

MINUTES
MONTEAGLE REGIONAL PLANNING COMMISSION
JULY 6, 2021
Town Hall
16 Dixie Lee Ave
6:00 pm

PRESENT: **CHAIRMAN IVE MICHELLE RUSSELL**
 DORRAINE PARMLEY
 PETER BEASLEY
 RICHARD BLACK
 JANET MILLER-SCHMIDT

ABSENT: **MARILYN RODMAN**
 MARY JANE FLOWERS (CAME IN AT 6:20)

Chairman Russell called the meeting to order at 6:00 pm. After roll call Ms. Dorraine Parmley made a motion to approve the minutes of June 1, 2021. Mr. Richard Black seconded the motion and it passed 5/0.

BUILDING INSPECTORS REPORT – Mr. Earl Geary building inspector would like to revisit the R3 Zone. I actually pulled the old R3 that was from the prior zoning regs before they were changed and the first sentence in it says that anything in R1 or R2 that doesn't call for the committee to review it, can be done in R3 so, that was submitted in the last ordinance meeting. I have seen a great many people who are ready to buy property and ready to build a home. By looking at the zoning map Monteagle is R3. So I just want to go on record again, and ask if you all would revisit it. I think it is important to do. That would involve an Ordinance change. We talked about the landscaping at Lakeside Collision. The building permit was issued with the site plan that had been approved by the prior board, and there was some landscaping shown and some fencing shown on that prior approved drawing. However, when I did the final the landscaping was not complete, so I just gave him a temporary certificate of occupancy, basically I gave him 30 days to either get with you guys make what

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ever correction needs to be made. Or do whatever the site may call for. So that is where we are today. Christian stated that the original site plan right there where you see those little red boxes on the side of the road, that is where we are going to do our landscaping. But in real close proximity, there are some utility lines, some water lines and stuff, and the landscaping that we had for Father' day got approved. Well, it actually came into interference with those. So I talked with the street department, the water department guys and we figured if we do something above ground that would probably be the best route to go. So this plan we propose 6 wooden planters 12x12x20 each equally spaced in a single row, containing 12 3 gallon knock out rose bushes, so that whole side is landscaped, but it is going be above ground in planters, so if they ever have to work on the water lines, or if it ever need to be moved, it can be removed and then put back. That seems to be the easiest way to go about it. So that is what I have for your review. Earl added one more thing to that another issue we have down there is Christian has put up a fence that is not approved. So we have that issue to deal with also. The ordinance plainly says that the type of fence he is putting up is not permitted as a screening fence. Is it a chain link fence. The reason we brought the materials is because it was previously approved. So this time we didn't make any changes, because all the materials and everything had already been purchased. We didn't make any changes to the fence on this particular site plan. It was approved by the prior committee. Earl recommended submitting a revised site plan. This will be on the August agenda.

OLD BUSINESS

DEAN LAY -- He submitted an application for a zoning change. He thought he would be notified when it was on the agenda but was not and it was

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discussed at the June meeting, but he was not there. He would like to know the process. It can be on the agenda for the August meeting

The newspaper said, The commission denied a request from Dean Lay to rezone property from C2 commercial to R3 residential to allow for construction for apartments or condominiums, since Lay is not present to answer questions. Commissioner Richard Black noted allowing residential construction in the center of a commercial corridor could lead to future problems, similar to the current objections to the proposed truck stop. So it was discussed. And then your zoning ordinance as far as related to that, the only place apartments are allowed is in the R.... let me find it here, apartments and condominiums R3, R4, and Industrial, are the only 3 sections noted there. Past history, Monteagle Green Apartments, on Hwy 56 at the Tracy City city limits up there, it was changed from a C2, to a whatever is now, an R3 for apartments. You go to every town around here, and they have apartments and housing, in commercial zones. And you can even do it in Monteagle, if you wanted to. You could put it in an R1, under Mixed Use, but there is a couple catches to that. Mixed use Residential development, are intended to local high density housing developments in Commercial zones, with the goals of increasing pedestrian connectivity, making urban facilities and amenities accessible to residents and establishing and integrating residential components contributing to commercial activity and economic development throughout the Monteagle corridor. It goes on to list other things..... The problem you get into if you don't put it on a main street, the apartments going over to my house, I don't know what the name of it is now, anyway, over on North Bluff and Lee I guess. There are only 24 units of those, and it is very unsafe traffic. The garbage dumpster is right out there in the front, it is a health hazard. It is horrible. Where as Monteagle Green, has plenty of traffic, highway, there are no issues. Rogers Group developed Cliff Tops and spent millions of dollars, doing that, and this property was part of the Rodgers

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Group property. There are restrictive covenants in that property. They actually amended, their restrictive covenants, the only time it has been amended. It was amended to allow apartments and condominiums, in it. There is precedence, that this has been done. Use to in our zoning ordinance and stuff, it use to say, uses permitted in a zone, uses permitted on review. Sometimes it covered that and sometimes it didn't.

