

MUNICIPAL PLANNING COMMISSION

March 10, 2020 Regular Meeting at 7 p.m.

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

Derek Burks, Commissioner
Jim Power
Sheree Qualls
Hayley Schulist

Present: Butler, Jenkins, Anderson, Cali, Blade, Burks, Power, Schulist

Absent: - Qualls

Staff Present: Public Works Director/Codes Inspector Micah Sullivan, City Engineer Kevin Blackburn, Tim Potter City Lawyer, Codes Clerk Sharon Hall

- **Butler called meeting to order at 7:00 p.m.**
- **Opening Prayer and Pledge** – Butler led prayer and pledge.
- **Approval of Agenda** –Qualls made a motion for approval. Anderson Seconded. Vote was taken. All were in favor
- **Citizen Comments** (limited to the first five citizens to sign in and three minutes each) - **None**
- **Approval of Minutes: February 11, 2020 – Regular Meeting**
Blade made a motion for approval. Schulist Seconded. Vote was taken. All were in favor.

NEW BUSINESS –

1. Final Plat for Wynwood Park Subdivision Phase 1, Map 21, Parcel 61.24, 21 proposed lots, 7.97 acres. Owner Matt Beata Boulevard Building Group, LLC. Butler read the below staff comments:

STAFF COMMENTS:

- **Upon completion of Water Authority of Dickson County requirements, staff recommends approval of the Final Plat. Final Plat shall not be signed until requirements are met.**
- **Staff recommends approval of Final Plat contents.**
- **Action by the Planning Commission: Motion for approval or disapproval of the Final Plat of the Wynwood Park Subdivision, Phase 1.**

Luke Beata present to answer question. Sullivan stated the only comment that we have that would need to be addressed is from Dickson Water Authority, before signatures they did have the fencing for the drip field as well as the step system area that needs to be complete before signing this. He spoke to Mr. Rogers with WADC today, he said it wouldn't be anything to keep the plat from being approved tonight, once the fence is put up it will be signed. **Burks made a motion for approval. Jenkins Seconded.** Butler asked the plans on future cluster mailboxes. Butler asked Beata had they been approached by the post office about the cluster mailboxes. Beata stated no. Butler asked Mr. Potter some recent neighborhoods that are finishing houses now that were approved without cluster mailbox system, the

post office is now denying any mail to the residents that are moving in as houses are finishing and requiring cluster mailboxes. Butler asked how do they proactively plan for it as some of these new things come in because they are going to be affected by it. They did all this planning on how they wanted it to lay out how they wanted it to look, the parking, now it seems like all these are going to have to be retro. Potter asked are they saying they aren't going to honor what we've previously designed. Butler stated these were way before so there is no plan in place. Potter stated they are going to have to figure out how they are going to remedy that. Beata stated it's on their radar that potentially they will need the cluster mailboxes, they do have significant amount of greenspace that they can incorporate a cluster mail box in for that. Potter asked how many developments is this going to affect. Butler stated they have two final plats tonight and 5 or 6 this will affect. Sullivan stated they have several that are with up for approval tonight or recently approved and some that we have that are future phases that are coming up pretty soon that will probably be affected as well. Potter stated so the issue is the ones that haven't been approved yet they can address before final approval, how many are they talking about that are retroactive. Sullivan stated depending what they determine is retroactive, there are 4 or 5 construction plans that have already been approved and built out and they're at the final plating stage. Then they have probably another 3 or 4 that he's aware of that will probably be affected that have already been plated or partially plated for that. Butler stated maybe it would be safer if we put an ordinance in stating if they do install one of these it needs to come to them before it's installed and reviewed. Potter stated they are going to have to address this and remedy it before they can give final plat approval. Butler stated do they vote tonight and handle this through staff or do they need to come back. Potter stated they can do it contingent upon staff addressing it. Burks asked do they need to take back 1st and 2nd so they can amend. Butler stated yes. **Burks removed his motion. Jenkins removed his second. Burks made a motion to approve conditioned upon the staff approving the modification for a cluster mailbox that does meet the current ordinance in regards to the cluster mailboxes. Jenkins Seconded.** Anderson stated in previous meeting they have discussed it's not just a cluster mailbox it's a mailbox system with parking spaces and cluster mailboxes every so many feet from the homes. Anderson stated he thinks the word system needs to be included into the resolution so they can have Sullivan to match what the United Post Office says. Butler stated they have passed an ordinance and changed our regulations and requirements based on what the United States Postal Service requires and some of our requirements that we suggested, so it should be captured if it meets our requirements. **Vote was taken. All were in favor.**

2. Final Plat Revision of Lot 2 Whispering Wind Subdivision, Map 47, Parcel 67.01, 14 proposed lots. 10.47 acres. CHPWC Steve Murray owners. Butler read the below Staff Comments.

