

# **MUNICIPAL PLANNING COMMISSION MINUTES**

February 13, 2024, Meeting at 7 PM

Emilee Senyard, Chairman  
David Wagner, Vice Chair  
Lisa Anderson, Mayor

Brandon Butler, Vice Mayor  
Salvatore Cali  
Hayley Schulist

Shonda Schilling  
LaRhonda Williams

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

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

	PRESENT	ABSENT
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. Butler**
- **Approval of Agenda**  
**Motion to amend agenda to add elections for Chairman and Vice Chairman under New Business: Mr. Butler**  
**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. Wagner	X				
Ms. Schilling	X				
<b>MOTION PASSED 7-0</b>					

- **Citizen Comments - None**
- **Approval of Minutes - January 9, 2024, Regular Meeting**  
**Motion to approve: Ms. Williams**  
**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. Magner	X				
Ms. Schilling	X				
<b>MOTION PASSED 7-0</b>					

• **Old Business**

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

**Motion to approve: Mayor Anderson**

**Second: Ms. Williams**

	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				
Ms. Schilling	X				
<b>MOTION PASSED 7-0</b>					

Staff Report: City Planner, Ethan Greer

Representative: Jim Hysen

Discussion: Mr. Carter reminded the PC members they must apply the standards to determine if this project substantially complies. Mr. Greer stated this project uses the requirements from the previous zoning ordinance and read aloud six standards to determine substantial compliance. Mayor Anderson asked Mr. Greer if all questions has been answered and if staff gives a positive recommendation. Mr. Greer replied yes, staff gives a recommendation for approval with the noted conditions.

• **New Business**

2. **Elections – Chairman & Vice Chairman**

**Motion to appoint Ms. Senyard as Chairman: Mr. Butler**

**Second: Ms. Williams**

	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				
Ms. Schilling	X				
<b>MOTION PASSED 6-0 (1 Abstain)</b>					

**Motion to appoint Mr. Wagner as Vice Chairman: Mr. Butler**  
**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. Wagner			X		
Ms. Schilling	X				
<b>MOTION PASSED 6-0 (1 Abstain)</b>					

3. **PC Resolution PC-02-24, Site Plan Commercial, 2332 Fairview Blvd., 1.57 Acres, Map: 047, Parcel: 04.00. Current Zoning: Commercial General. Property Owner: Riverside Park, GP.**

**Motion to approve as amended: Ms. Williams**  
**Second: Mr. Butler**

	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				
Ms. Schilling	X				
<b>MOTION PASSED 7-0</b>					

**Staff Report:** City Planner, Ethan Greer

**Representative:** Nick Goodridge

**Discussion:** Mr. Goodridge stated this building will be a 10,123 sq ft commercial building and they are requesting a variance for the public sidewalk requirement, tree replacement, and the underground retention requirement. Mr. Wagner asked Mr. Goodridge about the retaining wall on the North side of the property and the drainage funneling towards the middle of the site. Mr. Goodridge replied they are preparing a plan to route the water through so it can continue its natural course. Mr. Wagner also asked Mr. Goodridge if the dumpster would be fenced or have a screen around it. Mr. Goodridge replied the dumpster enclosure will match the building exterior. Mr. Wagner also questioned the 25ft streetscape requirement in the Design Review Manual and made mention of an additional variance to not require the full 25ft. Mr. Goodridge stated they have left space for a sidewalk along the right-of-way line. Ms. Senyard

asked staff to speak to their preference on detention. Mr. Broadbent stated it is the preference of the Planning Commission to grant the variance or not. Mr. Broadbent stated he has no concern with above ground detention. Mr. Goodridge stated there is a curb and handrails that surround the detention pond. Ms. Senyard noted the engineering letter stated the tree variance was requested because more parking is needed for restaurants even though it's just set up for general use. Mr. Goodridge stated there is restaurant capability on both sides of the building which is why we wanted additional parking. Mr. Broadbent noted on the far left side there is a drive isle so there's no method for cars to turn around if every parking spot was filled in that area. Mr. Butler stated the state should have already acquired the right of way for the sidewalk projects along that area and the city needs to ensure that we're prepping and planning for the sidewalk project to work. Mr. Goodridge replied if it's just a sidewalk plan that should fit within the right of way already and noted there is a little space between the parking area if something needed to be done there. Mr. Butler questioned staff if there should be interconnectivity to the parking lot next door or if a stub for future connectivity to the northern parcel would be a benefit. Mr. Greer replied that there is about a 10ft elevation difference in the parcels and connecting would eliminate parking spaces from the DMA/ Covenant health building. Mr. Magner asked Mr. Goodridge if they were to lose one additional space on the backside of the parking lot to allow for a turnaround if that would throw off the restaurant functionality. Mr. Alan Brewer with Construction Ave representing the owner spoke to this question stating they are pretty light already considering for restaurants. Mr. Broadbent stated to the applicant if there is a desire for more parking, maybe consider underground detention to add more parking. Mr. Brewer replied it is a financial decision not to go underground. Ms. Senyard asked the height of the walls and what material will be used. Mr. Goodridge replied the tallest wall is going to be the one along the South of the building and that wall has a Max height of 11ft., the upper walls are 9ft. and the finish of them will be interlocking block. Mr. Butler stated on the turn radius drawings if there is a car in the South window it does not look like you would be able to access or pass on that South side. Mr. Goodridge replied they provided 2 turnarounds, and one is a complete loop, and the other one is a three-point turn at that first entrance. Mr. Magner asked if it would be possible to take the dumpsters and shift them plan left enough that you could have a turnaround space. Mr. Magner also stated in the Design Review Manual section 2-105.8, Streetscapes, "the streetscape area shall be 25 feet in depth from the property lines adjacent to the full boundary of all lot lines adjacent to a public street.