NEW BUSINESS

ZONING ORDINANCE AMENDMENT, that is a section 1105 Non-conforming use. Garrett Haynes reported this came up at the last Planning Commission Meeting. I recommended that we actually amend the section 1105 non-conforming uses and structures section and the ordinance is just a draft. I don't expect any action. This says, amending the Non-Conforming uses and Structures section item #6 under section 1105 the section reads, Non-conforming building containing non-conformed uses shall not be structurally altered except in conformance with provisions of this ordinance. This provision shall not be construed to prevent normal maintenance and repairs, or alterations required for structural safety. That is the exact language that it reads today. What I am proposing is, new language to this. In adding subsection a. Existing non-conforming single family dwellings, which are located within the C-1 corridor commercial district and the C-2 highway commercial district may be reconstructed and used as before.

Subsection I. This subsection is solely intended for properties that are in full compliance with the municipal and building codes, any property which is has had a violation in the last 24 months shall not apply. I would think that 24 months would be somewhat arbitrary in this stance, it could be 72 whatever you guys deem fit. Next Subsection "reconstruction used as before" shall constitute complete reconstruction as well as an addition or expansion to the primary

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structure. Subsection 3. accessory structures and uses may be permitted under this section provided the structure and use is incidental and subordinate to the residential and nonconforming use. So was this an address to the Maxwell situation that we found ourselves next to a C2 district, wasn't that what our confusion was? Right it was not recommended to rezone that portion of property, to R3 at that time. This wasn't to directly address that gentleman's property, it is a very common thing, in other communities.

Any questions on that? How would that help us? Essentially there is a lot of commercial zones that have single family residential structures, like in Mr Maxwell's case if he just wanted to add on a structure, add on a gazebo in the rear, or add on a porch, or anything to that primary house, add on a sun room on the back of his house, he couldn't do it at this time. I think that was his case, he couldn't add on to his principal structure, as a non-conforming use at this time. I think this would help out those types of developments.

You said someone who has a commercial property, but is living there?

Yes, a resident who has a single family residential home in a currently commercial zone. A lot of that comes from when the zoning took place originally, when they took big swathes of land and say, this need to be more commercial, then you go ahead and rezone it commercial but there is some residential there, and that is what makes it a non-conforming use. When it was rezoned commercial, the residential was non-conforming use. I think that is where that came from. Didn't we change it way back when, back in the day, people who had businesses, lived in their businesses. Didn't we change it to address that fact that, that's ok. It is if it is properly done, protected from the business/residential part. Yes But if it is in a commercial zone, and you want to live in it, it's got to look like a commercial building.

So it has got to be built and designed to look like a commercial building, most likely the business is in the front and the residence is in the back, and then it has to be fire protected. Because they are different fire zones.

Any questions on this? Because we are having to go through a lot of things.

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Mr. Maxwell is the one who made us think about this, right? And that is the property over next to the museum, and he currently has a residential property in a commercial zone. So this is to protect them, that are already residential. But if he sells it, at that point and time, it is no longer residential.

The non-conforming transfers with the property. Unless it has fallen out of use for 6 months. Someone can buy it and live in it. It is not the ownership, it is the use. Once it changes back to commercial, you can't change it back to residential. Because that would be contrary to the zoning. We are not voting on this, we are just having a discussion. It is good to have flexibility for non-conforming uses. Lets do that next month. Where does this apply in our growth plan? We will address this next month.

SOUTHERN TIRE MART -- Ms. Kelly Frank was present to present the site plan for this business. This will be an 8500 square ft building for tire sales. They will use the existing parking lot and will do landscaping along Trussell Road. There will be no entrance or exit on to Trussell Road. Garrett Haynes has reviewed and recommends approval. Ms. Dorraine Parmley made a motion to approve this site plan, as long as there is no access to Trussell Road and the landscaping will be done. Mr. Peter Beasley seconded the motion and it passed 6/0 on roll call vote.

