



**City of Millersville Planning Commission
Regular Meeting Agenda - **Amended**
Tuesday, February 12, 2019 5:00 pm
Commission Chambers**

- 1) Call to Order
- 2) Invocation & Pledge of Allegiance
- 3) Roll Call
- 4) Introduce New Planning Commission Member – Ms. Alisa Huling
- 5) Disclosure of Ex-parte Communications
- 6) Approve the Minutes of the Planning Commission Meeting(s):
 - a) November 13, 2018
- 7) Public Comments (Limited to 3 minutes per speaker for items on this agenda)
- 8) Annual Nominations and Elections of Planning Commission Officers
 - a) Chairman
 - b) Vice Chairman
 - c) Secretary
- 9) Action Item(s):
 - a) Accept the 2018 Annual Planning Commission Member & Staff Training Reports
 - b) Subdivision Replat 7625 Darby Road (J.A. Darby Subdivision SC Plat Bk 13 Pg 54)
 - c) Subdivision Plat 7639 S. Swift Rd (RC Map 126 Parcel 059.00)
 - d) Commercial Site Plan 1820 US Hwy 31W – Revised
 - e) Chapter 90 Zoning Amendment – **Transmission and Communications Towers and Stations**
 - f) **Development Agreement – Bethel Farms Subdivision**
- 10) Non-action Item(s):
 - a) **Discuss existing Sign Ordinance & Violations**
- 11) Development Services Department Report
 - a) Board of Zoning Appeals Meeting Summary - None

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Recorder at 615-859-0880 at least 72 hours prior to the meeting.

b) Planning & Zoning Activities

- 12) Commissioners Comments & General Discussion
- 13) Public Comments (Limited to 3 minutes per speaker for items not on this agenda)
- 14) Next Planning Commission Meeting is scheduled for March 12, 2019
- 15) Adjournment



**City of Millersville Planning Commission
Meeting Minutes
Tuesday, November 13, 2018 5:00 pm
Commission Chambers**

- 1) **Call to Order:** Chairman Fox called the November Meeting of Planning Commission to order at 5 pm.
- 2) **Invocation:** Lead by Secretary Gregory
- 3) **Pledge of Allegiance:** Lead by Chairman Fox
- 4) **Roll Call:** Secretary Gregory called the roll of Commission; a quorum was present and included the following:

Commission Present:

Mr. Frank Fox
Mr. Larry Petty
Mr. David Gregory
Mr. Lee Smith
Mrs. Deborah Wade

Absent:

Mr. Keith Bell

Staff Present:

Mr. Michael Barr
Mrs. Michelle Bernard

- 5) **Disclosure of Ex-parte Communications:** No comments were made.
- 6) **Approve the Minutes of the Planning Commission Meeting(s):**
 - a) **October 9, 2018:**

Chairman Fox requests the Commission to approve the October 9, 2018 Meeting Minutes. Secretary Gregory made the motion to “approve the October 9, 2018 Meeting Minutes as presented.” Mrs. Wade seconded the motion.
Motion carried by Unanimous Vote.
- 7) **Public Comments (Limited to 3 minutes per speaker for items on this agenda):**

No comments were made.
- 8) **Action Item(s):**

a) Plat Amendment of Lot 65 Deep Wood Glen Section 3 (RC Map 126P Group A Parcel 037.00):

The owner of the subject parcel is requesting to replat Lot 65 of the subject subdivision. This Plat Amendment is proposed to reduce the minimum front setback from 40 ft to 23 ft and the minimum side setback from 20 ft to 7 ft. The original minimum setbacks were established by the Subdivision Plat in 1988 by the developer and approved by Robertson County. The city annexed this subdivision at a later date. The proposed setbacks do not meet the smallest minimum front or side setbacks of any residential zoning district in the city, 25 ft and 12 ft, respectively.

The owner is proposing to amend the platted lot by an allowance for subdivision modifications as identified in the Covenants and Restrictions. However, the Covenants and Restrictions expired on September 20, 2016. The owner is activity seeking to reinstate the expired Covenants and Restrictions, but only for Section III. It appears this reinstatement can be accomplished by the approval of at least 51% majority of the lot owners. Once the C&R's are reinstated, the applicant will need at least 2/3 of the lot owners to approve the Plat Amendment to reduce the Minimum Setbacks.

No recommendations were made. Secretary Gregory made the motion for approval so that the Commissions could discuss. Mrs. Wade seconded the motion. Once the motion was on the table & seconded, the surveyor Mr. Rainey takes the floor. Mr. Rainey speaks to the board regarding the owner in speaking to the neighbors. Also makes mention that the abutting properties to approve of the amendment. Mr. Smith talks to Mr. Rainey about the history on this property. Vice Chairman Petty mentions to Mr. Rainey that he'd prefer to have the neighbors closest to the property to agree.
Motion was denied by Unanimous Vote.

b) Reconsideration of Zoning Designation Assignment for a 26.0 ac portion of RC Map 125 Parcel 177.00 from R-5 to R-4:

The City of Millersville recently annexed the subject territory into its city limits. The subject parcel's owner originally requested a zoning designation of Residential R-5 (10,000 sf lots). And the Planning Commission recommended that zoning designation of R-5 to the City Commission on September 11, 2018. While the City Commission approved the First Reading of the Ordinance to assign the R-5 zoning, there was considerable opposition by some of the neighboring property owners.

At the request of city staff, the owner has agreed to a less dense residential zoning of R-4. The R-4 zoning (20,000 sf lots) is more in line with its existing Robertson County zoning of R-30 (30,000 sf lots). The R-4 zoning designation is complimentary to and transitional with other residential parcels in the vicinity which range in size from as small as 0.23 acres and up.

Mr. Barr is recommending approval by the Planning Commission to recommend approval to the City Commission to redesignate the zoning assignment of a 26.0 ac

portion of Parcel 177.00 to Residential R-4. Vice Chairman Petty made the motion to reconsider the zoning designation assignment for 26.0 ac portion of RC Map 125 Parcel 177.00 from R-5 to R-4. Secretary Gregory seconded the motion.

Motion carried by Unanimous Vote.

c) Rezoning a portion of 7625 Darby Rd (SC Map 118 Parcel 004.00) from R-2 to R-3:

The subject parcel's owner is requesting to rezone this 2.9 ac parcel from Residential R-2 to R-3. This parcel was previously subdivided from a Master Parcel that included 3 separate homes. The adjoining parcels proposed for replatting are currently zoned Residential R-3. The all of the proposed replat's parcels and improvements will conform to the R-3 zoning standards and specifications. There are multiple parcels in this vicinity that are zoned R-3. This proposed rezoning to R-3 is complimentary to other parcels in this area.

Mr. Barr is recommending approval by the Planning Commission to amend the City's Zoning Map designation for this parcel to from Residential R-2 to R-3 by the City Commission. Mrs. Wade made the motion to approve rezoning a portion of 7625 Darby Rd (SC Map 118 Parcel 004.00) from R-2 to R-3. Vice Chairman Petty seconded the motion. **Motion carried by Unanimous Vote.**

9) Development Services Department Report

a) Planning Commissioner Training – November 26, 2018 5:00 pm

b) Board of Zoning Appeals Meeting Summary: None.

c) Planning & Zoning Activities:

Mr. Barr stated that the City has several projects in play at the moment and moving forward. The City's Electronic Zoning Map is almost complete and once done will be uploaded to the City's website. Mr. Barr also stated that the sidewalk project is moving forward. Lastly Mr. Barr stated that the Old Shiloh bridge drawing is complete and the bridge is to be completed by the summer of 2020.

10) Commissioners Comments & General Discussion:

Chairman Fox asks Mr. Rainey regarding developing Long Drive. Mr. Rainey stated that he does not want to sell or give the property to Millersville. Mr. Rainey did state that he has 200 acres and that White House Utility District has already installed a 6 inch water line.

11) Public Comments (Limited to 3 minutes per speaker for only items not on this agenda):

Mr. Hunter Nash, son of the owner for residence 201 Glenwood comes in at the end of the meeting to speak with the Commission. The Commissioners had to inform Mr. Nash that they had already voted on this and it was denied.

12) Next Planning Commission Meeting is scheduled for January 15, 2019

13) Adjournment:

Vice Chairman Petty made the motion to adjourn, seconded by Mrs. Wade.

Motion carried by Unanimous Vote.

Meeting adjourned at 6:30 pm.

Chairman Frank Fox

Secretary David Gregory

Recording Secretary Michelle Bernard

Approval Date



January 1, 2018

Mayor Timothy Lassiter
City of Millersville

Re: Planning Commission & Board of Zoning Appeals (BZA) Member Training

Dear Mayor Lassiter,

Per the Tennessee Statutes, I am providing this record of training certifications for certain members of the City of Millersville Planning Commission and Board of Zoning Appeals obtained in 2018. The Training Session Agenda is attached. The following members have met the minimum state training and continuing education requirements per T.C.A. § 13-4-101(c) & § 13-7-205(c) for 2018:

- | | |
|-----------------------|--|
| • Mr. Frank Fox | Planning Commission Chairman |
| • Mr. Larry Petty | Planning Commission Vice Chairman & BZA Vice Chairman |
| • Mr. David Gregory | Planning Commission Secretary & City Commissioner |
| • Mr. Keith Bell | Planning Commissioner & City Commissioner – Vice Mayor |
| • Mr. Lee Smith | Planning Commissioner |
| • Mrs. Deborah Wade | Planning Commissioner |
| | |
| • Mrs. Bonnie Coleman | BZA Chairwoman & City Commissioner |
| • Mrs. Helen Nash | BZA Member |

Additionally, the following City Commissioners attended this training:

- Mr. Tim Lassiter City Commissioner & Mayor

The following Member was not did not attend this training:

- Mr. Gary Bolton BZA Member

This record will be maintained by the Secretaries of each respective Board as required by the Statute. Let me know if you have any questions.

