

City of Fairview

7100 CITY CENTER WAY
FAIRVIEW, TN. 37062



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Municipal Planning Commission

Regular Meeting
May 10, 2016
7:00 p.m.

Lisa Anderson, Chairperson
Matt Beata, Vice Chairman
Brandon Butler 1st Secretary
Michael Mitchell, 2nd Secretary
Patti Carroll, Mayor
Toney Sutton, Commissioner
Wayne Lowman
Tim Mangrum
Mitch Dowdy

Present: Anderson, Beata, Butler, Mitchell, Sutton, Lowman, Mangrum, Dowdy

Absent: Carroll

Others Present: City Manager Wayne Hall, City Attorney Larry Cantrell, Engineer Will Owen,

1. CHAIRPERSON ANDERSON CALLED THE MEETING TO ORDER AT 7:15 P.M.

1.1 Wayne Hall led the prayer and the pledge

2. APPROVAL OF THE AGENDA-

2.1 Sutton made a motion for approval. Mangrum Seconded. All were in favor.

3. CITIZENS COMMENTS - (Limited to the first five to sign in and a limit of three minutes each.)- None

4. APPROVAL OF THE MINUTES-

4.1 April 12, 2016 – WORKSHOP

Sutton made a motion for approval. Lowman Seconded. All were in favor.

4.2 April 12, 2016 – REGULAR MEETING

Sutton made a motion for approval. Mangrum Seconded. All were in favor.

5 RECOMMENDATION – None

6 BONDS-

6.1 SCARBOROUGH VILLAGE SUBDIVISION – LETTER OF CREDIT TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$52,000.00. PLANNING COMMISSION SET THE BOND ON FEBRUARY 12, 2008. THE BOND EXPIRES MAY 19, 2016. Cantrell stated they will need a motion to call bond if not renewed by May 19, 2016. Beata made a motion to call bond if not renewed by May 19, 2016. Sutton Seconded. All were in favor.

6.2 DEER VALLEY DOWNS SUBDIVISION – LETTER OF CREDIT FOR \$464,000.00. BOND EXPIRES MAY 21, 2016. Hall stated Deer Valley Downs said they will have their bond renewed tomorrow, will need a motion to call bond, if not

renewed by May 21, 2016. Sutton made a motion to call bond if not renewed by May 21, 2016. Mangrum Seconded. All were in favor.

6.3 WAL-MART – PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$325,000.00. PLANNING COMMISSION SET THE BOND AT THE JULY 10, 2012 MEETING. PLANNING COMMISSION REDUCED THE BOND \$97,800.00. PLANNING COMMISSION REDUCED THE BOND TO \$40,000.00 ON FEBRUARY 10, 2015. THE BOND EXPIRES NOVEMBER 30, 2016. WALMART IS ASKING FOR THE CITY TO RELEASE THIS BOND. Hall stated Wal-Mart is asking for this bond to be release, they are in compliance so he recommends the bond to be released. Sutton made a motion for the bond to be released. Mitchell Seconded. All were in favor.

6.4 HEARTLAND RESERVE SUBDIVISION – PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$365,000.00. PLANNING COMMISSION SET THE BOND ON FEBRUARY 12, 2008. THE PLANNING COMMISSION REDUCED THE BOND AT THEIR JUNE 14, 2011 MEETING TO \$250,000.00. BOND EXPIRES JUNE 30, 2016. DEVELOPER REQUESTING A REDUCTION OF THE BOND AMOUNTS ON SECTIONS 1, 2 AND 3 OF THE HEARTLAND RESERVE DEVELOPMENT. THEY THINK THAT IT WOULD TAKE APPROXIMATELY \$106,715.00 TO COMPLETE THESE SECTIONS. .Hall stated the developer has asked for this to be reduced to \$106,715.00, Mr. Owen does he agree with this. He made a site visit and observation today around 4:00p.m. For clarity, he appreciates the assistance from the applicant on dollar amount but they independently set both the initial bond amount and any reduction bond amount. Looking at the bulk of the work that is remaining is the placement of the top coat or the surface coat of asphalt, some grading and drainage work that would be associated with finished grading. He recommends \$137,500.00. Cantrell stated they can reduce it tonight and developer would have to have it renewed by June 30, 2016 for the \$137,500.00. Mangrum made a motion to reduce bond to \$137,500.00. Sutton Seconded. All were in favor.