PETRO DEVELOPMENT (RBT) SITE PLAN --

Sam Elliott City Attorney stated, Madam chairman and members of the council, each side has got attorneys here tonight. I have talked with both of the attorneys from both sides, what I recommend you do is allow each side 15 minutes to make their presentation, first the applicant and I talked with Mr.

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Leonard about that. They have an engineer here to make their presentation. You don't have to take the whole 15 minutes. Then Mr West and Mr Berry are here, they will make a presentation on behalf of certain residents who are known to oppose this. They have agreed that by them speaking it will keep their clients from speaking. It is my understanding that you may have one or two other people who want to have the 3 minutes they allow for this. If that is alright with the Planning Commission, we will invite Mr. Leonard or his clients to bring their engineer forth and discuss this project, and this site plan.

Mr. Rusty Leonard: Thank you Sam. Good evening. You have heard from me before, I think you would probably rather hear from our engineer, this is Jamie Sain. Mr. Sain is apparently well versed in what we are doing, what we have in mind. And what issues may or may not be prominent with this type of development. I know there has been a lot of talk about pollution, ground water, smog, fog everything known to man, the bottom line is, as we tried to indicate before. I don't think there will be any more traffic on top of this mountain, semi wise, than there already is. They only have one avenue and that is this highway that does right over the top of this mountain. They are going to come over the top of the mountain, they may not stop, on a particular day, but they will stop at some point. But it is going to be the same amount of traffic. So, whatever comes up to the mountain, is going to escape from the mountain as it always has. The difference is these machines are better built now. There has also been talk about prostitution, and there has been talk about pee in containers. We cannot alter all human behavior by building and constructing a business that we intend to operate. What we can do, is do the best that we can do to make sure that everything is done as best as possible. For the interest of the town and the public, as well as for the business. That is all we can do.
With that I am going to turn it over to Jamie Saine.

My name is Jamie Sain I represent Saddler and Associates. Mr. Saddler is out of town and he asked me to come and represent them, during this evening. So, we

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have submitted a site plan. Mr. Garrett Haynes has come up with a very in-depth review of our site plan. At any point we can go right into his review. I don't know your typical process, we can go through his review line item by line item, or I can just go through the site plan as a whole and then we can get to his review, whichever way you would like to go.

So, we have a site plan in front of you for a 24,180 Sq Ft proposed truck stop building. The site plan in front of you meets all the minimum requirements for the local requirements and TDOT & TDEC requirements with the state. In the beginning there was some wetland issues that were found in the rear of the property, those issues have been worked out with TDEC and have been addressed. The wetland issues for the wetland area is shown with a 30 foot buffer. There was some discussion of some sort of buffer between the residential properties to the east, and the north of the site. We are proposing a 8 foot tall masonry wall with brick on the residential side of that wall. There are 3 existing driveways going onto the site. We are planning to modify those entrances, but we have worked with TDOT and they have sent a letter of tentative approval pending the final permit being issued. There are still a few things that still need to be submitted to TDOT for that final approval, for the TDOT entrance permit. There will be 2 drive through's as part of the building as well as one set down dinning space. As far as parking spaces go we are well over the minimum requirement, for parking. There is a landscape plan as part of the site plan, we are well over the minimum requirement for landscaping.

I guess at this point I would like to answer any questions anyone may have. I know there was a question about lighting. There is a request that the exterior lighting follow the IDA/IDS model lighting ordinance. The city is planning on implementing it throughout the town. So, without that currently being adopted, can that be required? That is the question I have. But we do have a plan for an electrical engineer to a site lighting plan. I am sure that would be required from head to do that. At this point if that is a requirement, we would like for that to be a contingency as part of the approval of the site plan. You can approve the

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site plan, with that it requires some additional lighting. The local planner agrees with this. So, if that is part of what needs to be done. You can certainly make that a condition of the approval. Even though it is not required currently in the city ordinances? Yes I see the note that says not currently required in our ordinances.

Ok I know the second item was, our concern is for the neighbors.

Garrett: I will speak on that, but I wanted to reintegrate additional approval on the site plan section 1006 it lists the different methods of taking action on a site plan: the planning commission has the authority to conditionally approve it. If the site plan is found to substantially comply with all applicable requirements and only minor revisions are needed, the planning commission may grant approval subject to submission of a final revised site plan to the planning staff and/or the enforcement officer.

