

MUNICIPAL PLANNING COMMISSION MINUTES

March 18, 2025, Meeting at 7 PM

David Wagner, Chairman
Hayley Schulist, Vice Chair
Lisa Anderson, Mayor

Chris McDonald
Salvatore Cali
Will King

Shonda Schilling
LaRhonda Williams
Jeff Pape

Staff present: Tom Daugherty, Marisa Howell, Josh Hogan, Ethan Greer, Curtis Broadbent, Kevin Chastine, Bre Bailey, Micah Fann

- **Call to order by:** Mr. Wagner at 7:00 PM
- **Roll Call by:** Marisa Howell, Community Services Assistant

	PRESENT	ABSENT
Mr. King		X
Ms. Williams	X	
Ms. Schilling	X	
Mayor Anderson	X	
Mr. Wagner	X	
Ms. Schulist	X	
Mr. Cali	X	
Mr. McDonald	X	
Mr. Pape	X	

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

Motion to approve: Mayor Anderson

Second: Mr. Cali

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Mr. King					X
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Wagner	X				
Mr. Pape	X				
Ms. Schilling	X				
MOTION PASSED 8-0					

- **Citizen Comments - None**
- **Approval of Minutes – February 11, 2025, Regular Meeting**

Motion to approve: Mr. McDonald

Second: Mr. Pape

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali			X		
Ms. Williams			X		
Mr. King					X
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape	X				
Ms. Schilling	X				
MOTION PASSED 6-2					

- **Old Business**

1. **PC Resolution PC-01-25, Commercial Site Plan, Fairview Self Storage, 2.72 Acres, Map: 047, Parcel: 006.00. Current zoning: Commercial General. Property Owner: Deborah Thompson Living Trust.**

Motion to approve as amended: Mr. McDonald

Second: Ms. Schulist

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Mr. King					X
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape		X			
Ms. Schilling	X				
MOTION PASSED 7-1					

Staff Report: Ethan Greer

Representative: Adam Ellsworth, Hickory Capital Group; Daniel Kiley, DLK Management; Jonathan Evans, Evans Engineering

Discussion: Mr. McDonald stated from a future planning perspective, the potential use of the area behind this proposed site could be developed with a lot of commercial use and a lot of foot traffic. Mr. McDonald stated the plans show trees that are to remain to hide the above ground detention pond but will more than likely be removed if there is future development and, in his opinion, this doesn't make sense. Mr. Ellsworth stated additional trees will be planted to the remaining trees that are there. Mr. Ellsworth states that there is some confusion regarding the end results about the above ground detention pond. Mr. Ellsworth stated this above ground detention pond will not look like the above ground detention ponds that are like the ones that he has seen here that are made of CMU block and retaining walls, this pond will be very similar to what would be done in Franklin. Mr. Ellsworth stated there is no block and it is called a water garden; it is very natural, and willow plants typically grown in them. Mr. Ellsworth stated they are grass and is a divot in the ground and will not be made of block, as was projected, and will not be an eye sore. Mr. Magner asked about the landscape and if the pond will be screened. Mr. Ellsworth stated with the trees that will be left there the pond will be fully screened and once again, this pond is more of a divot in the ground and will not look like the more industrial and commercial detention ponds that are around. Mr. Magner asked for clarification that the vegetation that is left on the property line will not be disturbed and