7 OLD BUSINESS-

7.1 DISCUSS AND/OR TAKE ACTION ON INFRASTRUCTURE CONSTRUCTION PLANS FOR CUMBERLAND ESTATES (FORMERLY GREENLAND ESTATES-PHASE I). PORTION OF MAP 47, PARCEL 66.04, 52.56 ACRES. ZONED R-20 PUD. KENNETH B. GREEN OWNER. Beata read Engineer report, which will become part of these minutes. Exhibit A. Mangrum made a motion to approve with the 3 Engineer comments. Beata Seconded. Butler stated last month's meeting they referenced a traffic study on the 2nd entrance, not being addressed because it's not on this active phase, is there a way they can perform the traffic study now because if they build phase I it's going to be a lot harder to make an adjustment, if required on that 2nd entrance. Owen stated the furless development of this phase I that goes to the East is lot 50, the storm water pond and central attention and previous discussions along with lot 195 & 196, isn't a part of this phase. He would anticipate if there are adjustments that need to be made to that ingress & egress from Cumberland Drive there would be plenty of room to shift that proposed street connection to the West, even as far as lot 50. If the traffic study

reports in the next phase that would still be feasible, even if this phase continued as designed. For clarity, there was a full traffic study for the full build out, volumes for all the lots, not just for this phase I. It assessed turn lane requirement, widening of the road, stacking lanes, shoulders, not only Cumberland road but access points both East & West. What it didn't include specifically was site distance issues pertaining to that 2nd entrance. From a volume stand point from that initial traffic study included the full build out of the development. When Phase 2 comes to them that involves that connection to Cumberland Drive they will be requesting specifically site triangle, site distance, conventional industry standards for stopping site distance be employed and be submitted with those construction plans for review. Anderson stated for the record they have representation present tonight for this subdivision. Anderson stated they will plant Red Buds or a similar tree every 40 feet along Cumberland Drive; 4 foot black chain link fence to be installed around all the detention ponds with landscape screening, the detention pond will be cut weekly and all the houses that front Cumberland Drive will be all brick and will have upscale landscaping. Sutton asked Mr. Hall have they heard anything else about the red light at Cumberland. Hall stated in his conversation with TDOT, trying to get a grant, there is a 1 time funding every 5 years grant with the Federal Government for safety, which this would be, has to be on state highway, which it is, when he finds out what the funding will be, he is going to recommend to the Board of Commissioners they spend that on a red light for Cumberland & Fairview Blvd., which should hear something this summer. Cantrell said can withdraw motion and make new motion. Mangrum made a motion to approve with the three Engineer comments and the bond amount of 1,051,940.00 also included the Chairman's comments plant Red Buds or a similar tree every 40 feet along Cumberland Drive; 4 foot black chain link fence to be installed around all the detention ponds with landscape screening, the detention ponds will be cut weekly and all the houses that front Cumberland Drive will be all brick and will have upscale landscaping. Lowman Seconded. All were in favor. All were in favor.

7.2 DISCUSS AND/OR TAKE ACTION ON INFRASTRUCTURE CONSTRUCTION PLANS FOR KYLES CREEK (PHASE II, SECTION II) MAP 47, PARCEL 32.00, 14.07 ACRES. ZONED R-20. KELLY SHIVER OWNER. Mangrum recused himself from voting. Kelly Shiver present to answer questions. Beata read Engineers comments which will become part of these minutes. Exhibit A. Beata made a motion for approval. Sutton Seconded. Beata amended his motion for approval to include the Engineers report and to set the performance bond at the \$418,412.50 as recommended by our City Engineer. Butler Seconded. All were in favor.

