

City of Fairview

7100 CITY CENTER WAY
FAIRVIEW, TN. 37062



Phone: 615-799-1585
Email: codes@fairview-tn.org

Municipal Planning Commission

Regular Meeting
January 10, 2017
7:00 p.m.

Lisa Anderson, Chairperson
Matt Beata, Vice Chairman
Brandon Butler 1st Secretary
Michael Mitchell, 2nd Secretary
Donn Lovvorn, Mayors appointee
Derek Burks, Commissioner
Wayne Lowman
Tim Mangrum
Mitch Dowdy

Present: Anderson, Beata, Mitchell, Lovvorn, Burks, Lowman, Mangrum, Dowdy

Absent: Butler

Others Present: City Engineer Will Owen, City Attorney Larry Cantrell, City Manager Scott Collins, Codes Director Wayne Hall, Codes Clerk Sharon Hall

1. ANDERSON CALLED THE MEETING TO ORDER AT p.m.

1.1 Lovvorn led the prayer and pledge.

2. APPROVAL OF THE AGENDA-

2.1 Anderson revise 8.7 should say Wynwood Park Phase I Subdivision. 6.2 Deferred Indefinitely. 8.1 Deferred Indefinitely. Need to add to the agenda due to exigent circumstances, 2.a. Election of Officers. Beata made motion to approve the amended agenda. Lovvorn Seconded. All were in favor.

2.a Anderson stated we need to suspend the meeting and have Election of Officers, after that they will reconvene. Anderson made a motion retain their offices for the next year that they hold at this time. Mangrum Seconded. Lisa Anderson is Chairperson, Matt Beata is Vice Chairman, Brandon Butler is 1st Secretary, and Mike Mitchell is 2nd Secretary. All were in favor.

3. CITIZENS COMMENTS - (Limited to the first five to sign in and a limit of three minutes each.)-

3.1 Mr. Hilton Staggs lives at 7110 Wheat Road; it's a unit in The Meadows of Fairview Development. He has been to this Board on two different times about this Meadows of Fairview. There are a number of things happening around their Community on land that they considered at one time as part of their Community.

They bought their home the beginning of 1999; it was based on contingent that the Meadows of Fairview was and would remain a Planned Unit Community, a PUD. They learned a while back that wasn't going to be the case, they object to any changes that could possibly be made to their community which in anyway would be a negative outcome that they are in fact a PUD. He knows there has been question on that but he has in his hand a legal opinion from their Attorney, which he would like to enter into record at this time. Exhibit A. He feels this proves they are a PUD, being a PUD they have certain rights, and there has to be certain restrictions and regulations that relate to a PUD community. Their objection at this time is they don't feel The Planning Commission has the authority or the right to make ruling that would change anything that relates to their community at this time, they feel that's not within their realm, and thinks their opinion will prove that. Their asking them to take this into consideration because on this agenda under new business for West way Apartments , they disagree and object to this, don't think it's fair or right, don't think they can act on this. They must consider the fact that they know they are a PUD, regards to what anyone else has told them that will be proven.

Gentleman walks up to the podium that didn't sign in, ask to add something to this. Chairperson Anderson allows. Ron Gagliardi stated he lives in The Meadows of Fairview since year 2000, bothers him that we seem to have a problem with human waste, how are they going to utilize the land for the waste, drip system. He asks this the 1st time and as far as he knows hasn't gotten an answer on this. These are listed as section 8 homes; they have people that live around but not in their Community and he thinks they don't want garbage in their front yard.

- 3.2 James B. Ford stated he is the owner of 7100 & 7102 Wheat Road in the Meadows of Fairview. He has in his had a declaration of convenience and restrictions dated August 13, 1998 that is registered in book # 1712, page 357 of the Williamson County Register Office by JCH Development Company a Tennessee Corporation, which is the developer John Coleman Hayes, which he knows personally. He read the 3rd paragraph of the 1st page," As the owner and the developer of The Meadows of Fairview decide to complete the development of The Meadows of Fairview Planned Unit Development including the infrastructure thereof and the common amenities attendant there to". Ford stated now this is a legal document that's been filed with the County and he has with the deed transferring his property from Mr. Hayes through Ryan Homes to him. He has requested from the original Attorney Mr. Richard Sabastian of Ortale Kelley Law Firm, for the association that brought all this together, a legal opinion that they are still a PUD. Ford stated the second thing is the property is being serviced by a proinnovative, not really approved yet septic system, which creates massive problems if not looked after properly. He would request this group before you approve anything in 8.2 to get an opinion of proper operation and certification from TDEC that this will be a proper sewer system or you're going to have a major environmental problem that the City will have to clean up.

