

MUNICIPAL PLANNING COMMISSION MINUTES

October 10, 2023, Meeting at 7 p.m.

Chris McDonald, Chairman
Salvatore Cali
Shonda Schilling

Emilee Senyard, Vice Chairman
Stuart L. Johnson
Hayley Schulist

Brandon Butler
Daivd Magner
LaRhonda Williams

Staff Present: Tom Daughtery, Maria Bruce, Keith Paisley, Ethan Greer, Josh Hogan, Kevin Chastaine, Curtis Broadbent.

- Mr. McDonald called the meeting to order at 7:01pm.
- Roll Call by Maria Bruce

	Present	Absent
Ms. Schilling	x	
Ms. Senyard	x	
Ms. Schulist	x	
Mr. McDonald	x	
Mr. Johnson	x	
Mr. Butler		x
Mr. Cali	x	
Mr. Magner	x	
Ms. Williams	x	

- Prayer and Pledge led by Mr. McDonald
- Approval of the Agenda

Motion to Approve: Mr. Johnson

Second: Ms. Williams

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mr. Johnson	x				
Ms. Williams	x				
Ms. Schilling	x				
Ms. Senyard	x				
Ms. Schulist	x				
Mr. Cali	x				
Mr. Magner	x				
Mr. McDonald	x				
Mr. Butler					x
MOTION: to Approve Passed 8-0					

- Citizen Comments:

- Don Hand
- Jeff Pape

- Don Hand:

I spoke with these gentlemen over here and they answered a lot of the questions that I was asking. I just wanted to make sure that some of this zoning and stuff was not going to be bringing in apartments and things of that nature. And it appears that there are some townhouses that may possibly go in and they mention that like 1200 units, I believe, units so far, that are going to be planned. (Looks for more information from Planning Staff).

McDonald:

Sir, the citizens' comments portion is just giving you a chance to speak and us hear you, it's not unfortunately a back-and-forth discussion. So, if you say whatever you would like for us to hear. Sorry about that.

DH: Okay, basically I didn't want to have apartments and things like that coming in. Thank you.

- Jeff Pape:

I just want to speak really quickly, ironically to both agenda items number one, the two multi-family zonings that are up tonight. Just really quick, I was looking at both the applications and it's ironic that they are both up at the same meeting, because they're two sites that have an interesting similarity. Obviously, they're both large sites on highly travelled corridors, but the interesting thing is they both have two different designations. There are single pieces of property with two different designations in the 2040 Comp Plan. Um both of them have a commercial land use designation up front and then transitional residential for the rear of the parcels and it's just a unique quality that you don't see on too many sites and have both of them come forward in one meeting. I thought was interesting and with both of them asking for straight multi-family zoning, it just feels like they're not consistent with the 2040 Plan number one and the main concern with that is the fact that one thing I hear around town a lot is people want retail. They want more restaurants, they want more shopping options, and that was discussed by Ms. Schilling in on of the last meetings and if you zone these straight multifamily you potentially give that up and you know, are they good retail sites today? You know, I don't know if the retailer will show up today, but if they go complete multi-family, I think in the future you give up the opportunity of two really strong commercial sites, potential commercial sites. So how do you solve that problem with this unique situation of two different classifications in the future land use plan and you know, our zoning code has had some challenges and needs some work, but one really great tool in there is the POD zoning and I don't know that we've used that really correctly much thus far here in Fairview and these are two ideal sites for POD Zoning to have some type of

mixed commercial upfront, residential transition in the back, and also that P zoning would give the city a lot more control over it. I know likely our city attorney's going to remind you that you have to act on the application in front of you tonight which is request for straight zoning, but I think in the discussion, if it was, you know, the direction of the board that you feel it's not consistent with the comp plan. You can certainly talk about POD zoning that might give the applicants some indication of what could possibly be more successful in the future if the application is turned down, but I just wanted to kind of throw that out there that POD zoning is just you know, very specific to this literally, if you read the purpose and intent paragraph, it talks about large tracts of land that require multiple uses that can't be achieved by traditional zoning. So, I think it's just ideal for POD oversight zoning. Thank you

- Approval of minutes -- September 12th, 2023 Work Session

Motion to approve: Mr. Cali

Second: Mr. Wagner.

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mr. Cali	x				
Mr. Wagner	x				
Ms. Schilling	x				
Ms. Senyard	x				
Ms. Schulist	x				
Mr. McDonald	x				
Mr. Johnson	x				
Ms. Williams	x				
Mr. Butler					x
MOTION: to Approve Passed 8-0 (1 Absent)					

- Approval of minutes -- September 12th, 2023 Regular Meeting

Motion to approve: Mr. Cali

Second: Ms. Schulist

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mr. Cali	x				
Ms. Schulist	x				
Ms. Schilling	x				
Ms. Senyard	x				
Mr. McDonald	x				
Mr. Johnson	x				
Mr. Wagner	x				
Ms. Williams	x				
Mr. Butler					x
MOTION: to Approve Passed 8-0 (1 Absent)					

- Approval of minutes -- September 21st, 2023 Special Meeting

Motion to approve: Ms. Williams

Second: Mr. Johnson

	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Williams	x				
Mr. Johnson	x				
Ms. Schilling	x				
Ms. Senyard	x				
Ms. Schulist	x				
Mr. McDonald	x				
Mr. Cali	x				
Mr. Magner	x				
Mr. Butler					x
MOTION: to Approve Passed 8-0 (1 Absent)					

- Old Business

1. PC Resolution **PC-29-23**, Rezoning, BARKEAST LLC – 2451 Fairview Blvd, 39.17 Acres, Map: 046, Parcel: 087.00. Current Zoning: CG Commercial General, Proposed Zoning: RM-12 Multifamily. Property Owner: Barkeast LLC.

- McDonald: This is old business; we have to address it since it was deferred a month ago. Staff if you have comments that you'd like to provide.
- Greer: This item was deferred for 30 days and so it appears as old business on this agenda. The applicant has communicated to staff that they would like to table this indefinitely. And that eventually they may come back in with another different proposal. At a later date. But currently for this application, they would like to table this item.