STAFF COMMENTS:

- Staff recommends approval and signatures of Final Plat.
- Action by the Planning Commission: Motion for approval or disapproval of the Final Plat of the Whispering Winds Subdivision,
- Lot 2 Revision.

Totty present to answer questions. Burks made a motion for approval based on the staff's comments and post office requirements. Cali Seconded. Vote was taken. All were in favor.

Walt Totty present to answer questions. Cali asked do they have the same problem with the mailboxes with this one. Butler stated to be determined. Totty stated hasn't come up yet but willing to work with whatever we require of it. Butler stated it's safer to add the contingencies on the motion in case it does pop up they are prepared to address it. **Burks made a motion that this be approved based upon staff comments contingent upon the subdivision meeting any requirements under our mailbox statute and any requirements of the United State Postal Service. Cali Seconded. Vote was taken. All were in favor.**

3. Site Plan for Fairview Assisted Living Facility, Map 42, Parcel 123.06 & 123.07, 3.50 acres. Zoned CG (Commercial General) Marlon & Gina Cunningham CO, Trustee owners.
Butler read the below Staff Comments.

STAFF COMMENTS:

- Applicant has requested two variances from the City of Fairview Zoning Ordinance and Design Review Manual. The two items are:
1. The applicant has requested a variance from the parking requirements found in Zoning Article 11-103.1.6, requiring one space per unit and an additional .5 space per unit as future growth. The provided site plan for approval displays the minimum of one space per two rooms and an additional space per shift employee.
Required: 38 + 19 Future Expansion
Proposed: 40
 2. The applicant has requested a variance from the Right of Way sidewalk requirements found in Design Review Manual 5-106.5.1. The applicant has requested to pay into the Sidewalk Fund in lieu of the required sidewalks.
Current Rate: \$7.81/ sq. ft (TDOT Region 3 2019 AUP 701-01.01)
.75 CoF Adjustment Factor x 428 Linear Feet x \$7.81 x 6 Feet Wide=
\$15,042.06
- Combination Plat to be Recorded Prior to Construction
 - Open issues regarding site details and plan modifications shall be completed prior to preconstruction meeting.

- **Upon approval of Water Authority of Dickson County requirements, all WADC plan modifications will be completed prior to preconstruction meeting.**
- **Staff recommends approval Site Plan.**
- **Action by the Planning Commission: Motion for approval or disapproval of the Fairview Assisted Living Site Plan.**

Trent with Southern Consulting and John Keelon present to answer questions. Sullivan stated we do have a letter stating both of those variance request and some paper work showing parking requirements for other municipalities. Exhibit A, which will become part of these minutes. Burks asked Mr. Potter was it appropriate to grant these variances from this Board or should they go before the Board of Zoning Appeals. Potter stated are they requesting a variance of our Zoning ordinance. Butler stated he thinks it would be more Design Review Manual, would you say Micah for the parking and sidewalks. Sullivan stated the parking is mentioned in Zoning article but specifically states the request can be brought for the Planning Commission in that manner. Jenkins asked Mr. Keelon what's the though process behind requesting the variances. Mr. Keelon asked could he be more specific please. Jenkins stated the two letters saying they are requesting variances but there is no reason for the request. Keelon stated the reason they are asking for sidewalk variance is because it would be a sidewalk to nowhere that's hence to paying into the sidewalk fund and the City could choose where to put sidewalks. Jenkins stated and the parking spaces? It wouldn't clearly define exactly what the requirement was so in discussions previously was discussed they needed more parking spaces. So, they pulled some data from other Counties to reference because they didn't have anything to go off of. Jenkins asked if they don't have anything to go off of where are they getting their requirements for zoning article 11-10316. Keelon asked what are our requirements specifically for assisted living? Jenkins stated per staff comments the requirements found in Zoning Article 11-103.1.6, requiring one space per unit and an additional .5 space per unit as future growth. The provided site plan for approval displays the minimum of one space per two rooms and an additional space per shift employee. Required: 38 + 19 Future Expansion and the Proposed is 40, so it would be 17 short. Keelon stated typically, in an assisted living you have less than 8% residence that actually drive and being involved in open several of these in Williamson County and surrounding Counties that are close by it's 3 to 1 or 2 to 1 that kind of what they thought that they would be a little lenite on this. Burks asked how many units will this have. Keelon stated total of 60, 38 units 40 parking for phase 1. Butler ask Sullivan were they going by the nursing homes on the list. Sullivan stated we have article 11 which goes into that section 11-103.1 number 6, it's age restricted dwelling units, not on the chart at all, it is its own separate spot which is where the one space per unit comes from. When speaking with several people working with the applicant that's where we found was the best spot to come to in our regulations for that. Qualls asked how many

