

Agenda

Fairview Planning Commission January 9, 2024 Regular Meeting @ 7 p.m.

Chris McDonald, Chairman
Emilee Senyard, V Chairman
Hayley Schulist
Mayor Lisa Anderson
Salvatore Cali

Brandon Butler
David Magner
LaRhonda Williams
Shonda Schilling

- Call to Order
- Roll Call
- Opening Prayer and Pledge
- Approval of Agenda
- Citizen Comments (*limited to the first five citizens to sign in and three minutes each*)
- Approval of Minutes:

- **December 12, 2023, Regular Meeting**

OLD BUSINESS

NEW BUSINESS

1. PC Resolution **PC-01-24**, Development Plan, Avonlea Subdivision, 32.24 Acres, Map: 043, Parcels: 31.00 and 30.01. Current Zoning: RS-15 POD. Property Owner: Inanna GP.

BONDS AND LETTERS OF CREDIT

1. Goodwin Farms Reclamation Bond Release
2. Goodwin Farms Performance Bond Reduction \$509,183.00
3. Cedarcrest Townhomes Reclamation Bond \$2,032,294
4. Cedarcrest Townhomes Performance Bond \$4,41,132.00

REPORTS FOR DISCUSSION AND INFORMATION

- City Planning Staff
- City Manager
- City Engineer
- City Attorney

PLANNING COMMISSION ROUNDTABLE

ADJOURNMENT

MUNICIPAL PLANNING COMMISSION MINUTES

December 12, 2023, Meeting at 7 PM

Chris McDonald, Chairman
Salvatore Cali
Shonda Schilling

Emilee Senyard, Vice Chairman
Lisa Anderson
Hayley Schulist

Brandon Butler
David Magner
LaRhonda Williams

Staff present: Tom Daugherty, Rachel Jones, Keith Pasiley, Ethan Greer, Patrick Carter, Curtis Broadbent, Kevin Chastine, Will Owen, Bree Bailey, Jamey Meadows

- **Mr. McDonald called the meeting to order at 7:00 PM**
- **Roll Call by City Recorder**

	PRESENT	ABSENT
Mr. McDonald	X	
Ms. Senyard	X	
Ms. Schulist	X	
Ms. Anderson	X	
Mr. Butler	X	
Mr. Cali	X	
Mr. Magner	X	
Ms. Williams	X	
Ms. Schilling	X	

- **Prayer & Pledge led by Mr. McDonald**
- **Approval of Agenda**

Motion to approve: Ms. Williams
Second: Ms. Senyard

	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Ms. Senyard	X				
Ms. Schulist	X				
Mr. Butler	X				
Mr. Magner	X				
Mr. McDonald	X				
Ms. Schilling	X				
MOTION PASSED 9-0					

- **Citizen Comments - None**
- **Approval of Minutes**
 - **November 14, 2023, Regular Meeting and November 27, 2023, Work Session**

Motion to approve: Mr. Magner
Second: Ms. Williams

	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Anderson	X				
Mr. Cali			X		
Ms. Williams	X				
Ms. Senyard	X				
Ms. Schulist	X				
Mr. Butler	X				
Mr. McDonald	X				
Mr. Magner	X				
Ms. Schilling	X				
MOTION PASSED 8-0 (1 Abstain)					

- Old Business - None

- New Business

1. PC Resolution PC-40-23, Development Plan, Bellehaven Ragan Smith Associates – 0 HWY 96, Map: 021, Parcel: 021.01. Current Zoning: RM-8 PUD, 484 homes on 251.16 Acres. Property Owner: WUSF 4 Bellehaven LLC.

Motion to approve as amended: Ms. Schulist
Second: Ms. Senyard

	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Anderson		X			
Mr. Cali		X			
Ms. Williams	X				
Ms. Senyard	X				
Ms. Schulist		X			
Mr. Butler	X				
Mr. Magner	X				
Mr. McDonald	X				
Ms. Schilling		X			
MOTION PASSED 5-4					

Staff Report

City Planner, Ethan Greer

Good evening Planning Commission. Thank you for being here. The staff report for PC 40-23. For the project Bellehaven the application type is development plan. The applicant is Jay Easter with Ragan Smith Associates. This property has been brought to you previously and at the work session a couple weeks ago and this is not the first time you've seen a development plan from this group. Mr. Jay Easter has submitted on behalf of Anthony Sparrow with Walton Group a development plan for Bellehaven subdivision. Bellehaven is a proposed neighborhood on 251.16 acres containing a mixture of single family detached residences and attached townhomes. The neighborhood contains a 2.61-acre location for an amenity center along with 1.25 miles of walking trails. Of the 251 acres 90.75 acres, 36% of the site is designated as open space with an additional 30.09 acres set aside for a sanitary drip field. The neighborhood contains 484 total homes on three different sized single family detached lots. The lot sizes are type A - 95 feet by 150 feet, type B - 75 feet by 130 feet, and type C - 57 feet by 120 feet. The overall density of the proposed neighborhood is 1.93 units per acre. The

neighborhood is located on 2 parcels Tax Map 21 Parcel 021.00 and Tax Map 18 Parcel 41.00 which are zoned RM-8 PUD Multifamily Residential District and contain the 251 plus or minus acres. The properties for Belhaven are not located within a flood hazard area zone X as indicated on FEMA firm panel 47187C0020F. Tonight we are here to determine substantial compliance. This project was approved in 2008 by the Board of Commissioners as a RM-8 PUD planned unit development. That language has changed in our documents to now be planned overlay development. Within that you begin with a preliminary master development plan and then you are asked as a Planning Commission to determine if a development plan is in substantial compliance with their preliminary master. The items that you are being asked to address tonight and look at and evaluate in your determination is that a site development plan shall be deemed in substantial compliance with the master development plan if it does not involve any of the changes outlined below. If it does not violate any provisions of this article unless specifically noted on the previously approved controlling document of this planned overlay district. It does not reduce the minimum lot sizes, minimum building setbacks or minimum lot widths. If it does not involve a reduction of more than 5% of the area shown on the master development plan as reserved for open space. If it does not increase the total square footage of floor area proposed in the master development plan for nonresidential use by more than 2%. It does not increase in the overall density, nor an increase in the density of any specific phase of the development. If there are no changes to roadway alignments or lot layouts that significantly deviate from the approved master development plan. If there is not land that is included outside the boundaries of the approved planned overlay district. And if they do not involve any land use not specified in the approved controlling document. In any instance where a site development plan including minor changes authorized under the provision of subsection 10 - 203.8 is found did not meet the test of substantial compliance that I just read as set forth here in such plans may only be approved upon adoption of appropriate amendments to the planned overlay district.

Discussion

Scotty Bernick: I'm a landscape architect with Ragan Smith and Associates. I'm here on behalf of our client, DR Horton. As mentioned I want to specifically address a little bit of the plan for some of the ones that weren't here at the work session and then also because of the work session respond to some of the substantial compliance items and address those. I think that was a concern in an item that we heard. First part of looking at a site development plan is we assess the zoning that's in place obviously that's the 2008 PUD that's in place. Second, we assess all of the other controlling factors and controlling factors is important because that's looking at current codes, current subdivision regulations it could be hydrological or emergency connections those types of things. You know, as part of this process, we did a hydrological assessment on the property to identify potential wetlands, streams, wet weather conveyances and the regulatory buffers that are associated with each of those items. We also done a lot of due diligence with the utility provider specifically, here, the Water Authority of Dickson County, we consulted a lot with city staff. We've have followed a lot of the recommended processes. As you know, we've been before you specifically to try and amend the previous PUD and was stated that was an option that went through that was not successful so with a different approach we're doing tonight is here to provide a plan that's compliant with the zoning that's currently in place. We also met with the Fire Marshall, the Fire Chief throughout the process and sort of on the plan as we talked through some of these items. I wanted to point out a little bit about the layout. You'll notice that we're still maintaining the six external points of ingress/egress. There's one off Hwy. 96, one off Northwest Highway, one off Dice Lampley Rd., two off Anderson Road and one off Elrod Rd. Internally, we've made some improvements to the circulation internally to the development. We've done that to minimize impact to the natural water resources of the site. We did that to meet road geometries requested and required by staff and we did that to meet connectivity requirements per our conversations with the fire Marshall and the Fire Chief. This plan here shows 483 lots. That's a density of 1.92. There was a difference in the number, this is 1 less than a couple weeks ago when we're before you and we'll mention that a little bit later. There is a decrease in 242 lots. Which is 33% less than the approved 725 lots of the approved plan. This is sort of a phasing plan I just wanted to highlight a couple items. You know, as mentioned, there's naturally less overall density on the site with the decrease of lots. More specifically, there's equal or less density per phase. That's another sort of key component that we're looking at. The lot sizes exceed the minimum