3.3 David L. Kleinfelter with law firm Reno & Cavanaugh Law Firm located at 424 Church Street in Nashville, Tennessee, they previously received a letter from them, and he's not going to rehash any of the information in that letter today. He knows they have a hard job, he used to be on Planning staff in Nashville, was also on the Metro council for five years, appreciates their public service here, he has watched them operate, listen to staff and thinks they will do the right thing today. Kleinfelter stated you may feel like your put in a hard position because you may have people to come in and say they don't like this, we don't want this but your job is actually narrower than that type job and he thinks they know that. On a site plan application, facts are is what they have in front of them, what the staff has said and if the plan meets the requirements of the zoning and meets the requirements of the subdivision regulations and other applicable regulations, you don't actually have the latitude to not approve it. A site plan that meets the requirements, your job as administrative is to review it and be sure those things are met, but sure your staff would tell you that as well. So what you all are to look at is the subdivision regulations, the zoning and other things, not his legal opinion or any other lawyer. Kleinfelter stated this owner owns the land, has property rights in this country, the rights are if they move forward according to the laws, that's a great thing about this country you're entitled to develop and not be treated differently than anyone else. He stated his client is, The nonprofit Housing Corporation is not ignoring these issues these folks raise, he thinks they know at one time the access was designated to be the access that also accessed the town homes and it has been moved so it won't be accessing through the same property, will be going through the commercial property that's next door. Kleinfelter stated they have heard things about the PUD and such and that's fine, but they are all private issues, their job is what the zoning is and the zoning is RM-12. Kleinfelter stated there was a mention in the paper today that it was RM-8, it's never been RM-8, and at one time it was R-3, which is confusing because it is an entirely different category. R-3 meant certain kinds of housing including single family, multifamily, the 3 didn't have anything to do with acres or numbers of units not RM-12 does, that's what it was changed to when they did a mass rezoning and an adoption of the new zoning code. Kleinfelter stated so they have the right zoning, got private legal matters that have been raised, those aren't matters for their consideration, if someone wants to bring those legal actions, that's why unfortunately why they have lawyers. He would ask them to do the right thing, approve a plan that's met all your staffs and departments requirements. Thank you.

4. APPROVAL OF THE MINUTES-

4.1 December 13, 2016 – REGULAR MEETING

Beata made a motion for approval. Mitchell Seconded. All were in favor.

5. RECOMMENDATION – None

6 BONDS-

- 6.1 ALPHA TECHNOLOGIES, LLC- IRREVOCABLE STANDBY LETTER OF CREDIT \$42,000.00. BOND EXPIRES 12/31/2015. PLANNING COMMISSION VOTED ON DECEMBER 08, 2015 TO CALL THE LETTER OF CREDIT OF \$42,000.00 IF THE MAINTENANCE BOND OF \$4,200.00 WASN'T IT PLACE BY 12/31/2015 CASH BOND OF \$4,200.00 WAS PAID ON 12/22/2015. MAINTENANCE BOND WILL EXPIRE 12/22/2016.
Hall stated this bond was deferred last month because Todd Behan was on the west coast and couldn't make it to last meeting. Mr. Todd Behan present to represent. Hall stated Will Owen went out and assessed this he has a recommendation. Owen stated based on his assessment of the site and the time period having been elapsed since it was converted to a maintenance bond over one year ago, his recommendation would be to release the bond. Mangrum made a motion to release the bond. Beata Seconded. All were in favor.
- 6.2 FAST PACE TO MAINTENANCE BOND TO COVER THE LANDSCAPING. CASH BOND \$2,000.00. WILL BE IN EFFECT UNTIL 1 YEAR AFTER THE DATE OF THE CO BEING ISSUED. CO WAS ISSUED SEPTEMBER 24, 2015. ASKING FOR CASH BOND TO BE RELEASED.
Item deferred indefinitely.
- 6.3 STABLE ACRES SUBDIVISION – PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$65,000.00. PLANNING COMMISSION SET THE BOND ON DECEMBER 12, 2008. BOND EXPIRES JANUARY 22, 2017.
Hall stated we received the renewed bond this morning.
- 6.4 FERNVALE APARTMENTS SITE IMPROVEMENT PERFORMANCE BOND TO COVER GRADING, STREETS, CURBS AND SIDEWALKS. \$30,000.00. PLANNING COMMISSION SET THE BOND ON JANUARY 12, 2016. PERFORMANCE BOND WILL EXPIRE FEBRUARY 10, 2017.
Mangrum recused himself. Hall stated Will Owen has made a site inspection of this today. Owen stated based on the site observation he conducted today he would recommend this bond be allowed to convert to a maintenance bond for 1 year for the landscaping in the amount of \$2,000.00. Lovvorn made a motion for approval. Beata Seconded. All were in Favor.
- 6.5 RIGHT OF WAY BOND FOR 7100 CITY CENTER WAY - \$10,000.00. EXPIRES FEBRUARY 10, 2017.
Mike Behan present to represent. Hall stated Todd has been out and inspected it, it's right at the year; he says it's in good shape so he recommends releasing this bond. Mangrum made a motion to release bond. Mitchell Seconded. All were in favor.
- 6.6 WESTERN WOODS VILLAGE, SECTION 4 – IRREVOCABLE STAND BY LETTER OF CREDIT TO COVER GRADING, STREETS, CURBS AND SIDEWALKS FOR 38 PROPOSED LOTS - \$430,000.00. PLANNING COMMISSION SET THE BOND ON JUNE 09, 2015. PLANNING COMMISSION REDUCED THE IRREVOCABLE LETTER OF CREDIT ON