Motion to table: Mr. Cali

Second: Mr. Magner

- McDonald: Is there anybody that would like to add discussion?
- Ms. Schulist: With tabling it, does it stay on the agenda indefinitely as old business?
- Josh: No ma'am. It won't be on the agenda. If it's not taken from the table before the end of the next scheduled meeting, then it falls off the agenda completely. So, at any time before the end of the next scheduled meeting, it could be taken from the table by a motion. If it's not done by that, then it's completely gone, and it has to be re brought.
- Ms. Williams: The requested proposal here you mentioned indefinitely. So, do we take that language into account?
- Josh: I think it was deferred to a specific meeting and with the applicant not asking for another deferral, I think that's indicative of their intent to have it removed, until they can resubmit a new application. So, I think because they didn't request a deferral, because they're asking for it to be tabled, the applicants requested it to be taken off the agenda.
- Mr. McDonald: I would like to add, having a month to think about it, I personally felt that the deferral, was something in my opinion, a mistake that we made. The citizens are

pretty outspoken about this. I think the board has made it pretty clear that this does not fit the 2040 plan, our future zoning ideas for that area. I think tabling it though, yes, it puts an end to it for now. Sends the wrong message. It might confuse the citizens to make them think that it's just a play to keep it on the back burner. Personally, I would like to see us take action on this and vote no on the proposed, that's just my opinion.

Does anyone have anything to add?

- Ms. Williams: I agree. He used the language indefinitely in his request. So, I don't see why it's something that needs to be brought up again.
- Ms. Senyard: I don't think he presented last time so I don't think we should be taking action other than to table it and get it off the agenda until he presents something new.
- Mr. Schulist: If it is voted no, is he able to come forward again and present something different?
- Mr. Johnson: Absolutely. And also, we cant take action tonight because he's not present either.
- Josh: I agree with Commission Johnson. Yes, he could bring another application and I think it would be imprudent to vote on something without input from the applicant.
- Mr. McDonald: Fair enough. Any other comments or discussions? We do have a motion to table.

PC-29-23	YES	NO	ABSTAIN	RECUSE	ABSENT
Mr. Cali	x				
Mr. Magner	x				
Ms. Schilling	x				
Ms. Senyard	x				
Ms. Schulist	x				
Mr. McDonald	x				
Mr. Johnson	x				
Ms. Williams	x				
Mr. Butler					x
MOTION: To Table Passed 8-0 (1 Absent)					

- **New Business**

1. PC Resolution **PC-31-23**, Rezoning, Quarterra – Fairview Blvd, 36.16 Acres, Map: 042, Parcel: 42.00. Current Zoning: OTNC Other Non-Conforming, Proposed Zoning: RM-8 Multifamily. Property Owner: Dwaraka Farms, LLC.

Motion to discuss: Ms. Schulist

Second: Ms. Senyard

- Staff Comments:
 - Mr. Greer: This project was brought in last month and it was given the disapproval of the Planning Commission. The applicant has taken those remarks and has made several changes to their conceptual and what they would like to provide in that same spot. They are still requesting an RM-8 zone designation. And with that, I believe the applicant has a short presentation to demonstrate what they've changed in their application.

- Kevin O'Brien: Good evening. Good to be here. My name is Kevin O'Brien, my colleague Ray Crocker, we work for the Quarterra Division of Lennar. Were excited to talk to you guys again, we believe we heard your feedback last time. We've incorporated it. I want to be clear in talking with Ethan and hopefully he can help, we are presenting a different proposal tonight that would not be fully RM-8, the Post Office currently is not. It would be a split zoning, but the way I understand that works is it would be subject to, we'd have to separate those parcels after we take ownership, and we would have two different zonings. I'll get into that. Do we have our PowerPoint? So just to refresh the site location that were talking about tonight, it's approximately 36 acres located at the corner of Highway 96 and 100 with the current USPS residing on it. The current zoning is OTNC except for where the Post Office is, which is Commercial, but that's other non-conforming more of a place holder when the zoning code was put in place for a future rezone. The site does have some significant challenges, access being the primary one. There are topographical challenges, there are drain ways throughout the site, electrical easements, TDOT easements and likely a significant amount of rock. The site also has dangerous access both to the PO and Thompsons Kitchen. These are all things we've taken into account. These are things we actually intend and would like to improve with the coordination of TDOT and the COF. We are seeking an RM-8 rezone here and commercial to accommodate our Townhome development and future commercial pad that we believe brings us more in line with the 2040 comprehensive plan. So, this is the plan we brough last time again. We are not at site plan proposal; this is just a rendering. However, we have adapted this to show what we intend to do with the rezone if we could go to the next slide. I want to highlight what's been changed here. First of all, density was reduced from 220 to 195, primarily to accommodate a little bit more green space, we've added an amenity. Were showing a dog park here, that's something that's been freed up. We believe that this will free up even more of our turn radius which is going to be required as we talk with Chief Hughes, but most importantly were going to cordon off the front entrance that in the beginning we wanted to be a commercial node. We believe it will now be even more of a commercial node. That's where we will correct the entrance between our post office and Thompsons Kitchen to square up with the median. Were going to propose to build 5,000 additional square feet of commercial pads, shifting the parking lot to the back. That would open up more green space in the front. We will be keeping the post office as tenants for now. Obviously, that's their lease. We need to honor in the future. That could change over. We would imagine that additional commercial space would tie in with an updated PO building and we've allowed room for an outdoor dining pad. Again, we were pretty clear with the feedback last time. The market will determine this space, but we could see that being a sandwich shop, an ice cream shop, a coffee shop, probably more of your neighborhood serving retail right now. We think this is a space as we look at our business plan will be set aside and protected by zoning. We think the rooftops behind it are necessary for us to attract a retail partner of ours to come there. However, by doing that zoning we intended to be a part of the 2040 plan with commercial and a transition quarter but that will forever protect it. And this is where we'd love to have a conversation but the two main takeaways that we had from planning were traffic concerns

