

MUNICIPAL PLANNING COMMISSION

May 12, 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, Qualls, Schulist

Absent: -

Staff Present: City Manager Scott Collins, Public Works Director/Codes Inspector
Micah Sullivan, Tim Potter City Lawyer

- **Butler called meeting to order at 7:08 p.m.**
- **Opening Prayer and Pledge** – Butler led prayer and pledge.
- **Approval of Agenda** – Blade made a motion for approval. Anderson Seconded. Vote was taken. All were in favor
- **Citizen Comments - None** (limited to the first five citizens to sign in and three minutes each) –
- **Approval of Minutes: March 10, 2020– Regular Meeting**
Burks made a motion for approval. Qualls Seconded. Vote was taken. All were in favor.

NEW BUSINESS –

1. Final Plat for Pennock Place, Map 42, Parcel 74.00. Proposed lots 38. Owner Pennock Place, LLC.

STAFF COMMENTS: No Comments.

Tony Cavender present to answer questions. Sullivan stated they did have a couple of things but they were taken care of. Burks asked to open up for discussion. Burks stated one thing that was brought up in the workshop was the placement of the mailbox, again thinks it's one of those that kind of got stuck in some common place, does it meet the requirements for a cluster mailbox, there's no parking space marked off, there's no design, so there's an issue. Tony Cavender stated this was put in as an afterthought, like a lot of them, they actually coordinated this with the postmaster, she put in a mark where she thought it should go. They are doing the best that they can to kind of make shift a place to appease the postmaster, kind of stuck in the middle of it and trying to do the best that they can. Cavender stated he agrees with Mr. Burks but this was about the only common space that they could put it. Anderson asked is this step up to where the homeowner association will be taking responsibility of it. Cavender stated yessir. Butler stated can they legally go back and revisit, last month they did it contingent on satisfying the mailbox with the postmaster and think they done something similar to what they have done on this one. Sullivan stated Whispering Winds and Wynwood were both brought up at the last

meeting, Whispering Winds put in a spot on their plat and dedicated to the HOA and had HOA to maintain that, Wynwood already had a spot for some of the residents there and they just enlarged that area to take care of all of those that we required. Burks stated he understands that's where the postmaster wanted it and they are limited without losing a lot, our regulations require that when it is put in that it has to have certain things, will that be able to occur at that spot without them creating a variance at this point for that. Collins stated he thinks our regulation was going forward to everything that came forth after this body after the adoption of that regulation. Anything that took place prior to the adoption of that regulation is silent as it relates to the City and this Board. Also, he knows the City on its own volition cannot go back, this Board or the Board of Commissioners, and amend any plat. Plat amendment would have to be done by the property owner so, in this case going backwards, doesn't think the City has any opportunity to enforce, don't think they can retro actively enforce the creation of what they identify for the regulation for the postal boxes. Burks asked was can they and is this going to cause a problem in the turn around radius, as long as they are following what they are suppose to do it is what it is. Collins stated unfortunately. Cavender stated this cull de sac is larger than the typical cull de sac. Butler asked any additional discussion and would anyone like to make a motion. Anderson made a motion for approval. Jenkins Seconded. Vote was taken. All were in favor.

2. Request for Annexation, Map 21, Parcel 35.02. 2.66 Acres, Owner: Thomas Varden.

STAFF COMMENTS: No Staff comments.

Sullivan stated it is in Urban Growth boundary, they saw no issues with the annexation. Butler stated he noticed the same thing the Mr. Burks mentioned to him earlier, when you put in that address it pulls up the back side of the parcel, that may just not be caught up on the tax maps. Butler said when you put in that 7933 or whatever it was. Sullivan stated for the address itself, the address pulls up the back portion, since then the map and parcel have been up dated, if they can see on that map, the parcel is shown as 35.02 and that's what we will go by for the legal recording. Burks asked was the surrounding property already in the City or is it's just because it's touching Horn Tavern Road. Sullivan stated the property directly across the street from it is, as far as adjacent goes, the property between Horn Tavern Road and Highway 96 is within the City limits. Burks went to the County GIS map and he couldn't pull that up. Butler asked would anyone like to make a motion. Burks made a motion for approval. Blade Seconded. Vote was taken. All were in favor.

