

MUNICIPAL PLANNING COMMISSION

January 08, 2019, Regular Meeting at 7 p.m.

Brandon Butler, Chairman
Daniel Jenkins, V Chairman
Christie Slaughter, 1st Secretary
Mike Anderson, 2nd Secretary
John Blade, Mayor

Derek Burks, Commissioner
Salvatore Cali
Jim Power
Sheree Qualls

Present: Butler, Slaughter, Anderson, Blade, Burks, Cali, Power, Qualls, Jenkins

Absent:

Others Present: City Attorney Tim Potter, City Planner Kristin Costanzo, Building Inspector Micah Sullivan

- Butler Called Meeting to Order at **7:00 PM**
- Opening Prayer and Pledge – **Butler led Prayer and Pledge**
- Approval of Agenda –**Burks asked could they add Election of offices. Butler stated add- Election of offices, to Item 1 under New Business. Burks made a motion for approval. Blade Seconded. Vote taken. All were in favor.**
- Citizen Comments (limited to the first five citizens to sign in and three minutes each)
 - 1) **Robert DeLiello, he understands they will be voting on new subdivision regulations as well as new zoning regulations, he would like to point out the opportunity they have before them. Here in Williamson County they are fortunate to have some of the most beautiful and cherished waters in the State of Tennessee, between the creeks, streams & rivers that flow within the boundaries, they get to play, fish, hunt and our cattle and livestock can drink from this water. Currently there are developments in the area that are contributing to the damage and destruction of those pristine waters and he will try to avoid getting into any long discussion on that right now but he does want to call their attention and opportunity they have before them with regard to these new subdivision regulations. Read page 2 article 1 the proposed subdivision regulations items 7 & 8, this is a good start but he thinks with a little bit of thought and maybe some consultation with residents, engineers and contractors they may can get a little more pacific and then go further to find the City some kind of teeth for enforcement of those exact policies and purposes. They have building codes for a reason.**
- Approval of Minutes: **December 11, 2018 – Regular Meeting**
Power made a motion for approval. Anderson Seconded. Vote taken. All were in favor.

PUBLIC HEARING

1. PC 2019-01, A Resolution to Adopt Revised Subdivision Regulations for the City of Fairview, Tennessee.

Butler opened Public Hearing. No one to speak at Public Hearing. Butler closed Public Hearing.

NEW BUSINESS

2. Election of offices

Butler stated they have Chair, Vice Chair, Secretary & and 2nd Secretary, he will take nominations then vote on each one. Chair position- Burks made a motion they reelect the current slate of officers for a new term. Power Seconded. No additional nominations. Vote Taken. All were in favor.

3. Site Plan, 7,500 SF Industrial Building, requested by Fab Line, Inc. Property located at 7124 Loblolly Pine Road (Tax Map 018, Parcel 47.18). 2.33 acres. IG Zoning District. Property owned by PV Enterprises, LLC.

Jenkins read the below staff comments.

Staff Comments:

The proposed culvert for the emergency access drive will need to be

Lowered in order to provide sufficient cover over the top of the pipe.

Jared Gray Civil Design Consult with Civil Engineers with the project. Power made a motion for approval. Cali Seconded. Rob Riley came up to the podium and stated address is wrong it's not Road its Blvd. Jenkins also stated the address showing 7124 Loblolly Pine but all the blue prints states it's 7126 Loblolly Pine Blvd. Gray stated 7126 is the correct address. Vote taken. All were in favor.

4. PC 2019-01, A Resolution to Adopt Revised Subdivision Regulations for the City of Fairview, Tennessee.

Burks moved to defer to next months meeting, he received the final version of this one today and he was unable to make it to the entire thing and he wants to make sure he reads it all before he votes on it. Slaughter Seconded. Butler stated he would like it posted on line so that it everyone can read and review, perhaps they have another Public Hearing next month. Vote was taken. Item deferred to next month's meeting.

5. Request for Recommendation to the Board of Commissioners on Ordinance 2019-XX, An Ordinance to Adopt a Revised Zoning Ordinance, Requested by the Fairview Planning Department.

Burks made a motion to defer this item till next month just received them today and hasn't had time to go through them all sufficiently to where he would feel comfortable voting on it. Blade Seconded. Anderson asked would they be able to make changes once they go through this. Owen stated yes, the Subdivision Regulations and Zoning Ordinance are always open for modification according to proper procedures. Owen stated just for clarity, the versions that they received most recently are not materially different than the ones that have been disseminated amongst workshops and meetings over the last couple of months. Didn't want anyone to think there was an expectation for approval of documents that were just received in the last few days. Owen stated the most recent ones did have some typographical corrections and chart references that sort of thing but the material content of those documents hasn't changed in the last 8 weeks. Vote taken. Motion deferred to next month.

