



TOWN OF BRIGHTON

139 NORTH MAIN * POST OFFICE BOX 277 * BRIGHTON, TENNESSEE 38011

PLANNING COMMISSION MEETING

January 27, 2020

7:00 PM

CALL TO ORDER

The meeting was called to order by Mayor Crocker at 7:00pm.

ROLL CALL

Present

Mayor Sarah Crocker
Kinney Bridges
Aubrey Foreman
John Pate
Cyndi Timbs

Absent

Bob Bailey

Others Attending: Rick Stieg, City Planner; Tammy McKinney, Town Recorder; MO Eckel and Jeremy Armstrong, Town Attorneys

Guests: Stephanie Washam, Town of Brighton Board of Mayor and Aldermen; Shane Greer, Town of Brighton Board of Mayor and Aldermen; Rusty Norville, 317 W Market, Dyersburg; Josh Pittman, Pittman Surveying; Brantley Morris, Surveyor; Jonathan Murphy, 136 Windward Place, Brighton, TN

APPROVAL OF MINUTES

Minutes Approval: Regular Meeting November 25, 2019. Mr. Pate made a motion to approve the minutes as written. The motion was seconded by Ms. Timbs. All approved. Motion passed.

OLD BUSINESS

1. Oliver Acres Lot 11 Resubdivision (Ronnie Oliver)

Tennessee State Law allows for the subdivision of property into lots 5 acres or over without having to file a subdivision plan with the local Planning Commission.

The subdivision of one of these 5 acre properties into 4 1+ acre lots constitutes a legally created residential subdivision. The remaining question being the matter of public improvements required. Since the applicant states at the Planning Commission meeting that he was not requesting water and sewer service (he stated that individual wells would serve each lot). The developer has since gotten an agreement with Poplar Grove Utilities to extend water to this area. I do not know if this agreement preceded the recordation of the 5-acre lot subdivision or not. The Town of Brighton apparently assisted in the acquisition of this waterline, since the City could not economically provide water service to this area at this time. The Engineer is correct that extension of public water to this property would constitute requiring a subdivision plan submittal to the Planning Commission to establish who is to provide water service. The only question remaining is the nature of road improvements on John Hill Rd fronting the 4 new lots. Since the property in question is in the Brighton Planning Region the decision on required road improvements was left to the County Engineer by the Brighton Planning Commission.

The Brighton and Tipton County Attorneys should both be made aware of this situation so that the City's position can be confirmed or the subdivision approval for the property as a whole be re-addressed.

Rick Stieg was given the floor. This item concerns the entire Oliver Acres development. The fact that the applicant recorded a document at the Tipton County Courthouse to make 5-acre lots is legal under State Law. Per a conversation with the Town's attorney earlier today, State Law also says any extension of utilities requires a subdivision. That plat (document) needs to be submitted as a subdivision for the entire Oliver Acres property to the Town of Brighton and also to the Tipton County Engineer for the road improvements portion of what they would require under the subdivision since it's in the County.

Jeremy Armstrong, Eckel and Associates, was given the floor. He prepared a packet for the Planning Commission that lists/combines some of the relevant parts of the Brighton Subdivision Regulations along with some pertinent State Law. He read from T.C.A. 13-3-401 and T.C.A. 13-4-301. So whether or not Mr. Oliver has 5 acres or more on these plots, since he has run utilities to them; it is now a subdivision. Now that it's a subdivision, Mr. Oliver can't sell those properties until he has a registered plat for a subdivision. Mr. Pate stated that Mr. Oliver has already sold some of those lots. Ms. McKinney asked if the lots in question were the 1 acre lots or the 5 acre lots. Mr. Armstrong said if it was an approved subdivision then he's fine but larger lots can't be sold until they are recorded as a subdivision. Ms. Timbs said there were houses already under construction. He stated "that becomes an issue". The Town of Brighton Subdivision Regulations which applies to everything within the city limits and within their planning region gives an even more extensive definition to what a subdivision is. He read from those regulations. Mr. Stieg asked under the bonding contract what items would be included since no Public Improvements are being provided by the Town? Mr. Armstrong stated that

Poplar Grove Utility is fronting the money but it is going to become that the Town of Brighton will maintain it at some point. Mr. Pate stated that it was suggested a master meter be put in. Mr. Stieg verified that it would part of the Public Improvements contract and would be bonded through the Town of Brighton Planning Commission. Mr. Armstrong continued “the Public Way Servicing and Improvements under the Town of Brighton rules, it’s up to him to build the road To make sure the road is legal. Follows all the road regulations for the County/for the City”.

Mr. Stieg said we are going to require him to come back and file that 5 acre lot plan as a subdivision plat and have construction plans drawn up for the road improvements. The Town Planning Commission, the Town Engineer and the Tipton County Engineer will all have a chance to review the construction plans.

The plat presented at the November 2019 Planning Commission meeting has not been signed.

Mr. Armstrong suggested that in this situation, the Planning Commission needs to act on some level. **Regarding the Oliver Acres Lot 11, Ms. Timbs made a motion that conditional approval is rescinded; application is denied based on failure to provide the required paperwork and to follow the rules of the Brighton Planning Commission and the State of Tennessee Subdivision Requirements. Mr. Bridges seconded the motion.**

Mayor Crocker requested that Mr. Oliver be notified of the Planning Commission’s actions tonight. Eckel and Associates will send him a letter.

