

# **MUNICIPAL PLANNING COMMISSION MINUTES**

March 9, 2021, Regular Meeting at 7 p.m.

**Brandon Butler, Chairman**  
**Mike Anderson, Vice Chair**  
**Sheree Qualls**  
**Salvatore Cali**  
**Chris McDonald**

**Debby Rainey, Mayor**  
**Daniel Jenkins**  
**Hayley Schulist, 1<sup>st</sup> Secretary**  
**Emilee Senyard, 2<sup>nd</sup> Secretary**

**Staff Present:** City Manager Scott Collins, City Attorney Tim Potter, City Engineer Kevin Blackburn, City Recorder Brandy Johnson, Keith Paisley

- Roll Call vote by City Recorder, Brandy Johnson

	Present	Absent
Mr. Anderson	x	_____
Ms. Rainey	x	_____
Mr. Butler	x	_____
Mr. Cali	x	_____
Mr. Jenkins	x	_____
Mr. McDonald	x	_____
Mrs. Qualls	_____	x
Mrs. Schulist	x	_____
Ms. Senyard	x	_____

- Butler called meeting to order at 7:02 p.m.
- Opening Prayer and Pledge led by Butler
- Approval of Agenda

Motion: Rainey

Second: Anderson

	YES	NO	ABSTAIN	RECUSE
Mr. Anderson	x	_____	_____	_____
Mr. Butler	x	_____	_____	_____
Mr. Cali	x	_____	_____	_____
Mr. Jenkins	x	_____	_____	_____
Mr. McDonald	x	_____	_____	_____
Mrs. Qualls		ABSENT		
Ms. Rainey	x	_____	_____	_____
Mrs. Schulist	x	_____	_____	_____
Ms. Senyard	x	_____	_____	_____

- Citizen Comments – none
- Approval of Minutes: February 9, 2021 regular meeting

Motion: Cali

Second: Rainey

	YES	NO	ABSTAIN	RECUSE
Mr. Anderson	x	___	___	___
Mr. Butler	x	___	___	___
Mr. Cali	x	___	___	___
Mr. Jenkins	x	___	___	___
Mr. McDonald	x	___	___	___
Mrs. Qualls		ABSENT		
Ms. Rainey	x	___	___	___
Mrs. Schulist	x	___	___	___
Ms. Senyard	x	___	___	___

### **NEW BUSINESS -**

1. PC Resolution **PC-13-21**, Site Plan, Flats at Fernvale Springs, 14 Multifamily Units on 1.17 Acres, Map: 042, Parcel 063, Applicant: SM Commercial, LLC – Schulist read the staff comments to include; 1) two variances have been requested for the project including: a) variance #1 – request to be exempt from the requirement to itemize and protect/replace trees in accordance with Section 103 of the Design Review Manual, b) variance #2 – request to install a 4-ft tall perimeter fence in lieu of the requirement in Section 2-106 of the Design Review Manual to install a 6-ft perimeter fence for transitional screening, 2) the applicant shall provide legal documentation between the development parcel (Lot 2 of Map 042, Parcel 063.00) and adjacent parcel (Lot 1 of Map 042, Parcel 063.00) to accept the future increase in post-project stormwater and shared maintenance responsibility of the stormwater system and detention. This agreement shall be recorded with the County and active prior to issuing a grading permit, 3) incorporate updated sheets C6.0 site details and C2.0 site & utility plan into construction drawing set within IDT system prior to pre-construction meeting, 4) address text conflicts and remove unnecessary callouts where indicated in plans prior to pre-construction meeting, 5) provide updated EPSC drawings to TDEC for updates to the Construction General Permit and obtain approval from TDEC prior to issuing grading permit, 6) plan set to be approved by all utility providers prior to pre-construction meeting. Tim Mangrum with SM Commercial was present with Trent Smith, engineer with Southern Consulting. Mangrum noted this project has been previously approved and expired. The variances were not requested at the original approval but are due to regulation changes. Collins notes after reviewing the ordinance and code regarding trees, he doesn't believe either the PC or BOC are able to grant a variance and this would be managed by the planning department. Mangrum requests removal the 1a variance request noting it is not needed once they reviewed the calculations. They do request a variance for a 4' high fence rather than 6' noting this was previously approved with a 4' fence and he believes over time this will hold up better than a 6' and has more of a residential look over the 6'. Other staff comments may be cleaned up through IDT submittals.

