MUNICIPAL PLANNING COMMISSION MINUTES

February 29, 2024, Special Meeting at 6 p.m.

Emilee Senyard, ChairmanLisa AndDavid Magner, Vice ChairmanShondaHayley SchulistSalvato

Lisa Anderson, Mayor Shonda Schilling Salvatore Cali Chris McDonald Jeff Pape LaRhonda Williams

Staff Present: Tom Daughtery, Maria Bruce, Keith Paisley, Ethan Greer, Kevin Chastaine, Curtis Broadbent.

- Mr. Magner called the meeting to order at 6:00 pm.
- Roll Call by Maria Bruce

	Present	Absent
Ms. Schilling	х	
Ms. Williams	x	
Ms. Anderson	x	
Mr. Magner	x	
Ms. Schulist	x	
Mr. McDonald	x	
Mr. Cali		Х
Mr. Pape	х	
Ms. Senyard		Х

- Prayer and Pledge led by Mr. Magner
- Approval of the Agenda

Motion to Approve: Mayor Anderson Second: Ms. Williams

	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Schilling					
Ms. Williams					
Ms. Anderson					
Mr. Magner					
Ms. Schulist					
Mr. McDonald					
Mr. Cali					х
Mr. Pape					
Ms. Senyard					х
MOTION: vote not taken					

- o **<u>CITIZEN COMMENTS:</u>** NONE
- OLD BUSINESS: NONE
- NEW BUSINESS:
 - PC 06-24 Amended Final Plat Belvoir Subdivision Phase 1 A, amending proposed right of way and lot design. Map 21 parcel 62 and 63, property owners Northwest Cove LLC. Do I have a motion to discuss?
 - Motion to Approve: Mayor Anderson
 - Second: Ms. Schulist
 - Ethan Greer, Staff Report: Allison Corolla (T-Square Engineering) has submitted, on 0 behalf of Tony Cavender, a Revised Final Plat for Phase 1A of the Belvoir development. Belvoir Phase1A contains 16 single-family residential lots, one (1) open space, a parcel for a Water Authority of Dickson County pump station and the dedication of right-of-way for the future realignment of Northwest Highway. Phase 1A is located on a portion of two (2) tracts of land (Tax Map 021 Parcels 62.00 and 63.00) and parcel 63 is zone R20 and parcel 62 is zone R40. The total acreage is 38.8 (+/-) acres, with Phase 1A covering 16.95 (+/-) acres. No portion of the property is located within a flood hazard area as indicated on FEMA FIRM Panels. A Final Plat for Belvoir Phase 1A was submitted in July 2022 and was approved in December 2022. That original plat contained 16 single-family residential lots, a parcel for a Water Authority of Dickson County pump station and the dedication of right-of-way for the future realignment of Northwest Highway. The Revised Final Plat, submitted on February 27, 2024, maintains the 16 single-family residential lots, a parcel for a Water Authority of Dickson County pump station and the dedication of right-of-way for the future realignment of Northwest Highway. The revision includes the original Lot 127 being converted to an open space area and the original Lot 112 being subdivided into two (2) smaller lots. Also, the location of the Northwest Highway right-of-way realignment dedication has changed, both in its overall geometry and at the location of intersection with Northwest Highway at the southeast corner of Phase 1A.

Staff recommends the Planning Commission approve the Belvoir Phase 1A Revised Final Plat in order to create 16 single family residential lots, one (1) open space, one (1) parcel for a Water Authority of Dickson County pump station and dedication of right-of way for the future Northwest Highway realignment as submitted on February 27, 2024, with the following conditions of approval included in Resolution PC-06-24:

1. Prior to the recording of any final plat for additional phases (1B,2, etc.), right-ofway for the proposed NW HWY realignment shall maintain the original (Belvoir Subdivision Final Plat Phase 1A) proposed right-of-way along the eastern property boundary and the proposed right-of-way included in the Amended Belvoir Subdivision Final Plat Phase 1A along the eastern property boundary.