DECEMBER 13, 2016 TO \$181,000.00. LETTER OF CREDIT WILL EXPIRE FEBRUARY 05, 2017.

Hall stated this letter of credit was renewed, we received this morning.

7. OLD BUSINESS- None

8. NEW BUSINESS-

- 8.1 DISCUSS AND/OR TAKE ACTION ON SITE CONSTRUCTION PLANS FOR PIEDMONT INDUSTRIES BUILDING EXPANSION. MAP 18, PARCEL 5.00, 8.97 ACRES. JONATHAN CUMMINGS OWNER.

Deferred indefinitely.

- 8.2 DISCUSS AND/OR TAKE ACTION ON MASTER DEVELOPMENT PLAN AND SITE DEVELOPMENT PLAN FOR WEST WAY APARTMENTS. MAP 47, PARCEL 24.04, 24.07 AND 11.00, 26.64 ACRES. JOHN C HAYES JR. IRREVOCABLE FAMILY TRUST, SHERRY PEEK & MARLENA GLASER OWNERS. APPLICANT JOHN HUFF, JOHN HUFF CONSTRUCTION, LLC.

Beata read Engineer report, Exhibit B. Beata made a motion for discussion. Lovvorn Seconded. Scott Williams Civil Engineer stated he done the majority of these plans. Beata asked Mr. Williams is there anything on the Engineers report that they would have any problems with. Scott Williams stated he has no problems with any of the Engineers request. Burks ask Sean Sullivan our Fire Marshall to step up for some questions. Burks ask Sullivan if he has had a chance to review these plans. Sullivan stated yes sir. Burks asked was there any concerns with building 6 & 7 with being able to get our fire trucks to those areas. Sullivan stated no concerns for him, they can't make 360 all the way around the building but they do have plenty of room for fighting fires. Lovvorn asked Mr. Sullivan, on the back side of those 2 buildings, the width of that drive is 26 feet, doesn't really have turn around space for fire equipment, if you're fighting from the back side of that building, will they get into trouble trying to get out. Sullivan stated they had discussed, coming in building 6, the little curb areas, those actually not be curbs just be painted areas, to help them make that turn, they are capable in pulling in forward then backing up. Burks ask Williams would they have any issues in making those changes. Williams stated no, he had discussed that in staff review, they can always leave them uncurbed, no objection. Lovvorn stated showing 2 existing fire hydrants; one a flow was done 12/04/07, showing 1100 gallons per minute, the other one fire hydrant 4-542, showing 1300 gallons per minute, it was flowed on 08/11/2015. Lovvorn stated in our Zoning Code 5-104 paragraph 4 subpart g, states that in a multifamily development, you're to have 2500, unless you sprinkle, if sprinkle can be reduced to 50%, so at 1250. Lovvorn stated a concern of his would be those fire hydrants have a more recent flow, make sure it's at least at 1300, but he would also like to have some assurance from the WADC that the other fire hydrants that are servicing each building would retain at least 1250 gallons per minute. Williams stated he will be happy to comply with that, so they will know, based on 1300 gallons per minute on flow, the residual pressure is 62; way higher than that, 25 is all that is required. Beata asked are these building

