

City of Fairview

7100 CITY CENTER WAY
FAIRVIEW, TN. 37062



Phone: 615-799-1585
Email: codes@fairview-tn.org

Municipal Planning Commission

Regular Meeting
October 10, 2017
7:00 p.m.

Brandon Butler, Chairperson
Daniel Jenkins, V. Chairman
Tim Mangrum, 1st Secretary
Mike Anderson, 2nd Secretary
Patti Carroll, Mayor
Derek Burks, Commissioner
Christie Slaughter
Jim Powers
Salvatore Cali

Present: Butler, Jenkins, Anderson, Carroll, Burks, Slaughter, Powers, Cali

Absent: Mangrum

Others Present: City Attorney Tim Potter, City Planner Kristin Costanzo, Micah Sullivan
Codes Inspector, Codes Clerk Sharon Hall

1. BUTLER CALLED THE MEETING TO ORDER AT p.m. 7:00p.m

1.1 Butler led the prayer and pledge.

2. APPROVAL OF THE AGENDA-

2.1 Jenkins made a motion to approve. Anderson 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 September 12, 2017 – Regular Meeting – REGULAR MEETING

Carroll made a motion for approval. Jenkins Seconded. All were in favor.

5. BONDS –

5.1 Fairview Station, Phase One – site performance bond in the amount of \$300,000.00 to cover roads, sidewalks, storm drainage, and other improvements specified by the approved plans. Planning Commission set the bond at the October 11, 2016, meeting. Bond will expire November 3, 2017.

Butler read City Staff Report, which will become part of these minutes. Exhibit A. Burks made a motion to call the bond if not in place by the expiration date. Cali Seconded. Carroll asked could they get some more information on this. Costanzo stated this was called Spring Station before. Carroll stated okay. All were in favor.

6. OLD BUSINESS- None

7 NEW BUSINESS-

7.1 Recommendation on a Proposed Plan of Services to Accompany Resolution 19-17, a Resolution Calling for a Public Hearing on the Proposed Annexation of Territory into the City of Fairview by Owner Consent (Kimberly MacDonald) and Approving a Plan of Services (Snow Mangrum Road parcel known as Tax Map 047, Parcel 64.00).

Jenkins read City Staff Report, which will become part of these minutes. Exhibit A. Costanzo stated the applicant lives in Wyoming and the Real Estate agent had a prior commitment, he indicated he could be here next time if they wanted to defer. Costanzo stated she can answer questions it's a fairly straight forward. Anderson asked did they want to annex to enhance the value. Costanzo stated yes, she believes the owner & him were in discussion they wanted to annex into the City to make it more appealing for sale. Costanzo stated as she said in her report it is a donut hole and would be beneficial to the City to close that gap. Carroll asked would this have to go back to the BOC. Costanzo stated yes. Carroll stated to bring them up to date last meeting they determined, the value of their property isn't a good enough reason to annex but this is a complete donut hole. Carroll stated there is an issue with access, it should defiantly be considered. Butler stated so they would be voting on a recommendation. Anderson asked if it's annexed into the City and the next buyer decides to use it as farmland or timberland the Land use does not change, correct. Butler stated it would be annexed into the City as a RS-40? Costanzo stated correct. Slaughter asked the parcel 61.01, is that in the City. Costanzo stated that is in the County. Slaughter stated so there would still be a donut home. Costanzo stated it would be a much smaller donut hole. Butler stated that's just 10 acres. Anderson made a motion to send a positive recommendation for approval to the Board of Commissioners. Jenkins Seconded. All were in favor.

7.2 Final Plat, Pepper Tree Cove, Phase One. 22 Proposed Lots on 12.29 acres. Property zoned RS-15 PUD. Property located along Horn Tavern Road (Tax Map 022, Parcels 15.00, 15.01, and 15.02). Property owned by Duke & Duke, LLC.

Jenkins read City Staff Report, which will become part of these minutes. Exhibit A. Butler stated this property was revised where the applicant acquired two new parcels and added lots, they have seen this revised before, this is the final voting. Gary Martin Engineer present to answer questions. Carroll asked does the City have any comments or recommendations. Costanzo stated she recommended approval in her staff commentary. Slaughter made a motion for approval. Burks Seconded. All were in favor.

