

MUNICIPAL PLANNING COMMISSION MINUTES

April 13, 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, 1st Secretary
Emilee Senyard, 2nd Secretary

Staff Present: City Manager Scott Collins, City Attorney Tim Potter, City Engineer Kevin Blackburn, City Planning Micah Sullivan, 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	x	_____	_____	_____
Ms. Rainey	x	_____	_____	_____
Mrs. Schulist	x	_____	_____	_____
Ms. Senyard	x	_____	_____	_____

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

Motion: Schulist

Second: Senyard

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

NEW BUSINESS -

1. PC Resolution **PC-17-21**, A Resolution to Amend the City of Fairview Subdivision Regulations
 - Public Hearing on New Business Item 1 – NO COMMENTS
 - A Resolution to Amend the City of Fairview Subdivision Regulations Article 5, Section 5-102 Concept Plan Preparation – City staff Micah Sullivan noted we revised Section 2 a couple of years ago and section 5 also needed cleaning up.

Motion: Qualls

Second: Jenkins

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

2. PC Resolution **PC-18-21**, A Resolution to Amend the City of Fairview Subdivision Regulations
 - a. Public Hearing on New Business Item 2 – NO COMMENTS
 - b. A Resolution to Amend the City of Fairview Subdivision Regulations Article 5, Section 5-103 Development Plan Preparation – Sullivan notes this is similar to the previous item but specific to development plans. Wording was changed in article 2 and this changes in article 5 in more detail.

Motion: Cali

Second: Qualls

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

3. PC Resolution **PC-19-21**, A Resolution to Amend the City of Fairview Zoning Ordinance, Residential Zoning Classifications – City manager Collins notes we have been working to revise our zoning classes, and shore up weaknesses within so we can implement a new land use map. These zoning classes will be adopted by the Board of Commissioners as a part of the comprehensive plan. We have completed a lot of the work with the Planning Commission so it makes sense to forward for the completion. The following amendments are proposed; amend the RS-40 zoning classification by removing mobile home compliance, amend the R-20 zoning classification by removing duplex compliance, further identify and define the terms “green space” and “open space”, identify what determines “density” (number of lots or lot sizes), eliminate the use of Planned Overlay Districts in single-zone residential developments and subdivisions, refine setbacks for all zones, and refine multi-family zones to better utilize lots per acre calculations.

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

4. PC Resolution **PC-20-21**, A Resolution to Amend the City of Fairview Zoning Ordinance, Commercial Zoning Classifications – City Manager Collins recalls many discussions regarding the challenges of rezoning with such a broad commercial classification noting the question of a project falling through and being replaced with something that doesn’t fit our vision for that area. By utilizing more detailed zoning classifications we can be relatively assured of what would be possible within specific zones by grouping similarly functioning businesses. The following categories will be presented to the Board of Commissioners for discussion and review; C1 – restaurant, transient habitation (hotels, commercial extended stay, etc.), retail sales, general business and communications, banking, financial, insurance and real estate services, health, fitness and same day medical care facilities; C2 – community assembly, religious facilities, health care facilities, child care facilities, administrative services, cultural and recreational facilities, educational facilities; C3 – essential public transport, outdoor material sales and equipment sales and repair, warehousing, goods, transport and storage, wholesale sales, animal care and veterinary services, automotive and marine craft sales, service and repair; C4 – outdoor entertainment and amusement services, group assembly and commercial outdoor recreation; C5 – extensive impact facilities, intermediate impact facilities, special institutional care facilities, special personal and group care facilities.

Motion: Cali

Second: Senyard

	YES	NO	ABSTAIN	RECUSE
Mr. Anderson	x	___	___	___
Mr. Butler	x	___	___	___
Mr. Cali	x	___	___	___
Mr. Jenkins	x	___	___	___
Mr. McDonald	x	___	___	___

Mrs. Qualls	x	___	___	___
Ms. Rainey	x	___	___	___
Mrs. Schulist	x	___	___	___
Ms. Senyard	x	___	___	___

5. PC Resolution **PC-21-21**, A Resolution to Amend the City of Fairview Zoning Ordinance, Other Zoning Classifications – Collins notes in addition to commercial zones, there are certain businesses that we prefer keep separate because we need to regulate in number, distance or by other factors to ensure they don't end up in clusters or infringe on other businesses. Individual zoning for the following groups is proposed; check cashing and cash advance businesses, tobacco shops, group homes, food truck and similar transient or commercial enterprises, fireworks sales districts or zoning regulations, retail and commercial industrial or manufacturing locations.

Motion: Cali

Second: Schulist

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

6. PC Resolution **PC-22-21**, Site Plan, Otter Creek Subdivision, Phase 2, 26 Building Lots on 28.9 Acres, Map: 042, Parcels: 78.01 and 79, Property Owner: Otter Creek Holdings, LLC – Collins notes staff requests approval as Phase 2 meets all the requirements but be conditional upon any permitting for work done under Phase 1 for Phase 2 be obtained as a contingency for approval.