6. Review and Recommendation on Revised Preliminary Master Development Plan for Richland Estates, Requested by the Fairview Board of Commissioners.

Jenkins read the below Staff Comments.

Staff Comments: Per the minutes from the November 2018 Planning Commission meeting, the PC voted 8-1 to approve the rezoning request and

preliminary master development plan for Richland Estates contingent upon the following conditions: an additional trail outlet, all sides of the homes to be of masonry products, trails to be constructed of crusher run material, stream protection, and provision of a second entrance to the multipurpose fields. SEC made these changes, and the rezoning request and preliminary master development plan went before the Board of Commissioners on January 3, 2019, for a first reading. The Board of Commissioners discussed at length the rezoning request and the master plan, with most commentary surrounding two (2) items: the need for parking to serve the improved amenities and the access point to Lake Road. The BOC made a motion to approve the rezoning request and master plan on first reading but requested that SEC revise the plan with those two items in mind and send the plan back to the PC for review and recommendation. The newly revised plan before the PC shows three (3) parking spaces plus an ADA handicap parking space and loading zone between the proposed tot lot and pavilion, plus two (2) entrance options for Lake Road, one with emergency access only, utilizing crash gates and fencing (the option shown on the master plan that the PC recommended previously) and one with standard road section of 50' right of way between lots 27 and 28 tapering to a 30' right of way (including two 9' lanes and two 6' shoulders) with connection to Lake Road.

Butler stated the Board of Commissioners reviewed this at their meeting last Thursday night 2 points of contingent, they approved so there would be a 2nd reading with the 2 points of contingent, they wanted our feedback one, the additional parking spaces, ADA handicap parking space in the loading zone by the tot lot & pavilion & also they were interested in trying to make that Lake Road entrance a 2nd entrance into the neighborhood. Butler stated the applicant submitted the parking area and submitted 2 pictures with the current gate configuration that they saw 2 months ago and then without the gate like the BOC requested. Butler asked Mr. Potter should there be an action or approval. Potter stated he thinks in whatever form they want to approve the feedback, he thinks it was a matter of difference to The Planning Commission, you all have spent a whole lot of time reviewing these plans and these developers have been before them several times and reviewed and asked for a lot of changes, these were some changes that weren't requested by the Planning Commission so the Board of Commissioners discussed those two things at length. Potter stated not real sure what Will Owen and the Commissioners though was but they wanted these two items sent back to them to see if they thought they were necessary. Cali stated in the original meeting he was all for that for that main road going to Lake Road but having a road there now, instead of putting one later, putting in a regular Road instead of an emergency road would probably be better. Butler stated he thinks if there was a 50-foot access road making two entrances to the neighborhood instead of one being only 30 foot, so they both could meet City standards, he thinks that's why it was presented to them with an emergency access because it wouldn't be wide enough to have active traffic both ways and also have the city sidewalks, curb, drainage & etc. Power stated wasn't one of the issues putting that traffic onto Lake Road with Lake Road being unimproved

kind of how it is. Jenkins asked what was the intention of the BOC for the parking around the pavilion and the tot lot. Burks stated it was similar of some of the discussion they had, if your tot lot is down at the end of a cull-de-sac or your walking trail at the end of a cull-de-sac, the only place to park will be at the end of the cull-de-sac, which will prevent fire truck and emergency vehicles getting down the cull-de-sac, so they wanted to see a parking area, also a handicap area, just a safer area if someone wanted to unload toys or equipment would be a safer area. Butler asked Mayor Blade & Commissioner Burks do they have any additional they would like to add from their meeting last week. Burks stated looking at this drawing, it appears he missed this last meeting, the mail kiosk is in this pavilion, most people will be checking about the same time when they get off work, not sure how well that will work, people parking down the side of this road to check their mail and the people wanting to use the tot lot, doesn't think that 3 spots will be sufficient. Jenkins stated 1st why do they have a pavilion and how many people do they expect to gather under that 30 x 30 foot pavilion, gather at the tot lot, if that equals what they can fit in three vehicles that would fit but he feels like you would have more people wanting to show up for an event than what 3 parking spaces would allow for, so he agrees there should be additional parking. Jenkins stated he also thinks that's a poor place to put a mail kiosk. Jamie Reed stated he thinks that meeting other night was to get their opinion, 1. either put up the gate or take the gate away 2. Possible add some parking spaces, this is for them to bring back their construction plans for them to have a site plan for the pavilion and those sorts of things. This in general was to ask their permission to add parking spaces there, he just put the mail kiosk on there because it's a brand-new requirement, it don't have to be place there, they don't require parking spaces. Reed stated the intent was to ask them if they were okay with the minor change of adding parking spaces there and then with a gate or without a gate on the access drive, correct him if he's wrong. Reed stated they can add 1, 2, or 7, 8 parking spaces on the construction plans. Burks stated he's happy to preserve that conversation to the next meeting they attend, he's trying to be helpful. Reed stated if they have a number for mail kiosk, right now there is no number for mail kiosk, typically what they are placing is 1 or 2 spaces, in other jurisdictions. Anderson stated on the mail kiosk where he's been involved in them, they made it to where either people could flow around them because people stop and either get out and get their mail and leave in about 3 to 5 minutes, he fought the postal service for years over this issue. The reginal postmasters have been pushing this for a long time for their budgets but the national postmaster hasn't, Reed stated yes, they have, if anyone wanted to fight this it wouldn't have to occur. Reed stated he agrees but every jurisdiction he's dealing with are requiring this on 7 lots or more. Butler stated he thinks yes they will tell the BOC, yes they think parking spaces should be there, maybe some additional that the mail Kiosk has come in to play, unless anyone else has anything, this is just the rezoning, still have site plans, construction plans and have a chance to review and they can tell the BOC yes they think parking should be there and maybe more that was shown, just for their review, if

