

MUNICIPAL PLANNING COMMISSION MINUTES

June 8, 2021, Regular Meeting at 7 p.m.

Brandon Butler, Chairman
Mike Anderson, Vice Chair
Sheree Qualls
Salvatore Cali
Chris McDonald

Debby Rainey, Mayor
Daniel Jenkins
Hayley Schulist, 1st Secretary
Emilee Senyard, 2nd Secretary

STAFF PRESENT: City Manager Scott Collins, City Attorney Tim Potter, City Engineer Kevin Blackburn, Keith Paisley

- Roll Call vote by Planning Commission Chair, Brandon Butler

| | Present | Absent |
|---------------|---------|--------|
| Mr. Anderson | x | |
| Ms. Rainey | | x |
| Mr. Butler | x | |
| Mr. Cali | x | |
| Mr. Jenkins | x | |
| Mr. McDonald | x | |
| Mrs. Qualls | x | |
| Mrs. Schulist | x | |
| Ms. Senyard | x | |

- Butler called meeting to order at 7:04 p.m.
- Opening Prayer and Pledge led by Butler
- Approval of Agenda – defer minutes and switch positions of old and new business

Motion: Jenkins

Second: Anderson

| | YES | NO | ABSTAIN | RECUSE |
|---------------|--------|----|---------|--------|
| Mr. Anderson | x | | | |
| Mr. Butler | x | | | |
| Mr. Cali | x | | | |
| Mr. Jenkins | x | | | |
| Mr. McDonald | x | | | |
| Mrs. Qualls | x | | | |
| Ms. Rainey | ABSENT | | | |
| Mrs. Schulist | x | | | |
| Ms. Senyard | x | | | |

- Citizen Comments - NONE
- Approval of Minutes: May 11, 2021 Regular Meeting – DEFER TO NEXT MEETING

OLD BUSINESS -

1. PC Resolution **PC-24-21**, Subdivision Regulation Interpretation, Sam Burgess Major Subdivision, Map: 047, Parcels: 92.02, 92.03, 92.04, Applicant: Joe

Chapdelaine – Attorney Tim Potter notes Ms. Senyard asked him to take a look at the regulations at the last meeting and he has done so. He also received an opinion letter from Mary Beth Hagan, the developer's attorney out of Murfreesboro and followed up with a phone call. Potter will share his thoughts and then as he discussed with counsel. Potter asserts that the regulation 1-113.107 is clear as it reads in the second part, "in any instance where a permanent easement is used to provide access to a lot or tract of land, having been or being separated by deed or plan from other property, such easement shall be at least 50' in width. Where a permanent easement is proposed to provide access to more than one lot or tract of land an access way shall be constructed within the easement which will meet or exceed standards for design and construction of public ways set forth in these regulations." That's the relevant language. So the issues is, are more than one of those lots being accessed via an easement. From the drawing, as he understood it, lots one and four border Cumberland Drive and lots two and three do not, which is the way we understood it at the last meeting. However, counsel's letter stated lot two touches Cumberland and the shaded portion of lot two is contained in the legal description of the lot and is not an easement, shaped like a flag. If that is true, my opinion is as long as lots 1, 2 and 4 have direct access to Cumberland Drive then only lot 3 would be accessed by an easement. With only one lot accessed via an easement, in my opinion, the easement is still required to be 50' width per the language in the regulations but not need to be to public way standards. Potter explained this to Hagan and she concurred and they appeared to be on the same page.

Motion: Anderson – to approve PC-24-21 striking the second whereas statement and adding the requirement for Lot 1, 2 and 4 to have independent and separate access from Cumberland Drive

Second: McDonald

| | YES | NO | ABSTAIN | RECUSE |
|---------------|--------|-----|---------|--------|
| Mr. Anderson | x | ___ | ___ | ___ |
| Mr. Butler | x | ___ | ___ | ___ |
| Mr. Cali | x | ___ | ___ | ___ |
| Mr. Jenkins | x | ___ | ___ | ___ |
| Mr. McDonald | x | ___ | ___ | ___ |
| Mrs. Qualls | x | ___ | ___ | ___ |
| Ms. Rainey | ABSENT | | | |
| Mrs. Schulist | x | ___ | ___ | ___ |
| Ms. Senyard | x | ___ | ___ | ___ |

NEW BUSINESS -

1. PC Resolution **PC-27-21**, Annexation, Lampley Property, 114 Acres, Map: 021, Parcels: 062.00 and 063.00, Property Owner: Norman Lampley – Nathan McVey with T-Squared Engineering has an agency agreement with the Lampley family and notes these properties are at the corner of Northwest Highway and Dice Lampley Road and are requested to be annexed with R-40 zoning. Jenkins adds that the request does comply with the 2040 comprehensive plan. Anderson questioned the intended use for the property and asked if there are preliminary drawings. Use is residential development and they have spoken to WADC about sewer options. The

soil test was positive so they are weighing options. There is what appears to be a blue-line stream mid-property which will be protected appropriately. Current county zoning is MG-A-1 and could be developed as they wish as it sits but they want it to become a part of the city. Number of lots is unknown as of now but will depend a lot on the slope analysis and topography of the parcels. McDonald questioned whether a similar property was declined annexation recently in the same area due to traffic concerns.

