs. Timbs:** Yeah cause he would have to fall under the restrictions of the neighborhood anyway.

**Mr. Dittrich:** The only thing I would say is as long as it doesn't encroach on the basin and effect the way the drainage runs through there.

**Mr. Pate:** That has be disclosed on the sale of the property too doesn't it?

**Mr. Stieg:** That it's a detention basin? Yeah....it should. Does it have anything on the plat saying it's a detention basin?

**Mr. Dittrich:** Yeah detention pond. Yeah I don't see a problem with it.

**Mr. Davis:** So is there any way I can get something showing....

**Mr. Stieg:** The minutes of this meeting will show exactly that. It's eligible for a buildable lot.

**Mr. Davis:** Because I still have it for sale and if I want to sell it I can show them 'hey look you can build this house or this house on it' as long as you stay.....

**Mr. Stieg:** You can come in...I don't know how soon they do the minutes but if you come in and talk to Tammy or Bonnie that works upfront and see if they can give you the minutes of this meeting. I'll give you my copy of the staff report. You'll have all that paperwork that the city has and tonight's meeting clarifies; because it's on tape and it's on the minutes that you are eligible for a building permit. I sure wish you had called me sooner because I would have asked you....we could have stopped all of this. We didn't even know there was a basin there. We couldn't figure it out.

**Mr. Davis:** We deal with this in Shelby County a whole lot worse and they give permits just like that. I figured it wouldn't be a problem up here.

**Mr. Dittrich:** It's not a problem now.

**Mr. Davis:** My buyer wanted to buy it and now he's backed out of everything because he was told he couldn't build a house there.

**Mr. Stieg:** Well what about calling him up now and telling him....

**Mr. Davis:** Well that's okay now. I'm just going to leave the sign there. So uh I'm going to wait til probably next year probably around December and if nothing don't happen we'll go into construction.

**Mr. Stieg:** All you've got to do is come in and get a building permit and get a water tap from the office here and you're done. The plats recorded and everything.

**Mr. Davis:** Alright I sure appreciate it.

## **OLD BUSINESS**

### **Zoning Text Amendment to add 'event center' to the list of allowable uses in the OR- 1 Neighborhood Office Zoning Category**

#### **Wooten Law Office, 416 East Woodlawn –addition of an Event Center**

The applicant wishes to add an event center behind the existing residence at 416 East Woodlawn. The property was rezoned to OR Office-Residential to accommodate the use of a residential structure as a law office. O-R zoning was adopted by the Town of Brighton to permit non-residential office uses with limited traffic generation as a means to repurpose single family residences in small areas.

Since this “accessory use” was not included in the list of allowable uses when the OR-1 Zoning category was created, this additional use of the property would have necessitated a rezoning to a minimum B-1 Business Zoning in order to meet the Zoning requirements. From discussion with the Planning Commission at the October meeting, the addition of this use to the “allowable uses” of the existing OR-1 Zoning was proposed as an acceptable alternative to un zoning this single property.

The staff therefore recommends that “event center” be added as an acceptable use (subject to the normal site plan approval process) in the Or-1 Zoning category, and this recommendation be forwarded to the Board of Mayor and Alderman as a Zoning Text Amendment to be made part of the official; Zoning Ordinance .

In addition, the building ‘sketches’ do not constitute an admissible Site Plan, since they lack contours, grading and drainage, proposed utility extensions and dimensions per the Site Plan application requirements. These items must be addresses and approved at a later date by the Planning Commission before a permit can be issued.

Mr. Stieg does not have a copy of the Zoning Text Amendment tonight because he wanted to discuss any amendments and/or conditions that the Planning Commission would like to add before it is written up. These amendments and/or conditions may include hours of operation or etc. At this point instead of coming up with recommendations or conditions now, if he goes ahead and gets permission to build it then we can revisit it in a year, 6 months or on a complaint basis to see if we need to modify the ordinance. Mr. Stieg stated “we’ve got a city ordinance against noise so at 10:00 o’clock at night I guess it is. Everything cuts off.” Mr. Dittrich asked if that was 10:00pm on weeknights and midnight on weekends. Mr. Stieg continued by saying “that would apply regardless of what we have in the Zoning Ordinance”. Kinney Bridges **made a motion to approve Mr. Stieg writing up a simple text amendment for the Board of Mayor and Aldermen. John Pate seconded the motion. All approved. Motion passed.**

#### **ADJOURNMENT**

Kinney Bridges made a motion to adjourn the meeting at 7:17pm. The motion was seconded by John Pate. All approved. Motion carried.

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**Sarah Crocker, Mayor**

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**Tammy McKinney, Recorder**