2. All staff comments to be addressed prior to recording of the Final Plat.

- **Mr. Magner:** Do we have any representatives? Could you please state your name and address for the record.
- Ms. Allison Corolla: Good evening, I'm Allison Corolla from TSquare Engineering and we're located at 1329 West Main in Franklin. I am here to answer any questions that you guys may have, I will say that I do have hard copies with me tonight that address all of staff's comments, I have been in conversation with staff throughout the day and so we have addressed all of those. Okay, thank you.
- **Mr. Magner:** We'll open it up for additional discussion. Okay Mayor
- **Mayor Anderson:** So, first, I'd like to point out the top two lots that have been divided are still point 89 acres a piece. So that is still in compliance with the zoning of that property. And I have been speaking with Mr. Johnny McDaniel for approximately a year now and have listened to his concerns and the concerns of the people who live in that area. So, this I feel is a win-win for the community, Mr. McDaniel and the citizens' concerns. Mr. McDaniel, if the chair would accept, I would like, if you're oaky with this, let mister McDaniel speak.
- **Mr. Carter:** Just need a motion to waive the rules and if its seconded and the majority approves, then we can waive the rules and we can have a citizen speak.
- **Mr. Magner:** do we have a motion to amend tonight's procedures?
- **Mayor Anderson:** I make a motion to amend.
- Mr. Pape: Second
- **Mr. Magner:** Alright, thank you. Mayor Anderson would you like to call up citizen comments?
- **Mayor Anderson:** Mr. McDaniel would you please come forward, state your name and address and just let the board know a little bit about what we've spoken about over the past year in regard to your property in this development.
- Mr. Johnny McDaniel: I'm Johnny McDaniel. 7273 Northwest Highway. I'm in the turn where it's a right angle at the lot, and over the long time, more than a year like, when I became aware of what was going on there and of course I had some questions and concerns, and the one thing that had alarmed me, initially, not the development. Let me go ahead and say that I think developments a good thing if it's done properly and these are going to be very nice houses. Mine, I went on a limb and built what I considered a nice house. All I could afford 30 years ago or so and the lot. And these houses are going to be nicer than mine, I'm sure, and yet I think they'll upgrade not just the area, but Fairview, make it easier to sell nice homes, make it more desirable place for any homes probably when you get some nice properties set aside like they're doing there in the development. But the one thing that did concern me was that they were going to, or initially, some plans were being considered that would have taken off well, I don't know exactly, maybe 20-25 feet of the front of my lot that was thoughtfully and rather extensively landscaped for the type of home I have, and it really, in our eyes kind of define the character of the residents. I just thought that it was unnecessary because initially when they had widened the road out there, they had said that they wanted to reduce the curve there some. Well, instead they went the other way and took part of the easement in front of my property and actually sharpen the curve. I thought that was rather odd, but water under the bridge, that's what happened. But this time, I was

mindful of the fact that that curve, if anything, did need shortening and fi they were going to go and widen it on either side, it should be on the side across the street from my lot, which is an open field. Cow pasture and you know, with a little buffer zone even between the road and the fence 10 feet, 15 feet, I don't know, but they had plenty of room that way and it also would have taken the road straighter and allowed it to turn slower rather than turn sharper and have to double back like going in front of my property would have. Just made more sense from a planning, from safety and of course respecting developed property rather than just open land so to speak, exactly what we were talking about. Well, I had mentioned that to the Mayor, and she thought it made sense and we went on from there. I was just hoping we'd come to some sort of resolution and the way I understand it, they've got a three-way stop plan there now that will not actually widen the road but will address the safety and the traffic concerns coming in and out of the development and in front of the house and in that sharp turn; a stop. So that's fine with me that's wonderful. Doing it that way, really as I understand it doesn't even encroach upon my property and still serves the purpose of the City and the development for safety and considerations of more traffic, and so in that regard, I have to be, if all that's true which I here assume it is, then I have to be thankful for those plans being modified to what I consider a better idea for all concerned and alleviating the concern I had that had really troubled me.

