

MUNICIPAL PLANNING COMMISSION

April 9, 2019, Regular Meeting at 7 p.m.

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

John Blade, Mayor
Derek Burks, Commissioner
Jim Power
Sheree Qualls

Present:

Absent:

Others Present: City Manager Scott Collins, City Engineer Will Owen, City Attorney Andrew Mills, Building Inspector Micah Sullivan, Codes Clerk Sharon Hall

- Butler Called Meeting to Order at **7:00 PM**
- Opening Prayer and Pledge –**Butter led Prayer and Pledge**
- Approval of Agenda –**Jenkins made a motion for approval. Anderson Seconded. Vote taken; all were in favor.**
- Citizen Comments (limited to the first five citizens to sign in and three minutes each)

John White stated he is representing Fairfield Court which is going to be backing up to the Redbud Springs Subdivision (Habitat Subdivision). Back last year the Habitat people met with them about some of their concerns and made a few promises to them hopefully they will be keeping, he just wanted to bring them up. They promised to have a buffer zone between the 3 or 4 properties that are going to be backing up to their properties, he thinks the cull-de-sacs are kind of going together. They agreed to have a 50- or 100-foot buffer zone between that area, they offered to do extensive landscaping so they wouldn't necessarily see their properties as much. He was also interested in what they would do to try to save some of the mature trees that back up to some of their neighbors back yards, the neighbors wanted him to bring that up. Qualls asked does anyone remember the details on this when they discussed it. Butler stated they could try to dig that up and discuss it later.

- Approval of Minutes: **March 12, 2019 – Regular Meeting**
Anderson made a motion for approval. Jenkins Seconded. Vote taken; all were in favor.

NEW BUSINESS

1. Development Plan, Redbud Springs Subdivision. Fourteen Proposed Lots on 8.35 Acres. Property located on HWY 96 North (Map 22, Parcel 134.07). R-20 Zoning District. Property owned by Habitat for Humanity of Williamson County. Jenkins read the below staff comment:

STAFF COMMENTS:

- 1) Sidewalk is required on both sides of proposed streets as well as along the frontage of existing streets (i.e. Hwy. 96).
- 2) The proposed curb and gutter connection to Hwy 96 appears to tie into the centerline and not the edge of pavement.
- 3) Is Lot 13 intended to be a buildable lot?

- 4) Open space is no longer required for conventional R-20 zoned developments.
- 5) What are the intended ownership and maintenance responsibilities for the multiple retaining walls?
- 6) Although the detail and the notes appear to be correct, the street trees area shown on the plan to be located behind the sidewalk and should be located in the grass strip between the back of curb and sidewalk.
- 7) Please note that if Development Plan is approved, a review of the engineered construction plans may generate more engineering comments as a result of the additional design details included in those plans.

Randy Chapdelaine present stated he is the surveyor for this project and was asked by Tasha that works for Habitat to represent her. What their asking for is a variance on the sidewalks, they understand it's a rule about sidewalks being on both sides of the road along the front but due to the topography on the west side it wouldn't be conducive to pour a sidewalk, one side would just be a steep hill side, would be dangerous. They are asking for a retaining wall on that side. also asking for no sidewalks along lot 2 and lot 13, most of the problems that have been mentioned have been addressed on the plans that they have submitted, the cull-de-sac that went to the edge of the road was a mistake, the trees between the sidewalk and the property have been put in the correct location, other than that they would ask for approval exception of the sidewalk having a variance. Lot 13 is part of the drainage easement and they would be responsible for the maintenance. Collins asked question they who would be responsible for the drainage easement. Butler asked was he saying the property owner of lot 13 would be responsible for the drainage easement. Chapdelaine stated yes it would be their property and they would be responsible for the drainage easement. Butler stated Mr. Chapdelaine you may have not been present with the property owners with Fairfield court but does he recall anything about the buffer on the backside toward Fairfield Court, he knows they have a buffer towards the front. Chapdelaine stated unfortunately Mr. Reynolds was the representative for Habitat and he no longer works for them, no he hasn't been informed of the buffer but he doesn't see a problem with it. Butler stated for our staff there are several lots where the setback is pushed back to get the 100 foot is that still R-20 approval lot if the road frontage isn't 100 foot. Chapdelaine stated the road frontage doesn't have to be the length of the property just has to meet the building setback. Collins stated that's correct. Collins stated as it relates to lot 13, has concerns about detention pond and retaining wall that starts at lot 13 goes down to lot 12 and ending at lot 11, he is curious, who would own and maintain the detention pond for the subdivision and the retaining wall. Chapdelaine stated the detention pond would be also the responsibility of lot 13 of maintenance & to keep clear of trash & debris and they can state that in the restrictions of that lot. Cali stated what if they don't take care of it. Chapdelaine stated they could come back to them since it will be in the deed restrictions. Cali stated he could see the City having to do this if the

