

MUNICIPAL PLANNING COMMISSION MINUTES

December 13, 2022, Meeting at 7 p.m.

Brandon Butler, Chairman
Mike Anderson
Salvatore Cali
David Wagner
Chris McDonald, 2nd Secretary

Lisa Anderson, Mayor
Emilee Senyard, Vice Chair
Hayley Schulist, 1st Secretary
LaRhonda Williams

STAFF PRESENT: Interim City Manager Tom Daugherty, Assistant City Engineer/Recorder Sarah Totty, City Attorney Tim Potter, City Planning Director Micah Sullivan, City Engineer Kevin Blackburn

- Roll Call vote by City Recorder
- Brandon Butler called meeting to order at 7:06 p.m.
- Opening Prayer and Pledge led by Brandon Butler

	Present	Absent
Mayor Anderson	x	_____
Mr. Anderson	x	_____
Mr. Butler	x	_____
Mr. Cali	x	_____
Mr. Wagner	x	_____
Mr. McDonald	x	_____
Mrs. Schulist	x	_____
Ms. Senyard	x	_____
Ms. Williams	_____	x

- Approval of Agenda

Motion: Mr. McDonald

Second: Mrs. Schulist

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	x	_____	_____	_____
Mr. Anderson	x	_____	_____	_____
Mr. Butler	x	_____	_____	_____
Mr. Cali	x	_____	_____	_____
Mr. Wagner	x	_____	_____	_____
Mr. McDonald	x	_____	_____	_____
Mrs. Schulist	x	_____	_____	_____
Ms. Senyard	x	_____	_____	_____
Ms. Williams	ABSENT			

- Citizen Comments:

1. Jeff Pape – 7114 Elrod Road. Discussion on the Bellehaven resubmittal. Mr. Pape believes that there is no reinstatement language in the new code, only in the old code. Applicant started working through the rezoning steps one year ago, which he believes is the correct process with a proper public hearing. He believes this RM-8 is a plan specific zoning with an expired plan. He believes this is not a minor plan change based on the zoning codes. He has emailed the city staff and attorney and asks the PC to defer the application for 30 days so that more information can be given to both the Planning Commission and citizens.

2. Leslie Fischer-Street – 1062 Highway 96 North. She discusses Bellehaven, which has a stream that goes through it and ends up in Veterans Park that she is concerned about. She says Fairview has nothing to currently entertain people who are here, while bringing more people here without adding something to keep them here. She is concerned about the widening of Northwest Highway and taking citizens land for right of way. She has concerns about the citizens on this road and how they will get home during the construction and widening of Northwest Highway. She says it takes a long time to get through traffic currently in Fairview. She is concerned that trees are being cut down, but nothing is being replaced.
3. Julie Fischer – 7276 Northwest Highway. She is concerned about the numbers of houses, cars, noise and light pollution, loss of forest, and negatively impacting the lives of the people of this area. She has concerns that Fairview is changing and she believes trees are being cut down and not being put back up.
4. Greg Cobble – 7104 Elrod Road. His property backs up to the Bellehaven proposal. He heard that 29 Acres of the property will be used for the sewer and didn't hear any questions by the Planning Commission of the handling of this sewer. He asked if Dickson Water authority has the expertise to manage such a system over all these years. He knows that the land is very wet most of the time and that it is currently only used for hay. He questions if Dickson Water Authority has ever managed such a site long term and have there been failures? He wants Planning Commission to ask questions as to what they are building. He is opposed to the high density and doesn't believe it is the right fit for this area. He believes this area has too many homes going into this area. He is not opposed to growth, he just wants to be smart and grow at the right size and pace.

- Approval of Minutes – November 15, 2022, Special Meeting

Motion: Mr. Anderson

Second: Mrs. Schulist

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	x	___	___	___
Mr. Anderson	x	___	___	___
Mr. Butler	x	___	___	___
Mr. Cali	x	___	___	___
Mr. Magner	x	___	___	___
Mr. McDonald	x	___	___	___
Mrs. Schulist	x	___	___	___
Ms. Senyard	x	___	___	___
Ms. Williams	ABSENT			

NEW BUSINESS -

1. PC Resolution **PC-68-22**, Residential Site Plan, Wynwood Park Phase 3, 27 Residential Units on 7.87 Acres, Map: 021, Parcel: 061.06 and Map: 043, Parcel: 032.04. Current Zoning: RS-20 PUD, Property Owner: Boulevard Building Group, LLC.