- **Mr. Magner:** Sir If I could interrupt you for a second. Typically, we reserve three minutes for public comments. I'll give you a little bit of time to wrap up.
- Mr. McDaniel: Yeah, I don't need much, it's almost through. But with that, if those are the plans, that's I've been notified informally that those are the plans, I have to be appreciative and supportive and glad the process has played out the way it has without any undue friction or reversals or anything like that on my part. So, it looks like a great thing for everybody involved. If those are the facts as I understand them. And I'm just here to let everybody know, that that sort of proceeding not only make me very happy, but I think it would serve the needs of everybody and even Tony had stopped by my house, the developer, today and told me that he was happy about the way things had transpired and he had to modify his plans there a little bit with the lot, but he said no problem he just wanted it to turn out like it should and so I have to appreciate in that sense, everyone involved.
- **Mr. Magner:** Thank you sir, we appreciate your comments. Yes Mayor.
- Mayor Anderson: After long conversations with Mr. McDaniel and several citizens along that stretch, that were worried about such a long stretch of road with no break in it, these stop signs will stop people from getting speed up and hitting this curb, which is a good thing. The right of way is still being deeded to the city and its keeping in our future plans. Being a win-win, listening to the citizens and their concerns, I believe Tony Cavender, I went to him with these concerns. I believe that he did a good job in an alternate plan, did not increase in lots, there's no lot that doesn't meet the zoning and that was expressed to Mr. Greer. Mr. Greer then reached out. We found out that Ms. Senyard, and also the special called meeting. This has to be done in a timely manner because there are closings coming up in the next few days. So that's why the special called meeting, but Ms. Senyard wasn't able to be here tonight. She had a prior

engagement. So, I appreciate Mr. Greer reaching out to Mr. Magner here and asking him to, as the vice chair. to sit in for Ms. Senyard tonight and I appreciate them getting this scheduled because I do believe that this is a good plan for our community. I think it's always a good plan to listen to the citizens and you know, if there is some way that we can make it safer and not impede on their property, this is now going to be all on the development property. So, I just see that it's this is a positive.

- Mr. Magner: Thank you Mayor. Any other comments, questions.
- **Mr. McDonald:** Yes Mr. Magner. If I may. My first question regarding this, since it is a special meeting called, was what the urgency was from the city's perspective was on this matter. But, I think, I think it was just stated. That the urgency lies on the developer that they have closings coming up. I'm assuming the closing isn't a city related closing. It's the developer that's got a closing. Is that accurate?
- **Ms. Corolla**: I can speak to that. The closing is tomorrow, at one o'clock.
- **Mr. McDonald:** Do you mind sharing when that closing was originally set? Like when you knew that date was coming.
- Ms. Corolla: I believe that closing was set for several months ago and they pushed it back and pushed it back and keep pushing it back and part of the reason for this change and especially when you see that open space lot down near nearest the pump station, it has been discovered that there are some natural features running through there, wetlands, as well as a stream running through there. And so, it's really just in an effort to preserve those lots, and so this was really an attempt to, in light of those discoveries from several other professionals, we decided to, you know, just kind of shift things up and make it work and still hit that close date.
- Mr. McDonald: Yeah, I mean, just so to be clear on the question I'm asking, and I don't know, if this is necessarily for you as the applicant representation, it's not even a question about the amendments or the changes being made to the lot. My largest concern, very large concern is what precedent we are setting as a city. As a citizen, I would be concerned as to why we are calling special meetings, costing the city money, I don't know, can anybody, any staff tell us roughly hourly rates, how much money is being spent on having you all here for this? I imagine it's not a small number, so I'm just wondering why we're why? Where's the urgency? What was the reason that this couldn't wait until Marchs Planning Commission. I understand that you have a closing tomorrow. With all due respect, I don't think that's the city's concern. I'm just wondering from a city's perspective, why this couldn't wait. And then the questions for the...I would like to have a response to that before we move forward.
- Mayor Anderson: Okay, so, this is not the applicant asking for something for themselves. This is the Community asking for something of the applicant. So, the feeling is, the applicant being penalized is not fair when he is doing what's in the best interest of our community. So, the applicant it's been discussed with him to make these changes. It's not fair to him for us to cost him a lot of money on his part because we're wanting him to consider something different that would benefit Mr. McDaniel and the citizens that live on Northwest Highway.