standards of the 2008 plan, the minimum standard of 2008 was actually a 5400 square foot lot. That's with the zoning or zoning, says. Also, part of that plan there was some diagrams that convey plot types A, B, and C and they gave some dimension criteria on those. Our proposed site development plan honors and respects and meets those exact dimensions of the 2008 plan. So, no changes there. Wanted to talk a little bit about lot distribution of the layout, what I mean by that is the typology of lots A, B, and C. On the bottom you'll see the 2008 approved PUD highlighting the colors of the different lot sizes and that's important because there's placement of lot sizes and density and how that was oriented on the approved plan. As you'll see, sort of on the top, we follow the design intent of that exact plan, locating the type A, B, and C lots as well as the D which are the townhomes in these same locations. Per our work session a few weeks ago we were asked to consider making several of the lots near Hwy 96 to be the medium size lot size We incorporated that change with this plan. That was the difference in the lot count being one less but again, those are 10 lots closest to Hwy 96. So again, sort of, you know, talking through design intent I think design intent is a big thing that we look at right. The design intent of the approved plan with a lot types are sort of responding to those. We removed lots which was previously in the phase three section of the 2008 pud. We did that after meeting with the utility district. I wanted to highlight, obviously we're proposing an increase in open space. This is an improvement to the 2008 pud. I'll talk through some of the amenities that were proposing and provide some imagery on here. Let me first say with the open space the new requirements if we were to do a pud today, the new requirements would have us do so much open space and then a percentage of that open space would have to be improved. Although our site development plan is regulated by the 2008 PUD we're still meeting the current day standards and exceeding the current day standards with the development plan to again try and honor the intent of what the city is wanting so, you'll see some really nice amenity spaces as part of this development. You'll see a dog park, a picnic pavilion, playgrounds, a wetland overlook and walking trails throughout. When I say walking trails there's a couple different types. We have sort of the natural primitive trail like you would see in a State Park, right over a mile of trail internally into the road system. The streetscape itself is one of the best amenities of the site with over probably 9 miles of sidewalk. So, when you add those together you're getting a massive amenity that's really a great place, those neighborhood making components that will make this a wonderful development. We're also maintaining the 30-foot perimeter buffers along the side. We're honoring all 16 conditions of approval. The conditions of approval were the site notes that were on the original 2008 PUD. Next part I said I really wanted to respond as we heard at the work session to go through substantial compliance and address those items. We submitted a very detailed letter with our last application that addresses each item specifically. Also, as mentioned, there are 8 items that are substantially compliant in addition to those eight items there are other controlling factors that have to be assessed in order to say we're substantially compliant, so number one, I'm going to paraphrase some of these out of respect for everyone's time. Do we violate any provisions of the article not previously or specifically noted and so this plan is not violating any of the 8 substantial compliance items of the zoning ordinance article 10-203.5. This article requires compliance with other controlling factors which were meeting. The zoning Article 10-204.4 .2B requires the development plan to comply with all other standards. We met those, so two places in the zoning ordinance sort of reflects other standards that we must meet in addition to the 2008 PUD. The development plan, as I mentioned earlier, honors the design intent and the spirit of the approved PUD. Number two was specific to minimizing lot sizes, setbacks and lot widths. The site development plan we submitted meets all of the minimum building setbacks, minimum lot sizes, and the lot widths of the 2008 plan. Number 3 of substantial compliance speaks to involving a reduction of more than 5% of the area shown on the master development plan, obviously our site development plan does not reduce open space. We're increasing the open space. Number 4 references the total square footage of floor area, that's not applicable to the site. That's specific to nonresidential use so therefore, we're not increasing square footage. Number five under substantial compliance speaks to in an increase in overall density and an increase of density sort of per phase. The site development plan does not increase overall density, we've actually decreased density. The site development plan does not increase density in any specific phase of the development. More specifically, the phases provide the adequate horizontal lot area per each dwelling unit. On compliance side of number six changes to roadway alignment or a lot layout, do they significantly deviate. I think that's the key word as we're

using and looking at terms. We learned last week, and we heard, you knows significantly deviate is not defined in the zoning ordinance. What we can do though is use interpretation of the zoning code of the subdivision regulations that we have before us to help us understand the intent. So, in the subdivision regulations article 2-106.110 number one and two it actually indicates differences in minor and major revisions. It says that insignificant road shifts and streets are defined as minor and goes on to say revisions determined by the city planner, by the city engineers that constitute public interest are defined as major. So, I sort of wanted to break that down a little bit. Understand on the proposed site development plan, you know there's minor internal road alignment adjustments done to comply with current standards, these minor adjustments are done to comply with city staff request, those minor alignment adjustments are made to comply with the hydrological features on the site, the minor adjustments are made to protect the health, the safety and the welfare of the community. They do not constitute a negative major impact towards public interest. No major adjustments to the external roadway, public right of way alignment connection points have been made. Again, when we look at the site, there's external points are the points that follow along existing public right of way, right of way that's already there. Moving those, let's say significantly moving those drastically could constitute public interest, what's happening that we're maintaining those points internally, we're evolving and improving the road layout to respect the sub regs, the zoning ordinance what we should be doing good design. We're doing the right thing here; we're getting it right. The 2008 PUD was also approved when road alignment wasn't even considered as one of the substantial compliance items, there were only six at the time. So, at the time the approved PUD was done, there is specific notes in the language that says you also have to meet these other factors, other hydrological features. At the time when the PUD was drawn and approved there was understanding that these adjustments, these minor tweaks, would likely be considered on the plan and that's what we're showing here. Zoning Article 10-203.5 identifies other controlling factors as means to determine substantial compliance. Minor changes or minor deviation to be in accordance with other controlling factors is actually required to be substantially compliant. What I mean is we're making changes, minor changes here so that we are substantially compliant. These are required by all of these other factors that we have in place. The lot layout complies with the intent and the pattern. We looked at the lot types and the placement of it, we've incorporated comments from the work session a few weeks back. Zoning Article 10-203.5 does not deem a decrease in lot density a violation of substantial compliance. As mentioned, the site development plan eliminates remove slots in the previous phase 3 area of the plan to meet the current standard of the Water Authority of Dickson County. Number 7 It talks about including the land area beyond this area. We're not proposing to obtain more land and bring it in. Not really applicable there. Number eight talks about compliance, does it involve any land use not specified in the approved controlling documents. The site development plans does not introduce a new land use. In response to some of the dialogue we heard at the November 27th work session, there was some confusion and a little, maybe misclassification of the essential utility service that were being required to use by the authority district. Opposition had incorrectly suggested that we're proposing a centralized sewer impact facility. This misclassification would suggest that this is a new land use. Were in fact our site development plan, what we've brought before you is proposing an onsite decentralized sewer system. Also, a part of our application was a letter and a very detailed letter going through the different types between a centralized and decentralized, what that means was provided. We also have some representation here tonight that can talk through that a little bit more. During our November 27th work session, the Commission asked about zoning classifications of other developments with very similar types of onsite decentralized systems. Although we found several, there's a couple I just wanted to note. Cumberland Estates and Otter Creek, I can provide the map parcel if needed, both of those were improved with sort of similar on site decentralized systems. But the part I wanted to note is that each of those developments are zoned R-2 zoning classification. What I'm suggesting is the land area, the overlay of the zoning designation on top of that system is residential, it wasn't rezoned to a higher use to provide that. So that classification further supports that the onsite decentralized sewer system is an essential utility service associated with residential activities and is not a land that you would find under extensive impact facilities that would have required a different zoning. So again, few weeks ago we heard it was this type of system which would be classified under the type of land use, I'm not disagreeing with that but that's not what we have. It's

a different type of system altogether. I think that's important with some of the other plans that have been approved before the board. The site development plan is consistent with the 2008 PUD and that both the 2008 and our site development plan indicates this property will be served by the Water Authority of Dickson County, so no difference there, right we're being served. Subdivision regulation Article 5-103.303 requires the site development plan to note areas for decentralized on site sewer system when public sewer is not available. So, since conventional public server is not available anymore, this is the time we're following the exact protocol, the procedure, the timeline to indicate this is the system that is in place. This happens with the development plans; we're following that timeline. In closing, you know we've worked really hard to follow all those staff guidelines. We had a plan that we were going in a different direction with a different process zoning process that was not successful. It was a great plan. We're looking back at what we have to work with. We're equally making a great plan that follows all of these compliances that is substantially compliant, that meets all these other standards. We've worked diligently with your city staff to confirm the compliance. We've made minor modifications to make this plan better, the site development plan meets the intent of the zoning that's in place. It respects the natural resources; it incorporates other controlling factors required for the development. We've provided thorough responses to questions brought up at the work session. We're in agreement with all staff comments and their recommendations. We'd respectfully ask for your support and approval this evening and I and a lot of the design development team is here for questions and answers at the appropriate time. Thank you.