will screen the pond. Mr. Ellsworth stated the vegetation at the property line will not be touched specifically for this reason. Ms. Schulist asked what was on the lot directly behind this project. Mr. McDonald stated it was the large open space beside Walmart that could eventually be developed for commercial use and his concern would be foot traffic near the above ground detention pond and be visible. Mr. Ellsworth stated if a developer were to come in and build, he would think there would be enough room, and it should not be a problem. Mr. McDonald stated he respects his opinion but will stick with how he feels. Mr. Broadbent asked for clarification regarding whether the vegetation on the northwestern portion will not be disturbed. Mr. Ellsworth stated that vegetation and large trees will not be touched. Mr. Magner asked why the masonry coverage on the rear side was not addressed. Mr. Ellsworth stated all three sides facing Fairview Blvd would be fully bricked and the back of the building would have EFIS and masonry and that back side would have landscape to cover the view. Mr. Magner stated in a previous meeting there was a motion on the floor that would provide masonry on all four sides and would address the above ground detention, and those two items were the highest points to discuss and were deferred. Mr. Magner stated he appreciates the address of the three elevations but the vegetation that is being represented is outside of the property line and if that area is developed, the back elevation will be more visible. Mr. Ellsworth asked if there should be more brick on the back and stated instead of one hundred percent brick on three sides have seventy percent brick on all four sides and address is again if needed. Ms. Schulist stated the seventy percent brick on all sides would satisfy. Mr. Ellsworth stated he could do that. Mr. Magner stated he will make a motion to amend the motion. Mr. Hogan stated he suggested an amendment to remove condition six and to add a condition of approval for the plan to comply with the seventy percent brick requirement. Ms. Williams second. Motion carried and we are now back to the original submission. Mr. Magner stated the underground retention will need to be addressed. Mr. Pape stated he appreciates the effort that has been made and if the city is considering an application with all the exceptions, we should be holding out something more desirable for the city of Fairview. Mr. Magner asked Mr. Greer if this condition had a number and Mr. Greer stated it was condition number four, underground detention exception request. Mr. Magner stated he will be making a motion to remove condition four and request the project comply with a below grade detention. Mr. McDonald second. Amendment number two carries, back to the original submission PC-01-25. Mr. McDonald asked staff to elaborate on the fifth item regarding steep slope. Mr. Broadbent stated the hatched areas that are exceeding twenty percent slopes. Mr. Jonathan Evans stated the areas that are hatched are areas that exceed twenty percent and the grade on the right side of the project was existing fill that had been placed there and there are some slopes at the banks that exceed twenty percent. Mr. Magner stated he did agree with Mr. McDonald and the slopes near the bank did look artificially created and not natural and if Fairview Blvd is going to be developed, this will need to be addressed as well.

Motion to remove condition #6 and add condition to comply with 70% brick requirement: Mr. Magner
Second: Ms. Williams

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Mr. King					X
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape	X				

Ms. Schilling	X				
MOTION PASSED 8-0					

Motion to remove condition # 4 and comply with below grade detention: Mr. Magner

Second: Mr. McDonald

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Mr. King					X
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape	X				
Ms. Schilling	X				
MOTION PASSED 8-0					

- New Business**

1. PC Resolution PC-05-25, Rezoning, 7711 Horn Tavern Rd, 2.2 Acres, Parcel: 136.00. Current Zoning: RS-40. Requested Zoning: R-20. Property Owner: Jeff Pack

Motion to approve: Mayor Anderson

Second: Mr. McDonald

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Mr. King					X
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape	X				
Ms. Schilling	X				
MOTION PASSED 8-0					

Staff Report: Ethan Greer

Representative:

Discussion: Mayor Anderson stated Pepper Tree Subdivision is across from this area. Mayor Anderson stated she has spoken to multiple citizens that live in that subdivision regarding the dilapidated house on this property. Mayor Anderson stated in her opinion, since Mr. Pack was asking to rezone with two single-family homes that will clean up that area and remove that old house. Mr. Magner asked if the rezoning would be appropriate for two properties with width, setbacks and street frontage. Mr. Greer stated there are some challenges with the drainage and water that exist on the site and with RS-40 you can have two, one acre lots. Mr. Greer stated Mr. Pack was looking at his options for building two houses and was advised to rezone R-20. Mr. Greer stated there is a deep drainage ditch that runs along the western property line and trying to fit two houses would be challenging with one acre lots and R-20 allows the setbacks and the availability to build two single family dwellings. Mr. McDonald asked for clarification regarding the

required setbacks as it would be difficult to go forward with building. Mr. Greer stated yes, that would make it challenging. Mr. Greer also stated that the property south of this is the applicant's primary residence.

2. PC Resolution PC-06-25, Final Plat, Cedarcrest Phase 2, 18.42 Acres, Map: 42, Parcel: 125.00. Current Zoning: Commercial General. Property Owner: Meritage Homes.