person for lot 13 doesn't take care of it. Anderson stated this is Habitat for Humanity, these are people that need help with a lower price home, they could be handicap, they are putting them in a situation where they would have a lot of exterior responsibility that they probably won't have the means or ways to take care of this, he feels like it's a sorry design. Butler stated he doesn't think it's necessarily who it is they would be putting a lot of responsibility of a private property owner; knows it's been done before and they have had problems before. Butler asked how close is the retaining wall close to the road. Mused the engineer on this project stated about 1 to 2 feet from the right of way. Chapdelaine stated he doesn't think it will be much maintenance on the retaining wall. Qualls stated was he talking about weed eating & mowing. Chapdelaine stated yes taking care of it. Burks asked Chapdelaine if the retaining wall was to fall, wash out, whatever that may be, would the homeowner be responsible for replacing that wall. Chapdelaine stated that would be his understanding. Power asked will there be a fence along the top of it. Mused stated there will be a hand rail or guard rail around the top of it. Power stated he can't honestly say that they should put that responsibility on someone to say they have to take care of it. Burks asked Mr. Potter what is the process if the retaining wall collapse, how does the City enforce a private property owner by deed to go fix it. Potter stated they can't. Burks stated Mr. Chapdelaine you see the problem is you're saying this person is responsible for it but them as City can't enforce it, according to counsel. Burks stated Mr. Potter does he have a suggestion. Potter stated Mr. Chapdelaine mentioned one way if there was a homeowner's association, there's no way to guarantee that would happen, if homeowner's association somehow contracted with the City that they would be responsible for these improvements, he really can't think of a way to really hold anyone responsible for that. Burks stated his understanding that homeowners' associations just tend to end and dissolve. Potter stated they have a lot of problems. Burks stated especially in a situation they are about to have to pay a lot of money. Potter stated that is correct. Burks stated he has an issue with this putting that expense on the City because in reality that's where it would be. Chapdelaine stated he can see the potential of that. Burks stated unfortunately things go wrong. Chapdelaine stated it sounds like they need to come back with another plan that won't require a retaining wall and maintenance on the drain, in which case he would like to withdraw this plan at this time so they can redesign it. Burks stated he believes Mr. Reynolds had said when he met with the homeowners at Fairfield Court, that they had a meeting and were talking about doing that landscape buffer, doesn't remember the length of it, he would like to see that included because that was promised to these citizens. Chapdelaine stated yes sir no problem. Butler asked Mr. Chapdelaine if he does have those 7 staff comments to go ahead a review and possibly capture. Chapdelaine stated he does have the staff comments. Chapdelaine stated he thinks they can come back with a better plan that they can approve. Thanks, them.

2. Final Plat, Willow Crest Subdivision, Phase II. Four Proposed Lots on 2.74. Property located on Willow Crest Drive (Map 22, Parcel 66). R-20 Zoning District. Property owned by Habitat for Humanity of Williamson County.

Butler read below staff comments.

STAFF COMMENTS:

- 1) Staff makes a favorable recommendation to the Planning Commission to approve the Final Plat of Map 22, Parcel 66, Willow Crest Subdivision, Phase II.

Chapdelaine stated again they are just finishing up the final 4 lots in the back of Willow Crest for the other approved lots in front of that, that's why they are asking for the final approval on that. Power made a motion for approval. Anderson Seconded. Vote taken. All were in favor.

3. Concept Plan, Columbus Cove Townhomes, Twenty-eight proposed condominium units on 3.42 acres. Property located on Hwy 96 N (Map 22, Parcel 165.1). CG Zoning District. Property owned by Jonathon Caldwell.

Jenkins read the below staff comments.

STAFF COMMENTS:

- 1) Please provide a copy of the recorded ingress-egress easement referenced on the plan (DB 7522, PG 326)
- 2) Is the intention to utilize the existing driveway location for the Kamp property or will there be a new connection to Hwy 96? Please note that TDOT approval will be required for either scenario.
- 3) Please note that the proposed access drive will be required to be constructed to City street standards as called for in Section 1-113.107 of the Sub Regs. This includes but not limited to suitable turn-around area at the end of the parking lot (i.e. a cul-de-sac), sidewalks along both sides of the access drive for the full length, sidewalks along the frontage of Hwy 96, street trees, etc.).
- 4) The current zoning of the parcel is CG not C-1.