Michael Barr
Development Services Director
development@cityofmillersville.com

Cc: Planning Commission Secretary
Board of Zoning Appeals Secretary

Sumner County presents the Annual Planning Commissions & Board of Zoning Appeals Members Training Session 2018

November 26, 2018

Training Agenda

Vested Property Rights Act of 2014	Mr. George Dean, Esq.
TDOT Community Transportation Planning	Mr. Jonathan Russell
Cumberland River Compact	Dr. Gwen Griffith, DVM, MS
Sumner County Resilience Project & Streamside Salamander Updates	
Sumner County Socially Vulnerable Populations	Janelle Wommer



January 1, 2018

Mayor Timothy Lassiter
City of Millersville

Re: Development Services Director Training

Mayor Lassiter,

Per the Tennessee Statutes, I am providing this record of training certifications I obtained in 2017. The following meets the minimum state training and continuing education requirements per T.C.A. § 13-4-101(c) & § 13-7-205(c) for 2018:

- | | |
|--|-----------------|
| • MPO Transportation Safety Performance | 2.0 hrs |
| Nashville, TN MPO | 02/24/2018 |
| • TDOT FHWA Grants Management - Financial | 16.0 hrs |
| Nashville, TN TDOT | 03/06-07/2018 |
| • TN AFPM FEMA Floodplains & Elevation Certificates | 4.0 Hrs |
| Lebanon, TN TN Assoc. of Floodplain Managers | 05/15/2018 |
| • TN Stormwater System Improvements | 2.0 hrs |
| Goodlettsville, TN TN Stormwater Assoc. | 06/11/2018 |
| • TN Planners Annual Conference – Various Topics | 16.0 hrs |
| Kingsport, TN TN American Planners Assoc. | 09/26-28/2018 |
| • Annual Planning Commission Training | 4.0 hrs |
| Gallatin, TN Sumner County Assoc. of Planners | 11/26/2018 |

This record will be maintained by the Secretaries of each respective Board as required by the Statutes.

Please let me know if you have any questions.

Michael Barr
Development Services Director
development@cityofmillersville.com

Cc: Planning Commission Secretary
Board of Zoning Appeals Secretary



City of Millersville Development Services

Planning Commission Item #9b

Summary & Recommendation

Date: February 12, 2019

Reviewer: Michael Barr, Development Services Director

Subject: Minor Subdivision Replat of a portion of J.A. Darby Subdivision 7625 Darby Rd (SC Plat Bk 13 Pg 54)

Background: The Applicant is requesting to replat three adjoining parcels on Darby Rd. This Replat is proposing to divide three parcels into four lots. All lots will have direct connection with Darby Road as well as a utility and shared access easement for the existing driveway and utilities. A portion of the overall proposed replat area is being rezoned to R-3 to match the other portion that allow for the resulting parcels to conform to the minimum R-3 zoning requirements. The rezoning is expected to be completed with the Ordinance's Second Reading and Public Hearing on February 19, 2019. The proposed replatted lots do not appear to be incongruent with other lots and parcels in the vicinity.

Attachments: Proposed Resubdivision of Lots 1, 2 & 3 of the J.A. Darby Property Subdivision
J.A. Darby Property Subdivision Plat
Vicinity Map

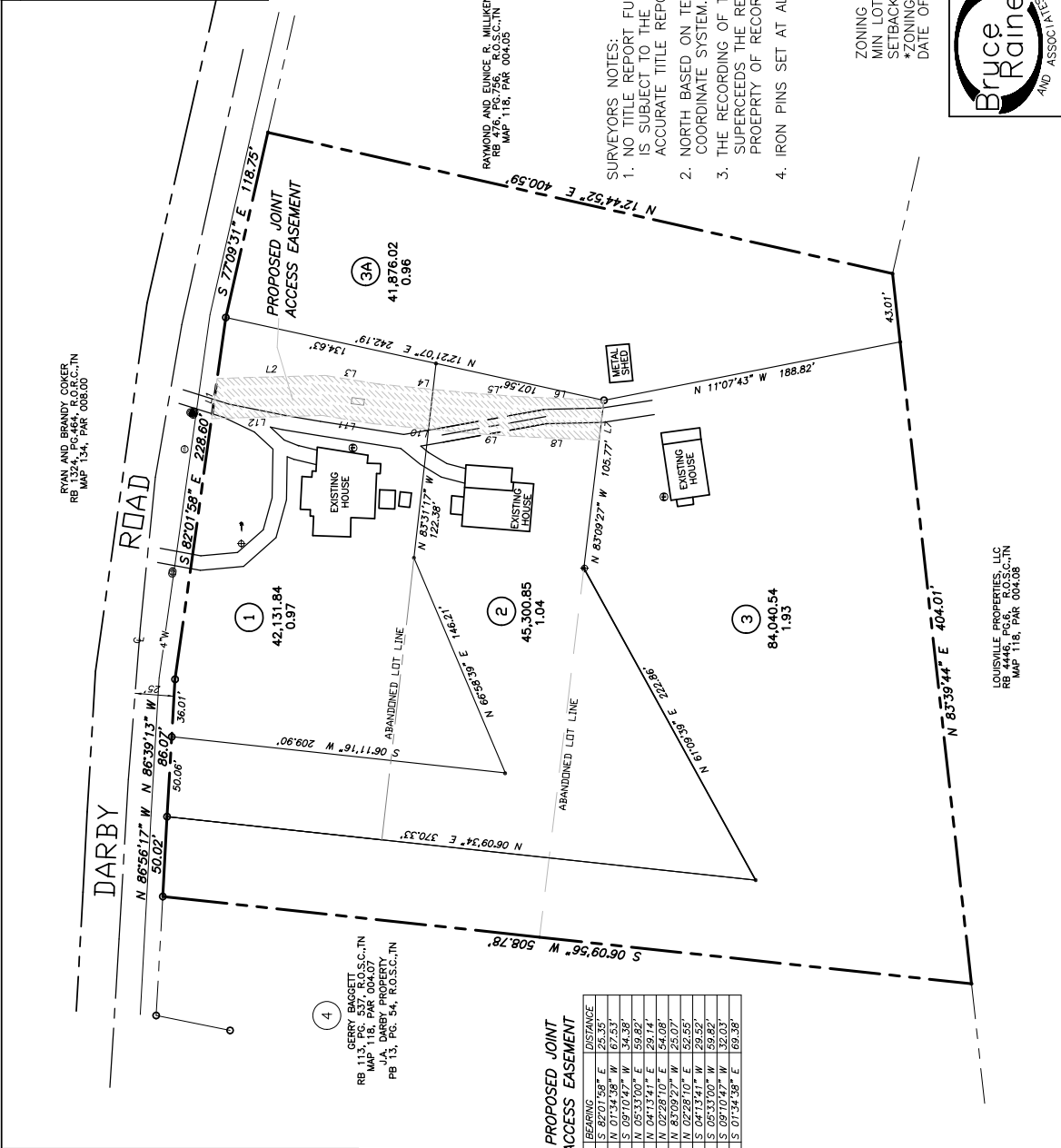
Public Notice Sign Posted: n/a

Recommendation: "Conditional" approval of the Subdivision Plat per the attached plat drawing pending approval of the Rezoning Ordinance by the City Commission.

Conditions, if any: As above.



LEGEND	
	POWER POLE W/ GUY ANCHOR
	MAN HOLE GRINDER PUMP
	SEWER VALVE
	SANITARY SEWER LINE
	FIRE HYDRANT
	WATER LINE & METER
	GAS LINE
	BUFFERYARD
	EASEMENT LINE
	BOUNDARY LINE
	LOT LINE
	IRON PIN SET
	IRON PIN (OLD)



PROPOSED JOINT ACCESS EASEMENT

LINE	BEARING	DISTANCE
L1	S 82°01'58\"	25.35'
L2	N 01°34'58\"	67.53'
L3	S 09°10'42\"	34.38'
L4	N 05°33'05\"	59.92'
L5	N 02°28'10\"	54.08'
L6	N 82°09'27\"	25.07'
L7	S 04°13'41\"	29.52'
L8	S 05°33'05\"	59.92'
L9	S 01°34'58\"	67.53'
L10	S 01°34'58\"	67.53'
L11	S 01°34'58\"	67.53'
L12	S 01°34'58\"	67.53'

APPROVAL OF WATER SYSTEMS

I hereby certify (1) that the following utility systems outlined or indicated on the final subdivision plat entitled: **RESUB. OF LOT 1-3 OF J.A. DARBY PROP.** have been installed in accordance with current local and/or state government requirements, or (2) A survey and plan have been posted with the White House Utility District to assure completion of all required utility improvements in case of default.

WATER SYSTEM: _____ Date _____ Authorized Signature _____

APPROVAL OF SEWER SYSTEMS

I hereby certify (1) that the following utility systems outlined or indicated on the final subdivision plat entitled: **RESUB. OF LOT 1-3 OF J.A. DARBY PROP.** have been installed in accordance with current local and/or state government requirements, or (2) A survey and plan have been posted with the City of Millersville, Tennessee to assure completion of all required utility improvements in case of default.

SEWER SYSTEM: _____ Date _____ Authorized Signature _____

CERTIFICATE OF OWNERSHIP & DEDICATION

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described herein as **RESUB. OF LOT 1-3 OF J.A. DARBY PROP.** and that I (we) have adopted this plan of subdivision with my (our) free consent, establish the minimum building restriction line, and that offers to dedicate to the public use of the City of Millersville, Tennessee, all easements and other facilities have been filed as required by these regulations.