7.3 DISCUSS AND/OR TAKE ACTION ON DESIGN REVIEW COMPONENTS OF REVISED FINAL SITE PLAN FOR HARDEE'S LOCATED AT 7003 CITY CENTER WAY. MAP 42, PARCEL 168.09, ZONED TCOD/MSMU. (TOWN CENTER OVERLAY DISTRICT/MAIN STREET MIXED USE). BOWIE COMMONS, LLC. OWNER. Beata read Engineers report, which will become part of these minutes. Exhibit A. Mangrum made a motion for approval. Beata Seconded. Samuel Dreiling present to answer questions. All were in favor.

8. NEW BUSINESS-

8.1 DISCUSS AND/OR TAKE ACTION ON ANNEXATION REQUEST FOR 7338 OVERBEY ROAD. MAP 046, PARCEL 44.06, 2.17 ACRES. OWNER KELLY MAGGART. Beata read Engineers report, which will become part of these minutes. Exhibit A. Kelly Maggart present to answer questions. Beata made a motion for approval to include the Engineers report. Mangrum made a motion for discussion. Mangrum asked Owen can't this be approved in house. Owen stated Mr. Mangrum you are correct, this can be administratively approved. Mangrum asked can they subdivide County property, with the City having any say so in it. Owen stated no they can't, other than they need to review, as a staff that the division of land that is being proposed coincides with the legal description with the annexation boundary. Cantrell asked Owen would he want to defer until this gets recorded. Owen stated no he doesn't think it's necessary to defer, he thinks it can all happen concurrently. Owen stated at the staff review there was some discussion that there was a plat recorded or there was one that was in the process of being recorded through the County and if it is recorded and is in compliance with the description of the annexed area that would be sufficient as well. Mr. Hall gave Owen a plan and stated he doesn't think this has been recorded; it was brought to him that morning. Owen stated it appears that is a minor final plat that's being submitted through the County process to divide 2.17 acres from the parent track then subsequently they are seeking annexation of those 2.17 acres. Mangrum ask Ms. Maggart do they have any idea of the time frame that the County is looking to get the minor subdivision complete. Ms. Maggart stated not sure at that moment, they've talked it's their understanding their working on the plat to record it. Mangrum stated for her to keep in mind, the City can't annex until that is completed. Hall stated Randy Chapdelaine told him they're in the process of the environmental for the septic, which will take a while. Owen stated the annexation process takes almost three months; his assumption would be that the plat will be recorded before that 2nd and final reading. Anderson stated so they can move forward, without deferring. Owen stated yes, move forward with those two items be addressed. Beata made a motion for approval including the two Engineer comments. Sutton Seconded. All were in favor.

8.2 DISCUSS AND/OR TAKE ACTION ON FINAL PLAT FOR HEARTLAND RESERVE – SECTION 4 (26 LOTS) MAP 18, PARCEL 55.01, 18.8 ACRES. HEARTLAND RESERVES, INCORPORATED OWNER Mike Blackmer present to answer questions. Beata read Engineer comments, which will become part of these minutes. Exhibit A. Mangrum made a motion for approval including the two Engineer comments. Beata Seconded. All were in favor.

8.3 DISCUSS AND/OR TAKE ACTION ON FINAL PLAT FOR WESTERN WOODS VILLAGE – SECTION 4 (38 LOTS) MAP 42, PARCEL 182.01, 5.90 ACRES. MARLON CUNNINGHAM OWNER. Marlon Cunningham present to answer questions. Mangrum recused himself from voting. Beata read Engineer comments, which will become part of these minutes. Exhibit A. Beata made a motion for approval with the Engineers comment of correcting the tax map and parcel number. Butler Seconded. All were in favor.

