

MUNICIPAL PLANNING COMMISSION MINUTES

January 9, 2024, Meeting at 7 PM

Chris McDonald, Chairman
Salvatore Cali
Shonda Schilling

Emilee Senyard, Vice Chairman
Lisa Anderson
Hayley Schulist

Brandon Butler
David Wagner
LaRhonda Williams

Staff present: Tom Daugherty, Rachel Jones, Ethan Greer, Patrick Carter, Curtis Broadbent, Bree Bailey

- **Mr. McDonald called the meeting to order at 7:00 PM**
- **Roll Call by City Recorder**

	PRESENT	ABSENT
Mr. McDonald	X	
Ms. Senyard	X	
Ms. Schulist	X	
Ms. Anderson	X	
Mr. Butler	X	
Mr. Cali	X	
Mr. Wagner	X	
Ms. Williams	X	
Ms. Schilling	X	

- **Prayer & Pledge led by Mr. McDonald**
- **Approval of Agenda**

Motion to approve: Mr. Cali

Second: Mr. Wagner

	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Ms. Senyard	X				
Ms. Schulist	X				
Mr. Butler	X				
Mr. Wagner	X				
Mr. McDonald	X				
Ms. Schilling	X				
MOTION PASSED 9-0					

- **Citizen Comments - None**
- **Approval of Minutes - December 12, 2023, Regular Meeting**
Motion to approve: Ms. Anderson
Second: Mr. Cali

	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Ms. Senyard	X				
Ms. Schulist	X				
Mr. Butler	X				
Mr. McDonald	X				
Mr. Magner	X				
Ms. Schilling	X				
MOTION PASSED 9-0					

- **Old Business - None**

- **New Business**

1. **PC Resolution PC-01-24, Development Plan, Avonlea Subdivision, 32.24 Acres, Map: 043, Parcels: 31.00 and 30.01. Current Zoning: RS-15 POD. Property Owner: Inanna GP.**

Motion to approve: Mr. Magner

Second: Ms. Williams

Staff Report: Read by City Planner, Ethan Greer

Representative: Jim Hysen, Owner and Developer

Discussion: Mr. Greer gave some history on this project and stated the following: Several years ago, an applicant brought this project forward to the city and the city failed to appease and pass this development. The city was subsequently involved in legal proceedings and this development and the preliminary master development plan that you have seen and have been given access to over the last week was an approved document by a judge in this matter and that is the controlling document for this development. Also, in that legal proceeding it was determined that the Fairview Zoning Ordinance as it stood in 2015 was the document that we are to use to determine if this is in substantial compliance with that preliminary master development plan. That brings me to the Zoning Ordinance 8-203.5, the final development plan shall be deemed in substantial compliance with the preliminary development plan provided modifications by the applicant do not involve changes which in aggregate violate any provisions of this article, vary the lot area requirement as submitted on the preliminary plan by more than 10%, involve a reduction of more than 5% of the areas shown on the preliminary development plan as reserved for common open space, increase the floor area proposed in the preliminary development plan for nonresidential use more than 2%, and increase the total ground area covered by buildings by more than 2% or involve any land use not specified on the approved preliminary development plan or the alternative list of uses for nonresidential sites. If there is an instance tonight that the Planning Commission finds that the final plan does not meet the test of substantial compliance set forth in the subsection that I just read 8-203.5 or does not comply with other standards of review it shall disapprove the plan. In the event of disapproval, a written report shall be prepared by the Planning Commission and sent to the applicant. This report shall detail the grounds on which the plan was denied to specifically include ways in which the final plan violated the substantial compliance provisions or other standards of review.

Ms. Williams asked staff about the letter from the WADC that was dated back in 2022 that expired in October 2023. Mr. Greer replied the applicant has not submitted a new letter, but staff has been in communication with the WADC and although the date does reflect 2022 their stance on this matter has not changed in the last two years. Mr. Greer stated they have a condition of approval for water and sewer approval prior to the pre-construction meeting and they will not have water or sewer or decentralized sewer system on this site without the