going to be sprinkled. Williams stated yes they will be sprinkled. Lovvorn asked Owen was he able to confirm the access point from The Meadows and this entrance was at least 200 feet from centerline to centerline. Owen stated it appears to be over 200 feet, anticipates it's somewhere around 225 to 235 feet centerline to centerline. Beata asked Owen his comment that references the sign; he mentioned they could relocate the sign or seek approval, is there another spot they could relocate that is outside of that CG zoning. Owen stated yes the property has a split zoning designation, any of the area that is zoned RM-12 according to our zoning map will allow the residential sign. Lovvorn asked were they intending to go to the BOZA to ask for this sign on that particular zoned lot. Williams stated he assumes that his client would want him to ask it at some point to see if they couldn't put it up by the road. Burks asked what time frame they are looking at in order to get approval from TDOT. Williams stated about one month. Burks asked what time frame from approval to get the turning lane built out. Williams stated from a cost standpoint, would be best to do this with the project, if that is allowed by the Planning Commission, the project would take place this year, hopefully complete by the end of this year. Burks stated on the concerns from tonight with the step system they would be going with, that will be approved by WADC & TDEC, real soon, correct. Williams stated he believes it has been approved by WADC and TDEC has the paperwork, their consulting group out of Murfreesboro that has been working on this has told them they should have approval anytime. Williams stated his client isn't going to start anything without sewer approval because that wouldn't be in his best interest. Williams stated they will have that and any other permits staff has recommended, will have them all in place before they break ground. Burks stated to ease some minds once TDEC approves this they will have to follow all state laws & guidelines as far as environmental concerns, correct. Williams stated that is correct, currently, especially in Middle Tennessee, these systems have gotten really popular. Williams stated this is what he calls a clean septic system; water gets cleaned before it goes into the ground, they are operated by a licensed operator. Burks stated if any problems in the future, it would come back to the WADC. Williamson stated that's correct. Beata asked Owen is there a requirement on fencing on the detention pond, on height or material. Owen stated no requirements on height or material, he would like for them to specify so staff would have a clear understanding, and also the applicant would know what they wanted on fencing. Williams stated they had proposed a 6 foot fence for the premotor, they would prefer on the detention fence to not go as high, would be nice to stay around 4 feet, possible aluminum. Burks asked Owen does he have a recommendation on fence height. Owen stated he doesn't, any recommendation he would have would be purely from personal aesthetic standpoint. Beata asked Cantrell if he knew of a hidden nuisance law if we require this fencing and someone got trapped in it and they weren't able to get out. Cantrell stated no, if a person is below an age, normally like 8 years old, they can't be trespassers. Cantrell stated they have

to weigh what is practical against what can possibly happen, like Will said if a child is going to climb over their going to climb over but you've got to have something in there that would be attractive to them. Cantrell stated the part that bothers him, if they put a solid fence up, can't see what might be in there or see if someone gets over in there. Cantrell stated so what he would do is make a good faith effort, something that you couldn't just walk up to and walk over, wouldn't want to go less than 4 feet. Beata stated he would like to recommend some kind of decorative, low split rail fence between 4 & 5 feet. Burks stated he would recommend being an aluminum rail fence. Williams said they have no problem with that. Lovvorn ask Owen do they have a maintenance plan schedule in these plans. Owen stated they do not since they are going to retain ownership for the entire tract, they would be responsible for maintaining and operating them as designed to be operated. Lovvorn stated he would like some type of guarantee because they have had problems in the past with detention ponds, in other developments that have grown up and actually become wetlands, get stopped up, backed up, and causes problems for other people, make sure maintenance is kept up. Owen stated he thinks there is a provision in the Site Development Agreement that stipulates, kind of a catch all phrase, that says the site will be maintained in an orderly fashion as designed, thinks they can handle it at that stage. Burks asks Cantrell if they have a detention pond that is affecting other water ways, backing up, that would be an issue under our codes, would it not? Cantrell stated yes it would and it could be corrected under your development agreement or state statute if your upper repair and lower repair in water rights. Anderson asked any other discussion. Anderson stated she would like to call for a motion. Burks made a motion for approval. Beat Seconded. Lovvorn amended the motion approve contingent upon on all Staff & Engineers Comments, WADC, TDEC, TDOT approval, Fire flow being performed with some assurance from WADC that the remainder for the fire hydrants to be installed for this development would retain the 1250 fire flow, the fence being aluminum 4 foot tall, painted islands and parkway for the fire apparatus to be able to maneuver. The partition plat would meet our zoning ordinance & recorded. Beats Seconded the Amended motion. Lovvorn asked Shawn to make sure all the islands are not removed, they're there for esthetics, if at possible, just let them know which ones needs to stay. Vote was taken. All were in favor.