8.4 DISCUSS AND/OR TAKE ACTION ON REZONING OF PROPERTY OFF COX PIKE FROM RS-40 TO MIXED USE PUD W/R-20 BASE DENSITY (RESIDENTIAL/COMMERCIAL GENERAL MIXED USE PLANNED UNIT DEVELOPMENT) MAP 43, PARCELS 30.01 AND 31.00, 32.19 ACRES. DENNY, PROCTOR & WELCH OWNERS. Beata read Engineers report, which will become part of these minutes. Exhibit A. Mangrum recused himself from voting. Joe Ayler present to answer questions. Sutton made a motion for discussion. Mitchell Seconded. Anderson stated the Land Use Plan identifies this area as low density, so if they choose to approve this they would have to change that to medium density. Butler stated we have an area that the Land Use Map calls for low density, their PUD regulations they can manipulate however they see fit as long as, meets that density calculation. Butler stated he doesn't think this is appropriate putting this high density in a low density area. Are they removing acreages from the PUD overlay, does that acreage need be removed if it's not part of the PUD and how about the areas that you all removed from the PUD Overlay designation or plan to remove. Also on the plat that backs up to the back ally lots on the right hand side. Mr. Ayler stated the owner requested that they keep that strip, when the properties transferred. Butler stated also the property behind the Denny property. Mr. Ayler stated this property also. Beata asked Will Owen would those lots be required to be higher percentage because they back up or does the ally eliminate the touching of the properties. Owen stated he would suggest to them that one of the potential revisions to address, not even a specific to this development but for PUD's in general, is that the interpretation they want in moving forward, or do they want to revise that interpretation and there by revise the language to require lots such as these, even if there is open space between them and the adjacent properties to have a minimum size of a certain threshold. Mr. Ayler stated all the homes on the alleys will have garages. Butler stated the average lot size on this proposed plan would be 6,131 square foot, with all the lots active. Mr. Ayler asked what size lot would be appropriate. Butler stated if they are going to introduce a PUD and try to have that mixed use product to have a larger ½ acre then have 10,000 square foot lots. Owen stated while the minim lot size that is proposed, in front of them, is 52 hundred square feet, 40 foot wide by 130 foot deep, technically the way it is labeled is typical ally lot. Owen stated he would suggest to them, if they wanted to move forward, that be assigned as a minimum ally lot diminution. Butler stated some on the plat are 120, 118 not even 130. Owen stated the overarching thing is, while 52 hundred square foot minimum lot is in line with other PUD approvals that they have seen recently, Polston Place II had 52 hundred minimum square foot lots, Cumberland Estates minimum size was 72 hundred square feet, the Westview development was 78 hundred minimum square foot lots, Brownlynn Farms was minimum of 54 hundred square feet. Owen stated this development is similar in minimum lot size, the difference is all these that he just discussed, the proposed Land Use Map for these proposed areas was medium density residential, that's the dissention between those and this one. Owen stated he thinks what he is hearing, in an effort to seek common ground, their asking for increased minimum lot sizes, for consideration of potentially looking at revising the proposed Land Use Map for a medium residential.

Owen stated he thinks that needs to be the distinction in their recommendation needs to be the distinguishing factor between those and this is the designation on the Proposed Land Use Map. Beata stated there is room to spread these lots out, the calculation of the density with the commercial in the front and some of the new areas not being part of a PUD proposal. Mr. Ayler stated the two tracts are 35 acres; the property that was taken out reduces the size to 32.1 acres, includes the commercial area. Ayler stated the owner is willing to delete the CG to keep the density in the residential. Butler asked have they had any feedback from WADC on the onsite system. Mr. Ayler stated they've agreed to operate the system, but it's up to TDEC. Mr. Ayler stated they've done some preliminary soil test on the southern side of the property which seems to be promising with a reduced density; they can also enlarge the lots if they like. Anderson ask for any more discussion. Owen stated he would recommend to them that their responsibility for rezoning's, that includes PUD's is for a motion for a recommendation for in favor or not in favor what's presented to them. Owen stated if it's in favor, they would include any additional restrictions or any additional insights they would like to see. Owen stated they can do that in light of recent events, they could also vote to defer with specific instructions to the applicant on revisions they would like to see, so they could make a recommendation without any contiguity. Owen stated the applicant has the right, even if they deny or have a motion for a negative recommendation to go before the BOC. Butler made a motion to send to the Board of Commissioners with a negative recommendation based on the requested density is medium density and the Land Use Map request low density in this area, doesn't meet out Land Use Map Plan. Beata Seconded. All were in Favor

