

MUNICIPAL PLANNING COMMISSION

December 11, 2018 Regular Meeting at 7 p.m.

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

Derek Burks, Commissioner
Salvatore Cali
Jim Power
Sheree Qualls

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

Absent:

Others Present: City Attorney Andrew Mills, City Planner Kristin Costanzo, Building Inspector Micah Sullivan, Codes Clerk Sharon Hall

- Butler Called Meeting to Order at **7:00 PM**
- Opening Prayer and Pledge – **Butler led Prayer and Pledge**
- Approval of Agenda – **Power made a motion for approval. Anderson 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: **November 13, 2018 – Regular Meeting**
Burks made a motion for approval. Power 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. Current letter of credit in the amount of \$85,000.00 expires January 9, 2019.

Jenkins read the below staff comments.

Staff Comments: This item was initially discussed at the August 2018 meeting and deferred at every meeting since then. As previously discussed, all improvements have been installed by the developer per the approved plans and the required as-built drawings were submitted. This subdivision is currently under a bond that will expire before the January meeting; thus, should the PC not vote to move forward with subdivision acceptance at this time, the PC should recommend either renewing the bond at the current amount or reducing the bond.

Marlon Cunningham present to answer questions. Marlon stated he was requesting that everything be accepted in the subdivision. He thinks all the things that they talked about in the meeting in August, met with several of the homeowners then and took care of those issues. Butler asked had they made any additional progress with the property owner across the way, that was on our notes from meeting last month, did we get into contact with them at all. Collins stated haven't been able to get into contact with them. Butler stated they had mentioned last month about reaching out to the property owners, were they able to do that. Marlon stated that night after the meeting he took everyone's name, numbers and

what they wanted fixed to his knowledge everything was taken care of. Marlon stated a lot of that wasn't pertaining to the Subdivision it was building related and the builder took care of those. Butler asked was there any additional questions for the applicant. Burks made a motion that they accept the Subdivision. Anderson Seconded. Vote Taken. All were in favor.

NEW BUSINESS

2. Recommendation to the Board of Commissioners on the Acceptance of Fairview Station Subdivision, requested by Brandon Robertson and Huntley Gordon. 30 lots. Property located along Tiger Trail and Marisa Way. R-20 PUD Zoning District.

Jenkins read the below staff comments.

Staff Comments: All improvements have been installed by the developer and the required as-built drawings were submitted. Staff noted that the required 5' sidewalk was constructed as a 4' sidewalk. The developer requests a variance due to oversight during the construction process. Planning Commission may, at their discretion, approve the variance to allow the 4' sidewalks to remain as is and proceed with subdivision acceptance OR disapprove the variance and defer the item.

Huntley Gordon present to answer questions. Power stated he likes the variances to be in front instead of at the end, doesn't think 4-foot sidewalks will meet ADA standards and he thinks from earlier conversation it would put the City a certain liability risk because the sidewalks aren't 5 foot. Power stated he doesn't know what the remedy would be and was it on their plans for 5-foot sidewalks, so they had a plan they didn't follow, had nothing to do with what we did or didn't do. Butler asked Mr. Gordon on the sidewalks and how we got there. Huntley said he wasn't on the construction site but the sidewalks were constructed and to make matters further compounded Williamson County Board of Education wanted to provide a sidewalk along their property to connect to the neighborhood and they matched the sidewalk to their internal sidewalk there. So, this is a unique situation, they've looked at coming back with pavers on 6 inches on either side, there's really no way to facilitate making the sidewalk 4 to 5 feet without removing it. Butler asked is it a 5-foot easement and a 4-foot sidewalk, right now. Huntley stated he believes that is correct. Butler stated so they wouldn't be able to protrude into the 5 then it wouldn't meet the 5 on the front, also does he have an estimate of how long the sidewalk is that Williamson County added. Huntley stated he does not but he believes it starts at Tiger Trail and goes all the way to the internal school sidewalk. Burks stated so your saying they only have a 5-foot easement, right now. Huntly stated yessir. Burks asked shouldn't it been caught at that time when someone was looking at the plans for a 5-foot sidewalk, you would think someone would know they would need more than a 5-foot easement, so did they just not get enough in the easement and said the heck with it they would just go with the 4 foot. Huntley stated what he understands is the sidewalk was formed and poured as 4 foot and by the time it was realized it was already backfilled, that's a difference of 12 inches and on the construction site that was as busy as this was. Someone initially made the mistake and it was followed through out when the pour was made. Butler stated he thinks the easement is still a 10 foot right of way easement the 5 foot is a stripe of grass then 5 foot for the sidewalk so they wouldn't be able