Motion to approve: Mr. Cali

Second: Mr. Pape

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Mr. King					X
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape	X				
Ms. Schilling	X				
MOTION PASSED 8-0					

Staff Report: Ethan Greer

Representative: Alex Holskey, T-Square Engineering

Discussion: Ms. Williams stated in the project summary it was indicated this location was on a FEMA firm flood hazardous area and wanted to know why a project would be built there. Mr. Holskey stated that it was basically boiler plate language stating that FEMA stated that the locations of where the building will be are not in a flood plain. Mr. Greer stated a portion of this property is located within a flood hazard area and the area of their disturbance is outside of the flood hazard area. Mr. Magner stated there is a utility enclosure near the southeast end and asked if there was an enclosure around that or a screen. Mr. Holskey stated it was a pump station, and Mr. Magner asked if there was landscaping or a fence around it. Mr. Holskey stated he believed there was landscaping and an entire building plan submitted with it as part of the construction documents. Mr. Greer stated that it is the pump station for Water Authority of Dickson County, and they do have requirements to be fenced, and some landscaping items will go around it as well.

3. Pc Resolution PC-07-25, Commercial Site Plan, Walmart Fuel Center, Map: 046, Parcel: 082.04. Current Zoning: Commercial General. Property Owner: Walmart, Inc.

Motion to approve as amended: Mr. Cali

Second: Ms. Schulist

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Mr. King					X
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape	X				
Ms. Schilling	X				
MOTION PASSED 8-0					

Staff Report: Ethan Greer

Representative: Victor Ramirez, Carlson Consulting; Rob Klemple, SGA Design Group

Discussion: Mr. Magner stated he appreciated the slide with the landscaping and the only comment he had is that even though this is Walmart, and they want the building to match, a previous applicant that will be several yards from this location was required to meet the elevation requirements and he feels this should too. Mr. Greer stated the area in particular interest is the blue sections on the building front and right elevation, the blue is EFIS material which is used on the existing Walmart building to maintain the color scheme and logo and the rest of the building will be brick and stone and the corner with the EFIS is the area where they are asking for the exception. Mr. Magner stated he can appreciate that, but he feels the applicant should be able to achieve the same aesthetic they are looking for to meet the requirements. Mr. McDonald asked what they are missing the percentage by because it doesn't seem much. Mr. Klemple stated the front is about forty-five percent, the right-side forty-two percent, the rear eighty percent, and the left side is seventy-nine percent brick. Mr. McDonald asked what percentage they were falling short. Mr. Greer stated the requirement is seventy percent on every elevation, so it is about twenty-five percent short on the front elevation, about twenty-eight percent on the right elevation. Mr. Pape asked if the original Walmart building granted an exception to the seventy percent rule or whether that was not in place at the time. Mr. Greer stated that it was a great question, but he did not have an answer, but he does know that the front of Walmart is significantly larger than this building so the portion of EFIS with the logo is percentage wise much smaller. Mr. Pape agreed with Mr. Magner with not having an exception, especially when they declined a previous applicant. Mr. Pape stated he understands the branding, but he does think Walmart has a lot of branding and asked if the canopy has any waivers. Mr. Greer stated the canopy does not fall within the design review manual for having to be brick for the canopy elevation. Mr. Pape stated the canopy will have a lot of branding itself and if this is a branding issue that would be a lot of permitting for Walmart branding. Mr. McDonald asked if there was a second option if the exception was not granted. Mr. Klemple stated Walmart's preference would be to have this blue on the side as an identifier and the canopy will have the blue as well and try to be consistent with this smaller building to match the much larger building. Mr. Klemple stated there are multiple ways to attack this starting with stripping some of the branding in a different way by making adjustments with the brick and EFIS and if this is an obstacle or a hinge point, there is a strategic way to minimize the EFIS and increase the brick or if the EFIS has to be eliminated and do solid brick, the logo would blend in more with the brick and would not be recognizable. Mr. Klemple also stated the landscaping that would be around the perimeter would reduce the sight so that is where the canopy branding would play a part. Mr. Klemple stated Walmart's preference would be to keep some of the blue on the building as well as the canopy. Mayor Anderson asked if the blue and signage could be left in the front if they were to add more brick and stone to the right side since there will be landscape to cover it. Mr. Klemple stated he could raise the brick or stone up to reduce the EFIS. Mayor Anderson stated that with the rest of the building being brick and stone, you are not far from the percentage and if the left side could be modified to make up the difference for the EFIS and signage. Mr. Klemple stated they could raise the stone another two feet and on the right side have one third of the blue and two thirds brick, that should be acceptable to Walmart and still read as a nice branding corner without dominating and being overbearing with the blue and being close to the brick amount. Mayor Anderson stated you should be able to keep the blue in the front with the stone band all the way around the building. Mr. Magner stated he agrees there is a way to achieve this but can't quantify here as percentage and I'm trying to help with the application but trying to make sure we stay within a reasonable legal description. Mayor Anderson stated that would be a condition. Mr. Klemple stated on the right elevation, the calculations that he came up with is forty-two percent brick, twenty percent stone, and thirty-eight percent EFIS and hoping that marries up with what has been submitted so if they half the blue on the right side that would be nineteen percent for the blue, an additional nineteen to the brick which would pull that up to

