

# **MUNICIPAL PLANNING COMMISSION**

**January 9, 2018, Regular Meeting @ 7 p.m.**

**Brandon Butler, Chairman**  
**Daniel Jenkins, V Chairman**  
**Christie Slaughter, 1<sup>st</sup> Secretary**  
**Mike Anderson, 2<sup>nd</sup> Secretary**  
**Patti Carroll, Mayor**  
**Derek Burks, Commissioner**  
**Salvatore Cali**  
**Jim Powers**

**Present:** Butler, Jenkins, Slaughter, Anderson, Carroll, Burks, Cali, Powers

**Absent:**

**Others Present:** City Attorney Tim Potter, City Planner Kristin Costanzo, Codes Clerk Sharon Hall

- Opening Prayer and Pledge  
**Butler opened meeting at 7:00p.m. Butler led Prayer and pledge**
- Approval of Agenda  
**Butler added 5. New Business – Election of Officers for Calendar year 2018. Carroll made a motion for approval. Anderson Seconded. All were in favor.**
- Citizen Comments  
*(limited to the first five citizens to sign in and three minutes each)*  
**None**
- Approval of Minutes: **December 12, 2017 – Regular Meeting**  
**Burks made a motion for approval. Powers Seconded. Jenkins stated minutes stated Butler called the meeting to order at 7:00p.m., Butler wasn't there, he opened the meeting. Vote was taken. All were in favor.**

## **NEW BUSINESS**

1. Modification to Cumberland Estates Phase One Approval Requirements as They Pertain to Lot #48. Parcel located at 7424 Cumberland Drive (Tax Map 047P, Group C, Parcel 48.00). Property zoned R-20 PUD. Property owned by Cumberland Estates, LLC.  
**Trey Lewis VP with Ole South property's, the builder for Cumberland Estates present to represent and asking for the request. The current 5 lots that face Cumberland Drive are the lots they had agreed to build those of all brick construction with the homes being built behind those were approved 3 sides vinyl with combination of brick, stone & siding, front exteriors. They think they have a better idea, public reception to vinyl siding is getting less & less popular, they have decided to do the whole subdivision of hardy plank on 3 sides, plus a combination of stone & brick on the front exteriors, which will make a much nicer product. They didn't have that when they originally made the presentation, what they are asking for is a variance for the lot # 48 when entering the subdivision, they would like it to be hardy plank, stone & brick combination, they can also see the size of lot 48 is kind of continuous with the rest of the community. If they are able to do this they will build a entrance to the neighborhood and will be extensively landscaped on the corner of lot 48 on Cumberland and Brayden Drive. Carroll asked the house that they are asking the variance is already built correct. Lewis stated yes. Jenkins ready the City Staff Report, which will become part of these minutes. Exhibit A. Powers stated this is their model home and they want it to reflect what the rest of the houses will look like. Lewis stated yes. Jenkins states is it normal practice to go ahead and build the home out of regulations. Lewis stated they don't go ahead and do things and come back and ask permission, they did go through a process, there was a misunderstanding in definition of brick to grade on a house, they were told its grade is fine go ahead, the definitions weren't really clear. They stopped construction once everything came to light and that's why they are here tonight to clear**