- **Mr. McDonald:** Mayor, if I may. Just again to reiterate. The changes being made is not my concern. I'm just wondering and that's all everything that was just stated. I still fail to understand the urgency...
- **Ms. Schilling:** She just said it's because he's being punished. She doesn't want him to be punished.
- **Mr. McDonald:** I don't want to go back and forth on this...I think...
- **Ms. Schulist:** I think the larger question is why wasn't this on the agenda...
- Mr. McDonald: point of order...do I have the floor or do I not?
- Ms. Schulist: last month? Two weeks ago. Anybody know?
- **Ms. Schilling:** Did it just get resolved? Yes, I just got resolved.
- **Mr. McDonald**: Did The city have anything to do with the time frame of the closing? We don't correct.
- Ms. Corolla: If I may and I may be out of turn here. But I think, and I think to the mayor's point is, in conversations back and forth with you know the adjacent property owner and on that that triangular piece you know of property. I think it was just recently resolved that you know that property was never going to be available. Understood rightfully so. And as such, it was just recently. I guess conceived that a new roadway alignment could be proposed. Does that help? I guess a little bit answer the question.
- Mayor Anderson: Mr. chair.
- **Mr. Magner:** Let me just make sure Mr. McDonald is completed, since he was interrupted.
- Mr. McDonald: I'm listening to everything and respectfully, I understand what everyone's saying. I agree with a lot of it in regard to what's been the changes being made and why they're being made. I'm I just don't understand why it has to happen now outside of the fact that the applicant has a closing tomorrow and it seems like the city is making special treatment for the individual so he can make his closing instead of taking the time necessary to review these documents. We received the staff report at the meeting tonight. We've had no time to review it. We do not have a full Planning Commission because it was called outside of the normal monthly meeting and I'm just wondering why it has to, aside from the benefit to the applicant of having meeting for his closing deadline of tomorrow, from a city's perspective, what the urgency was and all of that being said again, the largest concern that I originally presented is precedent. What does this set moving forward? Is it anytime somebody is doing business in the city has a closing deadline that they need to meet? That they can call a special meeting for that. I'm just Mr. Carter, I don't know if you can speak to precedent here, it's just a concern and if it's an invalid one I would just love to hear a rebuttal to it.
- Mr. Carter: 'm not really concerned about precedent. Because I don't think that's really an applicable concept. At least the legal meaning of the word precedent. I'm concerned about process as all of you know, I'm always concerned about process because if our process is good, I think then we can have reasonable, people can disagree about facts and how to apply them. And we can reach decisions that some of us might like and some of us won't like, and citizens may like them, citizens may not. And as long as our process is good, then I don't think there's a problem there. I think that's what's supposed to happen in government. In this case, I received an e-mail I believe Tuesday

afternoon from Mr. Greer setting forth the special called meeting. And then I received a series of phone calls and so I checked our bylaws for our Planning Commission, which we passed back in July, which as you remember the bylaws that Fairview had before that were passed in 2008, hadn't been updated or followed in a decade or more or so. Early Last summer, MTAS and myself, Mr. Chuck Downham and myself, worked on those bylaws. Looked at other communities, looked at ours, looked at other ones that I've drafted. This body met about them, discussed them, we approved them. Those bylaws state that a special called meeting can be called either by a simple majority of the Planning Commission or by the Chair of the Planning Commission. In this case, I was informed by Mr. Greer, I believe Wednesday morning that our typical chair, our usual chair, would not be at the meeting. And I asked Mr. Greer, who is the vice chair, he informed me it was Mr. Manger, so I asked Mr. Greer to call Mr. Magner and find out whether he approved having a special called meeting or not. And because I didn't know if we would hear right away, I asked him to also reach out to each of you by e-mail. To see if a majority of you approved of a special called meeting. Before I knew what that total was, Mr. Manger said OK, let's have a special call meeting. My opinion, my legal opinion is that's the right thing to do in this case. Because at that point we were within 24 hours of a meeting. The special called meeting had already been called, the applicant had been notified that there was a special called meeting and, I don't think it's fair once you tell somebody you're going to do something and not to do it. I think it's important to follow through with your word. So, in this case I don't think the process was great and I think Mr. Greer is now more informed of what the process should be and how that should be carried out in the future. And so, I think we're probably wasting a lot of time tonight having this discussion because I don't think this is going to repeat itself in the future. Because I think everybody's clear now how we call a special called meeting. No, I don't think our process is good. Yes, I think it's right that we're meeting tonight, and I think we need to get on to the debate about discussing this item and make a decision so we can all go home and be with our family on a Thursday night, we're supposed to not be here.