sixty-one percent brick, twenty percent stone and this is without raising the stone. Mr. Magner asked if the EFIS zone in the front will be reduced. Mr. Klemple stated that it is correct, and he could raise the stone on the front and as it wraps around the corner to the first control joint and that reduces the EFIS to get in the ballpark of the brick that is needed. Mr. Magner asked if that was about a twenty-foot section of EFIS on the front. Mr. Greer stated the front elevation is thirteen feet, ten inches wide and over all the dimensions of the width of the building is fifty-four feet. Mr. Hogan stated if the board were to approve of this but remove the exception of the seventy percent brick requirement would the applicant comply with that based on the changes that were just mentioned. Mr. Klemple stated technically no unless the brick and the stone is combined into one category. Mayor Anderson clarified brick, and stone is one category as masonry. Mr. Hogan stated it would be simpler to say to remove that exception and it would give more options on how to make it. Ms. Schulist agreed and stated she didn't want to play designer. Mr. Klemple stated he could get close to seventy percent, but the front would not be close to seventy percent because of the amount of glass. Mr. Magner stated legally we can't amend with close, there has to be a percentage that is set or to meet the guidelines. Ms. Schulist stated to meet the guidelines. Mr. McDonald asked if the exception was removed and approved and if they went back to the drawing board and couldn't make it work, what would happen. Mr. Greer stated that would be on the applicant to resolve their conflicts with approval to come within the compliance of the design review manual of the city of Fairview. Mr. McDonald asked if they were to get close to the percentage but didn't meet it, how that would that affect the process of the application. Mr. Greer stated they could come back at a later date to ask for that exception if they were unable to obtain it. Mr. McDonald stated it seems that we are headed that way to remove the exception and see if they can make it then have another discussion if it can't happen. Mr. Magner stated we understand the condition if there is a percentage of two differences, I don't think that would hold up in the future. Mr. Greer asked if there was a percentage that the board would be willing to accept. Mr. Greer stated the front elevation is at forty-six percent brick, and if it was fifty percent brick that would satisfy the planning commission, or at the right-side elevation is forty-two percent and got to sixty percent. Mr. Magner stated he appreciates the comments, but the glazed areas are a huge factor of the percentages, and we are not changing the glazing just trying to address the masonry in the blue corner. Mayor Anderson asked for clarification about the glass percentage. Keven Chastine stated ultimately that would be how the planning commission desires to interpret how it is stated in the zoning ordinance and in the past, it was always included the doors and windows as part of the wall area. Mr. Chastine stated there is not a specific definition of wall area in the ordinance so the planning commission can interpret that. Mayor Anderson asked if the glass area was removed in the calculations, they would be close to the correct percentage. Mr. Broadbent asked the applicant if the glass was included in the percentage. Mr. Greer stated they did include the glass area and on the front building elevation they would be very close if they did not meet the requirement and the right elevation, they would still fall shy of the requirement with forty-two percent brick, thirty-eight EFIS and twenty stone. Mayor Anderson stated her opinion is that the glass should be subtracted from the whole and should meet the requirements in the front. Mr. Pape agrees that the glass should be subtracted and its hard to put some condition on this to play designer and the way he sees it is that there are some flexibility and ideas to get close to the front elevation, we could approve this tonight, take that condition out and you could go ahead with the application except this and then ask for modification if you can't figure it out. Mr. Cali agrees with Mr. Pape, and he feels there has to be a way to put a sign up and make it work. Mayor Anderson states she still feels that they can make it work, and she knows that branding is important and understands how franchising feels about branding and that we should be able to work with them on the front and the sides and rear can be met with the brick and stone requirements. Mr. McDonald asked if the stone was to be the same height around the building. Mr. McDonald stated he is comfortable leaving the exception on the front of the building because he knows it will be reduced and by looking at the renderings if the project, logic would suggest they are meeting the requirements is the glass is not