this up. Anderson asked what do they consider brick to grade, brick all the way to the seal plate. Lewis stated would be from the finished floor foundation to the grade, every home in the neighborhood will be brick to grade, no exposed foundations. Burks asked on the original PUD, which direction was this house facing, when it was approved. Lewis stated it wasn't determined. Butler stated he thinks that would be a gray area question, this was the PUD that was approved at the BOC and had made adjustments by the time it had left the PC to the BOC, he thinks the intention was to have all lots on Cumberland to be facing Cumberland. The PC had requested no driveways on Cumberland come off the side entrance and the front homes on Cumberland be all brick. Burks stated somehow this wasn't approved at the BOC the way the PC had recommended to be facing Cumberland and all brick. Lewis stated they are only asking for a variance on this one lot. Powers stated they would be much better homes without the vinyl siding, he would rather buy a home with what they are wanting to do. Carroll stated she actually has a problem with doing the change on the PUD, it's not what was voted on, she questioned about all the houses being brick. She went by and looked at the subdivision and she see's why, it may be the way they tilted the lot, why they would want this to all match, probably would look odd. Carroll stated they were told by the Board that there couldn't be any variances unless it went back in front of the Board, is that not still the case Kristin. Costanzo stated she's not sure if this specific characteristic is something that would constitute a change from the PUD approval, she is looking at the preliminary master development plan that was approved by the BOC, it was specified that the main homes on Cumberland, lots 1, 2, 49 & 50 were required to be the 1 acre lots, lot 48 is on the internal street in the subdivision and as part of the PUD approval it wasn't required to be the 1-acre lot that the other two were. The motion that was made by the PC to approve Phase I that said that they wanted those 5 to be all brick, she thinks by coming back and asking for a modification that would be proper doesn't think would have to go back to the BOC. Butler stated he thinks the intent was to have all those to be larger lots and it didn't get transferred either way so the next phase looks like there are two small lots, Mr. Lewis does he know the plan for those two lots. Lewis stated naturally the one's that are being built they would like to have the lot sizes to match but that's certainly flexible, the main thing is defining a model home defining the neighborhood and sale center, if they need to do something different on the other entrance it's not an issue for them. Carroll stated the model home is on the curved lot, across the street you're going to do brick there or are they asking for a variance. Lewis stated they would be tickled to death with a variance on all 5 lots but they aren't asking for that but if that's something the commission wants it would be great, they are fine with building the other four 1-acre lot minimums all brick on 4 sides. Carroll stated she thinks it's a mess and it will look odd with the brick, especially since the model home has been built, she could justify the way it's curved in but it's still going to look odd having the brick on the other two sides. Lewis ask what they would think putting lot 2 in with the variance both corners in line and the others all brick. Carroll stated she doesn't know. Burks asked Mr. Potter for a PUD to have to go back before the BOC for approval, what is the test for that, is it significate change. Potter stated a significate material change from the original approved plan, he is just trying to get approval for this lot 48, he would say he would come down to this being something in the purview The Planning Commission. Carroll stated that she has a problem with this because they were told if any changes were to be made they would have to come to the Board of Commissioners for final approval. Potter stated Mayor they certainly can do that, say they are going to approve subject to the Board of Commissioners. Costanzo stated she has in hand, the approved Master Development Plan that the BOC passed, was actually called Greenland Estates when it 1<sup>st</sup> came through, what it says is lots along Cumberland Drive that have direct access are required to be 1-acre minimum in size with rear entry garages. Lot 48 doesn't have direct access because it has access to the internal Brayden drive, it is smaller than the other 4. Also says all home