7.3 Development Plan, Whispering Winds Subdivision. Proposed 17 lots on 10.47 acres. Property zoned R-20. Property located along Cumberland Drive (Tax Map 047, Parcel 67.01). Property owned by Walt Totty.

Anderson read City Staff Report, which will become part of these minutes. Exhibit A. Walt Totty present to answer questions. Butler asked has the notes brought from the Staff Review meeting been satisfied. Costanzo stated yes, as Mr. Anderson read, there were quite a number of them but Chapdelaine Firm

did a really good job of getting them all taken care of. Anderson stated at the last meeting they talked about the drainage easement on the property, owners of the property should be allowed to fence this if they don't interfere with the storm drainage that's required under the code. The City doesn't have ready access to the drainage without crossing the owner's property, would like for those notes to be added, that the owner owns the property, the City has placed a drainage easement on the property. Costanzo stated yes there are drainage easements that allow the City to access that area, if the City needs to access, there is a note on the plat that indicates the detention ponds are to be fenced, generally speaking that's how the City likes to approach detention ponds. Carroll ask about the Staff Report was the Engineers comments included. Owen stated intention now the Costanzo is in place and doing a good job, any Engineer comments to be incorporated into her staff review comments and that be a comprehensive list. Butler stated in staff review concerns was the distance to that next entrance at Cumberland Estates, was that approximately a quarter of a mile, is that what they are seeing. Owen stated what's indicated on the plan, correct. Butler stated which would be pretty sufficient distance. Jenkins asked how does this lot one play into the subdivision, how will that one lot look around the subdivision. Totty stated all the lots being close to the same size as this lot looks like it was put in with the rest of them. Chapdelaine stated this Board has actually seen a similar plan several years back in the preliminary stage and it was accepted then, at that time that lot was exactly where it is now and it was considered phase 1 now they have moved on to phase 2, nothing has really changed. Butler stated that existing home where it's built faces the road frontage as if it was a new built there. Burks made a motion for approval. Cali Seconded. All were in favor.

7.4 Rezoning of Property, Requested by Land Development.com. Property located along Cumberland Drive (Tax Map 047, Parcel 66.00). 33.81 acres. Current zoning district: RS-40; Requested zoning district: R-20. Property owned by Land Development.com.

Jenkins read City Staff Report, which will become part of these minutes. Exhibit A. Jamie Reed with SEC the Engineer, Surveyor on the project present to answer questions. Carroll ask Mr. Reed what changes are on this plan verses the PUD that was brought to them before. Reed stated one of the heated discussions in last meeting, they had 20 plus lots past the cull-de-sac, you all wanted a loop road through the system to get fire trucks through. Reed stated this meets the system they have the loop road connected to the cull-de-sac street, the cull-de-sac doesn't go through it dead ends, got less than 20 lots at that end. Reed stated less lots with this, dwarfed what was asked from them and the other meeting. They added the multipurpose fields, all the things they had asked for last meeting basically is in this plan with less lots. Carroll stated except the sidewalks. Reed stated that's off site, internally their putting in the trees and the sidewalks. Burks ask how many less lots in this plan verses the original plan. Costanzo stated 21 lots less. Butler asked are they planning on putting a buffer on where they will be backing up to those existing houses on McCormick Grove or is that where the

detention pond will be. Reed stated they weren't planning on it, they were trying to minimize that impact by not cutting any trees down by the detention pond. Butler asked Costanzo the straight R-20 zoning wouldn't necessarily have to have open space requirements for open space or multipurpose field, like the PUD would have disgusted. Costanzo stated supposed to have a very small amount of open space but what they have provided is much higher and above than what's required, what they would normally see just for the PUD not a traditional subdivision. Carroll asked is there still 10 acres around the big house in the middle. Reed stated no it around 2 1/2 or 3 acres, they had to narrow it down to get that road around it. Jenkins stated he personally just received the information on this yesterday, when he does in a minute say no that's only because in his conscious, with integrity say yes and approve a rezoning of something that he hasn't taken the time to study himself. Reed asked did he just not get his information. Jenkins stated it was about 24 hours ago that he received this information, not personal. Anderson made a motion for approval. Cali Seconded. Owen stated just to clarify that everyone understands the item their voting on is just the rezoning to RS-20 it doesn't involve the concept plan, strictly the rezoning. Vote was taken all were in favor except Jenkins. Motion passes.