Ms. Williams: Could you give some specific examples of how the plan supports natural resources, as you indicated earlier.

Scotty Bernick: Yes, definitely. So, as I mentioned earlier, there is some hydrological studies that were done on this site to identify wetlands, streams, wet weather conveyances all of those natural resources have required buffers from the state federally. We've made shifts, for example, in the farthest upper right area, there is a large wetland in there. As a result, we've modified the road so that we wouldn't take a road right through the middle of the wetland and have to try and permit basically impact to that so, we've made changes to that. Other examples would be following some of the stormwater requirements set forth, water quality, water quantity. The 2008 plan, we have different regulations in place now. So, as we get those regulations, we still have to meet those stormwater so, when you place those along the bottom it, it impacts a little bit where your lots in your road would fall.

Ms. Senyard: Mr. Carter, may I ask a question about your notes from the work session that you emailed us. Ethan was able to find the last two that were similar to this where we for a measurement of major versus minor changes on roadways and they're for lack of you could have replaced the first plan with the second. There is no changes. I'm sympathetic to you know what got us here because I was part of a lot of the work sessions and the previous approval that went to the BOC where they came and what I think was correct at the time when they were changing accesses in asking for a variation before and I think the variations were thought through that there was a reason they were doing them but I still feel like that in particular of the requirements is still a major change the way the roads have been changed, whether it's for good reasons or bad reasons. Part of your e-mail referenced the 2016 approval, but based on conversations in the last year or so in the last approval process it was said that those Planning Commission members were told by city staff that they had to approve, that they had no choice. So, using that as the hey, we've approved this with the step system and these changes feels of very misleading because they were told they had no choice then.

Mr. Carter: I wasn't here in 2016. I don't know what they were told in 2016. It's not reflected in the record that they were told they had to do this or that. I can't speak to that, and I think that falls to rumor conjecture. I can tell you that the prior plan a year ago was exactly essentially what had been approved in 2006 and this developer was told that would not work. That the city didn't want that and so now they've worked with staff and staff not me, but I'm talking about engineering staff and others have worked through that and their recommendation or belief that it is in substantial compliance not exact compliance, but in substantial compliance. I can't speak to what was said or who was told what in 2016, I don't know anything about it.

Ms. Senyard: OK, there are members now that we're part of that board then so I'm just curious because it still feels very like a great deviance. Now we have the same entrances and exits, but the plan a year ago were different count and placement of entrance and exits which I think we're good

recommendations at the time and they were after the right thing, but it's still feels like we're getting locked into all the negatives of history but when they choose to use the they want us to accept that when they change something it's for the positive all the time, but then we are locked into our negatives there's really no give and take here.

Mr. Carter: Well, the reason why I mentioned the 2016 approval is because if the city is sued they certainly will look back on that approval and say well, they, will point to that as proof of how the city has conducted itself and I think, it is what it is and so that's why I sent it and pointed it out. I don't know anything about what people were told or what discussions were had at that time. I didn't even know Fairview existed in 2016.

Mr. Magner: One of the previous, I think it was Cumberland was approved with showing where the sand filtration unit will go. So, I'd like to know where is that going to go within this development?

Mr. Bernick: Yeah, very good. On the plans that we resubmitted there's three sheets at the end of that document that have very detailed layout for this system as a whole.

Jay Easter: Receiving the comments at the work session on the master plan rendering we added an asterisk on the rendering that showed where the same filtration system would be along with the resubmittal following the work session contains some more detailed layout information of the of the drip fields.

Mr. Magner: OK. Thank you. Along that line I know the septic systems at the residential properties do not function without power. How will this sand filtration system work without power.

Aws Ahmed: So basically, those step systems have a 24-hour holding capacity and the step tank by the house. So, the sand filtration system has 100% capacity at daily capacity for the design flow. So basically, when we design those systems per TDEC requirement we have to provide this storage capacity to basically contain the entire sewer assuming the peak flow is there. For this system we have 146,000 gallons so we have to provide this volume to fully contain the entire inflow from the system.

Mr. Magner: So, you have 24 hour blackout period.

Mr. Ahmed: We have the 24-hour storage capacity beside the storage capacity in the septic tank at the at the house. Everything will be power operated, but this is basically a safety factor that we put in the design, and it's required by the state.

Mr. Magner: So, but beyond 24 hours the system does not filtrate, correct.

Mr. Ahmed: The system will have holding capacity for 24 hours. That's what's required to be provided.

Mr. Magner: So, after 24 hours, what happens.

Mr. Ahmed: That is an extreme event if 24 hour there is no power. Probably the wastewater, the operator will provide emergency power to be able to operate the system. They can speak about that, but that's all what's required to be provided for the design.

Mr. Magner: OK, so if we were to have a bad weather event and we lose power for greater than 24 hours, will there be any flow from let's say 10% of the houses are on emergency generator. This is a scenario I'm just throwing out, that's pumping the effluent to the filtration system what happens to the sand filtration system after 24 hours if it exceeds its 24 hour capacity.

Mr. Ahmed: So also, the calculations assume all the lots are operational at the same time. So, this is a very high safety factor. Usually not every house has effluent at the same time. The probability of all 400 and something lots pumping at the same time is almost 1% or 2%. So, this is really an extreme event that doesn't happen at all. We just when we design, we design systems to the most extreme event to be able to handle the entire capacity for 24 hours. In reality, this system will stand for couple days with taking couple lots will be pumping or a 15 gallon 1500 gallon tank at the house will be full. Not all the houses will have tanks full at the same time. Those pumps will not operate until the water level hits a certain elevation.

Mr. Magner: We've approved these, step are relatively new to the community. They're becoming more common, more popular. So, I'm not I'm not questioning the use of step, but I'm questioning is how comfortable are we with approving the system now with better improved knowledge. I know some of the final engineering only works within the process of your project, you're going to fund certain portions of engineering along with the project, but it's hard for me to approve a drip irrigation field that potentially will leach onto a neighbor's property and how can I know without final engineering that we're not going to be overflowing any effluent to a neighbor's property, that's really what I need

confirmation with.

Mr. Ahmed: Which I don't think this is going to happen because the water will come to the step system as raw sewage. We have a treatment train so, the raw sewage will go through the sand filter, get filtered and then go to the final dosing tank and from the final dosing tank will go to the UV for disinfection. So, in the reality this water will be ready for our irrigation. It will be dripped into the ground through a drip line.

Mr. Magner: Is it potable water?

Mr. Ahmed: It is not potable water. It's not safe to drink, but it's clean enough to be injected to the soil.

Mr. Magner: Where's the engineering that tells me that if that system were to overflow run off onto a neighbor's property that's using a well system or their own irrigation and you just said it's not potable water. I need the engineering that tells me that this property is adequate to support any overflow, or any run off and prevent it from going to a neighbor's well source.

Mr. Carter: If I may, because I think we're off, I think we're off of what our duty is here. This board sits as a quasi-judicial body. Your decision needs to be made on a rational basis and it has to be not arbitrary or capricious. So, the question is to the step system is this the only system that Dickson Water Authority will allow any new development over 40 homes use, and it is. They have to accept it and they become responsible for it as part of their sewer when it's accepted. It has to be the standard. It has to meet is a standard that TDEC sets and so that's the requirement. So, if they've designed it according to TDEC standards we cannot question it beyond that.

Mr. Magner: We're having to approve the site plan. This drip irrigation field is not on a previous plan. It is now while the system was approved and I at some point the engineering will have to be completed. What I'm trying to make sure is this is a highly topographical area, and the layout of this particular site plan potentially can present run off to a neighbor. So, I feel obligated if we were to approve this...

Mr. Carter: The condition needs to be that it be designed and approved by TDEC. Not whether we set forth the hypothetical that this could possibly happen if this event happens. The condition is that it be approved and designed pursuant to TDEC and accepted by Dickson County Water Authority. Other than that, I think we're off in left field and we're making irrational arbitrary and capricious...

Mr. Magner: So, Dickson County will become the liable party should a pending lawsuit.

Mr. Carter: Yes, and I think what you'll find when you study these step systems is they are a lot safer and more dependable than septic tank systems which we have all over this community and they're not regulated. But the question is, is it TDEC designed, Is it going to be approved by TDEC. Is that the condition, I assume that's the condition and that it needs to be accepted by Dickson. If it's not accepted by Dickson then they don't have a system out there.