employees do they estimate. Keelon first phase they will have around 20 employees. Butler asked how many staffed at one time. Day shift 8 including manager. Jenkins asked Sullivan so they have already gone through and decided this was the correct parking spaces they needed. Sullivan stated that is what's in the 2019 zoning ordinance that was adopted. Burks stated is the intent of that being more of a retirement community or an assisted living community because they are two different things. Sullivan stated he thinks that's part of why it allows The Board to make that variance for them, he believes that's why that ability is there to come before the Commission and request that. Burks stated he sees the point that people are in assisted living their probably not driving but that's not 100%, we require 1 to 1 their asking 1 to 3 he thinks meet them in the middle at 1 to 2 plus 1 for maximum number of staff per shift, he thinks that's a fairly good compromise in this situation. Butler stated he was contacted prior to ask about this, he thinks like Mr. Burks was saying we've never seen this before this application has never been put in place, nursing home one space says one space for each employee and one space for every two patients so that would be one parking space per room which is two patients. Butler stated they provided us with Nashville and Brentwood requirements, which will become part of these minutes. Schulist you have mentioned there would be additional phases will there be additional parking for these phases. Keelon stated what they look to do is build all their parking in phase I. Jenkins asked Micah to be clear there is no specific ordinance for assisted living. Sullivan stated looking at the chart we have special person and group care which this does fall under. Jenkins asked is this something they should consider adding to the ordinance to clarify these for the future. Sullivan stated anything they add to clear something up is always a good thing. Burks stated yes. Jenkins stated he doesn't want to get into the habit to give variances for something like this. Qualls stated she thinks we should set our standard by what other Cities have set their protocol because if it's working in other Cities it would probably work here. Anderson made a motion for approval with the two variances and acceptance of staff comments. Qualls Seconded. Butler asked about the gravel drive that accesses the pump station, hates that they have the elaborate entrance & curb and have a gravel road twenty feet down from it, right onto Old Nashville Highway, doesn't know if there is anyway to retire that interior. Trent stated The Water Authority specifically asked him to put it there but there plans for in the future for coming back and developing that one-acre parcel. When that gets developed, he's relatively certain that gravel drive will disappear and their access will be mailed with the site plan proposal at that time. Butler stated there's going to be gravel washout and dirt will be tracked onto Old Nashville Road. Trent stated he can speak a little bit for the developer he may frown at him later but they could pave from the existing pavement to the right of way to help with the washout. Butler stated he thinks for appearance and anything that will be tracking onto Old Nashville Road that will deteriorate is a hurt on the City. Burks stated he likes the idea of at least having the 1st

portion of it paved so it does at least match, not asking to pave the whole thing. Butler asked do they want to remove motion or amend motion. Burks stated the easiest would be to resend the second and the original motion. Qualls stated she resends her Second. Anderson stated he resends his original motion. Butler stated now they entertain a motion. **Anderson stated he makes a motion that they approve the two variances with the staff comments and paving the maintenance access point in the right of way. Qualls Seconded. Vote was taken. All were in favor.**

BONDS AND LETTERS OF CREDIT

1. Fabline Reclamation Bond in the amount of \$13,000.00 will expire April 12, 2019

STAFF COMMENTS:

- **Action by the Planning Commission: Motion to call the reclamation bond if not renewed by April 12, 2020.**

Burks made a motion to call the bond in not in place by the expiration date of April 12, 2020. Blade Seconded. Vote was taken. All were in favor.

2. Pennock Place Subdivision Phase 1 & 2 Performance bond in the amount of \$599,000.00 will expire April 26, 2020.

STAFF COMMENTS:

- **Action by the Planning Commission: Motion to call the performance bond if not renewed by April 26, 2020.**

Burks made a motion to call the Performance bond if not renewed by April 26, 2020. Blade Seconded. Vote was Taken. All were in favor.

3. Peppertree Cove Performance Bond in the amount of \$357,500.00 will expire on April 11, 2020.

STAFF COMMENTS:

- **Developer wishes to have a reduction in performance bond related to installation of sidewalks and street trees.**
- **Based upon site inspections, staff recommends a new performance bond amount of \$283,700.**
- **Action by the Planning Commission: Motion for approval or disapproval of the reduced performance bond amount at \$283,700.**

Burks made a motion to approve the new performance bond in the amount of \$283,700.00. Jenkins Seconded. Vote was taken. All were in favor.