DATE: _____ OWNER: _____

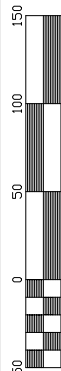
TITLE: _____

APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown herein has been found to comply with the applicable subdivision regulations, and that I have been duly qualified as a surveyor in the office of the County Register.

DATE: _____ Secretary, Planning Commission _____

FINAL SUBDIVISION PLAT FOR: RESUBDIVISION OF LOT 1, 2 and 3 of J.A. DARBY PROPERTY



CERTIFICATE OF ACCURACY

I hereby certify that the subdivision plat shown herein is correct and that all information shown herein has been set out in accordance with the applicable subdivision regulations, and that I have been duly qualified as a surveyor in the office of the County Register.

DATE: _____ REGISTERED SURVEYOR _____

OWNER LOT 7:

NAME: SANDRA H. BLACKMORE
ADDRESS: 170 McMURTRY ROAD
GOODLETTSVILLE, TN. 37072
TELEPHONE: 615-426-2120

COUNTY: SUMNER CIVIL DISTRICT: 6TH
MAP NO.: 118 PARCEL: 4.00, 4.01, 4.06
RECORD BOOK: 3606 PAGE: 376
TOTAL ACRES: 4.85 ZONING: R-3
NO. OF LOTS: 4 MIN. LOT SIZE: 40,000
VARIANCE REQUIRED: NONE
FEMA PANEL NO.: 47165C0262G ZONE: X
PROPERTY WITHIN FLOOD ZONE: NO
RESTRICTIVE COVENANTS WANTED? NO
IF YES, DEED BOOK: _____ PAGE: _____
LENGTH OF NEW ROADS (FT): 0 REAR 30 SIDE 20
SETBACKS: FRONT 40



16 MILLER RD. SW.
HERNANDO, TN. 37075
Phone 615-822-0012
Fax 615-824-1487

- SURVEYORS NOTES:
- NO TITLE REPORT FURNISHED, THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE REPORT.
 - NORTH BASED ON TENNESSEE NAD 83 COORDINATE SYSTEM.
 - THE RECORDING OF THIS PLAT VOIDS, VACATES AND SUPERCEDES THE RECORDING OF J.A. DARBY PROPERTY OF RECORD IN PB.13 PG.54, R.O.S.C., TN.
 - IRON PINS SET AT ALL PROPERTY CORNERS.

ZONING R-3
MIN LOT SIZE 40,000 SF
SETBACKS FRONT 40, REAR 30, SIDE 20
*ZONING STANDARDS CURRENT AS OF DATE OF APPROVAL

LOUISVILLE PROPERTIES, LLC
RB 4446, PG.6, R.O.S.C., TN
MAP 118, PAR 004.08

RAYMOND AND EUNICE R. MILLIKEN
RB 476, PG.756, R.O.S.C., TN
MAP 116, PAR 004.05

RYAN AND BRANDY COKER
RB 1324, PG.464, R.O.S.C., TN
MAP 134, PAR 008.00

GERRY BAGGETT
RB 114, PG.115, R.O.S.C., TN
MAP 118, PAR 004.07
J.A. DARBY PROPERTY
PB 13, PG. 54, R.O.S.C., TN

LOAD

FRONT -
2nd/3rd

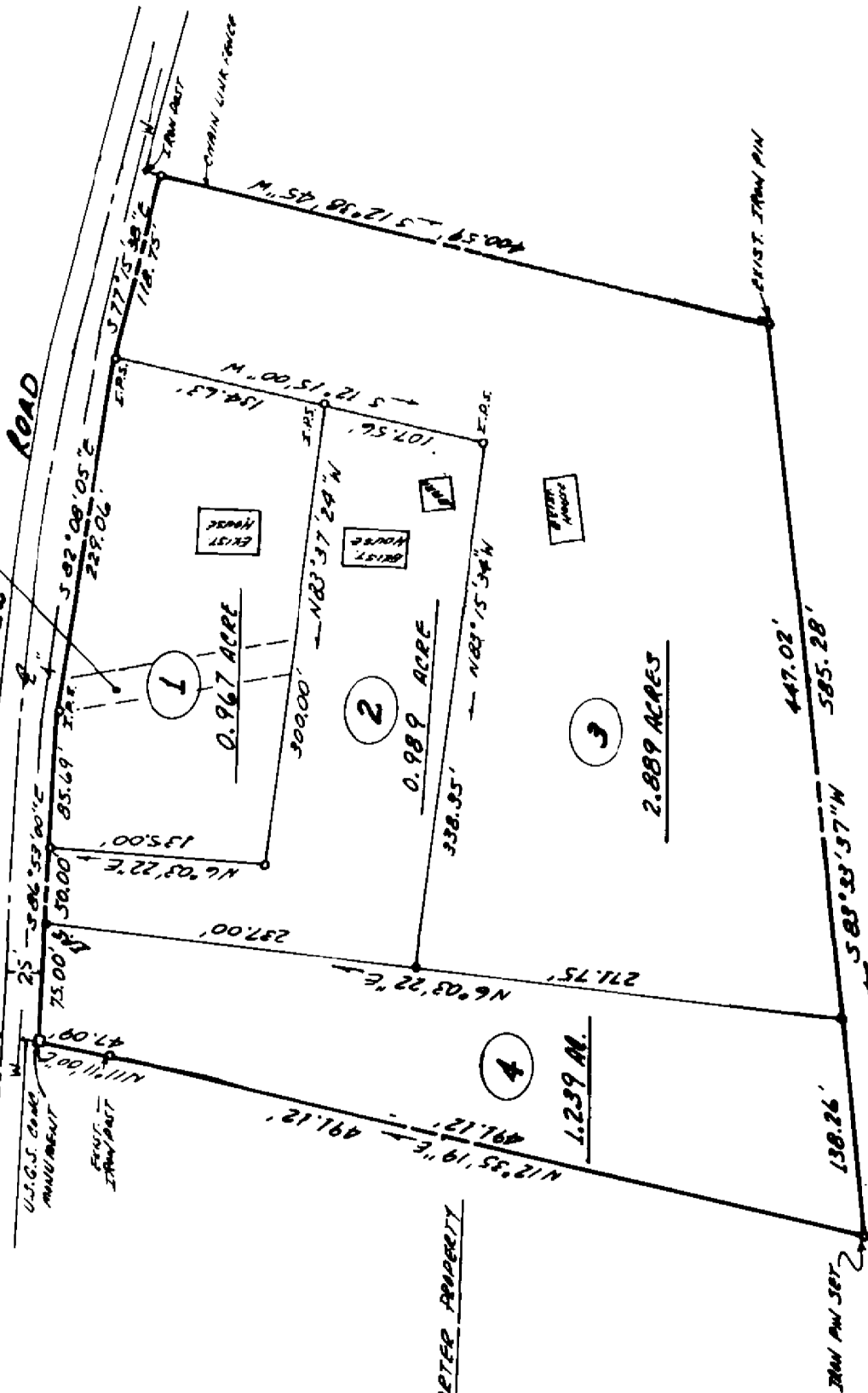
1.239 Al.

②



**Robert
Merrill**

RAYMOND MILLIKEN PROPERTY





DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT WAS CONSTRUCTED FROM PROPERTY INFORMATION RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AND IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP.

A vertical number line with tick marks at 0, 390, and 780. The unit "ft" is written next to the 390 mark.



City of Millersville Development Services

Planning Commission Item #9c

Summary & Recommendation

Date: February 12, 2019

Reviewer: Michael Barr, Development Services Director

Subject: Minor Subdivision Plat of a single parcel known as 7639 South Swift Road (RC Map 126 Parcel 059.00).

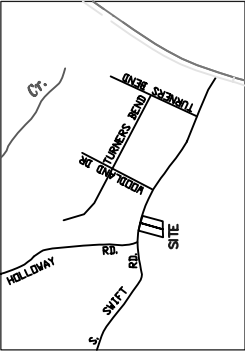
Background: The owner of the subject parcel is requesting to divide the approximately 0.95 acre parcel into two parcels. The parcel currently has single uninhabitable home that is planned for demolition. The parcel is currently in the rezoning process to Residential R-5. The Second Reading and Public Hearing is scheduled for the City Commission on February 19, 2019. The proposed resulting parcels will meet the minimum R-5 zoning standards.

Attachments: Proposed Final Subdivision Plat – Hallum Property South Swift Road Subdivision Vicinity Map

Public Notice Sign Posted: n/a

Recommendation: “Conditional” approval of the Subdivision Plat per the attached plat drawing pending approval of the Rezoning Ordinance by the City Commission.