7.5 Concept Plan, Rochdale Estates. 45 Proposed lots on 33.81 acres. Property located along Cumberland Drive (Tax Map 047, Parcel 66.00). Property owned by Land Development.com.

Costanzo went over the City Staff Report, which will become part of these minutes. Exhibit A. Jamie Reed with SEC was present to answer questions. Slaughter made a motion for approval. Anderson Seconded. Vote was taken all were in favor except Jenkins. Motion passes.

7.6 Rezoning of Property, Requested by Otter Creek Holdings, LLC. Property located along Old Nashville Road (Tax Map 042, Parcels 78.01 and 79.00). 28 acres. Current zoning district: RS-40; Requested zoning district: R-20. Property owned by Otter Creek Holdings, LLC.

Jamie Reed with SEC present to answer questions. Jenkins read City Staff Report, which will become part of these minutes. Exhibit A. Butler stated for clarification they would be voting only on the rezoning on this item. Carroll stated with the Staff comments could he clarify, is there intention for additional development, your building this regardless if he gets approval. Reed stated yes. Butler asked do they have sewer tap approval. Reed stated yes without building a step system they're going to tie onto the Water Authority of Dickson's sewer system, they will be coming back once they have nice product out here, they are going to proceed with annexing the rear portion and develop the step system that they submitted to the State operating permit then run everything to that step system. Carroll stated originally with the big development was going to be paved from Old Nashville Road to Taylor Road then from Taylor Road all the way to Highway 100, where do they stand now. Reed stated with just 39 lots they are not going to do anything, when they come back to the City to annex the rear portion of the property they would discuss the turn lane where main problem is on the highway. Burks stated he is hoping in the future they are going to annex

rest of this into the City, who knows what will happen, but as of right now they are only talking about this one piece of land that's in the City. Reed stated yes just what's in the City the 39 lots. Burks stated you understand it's in violation of our requirements that a cull-de-sac only have 24 houses, this only having 1 entrance this would be considered a cull-de-sac by our Subdivision Regulations. Burks asked City Engineer would he confirm that. Owen stated City Subdivision Regulations definition for cull-de-sac, is dead end street, a street or a portion of a street with only one vehicular traffic outlet. The strict interpretation of that, the entire 38 lots, maybe minus lot 39, he would not recommend it not having direct access to Old Nashville Road, all of those internal streets would have one outlet, being the proposed Otter Springs Drive, as currently designed. He understands the long-term plan is to have a secondary entrance outlet onto Taylor Road but the plan tonight is the 39 lots. Carroll asked so is he agreeing with Commissioner Burks this would be a violation? Owen stated if they wanted to consider these permanent dead-end streets, for all intent purposes that's what they are as a result of being a number of future steps that would have to take place for these proposed labeled temporary cull-de-sacs to be extended for secondary access onto Taylor Road be provided. Carroll asked does the temporary road access suffice? Burks asked where would that temporary road exit? Reed stated they do have access to provide additional road to Taylor Road, they could provide an additional entrance to have two entrances. Burks asked where would it come out. Reed stated it splits the Kenny Taylor property and Steve Taylor, they have a 60 foot right of way that he has already purchased. Burks shouldn't it be a permanent road instead of a temporary road. Owen stated that would certainly be preferred over a temporary road. Reed stated they already have a master plan drawn out with that tie in master street, they can draw in that street and tie into their future rezoning that they are coming back in and show it as a permanent street, if that's their wish. Carroll stated if they are going to ask them to pave the road that's in the County, it would have to be annexed in. Owen stated he thinks potentially, for the portion that's in the County, if developer/owner agreed to it, could construct a private road that would be private until the remainder of the property is/was annexed, at that point it could become private right of way, if plated accordingly. Anderson asked what would be the next move, he liked what the Engineer stated, also likes the revised plat with the larger lots, thinks he's done an excellent job of trying to make this work, he doesn't know how they can go forward without saying we need to defer this till they see the new drawing. Powers stated it's one thing for them to move on with the rezoning, he's probably going to have a problem with the conceptual plan until he sees it on paper. Powers stated the one road to the 31 houses is too scary for him, have a fire and someone in the back has a heart attack. Reed stated they are agreeing to place that road to City standards, it just goes straight south over to Taylor Road, they agreed to put that one there. Butler asked would anyone like to make a motion on the rezoning portion. Anderson stated he would like to make a motion to defer but would like to note that they like the concept and he thinks he has a good plan in his head and if he will present that next time