3. Recommendation to BOC, Revision of City of Fairview Zoning Ordinance, Article 6: Residential District Regulations.

Sullivan stated they all received by email the other day ordinance no 2020-12, (which will become part of these minutes, Exhibit A). It is the discussion on construction of language and definitions terms defined, currently we have accessory structure defined as subordinate structure detached from, but located on the same lot as a principal building. The use of an accessory structure must be identical and accessory to the use of the principal building. Accessory structures include garages, carports, decks, and fences. Sullivan stated changing that over fits your condition to the Board to that last line accessory structures include garage, carports, temporary or private swimming pools with depth greater than 24" and detached non covered decks. That's doing two things one it's taking fences out of the accessory structure, leaving that in dictates location and exactly how they are to be built identical to the permanent structure, so there's really no way to do that with a fence. But it also adds non covered decks and swimming pools greater than 24", because currently they are not covered as what would be accessory or not, and that way they can have a location for a swimming pool in that rear yard. We did limit to the 24" mark, so if someone has a small kiddie pool and they want to put on their driveway one day we're not going to police that. But if someone does have a pool that is temporary or permanent that has a depth of over 24" the it can't be place in the front yard, must be in the rear yard and 5 foot off the property lines. Burks made a motion for approval. Jenkins Seconded. Vote was taken. All were in favor.

BONDS AND LETTERS OF CREDIT

1. Willow Crest Performance Bond in the amount of \$394,000.00 will expire May 15, 2020.

Sullivan stated this is set to renew, it is an automatic renewing bonds and we do have that letter showing that it is to be continuous. Butler asked does he recommend that they take an action to call since it's an automatic renewal or no action needed. Sullivan stated he doesn't know of any action needed because no numbers are changing it just that continuous bond unless the attorney has anything different to say they will go with his recommendation. Potter says no were good.

2. Sweetbriar Spring Phase II in the amount of \$742,000.00 will expire May 17, 2020. Developer Marlon Cunningham is asking for a reduction of this bond.

Recommended Bond: \$584,500.00

Sullivan stated he and Kevin went to the site today they did a pretty good walk through looking at all part of the infrastructure and the number that he came back was the \$584,500.00. Burks asked what kind of bond is this. Sullivan stated he believes it's a Performance Letter of Credit, he believes. Burks made a motion that we reduce the

Performance bond for Sweetbriar Springs Phase II to the recommended amount of \$584,500.00. Jenkins Seconded. Vote was taken. All were in favor.

3. ,West Way Apartments Site Improvement Performance Bond in the amount of \$80,000.00 will expire June 11, 2020.

Sullivan stated they haven't asked for a reduction and we will make sure this is in place before the expiration date. Sullivan stated with that we are trying to get bonds a little more ahead, knows this one will expire right after the June 9th meeting but instead of waiting two days they are trying to catch those a month $\frac{1}{2}$, two months ahead to keep to keep the last-minute pressure. Burks made a motion to call the bond if not renewed by June 11, 2020 for the Site Improvement Performance Bond for West Way Apartments. Cali Seconded. Vote was taken. All were in favor