everyone agrees, now they can talk about the road. Burks stated at the BOC meeting on the road, a lot of people seem to want that 2nd entrance/exit try to divert some of that traffic instead of it all being concentrated right there on Cox Pike, especially since it's a very large subdivision. Burks stated he appreciates the effort to put the emergency lane in but he thinks it's a preference to put in the access road even if it's a one way, it's just a concern that one of the reasons they wanted it to come back and have the discussion here, what does this board think, preferable, understands there is an issue of the right of way. Collins stated staff had chance to look at this today and came up with a couple of options within these for consideration moving forward; as it relates to the pavilion itself in the discussion they came up as a solution would be to consider the compacity of that pavilion, which he believes is open air, which will still have some kind of compacity rated for whatever that is and suggest to the BOC and to this body that the standard of parking be used as what the standard of what the current Subdivision Regulations for compacity based on potential compacity. So, if you have square foot and compacity for any development or any other building that's what they would request be done in this matter. Collins stated as it relates to the access road, we understand from a staffs stand point that is 30 feet for a portion of that, in looking at the drawings and what was discussed there were 9 foot lane widths, they were discussed on a 30 foot right of way, our preference would be that they construct 11 foot lanes on the 30 feet, giving the fact that they understand they only have 30 feet there. Collins stated the consideration for that was that 9-foot lane is the width of the standard parking space, which would not allow for travel lanes in two directions where there need for travel lane in two directions. So, our concern would be if going to be constructed in such a manor that it be driven on that it be constructed in a manor that both lanes be usable at the same time. Collins stated our request from a public safety stand point, outside of the gate which is another issue, would be that the 30 foot right of way, which would be dedicated to the City, constructed with 11-foot lanes with curb and gutter. Anderson stated if they go to 11 foot, he thinks is a good idea, they are going to have to look at the turning radius going out on Lake Road. Jenkins stated his opinion has changed since November so, he can't approve a 2nd entrance onto Lake Road, to add in access for 141 families, so he would recommend leaving it as an emergency access point. Cali stated he disagrees because Lake Road will have to be fixed down the road, if they should do it right the first time because down the road it will become a full access road, would be spending more money. Collins stated their concern on the access gate, there concern is this will be dedicated to the City at some point, part of the liability is the concern is the access gate. If they were accessing private property that puts at least some of that liability on the private property owners of that subdivision or HOA, given that this is going to be a public street that's going to be constructed that way, we have a bit of an issue from a liability standpoint and accessibility standpoint installing a private emergency access only on a public right of way roadway. Butler asked what about public sidewalks that end into private property, if the width isn't as full then the City would take on