this should go easier. Butler stated for clarity this would be the rezoning for R-20 and not this layout. Jenkins Seconded. Carroll stated she thinks they should move forward with the rezoning before he has to spend a lot of time, they still have the conceptual, they do it with intent that he's going to provide access and build it to City standards. Reed stated they still have to come back, this is the rezoning & conceptual, with the preliminary plan for them to approve, they just ask to move forward with the rezoning with the construction even if deferred on the construction they could still proceed. Anderson withdrew his motion. Jenkins withdrew his Second. **Carroll made a motion to approve contingent on the extended road for the second access. Anderson Seconded.** Cali asked has he been come before this Board to get this rezone before now. Butler explained as the staff comment reflect, it came in to annex the County property into a large master development plan that was over 300 lots, so now they have come back to only submit in the City limits. Cali asked prior was it going to be R-20. Butler stated he thinks it was R-20 PUD. Reed stated they were small lots, they lost about 100 lots. Vote was taken all were in favor except, Jenkins, Burks & Mr. Powers. Motion passes.

7.7 Concept Plan, Otter Creek Subdivision. 39 Proposed lots on 28 acres. Property located along Old Nashville Road (Tax Map 042, Parcels 78.01 and 79.00). Property owned by Otter Creek Holdings, LLC.

Burks made a motion to defer. Powers Seconded. All were in favor.

7.8 Ordinance 01-17, An Ordinance to Amend the Municipal Zoning Ordinance as it Pertains to the RS15 District.

Jenkins read the City Staff Report, which will become part of these minutes. Exhibit A. Commissioner Crutcher stated as they know rezoning's and annexations are coming faster as the City continues to grow, there was several on their agenda tonight. He thinks the Staff comments accurately states what it is that he's trying to accomplish, he wanted the Planning Commission to discuss this issue and make a recommendation to the Board of Commissioners. Actually, there was one thing that was left out) He would like the Planning Commission to discuss and make a recommendation about abolishing any PUD with a density greater than R-20. As they probably know there is currently a moratorium is place that already limits the ability to approve any PUD that is greater than that density, he would like that removed completely from the zoning ordinance. He thinks if they exchange that RS-15 PUD designation with a conventional RS-15 Subdivision that sort of puts them in a better position from a density standpoint, with a RS-15 PUD their looking at 2.9 units per acre, as they all know that doesn't necessarily mean there will be 2.9 units per acre. Especially in light a couple of things developers and the City that is going against them right now, 1) the sewer capacity is an issue, 2) topography is an issue. So, what ends up happening in these PUD's, they end up with much more dense developments, realize there is a base density at 2.9 units per acres, end up with 5 to 7 thousand square foot lots, he personally isn't interested in that. He appreciates their services to the City and any recommendations they recommend to the Board of Commissioners, he certainly wants them involved in the discussion. What he is asking for is two things, 1) a