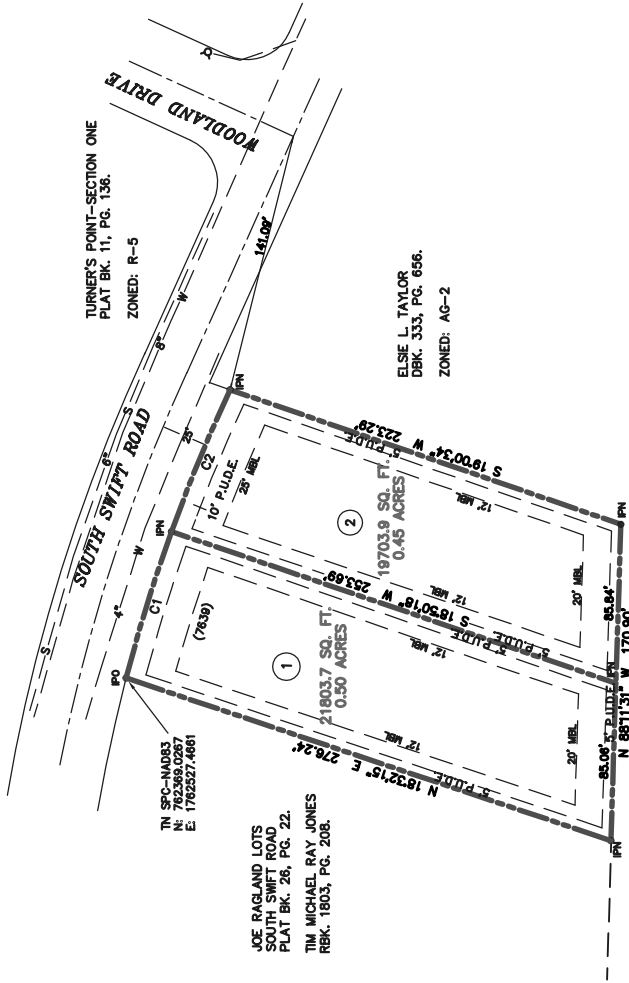
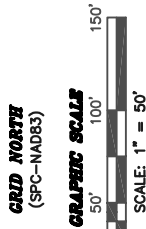
Conditions, if any: As above.



FINAL SUBDIVISION PLAT:
HALLUM PROPERTY
SOUTH SWIFT ROAD

CITY OF MILLERSVILLE, TENNESSEE
11TH CIVIL DISTRICT, ROBERTSON COUNTY, TENNESSEE
DATE: DECEMBER 21, 2018

OWNERS: MIKE AND WENDA HALLUM
904 WEEPING WILLOW ROAD
HENDERSONVILLE, TN 37075



CURVE	BETA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	08-16-41"	900.25	82.94	S 72°41'59" E	82.91
C2	08-16-41"	900.25	82.94	S 67°31'27" E	82.91

CERTIFICATE OF OWNERSHIP & DEDICATION

I (WE) HEREBY CERTIFY THAT I (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AS EVIDENCED IN BOOK NUMBER 1746, PAGE 820, COUNTY REGISTER'S OFFICE, AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MINIMUM BUILDING RESTRICTIONS, AND THAT OFFERS OF UTILITIES, AND OTHER FACILITIES HAVE BEEN FILED.

DATE: _____ OWNER: _____
CERTIFICATE OF ADJACENT
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON IS CORRECT AND THAT ALL MONUMENTATION SHOWN HEREON HAS BEEN SET. FURTHERMORE, I HEREBY CERTIFY THE BOUNDARY LINES SHOWN HEREON ARE BALANCED AND CLOSED WITH A CLOSURE ERROR NOT EXCEEDING ONE TEN THOUSAND (10,000) FEET.
DATE: _____ SIGNATURE: _____
PLS NO: _____

COLE LAND SURVEYING
P.O. BOX 941
WHITE HOUSE, TENNESSEE 37188
PH. (615) 218-7336

NOTES

1. THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE INTO TWO LOTS.
2. PROPERTY SHOWN AS PARCEL 059.00 ON ROBERTSON COUNTY PROPERTY MAP.
3. BEING A PORTION OF PROPERTY CONVEYED IN RECORD BOOK 1746, PAGE 820, REGISTER'S OFFICE, ROBERTSON COUNTY, TENNESSEE.
4. PROPERTY IS ZONED: R-5, HIGH DENSITY RESIDENTIAL.
5. ACCORDING TO F.I.R.M. FLOOD MAP 4714700415C, DATED APRIL 16, 2008 THIS LOT IS NOT LOCATED IN A FLOOD HAZARD ZONE.
6. THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE SEARCH, NO TITLE REPORT FURNISHED.
7. LINES SHOWN HEREON SHALL COMPLY TO THE MINIMUM BUILDING SETBACK STANDARDS OF PRACTICE, THAT THIS IS A CATEGORY 1 SURVEY AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS GREATER THAN OR EQUAL TO 1:10,000.
8. I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS SURVEY WAS DONE IN COMPLIANCE WITH CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE, THAT THIS IS A CATEGORY 1 SURVEY AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS GREATER THAN OR EQUAL TO 1:10,000.
9. THIS LOT IS SUBJECT TO ANY VISIBLE OR UNDERGROUND UTILITIES, SERVICE LINES, NOT SHOWN ON THIS PLAT OR OF RECORD.

CERTIFICATE OF APPROVAL OF WATER SYSTEMS

I HEREBY CERTIFY THAT (1) THE FOLLOWING UTILITY SYSTEM (S) OUTLINED OR INDICATED ON THE FINAL PLAT ENTITLED: HALLUM PROPERTY SOUTH SWIFT ROAD HAVE BEEN INSTALLED IN ACCORDANCE WITH LOCAL AND/OR STATE GOVERNMENT REQUIREMENTS OR (2) THAT A SURETY BOND OR CASH DEPOSIT HAS BEEN FILED TO GUARANTEE SAID INSTALLATION.

DATE: _____ AUTHORIZED SIGNATURE: _____
WHITE HOUSE UTILITY DISTRICT
CERTIFICATE OF APPROVAL OF SEWER SYSTEMS
I HEREBY CERTIFY THAT (1) THE FOLLOWING UTILITY SYSTEM (S) OUTLINED OR INDICATED ON THE FINAL PLAT ENTITLED: HALLUM PROPERTY SOUTH SWIFT ROAD HAVE BEEN INSTALLED IN ACCORDANCE WITH LOCAL AND/OR STATE GOVERNMENT REQUIREMENTS OR (2) THAT A SURETY BOND OR CASH DEPOSIT HAS BEEN FILED TO GUARANTEE SAID INSTALLATION.
DATE: _____ AUTHORIZED SIGNATURE: _____
CITY OF MILLERSVILLE

CERTIFICATE OF RULES VALE FOR SURVEY POSTING

I HEREBY CERTIFY (1) THAT ALL PUBLIC WAYS ON THIS FINAL SUBDIVISION PLAT HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO THE SPECIFICATIONS OF THE SUBDIVISION REGULATIONS OR (2) THAT A PERFORMANCE BOND OR A SURETY BOND HAS BEEN POSTED WITH THE PLANNING COMMISSION TO GUARANTEE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT.

DATE: _____ AUTHORIZED SIGNATURE: _____
CERTIFICATE OF APPROVAL FOR RECORDING
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE MILLERSVILLE SUBDIVISION REGULATIONS, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION, AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY REGISTER.
DATE: _____ SECRETARY, PLANNING COMMISSION

[illegible]

TN Comptroller - OLG
State of Tennessee, Comptroller of the Treasury, Office of Local Government (OLG)
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.



**City of Millersville
Development Services**

Planning Commission Item #9d

Summary & Recommendation

Date: February 12, 2019

Reviewer: Michael Barr, Development Services Director

Subject: Commercial Site Plan for Self Storage Project located at 1820 Hwy 31-W - REVISED

Background: The Applicant is requesting approval of the Commercial Site Plan for an office building and self-storage facility. The front portion of the parcel is zoned Commercial C-1 with the rear zoned for C-4 that allows for “mini warehouses / self-storage.” A Conceptual Site Plan was approved by the City Commission during the Rezoning to C-4. A Variance was recently granted by the Board of Zoning Appeals to minimize the project’s landscape and buffering requirements. The proposed office building’s elevation and fascia materials will meet the City’s standards and will not require review by this Board.

Please note: Ownership of this property was recently transferred and the new owners have proposed minor changes that address the steep slopes under the TVA Transmission Lines.

The proposed Site Plan conforms to the Commercial C-1 & C-4 Zoning Districts’ standards.

Attachments: Proposed Site Plan

Public Notice Sign Posted: n/a

Recommendation: “Conditional” approval of the Site Plan and proposed building fascia materials pending the final review and acceptance of the plans by the City’s Engineer.

Conditions, if any: As above.



City of Millersville Development Services

Planning Commission Item #9e

Summary & Recommendation

Date: February 12, 2019

Reviewer: Michael Barr, Development Services Director

Subject: Amend Chapter 90 Transmission and Communications Towers and Stations

Background: The City was recently contacted by the Sumner County Emergency Management Agency requesting to locate a new communication tower with multiple antennas at a yet to be determined location within our municipal limits. This new antenna system would provide state of the art communications to the County. Additionally, the County proposes to allow the City to co-locate any other City antennas on this tower.

In review of the current Code of Ordinances, there are strict requirements and limitations that would make the County's proposed tower extraordinarily difficult to locate, permit and approve. Other municipalities provide exceptions for "Essential Community" or "Public Safety" facilities including antennas, etc. with minimal standards or restrictions, including locations.

The proposed language addition is taken from Sumner County's Zoning Resolution. Other municipalities have some minimal language for public service related antennas and/or towers while others have none and appear to approve them without review or conditions. The proposed addition requires the City to be a party to the underlying land and to the structure or facility itself. Any approvals must be made by the City Commission.

Attachments: Proposed Sec 90-551 et seq.

Public Notice Sign Posted: n/a

Recommendation: Approval by the Planning Commission to recommend approval by the City Commission to amend Chapter 90 Section 90-551 et seq.

Conditions, if any: None

Chapter 90 - ZONING

ARTICLE III. - DISTRICTS

DIVISION 11. - SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

Subdivision V. - Transmission and Communications Towers and Stations

Sec. 90-551. - Intent of subdivision.

It is the intent of this subdivision to avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, and maintained, while ensuring such towers are compatible with the surrounding land uses. The purpose of this subdivision is also to promote and encourage shared use/collocation of such towers and antenna support structures as a primary option, rather than the construction of single-use towers. The standards of this subdivision exclude amateur and ham radio operators.