Oh and the tying of the projects together, it will be one Rocky Top and RBT will it be one cohesive plan. The developers may want to speak on this. There is a 50 foot wide easement, that will be along the existing building there, for large truck traffic to exit out onto Foresite Ave. We are doing 2 phases, there will be phase I and phase II.. So what you have in front of you is phase I. You have already conditionally approved phase II. You did that last month, but that will happen after we are done with phase I. So, it will all be encompassed, that is part of the TDOT review too. Is making sure we have done all that. We talked about weather or not we were going to build the 8 foot wall on top of the burm, which would effectively make it a 12 foot wall, and just from an engineering stand point we haven't been able to get everyone to sign off and say that that will work. The issue with the large burm would be of course when ever you have a burm, you have to have a slope coming off of that burm, and by the time that you get the slope that you need, you would be right in the middle of all that strip of parking along the rear. So basically 27 parking spaces would go away at

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that point. My question was, on the wall, it is a nice barrier, but is there also planned landscaping on both sides of the wall? There will be landscaping, there is an evergreen buffer that will be on the exterior of that wall, as well as, the normal landscaping that is throughout the site. So there will be 2 layers of landscaping between the wall and Trussell road and the rear.

It would be on sheet L1 of the site plan. It should be the very last page.

Then you have the normal landscaping that is throughout the site, then you have the 8 foot wall that is on the interior of those. The wetland area will remain undisturbed. Then you will have a 30 foot buffer that is along the edge of that wetland area. It is pretty close to the edge of the curb along the side.

I know that right now there is some kind of old access on the side street and things like that. Those will be abandoned, gone over, to disappear?

Yes, at the end of construction, the site will look exactly like it does on the plans.

Earl - Well, I guess my biggest input would be, this is going to be a very contentious project. It has been from the word go and will be that way, if you guys go ahead and decide to approve it. I would just say it is very important, anything you guys want needs to be on that plan. There is no gray area. I don't want someone coming to me in the middle of the project and saying, well we said we were going to do it this way, but now we want to do it this way.

Unfortunately, it is your call, and you are asking some really good questions. But just remember, you and I talked about this. Just make sure that whatever we do that it is on that site plan the way it is going to be.

Between the two properties, the phase II and phase I what is our requirements between commercial properties, is it just landscaping that we have to have, or any type of screening we are suppose to have, between two different properties? Other than what is proposed here. I mean do they have to have any kind of fencing, or just landscaping?

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Garrett- Let me look it up and make sure I am telling you absolutely correct. C3 to C3 it does require a screen. Landscape screening

Which is what we are seeing here. So, it is my understanding that we have phase I and phase II but phase I is going to include a 15 foot wide easement, is there a deed or something that needs to be done for that?

Yes ma'am, so that would have to be deeded, that would not be done until the site plan is approved. But yes, it would have to be deeded at that point.

Yes, that is what they actually wanted. They were concerned that, they didn't want us to have another situation like we already have with the neighbors, where there is only 1 way in and 1 way out, causing congestion right there. So they were the ones who came up with it.

**The 2 entrances straight in from of the proposed building would be your regular car traffic. Then the large trucks would come in the exit just to the North of those 2 entrances, and then they would exit out on Foresite Ave.
And just for clarification, how many truck parking spots are there?
There are 117 tractor trailer parking spaces.**

Sign permit will come at a later date.

Mr. Dudley West --

Thank you Sam. My name is Dudley Wess, Doug Barry and I represent Monteagle residents William and Janice Fairing, William and Mary Beth Best, James R. Barry, Carl and Tammy Nunley, Catherine Peal, and Ron and Sandra Tarrell.