Mr. Huffman was given the floor. He is here as a property owner not a County Executive. He expressed concerns about the density of the road. Can you put a subdivision on a rock road? How much growth can the Town of Brighton withstand coming off that road? He also expressed to the Planning Commission that you should be cautious on what you approve. With what has been brought up tonight concerning this development, there are some serious issues.

Rick Stieg suggests a joint resolution that says anything that comes to the Brighton Planning Region on a subdivision basis gets joint review by the Brighton Planning Commission and the Tipton County Planning Commission. Mr. Huffman thinks that would help. He also suggested pulling the Planning Commission back to the city limits and have the County jurisdiction over the County.

NEW BUSINESS

- 1. Gaylon Tillman Resubdivision 492 and 604 Roseland Hill Drive (Ray Pittman)**
These were originally 3 lots recorded in the plat book 2, page 36 in Roseland Hills Subdivision. A revised plat was recorded in 1998 reducing the 3 lots down to 2. We are expanding the 2 lots back to 3 with a different configuration.
Sonny Pittman
Pittman Surveying

The Resubdivision is approved with the condition that a water contract for a new meter is required if one is needed.

Josh Pittman (Pittman Surveying) commented that Mr. Gaylon Tillman wants to build next to his

father's house. Where he wants to build, Mr. Tillman will need to acquire property from his dad and Lot 223, Mr. Myer. Mr. Pate asked if they have all agreed on the purchase and sale price, etc. Mr. Pittman said they had.

Ms. Timbs made a motion that we accept the plot for the Gaylon Tillman Resubdivision 492 and 604 Roseland Hill Drive. Mr. Pate seconded the motion. All approved. Motion carried.

- 2. Oak Acres Subdivision, Construction and Preliminary Final Plans (Brantley Morris)**
This subdivision was reviewed earlier in 2019 and was extensively redesigned before being resubmitted as a 15 lot residential subdivision with a half-acre detention area to be recorded as a permanent drainage feature.

A subdivision public improvements contract is being developed by Ken King, the City Engineer and will be presented to the Planning Commission for review prior to review and adoption by the Board of Mayor and Aldermen. Once the bond for public improvements is posted with the City the Plat can be recorded and lots released for sale.

The Construction Plans are recommended for approval, with Ken King's comments (see attached).

The preliminary plat is recommended for continuance until an official Plat containing all the information required on a Final Plan application (utility easements, signature blocks, etc) is included, and the Public Improvement Contract is brought before the Planning Commission.

Mr. Stieg had a copy of the revised comments provided by Mr. King, Town Engineer, to hand out to the Planning Commission. Concerning the detention area, Mr. Stieg and Mr. King suggested the plat be revised to make both of those adjacent properties meet in the middle of the detention basin. Give half to one owner and half to the other owner and make that part of their property. Mr. Norville, Engineer for the Developer, wanted the Planning Commission to know that they were only hired in December by the developer. They were not involved with any previous plans brought before the Planning Commission. Mr. Norville has spoken to Mr. King on several occasions. He brought another copy of the revised Review Comments. There are red highlighted items that have already been resolved with Mr. King. The only comment that Mr. Norville had a rebuttal to is under the STREET section under E. Mr. King had "increase back to back of curb dimension from 30 to 31. The Town's subdivision regulations state 30 ft. Mr. King didn't realize that. He agreed but the change didn't get added in his revised comments. It will need to be corrected if you approve pending his revised comments. Mr. Morris has also brought a revised plat that shows the proposed detention area.

Mayor Crocker mentioned that the neighbors are complaining about the drainage issues related to the clearing of this property. Mr. Morris, Surveyor, stated that the property owner did obtain a SWIP to clear the property. Mayor Crocker inquired about the drainage ditch. Mr. Norville replied that there is an existing ditch on Kenwood. That ditch can only be as deep as the downstream culvert will allow it to be. The culvert that will be placed at the subdivision entrance is a wider, low profile culvert. The detention basin will take care of any increased runoff from this subdivision. They will have to submit their approved plans to TDEC with the revised narrative because the property is different and more detailed. What the developer submitted before was

strictly for clearing.

There was a discussion about the traffic issues that this new subdivision will cause. Mr. Norville suggested speaking with Mr. King about a possible TDOT safety grant. Per Mr. Norville, a turning lane is not a requirement in the Town's subdivision regulation.

Ms. Timbs made a motion to accept this plat with Ken King's changes and a correction on the changes to increase back to back of curb dimensions from 30 ft to 31 should just say 30 as reflected in our subdivision rules pending the construction contract and the bond that will be provided to us before the final plat is signed. Mr. Pate seconded the motion. All approved. Motion carried.

3. Planning Commission Bylaws

Ms. Timbs had the floor. She stated the Board of Mayor and Aldermen have passed bylaws for Regional Planning Commission. The Planning Commission need to accept the bylaws. The five year term for appointed members begin when the bylaws are approved.

Mr. Pate made a motion to approve the Bylaws. Ms. Timbs seconded the motion. All approved. Motion carried.

Ms. Timbs made a motion to appoint John Pate as the Vice Chairman. Seconded by Mr. Bridges. All approved. Motion carried.

ADJOURNMENT

Mr. Bridges made a motion to adjourn the meeting at 8:20pm. The motion was seconded by Mr. Pate. All approved. Motion carried.

Sarah Crocker, Mayor

Tammy McKinney, Recorder