fronts will be constructed of all brick, stone or cement board siding except Cumberland Drive. All homes along Cumberland Drive are required to be brick, stone or cement board siding on all 4 sides. That is what was originally approved, that's what he is asking for lot 48, it was the Planning Commission in the approval of Phase I that said they wanted those 5 to be all brick. The BOC approval was what he's actually asking for but the PC sort of strengthened their desire for higher materials in the approval of Phase I as part of the motion to approve Phase I of Cumberland Estates. Slaughter asked could they put brick on the front with Hardy Board on the other 3 sides. Burks stated you wouldn't be able to see that brick from Cumberland. Slaughter stated yes, they would if the house was actually facing Cumberland. Burks asked is Ole Souths agreeing to do all masonry product, whether that's fiber board or whatever contingent upon this being approved or not. Lewis stated they're not going to say that they want to build a better product for the neighborhood of Fairview and they would agree to the current section having the hardy plank masonry in writing, if they would like that, without the approval they wouldn't want to put that in writing. Butler stated they have quite a few built with it already. Lewis stated yes. Anderson asked do they use the prefinished Hardy siding or do they paint them. Lewis stated its color plus, comes from the manufacture. Anderson asked how many selections do they have. Lewis stated about 8. Customer picks the color, with a little intervention if they pick the wrong color. Butler stated to make everyone clear, the builder did reach out to the City, maybe it was the wrong person or a wrong interpretation of the question, before this project started they did ask is this going to be okay and they were told yes, kudos for them coming back to try to get this fixed. Burks asked does this have a HOA. Lewis stated yes. Carroll stated she's still concerned what the finished product will look like. Butler stated he agrees what's it going to look like if they do brick, brick, siding how will that look. Carroll stated they could do brick on 49 & 50 and make them look like standalone homes, would probably look more appealing. Lewis stated that would give a more defined entrance. Carroll stated they could take lot 2 and angle it. Butler stated it's a good-looking product, they are selling them really fast. Anderson stated he thinks lot 48, which is an acre, would be better suited to have their entrance. Carroll stated that's what she was thinking, they could move their sign. Lewis stated they can do that. Carroll stated or put 2 signs up. Lewis stated they can scale them down and match on each corner, mirror lot 2 & 48. Butler stated make sure the plantings are on the approved tree list. Burks stated what if they deferred this to the next meeting & have them come back with another drawing of plated 2 & 48 to mirror each other and they can see what its going to look at and have the option. Lewis stated right now they have a house that's not weathered in that's out in the elements and he wouldn't want to leave it in that state for another 30 days. Butler stated if they have a vision and want to see the drawings of the signs to come back or something like that. Carroll stated what's the size of lot 48, it's not an acre correct. Lewis stated no it like .26. Costanzo stated .34. Carroll stated she would like the two lots to look more uniform coming in, she thinks would make a better-looking product. Lewis stated they can agree to mirror proportionally the placement on lot 2 to mirror lot 48, no ones going to be opposed to a larger back yard. Jenkins to be clear he is here to get permission to change the building materials on the outside of a home that has already been put up, if they say no he will have to remove the siding and brick it. Lewis stated then they will have a home of hardy plank homes stuck behind 5 brick homes. Jenkins stated he drove by there today and there are no brick homes across from this subdivision. Butler stated there are 6 1 acre lots that are all brick across from section II, that was the inspiration for those neighbors that came to the meeting that were worried about it looking different. Powers stated he would like for them to be able to go ahead and do this and look into further discussion about lot 2 since they don't have it drawn up tonight how they are wanting to mirror it. Carroll made a motion lot 2 & 48 to be excepted as the Hardy siding or similar material and also have an entrance monuments on both of those lots.

**Anderson Seconded. Carroll ask about clarification on the ones that need to be brick. Lewis stated lots 149 & 50. Butler asked Costanzo how she feels about just from a visual prospective, what's her thoughts on brick, siding, siding, brick, brick. Costanzo stated she thinks it was smart to include lot 2, she thinks it will make much more seamless transition to have both of those lots even if they're different sizes. All were in favor.**

2. Recommendation to the Board of Commissioners on the Rezoning of Property, requested by Kenny Taylor. Property located at 7312 Taylor Road (Tax Map 042, Parcel 77.08). 5 acres. Current zoning district: RS-40; Proposed zoning district: R-20.

**Jenkins read City Staff report, which will become part of these minutes. Exhibit A. Tim Mangrum present to represent and Mr. Taylor is present also. Mangrum stated as they can see the road frontage would allow them to stay with a R-40 zoning and still get 5 lots. The northern property line isn't straight, where the building would be there isn't enough room, there is another little caveat to the R-40 opposed to the R-20. If they look at their R-40 zoning the front setback is supposed to be 50 feet and the R20 allows 35-foot setbacks on the road, to help conform with other houses in that general vicinity, they would be glad to leave the 50-foot setback off Taylor Road to help conform with the existing houses across the street. Butler stated so the lots will still be the 1-acre RS40 size, just the limit on the widths. Mangrum stated they considered going to the BOZA for that but the thought this was a better way. Anderson made a motion for approval contingent that he stay with the 50-foot setbacks. Cali Seconded. All were in favor except Jenkins. Motion passes.**

3. Site Plan, McDonald's. Property located at 2233 Fairview Boulevard (Tax Map 042, Parcel 52.00). 1.2 acres. CG, Commercial General, Zoning District. Property owned by Archland Property 1, LLC.