Mr. Ahmed: Just to add so the system the whole sort of letter from Dickson County Water Authority says they will accept the step system, and this step system will be submitted to Dickson County Water Authority for review and approval. Then it will go before TDEC for approval as well, then we're doing a state operating permit and Dickson County Water Authority will be the holder of this permit.

Mr. Magner: OK, so the public of Fairview just needs to know and understand that Dickson Water Authority owns that liability at this point. Thank you.

Mr. Butler: I have some questions for staff and so there were several references to the current plan meeting our current zoning ordinance. In front of us, we have a site development plan that would tie to a master development plan, the controlling document.

Mr. Greer: Yes, it would be a development plan that's tied to a controlling document, their preliminary master development.

Mr. Butler: Does the preliminary master development plan need to meet our current requirements of what would be required on a preliminary master development plan. So, master development plans 17-103.2, the ability of the proposal and the manner in which the proposed plans comply with landscape provisions found in the Fairview Design Review Manual. So, is there a tree density sheet. Is there a tree bank fund implantation. The general means of the disposition of stormwater with preliminary drainage calculations including any detention for retention areas. So, it also says preliminary drainage circulation showing 25 year and a 100 hundred year flows and provisions for detention/retention. So, all these checklists that aren't in this plan that we're seeing, are those required with the underlying document. There's things missing that we're not seeing that we would usually see in a PUD preliminary master development plan.

Mr. Greer: Mr. Carter may be able to speak to this point, but I believe with this being the controlling document that was previously approved in 2008, that the controlling document with what it has in it and how it was approved would control and we would be asking you to compare this development plan that you have in front of you and evaluate if it is within substantial compliance of the previously approved document.

Mr. Carter: Mr. Greer is correct. Of course, they need to meet all the life safety codes, road codes, any of the life safety codes, fire safety, those all have to be met, but otherwise the PUD that was the property was rezoned in 2006 and that's the zoning for this property.

Mr. Butler: But a preliminary master development plan would require stormwater calculations.

Mr. Carter: And maybe the applicant needs to speak to that because I'm not sure I'm getting to your question.

Mr. Butler: It's offsite improvements, a detailed listing of off-site improvements to roads, stormwater drainage systems, sanitary sewer, water supply systems and other public facilities including easements, which required to mitigate the impacts of the proposed development. So, to me that sounds like I should have something in front of me that says here's our impact, here's our proposed improvements and how we're going to address those impacts.

Mr. Carter: I think Mr. Easter probably is in the best position to answer that with Ragan Smith, that's what he does on a daily basis.

Mr. Easter: All the documents we submitted last time when we were seeking a PUD or POD revision.

Mr. Butler: You guys were quoting them referencing how you met our current zoning ordinance and so, there's still a lot of unanswered questions, and if because it's approved 2008, you don't have to follow any of those that's what I'm trying to understand.

Mr. Easter: OK, so as far as the, it's the 2008 from what we've been told is our controlling document and we are meeting landscape or the buffer requirements that are on it. We have submitted a traffic study along with this plan that that outlines the traffic improvements for the development plan, but once we were denied the PUD amendment or the PUD modification and came back and met with staff we were instructed that our next appropriate step would be to take the 2008 PUD move from the zoning ordinance into the subdivision regulations and follow the development plan process and the checklists that are outlined in the subdivision regulations for what is to accompany a development plan, and that's what's been submitted. Following this approval construction documents would be prepared and then submitted to the city.

Mr. Greer: Mr. Butler for clarification you were asking in their controlling document why are these items not met.

Mr. Butler: You you're asking us to approve a site development plan that to me doesn't, we don't have all the information for, the original documents missing things. That's great, yeah. If I don't know the impact of the plans to fix the impact, if I don't know, the preliminary stormwater calculations, if there's a tree density study, is there a tree bank fund payment, all those lists.

Mr. Easter: All of which I don't think were required at the time the zoning was put in place.

Mr. Carter: That was my point, Mr. Butler, they they've complied with what they've needed to comply because the zoning was put in place in 2008.

Mr. Butler: So, we just approve a blanket, a blanket approval of...

Mr. Carter: I think when the city denied what they came with last year I think that's the position the city put them in to come back with a plan that substantially complies.

Mr. Butler: We keep referencing a year ago, I understand, but that's not what we're talking about tonight.

Mr. Carter: But to answer your question, they've complied with what they need to comply with this submission. I think that's what staff is telling you. You may not like that answer but they've complied.

Mr. Butler: I'm just trying to wrap my head around how can I vote on something when I'm missing information.

Mr. Carter: Because they've complied with what they need to comply with under our zoning ordinance and then the zoning was put in place in 2008. Those requirements were different in 2008 and that may not be a popular answer, but I think it's the right answer under what we have. I think when they came back last year, the reason why I mentioned last year is because I think at that point you could have when they were asking for a reapproval you could have asked for those things and at that time it

was a denial BOC and now we're back here.

Mr. Butler: They would be required. Last year, they would have been required.

Mr. Carter: And they were submitted last year, and they were denied but this this proposal is different than one that was submitted last year. This they need to comply with substantially and if they have that's the guide mark there.

Mr. Butler: So, in 2006 when the original plan was approved and then came back 2008, I can't find Planning Commission meeting minutes from 2006, you guys might have them, I could not find them, but the BOC meeting references the developer at the time or the applicant at the time references all the road improvements that he's going to make and then there was note read for public sewer that night. So, it's still from 2006 to now, I still, we still don't have a list of what are those road improvements, what are those plans, what are the impacts. Does that make sense.

Mr. Easter: Commissioner Butler, we submitted a complete traffic study for this development.

Mr. Butler: Yeah, I have the summary. It's pretty foreign to me, but when our ordinance says you would have a breakdown list, that's what I would hope for to speak to more of my language.

Mr. Easter: There's a list of recommendations in the traffic study and our traffic engineer is here tonight and she is happy to come up here and walk through them.

Mr. Butler: But is there a plan of what you plan on doing.

Mr. Easter: We will meet and make the recommendations that are that in the traffic study.

Mr. Carter: I think if there's any ambiguity about that, Commissioner Butler and you want to make sure you could make it contingent on them fulfilling that condition.

Mr. Butler: The traffic study, they're always very confusing to me. Pretty much the summary is always, your road stinks now, it's going to stink when we're done with it too. And so that, that's fair, we'll take it but like one of the comments says the intersection of Northwest the city plans on making traffic control improvements if in future date the impact from your development requires the improvements that you would make you would need to be make them, that's how I interpret it.

Mr. Easter: So, it's our understanding there is an ongoing project with the city to improve that intersection.

Mr. Butler: Absolutely, but if you start in January, what is the lapse of you're going to be on a road that's got an F rating. That's going to put our citizens or people in danger. That's what I'm trying to understand, what is the plan.

Mr. Easter: If the city does not fulfill, finish the project that is on the books for the city to make those improvements by the time the traffic counts hit for our development then this development would be responsible for making the necessary improvements that our impact creates to that intersection. But it's our understanding that there's an ongoing project with the city to improve the intersection of Highway 96 and Northwest Highway.

Mr. Butler: Absolutely, I'm just worried about timing. If we're incomplete and you're finished.

Mr. Easter: I do not foresee you being incomplete by the time we're finished.

Mr. Butler: Or even the first forty cars, It's just going to make a major impact in the intersection and the improvements aren't there, and that's where the ordinance tells me I would have a list or a plan, I don't have that, so it's just unknown to me of what our vision or plan is. And then the old plan references road improvements, but I still don't have a list or understanding.

Will Owen: Could I suggest maybe that if this is a concern that the contingency might be that the traffic study, the traffic impact study is revised and updated with each successive submittal of construction plans per phase, so when phase two construction plans are submitted for phase two, the applicant would also have to submit a revised and updated traffic study and that if that traffic study at that time indicated or recommended that the improvements to that intersection be made as a result of that second phase coming online then the applicant would be responsible if the city had not undertaken that project by that time, same phase three, phase four and so on. And so that way before any additional phases are brought online there would be an amended traffic study that would be submitted with the construction plan documents that staff would review along with all the other construction plan sheets there. That might be an option that allows for the timing issue to resolve itself if the city is not able to complete the road project by the time that more and more phases come online.

Mr. Carter: How many phases are there, remind me.

Mr. Easter: Six phases over seven years.

Mr. Carter: That's not an uncommon condition, many cities use that type of condition to monitor roadway impacts overtime because the impact obviously, the impact of 400 and how many houses doesn't happen on day one.

Mr. Easter: And we're in complete agreement with that condition.

Mr. Carter: I think that's one way to handle or mitigate that issue Commissioner Butler, and I think that's a good recommendation by Mr. Owen.