and Fairview only has so much commercial land we don't want to lose it. We want to protect it. We were able to meet with TDOT again on site. It's been a conversation we've had many times. Traffic is a concern. TDOT admits commercial would bring more traffic than just our townhomes would. It got more of an all-day type use instead of more of a commute pattern. Having that there certainly triggers a designated left turn-in lane. Its minute on here, but its critical that would accommodate as traffic emerges onto Highway 100 headed into the city. There will now be a left lane to accommodate some overflow to get in, facilitate a safer intersection there. We obviously already had the D cell lane into our second entrance which is required by fire code. That is a right in, right out only. But doing much more commercial than this, TDOT agreed, is borderline a huge risk for the traffic there. And I will say that the traffic light conversation came up. That's not really a conversation for us as a developer to have TDOT, that's going to be something more of the desire of the City. So that's not something was for or against. It's just not our place to have in the conversation. However, TDOT agreed that this was an acceptable amount of commercial with this amount of traffic exit and entrance. So again, in recap, that would take you to almost 8,000 square feet of commercial in the corner. You would also have Thompsons Kitchen there; Phase 3 is obviously moved in the back. We truly believe that this activates a commercial corridor here and we would love to open it up for feedback and questions and hopefully here if we were able to at least address some of the concerns you all had.

- Mr. Magner: I apologize, I did not bring the RM-8 with me so I might need some assistance from the staff, but I believe there are limitations in what commercial you can have if it's associated with RM-8, correct?
- Mr. Greer: That front parcel would remain zoned Commercial General.
- Mr. Magner: So that would not be limited to 2500 sq ft?
- Mr. Greer: That would be correct. That would be that would be the split zoning that they're speaking of.
- Mr. Magner: Okay, so then if I may, how does this process work? If we approve RM-8 tonight, how do we know that's its going to come back in the commercial will follow through?
- Josh: Tonight is just a recommendation. It's not a final decision. It's a recommendation to the Board of Commissioners. The whole parcel right now, because it's a single parcel will have to be zoned for whatever the request is. So, RM8, right now, would be the whole parcel. They would have to then down the road, at some point, split that parcel and there would have to be a separate application to go back to commercial for the commercial parcel. So, to answer your question, there's no guarantee, it will require a separate zoning amendment that has to be approved by the BOC.
- Mr. Magner: Thank you
- Kevin O'Brien: It is a challenge for us. We cant subdivide it, as we don't own it right now. Were not the owner. In talking with Ethan, we need to subdivide that and then rezone it. It's also a little odd, it currently one parcel, but it has commercial and OTNC zoning on it right now. So, there's a little discrepancy that that wasn't done right when zoning code was put in place.
- Ms. Senyard: I was about to ask how that worked because the post office exists on it.

- Kevin O'Brien: And it shows commercial zoning.
- Josh: Unfortunately, I don't have an answer for how that was originally zoned. That was a little before my time, but I'm confident that the staff report on the current zoning status is correct.
- Mr. Magner: Then if I may, we did talk a lot about traffic, and I realized the state would have to own the traffic light. We addressed traffic eastbound entering the property, but not eastbound heading towards Nashville which I think was one of our stated concerns last month. Eastbound, leaving, in the morning rush hour traffic. As you mentioned that will continue to still be a dangerous intersection because we can't accommodate.
- Ray Crocker: We would be open to a traffic light there, but I think that's a decision from the city.
- Kevin O'Brien: Our two contacts at TDOT, Jack Dickens and Stanley Summer indicated they need to hear that request coming from Fairview. That's something that can be put into a development agreement on the developer but it's not something we can request from TDOT.
- Mr. McDonald: I think there is definitely some improvement that we have made since the last time you were here a month ago with the parking and the adding of the commercial as well as with just the road improvements in general with the turn lanes and all that. My question would be to Mr. Johnsons point, as well as citizen comment earlier, it sounds like your open to this mixed use of this property so why not take the steps to bring forward a pod zoning request instead of just a flat RM-8.
- Kevin O'Brien: I'm happy to address that. Weve been through that extensively with staff and that's where we started out and unfortunately its time value of money for us as the developer you have to horizontally plat everything within a POD. The way we develop would be in phases and instead of coming in and putting all infrastructure were able to start buildings in succession. It cuts our development time by months if not a year if we had to go POD and horizontally develop it would be infeasible for us as a developer right now.
- Mr. McDonald: My personal concern isn't so much this particular development as you have, were here just to discuss a rezoning but it seems like we have gone further down the road in conversation so, anytime we put a flat zoning across an entire parcel, nothing personal to you all, you guys make a great presentation, you seem like you're very engaged in this discussion, but I think as a lot of Fairview residents would attest, there's been plenty of good intentioned development come in the past, get a flat zoning and then never hear from them again for years, it opens up a potential risk to the city and I understand that there's more money that is required to do all that. I would like to have more discussion around how everyone else feels about that.
- Ray Crocker: I understand your concerns. If this site was subdivided now, if we were to subdivide it come back speak to you later and there was a commercial pad that was subdivided out of the OTNC, and that was then zoned commercial with the process be, commercial, zoning, securing what everybody's concerned about, that not being commercial, and then coming back for the RM-8, is that the process that makes the most sense here?