included and appreciates the effort the applicant is giving to let them work through this as well and with that being said, he feels this is a phenomenal addition to that area and hopeful to spark interest for other development in that area. Mr. Magner stated if he had to summarize what Mr. McDonald stated, the amendment would only read the exception to the front elevation and not all elevations, Mr. McDonald stated that is correct. Mr. Pape stated he will make a motion to amend the resolution to state that exception one only applies to the front of the building. Mayor Anderson second. Mr. Magner stated exception for seventy percent front elevation only. Mr. Greer stated the road in front of the fuel station is Adele Road, and Adele Road comes in from the red light at Highway 100 into Walmart. Mr. Greer stated the entrance located on Adele Rd. has full access by making a left-hand turn onto Adele out to the red light. Mr. Greer stated staff has discussed with the applicant to potentially make that a right in and right-out condition due to a terrible left-in condition at the Circle K entrance and is trying to avoid that same conditioning happening at another red light. Mr. Greer stated ultimately that it is not a decision that is made by staff that it is a decision that is made by the commission, and we are giving a recommendation to have a right in and out condition. Mr. Greer stated there has been a circulation plan done and they are able to meet all the requirements or fire trucks and fuel trucks to get in and out of the site with a right-in and right-out condition. Mr. Magner stated as of now with Walmart being the only business there it doesn't seem like it could be a perceived issue but if there is more development that could be additional traffic. Mr. McDonald states from what he is hearing, the applicant is okay by doing this and seems the best outcome for future planning of this location and does not seem to see any harm in taking a left side turn out of it. Mr. Greer stated that currently there is no requirement to have a right in, right out, just for future use it made more logical sense to not have people turn left when traveling to the stop sign. Mr. Magner asked if the fuel trucks would have good access to the tanks. Mr. Greer stated the fuel trucks would be coming down Adele Rd into the Adele access point, the fuel tanks are along the north property boundary and then the trucks when leave from the Hopgood Rd access point. Mr. McDonald asked the applicant if they were okay with the right in, right out. Mr. Ramierz stated Walmart would prefer full access for ease for the customer and it would be the way to leave to go back to the main highway after using the fuel station so having the customer go though Hopgood Rd would be more cumbersome for the customer. Mr. Broadbent stated on the south side of Adele there is a queuing lane so any cars there queuing at the intersection could make it difficult for someone trying to make a left hand turn when exiting that property. Mr. Broadbent stated he is not requiring anything, it is merely a suggestion. Mr. McDonald asked if there is no cooperation regarding this do we have the authority to enforce that request. Mr. Broadbent stated he would have to ask his superiors about that. Mr. Hogan stated it would be difficult to impose something without a regulation or part of an ordinance to sight. Mr. Magner stated if we don't have a regulation that justifies an amendment, we are at risk here. Mr. McDonald stated there's nothing wrong with us requesting it they just don't necessarily have to follow it. Mr. Broadbent asked what the opinion is now after hearing what could possibly happen. Mr. Ramierz stated Walmart's preference is to always have full access going in and out of their fuel stations.

Motion to amend the resolution to state that exception one only applies to the front of the building: Mr. Pape

Second: Mayor Anderson

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Mr. King					X
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Magner	X				

Mr. Pape	X				
Ms. Schilling	X				
MOTION PASSED 8-0					

4. **Pc Resolution PC-08-25, Final Plat, Wiley Circle Subdivision, Map: 46H, Group: C, Parcel: 008.00. Current Zoning: RS-8. Property Owner: Wiley Circle Investments, LLC.**

Motion to approve: Mr. Cali

Second: Ms. Williams

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Mr. King					X
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape	X				
Ms. Schilling	X				
MOTION PASSED 8-0					

Staff Report: Ethan Greer

Representative: Tim Mangrum

Discussion: None

5. **Pc Resolution PC-09-25, Residential Development Plan, Highway 96 Townhomes, Map: 022, Parcels: 007.00, 167.00 and 17802. Current Zoning: RM-8. Property Owner: Middle Tennessee Developers.**

