

# **MUNICIPAL PLANNING COMMISSION MINUTES**

**May 11, 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 Planning Micah Sullivan, Keith Paisley

- Roll Call vote by Planning Commission Chair, Brandon Butler

	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 7:00 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

1. Amelia Rousseau, 7374 Hunting Camp Road is her family's property and she was born and raised here. There are two creeks on the property, Niblet Creek and Hunting Creek. She has seen wildlife destroyed by Otter Creek as the creeks have been negligently utilized as drainage from the development with culverts pointing directly to the creek. There are numerous problems with stormwater management at the outfall of Otter Creek. Silt fencing continuously fails. The creeks now contain red, silty runoff water in the creeks from the subdivision that has settled in the creek bed and is extremely

detrimental to the health of the creek. These infractions have been endlessly reported to TDEC and city of Fairview staff, yet the problem worsens. She is asking the PC to think about releasing the bond or bond reduction and to review plans and verify adequate stormwater calculations are included. The developer needs to be held accountable as this project is negatively impacting the watershed.

2. Aaron Davis, 7389 Hunting Camp Road, neighbor to Amelia's family, contacted the builder once he had issues to bring to his attention. Davis then contacted an attorney and now has filed suit. He has pics from August 2020 and April 2021. Silt fence costs less than \$20 and compared to the millions the developer is making. The job needs a silt fence and, in brazen disregard, the developer has not had one so the creek is now orange. Davis is asking the PC not to reduce the bond on Phase 1 because they have been working without a permit on Phase 2. Qualls asked whether TDEC took action and Davis responded the developer has not paid his fines to his knowledge. Anderson asks Davis who the developer is and Davis pleads the fifth due to pending litigation which the developer attempted to settle last week to an extent which was laughable with no inspections, no cleanup. Davis states the city deserves better.
3. Meredith Keyser, 7321 Cox Run Court, stated she is not here to speak about Cox Run. For some time she has been a silent investor on developments in several communities. But was not silent about the Groves Property development. When the project was proposed she thought the property could be developed how the community desired if the right developer were found. She thought as Williamson County is one of the most desired locations and it's beautiful landscape she thought it would be simple. She was stunned when developer after developer states they won't touch Fairview with the planning process they have to go through and our infrastructure problems. The design Review Manual – she was pleased to hear of a review and revision process coming soon. What is it about the design review manual that is so hard? Keyser asks the Planning Commission to give some thought to why people won't come to Fairview, why they are ignoring the opportunities Fairview has to offer. Keyser might have become a resident of Otter Creek. She sat through their sales pitch and was told the step system was only temporary until the city put in the drainage system. She checked up on them and is not only not a resident but has also watched the pollution downstream and the environmental concerns it brings.

- Approval of Minutes: April 13, 2021 regular meeting  
April 13, 2021 work session

Motion: Anderson

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	___	___	___

**OLD BUSINESS -** none

**NEW BUSINESS -**

1. PC Resolution **PC-24-21**, Subdivision Regulation Interpretation, Sam Burgess Major Subdivision, Map: 047, Parcels: 92.02, 92.03, 92.04. Applicant: Joe Chapdelaine – Sam Burgess discusses a five-acre parcel with a double wide trailer currently on it on Cumberland Drive. Burgess planned to subdivide to add another lot but then a neighbor offered their lot too. Burgess hopes to share a driveway as there is road frontage on all lots except the neighbors lot. Joe Chapdelaine, project engineer, states this was divided to a one-acre lot in 1991 and the 4 acres shown on the plat to be used later. The intent is to divide the one lot and have the driveway continue through the one-acre plot to the four-acre plot so Burgess can reshape the lots and create a defined easement. Collins cautions the three lots cannot have access by one easement. Chapdelaine argues that three lots have road frontage and only one requires an easement. The property rights are not removed by the creation of the easement. Collins adds our sub regs require a subdivision with more than two lots to have access by public roadway standards. Senyard requested city attorney Tim Potter provide a legal opinion on our regulations and this request. Potter advised he would research and respond back.

Motion: Senyard to defer

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	___	___	___

2. PC Resolution **PC-25-21**, Final Plat, Avery Acres Subdivision. 3 Building Lots on 3.32 Acres. Map: 042, Parcels: 66. Property Owners: Keith William Mangrum and Becky Ann Taylor – Alex Prince was present and announced he will be moving back to Fairview and has approval from the owners to represent the project. He originally thought of dividing into five or six lots but didn't want to go through the rezoning process so to keep things simple the plans are simply to divide into three lots to meet current zoning. Sullivan confirmed all staff comments were met by the applicant.