- Mr. Johnson: It could all be done the same night, the same meeting, the same vote. The same motion could take care of both.
- Kevin O'Brian: We missed that understanding. We need to amend our application to such.
- Mr. McDonald: I know for me to that point that you just mentioned, the concern that I have is not what you are proposing, it is what the zoning would then allow so if you did do a subdivide of the parcel and had that, I know, personally, I would feel better about it. It's not going full pot overlay, but it's a happy medium in a way, but I think the overall concern is does that commercial just get forgotten about, you know, and I understand it's just hypothetical it could happen.
- Kevin O'Brian: Maybe it was a misunderstanding, was that there would be a condition of that zoning to subdivide that out prior to issuing building permits or something maybe I'm wrong on that but there was a process after this that would then be subdivided once we own the property and then prior to us moving forward with anything it would be commercial and RM-8 but that process may be my misunderstanding
- Josh: So unfortunately, we can't do conditional zoning that gets into a bit of legal contract zoning which is not a good thing, so what you proposed, having it spilt and coming forward one application to amend two different parcels. I think would satisfy the requirement, but I don't think we can put a condition on its owner in question.
- Mr. Magner: If I can also just add then, there's additional opinions not just by the board but expressed by the community, were concerned about the higher density of developments, and unfortunately with this particular track you're forced to develop the portions that have more appropriate topography so I realize there a business case there but unfortunately the community is having to handle another extremely high density development, just so you know that continues to be a voiced concern and the trend that seems to have been happening.
- Kevin O'Brien: I would just add to that, we hear that and if the 2040 plan is wanted here and we think were providing an affordable solution, this is under six units per acre partially because of the usable piece of land that protects significantly more forestry than most and the RM-8 zoning by its nature protects from extremely high dense product you're capped at two and a half stories. We would be a two-story product. As a developer, you would not be able to come in and do three story flats and super densify this with an RM-8. There is little protection there as proposed to an RM 12 zoning that would absolutely open the door for something much denser than this.
- Mr. McDonald: Any additional comments or questions?
- Mr. Johnson: I have a question. Would y'all want this voted on tonight, not knowing, or would y'all like to maybe do what you were just talking about and bring it back.
- Kevin O'Brian: I think that we're at a little bit of a tight timeline with our seller that puts us in tough spot. I think in a perfect world we would like to go make sure we can get them on board with subdividing and coming back with a request that I think would protect what I'm hearing the concern is. It's going to put us at the mercy of our contract and our seller, so I think we probably should pursue that at risk of jeopardy.
- Ray Crocker: I do want your recommendation.

- Kevin O'Brian: Could we get feedback, that if we were able to subdivide and go for that strategy, that is addressing the concern we're hearing. Are we hearing that correctly?
- Mr. Johnson: From my standpoint, absolutely.
- Mr. McDonald: I agree
- Ray Crocker: How quickly could we get back. Our timeline is a short fuse at this point. Were going to need to get some grace on contract and also understand the logistics of getting that application done. I think the subdivision itself does survey work, it takes getting all of that done and recorded and you're saying that would be voted on before its recorded is that what I'm hearing? So, if we subdivided the property just on a survey, you got two parcels we have to record those two parcels, is that recorded before or after the next meeting? Because we have a landowner, we have to go get permission from him to do this.
- Mr. McDonald: It would require approval from this Board before it could be recorded as correct.
- Ray Crocker: You already have an existing commercial use there right? So, all were doing is were simply just subdividing that commercial use out of the existing zoning which doesn't match the use today.
- Josh: I'll ask the staff, without me looking in the code what the acreage requirement is for subdivision that requires approval by the PC. It may be able to split this into a lot.
- Mr. Chastaine: If it is over five acres, it can be divided by deed without a submission of a plat. So, if it's 5.01 acres or larger, which obviously the townhome portion would be. If the commercial portion was larger than five acres, it could be divided by deed. That's state law so that doesn't require plat to come before you all.
- Josh: Then to follow up on your getting it subdivided and surveyed is the long end of the or long pole in the tent so to speak getting it recorded is pretty quick after you have that done so then you're back getting a new application here.
- Ray Crocker: so, if we have two separate legal descriptions of two separate parcels we would come in and only ask for the RM8 on one of the parcels the other would stay as zoned currently or would be we be requesting that to be commercial zoning at the same application
- Mr. Chastaine: I'm glad you brought that up because that's what I was going to kind of step in here and say a little bit so the majority of that property is currently noted as what is it OTNC, the small portion where the post office building is located is currently, zoned commercial, however that is all one parcel so that is not two separate Parcels so obviously you're going to be dividing off a larger commercial area than the post office currently sets on so if you divide that off it would end up being a split zone between commercial General and OTNC so you would need to do two separate rezonings, one for the townhouse portion RM-8 your request and then the other subdivided off portion would need to be a request to essentially extend that commercial General to the remaining part of that so would be two separate rezoning requests that would come before you all or would
- Kevin O'Brian: Can those be done simultaneously?
- Mr. Johnson: Absolutely
- Mr. Chastain: it could be simultaneous, but it would have to be two separate requests

- Ms. Senyard: so, you're saying there's actually a section that's already commercial General even though it's the same parcel
- Mr. Chastaine: that's correct
- Ms. Senyard: So, do we have any lines on that it might even already incorporate some of their area where it didn't it could already be just the area that's other non-conforming
- Mr. Chastaine: GIS does not provide acreage for that however it looks like it looks like it's barely past the parking areas for the USPS
- Ms. Senyard: just checking
- Mr. Chastaine: it's not a very large area but for whatever reason it was zoned commercial general, and the remaining part was zoned OTNC.
- Kevin O'Brian: I was curious kind of same question is that a mistake or could we not keep one parcel and then just Define two different zonings since that's how it is today?
- Mr. Chastaine: it's possible to do that split zoning is not the cleanest way to do it um I think the having the separate parcels split off its cleaner it's very separate this is residential this is commercial uh I think it would also address the concerns that the board has spoken about already and I think it may end up being cleaner for you all in terms of your potential commercial lease.
- Kevin O'Brien: agreed my only concern is we're at the mercy of our seller and obviously they're going to be concerned about their parcel for the same reasons you are if we don't go forward, now they're stuck with two different parcels, and they may not want that, so we'll pursue it, but I wanted to know if there's another option if we have to compromise
- Ms. Senyard: one more question, because we can give a positive or negative recommendation to the board, can we do a positive recommendation with the split so that they just before they go to the first BOC reading they have to get it split?
- Mr. Chastaine: I would defer back to your attorney on that that kind of ends up looking a little bit like contract zoning and you really don't want to get into that legally speaking
- Josh: Yes, absolutely I think you got to make a recommendation on the application that's presented
- Kevin O'Brien: I would say we would prefer to not go vote today and let us come back hopefully with the solution we've kind of devised together.
- Ray Crocker: I believe we'll come back as soon as possible; I think the timing for us is getting the two legal descriptions outlined. We're going to need to do a little bit more site planning to make sure that the legal descriptions fit the uses that we're wanting and then from there come back for, same meeting two agenda items.
- Kevin O'Brien: new application.
- Mr. Magner: if I may though the commercial portion of that parcel is a lot larger than what's showing on your site plan so that will impact your number of units and then as you stated earlier TDOT mentioned that they had concerns should we have a the CG portion there and how that would impact the intersection so I would just advise, make sure, clarify that we understand the higher density of commercial versus residential and how that further impacts this this intersection.
- Kevin O'Brien: just to be clear, meeting on site with TDOT they recommended that this was probably about the max you would want to do a commercial and responsibly keep the access that we've designed with them.
- Ray Crocker: so, the access will have to change...
- Kevin O'Brien: if we exceed the 8,000 ft.