- 8.5 DISCUSS AND/OR TAKE ACTION ON FINAL SITE PLAN FOR COURTYARDS AT WESTVIEW. 7112 WESTVIEW DRIVE, MAP 069, PARCEL 058.00, 1.21 ACRES. ZONED CG (COMMERCIAL GENERAL) OWNER KATHY E. BEATA. Matt Beata stated the applicant asked to be removed prior to the meeting. Cantrell stated no vote required, applicant will let us know when they want on the agenda.

9 REPORTS FOR DISCUSSION AND INFORMATION

- 9.1 DIRECTOR OF PLANNING AND CODES –Hall stated he thought the workshop was very good information and looking forward to possibly getting Mr. Owen on board getting all these regulations under one flow chart, thinks going to be a very instrumental tool for the Planning Commission and Codes Department. Hall stated he is going to include this in his City Mangers request also. Hall stated Mr. Sutton that may be something he can help with on the Board level. Sutton ask Mr. Hall to put on next BOC agenda.
- 9.2 CITY ENGINEER –Nothing
- 9.3 CITY ATTORNEY - Nothing
- 9.4 CITY MANAGER –Hall stated they did a great job tonight.

10 COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.

Mangrum stated just for clarification, about recusing himself, just because he recuses himself doesn't mean he's involved. One item he continuously recuses himself, they discussed tonight, because he was approached by that potential developer about becoming a partner with him in that development, which he declined. The other two

items is just evolving around that he has other business ventures with and he doesn't want to vote on those properties, not that he is involved in those projects. He simply recuses himself because there will be no way that could be misconstrued that he is voting for his own projects.

Butler stated thanks everyone for coming to the workshop, thanks to the Tree Board for coming out, thanks Mr. Owen trying to help wrangle that mass confusion together. They have a full plate trying to work some of those things out. Thank you guys for the continued effort hopefully get to the end game; help everyone to understand the procedures and the process.

Beata stated on Brandon's point, thank everyone for tightening up and make the processes as stream line as much as can be with everyone knowing what to do on the frontend helps everyone out. He understands Mr. Rowe won't be able to help us out anymore, he just wanted to thank him for all the work he has done, he was a good source for them, he's sure he will continue helping the City of Fairview anyway he can.


Lowman stated he just wanted to thank Mr. Butler for tabling the Workshop tonight, great job tonight Mr. Owen pulling that together, he liked the synopses you wrapped that thing up with, he thought it made a lot of sense, also liked Mr. Cantrell input as well, great Workshop tonight.

Anderson stated Mr. Hall did a lot of work behind the scenes getting progress with the Cumberland Road project, she believes this project will be a very nice project for our Community. The developer was more than willing to work with Mr. Hall and with them to bring the items that needed to happen, they agreed to almost all of those. The other thing was, she knows that they have people on the Planning Commission that have development background, building background, architects, we need those people on this Board, it's very important. Sometimes they may be involved in a project where they have to recuse themselves, we need that knowledge. Anderson stated Mr. Mangrum constantly brings information to them that may have been overlooked because he has that background and experience. Just remember we have a lot of new businesses in our Community, new coming to the Community that have just opened, please look at Fairview first, and keep your money here so we can promote our Community. Thank you.