Motion to approve: Mr. Cali

Second: Mayor Anderson

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Mr. King					X
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape		X			
Ms. Schilling	X				
MOTION PASSED 7-1					

Staff Report: Ethan Greer

Representative: Allison Corolla, T-Square Engineering

Discussion: Mr. Magner asked for a reminder on why we can't have cul-de-sacs. Ms. Corolla stated the turn around length is less than the dead end requirement, less than one hundred fifty feet. Mr. Magner asked about the property wall by others that were on the civil sheet. Ms. Corolla stated as civil engineers they are not structural engineers and cannot certify structural designs which would include retaining walls. Mr. Magner asked if this was about the design of the wall. Ms. Corolla stated when a building permit is applied for, they will be required to have structural. Mr. Pape stated in code section 13.102.12B talks about

multifamily development and slope protection and clearly states any slope twenty percent slope or greater must remain undisturbed. Mr. Pape feels this plan does not satisfy our zoning ordinance. Mr. Pape also stated the A part of that code is that the density gets reduced for any percentages to fifteen to twenty. Mr. Broadbent stated the way staff interpret that is with the storm water ordinance in instituting that same slope requirement and says that areas less than five thousand square feet can be ignored. Mr. Pape stated the water ordinance is being replaced by the zoning ordinance. Mr. Broadbent stated he wouldn't consider that overruling a zoning ordinance, it is more of an instance of three different scenarios in which we have this slope requirement. Mr. Broadbent stated the zoning ordinance has its own, the subdivision regulations have its own, and the storm water ordinance has its own and all 3 of those are contradicting and conflicting so as a staff they have had to choose the most recent document that has been produced and approved to enforce. Mr. Pape stated that it is fair and wants to make sure that we are following our zoning ordinance. Mr. Broadbent stated it states in the storm water ordinance that the city engineer can grant special considerations for designs of roadways or necessary infrastructure of a subdivision or development. Me. Corolla stated that majority of the slopes are within the TDOT right of way and as part of our improvements as required by TDOT we are hoping to revise that and reduce the slope as well and that will be safer for travelers along the roadway. Mr. Magner stated he appreciated Mr. Pape's comment, and, in most cases, it is the worst case, but this interpretation being a minor area and I don't think it would benefit the community to preserve such a small pocket and if it was a bigger area or a green area, I would support that. Mr. Hogan stated when multiple regulations or ordinances overlap, the starting point is to try to read them to make sure they don't conflict and that the specific would take precedence over the general and he believes this is what staff are trying to do, and I think both are fair interpretations and there are good ways to get there either way. Mr. Greer stated the master development plan that was approved in December, there was an exception for architectural design for building elevations for seventy percent brick requirement which was masonry up to the bottom of the windowsill for each elevation. Mr. Greer stated they have provided an elevation drawing with their plan submission showing that they are in compliance with the condition of approval for the master development plan.

6. Pc Resolution PC-10-25, Annexation Request, 0 Crow Cut Road, Map: 018, Parcel: 031.00. Property Owner: Northcutt Custom Homes, LLC.

Motion to approve: Mayor Anderson

Second: Mr. Pape

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali		X			
Ms. Williams	X				
Mr. King					X
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape	X				
Ms. Schilling	X				
MOTION PASSED 7-1					

Staff Report: Ethan Greer

Representative: Tim Mangrum

Discussion: Mr. Magner stated as a reminder this is a recommendation from the Planning Commission to the Board of Commissioners, the Board of Commissioners will make the ultimate decision. Mr. Magner stated for clarity all the utilities that are there are running in from Crow Cut. Mr. Mangrum stated yes, there is an existing two-inch force main sewer line

that will have to get upgraded to a four-inch sewer, but the water and electricity is there. Mr. Magner asked to what extent that pipe will have to be upgraded to. Mr. Mangrum stated the pipe would go up to Highway 96, which is about three eights of a mile.

7. Pc Resolution PC-11-25, Residential Development Plan, Westview Phase 1B, Map: 046, Parcel: 044.00, Current Zoning: RS-15 POD. Property Owner: Boulevard Building Group.