to protrude towards the sidewalk because then they wouldn't meet the requirements of the 5 & 5. Qualls asked was the 4-foot sidewalk ADA compliant. Huntley stated he believes that ADA requires 42 inches if he is thinking correctly because he knows the minimum on an ADA door is 36 inches. Anderson stated 42 for the residential but believes the public standard would be a different standard. Anderson asked is there enough easement for them to tear out the sidewalks and go back and changes to 5-foot sidewalks. Butler stated yes sir. Butler stated the biggest thing for him is every decision they make here sets a precedence for future and how many more people will ask for this variance if we give it here. Huntley stated he understands that but this was a situation where all the lots are now sold and they are asking they accept the subdivision as its built. They don't have any further ownership in the subdivision and they came back the trees were initially were missed in Phase 1 and they came back installed the correct trees they've gone back and removed the trees that were installed incorrectly and put in the correct trees and met the arborist approval. They went back in good faith and corrected that on property they didn't own and they're asking for this accommodation in acceptance of the submission as it is. Butler stated it would still be a public right of way that you have an active bond on for improvements. Huntley stated yes. Butler stated so they still have access to make adjustments in that 10-foot area, is that correct. Huntley stated yes. Jenkins stated he would like to know what the ADA requirement is. Collins stated if they would like to defer this item or remove the motion, consider the other items they have before them during that time he will step back and get them an answer and they can bring it back up. Butler stated no one has made a motion. Butler asked would anyone like to defer this to the end of new business. Burks made a motion to defer to the end of new business. Qualls Seconded. Vote taken. All were in favor. Butler came back to this item. Collins stated the requirement, members of the Board is, for any sidewalk that is less than 60 inches wide there must be a landing or passing area, 48 inches would be in compliance given the distance away from the street that we have now. The one caveat to that is for sidewalks that are less than 60 inches wide you must have a landing or passing area for every 200 feet. So that if someone is walking down the sidewalk or in a wheelchair they can move over and have someone else that's on the sidewalk be assessable to that. So as a compromise for the widening the sidewalk, he would suggest that they get with the developer and we have them install landing areas at a minimum areas every 200 feet at a space that would be 5feet by 5feet, so that someone could move to the side have the sidewalk be assessable, that would put them in ADA compliance. Butler asked would that go on the grass median area towards the curb, right? Collins stated yes sir can do that on either side, they could widen on either side of the sidewalk accomplish that they could. Burks stated he wanted to be clear so it would be a total of 5 x 5 area that size not the sidewalk plus a 5 x 5. Collins stated correct to make it work where they want to do it he would suggest do every 200 feet or less, depending on driveways or other such things, and add a foot on either side so there would be space for someone to walk, that would get them in ADA compliance and provide a landing area. Jenkins asked could the driveways themselves be considered that portion. Collins stated driveways can't be considered that portion. Collins stated they could not be considered that portion

because you run into the issue of the slope or degree of a driveway, so the section of the sidewalk that crosses the driveway is a portion of the driveway, the driveway outside of that sidewalk is not of that. Butler stated perhaps they will defer in efforts for the staff to try and find a resolution to come back and satisfy you guys. Burks stated this goes along with what Mr. Chairman said earlier, if someone makes a mistake and says they know it should be this, my bad, will they give them a variance but if they do it this time and the next time it happens again you have set that precedence, you did it for this guy why aren't they doing it for them. Maybe next time it's supposed to be a 5-foot sidewalk and it 3 ½ foot sidewalk, their setting that precedence their giving that variance, instead of saying we're going to hold them to the plan that they submitted to The City and they approved. Burks stated he doesn't necessarily want to keep going down that slippery hill, it can get worse and worse. Power stated he tends to agree with Mr. Burks but one thing if they are going to do these widening places, he wouldn't want a foot added to it he would want the sidewalk taken out and be a 5 x 5, he wouldn't want a 1-foot sliver down the side, doesn't see how that would work. Power stated it's not this gentleman's fault it's the person that built the sidewalks they should have to come back and correct them. Huntley stated they would be willing to saw cut the sidewalks and put in a fresh pour of a 5 x 5 pad per their request. Power stated he would rather them go back and build all the sidewalks 5foot, that's what their plans said. Huntley stated he understands. Power stated if the Board decides to do the other, he would want to not add on 1 foot, doesn't think will be attractive or hold up. Huntley stated they had looked at adding the 1 foot and they believed that was not a good solution so that's why they were asking for the variance. Qualls asked why it wouldn't work. Huntley stated because of the water infiltration along the one foot, they believe would create a problem with the maintenance of the sidewalk over time. Burks stated to be correct would be to rip up the sidewalks and pour a 5-foot sidewalk not just a 1-foot strip that won't hold up very well, doesn't think it's something the City wants to accept. Power stated the developer actually saved 20% on his concrete. Jenkins stated he's under the consumption that they hired a company to come in and install the sidewalks. Huntley stated it wasn't a cost saving calculation that occurred, it was a mistake in the forming of the sidewalk that continued with each house as it went down. Jenkins stated so the guys that was pouring the sidewalks just made a mistake and he left holding the responsibility of the whole thing, at the end of the day they didn't provide the service that he hired them to do. Huntley stated the builder was actually responsible for the sidewalks as they developed. Jenkins stated he's under the opinion that he should be able to hold them for not fulfilling their obligations to him and he's kind of the mind of Commissioner Burks & Mr. Power that they should also probably hold him accountable to the same thing too, not that it's his direct fault, he wasn't out there laying the concrete. He's hoping they can come back and fulfill their obligations and not charge him an arm and leg to do so. Burks stated this was a PUD development so in exchange for these certain items they allowed them to have smaller lots verses a strict zoning so in exchange for this you had to follow these things. He feels like they're not getting what the agreement was so his position would be he thinks they should hold him to it. It's not his fault but his name is on it unfortunately so he's responsible for it. Ander made a motion