Antennas or towers for municipal services located on property owned, leased or otherwise controlled by the city shall be exempt from the requirements of this subdivision, provided a license or lease authorizing such antennas for the governing authority on an approved tower. The antenna and tower and associated authorizing license or lease shall be approved by the board of commissioners.

Sec. 90-552. - Definitions.

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Antennas means any exterior apparatus including poles, panels, rods, reflecting discs or similar devices designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves including, but not limited to, radio waves and microwaves.

Guyed tower means a tower that is supported and secured to the ground by a series of tethered wires. The codes enforcement officer shall secure a list of known communication tower users within the city limits. That list will be updated whenever a communication tower entity is given preliminary approval for site construction.

Height means, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure even if the highest point is an antenna.

Safe tower means a tower that is specifically engineered to collapse in on itself with the debris taking approximately ten percent of the tower height. Monopole towers may be engineered for this feature, but not always. Self-supporting steel lattice towers are synonymous with the industry term, "safe towers."

Tower means any structure that is designated and constructed primarily for the purpose of supporting one or more antennas, including safe towers and guyed towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

Sec. 90-553. - Standards for telephone, telegraph, and communications transmitter stations and towers.

- (a) *Generally.* All transmitter stations, including towers and operating equipment located within the city, shall be allowed in any district, upon site review of the planning commission and shall adhere to the

following standards: Monopole communication tower designs must be in compliance with the industry standard, "Safe Tower," within the city limits. All communication towers, except stealth and camouflage structures, shall be constructed to accommodate a minimum of two providers. Applicants shall explore and exhaust all attempts to locate or co-op its antenna on all existing towers or structures within a 3,000-foot radius of the proposed site. New towers may be permitted if the applicant demonstrates to the planning commission that no existing tower or structure can accommodate the applicant's proposed antenna, because of the following conditions:

- (1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - (3) Existing towers or structures are not of sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna and related equipment.
 - (5) Any claim by the applicant that fees, costs or contractual provisions required sharing an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable.
- (b) *Notification.* All communication tower applicants shall provide notice by certified mail to all users on the list. The following information shall be included in the notice: Description of the proposed tower; general location; longitude and latitude; general rate structure for leasing space, which shall be based on reasonable local charges; proposed height; a phone number to locate the applicant or agent for the communication tower, and a shared use application form. The intent of the notice shall be to invite potential communication tower users to apply for space on the proposed tower. A copy of this notice shall be mailed to the codes enforcement officer.
- (1) Potential communication tower users shall respond to the notice within 20 days of receipt of the certified mailing. A response shall be submitted utilizing the shared application form. A completed shared use application form shall be sent to the owner of the proposed communication tower or authorized agent. The tower applicant shall not be responsible for a lack of response received after the 20-day period.
 - (2) Feasibility of each shared use request received within the proper time limit shall be evaluated by the applicant. The evaluation shall document the feasibility of shared use between the proposed communication tower and a potential lessee or sharer. Factors to be considered when evaluating the feasibility of shared use include, but are not limited to: structural capacity, radio frequency (RF) interference, geographic service area requirements, mechanical or electrical incompatibilities, inability or ability to locate equipment on approved and unbuilt communication towers, cost (if fees and costs for sharing would exceed the cost of the new communication tower amortized over a 25-year period). Federal Communication Commission (FCC) limitations that would preclude shared use, and other applicable code requirements.
 - (3) If the applicant rejects one or more requests for shared use and if potential lessees dispute the rejections for shared use, the following procedure shall occur in ten working days after the shared use response deadline:
 - a. *Submittal.* The applicant shall submit two copies of the following to the code enforcement officer: A brief evaluation of each rejected response; all design data for the proposed communication tower; and an explanation indicating the structural improvements necessary to facilitate the requests that are rejected due to structural limitations paid for by the tower lessee.
 - b. *Consultant.* The planning commission, if desired, shall forward copies of all applications for shared use and the applicant's evaluation of each rejected request to a qualified communications consultant. The consultant shall be selected by and retained at the

discretion of the planning commission and paid by the applicant who is refusing to allow collocation from an interested service provider.

- c. *Evaluation.* Within ten working days of receiving the shared use response that was rejected by the applicant and disputed by the potential tower space lessee, the consultant shall review and prepare an evaluation. Three copies of the consultant's evaluations shall be sent to the planning commission. One of these copies shall be made an official part of the communication tower application, the others shall be forwarded to the applicant and interested provider by the code enforcement officer. The consultant's evaluation shall be considered advisory, and aid the planning commission in its review of the communication tower application.

All towers with a height of 150 feet (from base to top) or more shall be constructed in accordance with Electronic Industries Association (EIA) standard 222E-1996, utilizing a wind rating of 80 miles per hour, plus ice loading for the city. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the state and competent in such design.

- (4) All towers shall have lot sizes and fall zones subject to the following standards:
 - a. A minimum lot size of 10,000 square feet is required for any lots holding a communications tower.
 - b. For "safe" or "self-collapsing" towers the fall zone, taking the shape of a circle, shall be setback from all property and leasehold lines by a distance determined by adding the height of the collapsing portion, plus ten percent of that height, plus an additional five feet.
 - c. For a guyed tower, or standard tower, the fall zone, also taking the shape of a circle, shall be setback from all property and leasehold lines by a distance determined by calculating 125 percent of the height of the tower.
 - d. For property owners that cannot meet these setbacks, legally recorded "fall zone" easements, drafted for the life of the tower, could be secured from adjoining property owner(s) and be presented to the city for deliberation and approval in lieu of meeting these setbacks.
- (c) *Fencing.* The entire site in either fee-simple ownership or leasehold procurement containing such tower and equipment shall be enclosed with a fence no shorter than six feet in height. Access gates will be locked at all times when the site is not occupied.
- (d) *Screening.* Where the tower site abuts, is within, or is contiguous to any zoning district, there shall be provided a continuous, solid screening of such plant materials as will provide a reasonable yearround evergreen screening. Screening, as required in this subsection, shall be not less than four feet in height at the time of planting, and shall be permanently maintained by the leaseholder or owner of the subject property. (See the definition of the term "buffer strip" in article I of this chapter.) In locations where natural timber growth previously exists and suffices to meet these definitions, to the satisfaction on of the enforcing officer, no additional screening is required. If natural timber growth exists, but it is not to the satisfaction of the enforcing officer, additional screening is required to augment the natural growth to meet such definitions.
- (e) *Tower illumination.* Towers shall not be artificially lighted, except as required by the Federal Aviation Administration (FAA).
- (f) *Access and parking.* An access drive is required to the site, and shall be a minimum of 20 feet in width at ingress and egress, being adequate for passage of automobiles and small trucks. The easement shall expand at tower site to a minimum of 25 feet at site allowing for two parking spaces.
- (g) *Noise.* A description of all audible noise-generating equipment, including the times and decibel levels of the noise which will be produced is required with the preliminary plat.

- (h) *Finish.* All equipment, antennas, poles or towers shall have a nonreflective finish and shall be painted or otherwise treated to minimize visual impacts. Antennas which will be viewed primarily against the skyline shall be painted light gray or light blue or other approved color.
- (i) *Public health.* No telecommunication facility shall be located or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC-adopted standard for human exposure, as amended, or any more restrictive standard subsequently adopted or promulgated by the city, county, the state, or the federal government.
 - (1) *Initial compliance with nonionizing electromagnetic radiation (NIER) calculations levels.* Initial compliance with this subsection shall be demonstrated for any facility within 400 feet of residential uses or sensitive receptors such as schools, churches, hospitals, etc., and all broadcast radio and television facilities, regardless of adjacent land uses, through submission, at the time of application the necessary permit or entitlement, of NIER specifying NIER levels in the inhabited area where the levels produced are projected to be highest. If these calculated NIER levels exceed 80 percent of the NIER standard established by this section, the applicant shall hire a qualified electrical engineer licensed by the state to measure NIER levels at such location after the facility is in operation. A report of these measurements and the findings with respect to compliance with the established NIER standard shall be submitted to the planning commission. Such facility shall not commence normal operations until it complies with this standard. Proof of such compliance shall be a certification provided by the engineer who prepared the original report.
 - (2) *Ongoing compliance with NIER levels.* Every telecommunication facility within 400 feet of an inhabited area and all broadcast radio and television facilities shall demonstrate continued compliance with the NIER standard established by this section. Every five years a report listing each transmitter and antenna present at the facility and the effective radiated power radiated shall be submitted to the planning commission. If either the equipment or effective radiated power has changed, calculations specifying NIER levels in the inhabited areas where such levels are projected to be highest shall be prepared. NIER calculations shall also be prepared every time the adopted NIER standard changes. If calculated levels in either of these cases exceed 80 percent of the standard established by this section, the operator of the facility shall hire a qualified electrical engineer licensed by the state to measure the actual NIER levels produced. A report of these calculations, required measurements, if any, and the authors'/engineers' findings with respect to compliance with the current NIER standard shall be submitted to the planning commission within five years of facility approval and every five years thereafter. In the case of a change in the standard, the required report shall be submitted within 90 days of the date such change becomes effective.
 - (3) *Failed compliance.* Failure to supply the required reports or to remain in continued compliance with the NIER standard established by this section shall be grounds for revocation of the use permit or other entitlement. Location of new towers is strongly encouraged on city property. or the public right-of-way. In consideration, the city will give notice to the communications tower entity whether it chooses to take possession of the tower after that entity informs the city that the tower is no longer needed. If the city declines to take possession, the provisions of subsection (k) of this section (abandonment), will apply.
- (j) *Signage.* Towers may not be used to exhibit any signage or other advertising of any sort. No proposed wireless telecommunication site should be designed, located or operated as to interfere with existing or proposed public safety communications.
- (k) *High voltage.* If high voltage is necessary for the operation of the communication tower and it is present in a ground grid or in the tower, warning signs shall be permanently attached to the exterior side of the perimeter fence and located every 20 feet. The signs shall display in bold letters at least eight inches high the following: "HIGH VOLTAGE—DANGER."