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Our clients live very close to the truck stop. All of them live within approximately 200 feet of the truck stop line. They are strongly opposed to this truck stop. Now I have a couple of housekeeping matters. Prior to the continuance of the initial hearing scheduled for May 6th, we submitted a letter dated April 30, 2021 to the city attorney, which was distributed to the planning commission, together with exhibits the same day. The letter and exhibits discussed the reasons why our clients opposed approval. We requested this binder containing a copy of the letter and exhibits be made part of the record of the Planning Commission, in connection with its consideration of the applicants site plan. Also, on July 2, 2021, after the proposed Site plan was revised, we submitted a letter in supplement to a report prepared by Monteagle resident Jim Waller, which was exhibit 3 to the binder. We also requested that our July 2, 2021 letter and Mr. Waller's enclosed supplement, be made part of the record. Finally, Mr. Waller provided a report which is exhibit 3 in the binder, and he had a biography attached to that report. We have an addendum to his biography. It is a document entitled addendum to bio James E Waller PE. Dated July 6-2021. I provided a copy of it to the city attorney. Prior to the meeting. We ask that also be made part of the record. All 3 of those have been provided to the town clerk. There are many reasons why the site plan should not be approved. Which are discussed in our letter and in Mr. Waller's supplement, in detail. Pursuant to section 1006 the planning Commission is required to review the site plan for compliance with all requirements of the zoning ordinance, the applicant has the burden to show compliance. Pursuant to section 540 the site plan must comply with all general requirements as well as specific additional requirements for truck stops. Respectfully the site plan does not do that. The truck stop will create public health and safety issues, which have not been adequately evaluated and addressed. The issues include increased traffic, environmental pollution, water drainage, noise, exhaust and health risks for residents, lighting, landscaping and screening. All of these issues are discussed in our letter. Due to our limited time tonight, however I want to focus first on the most fundamental reason this site plan should not be approved. The most fundamental reason this

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site plan should not be approved is because the site plan creates and unacceptable risk the truck stop will pollute Laurel Lake, the primary source of water for Monteagle. Monteagle resident James E. Waller West Point Graduate, and accomplished engineer has carefully examined the original site plans as well as the revised site plan drawings, recently submitted and concluded that the drainage from the truck stop fueling stations will drain into a tributary of Laurel Lake, Monteagle's primary water supply reservoir. Mr. Waller has concluded that that approval of the site plan will create a signification risk that Monteagle's primary water supply will become polluted, by run off from the truck stop. As I mentioned Mr. Waller has prepared a report, exhibit 3 in our binder. After revisions were made to the site plan, he prepared his supplement. His report and supplement respectfully merit careful considerations and study by this planning commission. Section 1008Q of the zoning ordinance required that site plans contain "plans for collecting storm water, and methods of treatment" Mr. Waller's report and supplement demonstrates that the site plans so not contain adequate methods of treatment. Unless the applicant submits plans which contain adequate methods of treatment, and which eliminate the risk of pollution of Monteagle's primary water source, this truck stop project should not be approved. It is important to note that Waller's conclusions are not based on speculation. Mr. Waller carefully evaluated the site plan, and the revised site plan you are being asked to consider to approve tonight, and reached his professional opinion, based on the revised site plan you have before you. The bottom line is that the site plan does not comply with storm water requirements. And in light of the risk of pollution of Monteagle's primary water source, it is not in the best interest of Monteagle residents, for the planning commission to approve the site plan. There are other significant issues in addition to environmental risks, I would like to discuss 2 more. First traffic, and secondly the impact of this truck stop on our clients. First traffic. The truck stop will be huge, over 13 acres. It will accommodate approximately 117 trucks and over 200 vehicles. It will be located next to an already existing truck stop, Pilot truck stop that accommodates 80 trucks. It will be located next to an exit 135

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that TDOT has recognized is short. And it will be located where traffic problems already exist along Dixie Lee Highway. It will be located across from the Chinese restaurant at which truck drivers eat, and across from the ball park. In our exhibits we have included a thumb drive, which is exhibit 5 and numerous photographs showing existing problems with traffic back up in the area. The potential for serious accidents is significant. As everyone knows the chemical spill on April 23, 2021 from a truck in the same area required roads and schools to be closed and residents to shelter in place. If there had been an explosion, it is possible that our clients homes would have been destroyed. Despite the glaring existing traffic problems, no traffic study has been presented to the city and properly evaluated. It is important to note that traffic will be impacted not only at exit 135 and near the Pilot truck stop on Dixie Lee hwy where problems already exist, but also at exit 134 and throughout Monteagle, particularly when traffic backs up on exit 135 require trucks to exit 134 and drive through Monteagle to reach the proposed truck stop from the west. The point is that a thorough traffic study should be conducted and presented to the city, and carefully evaluated before this site plan can be approved. Finally I would like to discuss the issues with noise, exhaust and impact of the truck stop on our clients. As I said our clients live within 200 feet of this proposed truck stop, and some within 50 feet of the truck stop line. Our clients have taken aerial photographs of other Petro truck stops in TN, and it appears that our clients houses will be closer to this truck stop than any houses at any other Petro truck stop in TN. In other words, in other places in TN, where truck stops are located trucks are not as close as they will be here, to our clients. The impact is already being felt. Property values are already projected to decrease. Exhibits 35 & 36 in our binder, show projected decrease in nearby home values by approximately 47%. Noise has already become an issue, because the developers cut all the trees. It noise issues will only become worse when trucks are parked near by with engines idling. Because our clients homes will be closer than and other homes to a truck stop. Before this truck stop should be considered for approval, the planning commission should take all steps possible to insure the issues with