REPORTS FOR DISCUSSION AND INFORMATION

- City Planning Staff – Sullivan thanked everyone for being there for the training and discussion before the planning commission meeting. Again, if there is anything, they know of for training he would love to hear that to see what they could do, they do want to have the traffic study training, the step system training and anything else they can think of he would love to entertain that. Two things they have been talking about for a while and they keep saying it's coming, the zoning map, they are just a few steps away from having that completely renewed. It is ready to be on line as far as logistic wise, everything is up, there are several properties that they are going to have to come before them for rezoning's. We have several that just has to be cleaned up and once that's done that map will come to the Board then to The Board of Commissioners for final approval. They are defiantly seeing the light at the end of the tunnel on this one, Kevin has put hours and hours into this if he was here, we would thank him, will get on website to see the zoning as well as the 2040 Land Use Map. It will be a quick easy way to jump on the maps and look and see what's somethings zoned, what it's potential is and some of the areas area it as well. Second thing is, the street standards, we have that coming forward soon, it will come kind of as a skeleton and then go deeper from there. Thinks it will come to this Board 1st for a recommendation to The Board of Commissioners for final adoption. If they see Kevin say thank you to him because he's put a lot of work into these.
- City Manager- **Nothing**
- City Engineer – **Not Present**
- City Attorney – **Nothing**

COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS

Burks thanks Mr. Cavender for coming tonight, he knows he's trying to fix an impossible situation that the Post office has put in his lap to no fault of his own. Not trying to be difficult, he knows he puts out a good product and he will do his best to make it as useful as possible and we appreciate that, thanks him.

Power stated this will be his last night for The Fairview Planning Commission, the family he was working for part time for several years has decided to up his salary and put in him

on a full-time position. He a thoroughly enjoyed his time on this Planning Commission he thinks the staff is a lot better than it was when he got here, it's a lot more thoughtful, a lot fairer.

Jenkins asked Micah where are we right now on creating a statute of limitations, ordinances for whenever a plat is approved verses whenever actual construction takes place before they have to come back and get approval again. Sullivan stated he thinks this is when he says we're working on it or we're looking into it, it's written on a sticky note on his desk, one of the next ones to be written and come through, they do look at other Cities to see what their doing to try to get their wordings right to see what their doing and what we're doing and why. Jenkins says thanks he just didn't want the ball to get dropped.

Cali stated he wanted to thank Mr. Jenkins for asking that question other wise he would have asked it, since Micah was in kindergarten there's developments out there. Also, thanks Mr. Power for his service to the Board and good luck in his future endeavors.

Qualls thanks Mr. Power it's been a pleasure working with him, good luck. Also, thanks Micah for all he does, thinks he does a great job.

Blade stated he appreciates Mr. Cavender for being here, he knows he's in a difficult spot, the emails he's been receiving from his residents, where he's building have been very complimentary of him and his attitude and he appreciates that. Also, Jim it's been an honor to serve with him and he wishes him the best and is going to miss him.

Anderson stated thanks Mr. Power and our staff, also welcome back our City Manager enjoys him mentioning what he helps them with. Also, he has a quick report on the Dickson Water and Sewer, not much to tell them, they did hold a meeting last night and ask for no employees other than the Board, he could have gone but the preferred that he didn't so he didn't go. They have two things that affect us directly and that's Fairview Sewer treatment plant that they've spent a lot of money and time upgrading, they think their 30 days completing. Second is the proposed treatment plant on the West side of 840, they have their documents in place, they have submitted for a permit but it was sent back because no one knew how to write a request. Now the State has closed the office because of the Corona Virus so there is no place to resubmit or communicate with so there basically on hold. According to them they're as anxious as we are to get this thing moving forward. They were very forward explaining to what they had going on.

Butler stated he will echo everyone, thanks everyone for coming out tonight, Mr. Power thanks him so much for all his time and effort he has put in here, it's been a pleasure serving with him. Echo everyone thanking the staff, every now and then he goes signs a plat and ends up in an hour or two with a conversation with those guys, their digging into everything, no stone unturned and their passionate about it and he thinks their in good hands and their working hard to try and get everything straight and work forward. That's all he has so he will entertain a motion for adjournment.

ADJOURNMENT – Jenkins made a motion for adjournment. Butler stated so moved.
Adjourned at 7:35p.m.

Chairperson

Secretary