

MUNICIPAL PLANNING COMMISSION MINUTES

March 14, 2023, Meeting at 7 p.m.

Chris McDonald, Chairman
Emilee Senyard, Vice Chairman
Hayley Schulist, 1st Secretary
Mike Anderson, 2nd Secretary
Lisa Anderson, Mayor

Brandon Butler
Salvatore Cali
David Magner
LaRhonda Williams

STAFF PRESENT: Daugherty, Jones, Sullivan, Blackburn, Totty, Paisley, Carter

- McDonald called the meeting to order at 7:00 p.m.
- Roll call by Jones

	PRESENT	ABSENT
Mr. McDonald	X	
Ms. Senyard	X	
Ms. Schulist	X	
Mr. Anderson	X	
Mayor Anderson	X	
Mr. Butler	X	
Mr. Cali	X	
Mr. Magner	X	
Ms. Williams	X	

- Prayer & Pledge led by Mr. Anderson
- Approval of Agenda

Motion to approve: Butler
Second: Schulist

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

Motion passed 9-0

- **Citizen Comments:**
 - 1) Fred Rosenberg – 7454 Cox Pike
 - 2) Johnny McDaniel – 7273 Northwest Hwy
- **Approval of Minutes – February 14, 2023, Work Session**

Motion to approve: Cali
Second: Williams

	YES	NO	ABSTAIN	RECUSE
Mr. McDonald	x	___	___	___
Ms. Senyard	x	___	___	___
Ms. Schulist	x	___	___	___
Mr. Anderson	x	___	___	___
Mayor Anderson	x	___	___	___
Mr. Butler	x	___	___	___
Mr. Cali	x	___	___	___
Mr. Magner	x	___	___	___
Ms. Williams	x	___	___	___
<u>Motion passed 9-0</u>				

• **Approval of Minutes – February 14, 2023, Regular Meeting**

Motion to approve: Butler
Second: Mr. Anderson

	YES	NO	ABSTAIN	RECUSE
Mr. McDonald	x	___	___	___
Ms. Senyard	x	___	___	___
Ms. Schulist	x	___	___	___
Mr. Anderson	x	___	___	___
Mayor Anderson	x	___	___	___
Mr. Butler	x	___	___	___
Mr. Cali	x	___	___	___
Mr. Magner	x	___	___	___
Ms. Williams	x	___	___	___
<u>Motion passed 9-0</u>				

• **New Business**

1. PC Resolution PC-10-23, Master Development Plan, Bellehaven Subdivision, 513 Building Lots on 251.16 Acres, Map: 021, Parcel: 21.01. Current Zoning: RM-8 PUD, Property Owner: D.R. Horton.

Motion to approve: Butler
Second: Senyard

Staff Report - Sullivan

Applicant – Jay Easter, Ragan Smith

Discussion – Mr. Easter pointed out the green space exhibit that the PC asked for last meeting. Mr. Easter stated he was there to answer any questions and can go over all the changes if necessary. Williams asked to clarify the number of homes being proposed. Mr. Easter stated it went from 725 to 513. Senyard stated that she appreciated the diagram shown by Mr. Easter and found it to be very helpful. Magner asked Mr. Easter to walk him through each phase where the mailbox pull off will be located. Mr. Easter replied that there is a centralized mail kiosk located near the amenity center. He also stated there is a second mail kiosk in the Northwest corner near the townhomes and both mailbox sites have dedicated parking. Magner asked Mr. Easter to speak to the staff comments pertaining to the offsite improvements not being finalized. Mr. Easter stated they are providing the right-of-way reservation that staff had asked for, but that staff is still working on definitive cross sections and alignment on how the road will run. Magner asked staff when that would be resolved.