- Ray Crocker: This access now works with this total site plan the way they these two entrances between them the distance between this and the on ramp here this worked for them other otherwise any additional commercial would I don't know that they would recommend that. That was my indication from them.
- Mr. McDonald: Just as logistically staff is there, I'm sure you will work with them get what they need in a timely fashion but, is there anything you see in this process that would push this out that they should be made aware of, just since they are working on time sensitive, just being courteous of their time.
- Mr. Chastaine: I don't think there's anything specific on our end that would push it out I mean I think these guys understand availability of a surveyor is going to be a big part sure, but I think from just a procedural process I don't think there's anything that we would have that would push it out any farther.
- Mr. McDonald: Very good so to be clear you are asking us not to take action on this tonight if is that what you're
- Kevin O'Brian: that's correct.
- Mr. Johnson: One last thing. Do you do you foresee a possible problem with the seller and the only reason I asked that, would a letter from staff or from our chairman saying what we're looking for y'all to bring back, if that would help, I thought that might be something that we should do if you run into trouble with the seller.
- Kevin O'Brian: I do think that would be helpful. I think if they're going to subdivide their parcel that they may see as risky, knowing that that improves its chances would give them some peace, since ultimately we'll need them to do that,
- Mr. Johnson: So, I would say just meet with them, do your due diligence and I guess let Chris or staff know should something be needed.
- Kevin O'Brian: Appreciate that, thank you.
- Kevin O'Brian: Any other questions for us?
- Mr. McDonald: Everybody good?
- Mr. Magner: I would just advise being careful about allowing some potential approvals before they're approved. I think that puts the city at risk.
- Mr. McDonald: It'll be consultation for sure
- Mr. Magner: Thank you.
- Mr. McDonald: We do have a motion on the table so do we want to resend the motion for approval?
- Ms. Senyard: Is that the correct way to do that?
- Josh: You can make a motion to defer from here and that'll be a
- Mr. McDonald: Superseding?
- Josh: Yes
- Mr. McDonald: Okay, there we go is there a motion to defer?

Motion: Mr. McDonald

Second: Mr. Johnson

PC-31-23	YES	NO	ABSTAIN	RECUSE	ABSENT
Mr. McDonald	x				
Mr. Johnson	x				
Ms. Schilling	x				
Ms. Senyard	x				
Mr. Schulist	x				
Mr. Calie	x				
Ms. Magner	x				
Ms. Williams	x				
Mr. Butler					x
MOTION: To Defer Passed 8-0 (1 Absent)					

2. PC Resolution **PC-32-23**, Annexation, 7114 Elrod Road, 6.21 Acres, Map: 021, Parcel: 022.08.
Property Owner: Tammy J Hyler and Jeffery Pape.

Motion to Approve: Mr. Cali

Second: Ms. Schulist

- Staff Comments:

- Mr. Greer: Mr. Jeffrey Pape has submitted to the city of Fairview an annexation request for one parcel located on Elrod Road. The property is located at 7114 Elrod Road and is designated as tax map 21 parcel 22.08. The property contains 6.21 acres and is currently zoned MGA-H Municipal growth area Hamlet District. Properties to the South and West are also zoned MGA-H. The properties to the north and east are located within the municipal boundaries of Fairview and are zoned RM-8 multi-family residential. The attached boundary survey of the property illustrates the lot and the existing residence on the property. The lot is currently located within the urban growth boundary of the city of Fairview and is contiguous to tax map 021 parcel 2.01. Given that the parcel is contiguous to the current Fairview mun Municipal boundaries and that a large portion of Elrod road is current is located within the Fairview Municipal boundaries, staff recommends the Planning Commission make a recommendation to the Board of Commissioners to approve this annexation request. If these properties are approved for annexation, the applicant has not requested a specific zone for each parcel, therefore the zoning of the property would be RS-40 low density residential, per the requirement found in section 5-105 of the Fairview zoning ordinance additional requirements related to the zoning of annex property can be found in section 17-107 .9 of the Fairview zoning ordinance. The applicant's reason for their proposed annexation was "we do not simply we do not intend to make any changes to the use of the property the annexation request is simply to allow us to become eligible to vote in local Fairview elections as well as serve on Fairview City boards". Our staff recommendation does recommend the Planning Commission provide a recommendation to the Fairview Board of Commissioners to approve this request to Annex the entirety of the property located at 7114 Elrod Road tax map 21 parcel 22.8 as indicated on the boundary survey that was provided to you with the following conditions of approval that

this would move forward to the Board of Commissioners meeting on October 19th.