**Ken Crowder with Martin Engineering, representing McDonalds Corporation. Crowder stated McDonalds has been going through a program updating their stores and this is one of the stores that's in their program now. The building is going to be remodeled, as they can see by the elevations, going to take the old mansard roof off and going to extend the parapet up put on new canopies, the play place will be added to the front of the building. The sidewalks around the front of the building will be done to ADA compliance, parking along the non-drive through side going to be redone so that the handicap parking meets ADA. Also, McDonalds is replacing all their menu boards to new digital menu boards at their drive throughs. They won't be changing curb lines won't be grading the site except where the handicap parking is, pretty much everything else will stay the same. Jenkins read the City Staff Report, which will become part of these minutes. Exhibit A. Burks asked is the HVAC units on the roof? Crowder stated yes sir. Burks asked what their changing with the roof line, will it be visible. Crowder stated no sir; the parapets are extended up high enough to hide all elements on top of the roof. Anderson asked how long will they be shut down or not. Crowder stated it depends sometimes they do the remodels and never shut down, just did one in Nashville and they shut down for 60 days, depends on how the owner/operator wants to handle that. Carroll made a motion to approve with the Staff Comments. Cali Seconded. Slaughter asked about the silver grass was it on the approved plant list. Costanzo stated Mike Berkley indicated that the items that were on the landscape plan were on the approved list. Vote taken. All in favor.**

4. Recommendation to the Board of Commissioners to Accept the Public Improvements including the Roads, Sidewalks, and Storm Drainage for Western Woods Village, Section 2, Phase 1 and 2, and Section 3.

**Jenkins read the City Staff Report, which will become part of these minutes. Exhibit A. Butler stated he knows they talked about this in November, don't know if this section is a different section. Costanzo stated they talked about Phase 4 that is currently under construction. Butler stated this is the front section that are completed and nothing under construction now and has been inspected by our Engineer for recommendation.**

Carroll stated that actually includes some of the sections that they were talking about last month that had flooding issues. Costanzo, they should have a copy of the as-built drawing in their packets, lot 37 was the one that was in question, between, her, the Engineer and a surveyor, who has been commissioned to look at some storm water issues, lot 37 came before the Planning Commission on its own, had some storm water improvements done. The improvements were approved as well as the easement, as far as Mr. Owen is concerned all the improvements that were on the construction plans & on the as-built drawings were installed correctly. Costanzo stated he looked at it last year and reduced from a performance bond to a maintenance bond. Carroll asked the issues with the detention pond in the second phase backing up has that been taken care of. Costanzo stated the detention pond was actually in phase than these that are being accepted, there is also a detention pond in phase 4 that's under construction. Costanzo stated she specifically asked Mr. Owen pertaining to drainage and the roads and he indicated that everything was on par. Jenkins stated there are some storm drains that are broken & sheered off, is that something that should be covered under this. Costanzo stated yes that should be covered and if the Engineer missed that for some reason, she can specifically ask him to go make a second visit because that is something that would fall under a maintenance bond. Jenkins stated the one he's thinking of specifically is at lot 16. Costanzo stated she will make a note of that and have him to make a second inspection. Burks made a motion to accept contingent upon all the drains being replaced if any are damaged. Cali Seconded. All were in favor.

