

MUNICIPAL PLANNING COMMISSION

October 09, 2018, Regular Meeting at 7 p.m.

Brandon Butler, Chairman
Daniel Jenkins, V Chairman
Christie Slaughter, 1st Secretary
Mike Anderson, 2nd Secretary
Patti Carroll, Mayor

Derek Burks, Commissioner
Salvatore Cali
Jim Power
Sheree Qualls

Present: Butler, Jenkins, Anderson, Carroll, Burks, Cali, Power, Qualls, Slaughter

Absent:

Others Present: Will Owen City Engineer, City Attorney Tim Potter, City Planner
Kristin Costanzo, Codes Clerk Sharon Hall, Building Inspector

- Butler Called Meeting to Order at **7:06 PM**
- Opening Prayer and Pledge – **Butler led Prayer and Pledge**
- Approval of Agenda – **Qualls made a motion for approval. Cali Seconded. Vote taken. All were in favor.**
- Citizen Comments (limited to the first five citizens to sign in and three minutes each)
None
- Approval of Minutes: **September 11, 2018 – Regular Meeting**
Carroll made a motion for approval. Burks Seconded. Vote taken. All were in favor.

OLD BUSINESS

1. **Western Woods Subdivision, Phase 4 – request for subdivision acceptance and reduction to a maintenance bond. 38 lots on 5.9 acres located along Wiley Circle, Spicer Court, and Colquitt Way. Property zoned RS-5 PUD.**

Staff Comments:

Costanzo stated she spoke to the developer on Monday, whose actually out of town, and the City Manager, if they recall a couple month ago there was discussion about this, they are supposed to be working together achieve some remedies to mostly to the drainage, she doesn't think any of that has happened yet based on the discussion she had with both parties, they are supposed to be working on it and that's all she is aware of at this point. Butler asked do they have any feedback from the citizens that came to the last meeting. Costanzo stated no she hasn't been contacted, which somewhat makes her feel hopeful, when she spoke to the developer he told her that he and the builder, (Olesouth) had been working with the community and working on that punch list of various items, she knows they had stabilized some of the ditches, done some clean out work, some mating. Costanzo stated there was some very dedicated people that came to several meetings to voice their concerns and she hasn't heard from them. Carroll asked could they contact the citizens that spoke to follow up and see if everything was fixed. Carroll made a motion to defer since they still don't have any more information on resolving the drainage issue. Burks Seconded. Burks stated he spoke with the City Manager earlier today about this, the developer has apparently tried to reach the land owner, Mr. Collins has tried to reach the landowner, either one of them

haven't gotten any return response's as of yet. Also, Mr. Collins went out and walked the site, it seems what might have to happen is the pond will have to be raised instead of trying to raise the outlet, so it will drain directly into it and it will dry out, at that point they will be able to get in there and mow as necessary and those things. Burks stated in addition to that would be getting onto the private property and doing some work on the drainage site as well. Butler stated technically it is installed as designed, thinks the City had an overall vision to create it's own retention pond around that main street to eventually to where several areas would run to the City's addition. Power stated he has walked the site; one thing is after it cross's Wiley Circle, a lot of the reason it's not draining is because when they built the subdivision, that little ditch/drainage is full of red clay, that came from the repeated times water rain off those lots. There were times when there was 3 & 4 inches of mud on the road, that was regular, they have sort of filled up their own ditch by not keeping the water in there. Power stated otherwise he did notice subdivision is a lot nicer, they have cleaned up the ditches, grass growing in places that was bare, they have resolved some issues but thinks the biggest issue is the drainage. Carrol stated she is at the point until someone comes back, either the citizens, developer or the City Manager gives them a written recommendation of what he's done to try to get ahold of the property owners, she would say it should be deferred. Butler stated he thinks the developer wanted to be here but he was out of town. Vote was taken. All were in favor to defer.

2. **Preliminary Plat/Development Plan, Otter Creek Estates. Five (5) proposed lots on 8.8 acres. Property located at 7329 Taylor Road (Tax Map 042, Parcel 77.00). RS-40, Single Family Residential, Zoning District. Property owned by Tony Cavender.**

Staff Comments: All technical items have been addressed at this time.