Carter stated that was listed as a condition of approval. Magner asked if there was still a variance request for minimum lots and critical lots. Mr. Easter stated he is unaware of a variance. Magner asked about a stream structure near the amenity center and near lots 164 and 165. Mr. Easter stated they would have to get an ARAP permit to be able to cross the stream. Magner asked for Mr. Easter to walk through how the storm water would be handled in each phase. Mr. Easter stated there are storm water ponds located throughout the site. Mr. Easter pointed out the storm water ponds on the map. Magner asked about the storm water calculations by phase. Blackburn stated each phase would be looked at. The first phase would be looked at to be sure any disturbance with that phase is captured properly. Blackburn stated when it gets to the development plan phase with individual and more precise grading the location of some of the detention ponds may change a little. Magner asked about a lane dedicated for fire truck access that has to cut through the waste water treatment area. Mr. Easter stated it was a fence and gated access point for emergency vehicles and utilities. Magner asked if there were any comments from the fire department on how to get in the gate or if a Knox Box is required. Sullivan stated typically there will be a Knox lock on the gate and only the fire department will have the key. Magner asked Sullivan if this was common in the community and if we had other locations that use this design. Sullivan stated there is several in the community. Butler asked Mr. Easter if this development will meet the new storm water regulations. Mr. Easter stated yes. Butler stated on the initial submittal there was a roundabout at the Elrod Rd intersection. He asked Mr. Easter if there would be any roadway improvements on Elrod Rd toward the Northwest Hwy intersection to match the other improvements. Mr. Easter showed the 2008 plan to explain why the roundabouts were there but since has been taken out. Mr. Easter stated those was used as traffic calming devices and are no longer needed since they had taken out the direct connection to Elrod Rd. Butler stated it seemed like Elrod Rd would be an internal road of the development and questioned how soon the city would have to come behind and add sidewalks for connectivity to the development and make road improvements. Butler stated it would be a better fit to improve Elrod Rd at the same time because construction traffic would do harm to the existing road. Mr. Easter stated the developer would have a bond and a haul route and would make accommodations to repair the road if damaged. Williams asked about damaging the road. Mr. Easter stated that if the developer tears up the road, they will repair it. Magner asked staff if there are any long-term plans for Elrod Rd to have sidewalks. Sullivan stated that currently there is not any roadway improvement that would have sidewalks along with it. Attorney Patrick Carter wanted to remind the Planning Commission of their duty regarding this type of matter. Carter stated what we have is property zoned in 2006 as RM-8 PUD. Under the zoning ordinance the zoning has not changed. If not for the sewer issue, they would be entitled to build 725 homes. The project is less dense due to the type of step system required. Carter addressed comments made by Mr. Rosenberg concerning the parks consultant and the zoning ordinance. While Carter agreed those are important things, they do not change the applicable zoning ordinance which is the 2006 rezone. Even if the city adopts a new zoning ordinance in the future it would not apply to this property. Carter stated the Planning Commissions only duty and the only question they should be asking themselves is does this preliminary master plan substantially comply with the 2006 RM-8 PUD. When the Planning Commission votes on this item, they should ask themselves does this project with staff conditions comply with the customized zoning ordinance adopted in 2008. Carter stated that if it does substantially comply and that staff and himself believes it does then the Planning Commission must vote to approve the preliminary development plan whether the project is popular or whether the project is wanted or not. Carter stated that the Planning Commission is an appointed body, not a legislative body and that their legal responsibly as a Planning Commission member is not to substitute your personal opinions or prejudices for the objective analysis of whether it substantially complies with Fairview's zoning code and the 2006 master plan, to do otherwise places the Planning Commission and the city in legal peril. Carter stated he wanted the Planning Commission to hear that from him and he will not repeat it every time they review a master development plan unless he likes it needed to remind the Planning

Commission of their duties. He stated it is important to remember what the scope of review is for the Planning Commission.