Motion: Jenkins to approve PC-25-21 as written

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     \_\_\_\_\_

3. PC Resolution **PC-26-21**, Rezoning, William C Sullivan and Katherine Sullivan. Current Zoning: CG-Commercial General, Proposed Zoning: RM-20 Multifamily, 37.14 Acres, Map: 046, Part of Parcel: 87. Property Owners: Estate of Laura Katherine Sullivan – Ben Eastep was present to represent the property and noted the parcel is 48 acres total and the desire is to have 11 acres remain CG and change the remaining 36+/- acres to RM-20. Jenkins remarks that RM-20 zoning is not in the comprehensive plan for this area. Butler asked if that would allow 742 units or whether Eastep had a number for density. Eastep noted sewer capacity as well as the topography will restrict the number of units to much less than that. The plans are to build work force affordable housing. He adds that higher densities sometimes scare people but a lot of areas allow a mix of zonings in such an area, as is their plan. Eastep adds the development is planned to be an overall mix of apartments, townhomes, duplexes, and single-family cottages so they will come back for an overlay district zoning. McDonald questioned rezoning without a specific plan especially when they will need to come back for another approval. Eastep explains this is their starting point to get to the mix of zones for the entire project. If the density isn't right then the sewer infrastructure won't be affordable. This has been in the works for three years already with many discussions with WADC on sewer. Senyard requested more of a development plan and agrees the city needs this type of housing. Eastep was asked if he is willing to compromise to a less dense zoning and he is but states he needs at least 500 units on the approximately 20 buildable acres to make the sewer expense affordable.

Motion: Jenkins to not be rezoned from CG to RM-20

Second: Cali

	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. Discussion, City of Fairview Design Review Manual, specifically discussion on the 70% brick requirement. Do we require 70% brick? Collins reads from our design review manual and it does not state a requirement. At a minimum we need to address a change. The word "encouraged" is not enforceable and it would be helpful to include a list of prohibited materials. Butler shares examples from Franklin and Spring Hill regulations regarding specific materials not allowed. The recently completed West Way apartments across from Tractor Supply do not meet the 70% brick requirement. What influenced the intent of 70% brick requirement? It was instituted when Fred's came in as a push for material regulations particularly on Highway 100. How many projects have not come to Fairview because of this requirement? Jenkins reminds that design review manual updates are part of the comprehensive plan implementation but we

need short term change now. At a minimum we should address the vicinity requirement noting if there are no other buildings in the vicinity then there is no similar style example. Butler notes we will have to have work sessions to work through and really dig into the regulations as a group.

Motion: Anderson to defer until after a work session can be scheduled to discuss as soon as possible

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	___	___	___

**BONDS AND LETTERS OF CREDIT** – no action, for informational purposes only

1. Performance Bond, Otter Creek Subdivision, Phase 1, Section 1 \$136,100
2. Performance Bond, Otter Creek Subdivision, Phase 1, Section 2 \$106,000
3. Performance Bond, Otter Creek Subdivision, Phase 2 \$783,000

**Reports for Discussion and Information**

- City Planning Staff, Micah Sullivan, will work on getting the information together as discussed tonight for a work session discussion
- City Manager, Scott Collins, exited the meeting before comments
- City Engineer, Kevin Blackburn notes that bond reductions include infrastructure that has been completed per the plans and inspected. If something has not been completed we can retain part of the bond and not accept that item or items. He has had numerous questions about runoff and has been working with TDEC. They have met on site and assured Blackburn they are looking into each issue and have offered their assistance in every way they can. TDEC is the enforcement agency. Reclamation bonds cover the site in terms of erosion and sediment control. Once pollution is in a waterway, it is in the jurisdiction of the EPA and TDEC.
- City Attorney, Tim Potter – no comments

**COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS**

- Mr. Anderson – no comments
- Mr. Cali – no comments
- Mr. Butler is trying to push for joint workshops of the PC and BOC for discussion of plans with the applicant, no votes to be taken, just compare the plan with the comprehensive plan, land use plan, ask questions and get an overview of the project before the official approval process begins. This is something a lot of municipalities around us do.
- Mr. Jenkins points out that Item 3 there was a motion with no discussion and then four people voted against the motion. Was there confusion with a double negative? Jenkins requested clarification and Qualls states she disagreed. Jenkins asked if she would have approved R-

20 and she confirmed that she would have. Jenkins believes if we have an opportunity to discuss something then we should do it and not just disagree and sit quietly.

- Mr. McDonald – no comments
- Ms. Qualls appreciates those who got up to speak tonight, especially the lady who just left.
- Ms. Rainey - no comments
- Mrs. Schulist – no comments
- Ms. Senyard – no comments

**ADJOURNMENT** – Motion to adjourn by Rainey, seconded by Qualls at 8:57 p.m.

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City Recorder