- (l) *Abandonment.* Any antenna or tower not operated for a continuous period of three months shall be considered abandoned, and the owner of such antenna or tower shall remove the tower or antenna within 90 days of receipt of notice from the building inspector. Prior to the issuance of a building permit or site plan approval, whichever occurs first, the property owners or tower operators shall submit all executed removal agreement to ensure compliance with this subsection. The removal agreement shall be in a form acceptable to the city attorney.
 - (1) *Surety for removal.* Prior to the issuance of a building permit, surety shall be submitted by the property owner or tower operator to ensure the removal of abandoned communication towers. The form of surety shall be subject to approval by the planning commission and city attorney. The required surety shall be irrevocable, unless released by the board of zoning appeals. The surety shall be utilized to cover the cost of removal and disposal of abandoned towers and shall consist of the following:
 - a. Submittal of an estimate from a certified structural engineer indicating the cost to remove and dispose of the tower;
 - b. A surety equivalent to 50 percent of the estimated cost to remove and dispose of the tower;
 - c. An agreement to pool multiple sureties of the tower owner or property owner required by this section to allow pooled surety to be used to remove abandoned towers; and
 - d. An agreement by the tower owner or property owner to replenish surety pool upon utilization of surety by the city.
 - (2) *Alternative to surety for removal.* The planning commission, subject to the review of the city attorney, may accept documentation from a tower owner that adequate resources or irrevocable contractual obligations are available to remove obsolete or abandoned communication towers.
- (m) *Retention of consultant.* The planning commission may utilize an outside consultant at the applicant's sole expense to review the application and make independent determinations and recommendations on issues including, but not limited to, the following:
 - (1) Compliance with radio frequency emission standards;
 - (2) Review of the written evidence, as outlined in subsections (a)(1), (a)(2), (a)(3), (a)(4), and (a)(5) of this section, substantiating that collocation is not feasible;
 - (3) The identification of alternative solutions when the planning commission believes that the proposed facilities may create a significant impact to the surrounding area; or
 - (4) Review and/or verification of the NIER analysis.

Sec. 90-554. - Application requirements.

An application to develop a transmission and communications tower shall include as minimum the following:

- (1) All plot plan information cited in this chapter, which is deemed applicable by the planning commission.
- (2) All pertinent documentation required from section 90-553 not limited to certified notification for shared use, feasibility evaluations, noise description, and NIER reports.
- (3) A "Determination of No Hazard" from the FAA, as well as all required FCC permit information.
- (4) Documentation that any applicable leasehold is no more than 50 years in duration.
- (5) The names, addresses, and telephone numbers of all owners of other communications/transmission towers or support structures within a one-half mile radius of the proposed new tower site, including city-owned property.

- (6) An affidavit attesting to the fact that the project applicant made diligent, unsuccessful efforts to install or collocate the project applicant's telecommunications facilities on city-owned towers or useable antenna support structures located within a 3,000-foot radius of the proposed tower site.
- (7) If applicable, an affidavit attesting to the fact that no existing communications tower exists within a 3,000-foot radius. If a communications tower exists within the 3,000-foot radius and collocation is not available or appropriate, the applicant must provide an affidavit attesting to those issues. The intent of this affidavit shall illustrate that the project applicant made diligent, but unsuccessful, efforts to install or collocate the project applicant's telecommunications facilities on towers or useable antenna support structures owned by other persons located within a 3,000-foot radius of the proposed tower site. The affidavit shall expound only the pertinent issues, point-by-point, outlined in subsections 90-553(a)(1), (a)(2), (a)(3), (a)(4) and (a)(5).
- (8) Building permits. In addition to the review processes required in this section, a building permit shall be required for all towers, support and accessory structures, and antenna attachments, except as otherwise provided by state or local law.
- (9) An annual site inspection fee of \$500.00, plus all costs incurred by the city for contracting with engineers, technicians and other persons necessary to provide the required inspection, for every communications tower or station shall be assessed by the city. The fee will be due and payable on January 15 of each year. This fee may be waived under the following conditions:
 - a. The owner or manager of the tower provides an inspection report that cites compliance to Millersville Zoning Ordinance, Subdivision V, Transmission and Communication Towers and Stations, no later than the second Friday of each December. Such report shall include the following:
 1. Structural integrity of tower and load-bearing elements;
 2. A written, comprehensive report of all electrical components by a certified professional (such as an inspector from the Tennessee State Electrical Inspector's office) indicating compliance with the most recent electrical codes;
 3. Electromagnetic radiation emissions for antennas and all electrical components (once every five years);
 4. Physical condition of fencing, parking area, access road; and
 5. Adherence to stormwater runoff and drainage parameters of the State of Tennessee and the City of Millersville.

Sec. 90-555. - Amateur radio stations.

- (a) No tower shall be placed within any required front, side, or rear setback area.
- (b) Towers shall be placed behind the rear building line of the principal structure of the lot.
- (c) All towers shall be properly grounded as per the National Electric Code, 810, section C.
- (d) Amateur towers greater than 100 feet in height are subject to the following additional provisions: at no time shall the fall radius of the tower include any habitable structure owned by the amateur. The applicant shall provide documentation of ownership, lease, or permanent easement rights for the entire fall radius of the tower. The tower shall be equipped with guards or other devices to prevent it from being climbed without authorization of the amateur. The applicant shall submit documentation to the enforcing officer for the city sufficient to show that all provisions of this section have been met.
- (e) Amateur towers located at a site other than the principal residence of a licensed ham operator shall meet the requirements for setbacks, fencing, screening, access/parking, as detailed under the

guidelines in this subdivision. However, amateur towers without ground-mounted equipment or buildings need only meet the requirements for access/parking and be designed so that they are not accessible to unauthorized climbing. Temporary towers may be erected for a maximum of 48 hours for special events or emergencies upon approval by the enforcing officer for the city. Because of their intermittent nature, these facilities solely for personal use, such as citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the amateur radio service, or for the incidental use of a collocated commercial activity shall be required to comply with applicable FCC rules for NIER emissions, but they shall be routinely exempt from the submission requirements in this section, unless otherwise required by the planning commission.



City of Millersville Development Services

Planning Commission Item #9f

Summary & Recommendation

Date: February 12, 2019

Reviewer: Michael Barr, Development Services Director

Subject: Bethel Farms Development Agreement

Background: Per the City's Subdivision Regulations, a Development Agreement is to accompany Major Subdivision Plans and Plats in particular for subdivisions that include infrastructure to be dedicated to the City for public use and maintenance in perpetuity.

This agreement details the City's minimum requirements and the developer's obligations including certain financial security for construction performance and following maintenance obligations of the public infrastructure including roads, utilities, stormwater and other structures and facilities.

This Development Agreement applies to the subdivision project known as Bethel Farms located on South Williams Road, north of Bethel Road.

The Construction Plans are nearly complete and are expected to be accepted by the City's Engineer shortly. The project's Preliminary Subdivision Plat was approved by the Planning Commission on March 13, 2018. The Final Subdivision Plat has not been submitted as of this date. This Development Agreement, once approved by the City Commission, executed, and following recording, shall be referenced on the Final Plat before its recording.

A pending Land Disturbance Permit shall be approved before any site work may commence.

Attachments: DRAFT Development Agreement

Public Notice Sign Posted: n/a

Recommendation: Approval by the Planning Commission to recommend approval by the City Commission to execute this Development Agreement for Bethel Farms.

Conditions, if any: None

SUBDIVISION DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT is made and entered into on this _____ day of _____, 20____, by and between THE CITY OF MILLERSVILLE, TENNESSEE, A MUNICIPALITY incorporated under the laws of the State of Tennessee, with its office and principal place of business in SUMNER County, Tennessee (hereinafter called the "CITY"), and the DEVELOPER (hereinafter called the DEVELOPER") named on the Addendum to this Agreement attached hereto and by this reference made a part hereof (hereinafter called the "ADDENDUM").

WITNESSETH:

WHEREAS, the DEVELOPER desires to develop the property described on the ADDENDUM (hereinafter called the "PROJECT"); and

WHEREAS, the plat of the PROJECT has preliminary approval of the Millersville Municipal Planning Commission (hereinafter called the Planning Commission) on the **13th day of March, 2018** pursuant to Tennessee Code Annotated, Section 13-4-301, et seq., and the Subdivision Regulations of Millersville, Tennessee, (the Subdivision Regulations) with any changes or exemptions as identified in the approved minutes of the Planning Commission meeting where the project received its preliminary plat approval; and

WHEREAS, the DEVELOPER is the owner of the PROJECT and has authority to engage in such development and this agreement; and

WHEREAS, the DEVELOPER desires to develop and improve said PROJECT; and

WHEREAS, in order to provide for the health, safety and welfare of future residents of the PROJECT, it will be necessary for certain improvements to the CITY'S utility systems and road infrastructure to be constructed within and to serve the PROJECT; and

WHEREAS, in order for said improvements to be fully integrated with the utility systems and road infrastructure of the CITY and to function in a satisfactory manner, the DEVELOPER has agreed to construct in accordance with the Subdivision Regulations and other rules, regulations and ordinances of the CITY, and any other utility providers and services, all public improvements in said project and extend utilities to the project at his own cost; and

WHEREAS, the CITY is willing to accept the dedication of the streets, utilities and other improvements subject to the applicant's compliance with all requirements in this agreement and applicable existing laws of the City of Millersville and the State of Tennessee.