Mr. Sullivan reads in PC-68-22 Staff Report

Mr. Adam Crunk with Crunk Engineering is present representing the project. Mr. Magner has questions pertaining to Lots 84 and 46 that are shown within the stream buffer. Mr. Crunk states that these lots lend themselves to basement lots and they

have used buffer averaging and maintained state buffer requirements. The detailed lot grading will come at building permit. The 3:1 slopes will be constructable with walls and they will come in as critical lot submittals. There are 4 lots and a site plan will show these lot gradings. Ms. Senyard asks to match the standard lot detail to the lots.

Motion: Mr. Anderson
Second: Mr. McDonald

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	x	___	___	___
Mr. Anderson	x	___	___	___
Mr. Butler	x	___	___	___
Mr. Cali	x	___	___	___
Mr. Magner	x	___	___	___
Mr. McDonald	x	___	___	___
Mrs. Schulist	x	___	___	___
Ms. Senyard	x	___	___	___
Ms. Williams	ABSENT			

2. PC Resolution **PC-69-22**, Non-Residential Site Plan, The Pearl Phase 2, 3.5 Acres, Map: 042, Parcel: 123.08. Current Zoning: CG – Commercial General, Property Owner: Pearl Holding, LLC.

Mr. Sullivan reads in PC-69-22 Staff Report

Ms. Senyard asks if staff has an opinion on a preference of underground or above ground detention. Mr. Blackburn says that staff has no preference as it meets the intent either way. Mr. Magner questions the deficit of the parking and asks if changing the detention to underground will allow more parking. Phase 1 allowed for above ground detention and the applicant is asking to simply move it to the west side of the site. The applicants, Mr. Trent Smith and Mr. Cunningham, state that the parking deficit was spoken about in the first phase and that the parking counts fit the standards laid out in Metro Nashville, City of Spring Hill, and City of Brentwood. He states that the new phase is memory care and that none of the residents will drive. Although there would be visitors, most of the residents would not drive. The City of Fairview has a requirement for nursing homes that the parking meets, but nothing specifically for assisted living. Ms. Senyard asks about provisions for staff and Mr. Cunningham states the parking is adequate for staff.

Motion: Mayor Anderson
Second: Mr. Cali

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	x	___	___	___
Mr. Anderson	x	___	___	___
Mr. Butler	x	___	___	___
Mr. Cali	x	___	___	___
Mr. Magner	x	___	___	___
Mr. McDonald	x	___	___	___
Mrs. Schulist	x	___	___	___
Ms. Senyard	___	x	___	___
Ms. Williams	ABSENT			

3. PC Resolution **PC-70-22**, Site Development Plan, Fairview City Center Phase 1, 12.5 Acres, Map: 042, Parcel: 177.00. Current Zoning: MSMU – Main Street Mixed Use, Property Owner: Fairview Town Center, LLC.

Mr. Sullivan reads in PC-70-22 Staff Report

Mayor Anderson is excited about this project getting started. Mr. Wagner has concerns about the traffic flow within the development. He specifically has concerns with the lane width and the one way traffic around the open space. The applicant, Mr. Eric Olsen of Anderson, Delk, Epps and Associates, states that this open space will be one way traffic and should be very safe. Mr. Wagner asks about the fire truck turning plan and Mr. Olsen says that the fire truck turning plan was submitted with the application.

Motion: Mr. McDonald

Second: Mayor Anderson

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	x	___	___	___
Mr. Anderson	x	___	___	___
Mr. Butler	x	___	___	___
Mr. Cali	x	___	___	___
Mr. Wagner	x	___	___	___
Mr. McDonald	x	___	___	___
Mrs. Schulist	x	___	___	___
Ms. Senyard	x	___	___	___
Ms. Williams	ABSENT			

4. PC Resolution **PC-71-22**, Non-Residential Site Plan, Elevate Gymnastics and Cheer, 1.487 Acres, Map: 042G A, Parcel: 004.00. Current Zoning: CG – Commercial General, Property Owner: Marilyn H Holder Trust.