Beata asked Mr. Hall, he noticed they start prepping the median for the planting, he guesses they are moving forward. Mr. Hall stated a lot of trees and shrubs at the back of Community Services; he thinks they are delivering more trees today. Mr. Hall stated so hopefully they will be getting started soon, may be waiting till this rain, which will help the planting to go well, some nice looking plants. Hall stated also to remind everyone they are going to have a dedication on Sunday afternoon, May 22nd with Dan Cubic who originally started this project several years ago. Hall stated he was sitting on the BOC when they approved this to go forward, been over 10 years.

11 ADJOURNMENT- Anderson asked for a motion to adjourn. Sutton made a motion to adjourn. Lowman Seconded. All were in favor. Adjourned at 8:15p.m.


Chairperson


Secretary

**CITY OF FAIRVIEW
MUNICIPAL PLANNING COMMISSION
REGULAR MEETING
MAY 10, 2016**

CITY STAFF REPORT

5. RECOMMENDATIONS - No AGENDA ITEMS

6. BONDS

- ITEM 6.1 SCARBOROUGH VILLAGE SUBDIVISION – LETTER OF CREDIT TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$52,000.00. PLANNING COMMISSION SET THE BOND ON FEBRUARY 12, 2008. THE BOND EXPIRES MAY 19, 2016.**

Letter of credit to be renewed or called if not renewed by expiration date.

- ITEM 6.2 DEER VALLEY DOWNS SUBDIVISION- LETTER OF CREDIT FOR \$464,000.00. BOND EXPIRES MAY 21, 2016.**

Letter of credit to be renewed or called if not renewed by expiration date.

- ITEM 6.3 WAL-MART – PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$325,000.00. PLANNING COMMISSION SET THE BOND AT THE JULY 10, 2012 MEETING. PLANNING COMMISSION LOWERED THE BOND \$97,800.00. PLANNING COMMISSION LOWERED THE BOND TO \$40,000.00 ON FEBRUARY 10, 2015 THE BOND EXPIRES NOVEMBER 30, 2016. WALMART IS ASKING FOR THE CITY TO RELEASE THIS BOND.**

In accordance with the BOC adopted resolution 04-15 PC, the required one (1) year period for the referenced maintenance bond has been met. A site assessment will be performed prior to the PC meeting and if there are no observed concerns then it is recommended that the maintenance bond be released.

- ITEM 6.4 HEARTLAND RESERVE SUBDIVISION – PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$365,000.00. PLANNING COMMISSION SET THE BOND ON FEBRUARY 12, 2008. THE PLANNING COMMISSION REDUCED THE BOND AT THEIR JUNE 14, 2011 MEETING TO \$250,000.00. BOND EXPIRES JUNE 30, 2016. DEVELOPER REQUESTING A REDUCTION OF THE BOND AMOUNTS ON SECTIONS 1, 2 AND 3 OF THE HEARTLAND RESERVE DEVELOPMENT. THEY THINK THAT IT WOULD TALK APPROXIMATELY \$106,715.00 TO COMPLETE THESE SECTIONS.**

City engineer is to make site assessment visit prior to PC meeting and will recommend a bond reduction amount at that time.

7. OLD BUSINESS

ITEM 7.1 DISCUSS AND/OR TAKE ACTION ON INFRASTRUCTURE CONSTRUCTION PLANS FOR CUMBERLAND ESTATES (FORMERLY GREENLAND ESTATES-PHASE I). PORTION OF MAP 47, PARCEL 66.04, 52.56 ACRES. ZONED R-20 PUD. KENNETH B. GREEN OWNER.