NOW, THEREFORE, in consideration of the premises and mutual covenants of the parties herein contained, it is agreed and understood as follows:

I. PUBLIC IMPROVEMENTS

A. Storm Drainage

The DEVELOPER shall be responsible for all drainage work, including ditch paving, bank protection, and fencing adjacent to open ditches made necessary by the development of this subdivision.

1. The DEVELOPER shall provide and deliver the formal written opinion, commonly referred to as a Hydrology Study or Stormwater Design, of a licensed professional engineer in Tennessee certifying that he has reviewed the entire water shed wherein the subdivision is located. And that upon full development at the greatest allowable use density under existing zoning of all land within that watershed, the proposed subdivision will not increase, alter or affect the flow of surface waters, nor contribute to same, so as to damage, flood or adversely affect any property. This study is due at the time of submission of the construction drawings to the City. Further, the DEVELOPER agrees to hold harmless and defend the CITY from any claim, cause of action or liability, alleged and/or proven, to have arisen directly or indirectly from alteration to the surface water by

reason of the DEVELOPER's design, construction, installation or the development itself, in whole or part.

2. The DEVELOPER shall submit to the CITY copies of any required permits issued by other government agencies such as, but not limited to Notices of Intent and Aquatic Resource Alteration Permits. Copies of supplemental information such as Storm Water Pollution Prevention Plans (SWPPP) as sanctioned by the State of Tennessee Department of Environment and Conservation that are used to obtain these permits shall also be submitted to the CITY.
3. The DEVELOPER shall provide necessary erosion control measures such as seeding, sodding, silt fence, straw/hay bales, rock check dams, and erosion control matting as required in the published design standards and specifications of the CITY. All freshly excavated and embankment areas not covered with satisfactory vegetation shall be fertilized, mulched and seeded and/or sodded as required by the CITY to prevent erosion. In the event the CITY determines that necessary erosion control is not being provided by the DEVELOPER, the proper governing authority shall officially notify the DEVELOPER of the problem. If the DEVELOPER has not begun to provide satisfactory erosion control within fifteen (15) days after the notice, then the proper governing authority shall make the necessary improvements to eliminate the erosion problems, documenting all expenses incurred performing the work. Prior to releasing any securities covering this subdivision, all expenses incurred by the governing authority shall be paid in full by the DEVELOPER.
4. Any and all unenclosed water courses lying partially or wholly within the bounds of this subdivision shall be constructed to adequate cross section to provide design flow without threat of erosion or flooding of any property within this subdivision, or of any adjoining property.

5. All drainage structures necessitated by the road plans of this development that affect any watercourse lying partially or wholly within this subdivision are to be provided by the DEVELOPER.
6. It is understood and agreed that the CITY in its proprietary function is not and could not be expected to oversee, supervise, and/or direct the construction of all drainage improvements, and the excavation incident thereto. Neither is the CITY vested with the original design responsibility nor the means to formally survey elevations or the locations of improvements at every stage of the construction process. The CITY is vested with the right of periodic inspections, final approval and stop work order as a measure of secondary or subsequent enforcement. Rather, the DEVELOPER now has and shall retain the responsibility to properly anticipate, survey, design and construct the subdivision surface water drainage improvements and give full assurance that same shall not adversely affect the flow of surface water from or upon any property. In providing technical assistance, plan and design review, the CITY does not and shall not relieve or accept any liability from the DEVELOPER.
7. The DEVELOPER shall obtain a land disturbance permit from the CITY prior to ANY grading/excavation activities. Beginning grading/excavation prior to receiving a land disturbance permit is subject to a "stop work order" and monetary fines if warranted.

B. Street Construction

The DEVELOPER, hereby, agrees to construct and improve the streets shown on the Plans to comply with the construction standards of the CITY and to the satisfaction and approval of the CITY by grading, draining, subgrade preparation, base preparation, curb and gutter, sidewalk installation and paving with the required amount of material the full required width. The DEVELOPER further agrees to pay the cost of all engineering, inspection and laboratory costs incidental to the construction

of subdivision streets including but not limited to material and density testing. This testing shall be completed by the DEVELOPER with original signed and sealed reports submitted to the CITY for its review and acceptance. The City shall not certify the dedication of public improvements (Subsection 3-102.201) until the DEVELOPER pays all legitimately incurred expenses of any reviews and inspections of the PROJECT by an approved professional.

1. It is agreed and understood that all grading within the street right-of-way and public easements shall be completed before the utilities are installed.
2. The DEVELOPER further agrees to furnish and install asphalt base and a final asphalt surface course (wearing surface) in accordance with the Subdivision Regulations. The CITY shall not accept dedicated roads until the final wearing surface is placed. The DEVELOPER may request to install final surface only when seventy-five (75) percent of all building activity is complete or otherwise specifically approved by the CITY.
3. The DEVELOPER further agrees to install permanent street signposts, markers, and striping on all roads and at all intersections in said subdivision. The plans and specifications for said street signpost and lettering can be obtained from the CITY. Location of street signs to be installed will be at the direction of the Director of Public Works.
4. The DEVELOPER further agrees to make all necessary adjustments to manholes and valve boxes to meet finished surface grade and to repair subsurface or base material, as required, in areas recommended by CITY, prior to application of final surface. It is further agreed and understood that if it is not necessary to change the existing grade or disturb the pavement of an existing street or road, the DEVELOPER shall only be required to construct drainage, grade and gravel to match the existing pavement and construct

sidewalks and curb and gutter as required. If the existing grade is changed, the DEVELOPER shall be required to grade and gravel the full width of said street.

II. OFF-SITE IMPROVEMENTS (UTILITIES)

The DEVELOPER shall construct any and all off-site facilities that may be required to serve the Project, not including any additions, improvements and upgrades. Unless specifically noted in the approved construction plans and made a part of this agreement, the CITY shall not be required to reimburse the DEVELOPER for construction of any off-site improvements if additional customers should later use the off-site facilities constructed or financed by the DEVELOPER.

III. TRAFFIC CONTROL

All traffic control and safety devices, including signs, lane markings, and barriers necessitated by any and all construction activity undertaken pursuant to this agreement shall be installed and maintained by the DEVELOPER. All traffic control devices shall meet the standards and be installed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.

IV. DESIGN REVIEW

The DEVELOPER acknowledges that all single-family and multi-family dwellings will be built to the specifications of the Residential Design Review Standards, and the Commercial, Industrial, and Multi-family Dwellings Construction Standards respectively.

V. TEMPORARY FACILITIES

The DEVELOPER shall provide all temporary facilities, including but not limited to utilities and roadways, that are determined by the CITY to be required in connection with and/or as a result of interruption of service or access that occurs as a consequence of construction activity associated with the work covered by this

agreement. Such temporary services shall in all regards and at all points in time be adequate to assure emergency access and adequate fire flows.

VI. INSPECTION AND COMPLIANCE

After construction begins, the DEVELOPER shall provide on-site construction inspection by a CITY approved licensed engineer as the CITY deems necessary to ensure that all work is performed and completed in accordance with the Plans, the City's specifications and the contents of this agreement. In the event of a disagreement as to compliance with or interpretation of the Plans and the CITY'S specifications, the decision of the CITY shall be final and binding on the DEVELOPER. If the DEVELOPER fails to construct in accordance with the approved Plans or to comply with the CITY'S specifications, the CITY may issue a stop-work order and DEVELOPER hereby agrees to be bound by such order.

VII. TESTING

The DEVELOPER agrees to pay the cost of all engineering, inspection and laboratory costs incidental to construction of the improvements included within this agreement. Such testing includes, but is not limited to, material and density testing. The CITY shall determine the type, frequency, and location of any such testing.

VIII. SCRAP & DEBRIS REMOVAL

The DEVELOPER agrees that he will haul all cut trees, scrap building materials, debris, rubbish, and other degradable materials to an authorized disposal facility and not bury such materials within the limits of the subdivision. Any burning of natural material shall require a burn permit issued by the CITY.

IX. CONSTRUCTION SCHEDULE

All site work, roads, utilities and other public improvements associated with and to serve the PROJECT and its approved plans shall be constructed and completed no later than two (2) years after execution of this Agreement.

X. ACCEPTANCE (ROADS & UTILITIES)

At such time as the improvements have been constructed and installed, in accordance with the Plans and specifications, required testing has been accomplished and the test results found satisfactory, and all clean-up and cover-up has been completed to the satisfaction of an authorized representative of the CITY a certificate of tentative acceptance of construction shall be requested by the DEVELOPER. Formal acceptance shall follow the procedure established in the Subdivision Regulations. Prior to acceptance of the project by the CITY, the DEVELOPER shall deliver to the CITY a Release of Liens indicating that all subcontractors and material suppliers furnishing labor and/or material for the improvements required under this agreement have been paid in full. The DEVELOPER may move forward with certification for dedication on the utilities, even though the roads may not possess the final wearing surface. As suggested by Section I, B, 2, of this agreement, roads shall not be accepted by the CITY until the final wearing surface is placed.

The DEVELOPER agrees he shall have no claim, direct or implied, in the title or ownership of the improvements specified in this agreement when the approved phases are completed and thereafter accepted by the CITY. The CITY, upon final approval and acceptance, will take full title to the improvements and will provide maintenance thereafter, except that the DEVELOPER will be responsible for construction failures and defects in the subdivision for one (1) year after the date of final acceptance of the subdivision construction. During this period, it shall remain the responsibility of the DEVELOPER to correct and cure these defects and failures.