Ms. Senyard: Mainly for the Greeks and Maloney guys, but if anyone else has an answer to it I'm open to hearing it. I'm still wrestling with all the road changes, even though I think in a lot of ways there improvement. When we talk about substantial deviation compared to other things we've been approving, I just keep getting stuck with like they get the good things and we get the bad things and we have to deal with everything from it, it's gotten the rhetoric is starting to really wear on me after a couple of years. What are you all seeing in other cities or other things you're looking at because these, I mean, you can't even use the same road, there are roads that are missing, there are roads added, there are alignments and it says road alignments, it says road changes. To me that's significant if you can't literally label the same name on every road that's changes, that's not just moving it because it aligns better. They may be improvements, but those are changes. Where does this leave us as a city, once we approve this that becomes the standard that we've approved that this much change is allowed and puts us on the hook for even more developments from back then.

Mr. Owen: The changes that are have been incorporated into the development plan that's before you tonight are generally all internal to the development, and it's my opinion that they don't result in significant alterations to the internal traffic flow certainly as it relates to the existing public right of ways that they are connecting to. So, in that regard, the integrity of the routes that are internal to the development primarily with the terminology that has been used previously particularly in the work session is the East and West spine, If you will that connects pretty much the entire development is still intact. Some of the if you will, appendages have been altered, I don't think anyone's denying that. But the overall impact to the way traffic will be circulated within the development and then ingress and egress to existing public right of way is a negligible change or impact, in my opinion.

Ms. Senyard: So, it's really about the impact of it. I mean, I think we all know that that wording probably needs to be very much clarified in the future on what considers a major and have some definition but and just looking at other things. I mean, I don't know how you get away with moving to a step system and not calling it major. I mean, and I'm not saying it's not an improvement, but now it's all in our opinion and what we're opening the door to.

Mr. Owen: I think one thing that I would, Biggest litmus test as far as the road alignment goes is if there were internal connections that were omitted or removed that then forced an additional density area onto a different existing public right of way. For instance, if there were only two entrances to a subdivision and they were connected internally and then you had a development plan that came back proposing to eliminate that connection well, now that that could pose some significant alterations in traffic and driving patterns and habits and where that new traffic flow would be released onto your existing public right of ways. So, in that context there's nothing that has been proposed in this plan that would significantly alter in that manner.

Mr. McDonald: Do any of you happen to have the traffic study with you.

Mr. Butler: Maybe a layman's breakdown of what it means.

Mr. McDonald: If you will I think it would be nice just to have it read out loud to everybody what improvements are listed or recommended, since we've been talking about that and then I'll have some questions for you, but if you could identify those for everyone.

Tiffany Giordano: Ms. Giordano read aloud the conclusions and recommendations section of the Traffic Study which is attached.

Mr. McDonald: Thank you, I just wanted that to be read out loud to everybody s we know what the traffic study reflected. I believe on Northwest Highway that's already being redone by the city and another developer

up to the Dice Lampley intersection if my memory serves me and then there will also be some changes made on the 96 / NW Highway intersection by the city up into about the proposed development location, I believe that's also correct. So, there's a gap in the middle and as you read there is and I'm sorry these aren't necessarily questions for you, I don't know who would be best to answer them, but as the traffic study reflected, we currently aren't at the point yet to where these things are needed although it is reflected that we're getting there, correct. So, I can't help but think that the addition of the largest development in the history of our town is not going to drastically accelerate that timeline which would then put a financial burden on the city to come up with the money to fix those roads. So, at least for discussions sake, and I know it was something that was on some rendition of this in the years past that there be some larger road improvements made and a partnership agreement with the city and the development. I think it's asking a lot of our citizens to have that taxpayer money go towards a up a road, multiple roads in the area that are undoubtedly going to be affected by this development in a major way. We have some other developments in the Northwest area, I don't think they are 1/4 or 1/5 of the size of this one. So, impact wise and I get it traffic studies I'm not sure how those, I'm no traffic study professional, but are those Well, we'll see how Northwest Highway looks once people realize the shortcut that can be made to get to town from that development versus the highways, it seems like there would be an immense amount of traffic coming to that Cox Pike / Northwest Highway intersection in my opinion. But anyway, I don't know who from your from your group can speak to that, but I mean, is there any willingness to be flexible on coming up with some level of agreement on road improvements beyond what the traffic study is suggesting.

Mr. Dowdle: Hello, my name is Matt Dowdle. I'm with DR Horton. Yes, we are willing to help with some improvements on Northwest Highway. Our previous iterations of the plan there wasn't a full out road design yet. I don't even think survey had been completed yet, so we knew that there was some sort of a project, we didn't know what it was going to exactly be and we during that process were willing to try to come to an agreement for some sort of a contribution. With that plan we had eliminated our access to Hwy 96 at the request of staff, knowing that we were going to put basically all of our traffic onto Northwest Highway, so it made sense that we were willing to contribute to that. Here we're putting our traffic back onto Highway 96 to meet the requirements of the PUD plan, but we would still be willing to help contribute especially you know in our section or our frontages. We just don't know what that might be. We haven't seen any kind of road plans. We haven't seen anything. We're willing to work with the city to provide some contribution for that.

Mr. McDonald: Thank you.

Mr. Carter: If I might add the way to protect the city on that is to add a condition that a development agreement will need to be approved by the BOC as far as their share of the improvements. Ethan can make a note of that. So, if you're inclined to add that condition and that's a concern then that's the type of condition that I would add now that they've said that they would be agreeable to that. So, what that would mean is after this meeting if it's approved, then there would be discussions about what their improvements are and what their financial contribution is pursuant to their percentage of road impact and then the payment to the city and the timing of the payment that would be done in the development agreement which I think you all are familiar with how those work, and it would need to be approved by the BOC so, just act as an additional protection and make sure that that's done before the first permit is pulled.

Mr. McDonald: Thank you. I think that's all I had. I just, I'm concerned that if this moves forward that the road improvements that were prior discussed in years past are no longer being discussed and I think that that if we are you know, if this is being considered at the moment and if it passes I personally would like to see our city get something out of the deal.

Mr. Dowdle: We want to help. We want to help contribute to that.

Mr. McDonald: As everyone knows it's you know, it's been around for a long time. It's more of an inherited development that this board and really majority of this town have to deal with now, so if it is going to move forward, I just felt that we should discuss that and I'm happy to know that you guys are willing to work with us.

Mr. Dowdle: Could staff comment on the kind of the status of the design or where you are in the process.

Mr. Greer: Right now, we have off of the corner of Dice Lampley going through the Belvoir development there is a piece of Northwest Highway that will be a 62 foot right of way included in this plan along their NW frontage is 30 feet of right of way that the developer is giving to the city and they have 15 feet of right of way that is being given along Dice Lampley. Along Northwest that would take our existing right of way from 32 feet to 62 feet which is what we're shooting for. At the end, our project begins about right there and goes out to Hwy 96. That project is currently in the preliminary stages, beginning the environmental piece of that preliminary survey. We have a few proposed roadway designs through there. At this point, nothing is set in stone, but I would expect as we progress through that we're probably 36ish months from having that completed.

Mr. Magner: I guess now with the sand filtration system being shown in the leach field will the service drive have to be extended now to reach that facility.

Mr. Dowdle: I can speak to that. Yeah, there would have to be an access drive. So, if you see on that plan, there's a connection to the existing right of way. There would be a drive that would go through there.

Mr. Magner: Is that paved or is that gravel.

Mr. Dowdle: Its paved. It has to be to Water Authority of Dickson County standards.

Mr. Magner: On the controlling documents which we're referring to back for tonight's review on the 2016 site plan did we have a leach field, I can't recall.

Mr. Dowdle: Yes, there was one in the same location.

Ms. Senyard: I think we have two amendments that we could probably go ahead and voice and put a vote to.

Mr. McDonald: I was curious on, it was just something I wanted to discuss, I didn't know how the rest of the Planning Commission felt about it, if that's something we want to consider want to add? There was no comments.

Ms. Senyard: Mr. Carter, should we vote on them separately.

Mr. Carter: Yeah, I think so because they may have differing support. So, I think the way to do would be for someone to make a motion to add this condition and then there'll be a second and then a vote. And then the second condition or third condition, whatever you're going to add. And I do think it's a good idea to separate because they may garner different levels of support or non-support. If you could make sure to read them slowly, because I think Rachel's going to try to write them down.

Mr. McDonald: Commissioner Butler, did you want to take a crack at your amendment that you were proposing.

Mr. Butler: Mr. Owen, do you want to take a crack at what I was trying to tell you. I think it was the plan was or a motion correct me as I'm going through this motion to revise or require, revise and update with each phase the traffic impact study. What's the best way to amending what improvements need to be made based off the time of study.

Ms. Senyard: I'll second.

Mr. McDonald: Please call the roll on that amendment.