- Mr. McDonald: Thank you. If the applicant is present and wants to join us.
- Jeff Pape: Good evening everybody, Jeff Pape 7114 Elrod road. I think Ethan covered it very well um our intent is just to be able to participate more in the city and our tax bill wasn't quite high enough, so we thought we'd throw the city taxes on top of it so I'm here to answer any questions.
- Mr. McDonald: Do we have any questions?
- Mr. Johnson: I have one. Would you consider your parcel landlocked?
- Jeff Pape: No, because we have an access easement to El Rod Road so that
- that's part of our plat that we have an access easement.
- Mr. Johnson: what city street do you use to access your property.
- Mr. Pape: Elrod. And that's the legal address
- Mr. Johnson: Elrod in front of the right there is the city street.
- Mr. Pape: Correct as far as I know.
- Mr. Johnson: So, the entirety of Elrod?
- Mr. Greer: The parcel that is in yellow outside of the blue highlighted parcel which is Mr. Papes, that parcel touches Elrod Road in two places on both sides of his property and the city maintains from edge of pavement to edge of pavement of Elrod road to the edge of that yellow parcel there.
- Mr. Johnson: The yellow parcel on the top left?
- Mr. Greer: That's correct.
- Mr. Johnson: Do any of your neighbors want to join in?
- Jeff Pape: Not as far as I know but I didn't pull them all.
- Mr. Johnson: Did you pull some?
- Jeff Pape: Most of them just asked about it and none of them had interest in it.
- Mr. McDonald: I appreciate you asking that question because that was one I had as well just due to our next agenda item, it's kind of similar to this one and it had, I think called out that the road it is used to access it, is not in city limits so that was not made clear that Elrod is, until just now. The only other thing that that I saw was that the easement that you have, the access easement is 25 ft correct.
- Jeff Pape: I believe so yeah
- Mr. McDonald: Any property that's within City Limits that would want to build and require an access easement is, pretty sure our residential zoning regulations require a 50-foot access easement, correct?
- Mr. Greer: That is correct.
- Mr. McDonald: So, I had that, and then with the with the road being whether it was County or not and whether or not the county will make us take it if we Annex a property that used that to get to it. In my opinion, that's not the biggest of deals but it is something that goes against our regulations if it was in city limits.
- Jeff Pape: But wouldn't it be, if the access easement isn't wide enough, I just wouldn't be able to develop it for anything else?
- Mr. McDonald: You wouldn't be able to use it as an access easement yes. It would have to be used for other easements that don't require 50 ft, it's just the access easement is 50 foot. That was all I had.
- Mr. Johnson: But it wouldn't prohibit him from still getting to his home, because it would come as a prior existing non-conforming use would that not be
- Correct?

- Mr. McDonald: Are you asking staff?
- Josh: That's a good question. I would actually need to take a look at that because it's not currently zoned, so we'd be bringing it in to RS-40 subject to the conditions of rs40 but it's um obviously you can't prohibit him from accessing it. I'd like to take a look at it to give you an accurate legal assessment of what that would be, but my intuition is that, yes it's going to be some, whether it's technically grandfathered status as a non-conforming use or just a property right that he has to get there, m intuition is yes he's going to be able to continue using it but, I can get you a formal answer on that.
- Mr. Johnson: Worst case scenario, do you think you could get 25 more feet?
- Jeff Pape: Yeah, if we had to absolutely, but I would tend to lean toward that it's grandfathered in and that especially with the fact that we're not developing anything. I admit I did not look at that part of the code, so I'll research that as well.
- Mr. McDonald: Wouldn't the grandfather come into play though if you were already in the city and had that, and then a regulation was brought not annexing in under our regulation I mean, I don't think the grandfather idea works here.
- Josh: That's what I was going to badly explaining to commissioner Johnson. I don't know if grandfather's technically the right term, but my intuition is that yes, he's going to be able to continue using it between now and this going to the BOC. I can get a legal opinion to the BOC.
- Ms. Schulist: Is it not called easement by necessity.
- Josh: Different from zoning and land use law but yes, there is such a thing, and he has a deeded easement it sounds like, so it wouldn't need an easement by necessity but the right to access the land is different from the regulations that the city puts on the land
- Ms. Senyard: So, it should just be RS-40 non-conforming, he can move on with life, be part of the city, but if someone was to buy the parcel and try to do something then it has to start conforming.
- Josh: That is correct and if down the road something wanted to happen then yeah they need to buy an easement to get it to 50 foot.
- Mr. McDonald: Any additional comments? Miss Maria if you'd call roll please.

PC-32-23	YES	NO	ABSTAIN	RECUSE	ABSENT
Mr. Cali	x				
Ms. Schulist	x				
Ms. Schilling	x				
Ms. Senyard	x				
Mr. McDonald	x				
Mr. Johnson	x				
Ms. Magner	x				
Ms. Williams	x				
Mr. Butler					x
MOTION: To Approve Passed 8-0 (1 Absent)					

3. PC Resolution **PC-33-23**, Annexation, 7857 and 7859 Crow Cut Road, 10.08 Acres, Map:018, Parcel: 026.04, 026.10. Property Owner: Paul Creed and Karla Ann Creed.

Motion to Not Approve: Mr. Cali

Second: none

- Mr. McDonald: Motion dies.
- Mr. Johnson: Are the property owners here?
- Ms. Senyard: I feel like the whole thing needs to be read into the record. I think we were advised to always have a positive motion to make it less confusing and then we can vote no, so I'll do a motion for yes to start discussion.