Mr. Sullivan reads in PC-71-22 Staff Report

Mr. Anderson asks why there are no sidewalks proposed for SR100. Mr. Lukens of Lukens Engineering, the applicant, says that there are no sidewalk connections nearby and that TDOT will likely come through and improve the road. Mr. Anderson thinks that sidewalks consist of more than sidewalks, including curb and gutter, trees and stormwater. He states that sidewalks to nowhere become sidewalks to somewhere eventually. Ms. Senyard asks about the remaining staff comments and if staff is comfortable with the outstanding comments. Staff states that most of the comments are minor and are mostly clean up items. Ms. Senyard asks if the front area is a fire lane and if it is counted as parking. The applicant states that this area is an unloading area and drivers will not leave the vehicle. Mr. McDonald asks if there has been any communication with TDOT regarding this section of SR100 and if this would have to be torn up when a future road improvement would come through. Mr. Blackburn states that the sidewalk would likely be rebuilt if TDOT came through and made improvements. Wagner asks about the recent application Dotherow Dental and if they provided sidewalk along SR100. Mr. Blackburn states that the sidewalk is existing on SR100 for the dental office. Ms. Senyard asks about

the in lieu of fee cost and Mr. Sullivan states that it is 75% of the cost to build for the in lieu fee. Mr. Anderson thinks the calculation is incorrect because the cost doesn't include the curbs, drainage, and land. He thinks that this facility would bring quality people into Fairview but doesn't agree with the lack of sidewalks. Mr. Magner asks about a screen wall for rooftop units and the applicant's architect replies that the rooftop units have not been sized and he will ensure they are screened properly. Mayor Anderson makes a motion to approve, and the vote is a tie so the motion doesn't pass.

Motion: Mayor Anderson

Second: Mr. McDonald

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	x	—	—	—
Mr. Anderson	—	x	—	—
Mr. Butler	x	—	—	—
Mr. Cali	—	x	—	—
Mr. Magner	—	x	—	—
Mr. McDonald	x	—	—	—
Mrs. Schulist	x	—	—	—
Ms. Senyard	—	x	—	—
Ms. Williams	ABSENT			

5. PC Resolution **PC-72-22**, Master Development Plan, Bellehaven Planned Unit Development Reinstatement, 251.16 Acres, Map: 021, Parcel: 21.01. Current Zoning: RM-8 PUD, Property Owner: WUSF 4 Bellehaven, LLC and Walton Tennessee, LLC et al.

Sullivan reads in PC-72-22 Staff Report

Mr. Magner asked about soils for the STEP system proposed for the development and Mark Lee of SEC Engineering came up to speak about STEP systems and how they work. He states that the effluent is clean with no odor and that TDEC put forth a document stating that the use of such systems is consistent with good land use planning, reduces I&I, and reduces violations of NPDES permits. Mr. Anderson questions Michael Rodgers of Dickson Water Authority if such systems have ever failed and what do they do when they do fail. Mr. Rodgers states that the STEP system design is completed by the developer and that the Water Authority of Dickson County requires 40% reserve area so that adequate space is available if the system were to have a problem, they could extend the drip area and fix the system. Mr. Cali asks about the stormwater ordinance and when it was adopted because the staff report states the application was submitted prior to its adoption. Mr. Blackburn replies that it went into effect on March 24 of 2022, but that the application was submitted to staff for review prior to the effective date. Mr. Magner asks how this relates to the recently adopted 2040 comprehensive plan and where this PUD falls in the medium density area. Jay Easter, the representative of the project from Ragan Smith, states that under the comprehensive plan, a Planned Unit Development in this district could have a density of 4 Units/Acre and the plan shown is at 2.4 Units/Acre. Magner asks the applicant if this project is accounting for the Northwest Highway widening in the right of way shown. The applicant states that it