McDonald thanked Carter for his comments and asked if there were any other questions. Mayor Anderson asked if the Planning Commission had the say over what materials is used on the exterior of the homes and the size of the homes. Mr. Easter stated the current PUD has material specifications that was put in and approved in 2008 which are still in effect as well as the size of homes and number of senior living homes distributed throughout the neighborhood. Mayor Anderson asked to be reminded of the exterior materials. Carter stated in his previous comments he said 2006 but meant to say 2008. Sullivan stated there are 16 notes that are continued from 2008. Sullivan read the notes: all homes except for senior housing must have minimum of 2,000 sq. ft., at least 25 senior housing homes with a minimum of 1,500 sq. ft., maximum number of lots South of Elrod Rd shall be 17, all house exteriors shall be brick, stone, stucco, or hardy plank siding, all driveways shall be hard surfaced. Mayor Anderson asked if there is a percentage on the hardy. Mr. Easter replied, no. Mayor Anderson asked if the entire house could be hardy. Patrick Pitts with DR Horton stated they will do a variety of masonry with brick and stone accents. He stated some homes may be full brick and stone but that most of the exterior will be hardy. Mayor Anderson stated that if she remembers correctly there used to be a minimum of hardy that could be used. Carter stated that this is a customized zoning ordinance for this specific property and by its nature it's a variance from what usually would be included in straight zoned property. Carter stated that a PUD is a property with customized zoning and that zoning was put in place in 2006 and has not changed, so if they substantially comply with the materials that was part of the 2006 rezoning then that isn't anything that needs to be discussed now. Mayor Anderson stated that she was on the Planning Commission in 2008 when this project was brought before them as Trails of Brownlynn Farms and to her recollection only 20% hardy was allowed with the rest to be brick and stone. Sullivan stated according to the site notes that was recorded in plat book 50 page 106 approved by city council on July 3, 2008, the notes state all house exterior shall be brick, stone, stucco, or hardy plank siding. Sullivan stated he did not see any percentage requirements on those notes. Carter stated those notes was consistent with his review and understanding of what was approved in 2008. Mayor Anderson stated that basically these homes would be siding with bands of brick or stone unless someone choices to pay for an upgrade. Mr. Easter replied that is a fair statement.

	YES	NO	ABSTAIN	RECUSE
Mr. McDonald	x	___	___	___
Ms. Senyard	x	___	___	___
Ms. Schulist	x	___	___	___
Mr. Anderson	x	___	___	___
Mayor Anderson	___	x	___	___
Mr. Butler	x	___	___	___
Mr. Cali	___	x	___	___
Mr. Magner	___	x	___	___
Ms. Williams	___	x	___	___
<u>Motion passed 5-4</u>				

2. PC Resolution PC-11-23, Site Development Plan, Bourdon Place Subdivision, 27 Building Lots on 25.02 Acres, Map: 046, Parcel: 18.00. Current Zoning: RS-20 – Single-Family Residential, Property Owner: A1 Home Builders, Inc.

Motion to approve: Schulist
Second: Mr. Anderson

Staff Report – Sullivan

Applicant – Richard Houze, SEC

Discussion – Magner asked about the drainage plan for lots 124 and 125, how they will prevent storm water from draining onto the adjacent properties. Mr. Houze stated that the lots are all graded to drain toward the road and that there is a small amount on the back that will fall off and go to the property next door but that it all slopes down toward lots 122, 123, and 124 and there is a ditch planned to bypass the water around and down to the stream. Mr. Anderson asked if that is classified as a drainage easement or drainage right-of-way. Mr. Houze stated there will be a drainage easement on the back of lots 122 and 123. Mr. Anderson asked if the owners of those lots would be responsible for keeping it clean. Mr. Houze replied yes. Magner stated he has concern about lots 124, 125, 126, and 127 all having higher contours. Mr. Houze stated it was the last 5 to 10 feet of the lot and that the rest of it pitches toward the road. Senyard stated there is a lot of drainage going into the wet land and asked staff if they have the manpower to inspect this during construction. Blackburn stated that is something he will work with the developer on from the beginning and conduct site visits to make sure everything complies with the TDEC permit. Senyard asked if they would be considered critical lots. Blackburn stated the grade shown on the plan would be the final grade and if any changes are made, they would be brought to staff. Magner asked about a comment concerning sight lines regarding traffic. Blackburn stated the applicant had provided a figure with the submittal, the site triangle looking to the South along Crow Cut to make sure there are no obstructions and that is a condition of approval.

	YES	NO	ABSTAIN	RECUSE
Mr. McDonald	x	___	___	___
Ms. Senyard	x	___	___	___
Ms. Schulist	x	___	___	___
Mr. Anderson	x	___	___	___
Mayor Anderson	x	___	___	___
Mr. Butler	x	___	___	___
Mr. Cali	x	___	___	___
Mr. Magner	x	___	___	___
Ms. Williams	x	___	___	___
<u>Motion passed 9-0</u>				

3. PC Resolution PC-12-23, Final Plat, Goodwin Farms Subdivision, 2 Lot. 2 Building Lots, 1 Development Lot on 35.76 Acres. Map: 042, Parcels: 065.03, 065.04, 065.06, 065.07, & 065.08, Property Owners: Innovated Construction, LLC

Butler announced his recusal.