Butler stated this is the plan they saw last month that didn't have the full 150-foot widths on the lots, they have lost a lot now and they do capture the 150-foot width. Costanzo stated that is correct. Burks made a motion for approval. Power Seconded. Vote was taken. All were in favor.

NEW BUSINESS

2. **Recommendation to the Board of Commissioners on the Rezoning of Property and Approval of Preliminary Master Development Plan for Richland Estates, requested by Tony Cavender. 141 proposed lots on 111 acres. Property located along Cox Pike (tax Map 043, Parcel 23.00). Current zoning district: RS-40; Proposed zoning district: R-20 PUD.**

Jenkins read below Staff Comments.

Staff Comments: This item was deferred at the May 8, 2018, planning commission meeting to allow for more adequate review time. Before the vote for deferral, the PC requested submittal of a traffic study (to include the Cox Pike, Hall Lane, Dice Lampley, and Highway 100 intersections). Additional discussion included perimeter buffers between Stable Acres/Lincoln Park, aesthetic characteristics of the proposed houses to be constructed, and emergency access. At this time, planning and engineering staff have the following additional comments:

1. Submitted paper copy does not match the PDF (does not include the word "PUD");

2. **There is no improved open space shown per Article 8-207.6 of the Zoning Ordinance, which requires a minimum of 5% of gross area to be dedicated to improved open space (5.5 acres in this instance);**
3. **No design detail of pattern booklet indicating character of the development was submitted;**
4. **Emergency access point in the northeast corner should have more detail (improved, paved, etc.);**
5. **Per the traffic study, sight distance triangles must be assessed, which may reveal the need for left or right turn lanes on Cox Pike;**
6. **In agreement with item 2 of the Conclusions and Recommendations of the traffic study, there is some concern regarding the close proximity of proposed entrance along Cox Pike to the existing entrance of Hall Lane;**
7. **Stream crossing will require TDEC and or federal agency approval.**

Burks made a motion to open for discussion. Jenkins Seconded. Jamie Reed, with SEC, Inc., present to answer questions. Carroll asked are the staff recommendations something they can do, especially the open space. Reed stated yes, they have almost 20 acres of open space almost 20%, that's not including the step system. Reed stated what they were trying to do wasn't necessarily the R-20 PUD, they were trying to go straight R-15/R-20, still do a lot less lots than R-20, last time they were doing 165 lots only doing 125 lots now. If they look at the base zone density, that they calculated based on R-20 at 2.2 units per acre, they came up with 244 lots. So, here they are only asking for 141 lots R-15/R-20 along with 20% open space, they would like to stay away from the PUD definition. Their going to be nice homes 3 to 4 hundred thousand dollar all brick homes, nice entrance up front. Reed stated their assuming they are going to have to put a left-hand turn lane in on Cox Pike, haven't done the site distance yet, they have calculated they will put that in, if need be. The second emergency access, in the far right had corner, proposing to do a nice fence around that with crash gates, only. They want everyone to stem and shoot out this subdivision to Cox Pike not to just shoot out to Lake Road. The second entrance off Lake Road also allowed they to get the waterline looped, in that whole area to get that pressure back up because it lacked pressure in that area. Reed stated the whole left-hand corner is all step system and open space. Jenkins stated to be clear he doesn't think it's open space in general it's improved open space, regulations require to be 5.5 acres, in this situation it's 5%. Reed stated if you do a PUD, correct. Jenkins stated. Jenkins stated yes and according to the PDF he has before him it says Richland Estates it says R-20 PUD. Reed stated he has submitted one that says R-15/R-20 also, after the fact. Reed stated they are asking if okay they would like to get away from the PUD connotation and do R-15/R-20. Butler asked was their goal to have two different parcels. Reed stated yes they will have some lots, there are some lots that are still 20,000' but they are 75-foot-wide, they will R-15 and R-20 through the entire development. Butler asked we have a R-15/R-20 zoning district or do they go to a PUD or a standalone R-15 district. Owen stated there is a challenge on the process accomplishing what's being desired and not classifying it as a PUD. If there was a desire to go with a straight R-15 & R-20 zoning district, there would have to be a clear delineation between the area that would be R-20

