

MUNICIPAL PLANNING COMMISSION MINUTES

September 8, 2020 Regular Meeting at 7 p.m.

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

John Blade, Mayor
Derek Burks, Commissioner
Sheree Qualls
Hayley Schulist
Emilee Senyard

Present: Butler, Jenkins, Anderson, Cali, Blade, Burks, Jenkins, Qualls, Schulist, Senyard

Staff Present: City Manager Scott Collins, City Engineer Kevin Blackburn, City Planning Staff Micah Sullivan, City Recorder Brandy Johnson

- Butler called meeting to order at 7:00 p.m.
- Roll call by Johnson

	Present	Absent
Anderson	x	_____
Blade	x	_____
Burks	x	_____
Butler	x	_____
Cali	x	_____
Jenkins	x	_____
Qualls	x	_____
Schulist	x	_____
Senyard	x	_____

- Opening Prayer and Pledge led by Butler
- Approval of Agenda – add item 2 under Bonds and Letters of Credit: Fernvale Springs Apartments set bond for \$65,200

Motion: Blade to approve as amended
Second: Anderson

	YES	NO	ABSTAIN	RECUSE
Anderson	x	_____	_____	_____
Blade	x	_____	_____	_____
Burks	x	_____	_____	_____
Butler	x	_____	_____	_____
Cali	x	_____	_____	_____
Jenkins	x	_____	_____	_____
Qualls	x	_____	_____	_____
Schulist	x	_____	_____	_____
Senyard	x	_____	_____	_____

- Citizen Comments – none

- Approval of Minutes: August 11, 2020 regular meeting

Motion: Jenkins

Second: Blade

	YES	NO	ABSTAIN	RECUSE
Anderson	x	___	___	___
Blade	x	___	___	___
Burks	x	___	___	___
Butler	x	___	___	___
Cali	x	___	___	___
Jenkins	x	___	___	___
Qualls	x	___	___	___
Schulist	x	___	___	___
Senyard	x	___	___	___

NEW BUSINESS -

1. Site Plan, Wynnwood Park Subdivision, Phase 2. 22 Building Lots on 5.75 Acres, Map: 21, Parcel: 61.06, Property Owners: Boulevard Homes – Jenkins read staff comments. Micah Sullivan noted these staff comments relate to time-sensitive issues to be completed prior to the pre-construction meeting and a couple of WADC issues.

Motion: Burks to approve inclusive of staff comments

Second: Qualls

	YES	NO	ABSTAIN	RECUSE
Anderson	x	___	___	___
Blade	x	___	___	___
Burks	x	___	___	___
Butler	x	___	___	___
Cali	x	___	___	___
Jenkins	x	___	___	___
Qualls	x	___	___	___
Schulist	x	___	___	___
Senyard	x	___	___	___

2. Master Development Plan, Westview Subdivision, 250 Building Lots on 108 Acres, Map: 46, Parcel: 44, Property Owner: Kathy Beata – Jenkins read the staff comments and David Lowry with Weekley Homes notes they agree with all the recommendations except the widening of Overbey Road and asks that item be removed from the recommendation to the BOC. Blake Turner with T-Square Engineering, questions the widening request as access to Highway 100 noting that is approximately ½ mile distance and the lane width currently is 9' with a 1' shoulder and right-of-way of about 30'. To widen to 12' lanes would require purchasing right-of-way from 18 properties. Also, lighting and signage at First Baptist Church is within 8 to 9' of the edge of existing pavement. We analyzed this corridor when we saw the recommendation and the road is a current level B which is a low-volume residential road and meets the standards set out in the green book so it is operating at an acceptable service level. In 2013 this project was originally approved with 350 units and no off-site improvements. We are amending the project to reduce the number of units and don't feel this should be