the burden to eventually acquire to take on that property. Collins stated at some point that would be their only option, the only other option, and he wouldn't suggest to do this if they were to do the 30feet would have 0 lot line on one side road. So, they would have access on 1 side of the road for a sidewalk. Power asked if this is going to be a road does there need to be a traffic study going onto Lake Road. Butler asked did the traffic study include the access on Lake Road. Reed stated yes it did but not sure if it included with the gate or without the gate, they did turn in with this access point and the other one. Reed stated the front entrance is their main focal point, that's where they are assuming everything is going out, even though the traffic report said wasn't required to put a turn lane, they're basically going to put in a turn lane because of the two entrances that were up close to make it safe. Tony Cavender stated his suggestion on the 30-foot is to also maybe put some speed bumps until they enter the subdivision at the 50foot, if the Board suggest that be a public road. Anderson stated he would be in favor of a speed hump not a speed bump, lot of differences, easier on the car and safety for everyone. Jenkins stated just for clarity this won't change the road it will be either an entrance or just for emergency. Butler stated correct gate or no gate is what they are supposed to send back to BOC. Jenkins stated if the concern is public safety emergency responders are probably going to respond more if they allow access onto Lake Road from there due to crashes that they would use to go into that crash gate to get to the back park of the neighborhood, don't let people go onto Lake Road, until Lake road is improved. Burks asked how far from this entrance does Lake Road connect onto Cox Pike because there is a good chance people are going to take it anyway, there will be more traffic on Lake Road with this subdivision being there, allowing direct access onto Lake Road maybe allowing how much it will be used. Question is do they make it more user friendly by having that 2nd access road. Butler stated if they proceed with making that a road, he thinks they could make a recommendation to the Board ask them to do a line of site at the entry or some kind of a study to ensure that it's a proper turn onto it. Butler asked does anyone want to make a motion. Burks stated he has 1 item he would like to add, going back to parking spaces, his understanding what the City Manager was suggesting it's just not parking spaces for the pavilion, it's parking spaces for the pavilion, tot lot, parking spaces to get to the multi fields, so he doesn't think doing that calculation based on just the pavilion will be sufficient. Reed stated what was their vision on how many parking spaces. Burks stated his preference would be 10. Reed stated that's reasonable. Burks made a motion to approve the addition on parking spaces by the Tot lot and Pavilion with a number to be determined by the developer and that the secondary access be a full-service road with 11-foot-wide lanes with no gate. Anderson Seconded. Vote was taken. All in favor except Jenkins & Slaughter. Motion passes.

BONDS AND LETTER OF CREDIT

7. Scarborough Village, Phase 3 – request to set new bond amount to facilitate future recording of final plat. Original bond was set on February 12, 2008 and is currently in the amount of \$52,000.00.

Jenkins read below staff comments.

Staff Comments: The developer is requesting that the final plat be recorded at this time. Based on a review of as-built drawings and a site observation conducted on May 23, 2018, the city engineer recommends a new bond amount of \$203,750 ($\$163,000 \times 1.25 = \$203,750$) to cover the remaining work, including:

- **Grading (including detention pond): \$60,000;**
- **Removal of excess material: \$12,000;**
- **Erosion Control measures: \$15,000;**
- **Drainage infrastructure: \$15,000;**
- **Sidewalks: \$18,000;**
- **Roadway repair/patching: \$25,000; and**
- **Final asphalt topping: \$18,000.**

Thomas Smithson stated he was looking over this and there's really no justification for what he's asking, he has a bid on the road for \$18,000.00, he said there was pipes there, most of them have been removed, what's there is the drainage pipes can't seem to get anyone to install because it's a small job. Smithson stated he said something about the dirt, what he does is he puts all the good dirt in a pile so when he builds his house, he takes all the good dirt and push all around the houses that way he doesn't loose his topsoil. Smithson said this price is so high it wouldn't take this kind of money to do the whole development. Butler stated doesn't know if the staff wants to comment but just hearing him speak defiantly sounds like it's not ready for a final plat recorded, it's our job to make sure The City of Fairview isn't left with the bill and trying to fix it and if that's a high assessment they just want to make sure it's up to the standards that are currently in place. Burks stated he was curious when he saw the increase but when you look at it that's a 2008 number versus 2018 number, he can speak from experience things are a lot more expensive now than they were in 2008 especially construction wise. Burks asked it would cost the City more if they have to complete the work, he asked Will Owen to explain how he came up with the numbers. Owen stated in a nut shell if the plat was recorded tomorrow on January 9th and on January 10th for whatever reason, if the developer sold all the remaining lots and on January 11th if all the people that bought those lots said I need an infrastructure build so they could actually build a house then that number represents what he believes would be required on the City to go in and have that infrastructure finalized and completed so that those lots would be considered buildable lots for those individuals that purchased those lots. Owen stated he understands the cost on their paper tonight is not intended to be anywhere near what his cost are that's not what our role is in establishing the bond amount our role for whatever reason that The City would have to finish the remaining work that we have enough in a bond amount to make sure that is covered. Owen stated Mr. Smithson has the opportunity to proceed with the work that's shown on our list and as that work is completed, they can mark that amount off what a bond amount will be, there's nothing on the City side that's preventing the work to be done. Owen stated the only thing he would suggest would be that they not move forward in recording a final plat that establishes those lots legally and therefore they could be sold without some more protection in order to make sure the City is covered. Smithson stated the bank won't let him have a \$200,000.00 bond, he's stuck in a hard spot, he can give them bids on what it's going to cost him to get the work done and he's not going to walk off and leave this land he's owned it since 1999. Jenkins stated he's not an expert on bonds he believes Owen is the expert, he was wondering how much financial burden would this put on the developer if they approved a \$200,000.00 bond. Owen stated this would be between