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noise, exhaust, lighting and screening are minimized. Exhibit 22 in our binder is a letter from Jan Ferring, who lives within 50 feet of the truck stop lot line. Requesting steps to minimize the intrusion into their lives. Her requests are not unreasonable. Her requests include, with regard to run off, insuring that there is no run off from the truck stop, into their yard, as they have already experienced. Noise, to reduce noise in addition to a wall and evergreen trees consider a berm to raise the height of the wall. They talked about a berm, but it should be noted that the proposed wall is 8 feet tall. The average truck height is 13 feet. To reduce noise, implement rules, making parking spots directly across from homes, not open to trucks with refrigerated units that must run all night long. Also implement rules requiring trucks to back into parking spots so the engines and exhaust are not next to the property line. Now with respect to lighting, that has been discussed. It is addressed, in the zoning ordinance. Section 540E of the zoning ordinance states with regard to truck stops, it is in the truck stop section, lighting at such facilities shall be arranged to minimize glare and reflection on adjacent residential properties and public streets. I will read it again. Lighting at such facilities shall be arranged to minimize glare and reflection on adjacent residential properties and public streets. My review of the site plan and I believe Mr. Waller's review of the site plan, the drawings show no lighting. Or evidence of compliance with section 540E, Site plans should be required to show the lighting, the nature of the lighting. How do you know it is going to minimize glare if it doesn't show what the lighting is going to be. Screening, the ordinance requires appropriate screening. Section 706 screening is particularly important in the project. As previously mentioned the fence proposed is only 8 feet tall. The average truck height is 13 feet. 5 feet higher. Section 706 sets up minimum screen requirements. My understanding is that the applicant proposes only 6 foot holly trees placed 10 feet apart. This is not enough. Section 706 has a note that says, the matrix of this section applies generally to the developments and land uses within Monteagle. Additional screening may be required for certain land uses. This is a land use that requires more screening, respectfully. 6 foot Holly Trees placed 10 feet apart, is simply not enough. Each Holly tree is

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required to have an expected spread of 8 feet, this growth will take a long time, if it ever happens. Therefore additional screening, should be required. In conclusion, in light of the unacceptable risk of water pollution, as well as issues described in our letter with traffic, water drainage, lighting, landscaping, screening, noise, exhaust, and the tremendous impact of the lives of nearby property owners, we submit that the Planning Commission should not approve this proposed site plan. We also submit that before approval can be considered at a minimum, the Planning Commission must be satisfied that first the risk of pollution of Monteagle's primary water source has been eliminated. Second, a thorough traffic study must be done, and thoroughly evaluated. Third, all possible steps designed to mitigate the impact on nearby home owners must be agreed to and implemented. I will save any remaining time for rebuttal.

Garrett – So this site plan has been thoroughly reviewed, it was submitted, I can't remember exactly which date it was submitted on, but the full review was sent out on June 15th, 2021. that review covers everything that I consider in my review of site plans, that goes through landscaping, parking, screening, screening fences, it goes through everything that is required for a site plan. After reviewing it, and reviewing it again, the revised site plan that has been submitted and you have before you, meets the requirements of the Monteagle zoning ordinance and staff finds no reason to deny the site plan, based on that.

So in respect to lighting, he is correct it does address that lighting should be oriented in a specific fashion, it doesn't require that it be shown on the site plan, that is why I am not requiring it to be shown on the site plan.

So there is no specific language, it should be addressed, but, Sam correct me if I am wrong, that can be shown or inspected by Earl at the time of installation, correct? So have a separate lighting plan as an addendum?

What will happen is when the lights are installed the building inspector will determine weather or not they are in compliant with the zoning ordinance.

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Earl – Typically what I would do is, I require a licensed engineer, or architect sign paperwork that they intend to comply.