and the area that would be R-15. Owen stated Mr. Reed, he thinks there's an opportunity to possibly do that as it appears that everything that is Southwest of lot 77 & 15, either 20,000 square feet or greater or within about 500 or 600 square feet of being 20,000 square feet and everything North of lots 15 & 77 appear to be in that 15,000 to 17,000 square feet range. In essence you are creating two subdivisions, one that is zoned R-20 and one that is zoned R-15 and that could potentially be accomplished. The challenge with that is that with straight zoning there is no requirement for a Master plan of any type and so the request and the rezoning would be just to rezone an area that would be defined as that entire area as RS-15 without any ties of this specific layout and that's where the Planned Development part comes in, the Master Plan for a PUD ties the zoning to that specific layout. Butler asked if there is a stand-alone R-15 could the whole thing be R-15. Reed stated that's what he was going to say just keep R-15. Butler stated he thinks the biggest thing is they received several different documents and his application said PUD, when they had the staff last week their digital was different then their print. Reed said that was his fault he didn't meet with everyone, he met with Scott, Tony met with them, he didn't meet with Kristin. Reed stated that Scott seemed to think they could do the R-20/R-15 but hearing different from Will & Kristin, their goal is to basically what they see here R-15, if they are allowed, but to keep the same square footage, which most of them are 17 to 20,000 square feet. Butler stated at the staff review meeting it was said that this was a PUD, he doesn't know if it's better to say that it needs to be resubmitted as a R-15 and they view it from that prospective so it would truly be coming to them as a R-15 not a PUD. Owen stated again he wants to reiterate, if something as of this came through as a rezoning to a RS-15, there's nothing that ties this layout to that zoning. Not to say Mr. Cavender wouldn't honor this, if a down turn occurs and he sells it, it's still RS-15 and new owner could come in a redesign to whatever they want as long as they are 15,000' lots. Owen stated there are some practical limitations, the streams and soils as well, there are some real life on the ground limitations that are going to prevent this piece of property from having a density that's grossly greater than what their seeing before them tonight. Owen stated in that regard he has some reassurances that this specific piece of property, you wouldn't see 250 houses that the R-20 may allow but without a PUD, that's where their assurance comes into play with the Planned Overlay. Carroll stated she thinks if they allow a multi-use it would have to be a PUD, she doesn't think there is no way around that. Butler stated if it's a R-15, means all the lots would be over 15,000' foot lots so it would suffice. Butler asked did they get any formal notes back from the Fire Department from the staff meeting because they had some concerns about that emergency access entrance. Costanzo stated she wouldn't say they got formal notes, there was defiantly discussion they wanted two access points. Burks asked had they considered coming in Hall Lane instead of having a separate entrance. Reed stated they originally did that but this land where they are coming out is their land, Tony's vision was to come through something that is theirs. Jenkins asked Kristin #2 talking about open space, do our regulations only require that for PUD's. Costanzo stated for improved open space, yes. Jenkins stated so in a situation like this the only thing that's changing on what he's looking at and his screen in PDF is just the wording on the right-hand side, one says PUD