to require the 5-foot sidewalks that was on the original approved plans. Power Seconded. Collins stated procedurally on the BOC side, his suggestion would be not leave it as contingent upon the sidewalks, his suggestion would be to deny this request they be installed and one their installed, if that's the privilege of this Board, have this go back for acceptance by the BOC as installed completely and appropriately. Butler asked were they good with that, they were, who was the Second, Power removed his Second. Butler asked if Anderson would remove his motion and restate. Anderson removed his motion. Anderson made a motion to deny the request for the variance. Burks Seconded. Vote was taken. All were in favor.

BONDS AND LETTER OF CREDIT

3. Stable Acres subdivision – irrevocable standby letter of credit to cover the roads, sidewalks, and storm drainage. \$65,000.00. Planning commission set the bond on December 12, 2008. Bond expired January 06, 2019.

Butler read below staff comments.

Staff Comments: Developer has been contacted and is in the process of providing a bond renewal.

Burks made a motion to call the bond if not renewed by January 06, 2019. Slaughter Seconded. Butler stated one thing they had thought about was possibly asking for a 6 month or shorter term to try an incentivize the completion since it was originally set in 2008 and that neighborhood is probably 80% complete at this time, getting close to finishing the lots. Butler asked is that a feasible, is that something that happens. Butler state Burks you made the motion what do you think about that? Burks stated he would be fine with that motion. Burks made a motion for amendment to request a 6-month bond time in order to try to incentivize the developer to make the final completions. Slaughter Seconded the amendment. Butler asked at this point of order does he need a vote on the amendment then the motion as amended or vote on the motion with the amendment. Voting on the motion as amended to set for 6 months. Vote was taken. All were in favor.

4. Stable Acres Subdivision – irrevocable standby letter of credit in the amount of \$12,500.00 to cover lots 16,17,18,19 & 20, including sidewalks, fencing of detention pond, and installation of drainage ditch. Planning commission set the bond on June 09, 2015. Bond expires January 06, 2019.

Butler read below staff comment.

Staff Comments: Developer has been contacted and is in the process of providing a bond renewal.

Power stated so they got to still got to complete sidewalks, fencing and install a drainage ditch. Burks stated that was his thought also. Butler stated yes. Burks made a motion to call the bond if not renewed by January 06, 2019 for a 6-month bond. Blade Seconded. Vote was taken. All were in favor.

Reports for Discussion and Information

- City Planner – Costanzo stated at the January meeting there will be a vote for accepting the new format for the zoning ordinance and subdivision regulations. Also, in their packets contains a calendar dates for 2019, they will see there is a little more spacing in between various submittal dates, they can look at it and if they have any suggestions let her know, we just have to have a new calendar in place since we're almost into 2019. Butler stated do they vote on it in January. Costanzo stated she doesn't know if they

have to vote on it but it's starting pretty soon. Jenkins asked about the Wednesdays do they have to attend. Costanzo stated no it's for staff, used to be on Tuesdays but they moved on Tuesday to accommodate some other departments to attend.

- City Engineer – Not Present
- City Attorney - **Nothing**
- City Manager – **Not Present**

COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS

Slaughter – **Merry Christmas**

Qualls – **Merry Christmas**

Anderson – **Merry Christmas and welcome Mayor Blade**

Powers – **Merry Christmas**

Cali – **Merry Christmas & Happy New Year**

Burks – **Burks stated he would like to encourage everyone that's available to come out when they have the revised zoning ordinances and design review manual up for acceptance, review it if you can and let us know if they see anything they have missed, the more eyes the better. Also Mr. Blade congratulations, he missed our first meeting last week, he apologizes for that, good to have him here and Merry Christmas**

Blade – **Mayor Blade thank you all for your very kind welcome and wish everyone a Merry Christmas.**

Jenkins –

Butler – **Merry Christmas to all and welcome Mayor Blade excited to have him. One question will they post those ordinances their voting on, on the website soon so people could review them, could see them. Do they have that pdf version from Griggs? Costanzo stated she thinks he still needs to send them the revised section on the PUD overlay requirements but yes that should be something they could easily post as links**

ADJOURNMENT

Butler stated he will accept a motion to adjourn. Burks made a motion to adjourned. Butler stated so moved. Adjourned at 7:31p.m.

Chairperson

Secretary