- 1) Per the Zoning Ordinance, within 60 days of the BOC adopting a PUD rezoning, owners shall record with the Register of Deeds a boundary plat or suitably comparable document identifying that the affected property(ies) are subject to the provisions of a PUD overlay district. Any off-site improvements and special conditions to which the development is subject shall be recorded with (or on) such plat. This document should be submitted to City staff for review and comment prior to being recorded.
- 2) Please provide a copy of the deed that conveys the property to the proposed developer. Per the Zoning Ordinance, no action is to take place on any final development documents (including construction plans) until the land has been conveyed to the developer. It should be noted that Staff understands there have been some boundary discrepancies that the developer has sought legal clarity on and as a result conveyance of the property has been delayed.
- 3) A standard note for requiring fencing around storm water Ponds 1 and 2 is shown on the plans. The fencing note is omitted for storm water Pond 3. For clarity purposes, pond 3 is also required to be fenced.

If the PC desires to set a performance bond amount at this time, the engineer recommends the bond amount to be set at \$1,051,940.00 (which is 125% of the engineers cost estimate of \$841,552 as outlined in the subdivision regulations).

ITEM 7.2 DISCUSS AND/OR TAKE ACTION ON INFRASTRUCTURE CONSTRUCTION PLANS FOR KYLES CREEK (PHASE II, SECTION II) MAP 47, PARCEL 32.00, 14.07 ACRES. ZONED R-20. KELLY SHIVER OWNER.

- 1) It should be noted that There is a significant amount of fill proposed for Kyles Creek Drive between stations 1+00 and 4+50. This material must consist of select backfill (as described in the Road Specifications of the Sub Regs), be placed in appropriate lifts, and compacted appropriately. Due to the proposed fill depth, the developer is required to provide verification that the fill material was placed and compacted in a manner that is suitable for the proposed road construction from a licensed geotechnical engineer. This verification will be required prior to the placement of any asphalt material on the roadway.
- 2) There are some minor revisions to the drainage pattern in the vicinity of Lots 215 & 216 as well as Lots 222 & 223. These revisions primarily include the addition of two inlet headwalls at low spots. The revisions can be made prior to the pre-construction meeting and will not have any significant effect on other aspects of the proposed construction plans.

If the PC desires to set a performance bond amount at this time, the engineer recommends the bond amount to be set at \$418,412.50 (which is 125% of the engineers cost estimate of \$334,730 as outlined in the subdivision regulations).

ITEM 7.3 DISCUSS AND/OR TAKE ACTION ON DESIGN REVIEW COMPONENTS OF REVISED FINAL SITE PLAN FOR HARDEE'S LOCATED AT 7003 CITY CENTER WAY. MAP 42, PARCEL 168.09, ZONED TCOD/MSMU. (TOWN CENTER OVERLAY DISTRICT/MAIN STREET MIXED USE). BOWIE COMMONS, LLC. OWNER.

Please note that there were minor revisions to the site plan that pertained to slight modifications to the building footprint. These revisions were deemed minor in nature and meeting the criteria outlined in Section 16-103.6 that allows for administrative approval of the revisions. In addition to the minor revisions mentioned above, the applicant is also proposing to revise some of the site plan components pertaining to the design review manual. The design review manual components were not deemed minor and therefore are being presented to the PC for review as an amendment to the previously approved site plan. Specifically, the two revised items for consideration by the PC are as follows:

- 1) The primary structure is now being proposed as an all brick structure with stone accent walls on the left and right sides. The front wall is still deficient in the 70% brick requirement but it will have a brick base below the front windows. The remainder of the front remains mostly unchanged from the previously approved site plan except that exterior tile accents (black in color) have replaced a portion (approximately 40%) of the EIFS surface above the front windows. All other walls are being proposed as 100% brick with stone accents.
- 2) The wall materials for the proposed dumpster and storage room structure has been revised from a faux stone veneer to 8" split face CMU block. This proposed revision meets the requirements found in Section 2-106.3 of the Design Review Manual that commercial dumpster areas be enclosed by a fence of masonry construction.