Phillip Caldwell present to answer question. Butler asked did he have a copy of the staff comments. Caldwell stated yes. Butler stated item 1 stated he guesses there is an ingress-egress exit for that access to that property. Caldwell stated yes. Burks asked Butler was he at the staff review meeting, he said he wasn't but there is staff here that was. Burks stated at the end of the parking area he assumes they are asking for a cul-v-sac there, what is that shaded area sticking out at a 45-degree angle. Chapdelaine stated he believes that was a dumpster pad in that area. Burks stated he assumes the Fire department asked for a turn around because they thought it would be a problem to get back there. Chapdelaine stated yes, this is mostly a sketch plan at this point just wanted to make sure before they had major expenses of surveying, engineering, design work & etc., that the Board is on board with them before they start this phase. Chapdelaine stated what they are looking at can be changed it's just a sketch, they're just asking is this concept

permissible with our zoning and rules. Burks asked was the purpose of this to have individuals for each unit. Caldwell stated each property will have its own yard & space, they will be conjoined and sharing at least 1 wall but the property owner that bought the property would have a front and back to the sidewalk. Butler stated so each unit would be sold individually. Caldwell yes. Burks stated the back yard goes back past the 20-foot setback is that deck, yard, poured patio. Caldwell stated it would likely be some sort of small covered patio. Butler stated they just need to clarify the process, steps of the concept plan. Collins stated there would be no requirement to take any action as far as a vote, would be basically dialog back and forth to see what information could be conveyed to the developer as what may be preferred to move forward. Collins stated couple things staff had that isn't creating an issue for the subdivision just a point of reference the side setbacks of 20 feet, where the roofline goes back there, as a matter of zoning, that area would need to remain open air, wouldn't be able to have a covered or closed structure. If they have a patio, grass area that's okay just needs to remain open. Also, there would need to be some discussion of a rezoning to RM-12 to get it in accordance with the zoning but that would be standard as a part of that. Our discussion was that the rezoning, making sure the back side the open area remains open air, patio to store bikes and play things. Also, the cull-de-sac in the end, those were the things that we know we discussed that we were concerned that are relatively simple as they get more in the process. Burks asked Collins this is currently zoned CG (commercial general). Collins stated yes. Burks stated he believes they can actually do multifamily in commercial general already, is that correct. Collins stated the only discussion they have had about that is these are going to be individually owned, from the zoning side of it, internally they discussed proposing it be RM-12 simply because it's individually owned and not multi-family units, so to speak with under one roof. Burks stated would this be actually considered multi-family since it's separate roofs. Collins stated no sir they are individual homes just like any other subdivision their just butted up against each other. Collins stated he doesn't want to speak for the developer but he assumes there would be some sort of HOA given the fact if they are going to have 3 or 4 units combined together, if they have a roof leak or possibly some other thing that's going to affect more than one person. Obviously, this is going to be a private drive they will be responsible for the roadway, maintenance & upkeep in that thing. Generally speaking, not speaking for the developer, RM-12 designation would work if they were individual units and some sort of HOA that would fund those maintenance and repair items. Burks stated he thinks townhomes are a nice option to have in Fairview, he thinks they don't necessarily have enough of those, there are people out there that wants a home that don't have any maintenance, thinks it's a good chose to have. Qualls made a motion to approve to move forward.

Butler stated if they make a motion what's the action. Collins stated in the interest of caution he would suggest they simply don't make a motion that the developer simply accept the feedback and bring back something that befits the conversation that was had tonight because a motion could give the appearance that something was approved and they certainly don't want to do that and doesn't think the developer would request that. Qualls withdrew her motion. Butler stated they got staff comments and got some feedback from that; he defiantly thinks there is a need for a Townhome product. Caldwell stated that was their biggest thing they didn't want to waste time, they have a little issue with TDOT to get approval. Butler stated the next step would be to get rezoning to RM-12, don't necessarily have to have a full set of plans, and if that's approved move forward.

4. Preliminary Plat, Sweetbriar Subdivision, Ph 4. Four Proposed Lots on 2.00 Acres. Property located on Sweetbriar Road (Map 22, Parcel 130.03). R-20 Zoning District. Property owned by Philip Caldwell.

Jenkins read below staff comments.

STAFF COMMENTS:

- 1) The earlier phases of this development do not have sidewalk on this side of Sweetbriar Road. The proposed sidewalk for this phase will be perpetually "floating" as parcels on both sides have previously been developed. The PC might consider discussing alternative measures with the developer that could potentially provide greater pedestrian connectivity than what is being proposed.