necessary. Collins points out that when the property was annexed in 2013 the city also annexed Overbey Road as part of the annexation which made the property contiguous to the city limits. Subsequent of the annexation, a lawsuit was filed in protest of the annexation of Givens Cut (the straight road connecting Overbey and Hwy 100). As settlement of this lawsuit, Givens Cut was removed from the annexation. The issue is very limited sight distance at Overbey/100 intersection and the city has no ability to enact any control over Givens Cut. It would make sense for Givens Cut to be the only access to Overbey from 100 and an internal suggestion would be to abandon the angled roadway (listed as Overbey East on the current county map), form some partnership with the county as a means to get the additional cars in and out of the road safely. The ownership complicates matters a bit. At minimum the city would request right and left-hand turn lanes from Givens Cut onto Highway 100 to utilize the site distance at that intersection. The lawsuit information has just been learned in the last couple of work days. Williamson County owns Givens Cut as a public roadway and on county maps, it does appear the annexation was filed with the county but the rescinding of the annexation does not seem to have been filed. The distance of the west side of the triangle property is 350' and that property is owned by a Brentwood city resident. The severely angled intersection of Overbey East (which appears to be an extension of Deer Ridge Road from across the highway) would not be able to service this subdivision safely. Collins notes considering off-site improvements in a situation like this where the volume increases significantly on a road is something the BOC would negotiate with the developer. Rather than make improvements to the entire roadway leading to the development, let's look at just the ingress/egress corridor. Andrew McCoy, Division President with Weekley Homes states this is a curve ball and when we looked at the traffic counts for this project we didn't look at doing off-site improvements. He is not familiar with the burden being put on the builder/developer for such improvements especially since it was not requested with the previously approved 350 units and current less dense development with less traffic and since the right-of-way is in question and not currently owned by the city. This would change the economics of the project a great deal and there is a lot of gray area as to whether this can actually be executed. With the size of this community it would place a big economic burden on us and it doesn't look like this has been a requirement so far of developments along Highway 100. Collins reminds the PC of the discussion and recommendation to the BOC at task tonight. He asks about rewording the condition so the developer works with the city to invest in further improvements at Givens Cut. It was noted that there has been only one accident on Overbey Road in the last six years so it is currently a safe road. Tim Turner with T-Square Engineering, notes they agree with all other comments except the road widening. Can the sight distance be improved any other way? The Board of Commissioners will be the final word on requirements which may give additional time for review of the details. They are requesting a side setback variance from 7.5' to 5' but the HVAC units will be placed at the rear of the homes. A few will be on slab but most will be crawlspace or basement foundations. Due to the on-site sewer the request sidewalks on only one side at the entry road but both sides for the rest of the development. Open area required is 4.41 acres but they have 4.8 acres and amenities include a walking trail and pool. Homes will be hardie board construction with brick and stone and the only vinyl would be on porch ceilings.

Motion: Burks for a positive recommendation including staff comments with the exception of the widening of Overbey Road which should be modified to include negotiations with the BOC regarding improvements to the intersection of Highway 100, Overbey Road and

Givens Cut.
Second: Senyard

	YES	NO	ABSTAIN	RECUSE
Anderson	x	___	___	___
Blade	x	___	___	___
Burks	x	___	___	___
Butler	x	___	___	___
Cali	x	___	___	___
Jenkins	x	___	___	___
Qualls	x	___	___	___
Schulist	x	___	___	___
Senyard	x	___	___	___