the bank and the individual he's not privy to that information. Jenkins ask had he research that at all since he read the \$200,000.00 bond. Mr. Smithson stated the bank has already told him they want give it to him. Owen stated this is a request from Mr. Smithson to facilitate the recording of the plat. Butler asked is it expiring in February. Owen stated no he doesn't believe it expires for several months and when it expires at that time they would not suggest an increase in the bond because at that time there's not a request to file to record the final plat. Butler stated if they decline the request to facilitate the final plat the bond would stay at the current bond and he would continue to have to make the improvements and if he requested for a final bond again, they would have to make an inspection and see how the improvements have been done then could take off the list if the improvements have been made. Owen stated correct and as far as he knows the only thing in recording the final plat is that allows Mr. Smithson to do that, he can't currently do now is to sell those lots. Burks stated Mr. Smithson if they want them to go forward in approving that final plat this is the number that our Engineer has provided and this is the number, they are going to go with most likely or he can redraw his request, what does he want to do. Mr. Smithson stated he will have to redraw it because the bank won't give him the money. Butler asked him what is his intention on trying to receive the final recorded plat now, to sell the lots. Smithson stated no he will even sign an agreement that he won't sell. Burks asked him did he want to withdraw otherwise he is going to make a motion to approve as the numbers that are being provided, he will give him that option now. Smithson stated he will have to withdraw. Burks asked Chairman can they consider him withdrawing and move forward. Butler stated yes if he can confirm that. Smithson stated yes, he withdraws but he will need a list. Butler stated if we could send Mr. Smithson the list. Owen stated that list has some variable associated with it because to date a current set of construction plans hasn't been produced so if a current set of construction plans could be produced to have a better understanding of where they are currently today on the site conditions and what the end result would be based on anything that has changed from 2008. Smithson stated what about the dirt does he need to move it. Owen stated that's his chose. Butler stated he's trying to understand what changes if they approve him of final release is, he going to start building on the individual lots. Smithson stated yes and he was going to start in the back of the cull-a-sac and go around. Butler stated if he withdraws, sounds like some things are on the up and up and making progress, getting things delivered. If he gets a new set of construction drawings, we can rereview it and maybe this number goes down. Smithson stated what kind of drawings. Owen stated drawings that show the remaining grading work including the detention pond as well as drainage infrastructure that needs to be installed. Smithson asked didn't Chapdelaine give those to him. Owen stated no. Smithson stated he came out and done the TOPO's and where the drainage was. Owen stated he doesn't believe there were any contouring or grading shown on the submittal by Mr. Chapdelaine. Smithson stated he will call him and find out what's going on.

Reports for Discussion and Information

- City Planner – **Nothing**
- City Engineer – **Nothing**
- City Attorney - **Nothing**
- City Manager – **Collins stated just one thing tonight, we're looking to making improvements in communication in City Hall particularly with out email system over the course of their terms in office they could use their personal email with communication**

with the City, we've since made some changes, he has some documents to hand out to the individual Board members, each of you now have a city email address. The handout is instructions on how to access that, we will send a test email this coming Friday, we just need a reply back from each of them to make sure this works. Once we get those replies this email address will be their official communication to and from the city regarding matters of the city. So, if we have a document that comes from the Planning Department, City Attorney, himself & anyone else will come to them via this city address, will make sure we have that up and running and maintain all records for that. It's just way to make sure we can communicate with them and they can communicate with us and we can maintain those records.

- **COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS**

Burks stated Mr. Owen he didn't mean to imply he would have made changes without their knowledge with those documents it's just by his nature and his profession he's not going to approve something until he has a chance to go over it one last time in the final version, if he doesn't do that bad things happen.

Butler stated he sent them the ethics form that is due next month, as a Planning Commissioner. Also, they need to calculate their training and vote on their training hours for the 2018 calendar year and get on next month, knows they're always looking for ways to get training hours. Also, if they could get the Subdivision Regulations and Zoning Ordinance on the website for everyone to review for the Public Hearing.

ADJOURNMENT – Butler stated he would entertain a motion for adjournment.

Burks made a motion to adjourn. Adjourned at 8:23p.m.

Chairperson

Secretary