8.3 DISCUSS AND/OR TAKE ACTION ON SITE PLAN FOR FAIRVIEW MEDICAL BUILDING. MAP 47, PARCEL 5.01 & 5.02, 1.99 ACRES. GES FAIRVIEW, LLC OWNER.

Beata read Engineers report, which will become part of these minutes. Exhibit B. Beata made a motion for approval. Mangrum Seconded. Burks ask Owen could they request a traffic study for what the increase will be, or is there a need for that. Owen stated he believes the threshold in your Zoning Ordinance is for requiring traffic studies for Commercial buildings that are 50,000 square feet, or larger. Matthew Taylor with SEC & Ralph Knauss with South star, applicants & owners of

the project present. Lovvorn stated they have the tree inventory so he assumes none of the trees will be retained on site. Mr. Taylor stated unfortunately they weren't able to because the slope of the land, this property set several feet below the grade of the road. Lovvorn asked what kind of precaution measures they will be taking on the boundary with the park on the erosion control. Taylor stated they have silk fencing, erosion control blanket, riprap proposed before it exits the site. Beata asked what the height would be on the retaining wall in the back. Taylor stated it varies, he thinks the maximum height is 10 feet, at one point, on average about 7 feet. Beata asked Owen since parking wasn't in his notes, does parking meet the required amount. Owen stated there is one tenant space to the left of the building, should accommodate any potential use that goes in there. Beata asked is the detention underground detention. Taylor stated yes, got an underground pipe system planned kind of in the front parking lot area, they will price a couple of options; right now they have it specified as a metal system, also evaluating a HDP system. Beata asked is this property adjacent to any Residential property. Taylor stated it's all CG zoned property. Beata stated he sees they have an effus screened wall to hide the mechanical units, any other units. Taylor stated yes. Beata asked was there any cornus work, some type of dimensional cap block at the very top of the building. Taylor stated there is a cornus plan for the top of the building, small cornus, kind of blends in with that screen wall that sits back to screen the mechanical units. Beata amended the motion to include the Engineers report & any clarifications they ask for. Lovvorn Seconded. Vote was taken. All were in favor.

- 8.4 DISCUSS AND/OR TAKE ACTION ON INFRASTRUCTURE CONSTRUCTION PLANS FOR CUMBERLAND ESTATES – PHASE II. MAP 47, PARCEL 66.04, 12.10 ACRES. CUMBERLAND ESTATES, LLC OWNER. Richard Houze with SEC, Inc. present to represent. Beata read Engineers report, which will become part of these minutes. Exhibit B. Dowdy recused himself. Mangrum made a motion to approve with Engineers 3 comments. Beata Seconded. All were in favor.

- 8.5 DISCUSS AND/OR TAKE ACTION ON SITE PLAN FOR HART ACE HARDWARE. MAP 42, PARCEL 45.00, 2.54 ACRES. FRANK SHOPPE OWNER.

George Welch, civil Engineer present to represent. Beata read Engineers report, which will become part of these minutes. Exhibit A. Mangrum made a motion to approve to include the Engineers comments. Mitchell Seconded. Lovvorn stated Will he know he addressed the sign in his comments about the sign, the Zoning Ordinance says it can't be any higher than 10 feet, their asking for 20 feet. Lovvorn stated this Board can't give that variance they will have to go to the Board of Zoning Appeals for that variance. Owens stated correct. Lovvorn stated so any motion they make will have to leave that portion of the plan out because they can't approve it. Owen stated the proposed option B does meet the requirements, so if they wanted to approve, they could approve with option B. Anderson asked Mr. Welch was they good with this instead of going to BOZA, option B. Welch asked if it gets approved