Motion to approve: Mr. Cali

Second: Ms. Williams

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Mr. King					X
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape	X				
Ms. Schilling	X				
MOTION PASSED 8-0					

Staff Report: Ethan Greer

Representative: Chase Kerr, Crunk Engineering

Discussion: Mr. Magner stated based on the conditional approval, this says phase one and no more than one hundred homes, I am asking if we had phase 1A, phase 1B, and phase 1C when the original plan was approved or is this taking some liberties of the nomenclature of phase one. Mr. Chastine stated the original approval did not have subsections or sections to phase one, however, the number of lots stayed the same so phase one has been divided into smaller subsections but will remain no more than one hundred lots as originally approved. Mr. Magner asked Mr. Hogan to make sure we are not going back to conditional approval due to using the term *and* when worded no more than one hundred homes. Mr. Chastine stated he would also add in phase 1B along with 1A there is a total of eighty lots, so they are under the threshold as well. Mr. Hogan stated the use of the term *and* captures exactly what subdividing section one would prevent and thinks they are meeting the conditions and in compliance with the original approval. Mr. Greer stated the original master plan of phase one was one hundred homes, so it was essentially pre planning if they were to break up that phase into a section. Mr. Magner stated based on that and Mr. Hogans interpretation we are not at risk of modifying that condition of approval. Mr. Pape stated he feels this is being done to avoid road improvements for now and push that off to a later date but is the on-site sewage treatment facility is completely approved for all of these lots as well. Mr. Kerr stated the on-site sewage treatment is for the eight lots for phase 1A and 1B. Mr. Pape asked if that is approved by the state for the eighty lots. Mr. Kerr stated yes. Mr. Magner asked for clarification is every home will be sprinkled. Mr. Kerr stated they are aware of the requirement of having two access points or having the homes sprinkled if there are thirty lots or more. Mr. Magner asked if the mailbox service is on the border of the two phases. Mr. Kerr stated the mailbox kiosk will be in the amenity area that is a part of phase A. Mr. Magner asked if there would be parking spaces associated with it. Mr. Kerr stated yes.

8. Pc Resolution PC-12-25, Acceptance of Infrastructure, Cumberland Estates Phase 1. Current Zoning: R-20 POD. Property Owner: Cumberland Est, LLC.

Motion to approve: Mr. McDonald

Second: Mr. Pape

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Mr. King					X
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape	X				
Ms. Schilling	X				
MOTION PASSED 8-0					

Staff Report: Curtis Broadbent

Representative: Jason Beavers, Old South Properties

Discussion: Mr. Broadbent stated he consulted with Patrick Carter and Josh Hogan, the city attorneys, on this resolution. Mr. Broadbent stated if a maintenance bond has occurred for at least one year or the final topping of paving has been completed for at least one year, so the next step would be to release that bond, and the city will accept the infrastructure. Mr. Broadbent stated this is only a recommendation to the Board of Commissioners. Mr. Hogan stated he believes this is correct, that this is something Mr. Carter worked with the city engineer for getting in the proper format. Mr. Magner asked when talking about infrastructure, will this be for the roadways or all infrastructure. Mr. Broadbent stated this is for all infrastructure, and for anything that would be included in the infrastructure for a subdivision as well as ponds. Mr. Magner stated the planning commission has not seen these submissions but will start seeing more as developments start completed phases. Mr. Broadbent stated yes. Mr. Broadbent also stated that Mr. Greer mentioned that some subdivisions will maintain the ponds, and this is one of them, the HOA will take care of the pond, and the city will be owning is the drainage infrastructure, the pipes, the inlets, and what is in the right of ways, such as sidewalks, street trees, etc. Mr. Pape asked once it gets to this point, is there a final inspection, did someone come out and look at everything and do they feel good that there are no major repairs to be done. Mr. Broadbent stated yes, there were multiple inspections that occurred within the last six to eight months ago. Mr. Broadbent stated there was an overview, a punchout list, and to get everything finalized for the city to accept the infrastructure. Mr. Magner stated this is for phase one only. Mr. Broadbent stated yes, we have to go by the plating process. Mr. Magner stated that phase one all have private mailboxes, so the public mailbox is not part of the infrastructure. Mr. Beavers stated the public mailboxes did not start until phase three. Mr. Magner stated his opinion is this is a recommendation to the Board of Commissioners and that we are relying on our great staff with the city to have gone through the review and technicality so at this point it will only be procedural questions by the planning commission.