Mr. Butler: Motion to amendment the motion for approval to include a revised and updated traffic study shall be required to be submitted with each phase of the development.

Ms. Senyard: Second

	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Ms. Senyard	X				
Ms. Schulist	X				
Mr. Butler	X				
Mr. Magner	X				
Mr. McDonald	X				
Ms. Schilling	X				
MOTION PASSED 9-0					

Ms. Senyard: I propose that we amend to require a developer agreement that the BOC must approve prior to any final plat being recorded regarding road improvements and the developers share thereof.

Mr. McDonald: Second

	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Ms. Senyard	X				
Ms. Schulist	X				
Mr. Butler	X				
Mr. Magner	X				
Mr. McDonald	X				
Ms. Schilling	X				
MOTION PASSED 9-0					

Mr. Butler: Will this be required to meet the current stormwater regulations when construction documents come in.

Mr. Carter: That would fall under the life safety code. Mr. Easter is shaking his head yes, so those are the kind of requirements that are absolutely required to meet. The answer is yes.

Mr. Magner: I just have one final comment. I feel somewhat hamstrung on the vote again on this submission. I think in the future we need a sunset clause that developments, projects, submissions, cannot be extended over such a lengthy period of time.

Mr. Carter: We cant do that under state law once the property is rezoned its zoned that way. Zoning cant be put in place for only so many years. This zoning was put in place in 2008 and that's the critical, you know when you rezone property it has serious consequences because then its zoned that way unless its rezoned and the city cant rezone the property, the applicant can. I understand what you mean and that would be great if we could do that but currently its illegal in the state of Tennessee to do that. Once its zoned, its zoned.

2. PC Resolution PC-41-23, Adopt Planning Commission Schedule for February 2024 – January 2025.

Discussion: Mayor Anderson stated she has looked over the calendar and sees no conflicts unless it conflicts with the school systems Spring/Fall breaks. Mr. Greer compared the calendar with the school calendar and noted the March meeting will be moved to March 19, 2024, and October's meeting will be held on October 15, 2024, so not to interfere with the school systems Spring/Fall breaks.

Motion to adopt new PC calendar as amended: Ms. Senyard

Second: Mr. Magner

	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Ms. Senyard	X				
Ms. Schulist	X				
Mr. Butler	X				
Mr. Magner	X				
Mr. McDonald	X				
Ms. Schilling	X				
MOTION PASSED 9-0					

Motion by Mr. Butler to amend the calendar to hold the Planning Commission meeting for March on March 19, 2024, and the meeting for October to be held on October 15, 2024.

Second: Mr. McDonald

	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Ms. Senyard	X				
Ms. Schulist	X				
Mr. Butler	X				
Mr. Magner	X				
Mr. McDonald	X				
Ms. Schilling	X				
MOTION PASSED 9-0					

- **Bonds and Letters of Credit**
 1. Aden Woods Phase 3 – Performance Bond Reduction - \$1,116,700.00
- **Reports for Discussion and Information**
 - City Planning Staff – Thanks to everyone for coming out and being involved citizens of the community.
 - City Manager – Nothing
 - City Engineer – Nothing
 - City Attorney – Nothing
- **Planning Commission Roundtable**
- **Adjournment** – Motion to adjourn by Ms. Senyard at 8:47 PM

Rachel Jones, City Recorder

VII. CONCLUSIONS AND RECOMMENDATIONS

A. Highway 96 at New Hope Pass / Project Access

The following conclusions are offered for the intersection of Highway 96 at New Hope Pass / Project Access:

- The Project Access to Highway 96 should align with the existing New Hope Pass intersection. The south leg of the intersection should be designed to meet City of Fairview and Tennessee Department of Transportation standards, with a minimum of two lanes exiting and one lane entering.
- Traffic volume-based traffic signal warrant analysis determined a traffic signal is not expected to be warranted at the intersection.
- Based on traffic volume-based turn lane warrant analyses, an eastbound right turn lane should be constructed on Highway 96 when the project access to the Bellehaven development is constructed. The right turn lane should provide 170 feet of storage and a taper length of 180 feet.
- Based on traffic volume-based turn lane warrant analyses, a westbound left turn lane should be constructed on Highway 96 when the project access to the Bellehaven development is constructed. The left turn lane should provide 170 feet of storage and a taper length of 180 feet, with approach and departure tapers per City of Fairview, TDOT and MUTCD standards. Additionally, an opposing eastbound left turn lane should be constructed with a storage length of 50 feet. The eastbound left turn lane is not warranted by traffic volumes but should be constructed to maintain positive sight distance.
- During the design of the project access, it should be confirmed that there is the minimum sight distance available.
- A Tennessee Department of Transportation (TDOT) grading and entrance permit will be required for construction in TDOT right-of-way.

B. Highway 96 at Northwest Highway / Jingo Road

During preliminary conversations with City of Fairview staff, it was stated that the City intends to improve the intersection of Highway 96 at Northwest Highway due to the increase in background traffic growth and multiple development projects expected in the area. This improvement is in the preliminary design phase, and will not be included in future level of service analysis.

Traffic operations at the intersection of Highway 96 at Northwest Highway / Jingo Road are expected to operate at level of service F during the a.m. peak hour and level of service E during the p.m. peak hour during background traffic conditions, indicating that the low level of service can be contributed to the existing conditions and background traffic growth and not only the Bellehaven development.

The following conclusions are offered for the intersection of Highway 96 at Northwest Highway:

- Based on background traffic condition projections and traffic volume-based turn lane warrant analyses, the City of Fairview should construct an eastbound right turn lane and a westbound left turn lane with an opposing eastbound left turn lane to maintain positive sight distance. Additionally, a northbound right turn lane will be beneficial for the future traffic conditions and level of service. It should be noted that the turn lane

warrants are expected to be met without any traffic contribution from the Bellehaven development. If the City of Fairview does not construct the turn lanes at this intersection, the Bellehaven development should construct the turn lanes when the traffic volume-based turn lane warrants are met.

- Traffic volume-based traffic signal warrants are projected to be met during background traffic condition projects. The City of Fairview should install a traffic signal at the intersection of Highway 96 at Northwest Highway when the traffic signal volume-based warrants are met. It should be noted that the traffic signal warrants are expected to be met without any traffic contribution from the Bellehaven development. If the City of Fairview does not construct the traffic signal at this intersection, the Bellehaven development should construct the traffic signal when the traffic volume-based traffic signal warrants are met.
- A traffic volume-based traffic signal warrant study should be conducted in three years to determine if the traffic signal should be installed. The traffic signal warrant study will include collecting new traffic data. If the traffic volume-based traffic signal warrants are met, then a traffic signal should be installed. If the traffic signal warrants are not yet met, another traffic signal warrant study should be conducted annually until the traffic volumes indicate a traffic signal should be installed.
- To minimize impacts to existing traffic, the turn lanes and the traffic signal at the intersection should be constructed at the same time.
- A Tennessee Department of Transportation (TDOT) grading and entrance permit will be required for construction in TDOT right-of-way.

C. Northwest Highway at Elrod Road

The following conclusions are offered for the intersection of Northwest Highway at Elrod Road:

- No intersection control changes or geometry modifications are recommended at the intersection of Northwest Highway at Elrod Road due to the impact of Bellehaven development.
- Traffic volume-based turn lane warrant analyses were conducted for total traffic conditions at the intersection and it was determined that turn lanes are not warranted.

D. Northwest Highway at Dice Lampley Road

The following conclusions are offered for the intersection of Northwest Highway at Dice Lampley Road:

- No intersection control changes or geometry modifications are recommended at the intersection of Northwest Highway at Dice Lampley Road due to the impact of Bellehaven development.
- Traffic volume-based turn lane warrant analyses were conducted for total traffic conditions at the intersection and it was determined that turn lanes are not warranted.

E. Northwest Highway at Cox Pike

The following conclusions are offered for the intersection of Northwest Highway at Cox Pike:

- No intersection control changes or additional laneage are recommended at the intersection of Northwest Highway at Cox Pike due to the impact of Bellehaven development.
- Traffic volume-based turn lane warrant analyses were conducted for total traffic conditions at the intersection and it was determined that turn lanes are not warranted.

F. Elrod Road at Anderson Road

The following conclusions are offered for the intersection of Elrod Road at Anderson Road:

- No intersection control changes or additional laneage are recommended at the intersection of Elrod Road at Anderson Road due to the impact of Bellehaven development.
- Traffic volume-based turn lane warrant analyses were conducted for total traffic conditions at the intersection and it was determined that turn lanes are not warranted.