5. Election for officer for calendar year 2018.

Butler stated they will start with Chairman, accept nominations then vote. Burks made a motion Mr. Butler continue to be the Chairman for the next year if he's willing to do so. Anderson Seconded. No other nominations. Vote was taken. All were in favor. Butler stated move to Vice Chair. Carroll made a motion Mr. Jenkins as Vice Chairman. Butler Seconded. No other nominations. All were in Favor. Butler stated we currently don't have anyone for 1<sup>st</sup> Secretary, Mr. Anderson is our 2<sup>nd</sup> Secretary, so accept nominations for 1<sup>st</sup> Secretary. Burks made a motion to nominate Ms. Slaughter for 1<sup>st</sup> Secretary. Carroll Seconded. No other nominations. All were in favor. Butler stated Mr. Anderson is currently our 2<sup>nd</sup> Secretary are there any other nominations for 2<sup>nd</sup> Secretary. No other nominations. Carroll made a motion to nominate Mr. Anderson for 2<sup>nd</sup> Secretary. Powers Seconded. All were in favor.

#### **BONDS/LETTERS OF CREDIT**

6. Audubon Cove Mixed-Use PUD – request to set the bond amount.

Jenkins read the City Staff Report, which will become part of these minutes Exhibit A. Per City Engineers recommendation, Exhibit B, will become part of these minutes, Reclamation Bond Amount \$426,000.00, Performance Bond Amount \$1.57 million. Dollars. Mr. Murphy present to represent. Anderson made a motion they accept the bond recommendations from the Engineer. Burks Seconded. All were in favor.

7. Wynwood Park, Phase One – request to set the bond amount.

Jenkins read the City Staff Report, which will become part of these minutes. Exhibit A. Per City Engineers recommendation, Exhibit C, will become part of these minutes, Reclamation Bond Amount \$388,000.00, Performance Bond Amount \$927,000.00. Mr. Beata present to represent. Jenkins made a motion to accept the bond recommendations from the City Engineer. Potter Seconded. All were in favor.

8. Fairview Station, Phase 2 – request to set the bond amount.

Jenkins read the City Staff Report, which will become part of these minutes. Exhibit A. per City Engineers Recommendation, Exhibit D, will become part of these minutes, Reclamation Bond Amount \$28,000.00. Performance bond Amount \$65,000.00. Kathleen Robertson Gordon, she is representing Fairview Station, she is an Attorney standing in for her husband, which is also their lawyer, Huntly Gordon, please bear with her she's got notes from him. He said phase 1 & phase II are recorded, she believes he



spoke to Kristin, the 3<sup>rd</sup> & Final plat was approved no other bond was required on that since the improvements were included in Phase I. Butler stated this is for Phase II. Kristin stated this is for setting the bond for Section II, in Mr. Owen's notes they can choose to do only the performance bond and not the reclamation considering some of the infrastructure already been installed. Burks made a motion to set the reclamation & performance bond per the City Engineers recommendations. Jenkins Seconded. All were in favor.

#### **REPORTS FOR DISCUSSION AND INFORMATION**

- City Planner - **Nothing**
- City Engineer – **Not Present**
- City Attorney - **Nothing**
- City Manager – **Not present**

#### **COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS**

**Burks** stated his understanding was they were going to start the Work Shops today on the Revised Subdivision Regulations and Zoning Ordinances, don't know what happened but let's set that next month before the Planning Commission meeting to start workshop at 6:00p.m., if everyone is okay with that. Costanzo stated absolutely, it was discussed at the Planning Commission training, turned out that the City Engineer had forgotten that he had a prior commitment with his former boss retiring tonight, he apologizes for that. She will send out an email tomorrow indicating the plan to meet at 6:00p.m. on the 13<sup>th</sup>. Butler stated perfect and when she sends out the agenda also send out a workshop agenda reminder for everyone.

**Jenkins** stated he wanted to congratulate Ms. Slaughter on her new position.

**Butler** stated he doesn't know if they need anything for 2017 training hours, he knows they would usually capture it then vote on it accepting it Mr. Owen use to ask Ms. Hall to capture it. Costanzo stated she can put something together for the next agenda, if that is something they would like to see. Butler stated that's perfect and if anyone has any training hours that weren't captured in last month's training just send them over so they can capture all the hours.

#### **ADJOURNMENT –**

Burks made a motion for adjournment. Jenkins Seconded. All were in favor. Adjourned at 8:05 p.m.

---

**CHAIRPERSON**

---

**SECRETARY**