recommendation about abolishing that RS-15 PUD designation 2) adding to the zoning designation an RS-15 conventional standalone subdivision. He's not necessarily opposed if they set a maximum lot size on RS-15 and they could even set x number of units, he wants to hear their thoughts. The situation that has brought this up, you have an individual, he's similarly situated he has a lot size slightly less than an acre, if he wanted to divide that to build a child a home on his property, he couldn't right now currently under our zoning ordinance, because he couldn't get to that 20,000-square foot lot size that is required. He would prefer the PUD designation go away and have the stand-alone zoning. Carroll stated to clarify what Mr. Crutcher is saying, if they want RS-15 they have to come as a PUD, when that happens not doing true quarter acre lots, coming in with lots smaller because their having to accommodate for the step systems. She knows a lot of people don't desire the RS-15, but the RS-15 neighborhoods are selling like hot cakes, do they want to totally get rid of it because it's not the neighborhood they want to build, there is some really nice house's in RS-15. Slaughter stated as we become more of a bedroom community for West Nashville & Franklin, a lot of those people don't have the time to care for a full acre lot so a 1/3-acre lot may be more attractive than a full acre. Burks stated in his personal opinion he doesn't think doing away with the RS-15 PUD designation is the way they need to go, he thinks they need to look at the way they allow the PUD to be formed. They could modify it to say, can do a RS-15 but have mixed size lots, which is actually the purpose of the PUD. They could have the larger lots surrounding the subdivision and the interior could have smaller lots. Butler stated the R-20 designation will allow for 2.2 homes per acre, that allows for quite a bit of flexibility, Cumberland Estates is a R-20 PUD, maybe a RS-15 PUD would be better suited for a town center overlay, we're now their calling that RS-5, RS-8, maybe RS-15 that 2.9 would be a better fit there, maybe there's a cap they put on it. If they add a RS-15 standalone designation, he would think those proposals they saw tonight probably would have been 15,000 instead of 20,000. Carroll stated if they took away the RS-15 how would that affect someone that wanted to build condos, they would have to do that under multi family, she's not opposed to the RS-15 not being a PUD. Anderson stated the topography around here isn't flat so if you have property that requires a PUD, in order to get the houses, could put limits like 7,000 square foot for the lots but would allow them a 15,000-square foot average because of some of the topography. In his opinion if they eliminate the PUD requirement it doesn't mean the person couldn't present something as a PUD because of the topography. Crutcher stated he likes the idea of stating what can go into a PUD, certainly needs to be discussed further, as of right now they simply don't have that. He's not overly concerned about the abolishment of the RS-15 PUD at this point there is a moratorium in place that prevents that particular zoning designation right now. He is thinking more long term, if they abolish that designation all together then essentially there would be no reason for the moratorium in place that prevents that particular zoning designation. Crutcher stated they do have the Town Center Overlay district he's not an expert on that and doesn't fully understand the intent behind it or where they are in that process,

knows that it was part of a comprehensive plan. There are some higher density PUD zoning designations that are available within that town overlay, that seems to him, incredibly dense, there is a RS-8 & RS-5, literally houses could be touching each other. He's much more concerned about the landowner/homeowner that has slightly less than 40,000 square foot lot being able to subdivide their property and build a home on the other parcel. He thinks there is some great points being made, by no means is he the expert on this rezoning, when to rezone, when to annex. Butler stated if they could do some research on what other municipalities have, he knows they compare themselves to White House. He thinks they did something similar where they made one of their smaller districts to an RS-15, is that correct Mr. Owen. Owen stated he thinks a long time ago, Ms. Costanzo can verify or deny, he doesn't think it's abnormal for communities to have a 15,000-square foot designation as a standalone zone. That's still relative to development trends in Middle Tennessee, that is still considered a fairly medium size to larger medium size lot. Costanzo stated where she came from, just 5 months ago, 15,000 was the largest lot size they had, they had 15, 10 & 3. Butler stated to start the discussion on adding the 15,000-standalone zone, it would defiantly, when they have property owners that have 18,000 square foot lots where they are not able to subdivide to add an additional parcel on their property, defiantly possibly a cap or discussion, otherwise every neighborhood we have will come back with that designation. Burks stated he understands they are trying to fix a situation however this creates the opportunity to create many subdivisions. They can get around RS-15 by subdividing property into 5 tracts, couldn't do a RS-15 PUD, could separate those then subdivide those separately and get back to what they would have under RS-15 PUD without any controls over it. Powers stated if a citizen has 35,000 square foot lot he wouldn't be able to subdivide to give a parcel to his family to build a home on, in those instances he understands the RS-15 in those kinds of situations but subdivisions, he thinks should be at least RS-20. Why not take the moratorium away then revisit it at a later date? Carroll stated she agrees with what Commissioner Burks is saying and not opposed to getting rid of the RS-15 PUD. Mr. Potter what kind of restrictions could they put on RS-15, how could they help this one situation without it being blanketed. Potter stated he thinks they have a lot of discretion, he will probably have to think about it, he likes the idea what Chairman said taking a look at other Municipalities. Carroll stated can you put restrictions on RS-15 and allowing someone, like Commissioner Burks said, doing a subdivision with none of the extra requirements, if they bought several acres and all of a sudden built a subdivision. She knows the Board would still have to approve but did they just take that away. Potter stated wouldn't necessarily have to be a subdivision their allowing building on an RS-15. Crutcher stated Commissioner Burks brings up some good points, however if someone has a 40,000' lot or more to where they could subdivide it into three 20,000' parcels, they could do that now if they had a 60,000' lot. The same things their trying to avoid not having to do extra things, if it was a PUD designation that could happen already. His thinking is its sort of a trade off with the PUD designation you can get the smaller lots but for them to get the smaller lots their going to get something in