one doesn't, no doesn't, it's exact same thing. Why would we require open space on a PUD and not here when it's the exact same thing? What he feels here is they got 141 homes coming in and building a neighborhood but they're not fostering community, it's like breaking the spirit of the ordinance. Costanzo stated they do require open space but not improved open space. Reed asked what's his vision on improved open space. Jenkins stated he's thinking of pavilions, parks, place for people to hang out, a club house. Reed stated club house's or swimming pools for something this small of a development usually for 3 or 400 lot subdivision then you get in to the HOA's that people don't like. Butler asked is there an HOA planned. Reed stated there will be for mowing the detention ponds and maintenance. Reed stated they can put a pavilion, fields, just let him know what they are wanting so they can put it on the plans. Carroll stated she agrees if they are going to do the multi zoning she does think it needs to be a PUD and she would like to see the recommendations that was given by the City Staff, she knows the walking trails are very popular in a lot of communities, multipurpose fields for the children, she would say any of those would be acceptable. Burks asked Mr. Reed what does he want to rezone this too. Reed stated he would like to do the R-15/R-20, if they have to do the PUD, they will do the PUD, all of them are above the R-15, most 17 to 20. Butler stated R-15/R-20 isn't one of our zoning districts. Reed stated he would rather do the R-15 and say he is going to do exactly what they are looking at. Carroll stated we do have a multi-use PUD already, not having to change anything except go to a PUD. Owen stated you could have different areas of density within a single PUD, there's no reason to do that for this particular development because the density that's proposed is 1.27 units per acre so the density of a R-20, as shown on the plan is 2.2 units per acre so a whole unit less per acre than the R-20 would allow them to be. Butler stated so the question is, on their agenda tonight they have a R-20 PUD request, is that what they vote on tonight? Reed stated does he understand it right can they do it exactly the way they show it with a R-20 PUD. Owen stated yes, what's proposed before them tonight, in his opinion, would be in line with a R-20 PUD with the exception of the improved open space, in his opinion that's the only thing that's lacking from a Planned Development standpoint. That's aside from the access issues that has nothing to do with conventional zoning versus planned zoning, they just need to decide how they want to handle those access point. Owen stated unless he's missing something, also the pattern book that gives them the narrative of the building materials, mailbox type, concrete driveways, with these two items aside the improved open space and the narrative of the aesthetics of the development everything else, in his opinion would be a suitable R-20 PUD proposal before them. Burks stated he wants to make sure they are voting on the product in front of them, he wants to see the improved opened space on the documentation, wants to see the pattern book, so they can see what this product is going to look like. Also wants to see some specs on that emergency entrance, how that's going to be designed, would like that design to go to the Fire Department to review and approve to get their equipment across. Burks made a motion to defer so Mr. Reed can provide these and everything else listed in the Staff comments. Owen stated for some clarity on that emergency access are they desiring it to be gated and it would only be utilized in an emergency situation. The alternative would be that it be a paved public entrance/exit on to Lake Road

and if that's not desirable his preference would be to go ahead and make that known tonight. Burks stated he does have concerns that it only has one entrance because our current ordinances states this is considered a cull-de-sac because it only has one entrance. Reed stated they are limited because there are no stub streets all the way around it. Burks stated then why not make that a road onto Lake Road, he knows its not the best road but it does give options to the homeowners that are there. Owen stated on the south end of lots 112 & 1, is there an opportunity to make that entrance road at least to that 1st cross intersection as wide as possible. Maybe have a pavement width of 30 feet instead of 24. Reed stated is he talking about between lot 1 & lot 112. Owen stated he's talking about from Cox Pike all the way to that 1st intersection, so if there was some kind of blockage they at least got some extra width on that section, in addition to the gated emergency access that would go to lake Road that may be a decent compromise to allow for some passage. Carroll stated she does have some concerns about Lake Road being really curvy that will be dangerous coming out there and how close are the houses to that access. Reed asked how close the house is to the right of way. Carroll stated yes. Reed stated doesn't know exact dimensions, he would say maybe 30 feet. Butler stated Burks made a motion for deferment if they want to get a Second. Cali Seconded. Jenkins stated with the motion to defer what are the conditions. Butler stated with the deferment to included staff comments, staying with the R-20 PUD, the wider front entry, they need to determine (staff notes requested additional criteria and information for the emergency access road so they need complete that discussion, do they want to keep it emergency access only or do they want it to be a through street. Owen stated to what they see today isn't always going to be in place it might be prudent Jamie Reed to go ahead and request your dedication be 50 feet wide so if in the future you did want to construct a true City cross street then you would obtain an additional 20 feet from the existing right of way that's there. Then they want have to go back and try to squeeze in another 20 feet next to lot 28, he thinks he has enough room. Reed stated yes, he will push lot 28 up further North. Vote was taken on the deferment. All were in favor.