**Both state agencies are aware of the site plan to my knowledge they have reviewed it, and both deferred to their legal counsel, for comment.
Because lawyers are involved on both sides here?**

Mr. Waller - I am a private citizen, and an engineer. I hope you will give me some leniency, I have had Covid-19 lung damage and I may not be as quick as you would like to have me, in three minutes. I would like to have an exhibit put up here, Exhibit 2, seen in your supplement that I submitted with my April 26th report. In my supplement I describe the flow of rain water within and off of the paved Petro site, into the Monteagle storm sewer. I found doing a 10 year mean return interval rain storm over 1.75 million gallons of water, untreated from run off, will flush the property of Laurel Lake into Monteagle's primary water supply. You can see the drawing here, the water flows Northernly and Westernly, and to a point and the property, just off of the property in the north west corner, which is an inlet drain to an 18 inch diameter Monteagle storm sewer drain under Sampley street. You can see it underneath the corner there. After that water gets to the north side of Sampley street it enters another section of pipe and goes under Main Street or South Dixie Lee Ave, I'm sorry, to the south parking lot of the post office where there is also an inlet, then it proceeds north on the northeast side of Maybe Street, to a catch basin on the west side of the post office, which takes other pipes into that intersection. Then it flows south west through a 3 foot diameter storm drain pipe in the Monteagle drainage system it is flowing under Maybe Street, and the property of the Lakeside Collision. Now, there are no provisions on the site plan for collection or treatment of the storm water run off. In spite of what Mr. Garrett says it is not there. I am an engineer, I designed the Miami International Airport, another airport in Greanich, I can read any engineering document that is out. Weather there is

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collection and treatment of storm water drainage, there is not. People of this city deserve this commission to consider the risks to the pollution and contamination of the Laurel Lake to which this run off will go. Down through the system of Monteagle into an open drainage way, into a creek that will put it directly into Laurel Lake. Do we want to buy water from the Tennessee River and have it pumped up to some new Lake that we are going to have to pay for and have designed? I don't think so. I think if you approve this site plan under any conditions, even if it is conditionally based on some other stuff coming in, it is a travesty and a risk to the health and well being of the people in the city of Monteagle.

There are actually 3 detention ponds as part of this site plan. As far as the rate of run off. The post development run off is a little over half of what the pre-development conditions are there currently. So there is less run off Post development that there is out there right now.

So my understanding is that when we have a big old gully washer storm that comes through, from what I have seen all these the down spouts and things are draining into the detention ponds, which then are filtering in and slowing down the water that are then being deposited into what Mr. Waller was speaking of. Into this one drainage There are basically 2 different areas that water leaves the site. 2 of the detention areas their out structures go into the wetland area. They eventually leave the site at the northwest corner. Also there is a small detention area where the run off will go out onto Sampley street and I believe that feeds into the Dixie Lee Ave area. In these detention ponds, are there any measures that help filter this water, so that it isn't much environmental issues into this main water source, that has been spoken of. So in the detention areas there will be grass. Of course whenever water is detained, poisons are going to fall out of that water. Eventually it will flow out into the wetland area where it will sit, and sitting there it will also fall out as well. As far as pollutant requirements we are

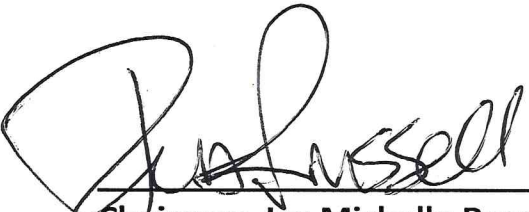
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meeting, with this site plan, we are meeting the requirements of local and state requirements regarding run off and pollutants and things along those lines.

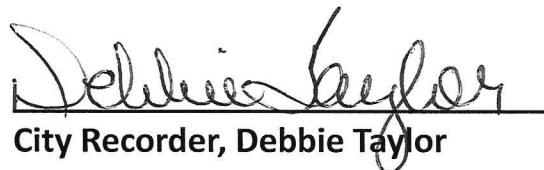
After a lot more discussion Ms. Mary Jane Flowers made a motion to approve the site plan with 3 conditions. 1) Increase screening of evergreens 8 to 10 feet in height, 8 feet apart but staggered into tow rows. 2) Lighting in accordance with the IDA/IDS model lighting ordinance. 3) 30 foot buffer, be closed on Sampley Street and continue across Overton Street. Mr. Richard Black seconded the motion and it passed on roll call vote 6/0.

There being no other business the meeting adjourned at 8:28 pm.

Respectfully Submitted,



Chairman, Iva Michelle Russell



City Recorder, Debbie Taylor