tonight with option B, do they still have the availability to go to the BOZA. Lovvorn stated yes they can still go to the BOZA. Welch stated yes they would be fine with that. Mangrum amended his motion to include option B for the sign. Mitchell Seconded. Beata stated the detention pond is 10 foot below? Owen stated approximately. Beata stated they would require some type of fencing around that correct. Owen stated he doesn't think that is something that is currently shown, if they would like that they would need to make that known. Beata stated he thinks some type of fencing along the back of the curb, some fencing along those parking spaces, probably makes more sense that would act as a deterrent for people. Welch stated this isn't a drop off it's a very gentle slope, 3 to 1, it's mobile, it is a dry pond. Welch stated when it rains it will have water in it. Burks asks does he want the 4 foot aluminum fence. Beata stated yes. Welch asked would he be open to a shrub line instead of fence. Lovvorn asked Mr. Hall has the tree protection plan been to the Tree Board. Wayne Hall stated it will go to the Tree Board. Beata stated he would want both. Beata amended the motion to include fencing 4 foot aluminum, along the 10 parking spaces that face the detention pond, also the Tree Board to make the recommendation of the species of the shrub & the density of the shrub, Mr. Berkley could assist with that, The City Arborist, he would like to see shrubbery on the back side of the fence. Beata stated with this they would be granting the open detention pond. Mangrum Seconded. All were in favor.

8.6 DISCUSS AND/OR TAKE ACTION ON INFRASTRUCTURE CONSTRUCTION PLANS FOR WYNWOOD PARK SUBDIVISION (FORMERLY POLSTON PLACE II) – PHASE I (6.9 ACRES) PORTION OF MAP 21, PARCEL 61.06, (40.69 ACRES), MAP 43, PARCEL 32.04 (2.0 ACRES) BILLY POMEROY AND ROBERT POMEROY OWNERS.

Beata recused himself. Anderson read Engineers report, which will become part of these minutes. Exhibit B. Matt Beata present to represent & Richard Sullivan with Sullivan Engineering. Mangrum made a motion to approve with Engineers comments. Burks Seconded. Mangrum asked where he is at on the sewer. Beata stated he was told not to long ago they were supposed to get their approval by the end of March for the onsite system, the plans have been submitted. Burks asked this has 3 detention ponds, correct. Beata stated yes that is for the 1st two phases of the development. Burks stated they were going on with phase 1 tonight, correct. Beata stated yes. Mr. Sullivan stated their grading those other two ponds in, so they can be used for erosion control during construction. Burks asked is there a fence to go around the detentions. Beata stated yes, if he looks further there is a landscape plan, they are planning to put in a split rail fence, through the entrance and the drip field for the sewer, spoke with WADC & they have come up with, for keeping small children & small animals out, they come up with a wire screen behind it, that's low, from a distance it will look just like a split rail fence. Beata stated he would like to use the same kind of fencing around the detention ponds so everything will have a matching appearance. Beata stated to clarify the onsite

drip fields, as well, they require fencing also. Burks asked those are all regulated by WADC. Beata stated yes. Burks stated lots 31-42, ally 1, is there going to be any issue getting a fire truck to that alley, based upon that turn. Beata stated during the City staff meeting, Shawn Sullivan looked at it and said it met his requirements. Burks stated he stepped out right before he asked this question. Anderson stated she was present at the Staff meeting. Mitchell asked lots 31-42 are all rear entrance houses, correct. Beata stated that's correct, those are alley way homes. Burks asked so entrance will be through alley # 1. Beata stated to the garages, all the homes will be front facing to the street. Lovvorn asked Owen do these road sections meet the current approved Subdivision Regulations. Owen stated not the Subdivision Regulations; they meet the previously approved PUD plan. Beata asked Mr. Sullivan on they questions about the alley ways, if the fire trucks could turn around, had it been calculated. Shawn Sullivan stated he hasn't calculated that, what the width is of that alley? Richard Sullivan stated 17feet of asphalt. Shawn Sullivan stated isn't 20 feet our minimum. Richard Sullivan stated for a public road this is a private road. Anderson stated there is front access all the way across. Lovvorn asked are any of the portions of the loop road going to be built in this phase. Burks stated the road on the other side of alley one. Beata stated no just the hatched area will be, the idea is this is the 1st phase, most likely a quarter way, half way through the 1st phase, they will be working on the 2nd phase. Beata stated it is their plan to have Cox Pike Entrance finished and paved with phase 2. Lovvorn asked Beata could they put in a temporary turn around for fire trucks and school buses. Beata agreed to do that. Lovvorn amended the motion to include the temporary cull-du-sac on road A, that comes off of Donald Wilson, along with the Engineers report. Owen stated on the roads, he is okay with leaving that entrance onto Cox Pike as a construction entrance; however he would request that they bond that particular section with Phase 1 for the completed build out of a standard city street or they can choose to construct it to a standard city street. Owen stated once that is plated that's going to be public right-of-way so they would have to bond it to be built to City street standards, standards that were previously shown for the other within the development. Richard Sullivan asked what if they don't plat it. Owen stated he is okay with them not platting, he's okay with either option. Burks Seconded. All were in favor.