- Mr. Magner: I would concur to that. So, since we were here. Let's make a point to have this procedural discussion at our next workshop. Hopefully here in the very near future we can clarify and know that as a Planning Commission, myself and Ms. Senyard can also know better and have more parameters in the future for those details around the request. Ma'am, if you wouldn't mind please re-approach the podium just in the event. Let's return to specific questions on the project.
- Mr. McDonald: I do have a question concerning the project. I just want clarification on the staff comment that or the staff condition, I just want to make sure that, 1, that I'm understanding, that we are all understanding it, but also Mr. McDaniel, the way I understand, it sounds like there will not be any additional final plats or additional phases approved until this intersection as asked originally is designed. Is that accurate?
- **Mr. Greer:** The intent of the first condition of approval is to reserve this area that was originally shown, as we all know. No one owns property forever. We all come and go and that would reserve that piece of property for the city if anything were to ever change in the future, we could have that piece of property reserved for a significant realignment

there, if the need came about. Currently what you see here would be the intersection, but if things changed into the future that property would be reserved for that alignment there to better align the proposed Northwest Highway with the current Northwest Highway. Can you go forward to the original final plat but that shows where the original final plat had, it kind of came straight across and now it curves up. So that piece of property there would be reserved as right of way for the city for future use.

- **Mr. Magner:** To clarify additionally, on that question, what is the property line in the new updated plat that defines the plat if you could clarify that.
- **Mr. Greer:** What is the property line that defines the Eastern boundary?
- Mr. Magner: Is it the easement for the roadway or? Where is the plat defined on here? Since we don't see like a meets and bounds description. In other words, sorry, let me clarify, Mr. Greer, as part of the conditional approval It states that the plat cannot be modified and if it is, it comes back for Planning Commission reconsideration. So, I'm trying to understand exactly what is the plat, what's the defining boundary for the plat.
- **Ms. Corolla:** I think if I understand correctly, so this plat, the intention of it, is to plat the extents of each of those lots, so each of those lots down through there as well as the open space, as well as to reserve that right of way. So that interior section that you see noted as future phase, that is effectively not a part of this plat. It is just noted on there, as you know, in the future that may become an additional phase.
- **Mr. Magner:** Thank you. And any modifications to that right away on that southeast corner at the, I guess that's the utility lot that's included in this plat, correct?
- **Ms. Corolla:** That is, yes, Sir. And so in in the case that you know, we bring forth a phase 2 final plot and anything changes, or any of that right of way changes, there's actually a note on the plat that says that any future final plats will void, supersede and vacate effectively this plat.
- **Mr. Pape**: Mr. Chairman, I have a question. So just to make sure, one question first, will the plat be filed tomorrow with the closing?
- Ms. Corolla: Correct, Yes, Sir. Tomorrow morning.
- **Mr. Pape:** OK. :But you're going to make the change that Ethan has requested to straighten out that line so that that dedicated right away will include the little triangle that was taken out here.
- Ms. Corolla; So, in conversations with staff this afternoon and that was actually accounted for in a note. And so, a note says that, you know, in future phases any change to right of way will void vacate and supersede this plat, that was written on the plat. I have the hard copies with me today,
- **Mr. Pape**: But the challenge is, when you file this plat, the city will have that right away moving forward. We won't have that little triangle.
- Ms. Corolla: correct
- **Mr. Pape:** I mean, is it possible to change that before the filing tomorrow?
- **Ms. Corolla:** It is not.
- **Mr. Pape:** I mean, yeah, we're kind of back to the same challenge of timing, but I knew the answer to that, but had to ask it.
- **Ms. Corolla:** understood.