Motion to Approve: Ms. Senyard

Second: Mr. Johnson

- Staff Comments:
 - Mr. Greer: Mr. Paul Creed has submitted to the City of Fairview an annexation request for two parcels on Crowcut road. The properties are located at 7857 and 7859 Crowcut Road and are designated as tax map 18 parcel 26.02 and parcel 26.10. The property at 7857 Cut Road contains 5.05 acres and the property at 7859 Crowcut Road contains 5.02 acres. Both properties are currently zoned MGA-5 Municipal growth area District 5. All surrounding properties are also zoned MGA-5. The attached boundary survey of the property illustrates the two lots and the existing residents on each property. Both lots are currently located within the urban growth boundary of the City of Fairview but are not contiguous to any parcel of land that is currently within the municipal boundaries of Fairview. Additionally, the portion of Crowcut Road these Lots front onto is a county roadway and is maintained by the county. Given that both parcels are not contiguous to the current Fairview Municipal boundaries and that Crut road is a Williamson County Road and therefore maintained by the county, staff does not recommend to the Planning Commission that, the Planning Commission make recommendation to the Board of Commissioners, to approve this annexation. If these properties are approved for annexation the applicant has not requested a specific Zone district for each parcel therefore the zoning would come in as an RS-40 low density residential per the requirement found in section 5105 of the Fairview zoning ordinance. The applicant's reason for uh proposed annexation is they would like to Annex into Fairview and divide the 10 acres of property into three 3.3 acre lots that will be given to their three children. Staff does not recommend the Planning Commission provide a recommendation to the Fairview Board of Commissioners to approve the request for annexation due to it not being contiguous with the municipal boundaries of Fairview and it being accessed from a county-maintained Road.
- Mr. Johnson: was that disseminated to the property owners?
- Mr. Greer: That has been communicated
- Mr. McDonald: Is there someone representing the applicant here that would like to join us?
- Mr. McDonald: Mr. Johnson was that the only question you had?
- Mr. Johnson: Now knowing that there's no one here, we can't vote to deny them or approve them really and truly, since they're not present.
- Mr. McDonald: were they aware that it was on the agenda?
- Mr. Geer: The communication was through IDT to the applicant. I was unable to have a phone conversation with them.
- Mr. McDonald: Should we just defer this one until next meeting because the applicant's not present and we can make sure to get a letter out to them make them aware that

they will be on the November agenda or council, is that required or what would you suggest?

- Josh: I don't think that it's necessarily required and unless we think that they somehow didn't have notice that this was going to be on the agenda tonight and maybe it would be a good policy to the agenda. It's publicly posted so if they have a pending application, they should be aware of it. It sounds like they received notice that it was receiving an unfavorable recommendation so I do think this is a case where the board can take action despite their absence. The meeting was publicly posted, the agenda is public notice, so since we've complied with those requirements, their absence I think you can still take action and your vote is not final, it's a recommendation to the BOC.
- Mr. McDonald: If I'm not mistaken, if we did as we discussed on that last one as well if the city does not own the road and we annex in a property that uses that road and its County, the County will basically say it's yours now, you get to maintain it, correct? so it becomes a financial burden on the city as that's something to take into consideration correctly.
- Mr. Greer: Correct.
- Mr. McDonald: Any other comments? If you will call the roll Ms. Maria

PC-33-23	YES	NO	ABSTAIN	RECUSE	ABSENT
Mr. Senyard		X			
Ms. Johnson		X			
Ms. Schilling		X			
Ms. Schulist		X			
Mr. McDonald		X			
Mr. Cali		X			
Ms. Magner		X			
Ms. Williams			x		
Mr. Butler					x
MOTION: To Approve. Failed 7-0 (1 Abstain) (1 Absent)					

4. PC Resolution **PC-34-23**, Site Development Plan, Whites Landscaping, 3.2 Acres, Map: 023, Parcels 039.01. Address: 0 Fairview Boulevard, Current Zoning: CG – Commercial General, Property Owner: White's Landscaping.

Motion to Approve: Mr. Cali

Second: Magner

- Staff Comments:
 - Mr. Broadbent: Before this project is discussed we wanted to state that there are comments related to engineering and planning that need to be addressed, but the applicant has communicated to us that he is more than willing to address these comments. The site plan is on tonight's agenda in an effort to progress this project along since it has been in the review process for an extended period of time. The comments for engineering were provided last Wednesday, therefore the applicant has not yet had adequate time to address all of these comments, but again he plans to do so. If the Planning Commission desires to approve this site plan contingent upon these comments being

addressed or defers this agenda item until the next Planning Commission meeting, we would be in agreement with either of those decisions. In addition, the applicant has also stated that there was some confusion on IDT on the submittal process and in response to that we are restructuring the process and restructuring IDT to make it more user friendly for applicants. That is all, thank you.

- Mr. McDonald: Is there someone representing the applicant or the applicant themselves that would like to come up. I'm sorry Ethan did you have more to add?
- Staff Comment:
 - Mr. Geer: Tonight, in the resolution there are a few conditions of approval. The first condition of approval would be approval of variance pursuant to the city of Fairview design review manual, section 2- 104.1 architectural design and review architectural design and building requirements, that speaks to the 70% brick requirement. Another would be an approval of an in lieu of payment for sidewalks, and then all remaining staff comments to be addressed and approved by staff prior to preconstruction conference. A TDOT Highway entrance permit required prior to preconstruction conference. Plan set to be approved by all utility providers prior to preconstruction conference and provide all documentation of all applicable state and federal permits prior to preconstruction meeting. Those are the conditions of approval on this resolution.
- Mr. McDonald: Thank you. Sir if you can join us now.
- Josh White: I've been working with all of them quite a bit and I first submitted on 7/30, and obviously I know it takes time and then Ethan and all of them gave me what I needed to fix, and I fixed it as quick as possible, but on the first time of the stuff that I need to fix the engineering and the water and sewer never was on there. So, I resubmitted it 8/16 the revised and then they got back to me, and I had a list of engineering and water and sewer that was not on the initial list that I got off the IDT or whatever it's called. So that's why it is taking me a little bit longer to get all this stuff done because I, like you said, I just got it Wednesday afternoon I think at like 3:30 or 4:00 and with the weekend right around there and the meeting today I've already talked to my architect and everybody. They're going to get everything fixed I just need a little more time to do it. So that is what I am working on right now but everything that's on this list will be fixed prior to them issuing me a permit as it has to be. I'm just trying to get the building approved so that I can move forward with everything before the permit.
- Mr. McDonald: Thank you. You might want to stick around just in case there's some questions for you.
- Mr. Johnson: Do we have a motion on the floor?
- Mr. McDonald: Yes sir we do, Cali, Magner seconded by Magner
- **Mr. Johnson: I'd like to amend the motion to include the staff's requirements. It'll need a second.**
- **Mr. Magner: I will second**
- **Mr. McDonald: Johnson, Magner with the second on the amendment to the motion.**
- Mr. Magner: and as well as we also have to address the variance request. And so, let's talk about your brick variance. We have a few projects in town, most of the projects that we've allowed the reduction of masonry are because the projects are set back further, you know it's hilly topography, there's a lot of trees. I realize your facility is 2500 square feet, but what's preventing from at least trying to create the frontage Masonry look.