return, amenities, road improvements, going to have to do something, whereas a conventional zoning don't have to do that but don't get the small lots sizes. Cali stated he's probably right but it's not going to be fixed right here would almost have to put a committee together to come up with a plan that's more fool proof, instead of saying let's go ahead and do this, good idea but got to be fleshed out more. Burks stated to let the Board know, our City Engineer has been in the process going through our Subdivision Regulations, Design Manual & our Zoning Ordinance and compiling those, make a list of what changes that they would suggest that we make, part of that being is how PUD's are done. He believes they will be scheduling a workshop for this in the near future, so they can flesh out some areas with PUD's. It may be a situation where they can put enough protections in such as, if you want to build a PUD, we want a clubhouse, pool, mixture of size of lots, discuss that and hopefully soon get them voted on. **Burks stated far as tonight this ordinance before them he thinks they need to do some more research the attorney suggested that research be done to see what other municipalities are doing in this situation based on that he would move that they defer. Jenkins Seconded.** Tim Mangrum stated he is the 4th generation on this piece of property, it's a little over 33,000' and he's trying to divide that up so he can build a house on it for himself. His situation the RS-15, he should be able to qualify for that, it's been surveyed off been looked at. He's not asking to do a PUD, he's just asking to split the property. Butler stated he thinks everyone understands his circumstances and wants to try to help but they are afraid they will be opening other avenues or problems. When they do make this conclusion, they have all the facts and accurate to jump to it, is it possible he could go to the Board of Zoning Appeals for them to see the lay of the lot. Potter stated he thinks he's asking if it could go before the Board of Zoning Appeals for a variance but variances are defined and can only grant a variance on certain peculiarity of the lot or the lay of the lot or etc. Potter stated he would have to think about that, he's not for sure if the Board of Zoning Appeals would have that authority. Even if this body ultimately & the Board of Commissioners allowed a property owner to do what Vice Mayor Crutcher has suggested, is to allow RS-15 designation, there would still be the standard restrictions and setbacks. Carroll stated somewhere in the process we realize something doesn't work, what she keeps going back to what the attorney is saying, is it wording. Potter stated as he understands they don't allow RS-15 Single Family unless it's a PUD, that's what they are being asked to explore. This Board is just making a recommendation to the Board of Commissioners for discussion, he thinks they have discussed enough tonight that it should go for a recommendation to give a favorable for discussion because it is a topic that needs to be looked into further. Carroll and Anderson agreed with what Powers said. Butler stated he thinks the Board of Commissioners could still have the discussion even if they deferred it tonight, they're just having their discussion saying they do recommend a positive or negative recommendation. Jenkins asked Mr. Potter did he say this isn't something the Board of Zoning Appeals can handle for Mr. Mangrum. Potter stated the Board of Zoning Appeals for a variance but variances are defined and can only