G. Northwest Highway at Project Access

The following conclusions are offered for the intersection of Northwest Highway at Project Access:

- The west leg of the intersection should be design to meet City of Fairview standards, with a minimum of one lane exiting and one lane entering.
- During the design of the project access, it should be confirmed that there is the minimum sight distance available.
- Traffic volume-based turn lane warrant analyses were conducted for total traffic conditions at the intersection and it was determined that turn lanes are not warranted.

H. Elrod Road at Project Access

The following conclusions are offered for the intersection of Elrod Road at Project Access:

- The north and south leg of the intersection should be design to meet City of Fairview standards, with a minimum of one lane exiting and one lane entering. The north and south leg should align to create a four-legged intersection.
- During the design of the project accesses, it should be confirmed that there is the minimum sight distance available.
- Traffic volume-based turn lane warrant analyses were conducted for total traffic conditions at the intersection and it was determined that turn lanes are not warranted.

I. Dice Lampley Road at Project Access

The following conclusions are offered for the intersection of Dice Lampley Road at Project Access:

- The west leg of the intersection should be design to meet City of Fairview standards, with a minimum of one lane exiting and one lane entering.

- During the design of the project access, it should be confirmed that there is the minimum sight distance available.
- Traffic volume-based turn lane warrant analyses were conducted for total traffic conditions at the intersection and it was determined that turn lanes are not warranted.

J. Anderson Road at Project Access

The following conclusions are offered for the intersection of Anderson Road at Project Access:

- The east leg of the intersection should be design to meet City of Fairview standards, with a minimum of one lane exiting and one lane entering.
- During the design of the project access, it should be confirmed that there is the minimum sight distance available.
- Traffic volume-based turn lane warrant analyses were conducted for total traffic conditions at the intersection and it was determined that turn lanes are not warranted.

**PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE
RESOLUTION NO. 01-24**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, APPROVING THE DEVELOPMENT PLAN FOR AVONLEA SUBDIVISION LOCATED ON PROPERTY WEST OF 7515 COX PIKE AND SOUTH OF 7551 COX PIKE ON TAX MAP 43 PARCEL 30.01 AND PARCEL 31.00. OWNER: IANNA GP.

WHEREAS, Landmark Engineering Group (Michael Shamsie) is requesting approval of a Development Plan for the Avonlea Subdivision in order to construct create 89 single-family residential lots, public rights-of-way, stormwater infrastructure and open spaces.

WHEREAS, the staff report is attached as Exhibit PC-01-24-A,

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS:

The City of Fairview Planning Commission hereby **approves** the Development Plan for Avonlea Subdivision, as resubmitted on December 18, 2023, with the following conditions:

1. Water and Sewer Approval Prior to preconstruction meeting.
2. TDEC Approval for Decentralized Wastewater Treatment System Prior to Final Plat application.
3. Remaining staff comments to be addressed prior to preconstruction meeting.

Adopted this _____ day of _____, 2024

Planning Commission Chairperson

Attest:

City Recorder

Approved As To Form:

City Attorney

EXHIBIT PC-01-24-A
STAFF REPORT
PC-01-24

Project: Avonlea Subdivision

Application Type: Development Plan

Applicant: Michael Shamsie (Landmark Engineering Group)

Owner: Inanna GP (Jim Hysen)

Developer: Inanna GP (Jim Hysen)

Initial Submittal Date: 12/16/2023

Final Submittal Date: 12/18/2023

Tax Map: 43 Parcels: 030.01 and 31.00

Property Zoning: RS-15PUD (Single Family Residential Planned Unit Development)

Project Summary

Michael Shamsie (Landmark Engineering Group) has submitted, on behalf of Inanna GP, a Development Plan for Avonlea Subdivision. Avonlea is a residential subdivision development consisting of 89 single-family residential lots, public rights-of-way, stormwater detention infrastructure and open spaces. The proposed land use within the Avonlea Subdivision is single family residential. The parcels (Tax Map 43 Parcels 030.01 and 031.00) are zoned RS-15PUD (Single Family Residential Planned Unit Development) and contains 33.29 (+/-) acres. The property for the Avonlea Subdivision is not located within a flood hazard area (Zone X) as indicated on FEMA FIRM Panel 47187C0135F.

The Avonlea subdivision contains 89 single-family residential lots, two (2) private rights-of-way, four (4) common open spaces, and two (2) detention basins. The four (4) common spaces total 10.589 (+/-) acres or 31.8 percent of the property within the development. The property for detention basin #1 is located at the very southern point of the development (at the terminus of Madelyn Way) and is located on a 1.047 (+/-) acre parcel that will also be the location of the wastewater treatment plant for the development. Detention Basin #2 is located north of lots 12 through 17. A playground is proposed between lot 57 and 58, along the eastern edge of the right-of-way of Madelyn Way. Adjacent to the proposed playground is grass medians and grass walk with Madelyn Way to provide a safer and more protected pedestrian connection to the playground.

Surrounding Zoning and Land Use

The properties to the north (across Cox Pike) are zoned R-20 (One and Two Family Residential) and RS-40 (Single Family Residential). The property to the south is zoned RSM-40 (Single Family Residential). All properties to east are zoned RS-40 (Single Family Residential). All properties to the west are zoned RS-40 (Single Family Residential) and RSM-40 (Single Family Residential). The land use on all adjacent properties is single family residential.

Fairview Forward 2040 Plan

The Fairview Forward 2040 Comprehensive Plan designates the two (2) parcels that contain the Avonlea Subdivision as Legacy Neighborhood (Residential-Medium). The Legacy Neighborhood classification notes the appropriate land use is Single-Family Detached Residential. The current property zoning is RS-15PUD (Single Family Residential Planned Unit Development). The RS-15PUD property zone was in place prior to the adoption of the 2040 Plan and the proposed land use of single family is in alignment with the appropriate land use stated in the Legacy Neighborhood future land use classification.

Staff Recommendation:

Staff recommends the Planning Commission approve the Avonlea Subdivision Development Plan in order to create 89 single family residential lots, private rights-of-way, stormwater infrastructure and open spaces as resubmitted on December 18, 2023, with the following conditions of approval included in Resolution PC-01-24:

1. Water and Sewer Approval Prior to preconstruction meeting.
2. TDEC Approval for Decentralized Wastewater Treatment System Prior to Final Plat application.
3. Remaining staff comments to be addressed prior to preconstruction meeting.

Planning Department
7111 Bowie Lake Road
Fairview, TN 37062



Maria Bruce
615-387-6082
mbruce@fairview-tn.org

Tim Mangrum
Heritage Bank and Trust
217 S. James Campbell Blvd
P.O. Box 1970
Columbia, TN 38402-1970

RE: Stabilization Bond No. 97039269 release letter

Mr. Mangrum/Heritage Bank and Trust

Stabilization Bond No. 97039269, dated January 4th, 2023, provided by Heritage Bank and Trust for Mr. Tim Mangrum, has been released by the City of Fairview Planning and Engineering Staff and hand delivered to Mr. Marty Smith with Heritage Bank and Trust, Inc. on January 2nd, 2024.

This bond has been replaced with Performance Bond No. 97039269, provided by Heritage Bank and Trust, dated January 2nd, 2024, in the amount of \$509,183.00 and set to expire on January 2nd, 2025.

If we can assist you in any further way, please let us know.

Sincerely,

Maria Bruce
Planning and Codes
Community Services Administrative Assistant

Engineering Department
7111 Bowie Lake Road
Fairview, TN 37062



Curtis Broadbent
615-405-6059
cityengineer@fairview-
tn.org

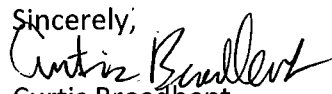
Tim Mangrum
Innovated Construction Co., LLC

Mr. Mangrum,

The performance bond for **Goodwin Farms 3**, was reduced to **\$509,183.00** by the City of Fairview Engineering Staff on **December 22, 2023**. Please provide a bond in this amount to our office for our files.

The performance bond shall be in place until it is replaced by the maintenance bond.

If we can assist you in any further way, please let us know.