Motion: Anderson for approval omitting staff comment 1a, approve 1b variance request and all other staff comments

Second: Rainey

	YES	NO	ABSTAIN	RECUSE
Mr. Anderson	x	___	___	___
Mr. Butler	x	___	___	___
Mr. Cali	x	___	___	___
Mr. Jenkins	___	x	___	___
Mr. McDonald	x	___	___	___
Mrs. Qualls		ABSENT		
Ms. Rainey	x	___	___	___

Mrs. Schulist	x	___	___	___
Ms. Senyard	___	x	___	___

2. PC Resolution **PC-14-21**, Site Plan, 2135 Fairview Boulevard, 1.86 Acres, Map: 042, Parcel: 126, Property Owner: Harold Crye – Schulist read the staff comments which include; 1) provide written notification from TDOT authorizing the construction entrance being allowed onto Highway 100 prior to pre-construction meeting, 2) maintenance bond shall be provided on all landscaping until such time as irrigation installed, and 3) plan set to be approved by all utility providers prior to pre-construction meeting. Project representative states they met with TDOT on February 23<sup>rd</sup> and they verbally OK'd the construction entrance but they are waiting to obtain an official letter of approval. They want to prep this site for development by grading, raising lowered areas, seed and straw. The TDEC permit will have to be in place before work can begin.

Motion: Jenkins for approval  
Second: Cali

	YES	NO	ABSTAIN	RECUSE
Mr. Anderson	x	___	___	___
Mr. Butler	x	___	___	___
Mr. Cali	x	___	___	___
Mr. Jenkins	x	___	___	___
Mr. McDonald	x	___	___	___
Mrs. Qualls	ABSENT			
Ms. Rainey	x	___	___	___
Mrs. Schulist	x	___	___	___
Ms. Senyard	x	___	___	___

3. PC Resolution **PC-15-21**, Site Plan, Aden Woods Subdivision, Phase 2, 35 Building Lots on 31.4 Acres, Map: 046 B, Parcels: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 11.03, Property Owner: Brad Fishel – Schulist read staff comments to include; 1) the maximum allowable spread for a curb and gutter system is 6 (six) feet as stated in Section 4-113.207 Design Storms of the Fairview Subdivision Regulations. The applicant is requesting a variance to allow spreads that exceed 6 (six) feet for noted stormwater inlets, 2) plan set to be approved by all utility providers prior to Pre-Construction meeting. Jeremy Moody with Site Engineering Consultants is present and notes they have amended the problem area by adding 4 additional inlets to minimize spread but due to off-site stormwater the lowest calculation they can get on the spread is 6.22. No additional outlets can be added unless they are in the existing subdivision. Two inlets are already at the property line and these only accept stormwater from the adjacent property (Aden Woods). Moody feels this is a bit of a gray area at this location that merges the older area with the new development noting some of the issues are out of their control. City engineer Kevin Blackburn explains gutter spread (gutter is the vertical part of the curb) as the distance water would extend into the road with a 25-year storm event. The six-foot limit is so that no more than half a lane would have water to still allow a 12' lane in the middle of the road to navigate. This subdivision was originally submitted and approved with previous standards but now will be held to current standards. Collins offers concern over ponding and freezing with heavy rains noting it could become an issue and at some point the city will own this infrastructure. Jenkins offers a motion for a negative recommendation seconded by Cali. Collins offers that he doesn't want to speak for the city but believes it would entertain the installation of additional inlets upstream noting he doesn't believe staff has a desire not to proceed with this project. It could be passed without

the variance and work together in an effort to seek a remedy to the problem as an off-site improvement. Jenkins withdrew his motion.