Phillip Caldwell present to answer questions. Phillip Caldwell present to answer questions. Butler asked where are the sidewalks on that new one, he remembers they were only going to put them on one side to run them back to highway 96, is it on that side or only on the interior. Caldwell stated the sidewalks that are there now are all the way around the interior of the subdivision. Butler stated so those would be just those 4 lots, could he put a handicap ramp at the end of that and across the street, if across the street isn't done yet to where you could cross there. Collins stated we had discussion about this today in staff meeting, looking at some options, this certainly would take some communication work between the Planning Commission, the Developer & the BOC, we have talked before the Board & BOC about the establishment of some sort of sidewalk fund or other mechanism to make improvements to our maintenance of sidewalks throughout the community. What they have discussed at the staff meeting today if it was amendable to the developer given the fact that it is a requirement that sidewalks installed on these three lots. However, affectively they would be floating and have not connectivity, what they discussed was requesting of the developer that rather install those sidewalks that an in-kind donation to the City be made what would affectively be the cost of those and that would be the seed

money for the City's sidewalk fund, which would give them the ability to start a sidewalk improvement maintenance and repair program within the City. They would also as a second part of that propose that at a later date in a greater form to the Planning Commission so as these things come up in the future, we have an option to offer developers so they can move forward in that manner. Obviously if Mr. Caldwell agree in this instance then we would need to go to the BOC and establish that fund as a part of operating with the City and that would be a part of our ADA compliance, a program that they have. As a solution to be discussed and certainly this will be debated and discussed between the Planning Commission and Mr. Caldwell but we did consider that to be an option that he thinks will benefit the subdivision and benefit the City in this case as an opportunity to move forward. Butler stated so this could be approved and let that could be handled in house with staff, come up with a number. Collins stated what they would do is to determine with Mr. Caldwell or with the City's Engineer at what the cost would be for those sidewalks on those spots, then open a bank account, that would be the seed money for the City's plan going forward. Then they would adopt by resolution the City's sidewalk maintenance improvement plan so they could go forward perpetually after this development to make arrangements going forward to ensure that they are in compliance with a variety of laws to make improvements through out the City. Burks made a motion to grant a variance for lots 33,34,35 & 36 of Sweetbrier Springs, Phase II, to allow them not to have sidewalks, in lieu of sidewalks that they make a donation to the City for the construction cost of those sidewalks after a consultation with the City Engineer and those monies to go into a newly created bank account that will be used to seed money for a sidewalk repair and improvement ordinance, which will be submitted to the Board of Commissioners. Blade Seconded. Anderson concerned this would be like an impact fee. Collins stated it won't be an impact fee they will be careful with the language of the ordinance. Qualls stated it's only going to be used for sidewalks. Collins stated that's correct. Cali asked has the staff already talked with Mr. Caldwell about this. Collins stated just now. Cali asked so is Mr. Caldwell receptive to this. Caldwell stated it could be a very long time before he builds on anyone of those lots, they are just there and he has the two acres and everything across the street is half acres. He would be open to that as long as it's not the same price as building the sidewalks because if it is, he might as well give the people the sidewalk across the front. If there is some way to work that out, his only concern is if there is a requirement for a sidewalk how long does it take before because they would be able to do that as they built the property. Collins stated yes, obviously sidewalks a difficult issue, we would as a City to simply negotiate that with Mr. Caldwell to make sure he's comfortable going forward with those things and that we don't do something that inhibits what would otherwise be the natural growth of the

subdivision. Collins stated so if the motion remains the same and the Second is, they would simply negotiate that with Mr. Caldwell and bring that back to them and let them know what that was, they will also present that to the BOC, so they understand where they are as well. Power asked does 11,12,13 & 14 have sidewalks. Caldwell stated yes sir, everything on the inter loop of that goes all the way back to highway 96, there are no sidewalks currently in the whole subdivision but in the Phase II development there will be sidewalks that go all the way to Highway 96. Caldwell stated he needs to get this approved and he is willing to try to work this out with the City. Vote was taken. All were in favor.

5. Rezoning, Otter Creek Springs Subdivision, 102.12 acres. Property located on Old Nashville Rd/Taylor Rd (Map 42, Parcel 78). Current RS-40 Zoning District, Request for R-20 Zoning District. Property owned by Otter Creek Holdings, LLC.

