

# CITY OF FAIRVIEW

## BOARD OF COMMISSIONERS WORK SESSION MINUTES

JANUARY 5, 2023

Lisa Anderson, Mayor  
Brandon Butler, Vice Mayor  
Wayne Hall, Commissioner  
Leslie Fischer-Street, Commissioner  
Tom Daugherty, City Manager  
Tim Potter, City Attorney  
Rachel Jones, City Recorder

**BOC Present:** Anderson, Butler, Hall, Fischer-Street

**PC Present:** Butler, Anderson, Cali, Magner, Senyard, Schulist, McDonald

**Staff Present:** Daugherty, Jones, Sullivan, Totty, Hughes, Paisley, Potter, Foster

**1. Call to Order by Mayor Anderson at 5:34 P.M.**

**2. Bellehaven Development**

City Attorney, Tim Potter opened with an update on the history of the Bellehaven development.

- 2008 – Annexation and zoning was requested to RM8-PUD, the preliminary plan was approved and recorded
- 2016 – Developer obtained approval through the Planning Commission for a final Master Development Plan from the city that was approved. The zoning ordinance applicable at the time stated that construction must begin within three years, or it would lapse, and further approvals would be required.
- 2022 – Developer came back to the city with proposed changes which included fewer homes as well as the entrance location to be changed.
- With new zoning regulations put in place by the city in 2019, changes were classified as "major" or "minor".
- Major changes must be approved by the Planning Commission and Board of Commissioners.

PC member, Emily Senyard, asked the question what constituted a major change verses a minor change. Mr. Potter asked Mr. Sullivan to provide an explanation. Mr. Sullivan read aloud section 10-203.8 of the zoning ordinance titled Modifications to an Adopted Planned Overlay District Development. Mr. Sullivan then explained which changes to the plan could be considered "major" based off this section in the zoning ordinance and the approval process going forward.

Anthony Sparrow, Senior Vice President of Walton Global Holdings, who also owns the property, gave his perspective on the background of the property since it was purchased by his company in 2014.

- In 2014 when the property was purchased it had water and sewer accessibility.
- In 2016 when the planning process was ready to begin, he found out the property no longer had sewer accessibility.
- Dickson Water Authority agreed to maintain a step system for the property.
- Took some time to find a builder who would work with a step system.
- Worked with city staff and attorneys to determine if the rezoning process was required.

PC member, Emily Senyard, commented on the 2016 Master Development Plan having a "sunset clause" of three years. There was discussion about lot sizes with both the 2008 and 2016 plans. Mr. Potter stated in his opinion the Master Development of 2016 was no longer in effect.

Shawn Henry, representative of the developer, spoke saying this was a "modification" of a PUD Master Plan. He stated they are proposing to modify the 2008 recorded preliminary plan.

Mr. Sullivan passed out copies of a side-by-side comparison of the 2008 recorded plan in comparison to the current proposed modified plan.

Jay Easter, Engineer for Ragan Smith, detailed the comparison of the 2008 plan and the proposed modified plan. Changes pointed out are as follows:

- Entrance removed from Hwy 96
- Additional connection on Northwest Hwy
- Change in lot size
- Fewer number of lots
- Increased green space
- New plan complies with city's storm water ordinance

Commissioner Street questioned how much right-of-way would be needed to widen Northwest Hwy and Elrod Rd. Mr. Easter stated that along their frontage they would be dedicating all right-of-way for the property they own. Mr. Sullivan stated there are several properties where right-of-way would be purchased and several that would have a construction easement. He explained any property needed for the project would be purchased.

Commissioner Street also questioned the entrance of the development being removed from Hwy 96. Her concern was flooding Northwest Hwy and Elrod Rd with traffic. Mr. Sullivan stated staff had looked at the entrance from Hwy 96 and determined it to be a safety issue because of the proximity to the Northwest Hwy intersection.

Commissioner Hall asked for clarification about the realignment of Northwest Hwy and about the intersection of Hwy 96 and Northwest Hwy being signalized. Mr. Sullivan responded explaining the realignment and details of the project including a traffic signal that would be installed.

PC member, Emily Senyard, commented that the recorded plat did not reflect some of the amendments that was made with the Board of Commissioners. Commissioner Hall stated that there were 18 amendments, not 11, on the night the vote was taken.

Jim Murphy, representative of the property owner, stated the original plan was approved in 2006 and that is when the amendments were put onto the plan. A major amendment was done in 2008, which is the plan that is recorded.

PC member, Haley Schulist, proposed the question if something is a major change should it go through the rezoning process. Mr. Potter answered no. He stated that a design plan would have to go through the Planning Commission and Board of Commissioners, but that it would not require a new rezoning. Ms. Schulist also questioned if the 2008 amendments superseded the 2006 plan. Mr. Potter stated he believed that to be correct.

PC member, David Magner, spoke seeking clarification on buffers to include the higher density areas. Mr. Easter joined Mr. Magner at the podium and pointed out the buffers and additional green space on the map. Mr. Magner also questioned the use of common areas as it was his belief most were slated for drainage. Mr. Easter explained that there was a significant amount of green space in the new plan and understood the confusion about the drainage areas. He stated that a portion of the area was in fact needed for required drainage and storm water management but added there were also plans for walking trails throughout the area.

Commissioner Street asked why the property that was conveyed to city in 2008 is included in the current green space shown on the map. Jim Murphy told Commissioner Street that it was included in the original plan. Mr. Easter clarified that he was not including the area in the calculated green space on the new plan. Mr. Easter stated he would prepare a later illustration that would more clearly define the plan, showing green spaces etc.

Vice Mayor Butler questioned if the reinstatement on the Planning Commission agenda is improper. Mr. Butler suggested that the plan should be resubmitted to the Planning Commission and have two readings before the Board of Commissioners including a public hearing. Mr. Potter affirmed that his statement was correct.

Mr. Potter stated that the purpose of this work session was to educate everyone and to be informed. He directed any questions be forwarded to his office. Mr. Butler confirmed that PC Resolution PC-72-22 would be removed from the January 10<sup>th</sup>, 2023, Planning Commission agenda.

Mayor Anderson announced that she was going to entertain questions from the citizens but due to this project going back to the Planning Commission and Board of Commissioners, citizens will have the opportunity to gather questions and speak at the public hearing.

**3. Adjournment at 6:43 P.M.**

  
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Rachel Jones, City Recorder