9. Pc Resolution PC-13-25, Acceptance of Infrastructure, Cumberland Estates Phase 2. Current Zoning: R-20 POD. Current Owner: Cumberland Est, LLC.

Motion to approve: Mr. Cali

Second: Mr. McDonald

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				

Ms. Williams	X				
Mr. King					X
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape	X				
Ms. Schilling	X				
MOTION PASSED 8-0					

Staff Report: Curtis Broadbent

Representative: Jason Beavers, Old South Properties

Discussion: Mr. Magner asked Mr. Broadbent if there was anything particular about this phase. Mr. Broadbent stated it is the same as phase one. Mr. Beavers stated he thanks the staff with helping them get to this point.

- **Bonds and Letters of Credit – None**
- **Reports for Discussion and Information**
 - **City Planning Staff** – Mr. Greer thanked everyone for there time and effort for a lengthy meeting.
 - **City Manager** – none
 - **City Engineer** – Mr. Broadbent stated they have had several discussions with our public works department regarding some concerns about trees on Northwest Hwy which will eventually be Belvoir Drive. Mr. Broadbent stated he is under the impression that some board members want to keep these trees in this area. Mr. Broadbent stated that the public works have received several complaints about some of the trees falling. Mr. Broadbent stated the developer has had some issues with putting in culverts with the driveways in that area. Mr. Broadbent stated they are looking for guidance on how to help with this situation and looking more for life safety regarding these trees. Mr. Broadbent stated there will be a sidewalk there and if the trees are removed then maybe use trees from the tree fund to plant street trees. Mr. Daugherty stated he met with Todd Bratcher with public works and as of now with the houses that are already built there, if one fell it would definitely hit a house. Mr. Daugherty also stated that according to Todd of there is a decision to take down the trees it would be easier to do so before there is more construction to be able to clean up easier. Mr. Daugherty stated he feels time is of the essence, he would hate for one of those trees to fall and hit one of those houses and it's not a matter of if they fall its when they fall. Mr. Magner stated subdivision regulations require tree planting and would these not be required through here. Mr. Broadbent stated road frontage is typically improved with new subdivisions and with this particular development this part of Northwest Hwy would end up being a subdivision street with intent to maintain the character of the street and the small town tree line street and as time has progressed there have been some that have fallen during recent storms and they are in the right of way and are mainly pine trees that are weak in nature with a few hardwood trees that would be protected at as much as can be but the pines would be the main trees that are the focus on being taken down. Mr. Greer stated this could be an opportunity to maintain a similar experience on this road if some form of evergreen tree was planted and that they would not get as tall as the pines. Mr. Greer stated since the trees are in the city right of way, if one fell on a home the city could possibly be liable. Mayor Anderson stated the way those trees canopy in that area are absolutely beautiful, but, she had a sixty foot tree fall on her house and she knows how dangerous this could be so if there is any chance that a tree could fall on a home that she agrees they need to be taken down and to take the root ball to make it look better. Mr. Greer stated that this was not a home builder or a developer coming to them to try to get a change of conditions and none of them approached them, this was taken on by Curtis, myself, Todd Bratcher and city manager by being proactive seeing there is an issue here. Mayor Anderson stated she appreciates

being proactive and we know how important trees are to us, but we need to look at this as a life safety issue. Mr. Pape stated that he agrees at how pretty the tree line is there, but we need to do the right thing if some are falling and that he suggest we bring in an arborist to see if we can save as many trees as we can and to have them look a the trees on both sides of that part of the road. Mr. Magner states that he hates using the tree bank fund and that he can name several streets in Fairview with this same condition, and he feels that the city needs to be careful about setting a precedent regarding trees that are about to fall. Mr. Daugherty stated there has been money going into the tree bank but not much going out so there is quite a bit of money sitting in there. Mr. Broadbent stated if anyone sees any life safety issue to please contact the public works department to review it to make sure it is in the right of way and not just trees around individual homes.

- **City Attorney** – none
- **Planning Commission Roundtable**
- **Adjournment by:** Mr. McDonald at 9:25PM

Marisa Howell

Marisa Howell, Community Services Assistant

<https://youtu.be/Q3TlzA0c91M?si=ih3JNBWROYpmsH9q>