STAFF COMMENTS:

- 1) Staff makes a favorable recommendation to the Planning Commission to approve the rezoning of Map 42, Parcel 78 from RS-40 to R-20

Collins stated at the risk of sounding presumptive he would submit to the Planning Commission that this measure is relatively a clean up measure for the City, he'll explain where they are on it. They may recall that this subdivision had 2 phases, as this subdivision came into realty over the last 2 years, there was some confusion internally between staff and the developers engineer about the process for which this property had been annexed and rezoned. The property just above this has been annexed and rezoned within the City. This property has been annexed but there's some question as to whether or not it was properly rezoned from RS-40 to R-20. So, the measure they have before them tonight is affectively is out staff and engineers request as a documented confirmation of that rezoning. Nothing has changed with the development, nothing has changed with any proposal or any work, or anything that's to be done in the subdivision, we just wanted to error on the side on caution to make sure that we had proper documentation for the rezoning. We believe there was conversation at both the Planning Commission level and at the Board of Commissioners level however that conversation that was affective approvals as conversation was not a voted-on approval as previously thought. So, the request we have before them tonight was brought about by staff as a clarification measure on behalf of the City rather than a request on the behalf of the developer. Burks made a motion for approval. Jenkins Seconded. Vote was taken. All were in favor.

6. Acceptance of the City of Fairview 2040 Comprehensive Plan.

STAFF COMMENTS:

- 1) Staff makes a favorable recommendation to the Planning Commission to approve and accept the City of Fairview 2040 Comprehensive Plan.

Anderson made a motion for approval. Blade Seconded. Anderson stated he just wanted to say he thinks it's outstanding the City had done this and now are going to have a tool to work with that the team is favorable of. Vote was taken. All were in favor.

BONDS AND LETTER OF CREDIT –

1. Sweetbriar Springs, Letter of Credit expires April 16, 2019
Sullivan stated he spoke to the developer earlier and he said he would have this renewed Letter of Credit on or before April 16, 2019. Burks made a motion to call the Letter of Credit if not renewed by April 16, 2019. Blade Seconded. Vote taken; all were in favor.
2. Pepper Tree Cove, Performance Bond expires April 12, 2019
Sullivan stated similar to the one they had last month, that this is a continuous bond and they will get us something in writing before the expiration date. Burks made a motion to call the Performance Bond if something isn't provided showing it is a continuous bond or renewed by April 12, 2019. Blade Seconded. Vote taken; all were in favor.
3. Fabline Machinery, Set Bond for New Construction
Staff Comments:
 - 1) Engineer recommends a site reclamation bond in the amount of \$13,000.00

Burks made a motion to set a site reclamation bond in the amount of \$13,000.00, per Engineer. Blade Seconded. Vote Taken. All were in favor

Reports for Discussion and Information

- City Planning Staff – **Sullivan stated everyone for coming out tonight being prepared and ready to go, also for being at the earlier meeting, he thinks the 2040 plan is going to be a good thing, thinks it's going to give them direction. Like it was said earlier, if they put their all into it they can defiantly help Fairview out in the next few years.**
- City Manager – **What Mr. Sullivan said.**
- City Engineer – **Not present.**
- City Attorney – **Nothing**
- **COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS**
Qualls- Qualls stated sorry she couldn't be here earlier she had to work, missed them last month, sorry she wasn't here.
Anderson – Nothing
Power – Nothing
Cali –Nothing

Burks – Burks asked Mr. Collins is the vacancy for the Planning Commission on the next Board of Commissioners agenda. Collins stated yes and we may have that at the work session agenda as well. It will be on the action agenda and likely the work session agenda as well. Burks stated he actually took the time to read through this Comprehensive plan when it came to them, he assumes everyone else has or will, it's a lot, he guesses that's why it's a 20-year plan and not a next year plan. Some of the things are in their control some are not necessarily in their control, City Center is a great example, they can try to promote that, help that along but it's property owned by individuals, they have to talk to people to help them buy into that concept, sometimes they will be able to do that sometimes they won't. It's a plan, it's not necessarily a set of marching orders that have to be a here to step by step. As it was mentioned in the work shop this is something they have to look at every 5 years to make sure it's going the way they want it to go, if not do they need to make adjustments. That's something they will need to keep in mind going forward that does happen.

Blade – Mayor Blade stated the steering committee and City Staff have hours invested into the design and implantation of this plan and he's so excited that they all see the benefit of that and he thanks them for their support and voting to adopt that plan tonight.

Jenkins- Nothing

Butler- Butler stated he echo's Commissioners Burks and Mayor Blade very excited to have this going also wanted to tell them about Williamson County is working on their 2040 plan, there is a consultant report of growth trends at the Library on Monday at 5:30, if anyone is interested in going. Go and sit in and hear what's going on around them.

ADJOURNMENT – Butler stated he will accept a motion for adjournment. Burks made a motion for adjournment. Butler so moved. All were in favor. Adjourned at 7:58p.m

Chairperson

Secretary