Motion: Senyard to approve PC-27-21

Second: Cali

| | YES | NO | ABSTAIN | RECUSE |
|---------------|--------|-----|---------|--------|
| Mr. Anderson | x | ___ | ___ | ___ |
| Mr. Butler | x | ___ | ___ | ___ |
| Mr. Cali | x | ___ | ___ | ___ |
| Mr. Jenkins | x | ___ | ___ | ___ |
| Mr. McDonald | x | ___ | ___ | ___ |
| Mrs. Qualls | x | ___ | ___ | ___ |
| Ms. Rainey | ABSENT | | | |
| Mrs. Schulist | x | ___ | ___ | ___ |
| Ms. Senyard | x | ___ | ___ | ___ |

2. PC Resolution **PC-28-21**, Rezoning, William C Sullivan and Katherine Sullivan, Current Zoning: CG, Commercial General, Requested Zoning: RM-12 Multi-family Residential, 37.14 Acres, Map: 046, Part of Parcel: 087.00, Property Owner: Estate of Laura Katherine Sullivan – Barry Sullivan and Ben Eastep were present to discuss the property request and Micah Sullivan noted the city has an agency agreement on hand for this project. This parcel was presented for rezoning last meeting at R-20 density but after listening to concerns brought it back for consideration at RM-12. It meets the 2040 comprehensive plan with commercial road frontage on Highway 100 transitioning into residential toward the rear which will include townhomes, multi-family as well as single family cottages. Additional development for the property will be proposed in the future. Jenkins questioned whether we discontinued POD zoning for residential developments. Micah Sullivan explains the development will still need overlap zoning and the benefit of POD zoning is the use of multiple types and densities of zoning in a single development. We still have POD zoning it is just structure differently than it was in the past. Tonight's application is for straight RM012 multi-family zoning (12 units per acre). At a later date the developer will come back for additional zoning and a POD overlay. Qualls asked what this property backs up to and it is residential on three sides of the perimeter. Senyard questioned the yellow shaded lots and what size they are. Eastep answered likely ¼ acre as they are targeting entry-level price point for this housing. Butler added for a point of reference, the new West Way apartments are zoned RM-12. Jenkins thanks Sullivan and Eastep for bringing the project back for reconsideration at RM-12 noting it aligns much better with the spirit intended for this location in the 2040 plan. Senyard likes the concept and would like to see more similar projects but requests to buffer the larger lots that back up to this parcel.

Motion: Qualls to approve PC-28-21

Second: Jenkins

| | YES | NO | ABSTAIN | RECUSE |
|---------------|--------|-----|---------|--------|
| Mr. Anderson | x | ___ | ___ | ___ |
| Mr. Butler | x | ___ | ___ | ___ |
| Mr. Cali | x | ___ | ___ | ___ |
| Mr. Jenkins | x | ___ | ___ | ___ |
| Mr. McDonald | x | ___ | ___ | ___ |
| Mrs. Qualls | x | ___ | ___ | ___ |
| Ms. Rainey | ABSENT | | | |
| Mrs. Schulist | | x | ___ | ___ |
| Ms. Senyard | x | ___ | ___ | ___ |

BONDS AND LETTERS OF CREDIT NO ACTION NEEDED, FOR INFORMATION ONLY

- | | |
|--|-------------|
| 1. Performance Bond, Sweetbriar Subdivision, Phase 2 | \$ 65,000 |
| 2. Reclamation Bond, Aden Woods Subdivision, Phase 2 | \$ 347,500 |
| 3. Performance Bond, Aden Woods Subdivision, Phase 2 | \$1,311,600 |
| 4. Performance Bond, Fernvale Flats | \$ 152,100 |

REPORTS FOR DISCUSSION AND INFORMATION

- City Planning Staff, Micah Sullivan, thanked all for arriving early for the work session noting he thinks it will be helpful to see that project before it comes before them for a vote.
- City Manager, Scott Collins – no comments
- City Engineer, Kevin Blackburn echoes Micah on bringing the project ahead to see, discuss and get involved on the front end which enables the developer an opportunity to answer questions.
- City Attorney, Tim Potter – no comments

COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS

- Mr. Anderson gave Ms. Qualls' comments an amen. He adds that when critiquing a project it is not intended to run someone off but to help them comply with rules and regulations as he knows a lot of people want Fairview to grow correctly.
- Mr. Cali thanked staff for the early work session noting it saves meeting time to get a preview and he appreciates the opportunity to do this more often in the future.
- Mr. Butler thanked staff, the project applicant who presented and the board for tonight's work session. Butler added it is the intent to bid out Design Review Manual revisions to assist in speed of completion.
- Mr. Jenkins – no comments
- Mr. McDonald – no comments
- Ms. Qualls notes its exciting to think about a town center adding she is not from Fairview but has lived here for a long time.
- Ms. Rainey - ABSENT
- Mrs. Schulist – no comments
- Ms. Senyard – no comments

ADJOURNMENT – Motion to adjourn by Jenkins at 7:32 p.m.