8. NEW BUSINESS

ITEM 8.1 DISCUSS AND/OR TAKE ACTION ON ANNEXATION REQUEST FOR 7338 OVERBEY ROAD. MAP 046, PARCEL 44.06, 2.17 ACRES. OWNER KELLY MAGGART

- 1) There does not appear to be a recorded plat at the County Register's Office for the 2.17 acres that is being considered for annexation. As such, a minor final plat should be submitted to and approved by the Planning Commission and properly recorded at the County Register's Office prior to the BOC's consideration of the 2nd and final reading of the annexation resolution.
- 2) At the direction of the BOC, a Plan of Services must be drafted by City staff, reviewed by the PC with recommendations being sent to the BOC for consideration, and a public hearing on the POS held by the BOC prior to the BOC's consideration of the 2nd and final reading of the annexation resolution.

ITEM 8.2 DISCUSS AND/OR TAKE ACTION ON FINAL PLAT FOR HEARTLAND RESERVE – SECTION 4 (26 LOTS) MAP 18, PARCEL 55.01, 18.8 ACRES. HEARTLAND RESERVES, INCORPORATED OWNER.

- 1) The construction plans called for drainage swales across the rear portion of lots 25-31 and lots 32-42. These proposed swales should be located in drainage easements and the easements should be shown on the final plat. The easements should be wide enough so that the side slopes are wholly located within the easement.
- 2) Please note that the City's standard practice is that no building permits will be issued until all proposed infrastructure has been installed according to the approved construction plans and accepted by the appropriate entity.

ITEM 8.3 DISCUSS AND/OR TAKE ACTION ON FINAL PLAT FOR WESTERN WOODS VILLAGE – SECTION 4 (38 LOTS) MAP 42, PARCEL 182.01, 5.90 ACRES. MARLON CUNNINGHAM OWNER.

- 1) It appears the tax map and parcel number reference is inaccurate. Please revise plat accordingly.

ITEM 8.4 DISCUSS AND/OR TAKE ACTION ON REZONING OF PROPERTY OFF COX PIKE FROM RS-40 TO MIXED USE PUD W/R-20 BASE DENSITY (RESIDENTIAL/COMMERCIAL GENERAL MIXED USE PLANNED UNIT DEVELOPMENT) MAP 43, PARCELS 30.01 AND 31.00, 32.19 ACRES. DENNY, PROCTOR & WELCH OWNERS

- 1) Based on discussion at the staff review meeting, there are portions of each existing parcel that will ultimately not be a part of the PUD overlay designation. These areas are delineated and labeled as such on the PMDP and prior to 1st reading by the BOC, a legal description of the exact boundaries to be encumbered by the proposed PUD overlay should be provided to the City for incorporation into the rezoning ordinance.
- 2) The layout of the submitted Preliminary Master Development Plan is wholly dependent on the applicant receiving TDEC and WADC approval for the proposed decentralized wastewater treatment and disposal system.
- 3) All final plans must meet the City's design standards for public streets.
- 4) For previous versions of the proposed development, there was a narrative and pictorial submittal that accompanied the PMDP. Please revise those supplemental documents accordingly and resubmit with the revised PMDP.
- 5) The proposed residential density is 2.2 units per acre which corresponds to an R-20 base zone density. The R-20 zone is considered a medium density residential zone according to the Zoning Ordinance. The Land Use Plan identifies this area as Low Density Residential. If approved by the PC, an amendment to the Land Use Plan would need to occur.
- 6) All final plans must meet the City's standards for drainage and storm water related infrastructure.
- 7) The horizontal curves of the proposed alleys will likely need to be revised to accommodate the turning radii of emergency response vehicles. This can be accomplished at the construction plan stage but should be noted on the PMDP as a likely possibility.

ITEM 8.5 DISCUSS AND/OR TAKE ACTION ON FINAL SITE PLAN FOR COURTYARDS AT WESTVIEW. 7112 WESTVIEW DRIVE, MAP 069, PARCEL 058.00, 1.21 ACRES. ZONED CG (COMMERCIAL GENERAL) OWNER KATHY E. BEATA.

The applicant has requested this item be deferred at this time.