XI. WARRANTY

The DEVELOPER warrants that all installed facilities are free from defects in design, materials or workmanship for a period of one (1) year from the date of written acceptance by the CITY. Further, the DEVELOPER shall immediately repair, at its own costs, all defects of any type whatsoever which occur within one (1) year from the date the facilities are accepted in writing by the CITY. The CITY shall have the right to make repairs or have others make the repairs at the expense

of the DEVELOPER, if the CITY deems it necessary. The DEVELOPER shall pay for all work, labor, materials and all other expenses of the facilities in a timely manner and this shall include any amounts that exceed the letter-of-credit. If the DEVELOPER does not pay in a timely manner, the DEVELOPER hereby authorizes the CITY to call payable its letter-of-credit, without any formal or further action, and to make the payments that are due for the facilities whether the debts are secured by a valid lien.

The DEVELOPER further agrees to execute a maintenance bond (Letter of Credit) with good security to be approved by the Board of Commissioners and City Attorney in the amount of fifteen (15) percent of the construction cost of the facilities being offered for dedication. Ten (10) months after final acceptance of the facilities included in the offer of dedication, an inspection will be made by the CITY at the expense of the DEVELOPER to determine and list any defects or failures of improvements within the subdivision. All failures or defects, if any, shall be repaired within sixty (60) days after which the bond will be released and cancelled by CITY.

XII. EASEMENTS

The DEVELOPER shall obtain and dedicate to the CITY or cause to be dedicated to the CITY, either by dedication on the plat or by easement deed, in either case in form acceptable to the CITY, permanent easements of such widths as required by the CITY and noted on the Plans. The procedures of the City's Subdivision Regulations shall be followed to garner public acceptance. The DEVELOPER or the Owner further agrees that he will grant the necessary easement and rights-of-way across his properties without expense to the CITY and waive any claim for damages.

XIII. AS-BUILT SURVEY AND POST-COMPLETION ITEMS

The DEVELOPER agrees to furnish to the CITY as-built plans prepared by a surveyor currently licensed by the State of Tennessee on a reproducible, stable

media, of all improvements within the subdivision, the as-built plans shall be reviewed and found by an engineer currently licensed by the State of Tennessee to be in conformance with the approved construction plans and this agreement before the CITY shall accept such improvements.

XIV. FEES

Review fees established by the CITY shall be paid by the DEVELOPER prior to any review of the Plans. No construction or grading of any sort shall be begun prior to approval of such plans.

XV. INDEMNITY

The DEVELOPER shall indemnify and hold the CITY harmless from all loss, costs, expenses, liability, money damages, penalties or claims arising out of any work covered by this agreement, including any attorney fees incurred by the CITY in connection therewith. Inspection of the improvements by an authorized representative of the CITY shall not constitute a waiver by the CITY of any defect, damage, or of any of the DEVELOPER's obligations hereunder.

XVI. REMEDIES

In the event of a default in the performance by either party of its obligation hereunder, the other party, in addition to any and all remedies set forth herein, shall be entitled to all remedies provided by law or in equity, including the remedy of specific performance or injunction.

XVII. BINDING EFFECT

The covenants and agreements herein contained shall bind and endure to the benefit of the parties hereto, their respective heirs, personal representatives, successors and assigns, as appropriate.

XVIII. ATTORNEY'S FEES AND OTHER COSTS

The DEVELOPER shall pay all costs and expenses, including the CITY'S attorneys' fees, of any legal proceedings brought by the CITY against the DEVELOPER seeking remedies for the DEVELOPER's failure to perform any of its obligations hereunder, whether or not any proceedings are prosecuted to judgement.

XIX. ENTIRE AGREEMENT

This document contains the entire agreement between the parties, and there are no collateral understandings or agreements between them, and no variations or alterations of the terms of this agreement shall be binding upon either of the parties, unless the same be reduced to writing and made an amendment to this agreement.

XX. HEADINGS

Paragraph titles and headings contained herein are inserted for convenience only and shall not be deemed a part of the Agreement and in no way shall define, limit, extend or describe the scope or intent of any provision hereof.

XXI. NOTICES

Any notice or other communication required to be given hereunder shall be in writing and delivered personally or sent by United States Certified Mail, return receipt requested addressed to the CITY at City Hall and addressed to the DEVELOPER at the address set forth on the Addendum, or such other address as either party may hereafter give the other.

THE ADDENDUM FOLLOWS:

ADDENDUM

PROJECT DESCRIPTION:

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in multiple originals by persons properly authorized so to do on or as of the day and year first given.

OWNER OR DEVELOPER:

SIGNATURE

SIGNATURE

NAME & TITLE

NAME & TITLE

ADDRESS

ADDRESS

DATE

DATE

CITY OF MILLERSVILLE, TENNESSEE:

DATE APPROVED BY CITY COMMISSION

APPROVED AS TO FORM:

MAYOR

CITY ATTORNEY



Development Services Department Report

January 2019

Please find the following project and activity summaries for your information:

Bethel Ridge Mixed Use – Mixed Density Development – The project is still in Contract due diligence working through details of the residential portions but I'm told there is a hotel developer involved in the commercial portions of the project.

Bethel Farms Subdivision – Construction Plans are very close to being finalized. A Land Disturbance Permit is expected to be issued within a month to begin site work. Updated the City's Subdivision Development Agreement (1995) for this project, to be reviewed and approved with the Final Subdivision Plat.

Quarterhorse Multi-family Development – Conceptual Planning and initial site work (LDP) permitting in process.

Menefee Parcel – this parcel was recently acquired by a local developer and is actively working with staff on preliminary conceptual plans.

Project "WALLY" – Staff is in discussions with a new business to locate in our City. Staff has identified an appropriate parcel (owned by the County) and has begun the acquisition process. Also, exploring Economic Development funds for infrastructure to service the property and tax incentives for the business.

Subdivision Plats – There are a couple of lot splits and replats in process.

Rezoning – There are a few minor rezoning applications in process.

Commercial & Multi-family Site Plans – There are several Site Plans in the application and review process at this time.

Building and Municipal Code Violations – Working with Staff to document, cite and resolve numerous codes Violations throughout the City ranging from unlawful (not permitted) buildings and occupancies to unlicensed businesses, etc.

Building Permits (2007) – Staff is reviewing various aspects of the Building Permit (including residential structural renovations) processes as well as associated fees and drafting updates. Also developing detailed SOP's for uniformity in processing permits from application to Certificates of Occupancy or Use.

Sewer Connections (1988) – Staff finalized the updates to this Chapter to bring the Code into conformity with current standards and practices. Staff is also working with Public Works and the Utilities Clerk to develop standard procedures for new sewer connections for properties as needed through the Building Permitting and site development processes.

Sign Ordinance (1999) – Staff is reviewing this section of the Code as there appear to dozens of signs throughout the City that do not comply with minimum standards.

Stormwater Ordinance (2010) – Staff has developed a more detailed permitting and inspection process for construction site Erosion Prevention & Sediment Control (EPSC) requirements. Also, actively investigating multiple stormwater drainage complaints and system failures.

Road Maintenance Fees and Restricted Weight Limits (2000) – Staff is drafting revised permitting, processes and fees commensurate with use, damage and road conditions.

Downtown Multi-use Path & Sidewalk Project – The City was recently awarded \$835,494 (80/20%) U-TAP Grant for PE-N, PE-D, ROW and Construction. An additional \$1.3 Million (80/20%) TAP Grant application is in process. While the City was shortlisted for \$1 Million (95/5%) Multi-modal Grant, we were not selected by TDOT for funding. The City will restart the PE-N Environmental work shortly, then proceed to project design this summer. **A Resolution from the City Commission to obligate \$208,874 for this project funding is required by TDOT to demonstrate the City's commitment to this project and Grant.**

I-65 Exit 104 Interchange Lighting Project – The recent temporary Federal Government Shutdown caused TDOT to delay the letting of this project for Construction until March 2019. We still expect this project to be completed by summer 2019.

Old Shiloh Bridge Replacement Project – Project Design is complete and is now in the ROW Acquisition phase. Utility providers have been notified and must submit their proposed relocations within 90 days. Construction Letting is scheduled for November 2019 with project completion projected summer 2020.

City Hall Expansion and Renovation – Civil Design by OHM is underway with interior and exterior materials and finishes being reviewed. Temporary relocation plan of City offices and operations being developed. Expected to begin project financing options shortly.

Sumner County EMS Communications Tower – Drafting language (Essential Community and Public Safety Facilities) to allow our city as well as other government agencies to construct infrastructure at certain locations in the City with minimal permitting requirements.

Cartwright Parkway Extension Project – Extensive research of background of this project. City Commission cancelled this project and City Manager(s) notified TDOT at least once. TDOT “suspended” the project indefinitely. TDOT wants to close the project but required City to pay back \$12,189.93 (80% match) of Federal Grant funds expended. TDOT project closed.

Gravity Sewer Rehabilitation Project – Work is now complete. Project costs came in under TDEC SRF Budget. City added additional work with surplus including lining 25+ more manholes. OHM closing out project with TDEC.

Public Works Storage Building – Construction complete and contract paid and closed out. Public Works has moved all equipment & materials from other shed. Police has secured this building and impound lot and utilizing as planned.

Ridge Hill Road Right-of-Way – Staff has forwarded all records to City Attorney as directed.

Bethel Road Utilities and Infrastructure Needs Assessment – This study (focused on water) is complete and being utilized for grant and funding opportunities associated with Economic Development.

Bethel Road Campground – Actively working with owner and Real Estate Agent to create Redevelopment and Lawsuit & Codes Violations Resolution Plan for buyer.

Please call or visit my office if you have any questions or suggestions.


Michael Barr
Development Services Director