grant a variance on certain peculiarity of the lot or the lay of the lot or etc. Potter stated he doesn't think they could grant it unless it's a hardship not because someone just wants a variance of rezoning, he will have to look at it more. Costanzo stated they are supposed to grant variances based on a hardship created by the topography of the lot. She thinks he could apply for a variance but doesn't think they would rule in his favor, not under the strict interpretation of the variance law. Carroll asked the City Manager his thoughts. City Manager Collins stated Mayor if the application was made to the Board of Zoning Appeals they simply would not have the authority to approve it. Jenkins appreciates Commissioner Crutcher for bringing this before them and Commissioner Burks, he believes both of them are trying to look out for the City and his people. He believes that Commissioner Burks is leaning towards an assumption people will abuse this if they do push this forward. Jenkins stated he has a hard time assuming that people abuse something until proven otherwise. Burks stated this is the 1st time being on the Planning Commission he has dealt with an ordinance to change a zoning. If they vote to move it forward, can they still have him do different language, do the research & present different language or does it have to be exactly this that would go before the Board of Commissioners. Potter he thinks the Board of Commissioners is going to say what does the Planning Commission say about this, if they present something to them that is different from what they have seen tonight. Crutcher stated that's why he asks for this to be put on this agenda, he certainly was interested in hearing what this body thought. Any Commissioner could have asked for this to go straight on to the BOC agenda and they could have addressed it there but that's not how he thinks it should go, he thinks it should go through the respected Boards & Commissions they have in place. Crutcher stated there has been some discussion about trying to avoid this idea that someone can divide their property and build houses on it, because it doesn't have a PUD designation they have more flexibility on what they can do. Maybe that's true but that happened tonight on two proposals that came before this Planning Commission, the Rochdale Estates & Old Nashville Road, both started as PUD's. They didn't get what they wanted so they come back and removed the PUD designation & asked that they rezone straight R-20 & look what happened they lost some of that control as a result of that. Butler stated the RS-15 would have a minimum lot width, minimum setbacks front & sides. Both parcel would have to meet the setbacks, have to have access, still requirements in place. Slaughter asked no property would come into Fairview as RS-15. Butler stated anything that is annexed in would come in as RS-40. Carroll stated on the rezoning's tonight, they had approved the PUD's, as a Planning Commission they don't get to turn down rezoning's the Board of Commissioners have the final say, their just giving recommendations. Carroll ask Owen what he thinks would be a good idea. Owen stated he thinks everyone recognizes PUD regulations, no matter the underline density is, needs to be revised, part of those revisions includes, setting a threshold on minimum lot size, no matter what the underline density is. Do they want to look at removing some of the undevelopable areas from that maximum density? Owen stated with the RS-15 questions that come are

2 scenarios 1) the scenario that was presented to them tonight from Mr. Mangrum that has property that has been in their families for a while and desire to divide their property for family or whatever. They are going to have those disbursed throughout the City, if they are okay with seeing that he doesn't think there will be any unattended consequences or secondary repercussions. The second part of that is are they okay with a true subdivision coming in with just a straight RS-15. Example would be tonight, Otter Creek, would they have been okay with that coming in instead of 20,000' lot minimums as 15,000' lot minimums, because the designation in the Land Use Map is medium density for both 15 & 20. So, in theory if RS-15 was a standalone and Otter Creek was before them and they had that standalone 15,000' minimum lots then they would be obligated to approve that assuming all other items had been addressed. There are two different distinct scenarios, if this change was made, they might see an effect on future submittals. Owen stated ultimately it comes down to if they are comfortable with either a development with lots 15,000' and/or these pockets 30 or 40,000 square foot lots, a current lot that's 40,000' could currently be divided into two 20,000'. Owen stated if they desire to put stipulations on it, it gets really tricky on enforcement, if they say it's for family purposes, they say we will allow it to be divided one time for family purposes, who's going to keep track of that one time. Carroll stated could they say if someone is subdividing for family they can subdivide but not subdivide for a subdivision, don't know if they would be pushing the line and causing more headache. Owen stated the problem he sees, if someone stands before them and says this is for my family and they subdivide it, it goes to the registers office to be recorded as a lot that could be sold. They would have no authority to dictate who they sell that lot to, family, friends, investor. Powers stated he has went in and built mother in law homes they couldn't give to kids because it was one lot. Owen stated, Micah may be able to clarify, he believes your codes only allows one primary structure per residential lot. Sullivan agrees. Owen stated it would have to be a secondary structure and there are some guidelines for that, a mother in law, a garage is certainly allowed but couldn't build 2 primary structures on one lot. Butler asked Owen in the scenario of the 5 lots would it be safe to say that the restrictions of a RS-15 with minimum setbacks would probably make it pretty difficult for a 1 acre to go to 2 15's. Owen stated correct and that's something to consider from Mr. Mangrum's situation it's not just the square footage requirement, the minimum lot width for RS-15 as it stands now is 75 feet. He doesn't know the geometry of his parcel, there would need to be a 150 feet of road frontage, even if they approve the RS-15 standalone. Jenkins stated Mr. Owen you are currently in the process of helping update our codes in the next few months. Owen stated correct. Jenkins stated how would making a decision right now affect his process. Owen stated in his opinion this would be simple to incorporate into what they are doing now, even if the Board of Commissioners went ahead then three months down the road decided to do something different, he doesn't see any major obstacles to rework some things. Anderson asked Owen what he thinks as an Engineer, since he's writing our guidelines based on all this back and forth. Owen stated as far as what is before them tonight, a City Commissioner has a desire for