3. Sidewalk Discussion, Sweetbriar Springs Subdivision – Collins explains Phase 1 of Sweetbriar Springs was approved in 2002. There were no sidewalk requirements in place then so when Phase 2 was brought for approval there were discussions about adding a sidewalk in Phase 2 and along the existing roadway on one side to the subdivision entrance. Phase 2 is currently being built-out and sidewalks have been installed on three lots. The dilemma is any agreement for sidewalks for Phase 1 properties would not be appropriate for discussion at Phase 2 because the only bond we have in place is for Phase 2 roadway repair, maintenance and storm drain infrastructure. If the city goes ahead with the sidewalks it would have to be a contractual agreement between the city and contractor. Current concern is that for proper installation of sidewalks, they have to be within the city right-of-way and based on existing site conditions the slope would require use of a retaining wall for proper installation based on ADA requirements (can follow the slope of the grade to 8% but no more than 2% side to side slope). There is no way to install sidewalks on many of these lots without substantial grading and retaining walls to meet ADA. Secondly, the sidewalks would intersect driveways and this section would also have to meet ADA. This would require removing a section of the existing driveway, installing the sidewalk to meet ADA slope requirements and replacing the driveway which would create a substantial angle. Lastly, the sidewalks would terminate at the entrance to the development abruptly with no access to Highway 96, no crosswalk, etc. During brief discussions with the builder, we proposed a few options; 1) more discussions with the BOC on installing sidewalks and retaining walls to be owned by the city; 2) grant a waiver and remove the three sidewalk sections currently installed; or 3) trim the sidewalk length to avoid the challenging construction issues. This was a miss on our part of the practical application of sidewalk requirements due to site conditions. We have asked the builder to pause on construction of additional sidewalks until we work through the issues for a definitive answer. We are looking for thoughts on how to proceed and will follow up with the BOC. The city was well-intentioned in our error but the on-site installation has brought about these issues. Several of the property owners in Phase 1 have been vocal about not wanting sidewalks on their properties due to the issues discussed. Collins notes if he were to offer a suggestion, he would offer to the builder that in lieu of the installation of sidewalks as planned, install where feasible and make a donation to the city sidewalk fund where not. Collins will reach out to the builder and make sure he is comfortable with the situation of amending the last action to no sidewalks on Phase 1 properties and proceed with sidewalks in Phase 2 where feasible because some sidewalks is better than no sidewalks. The consensus was to complete the inner circle and remove the requirement for Phase 1 sidewalks. This will be brought back for a vote to amend the last action requiring sidewalks in Phase 1. NO ACTION.

OLD BUSINESS - none

BONDS AND LETTERS OF CREDIT

1. Cumberland Estates, Phase 2, Performance Bond in the amount of \$439,000 will expire October 10, 2020 – NO ACTION NECESSARY AS CITY WILL CALL BOND IF NOT RENEWED
2. Fernvale Springs Apartments, Set Performance Bond in the amount of \$65,200

Motion: Burks to set a performance bond for the Fernvale Springs Apartments project at \$65,200

Second: Jenkins

	YES	NO	ABSTAIN	RECUSE
Anderson	x	___	___	___
Blade	x	___	___	___
Burks	x	___	___	___
Butler	x	___	___	___
Cali	x	___	___	___
Jenkins	x	___	___	___
Qualls	x	___	___	___
Schulist	x	___	___	___
Senyard	x	___	___	___

Reports for Discussion and Information

- City Planning Staff – Sullivan states there were several staff notes on the Wynnwood Park project but a lot of time-sensitive items or items that need to be noted for later consideration. He thanked the PC members for their discussion and consideration tonight and those are two big subdivisions moving forward.
- City Manager Collins notes he sent an email earlier today requesting a preference between the residential or commercial committee for zoning research. As we research and gain information from neighboring communities we should have a group focused on each side. As this committee will involved discussion between PC and BOC members, the open meetings act will apply and we will advertise the meetings. No votes will be made but there will be discussion with recommendations made. We will get the schedule together and send out to everyone. The goal is to get the zoning substantially complete and approved at the November 10 PC meeting and send to the BOC in December for two readings as required. Hopefully we will begin January with revised zoning. Collins thanks all in advance for their participation in the amount of work about to begin.
- City Engineer – none
- City Attorney – not present

COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS

- Anderson expressed he would be interested in either committee and Collins replied with residential
- Blade - none
- Burks appreciated Westview having such a large contingency present tonight and it got a little empty when they left. I appreciate them coming out to answer questions and

having everyone they need. Unfortunately, that is a strange intersection and will require some work to make it better. It's bad, just bad and we don't want the roads to be unsafe.

- Butler offered to be on the residential committee and thanked the staff for their work in keeping them pointed in the right direction.
- Cali - none
- Jenkins volunteered for the commercial committee. He enjoyed tonight's discussion. It seems for some time we have been battling against correcting mistakes from the past and tonight felt like we worked as a team to make something better for the future.
- Qualls - none
- Schulist – none
- Senyard - none

ADJOURNMENT – Motion to adjourn by Blade at 8:14 p.m.

City Recorder