**Mr. Magner motioned to amend the motion to add an additional variance request to allow less than 25 foot depth of streetscape.**

**Second: Mr. Butler**

	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				
Ms. Schilling	X				
<b>MOTION PASSED 7-0</b>					

**Mr. Magner motioned a second amendment to the motion that we request a conditional approval that adjustments to the dumpster enclosure may be made so that we can accommodate a vehicular turnaround in lieu of a full dead end circulation.**

**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. Magner	X				
Ms. Schilling	X				
<b>MOTION PASSED 7-0</b>					

4. **PC Resolution PC-03-24, Master Development Plan, Chester Road Townhomes, 15.54 Acres, Map: 042, Parcel: 142.00. Current Zoning: RM-8 Multifamily. Property Owner: Cathy Oneida.**

**Motion to approve: Mayor Anderson**

**Second: Ms. Williams**

	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				
Ms. Schilling	X				
<b>MOTION PASSED 5-2</b>					

**Staff Report:** City Planner, Ethan Greer

**Representative:** John Richard Patterson

**Discussion:** Mayor Anderson asked if an agreement had been reached with the current Shell station on an entrance. Mr. Patterson stated there is an agreement to receive an easement from the Shell property, but nothing has been finalized or put on paper. Mr. Greer stated the applicant has requested a letter from the city stating the city will not require the Shell to give up one of their access points. Mr. Butler stated throughout the rezoning process of this property there was discussions about connectivity however this site plan has no sidewalks and instead a variance is being requested. Mr. Butler also stated there is a 24ft access easement and if a traffic accident occurred it could prohibit police and fire access to Chester Rd. Mr. Greer stated that would be a point of concern but since these units have sprinkler systems the code only requires one access per 200 sprinkled units. Mr. Butler stated the traffic study showed a level D at one of the intersections on Chester. Mr. Broadbent asked the applicant if an option for a second entrance was explored. Mr. Patterson stated yes the second entrance option was a connection through the bank, but those discussions stopped when their development went from multifamily to townhomes. Mr. Butler asked if elevations were submitted and if they meet the Design Review Manual. Mr. Greer responded yes, 71% brick.

**Motion by Mr. Butler to amend the motion to remove the sidewalk variance and have sidewalks installed to Fairview Blvd per the 2040 connectivity plan.**

**Second: Mr. Magner**

	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				
Ms. Schilling	X				
<b>MOTION PASSED 7-0</b>					

5. **PC Resolution PC-04-24, Amendment to the City of Fairview Zoning Ordinance Article 6 Residential Districts, to create the RS-120 Estate Lot Residential District.**

**Motion to approve: Mayor 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. Magner	X				
Ms. Schilling	X				
<b>MOTION PASSED 7-0</b>					

**Staff Report:** City Planner, Ethan Greer

**Discussion:** Mayor Anderson stated she feels like this is a good plan because the county has a five acre minimum designation, and this would be a good transition going from five acres lots to three acre lots if someone were to annex and want something larger than one acre zoning. Mr. Magner suggested defining the word “estate” for future clarification. Ms. Senyard asked for clarification on what an annexed property will come in as if no zoning is specified. Mr. Greer stated staff will meet with the applicant and give them all their options related to zoning.

6. **PC Resolution PC-05-24, Amendment to the City of Fairview Zoning Ordinance Article 6 Residential Districts, section 6-104 Purposes and Intent of AR – Agricultural/ Residential.**

**Motion to approve: Mayor Anderson**

**Second: Ms. Williams**

**Mr. Magner made a motion to postpone the vote until March.**

**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. Magner	X				
Ms. Schilling	X				
<b>MOTION PASSED 7-0</b>					

Staff Report: City Planner, Ethan Greer

Discussion: Mr. Magner clarified the definition of “domestic” is to be less than 200lbs and asked if that is defined in the zoning ordinance. Mr. Greer replied it is defined in the zoning ordinance. Mr. Butler expressed concern about opening a higher use activity in an agricultural district. Ms. Senyard questioned why there can’t be two types of veterinary services allowed. Mr. Greer explained if there were a case where a vet wanted to service both livestock and domesticated animals there is not an option for that in the current zoning code. Ms. Senyard questioned if there is an opportunity for domesticated vet services to be a conditional use in an agricultural setting. Mr. Chastine stated currently the land use for livestock is a conditional use within agricultural zoning and the domesticated vet services currently has supplemental regulations. Mr. Greer stated from staff perspective limiting livestock to only being on agricultural zoned properties would be in the best interest of the city and limiting livestock to only being on commercial zoned properties would not be in the best interest of the city if the city is trying to reserve those spaces for commercial growth.

- **Bonds and Letters of Credit** - None
- **Reports for Discussion and Information**
  - City Planning Staff – Mr. Greer thanked the PC members, reminded them of the training video, and gave an update on March meetings.
  - City Manager – Mr. Daugherty congratulated Ms. Senyard and Mr. Magner on their new positions.
  - City Engineer – Mr. Broadbent congratulated Ms. Senyard and Mr. Magner on their new positions.
  - City Attorney – Nothing
- **Planning Commission Roundtable**
- **Adjournment** – Motion to adjourn by Mr. Cali at 8:43 PM

*Rachel Jones*

Rachel Jones, City Recorder