Sincerely,

Curtis Broadbent
City Consultant Engineer

Opinion of Probable Cost for Performance Bond Reduction for Goodwin Farms

Prepared by Curtis Broadbent - City Consultant Engineer 2023-12-22

Total Linear feet of proposed streets Old Nashville (ft)	243	
Proposed paved width Old Nashville (ft)	24	
Proposed stone base width Boulevard (ft)	29	
Total Linear feet of proposed streets Standard (ft)	2550	
Proposed paved width Standard (ft)	24	
Proposed stone base width Standard (ft)	29	
Depth of stone base (in)	8	Stone Base density (#/CF) 138
Depth of asphalt binder (in)	2	Asphalt Binder density (#/CF) Asphalt 145
Depth of asphalt surface (in)	1.5	Surface density (#/CF) 150
Proposed sidewalk width (ft)	5	
Proposed curb and gutter section (C.Y. per L.F.)	0.06409	(6-30 cross-section)

Item No.	Sub-Item	Item	Est. Qty.	Unit	Estimated Unit Cost	Estimated Cost	
1		STREET COMPONENTS					\$354,546.56
	A	Crushed stone base	0	Tons	\$ 30.00	\$ -	
	B	Milling	19,400	S.F.	\$ 1.10	\$ 21,340.00	
	C	Asphalt Binder	0	Tons	\$ 120.00	\$ -	
	D	Asphalt surface	810	Tons	\$ 135.00	\$ 109,375.31	
	E	Curb and Gutter	0	C.Y.	\$ 420.00	\$ -	
	F	Sidewalks	30,350	S.F.	\$ 6.50	\$ 197,275.00	
	G	Street Trees	152	Each	\$ 175.00	\$ 26,556.25	
2		DRAINAGE COMPONENTS					\$0.00
	A	15" RCP	0	L.F.	\$ 70.00	\$ -	
	B	18" RCP	0	L.F.	\$ 75.00	\$ -	
	C	24" RCP	0	L.F.	\$ 110.00	\$ -	
	D	30" RCP	0	L.F.	\$ 125.00	\$ -	
	E	36" RCP	0	L.F.	\$ 145.00	\$ -	
	F	Catch Basins and Castings (SINGLE)	0	Each	\$ 3,500.00	\$ -	
	G	Catch Basins and Castings (DOUBLE)	0	Each	\$ 4,000.00	\$ -	
	H	Catch Basins and Castings (TRIPLE)	0	Each	\$ 6,500.00	\$ -	
	I	Headwalls	0	Each	\$ 3,300.00	\$ -	
	J	Manhole	0	Each	\$ 4,000.00	\$ -	
	K	Pond Outlet Structure(s)	0	Each	\$ 7,000.00	\$ -	
	L	Grading	0.00	ACRE	\$ 10,000.00	\$ -	
	M	EPSC Measures	0.00	ACRE	\$ 7,500.00	\$ -	
	N	Muck and Stabilize Ponds	0	CY	\$ 15.00	\$ -	
3		MISC. COMPONENTS					\$52,800.00
	A	Temporary cul-de-sac Cleanup for next phases	0	Each	\$ 2,000.00	\$ -	
	B	Detention Pond Fencing	1800	L.F.	\$ 16.00	\$ 28,800.00	
	C	Signs and Stop Bars	1.00	LS	\$ 3,000.00	\$ 3,000.00	
	D	Site Stabilization (seed/straw or sod) of empty lots and detention	6.00	ACRE	\$ 3,500.00	\$ 21,000.00	
	E	USPS Cluster Box	0.00	Each	\$ 15,000.00	\$ -	
	F	Amenity Facility	0	Each	\$ -	\$ -	
SUB-TOTAL OF ALL COMPONENTS						\$407,346.56	
4		25% markup per Sub Regs	1	LS	\$101,836.64	\$ 101,836.64	
Subtotal + 25% Markup						\$509,183	
Recommended Bond Amount						\$509,183.00	

**Opinion of Probable Cost and Bond Amounts for Cedarcrest Townhomes
(30 Townhome Buildings with 137 Units)**

Date: 2023/12/13

Prepared by City Consultant Engineer: Curtis Broadbent

Total Linear Feet of Proposed Streets (ft)	3081	Notes	
Proposed paved width (ft)	29		Disturbed acreage (AC) 32.05
Proposed stone base width (ft)	33	<i>plus 2.0' on each side</i>	
Depth of stone base (in)	8	<i>Stone Base density (#/CF)</i>	138
Depth of asphalt binder (in)	2	<i>Asphalt Binder density (#/CF)</i>	145
Depth of asphalt surface (in)	2	<i>Asphalt Surface density (#/CF)</i>	150
Total linear feet of Proposed Alleys (ft)	0		
Proposed paved width (ft)	0		
Proposed stone base width (ft)	0		
Depth of stone base (in)	0		
Depth of asphalt binder (in)	0		
Depth of asphalt surface (in)	0		
Proposed sidewalk width (ft)	5		
Proposed curb and gutter section (C.Y. per L.F.)	0.1	C&G	

PERFORMANCE BOND AMOUNT

Item No.	Sub-Item	Item	Est. Qty.	Unit	Estimated Unit Cost	Estimated Cost	
1		STREET COMPONENTS				\$787,902.89	
	A	Crushed stone base	4,677	Tons	\$ 78.46	\$366,954.12	
	B	Asphalt binder	1,080	Tons	\$ 146.86	\$158,555.01	
	C	Asphalt surface	1,117	Tons	\$ 186.05	\$207,792.27	
	D	Curb and Gutter	154	L.F.	\$ 29.44	\$4,535.23	
	E	Sidewalks	7,703	S.F.	\$ 6.50	\$50,066.25	
2		DRAINAGE COMPONENTS				\$1,626,776.61	
	A	18" RCP & below	4,040	L.F.	\$ 80.00	\$323,200.00	
		24" & 30" RCP	424	L.F.	\$ 101.44	\$43,010.56	
		36" RCP	0	L.F.	\$ 115.00	\$0.00	
	B	Catch Basins and Castings	46	EA	\$ 7,500.00	\$345,000.00	
	C	Headwalls	7	EA	\$ 4,000.00	\$28,000.00	
	D	Pond Outlet Structures	2	EA	\$ 10,000.00	\$20,000.00	
	E	Cut/Fill (15% swell)	49,878	C.Y.	\$ 13.62	\$679,338.36	
	F	Mobilization	1	L.S.	\$ 27,207.94	\$27,207.94	
	G	Survey	1	L.S.	\$18,006.91	\$18,006.91	
	H	EPSC Measures					
		Construction entrance	1	EA	\$ 3,855.22	\$3,855.22	
		Silt fence	4,623	L.F.	\$ 9.01	\$41,653.23	
		Inlet protection	50	EA	\$ 226.63	\$11,331.50	
		Outlet protection	7	EA	\$ 851.09	\$5,957.63	
		Temporary seed and mulch	6,600	S.Y.	\$ 2.13	\$14,058.00	
		Erosion control matting	12,000	S.Y.	\$ 4.87	\$58,440.00	
		Erosion control monitoring	6	MONTH	\$1,286.21	\$7,717.26	
3		LANDSCAPING COMPONENTS				\$108,490.00	
	A	Street Trees and Miscellaneous Landscaping	1	L.S.	\$ 108,490.00	\$108,490.00	
4		MISC. COMPONENTS				\$1,004,936.00	
	A	Detention Pond Fencing	1,247	L.F.	\$ 16.00	\$19,952.00	
	B	Strip Topsoil	15,360	C.Y.	\$ 1.25	\$19,200.00	
	C	Place Topsoil	1,800	C.Y.	\$ 8.48	\$15,264.00	
	D	Rough Grade Building Pads	19,700	C.Y.	\$ 7.50	\$147,750.00	
	E	Rough Grade Paving Areas	8,940	C.Y.	\$ 7.50	\$67,050.00	
	F	Mass Blasting	31,048	C.Y.	\$ 15.00	\$465,720.00	
	G	Clearing and Grubbing	18.00	AC	\$ 15,000.00	\$270,000.00	
	H	Stockpile (6" Depth)	0	C.Y.	\$ 7.00	\$0.00	
		Performance Bond Amount - Subtotal				\$3,528,105	
		Per section 17-103.9 of the Zoning Ordinance: Performance bond amount shall be in the amount of 125% of the total estimated construction cost plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement.					
		PERFORMANCE BOND AMOUNT - TOTAL				\$ 4,410,132	

RECLAMATION/STABILIZATION BOND AMOUNT

Item No.	Sub-Item	Item	Est. Qty.	Unit	Estimated Unit Cost	Estimated Cost	
1		STREET CLOSURES				\$5,000.00	
	A	Street Closure	1	EA	\$ 5,000	\$5,000.00	
3		DRAINAGE WORK				\$1,620,834.80	
	A	Site Grading	1	L.S.	\$1,198,602	\$1,198,602.36	
	B	EPSC Measures	1	L.S.	\$143,013	\$143,012.84	
	C	Re-seeding	32.05	A.C.	\$8,712.00	\$279,219.60	
4		MISC. COMPONENTS				\$0.00	
	A	None					
		Reclamation/Stabilization Bond Amount - Subtotal				\$1,625,835	
		Per section 17-103.8 of the Zoning Ordinance: Reclamation/Stabilization bond amount shall be in the amount of 125% of the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement.					
		RECLAMATION/STABILIZATION BOND AMOUNT - TOTAL				\$ 2,032,294	