Motion: Anderson to approve without the variance request  
Second: Cali

	YES	NO	ABSTAIN	RECUSE
Mr. Anderson	x	___	___	___
Mr. Butler	x	___	___	___
Mr. Cali	x	___	___	___
Mr. Jenkins	x	___	___	___
Mr. McDonald	x	___	___	___
Mrs. Qualls	ABSENT			
Ms. Rainey	x	___	___	___
Mrs. Schulist	x	___	___	___
Ms. Senyard	x	___	___	___

4. PC Resolution **PC-16-21**, Rezoning, Fairview Terrace, Map: 046, Parcel: 016 and 016.04, Current Zoning: RS-40, Proposed Zoning: R-20, 48.05 Acres, Property Owner: Brandon Robertson – Rob Molchan with SEC notes a previous request was denied and they are coming back asking to rezone to R-20 which is compatible with the existing parcel (a master plan was approved in 2006 to include this parcel and an adjacent one for a development as an extension of Castleberry Farms). Jenkins noted this aligns with our current land use plan and the adjacent existing community. The development would be essentially an extension of Castleberry Farms but a different name. Recently WADC confirmed sewer capacity for this development. Butler outlined future steps if approved tonight and Jenkins noted citizens had contacted him, however, as this aligns with our land use and adjacent development, those concerns are not relevant to the Planning Commission and should be directed toward the Board of Commissioners instead.

Motion: Jenkins, for a positive recommendation for R-20 zoning  
Second: Senyard

	YES	NO	ABSTAIN	RECUSE
Mr. Anderson	x	___	___	___
Mr. Butler	x	___	___	___
Mr. Cali	x	___	___	___
Mr. Jenkins	x	___	___	___
Mr. McDonald	x	___	___	___
Mrs. Qualls	ABSENT			
Ms. Rainey	x	___	___	___
Mrs. Schulist	x	___	___	___
Ms. Senyard	x	___	___	___

**OLD BUSINESS -** none

## **BONDS AND LETTERS OF CREDIT**

### **Reports for Discussion and Information**

- City Planning Staff, Micah Sullivan, not present
- City Manager, Scott Collins, thanked the members for their attendance at tonight's work

session and for the work they will put in over the next 90 days.

- City Engineer, Kevin Blackburn – no comments
- City Attorney, Tim Potter – no comments

#### **COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS**

- Mr. Anderson – no comments
- Mr. Cali – no comments
- Mr. Butler thanked everyone for the work session with tremendous discussion, making great progress. There was amazing discussion during the meeting as well.
- Mr. Jenkins questioned the process for amending the Design Review Manual to reflect a new possible fence height of four feet with plantings. Collins advises the process would be for the Planning Commission to recommend an amendment to the Board of Commissioners which would be processed with two readings and a public hearing. Collins cautions against wholesale changes based on one allowance because fencing requirements can be problematic. Which is more important, safety or type and is the material more important than the height? Is it being used to conceal hidden hazards or visibly surround them? Odds are the need falls somewhere in the middle and should be considered along with type and design. All vacation of the use of fencing would need to be discussed as it is a delicate area, much like sidewalks. If we are continually issuing the same variance then we should review but not for a one-off. To discuss is ok and ensures proper consideration. Often the community doesn't see the work put in but this group has a sincere desire to improve Fairview for the future and the results will far outlast any criticism.
- Mr. McDonald – no comments
- Ms. Qualls – not present
- Ms. Rainey - no comments
- Mrs. Schulist thanked Collins for leading the work session and asked for a reminder of the next steps in the process. Collins notes he hopes to be ready for preliminary approvals at the April Planning Commission meeting with zoning on the April PC agenda. If approved it will move forward to the BOC where it will go through 2 readings. After approved it will be applied to the land use map and the goal is to adopt the land use map no later than the second BOC meeting in July. All this has to be done prior to adoption of the comprehensive plan by the BOC for adoption by the first meeting in January.
- Ms. Senyard – no comments

**ADJOURNMENT** – Motion to adjourn by Jenkins at 8:01 p.m.

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City Recorder