Motion to approve: Cali

Second: Senyard

Staff Report – Sullivan

Applicants – Tim Mangrum

Discussion – Senyard clarified that they are approving the plat of the two lots off of Hwy 100 and the others are just open at the moment with no lots. Sullivan stated the entire property was originally slices roughly seven acres each. Sullivan said a plan was brought to the Planning Commission a couple months back for the larger portion of this to be designed a subdivision and with that the two lots to the North was split off. By doing that it allows the development of the subdivision to continue and to have the two separate lots reading for building.

	YES	NO	ABSTAIN	RECUSE
Mr. McDonald	x	—	—	—
Ms. Senyard	x	—	—	—
Ms. Schulist	x	—	—	—
Mr. Anderson	x	—	—	—
Mayor Anderson	x	—	—	—
Mr. Butler	—	—	—	x
Mr. Cali	x	—	—	—
Mr. Magner	x	—	—	—
Ms. Williams	x	—	—	—
<u>Motion passes 8-0 (1 recusal)</u>				

4. PC Resolution PC-13-23, Annexation, 7305 Overbey Road. Map: 069, Parcel: 21.00. 4.9 Acres.
Property Owners: First Baptist Church of Fairview, Inc

Motion to approve: Cali
Second: Williams

Staff Report – Sullivan

Applicant – First Baptist Church of Fairview

Discussion – Schulist asked if any of the adjacent properties are in the city. Sullivan stated the parcel to the North. Blackburn stated the parcel across the street is in the city. Mr. Anderson asked if staff knew what the intended use will be. Senyard asked if the property would come in as RS-40. Sullivan stated it would be RS-40 and the intended use was not included in the letter of intent. Butler stated that improvements to the Overbey Rd intersection will eventually happen and asked if the improvements would go back as far as this parcel. Sullivan stated the improvement plan would stop prior to this parcel and that any development they do to the property would have to meet city regulations.

	YES	NO	ABSTAIN	RECUSE
Mr. McDonald	x	—	—	—
Ms. Senyard	x	—	—	—
Ms. Schulist	x	—	—	—
Mr. Anderson	x	—	—	—
Mayor Anderson	x	—	—	—
Mr. Butler	x	—	—	—
Mr. Cali	x	—	—	—
Mr. Magner	x	—	—	—
Ms. Williams	x	—	—	—
<u>Motion passes 9-0</u>				

5. PC Resolution PC-14-23, Rezoning, 1327 Hwy 96N. Map: 018, Parcel: 29.00. 3.97 Acres.
Property Owners: Bryan Spicer, Ken Karger, and Tim Mangrum

Mayor Anderson pointed out the agenda didn't have the current zoning, or the proposed zoning listed.

Motion to approve: Schulist
Second: Mr. Anderson

Staff Report – Sullivan

Applicant – Tim Mangrum

Discussion – Schulist asked how many units are planned. Mr. Mangrum stated they haven't began drawing any plans but hope to get 75 units. Mr. Anderson clarified that it was condos and not apartments. Mr. Mangrum stated condos is what they are planning. McDonald stated there was a property across the street that was similar. Sullivan stated the property across the street was rezoned within the last year to RM-20 and that the appropriate zoning classifications listed in the comp plan don't necessarily call out the RM-20 designation but with the appropriate land use having multifamily residential and with the comp plan being a guide staff see's this would be something appropriate for the land use in that area. Mr. Mangrum stated he also owns the property across the street and confirmed it was rezoned within the last 12 months. Magner asked if the property to the Southwest corner of Crow Cut was zoned Industrial and the parcels to the West and Northwest zoned Commercial. Sullivan stated that was correct. Magner stated this would be a residential development in the middle of an industrial and commercial zoned area. Mr. Mangrum stated the zoning of the adjacent property was commercial, but currently used as residential.