Motion: Qualls – to approve PC Resolution PC-22-21, Phase 2 site plan, conditional upon applying and obtaining the necessary permits for Phase 2

Second: McDonald

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

7. PC Resolution **PC-23-21**, Site Plan, Halls Automotive, Single-Building Commercial Building Lot on 2.08 Acres, Map: 047, Parcel: 2.03, Property Owner: Henrietta Hall – Sullivan notes that elevations are not shown but have been reviewed and approved. Hall's engineer, Conner Gilbert, noted the are in discussions with TSC regarding the staff comment on the curb toward

the dumpster pad and hope to get rid of the curb and pave to the adjacent TSC property. The exiting detention pond is primarily servicing the TSC lot and flows will be reduced with the addition of an additional pond. Schulist questioned whether there were requirements for existing pond improvements. Hall's engineer replied no but will be forthcoming as plans to widen the highway will require under ground retention for this site. Staff comments include: revise plan to show site signage and lighting photometrics, add site circulation sheet to plan set, address Fairview Fire Dept comments regarding hydrant connections, automated sprinkler requirements and Fire Marshal designation, address engineering comments regarding stormwater structures and EPSC, plan set to be approved by all utility providers prior to Pre-Construction meeting, provide documentation of all applicable state and federal permits prior to Pre-Construction meeting.

Motion: Cali – for approval with conditions of all 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	x	___	___	___
Ms. Rainey	x	___	___	___
Mrs. Schulist	x	___	___	___
Ms. Senyard	x	___	___	___

8. Discussion: City of Fairview Park Buffer – Commissioner Butler notes the BOC has a similar discussion on the agenda and he is looking for input from the Planning Commission members. Jenkins questions current precedent as a city for other buffers. Butler notes we have for commercial and residential developments, planned overlay developments and some other random buffers but nothing specific to parks. The 2040 plan indicates establishing a buffer around the park so it is up to us to decide what is best. Anderson noted current property owners would be grandfathered in with a future landowner adding if there are changes. Rainey agrees noting it is difficult to establish a universal buffer without looking at all the surrounding properties. Collins suggests a more simple approach noting the conversations have been brought about by the proposed Groves property development and to attempt to enforce on that proposal would be an issue. The developer has discussed a 25' heavily landscaped buffer zone and maybe we should take that as an example for more of a visual buffer that would be required if properties surrounding the park were to develop. We have the added challenge of the topography of lots surrounding the park as some contain buildable lots and some don't but a screening buffer could be applied uniformly. Jenkins questioned whether the buffer would be for environmental conservation noting her has heard lots of complaints but no clear reason as to why we need a buffer. Collins stated for noise and light pollution that can be screened by plantings. The park is 740 acres so the idea that a 25' buffer around it (which would total something like 3 acres) is absurd. The idea is more so that walking the perimeter trail you can still feel immersed in nature when you're actually 4' from the property line. Jenkins suggests 25' into the park to create a buffer so we don't worry about other properties. Collins states for the city to plant a 25' buffer in the park we would have to relocate one-third of the perimeter trail which would then alter the watershed and the intent is to not alter the park. McDonald asks about other nearby areas establishing such buffers or if we are having an unprecedented discussion.

NO ACTION

OLD BUSINESS - none

BONDS AND LETTERS OF CREDIT

Blackburn notes that bonds for Otter Creek Phase 2 and Halls Auto Repair are not prepared tonight but will be presented to the developers prior to the next meeting.

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| 1. Performance Bond, Peppertree Subdivision, Phase 1 | \$184,800 – NO ACTION |
| 2. Performance Bond, Peppertree Subdivision, Phase 3 | \$718,700 – NO ACTION |
| 3. Performance Bond, Fernvale Condos, Phase 4 | \$248,000 – NO ACTION |
| 4. Performance Bond, Wynwood Park Subdivision, Phase 1 | \$128,840 – NO ACTION |
| 5. Performance Bond, Wynwood Park Subdivision, Phase 2 | \$746,700 – NO ACTION |
| 6. Performance Bond, Waffle House | \$124,300 – NO ACTION |

Reports for Discussion and Information

- City Planning Staff, Micah Sullivan thanked all for lots of discussion tonight
- City Manager, Scott Collins stated in regard to tonight's discussion prior to and at the meeting tonight, there's a lot of work that goes on with our staff. We are in a transitional phase with stormwater concerns and have made a commitment to police the issues. Two things for sure: 1) the work is hard to do, and 2) we will make some mistakes along the way. We are making an effort to get it right across the board. Item 6 under bonds on the agenda, Waffle House performance bond, had not been posted and work had begun so we issued a stop work order. We have existing bonds on infrastructure that have been renewed year after year and we are working to get the work scheduled and completed. But I am calling a bond tomorrow to get resurfacing work completed. We take lessons from the last 20 years so that 20 years from now no one asks those same questions of us. We are receptive of growing pains and complaints, but we try to learn from the past. I don't mind taking the blame, but I'm also the guy that loves an audit as an opportunity to do better. The city is making an effort to protect where we are and it is a big undertaking.
- City Engineer, Kevin Blackburn – no comments
- City Attorney, Tim Potter – no comments

Communication From The Planning Commission Members

- Mr. Anderson offered thanks for the work everyone is putting out noting it is complicated
- Mr. Cali thanked the staff for all the hard work they do noting he is appreciative
- Mr. Butler thanked everyone for continuing to grind away at the work
- Mr. Jenkins questioned the status of setting time limits for site plan approvals. Collins noted in the revision stage but approvals are not currently unlimited. For example, the Highbury Pointe project was previously approved but had to be revisited for current regulations.
- Mr. McDonald – no comments
- Ms. Qualls – no comments
- Ms. Rainey - no comments
- Mrs. Schulist – no comments
- Ms. Senyard – no comments

ADJOURNMENT – Motion to adjourn by Jenkins at 8:15 p.m.

City Recorder