8.7 DISCUSS AND/OR TAKE ACTION ON FINAL MASTER DEVELOPMENT PLAN FOR WYNWOOD PARK SUBDIVISION (FORMERLY POLSTON PLACE II) MAP 21, PARCEL 61.06, (40.69 ACRES), MAP 43, PARCEL 32.04 (2.0 ACRES) BILLY POMEROY AND ROBERT POMEROY OWNERS.

Beata recused himself. Anderson read Engineers report, which will become part of these minutes. Exhibit B. Mangrum made a motion for approval to include Engineers report. Mitchell Seconded. Mangrum stated Owen you item number two they just addressed, correct. Owen stated correct but just for consistency purposes would request that Ms. Sharon include in the minutes, Owen stated he would be comfortable that comment 2 in report was addressed

in agenda item 8.6, cross reference to it. Owen stated for the record, item 3 was submitted, however in his box of goods, he must have lost it, he does have a copy of those; comment number 3 would not be applicable. Lovvorn asked all the restrictive covenant, HOA establishment, everything you have in hand. Owen stated correct. Burks stated he assumes you haven't had a chance to review those. Owen stated correct, at this point we don't typically they will look at them closely at the time final plat is submitted because those documents will be recorded at the same time. Anderson asked anymore discussion. All were in favor.

9 REPORTS FOR DISCUSSION AND INFORMATION

- 9.1 **DIRECTOR OF PLANNING AND CODES** – Hall stated it was a long agenda, wanted to thank them for their professionalism, you all did a fantastic job, thanks the staff & Mr. Collins helping out.
- 9.2 **CITY ENGINEER** – Owen stated he know old habits are hard to break but a technicality; the comments that are read for each agenda item are technically called staff comments. Owen stated he currently doesn't want to take ownership of every single comment on there; your staff works really hard, if they don't mind keeping that in mind on future motions.
- 9.3 **CITY ATTORNEY** – Cantrell stated he knows for a fact that this Board and the staff works really hard at getting this together, getting the documents behind this, seen several of them, talked individually with several people that was working on this and knows what kind of an effort has went into it. Long agenda's typically have a lot of effort, tonight was a particularly difficult agenda and the people work very hard on it and he congratulates them.
- 9.4 **CITY MANAGER** –Nothing

10 COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.

Burks stated he has a request do they receive these documents in a pdf in addition to paper form. Hall stated we are working on going that direction. Burks asked do they request PDF from the developers. Owen stated we are currently not asking for PDF's for the initial submittals but are for the revised submittals and those are actually the ones that are in their packets. Owens stated if that's something that they wanted forwarded to them, he assumes staff could handle that but if they want the initial submittals that could be done as well. Burks stated he would like to request that if they can for a simple purpose of storage.

Anderson stated she has watch for a month all the tirelessly effort that has gone on with the staff, City Manager and Mr. Hall that put this information together to give them the best knowledge available to make their decision. Anderson stated this was a long agenda a she appreciates everyone's effort. Anderson stated we have a lot of really nice new businesses out here and she thinks it's a good opportunity to visit those and keep our money keep our money in Fairview. Anderson states she appreciates everyone's confidence in her keeping her on as Chairman, she tries to do the best job she can to support our staff, Planning Commission and our City.

- 11 ADJOURNMENT-** Anderson asked for motion for adjournment. Lovvorn made a motion for adjournment. Beata Seconded. All were in favor. Adjourned at 9:12 p.m.

Chairperson

Secretary