does account for additional right of way area. Mr. Cali states that this development feels very dense and there is a lot of homes going in this area. Mr. Easter states that the approved recorded plan has expired, but that the zoning does not. Mr. Easter states that he has a letter of zoning verification and the steps forward for the application that he received from staff. Mr. Potter, the City Attorney, states that the zoning is RM-8 PUD and that a zoning cannot be changed without an act of a legislative body. He states the Zoning Ordinance does not state explicitly when zoning expires. The final site master development plan was approved in 2016 following the introduction of vesting rights in Tennessee Code Annotated (TCA) passed in 2014. He states the developer's agreement for the cost assigned to the Northwest Highway project will need to go to the Board of Commissioners (BOC) because the Planning Commission is not the funding body. Mr. Potter doesn't believe they have to start from scratch. Ms. Senyard asks what the minimum lot square footage was in the initial application and if townhomes were approved in that plan. Mr. Easter says the townhomes were in the initial plan. McDonald asks if changing from a gravity system to a STEP system constitutes a major change, but Mr. Blackburn states that the 2016 plan showed a STEP system. Mrs. Schulist asks if there is a history of reinstatement. Mr. Potter states that language regarding reinstatement was in the Zoning Ordinance prior to 2019, but it was not located in the current ordinance. Mr. McDonald asks what options the Commission has legally. Mr. Potter states arguably the developer has certain rights. Mr. Butler has concerns that the design seems to need a major change master development plan application and that single family doesn't seem to be allowed in an RM-8 district based on Article 10-207. Mr. Sullivan states that Zoning Ordinance from 2001 which granted this application allows single family as permitted within RM-8. The applicant's attorney, Sean Henry, states that this is a quasi-judicial decision as this has been zoned RM-8 PUD and has been on the zoning map since 2006. He states that the Planning Commission must weigh decisions based off what has been stated and that the applicant is providing more roadway work, open space, and less lots than what was originally approved. Mr. Wagner moves onto questioning how the development application will affect natural features. Mr. Easter states that a Hydrologic Determination (HD) was completed for the site and that the streams, wetlands, and water features are delineated and buffered on the site according to requirements. Mayor Anderson asks how this application is considered a minor plan change and Mr. Sullivan responds by reading the Zoning Ordinance pertaining to major and minor modifications. Ms. Senyard asks for Mr. Sullivan to read the minor change requirements and believes this doesn't apply and constitutes a major plan change based on roadway alignments and layout. Mr. Easter states that City Staff requested that the connection to Highway 96 be removed and Mayor Anderson asks why this was requested. Mayor Anderson is concerned that this application doesn't need to follow the stormwater ordinance. Mr. McDonald states that the Planning Commission needs more information and time to understand the full history of the project and votes to defer the project to the January Planning Commission agenda. The motion to defer passes.

Motion: Mr. McDonald
Second: Mr. Anderson

Deferral of PC-72-22

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	x	___	___	___
Mr. Anderson	x	___	___	___
Mr. Butler	x	___	___	___
Mr. Cali	x	___	___	___
Mr. Magner	x	___	___	___
Mr. McDonald	x	___	___	___
Mrs. Schulist	x	___	___	___
Ms. Senyard	x	___	___	___
Ms. Williams	ABSENT			

6. PC Resolution **PC-73-22**, Final Plat, Belvoir Subdivision Phase 1A, 16.95 Acres, Map: 021, Parcels: 62.00 and 63.00. Current Zoning: RS-40, Property Owner: Northwest Cove, LLC.

Sullivan reads in PC-73-22 Staff Report

Motion: Mayor Anderson
Second: Cali

	YES	NO	ABSTAIN	RECUSE
Mayor Anderson	x	___	___	___
Mr. Anderson	x	___	___	___
Mr. Butler	x	___	___	___
Mr. Cali	x	___	___	___
Mr. Magner	x	___	___	___
Mr. McDonald	x	___	___	___
Mrs. Schulist	x	___	___	___
Ms. Senyard	x	___	___	___
Ms. Williams	ABSENT			

BONDS AND LETTERS OF CREDIT

REPORTS FOR DISCUSSION AND INFORMATION

COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS

ADJOURNMENT – Motion to adjourn by McDonald, at 9:08 p.m.


Sarah Totty