	YES	NO	ABSTAIN	RECUSE
Mr. McDonald	x	___	___	___
Ms. Senyard	x	___	___	___
Ms. Schulist	x	___	___	___
Mr. Anderson	x	___	___	___
Mayor Anderson	x	___	___	___
Mr. Butler	x	___	___	___
Mr. Cali	x	___	___	___
Mr. Magner	___	x	___	___
Ms. Williams	x	___	___	___
<u>Motion passed 8-1</u>				

BONDS AND LETTERS OF CREDIT

- Reserves on Chester Section 1 Reclamation Bond set at \$565,000
- Reserves on Chester Section 2 Reclamation Bond set at \$337,500

REPORTS FOR DISCUSSION AND INFORMATION

- City Planning Staff - Nothing
- City Manager - Nothing
- City Engineer - Nothing
- City Attorney – Good to meet Ms. Williams.

Mayor Anderson stated she was curious if "staff review meetings" would resume soon, where applicants come to meet with Water Authority, Police, Fire, Codes, Mayor, and PC Chairman to discuss projects that will be brought to the Planning Commission. Sullivan stated when they started using the online system, they got rid of those at first but have reintroduced them this year for any comments that an applicant wants to bring back to staff. Sullivan stated for the most part those are scheduled for the Thursday after staff comments are sent back but it is not a formal discussion. Sullivan stated staff tries to meet with the applicants throughout the process because sometimes it is needed prior to the meeting. Sullivan stated he didn't see going back to those meetings but if that was something that is needed, they can discuss it and move forward with it. Mayor Anderson asked who determines if an applicant's project moves forward to the Planning Commission. Sullivan stated staff goes through the comments and once they have worked back and forth if there is any comments that isn't being addressed or if there is anything the applicant wants to go ahead and carry through staff does at that point. Outside of that staff usually has two rounds of comments, sometimes three before a project is ready to go before the Planning Commission. Carter stated typically the way that would work is the Planning Director would

make sure that the application is complete. Once the application is deemed complete then it should be put on the Planning Commission agenda. Mayor Anderson asked if at any time would someone be turned down without going before the Planning Commission. Carter stated the only time it would be turned down is if the application was deemed incomplete. Mayor Anderson stated back when she was chairman of the Planning Commission they held staff review meetings so they could review as a group and then it would be moved to the Planning Commission. Mayor Anderson stated she thought it was a good process because she didn't feel like it was one or two people making the decision if a project should move forward to the Planning Commission, you would have water authority, police fire, and PC Chairman. Carter stated he thinks it would be improper for the PC Chairman or any BOC member to be at those meetings because in order to be decided by the board the application has to be deemed complete then the PC or BOC would have their turn on it, but staff should be determining if the application is complete. Mayor Anderson asked if there is any applicant who comes to the codes department and asks for their project to go before the Planning Commission and is denied. Sullivan replied if a project comes through and there are issues and each of the departments who reviews it declines it then it does go back to the applicant for them to resubmit. Sullivan stated the reviewers are himself for planning, two engineers, fire chief, fire marshal, and codes when needed. After they all review it, and it passes with or without conditions then that is when it is brought to the Planning Commission. Carter stated the question at that level for staff should be is the application complete without regard to whether it's a good project or not or whether or not it will be ultimately approved. Carter stated once the application is complete, that is when it should move on to the Planning Commission. Carter stated it wouldn't be an open records issue with the PC Chairman being at the meetings but an issue of paid staff working for the city and being there all day to have those meetings. Mayor Anderson stated the meetings usually lasted about three hours and when everyone was in the same room, they were able to work through things better than it going to each person individually. Carter stated he didn't have an opinion one way or the other but that once the application is complete it should move to the Planning Commission because the Planning Commission doesn't want to waste their time on incomplete applications. Mr. Anderson suggested that a weekly memo be sent to the mayor and chairman to keep them informed of project submittals.

COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS

- Senyard – Nothing
- Schulist – Nothing
- McDonald – Thanks to the citizens and staff with all their involvement. The Planning Commission is a tough thing to sometimes to explain to people when you disagree with something but still have to vote in favor of it because it's what your job asks you to do. Asked people to keep in mind that the Planning Commission is there to do a specific job and sometimes it might not be the outcome you want but at the end of the day they are doing their best and trying to do what is right.
- Mayor Anderson – Nothing
- Mr. Anderson – Pleased and impressed with new attorney and the way gets involved and appreciates his help.
- Cali – Nothing
- Magner – Nothing
- Williams – Nothing
- Butler – Nothing

ADJOURNMENT – Motion to adjourn by Schulist at 8:24 p.m.



Rachel Jones, City Recorder