- **Mr. Pape**: I think that's important. I think you know reserving that extra right away for the city for the future is a critical thing because the other thing I would ask staff and engineering more particularly is, you know, did we ever do a thoroughfare study? You know, we're trying to balance, and I totally get it. We're trying to balance the needs of the local people that live right there as well as the overall community. Part of the idea was to make Northwest Highway a little more of a thoroughfare that's not great for the people that live right there. But we're adding a stop sign now, you know. Is there any concern from an engineering standpoint one way or the other? Or a more desirable outcome.
- Mr. Broadbent: Correct me if I'm wrong, but. I believe that road design was contracted out to TSquared Engineering. They would be the controller in determining what would be roughly designed. Now, the city has input of course. I guess from my perspective. Be more desirable to not have a three-way stop because I think the original intent was to have Northwest Highway like you said be a thoroughfare to allow traffic to go through quickly without stopping. So, I believe that's why we asked the applicant to include the additional right away especially in future phases, so that that can be accomplished in the near future.
- Mr. Pape: Yeah, that makes sense because I can see the argument both ways, you know. Right now, a three way stop may be better because there's less traffic in the future maybe it's better to open it up to more of a thoroughfare. So, I'd again, I'm glad that staff added that comment. I will say just to get on the record, I applaud staff working as hard as they did in the last 48 hours to answer everybody's questions and to make this happen because that was not an easy task because we all had a lot of questions.
- **Ms. Corolla:** And I'll note for what it's worth, the developer has the full intention of abiding by, you know the requests and the requirements of the city. So come phase two, if we need to dedicate that triangle, we're more than willing to do so. It just wasn't feasible on this particular plat.
- **Mr. Pape:** Sorry, one more question. The closing tomorrow, is it the purchase of the land that they don't currently own the land? So, they're closing on the purchase of that land?
- **Ms. Corolla:** So, the owner is the developer currently, he's selling to a builder.
- **Mr. Pape:** OK, so he's selling the lots and then and the right of way and giving up the right of way.
- **Ms. Corolla:** Just the lots.
- **Mr. Pape**: OK.
- **Ms. Corola:** Thank you, Sir.
- **Mr. Magner:** Other questions? Comments. Miss Bruce, call the vote, please.

PC 06-24	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Schilling	х				
Ms. Williams	х				
Ms. Anderson	х				
Mr. Magner	х				
Ms. Schulist	х				
Mr. McDonald	х				
Mr. Cali					х
Mr. Pape	х				

Ms. Senyard					х
MOTION: Resolution passes 6-1 (2 Absent)					

BONDS AND LETTERS OF CREDIT: None

Mr. Magner: Continuing with the agenda we do not have any bonds or letters of credit to discuss tonight, so we'll go strictly into reports for discussion additional information.
Starting with the planning staff, Mr. Greer.

REPORTS FOR DISCUSSION AND INFORMATION:

City Planning Staff

• **Mr. Greer:** Just a reminder that our March Planning Commission meeting is moved to March 19th. It's not the second Tuesday, It is the third Tuesday of the month due to spring break. We all voted on this a couple months ago, but just a reminder that it is on March 19th and that's it.

City Manager: none

City Engineer: none

City Attorney: none

PLANNING COMMISSION ROUNDTABLE

- **Mr. Magner:** Ending up with any Planning Commission comments and we'll welcome Mr. Pape tonight. Sir, do you have any comments.
- Mr. Pape: Thank you, I just want to say I look forward to serving with you all, and I do look forward to a continued discussion on special meetings. Im very much opposed to having any special meetings for any reason other than city business and I think it's a bad, not necessarily legal precedent but a bad precedent to set, so I'd like to have that discussion and make sure that this doesn't become a habit. Thank you.
- Mr. McDonald: Welcome, Jeff, Mr. Pape, official and business here. It's good to have you happy to have you here. Just a reminder, we do have a town hall here in 25 minutes. If there's any interest in that to the handful of people here want to stick around for it, other than that, I have nothing else. Thank you.
- Ms. Schulist: none
- Ms. Schilling: none
- **Ms. Williams:** No, just thank the staff for your due diligence.
- Mayor Anderson: I want to thank everyone for being here tonight and thank the staff for everything they've done in the last 48 hours. I do want to reiterate that this was not the developer bringing this. This was concerned citizens, there could have been possible litigation on this. I think it was in the best interests of our community, the citizens I spoke with, Mr. McDaniel and everyone involved, and I appreciate everyone seeing that and voting yes. I appreciate this passing. Also, I will say we have a town meeting and I just hope that you know anyone who wants to stay, I appreciate answering any questions and I'm sure the board does as well. Thank you.

- **Mr. Magner:** Thank you, Mayor. I have no comments for tonight. So, is there a motion to adjourn?
- Mayor Anderson: Motion to adjourn.
- **Mr. Magner:** Thank you.

ADJUOURNMENT: Motion to adjourn by Mayor Anderson at 6:38pm.

Maria Bruce

Maria Bruce, Community Services Assistant