4. Recommendation to the Board of Commissioners on a Proposed Plan of Services to Accompany Resolution 32-18, A Resolution Calling for a Public Hearing on the Proposed Annexation of Territory into the City of Fairview by Owner Consent (Cheryl Bates) and Approving a Plan of Services (7344 Taylor Road; Tax Map 042, Parcel 77.01).

Staff Comments: The owner/developer is requesting this 0.92-acres parcel be annexed into the city limits for the purpose of constructing one single-family house.

Butler recused himself. Jenkins took over Chairman seat. Power read the above staff comments. Burks stated his understanding is Mr. Butler wants annex this property because he wants to build a home for himself and his family to live in and this was approved by the Board of Commissioners. Burks made a motion for approval. Anderson Seconded. Vote taken. All were in favor.

BONDS AND LETTER OF CREDIT

5. **Fairview Station, Phase 1, - irrevocable letter of credit in the amount of \$300,000.00 to cover roads, sidewalks, storm drainage, and other improvements specified by the approved plans. Letter of credit will expire October 13, 2018.**

Mr. Butler returned to meeting. Butler asked was there any update from staff on this. Owen stated based on observation made this afternoon he would recommend allowing a reduction in the renewed bond to be in the amount \$65,000.00. Power stated he doesn't see where they asked to reduce this. Costanzo stated it's coming up for expiration and their getting ready to do the final topping, it can be up to the discretion to make it a more appropriate amount to reflect what's left. Burks made a motion to reduce the irrevocable letter of credit to \$65,000.00 based upon the City Engineers recommendation. Jenkins Seconded. Vote Taken. All in favor.

6. **Deervalley Downs, Phase 3- performance bond in the amount \$250,000.00 to Cover roads, sidewalks, storm drainage, and other improvements specified By the approved plans. Bond will expire October 30, 2018.**

Owen stated he made an observation assessment this afternoon, phase 3 along with 1 & 2 appear to be complete and he would recommend that they consider moving this particular bond and making a recommendation to the Board of Commissioners for the acceptance of the infrastructure improvements and allowing the conversion of the bond to a one-year maintenance bond in the amount of \$25,000.00. Burks asked does the City have easements on these storm drains. Owen stated yes, the recorded plats have easements. Burks made a motion they allow for a \$25,000.00 maintenance bond per City Engineers recommendation. Qualls Seconded. Vote Taken. All in favor.

7. **Cumberland Estates, Phase 2 – performance bond in the amount of \$990,000.00 to cover roads, sidewalks, storm drainage, and other improvements specified by the approved plans. Developer is requesting a reduction in bond amount.**

Owen stated based on site observations this afternoon and the improvements that have been installed to date and the remaining improvements that are left primarily consist of the asphalt surface, sidewalks, street trees and some relatively minor grading compared to the masquerading that took place on the site. He would recommend a reduction to a bond amount of \$439,000.00. Butler asked have they repaired the two ponds where the larger one was high the lower one was low. Owen stated he has heard 3rd hand about that but he hasn't been contacted directly about what that issue might be and he hasn't assessed that issue, he would be glad to take a look at that. Butler stated he it might be beneficial for them to try clear that up and see where they stand with their notice of violation with TDEC to see if it's going to be something that their going to undertake. Owen stated he thinks he's correct to say that the ponds in question are in Phase I, so he doesn't know if this particularly has a direct link to it. Butler asked have they already reduced phase I? Owen stated he would have to check on that, not certain. Burks stated also do they have the appropriate silk fences up, riprap, erosion control because that's been an issue, he would like that to be reviewed before they release this to make sure that's all been taken care of. Burks made a motion to defer this till next meeting. Jenkins Seconded. Vote was taken. All in favor.