4. Sweetbrier Springs Letter of Credit in the amount of \$45,000.00 will expire on April 16, 2020.

STAFF COMMENTS:

- **Action by the Planning Commission: Motion to call the letter of credit if not renewed by April 16, 2020.**

Burks made a motion to call the Letter of Credit if not renewed by April 16, 2020. Blade Seconded. Vote was taken. All were in favor.

REPORTS FOR DISCUSSION AND INFORMATION

- City Planning Staff – Sullivan stated two things that have been mentioned tonight, the central mail systems, they talked about those last year and he believes the wording that was put in is, where required by the USPS and our requirements on top of their regulations. Where they are starting to seeing them be required, is that something that they need to look at the requirements on, question for Attorney as well as Commission as instead of being were required now we know they are required. Is that something they need to go ahead and completely bring into and set a number of houses that we say have to be or even start anything more than a two-lot subdivision, how would be the best for them handle that and how would they like this to be worded. Burks asked does this need to go up as a Design Review Manual or a Zoning Ordinance. Sullivan stated it's in the Zoning. Potter stated he's still unclear what the USPS requirements are. Burks stated it's the Federal Government it's subject to change. Potter stated it seems very subjective if it gets approved or doesn't get approved. Burks would it make sense to take an ordinance up to the BOC stating if a subdivision is required to retroactively install cluster mailbox system that it follows our current ordinance as well as any United States Postal Service regulations. Potter stated he will get with Mr. Sullivan and look at the language of that Ordinance. Burks stated that's probably going to cause problems if these are almost built out to have space to put it, they have to have parking. Burks asked them to try to get that together as soon as they can to get to the BOC. Sullivan stated he knows that last year when they brought forth those changes that some other Cities in the are looked at that and kind of started building theirs around that because they had been hit with it has to be done and they didn't have any standards as well. Being proactive on this he thinks it was beneficial now it's here and we will be looking into that. Sullivan stated his second is parking requirements, we talked about what we need to change, they had specifically mentioned assisted living. In zoning article 11, that is a lot of the on-site parking, there's charts, words, paragraphs, some say if this then this and etc. The zoning articles are on our website, look through that when they can, see what we have and what they do and don't like. Think about communities around use and what we may see in the future and what they need to put in that so they're not sitting here worrying about a variance, we can go ahead and set our standard for some of these. Send him an email on what they think, what makes sense, doesn't make sense anything that needs to be added, couple of things that have already been brought to him. Probably the next month or the following we will have a work session before the meeting and he will bring up several of those and get those in draft point that way we will get things moving. Butler stated he wanted to

mention he had sent Micah a note about street lights in neighborhoods, he flew into Nashville couple weeks ago at night and saw all these street lights and these beautiful communities, how do they still not require street lights. He would like to see feedback from them, then they bring us something to vote on for street lights in new subdivisions requiring street lights. Sullivan stated they are trying to figure out what, when and where for design requirements, we want to set a specific, this is our street light for developments. He knows that the power company has their standards so we have to match that as well. Burks asked about the parking for marinas and boat docks that they have listed or the commercial sporting facilities probably not sufficient for what we have in Fairview. Sullivan stated you would be surprised and he will just leave it there. Schulist asked back to this mailbox saga is this going to apply to established neighborhoods that have a couple of empty lots. Butler stated no one knows. Sullivan stated we are doing our best to try to get all the answers

- City Manager- **Not present**
- City Engineer – **Blackburn the tornado victims in Nashville and middle Tennessee that were affected last week are in our thoughts and prayers.**
- City Attorney – **Nothing**

COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS

Burks – Burks stated thank everyone for being here and thank you for the work you do and he knows it's not always the easiest or most fun but he appreciates it.

Schulist – Schulist stated she did here that the Waffle House was suppose to start this summer, she had heard July 2021 apparently, they're finishing up a build in another County and they're going to come here next.

Anderson – **Nothing**

Power- **Nothing**

Cali – **Nothing**

Qualls – **Nothing**

Blade- **Nothing**

Jenkins – Jenkins stated on item 3 where they were discussing with the Developer Mr. Keelon, he's thankful that people that bring forth errors and imperfections in our ordinances, that's what allows us to actually improve things, thanks them for having the discussion.

Butler – **Nothing**

ADJOURNMENT – Butler stated he would entertain a motion to adjourn. Jenkins made a motion to adjourn. Butler stated so moved. Adjourned at 8:02p.m.

Chairperson

Secretary