them to explore this option, what he's hearing is there are several of them that recognize this may be a tool they could implement for your citizens to allow for these lots that are between the 30 & 40,000 square foot threshold to be divided into 2 or maybe 3 if there is 45,000'. Owen stated he would not suggest to them that they withhold any thoughts or recommendations on that specific item because of the other work that is going on, if this is something they want to move on to the BOC, he thinks that's perfectly fine and will not interrupt their work. Crutcher stated he would like a recommendation from this Board, he's personally not going to put on the BOC agenda unless there is a recommendation, positive or negative from this Board to get on the BOC agenda to discuss it. Burks stated the BOC wants their recommendation, question is based on how it is written now is this what they want to recommend or do they want to see different language. **Vote was taken on the deferment, all in favor except Jenkins and Anderson.**

8. REPORTS FOR DISCUSSION AND INFORMATION

8.1 City Planner – Costanzo stated when it comes to the RS-15 seems we have a lot of personal preferences, they will have to hash it out later. She wants them to always remember they have a lot of authority to write, amend, analyze your regulations, the plans that come before them. In this situation they could always follow this up with a 2nd amendment that has restrictions for a RS-15 district, if they decided to go with a stand-alone. She is happy to do some research for that previous item, she is always open to help if they have any questions.

8.2 City Engineer – Owen stated the dates he has to try to set up October 24th, November 2nd, November 7th, November 14th (next Planning Commission meeting) he understands these dates need to be given to the BOC members as well, if it's going to be a joint meeting, that would be his recommendation. They would start out with reviewing the zoning ordinance, which requires their review & recommendation before the BOC can act on it, ultimately the BOC has the authority over the final adoption. They can spend as long or little and early or late as they desire, if it needs to be a Saturday, they can do that as well. Jenkins stated his iPhone is saying November 7th is election day, no City elections just a National Election day. Butler asked does he know about how many hours this will take and can they use this for training. Owen stated yes you can get training hours for this, he will get with Kristin on the documentation she has been working on some training doesn't want that in lieu of that training. Butler stated he doesn't know what date will work best for everyone, if they want to think about it and get back with him so they can talk to the BOC members then set a date. Carroll stated their training is expected to be due in January and the BOC has really upped what's 'required and it's their responsibility. Owen stated he was made aware today of an event on November 3rd in Franklin, the Middle Tennessee TAPA chapter. He will send that email to Kristin and she can distribute accordingly, he thinks it's \$25.00 but that includes lunch, Sam Edwards is speaking, good resource on Land Use Legally. Butler stated that's one thing they had talked about was registering all the active members on the American Planning Association, he was hopeful by becoming members they would get leads like that.

8.3 City Attorney –Nothing

8.4 **City Manager** – nothing

9. **COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS –**

Slaughter stated The Tree Commission was wondering because they haven't seen any plans in the last 4 or 5 months. They didn't know if that's where they have fallen in the planning or if the actual landscaping plans are no longer being sent to the Planning Commission. Carroll stated they're not approving anything so it's not making it that far. Costanzo stated since she's been here the City Arborist has been signing off on any landscaping plan that was part of the plans or the plat. Slaughter stated he was actually the one that brought it up in their meetings that they weren't seeing them. Costanzo stated she thinks there has been some confusion as to the role of the Tree Commission and reviewing plans.

Jenkins asked Costanzo is it possible that they could get the information that was emailed to them yesterday a week before so they could have time to review and give intelligent responses before they get to the meeting. Costanzo stated if they can get all the comments to the Engineer and have them to get the plans back to us in a timely manner, yes and as she has mentioned earlier, starting in January we are going to change the schedule so there is about a week before each step so there is more time so there is more adequate and turnaround time.

Butler stated he knows they had some discussion about time lines in the past, if our Engineer submits to applicant from staff review comments and they don't submit back by the required deadline he would just assume they wouldn't make the agenda rather than hold it up. Great topics great work, thanks staff.

10. **ADJOURNMENT** – Butler adjourned at 9:27p.m.

Chairperson

Secretary