8. Request to set bond amount – Pepper Tree Cove, Phase 2.

Owen stated this was a final Plat that was approved several months ago, it included 6 lots that were on the backend of Phase 1. It didn't involve any new infrastructure that wasn't shown on Phase 1, so all the roadway frontage and the utilities for these 6 lots were installed or part of the bonding for the 1st Phase. So, he thinks they are okay moving forward with signing that plat since those improvements are covered under Phase 1 bonding, so he would recommend no bond be required for this. Burks made a motion to set the bond at 0 based on the City Engineers recommendation. Cali Seconded. Vote taken. All were in favor.

9. Request to set bond amount – Subway Restaurant.

Owen stated Subway Site Stabilization bond would be recommended to set the bond in the amount of \$40,000.00. Burks made a motion to set a site reclamation bond at \$40,000.00 based on City Engineers recommendation. Cali Seconded. Vote Taken. All were in favor.

10. Request to set bond amount – Dollar General Retail Store.

Owen stated his recommendation would be to set the bond in the amount \$40,000.00 for the site. Burks made a motion to set a site reclamation bond at \$40,000.00 per the City Engineers recommendation. Jenkins Seconded. Vote Taken. All were in favor.

Reports for Discussion and Information

- City Planner – **Costanzo stated she would like to thank the Commission for the Workshop tonight. Also on the 15th is the Comprehensive Plan meeting everyone is invited.**
- City Engineer – **Nothing**
- City Attorney – **Nothing**
- City Manager – **Not Present**

COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS

Slaughter – **Nothing**

Qualls – **Nothing**

Anderson – **Nothing**

Powers – **Nothing**

Cali – **Nothing**

Burks – **Burks stated he would like to thank our City Planner for putting together the information about the sidewalks for the workshop, they had also talked about putting together a storm water plan, whenever that gets done, he would like to discuss with her. Apologizes for missing the workshop had something else going on.**

Carroll – **Carroll stated this is actually her last night on the Planning Commission as soon as she finishes her term as Mayor, her seat was connected to her seat as Mayor. She wanted to thank everyone, she has enjoyed working with them, you all were new at once, she knew that was going to be a hard place to be for the City, they have really worked hard to try to learn as quick as possible. Loves they are asking question and being part of redoing some of the regulations, she had enjoyed her time with them. Carroll stated to Brandon, we've served quite sometime together and she appreciates his leadership to the Community and stepping up and taking on this**

position. Carroll stated to Will, he has taught me a whole lot, whether he wanted to or not, some of it was live in the meetings, she really appreciates everything he's done for the City and she has enjoyed working with him and she can't say enough. He has always kept them focused on the right things and tried to, in very difficult times, not let them get lost and when we had some changes and turnover, he was constant and around for a long time to help guide them and the City Staff and Sharon she's going to miss you and it's been a pleasure working with her. Also Mr. Hall's in the back but they served for a long time on the Planning Commission. She just loves the City and what they are doing is the most important job in the City, whether or not if they realize it or not they are taking the citizens visions, their visions and trying to carry it forward. As they get this comprehensive plan they are going to have the job to make sure they're following these guidelines that they set forth. Just be true to their conviction and your heart and what they want to see out of the future of Fairview because it is so easy, as they have seen in their Community to change the direction. Be a visionary and think about the future and what they want it to look like. Keep up the good work and she has enjoyed every moment.

Jenkins – Jenkins stated Mayor Carroll is the reason why he is serving, thanks her for that, thanks her for her encouragement, take someone who knew absolutely nothing about the politics at all and encourage them to get involved. Please show up on the 15th, invite a friend, get the community involved.

Butler – Butler stated Mayor Carroll he wasn't prepared for goodbye didn't realized that this was her last meeting. Carroll stated it just dawned on her. Butler stated thanks her very much, she always serviced the Citizens, for helping him acclimate to this Board, when he joined, he thinks there was a time when she had 3 or 4 meetings a week, Tree Board, Park Board, Planning Commission, thanks her for all her service and help up there and they will certainly miss her.

ADJOURNMENT –

Butler stated he would entertain a motion to adjourn. Burks made a motion for adjournment. Butler Seconded. Adjourned at 8:24 p.m.

Chairperson

Secretary