WADC. Mr. Greer said they have to have that approval prior to the city granting them any steps moving forward. MS. Schulist asked since this was before the newer regulations on required and improved open space, what is the overall percentage of dedicated space to improved open space. Mr. McDonald stated for clarification the 5% can't deviate from the judgment. Mr. Greer replied that is correct they cannot deviate or drop it less than 5% decrease. Mr. Greer stated the total site acreage is 33.297 acres and the total percent of open space is 31.7 acres. Ms. Schulist stated what she was referencing is article 8-29 number 4 part A, a minimum of 5% of the gross area of every residential PUD should be devoted to improved recreational open space. Mr. Hysen stated he did not have the exact calculation. Mr. McDonald stated the plan that came with the judgment shows a playground and park, but the judgment didn't come with any level of clarification on the percentage or the size of the two pieces that were identified as the playground and park so when it comes to one of the requirements for conditions for approval that there can't be any reduction in the amount of open space and improved space not having an idea of what that actual space was it's hard to compare that to the current plan. Mr. McDonald said it's hard to say whether or not you're meeting the requirements because we have no idea what the size was before, the judgment development plan is very vague. Ms. Schulist stated the average lot size has increased a little from the original plan so it's easy to think that the improved open space went away to make room for larger lots. Ms. Schulist also asked where the step system will be located. Mr. Greer replied it will be right next to detention basin number one on the plan that was provided. Mr. Greer stated the open space requirement for this development is 1.612 acres for their 5%, the total lot technically is not 1.6 acres. Mr. Greer stated the alternative options for improved open space are mini parks, tot lots, neighborhood parks, recreational buildings, pedestrian open space system with a minimum width of all portions of the system being 25 feet with a paved surface of 5 feet, and specialized facilities such as the golf course. Mr. McDonald stated this seems like an awfully small piece of property designated for the step system. Mr. Hysen replied there is plenty of room for the plant and stated WADC will determine which type system to go with. Mr. Greer stated again to ensure that this development is in the best position possible he has included those conditions of approval for a TDEC approval prior to a final plat application which at that point they would be looking to go vertical and a WADC approval prior to their pre-construction meeting. Ms. Senyard asked what number was staff looking at to not go less than 5% on in changing because it's not on our old plans at all, open or improved. Mr. Greer stated in his opinion the removal of the tot lot to a more centralized location helps the development flow a little bit better for people who live up towards Cox Pike and looking at that included with the amount of open space that they have in total as a development blended towards the recommendation for approval of substantial compliance. Ms. Senyard stated if the drip fields are deeded to WADC that could substantially alter the open space. Mr. Greer replied that it could substantially alter the entire count of open space, but they would still be well above their requirement of open space. Mr. Carter asked Mr. Hysen if his engineer could get the correct number. Mr. Hysen replied his engineer didn't do the court approved plan but correct he can get the correct number. Mr. Carter stated he didn't want to stop the discussion, but that Mr. Hysen may want to request a deferral until the information requested can be provided. Mr. Hysen replied that's fine, I'm fine with that. Mr. Butler stated for clarity there's two questions, one is the improved open space required 5% and two, did the common open space shrink more than 5% because that would be a substantial compliance trigger. Mr. Butler also stated traditionally on a PUD if you adjoin a parcel with a large zoning reg you would have to increase the size of that or we'll see a common open space like a 20 foot strip between the lots, I feel like this piece used to have it, the old plat has a line it doesn't delineate what that line is but the old zoning regs don't specifically speak to a size but it speaks to provide buffering between new development and surrounding properties and then the new regs go on to add 20 foot or so, but traditionally we would see when there's a PUD with smaller lots like this when it adjoins the R-40 parcels we would usually see an increase in lot size or we would see a buffer that would be owned by the HOA that would create a buffer transition area. Mr. Butler also stated he feels like the old

court plan and the new plan has a 10 foot call out there, but it doesn't call out what the 10 foot is or what the 10 foot 's doing or if it's owned by the HOA or is an open green space. Mr. Greer stated in the plan that is on the screen the northeast open space area does have a line type that is shown that shows a 10 foot area, it does not designate it as a buffer but looking back at the controlling document compared to what is on our screen today those lines are in the exact same location showing a 10 foot area around the entire development. Mr. Hysen requested a deferral to allow him to get some of these answers back to the board.

Motion to defer 30 days: Mr. Cali

Second: Ms. Schulist

	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Ms. Senyard	X				
Ms. Schulist	X				
Mr. Butler	X				
Mr. Magner	X				
Mr. McDonald	X				
Ms. Schilling	X				
MOTION PASSED 9-0					

- **Bonds and Letters of Credit** – Read by Mr. Broadbent
 1. Goodwin Farms Reclamation Bond Release
 2. Goodwin Farms Performance Bond Reduction \$509,183.00
 3. Cedarcrest Townhomes Reclamation Bond \$2,032,294
 4. Cedarcrest Townhomes Performance Bond \$4,410,132.00
- **Reports for Discussion and Information**
 - City Planning Staff – Mr. Greer said the planning dept is working to get IDT fully functional and cleaning up some documents. Plans for February included having a builder, developer, and contractor summit to go over submittals and documents on IDT. The RFQ for a new Zoning Ordinance will go out by the end of the week.
 - City Manager – Mr. Daugherty reminded everyone to vote in the BOC Special Election.
 - City Engineer – Nothing
 - City Attorney – Mr. Carter announced this meeting marked his one year anniversary with the city and he feels like everything is running smoothly and everyone is doing a great job.
- **Planning Commission Roundtable**
- **Adjournment** – Motion to adjourn by Mr. Cali at 7:51 PM


 Rachel Jones, City Recorder