- Josh White: It's going to have a 4 foot all the way around it, stone at the bottom and then the road Frontage at the property is only about 100 foot of Road Frontage so where the building sets it kind of sets down a little bit. It's probably 150, 200 ft from the road where the front of the building is going to be set, so it's not going to be very visible from the road. It's going to have a front gable on it to enhance the front, it's going to have columns and then the stone so it's not going to look like your ordinary metal building. It'll be enhanced with nice garage roll up doors and the whole property right now is surrounded by trees and brush all the way around it probably has a 15-foot border around it, everywhere besides the road frontage up there in the front, has trees and brush all the way around it where it's not visible to other houses.
- Mr. Magner: So, I take the far right axonometric, that would be what would be visible from Highway 100 is that right
- Josh White: What are you talking about now
- Mr. Magner: the far-right rendering, if I'm interpreting, that's kind of the front?
- Josh White: Right and it'll have four foot of stone on the bottom and then the gable kind of area that hangs down, it would have nice wooden beams with stone around them as well. It has garage doors it's not just going to be slider doors, they will be roll up doors.
- Ms. Senyard: Staff do I remember that metal, like a metal building, was not supposed to be at all. like metal is the exterior material in the design manual?
- Mr. Greer: That is a prohibited item but that would be a part of that approval variance to the architectural design and building requirements.
- Ms. Senyard: That seems very confusing in the language there.
- Josh White: The bottom far right picture is the one that will face, and it will be turned, and it sets at an angle so, the way the property sets if you look at the layout, the road kind of goes at an angle there and you can see the way the building is so, as driving by it will not be extremely visible because of the lay of the property.
- Mr. Johnson: It's a 100 ft road frontage.
- Josh White: Yes sir. It's a little over 100 it might be 105 ft. So, my Landscaping plan would be to screen it with Green Giant Arborvitaes and all of that, eventually, but we're still working with that with engineering because I just got all of that back.
- Mr. McDonald: I do have a couple questions. I'd like to start with just saying I do have some concern and no offense to the applicant, but this will be I think, the second building of this nature that we've approved to be built here in town and I'm just wondering at what point do we go too far down that road to where our design review manual no longer means a whole lot. Because we've set the precedent that we have said yes so many times that saying no becomes difficult. Just something to keep in mind. I do have a couple specific questions though: is this going to be paved, will the driveway be paved or is it gravel?
- Josh White: It's a gravel entrance.
- Mr. McDonald: I looked I couldn't find any, I feel like there was a property on Highway 100 not too long ago that we, I say we, the city made them pave it. It was a gravel parking lot, and they were forced, I believe, in order to open a business, they had to pave that. Is there not anything requiring that in this commercial space?
- Mr. Greer: Our ordinance calls out for its basis on how many parking spaces are required. Parking spaces, if you require five or more you're required to pave unless the board places that as a condition onto the applicant, five or more. His building here requires three parking spaces and so he is under the five. He has, in the plans that I've seen, it has concrete shown on the as the drive access point.

- Mr. McDonald: Sounded like it was going to be gravel.
- Josh White: Well, it's going to be gravel like the parking area. I'm not going to pave the whole thing. So that's what we're still working with the engineer and everything to get it all get it all taken care of. I can do it either way. It's not going to be a retail place so it's not going to have customer service where people are driving in and out all day. It would be more for my landscaping products as far as my plants and stuff to keep there and you know a couple trucks and trailers.
- Mr. Magner: Current site plan shows concrete, we were notified by the applicant that it's actually gravel so it's just a mistake on the site plan designer part and I did visit the site, it does have a gravel pad currently so they're going to update that in the site plan to show that as existing condition um so yes his intent is to have a gravel driveway.
- Mr. McDonald: Is there going to be a sign out front?
- Josh White: No sir.
- Mr. McDonald: And then the other thing that I couldn't find in the in the documents that were provided is to what level of landscaping will be done to the property?
- Josh White: Like I said it's got 100 foot in the front all you'll have is a 16ft gate coming into the property and the rest will be screened off with Green Giant Arborvitaes. So, the whole property will be shielded with trees because the rest of the property as is, is already shielded with trees and brush around it I personally don't like anybody being able to see anything I own, because of stealing and everything else that goes on. So, I would not like it to be visible from the road or any side of the property.
- Mr. McDonald: Would that be another variance, that would have to be included if he's not planning on doing any additional landscaping to the site?
- Mr. Greer: He meets the buffer requirements for all the way around his site because it is currently wooded except for where he wants to build, it's an open field there in the middle of the site. So, he meets that. He would have to, he has not submitted a landscape plan currently and that would be coming, to do the landscape at the entrance.
- Mr. Magner: I would just tend to agree and I'm sympathetic of your company, but I'm am also afraid of the precedent that we set when we don't abide by that and we need we need to amend it to the point where if something's not visible, it kind of doesn't make sense, but at the same time, we could have another applicant come up next month and continue to ask for something and before long our City's not going to look the way especially getting into a fairly large boom of construction activity. So, you know, personally I'm sorry to say that, I think that it just still has to meet the architectural requirements
- Josh White: so, what you are you saying that um no metal at all? Because the metal creates a better barrier for what I'm trying to use it for than pretty much any other product or are you saying that I need to add more stone to the front to give it a more of a better visual from the front? Because the sides and the back cannot be seen from any other part of the place. So, should I make your 70% in the front of stone would that please y'all so that the front of the building is 70% stone? Or are y'all saying in general none. I mean I like metal roofs; my house now has a metal roof. You know it's personal preference um, but I understand that y'all wanting a look for the city of Fairview, do I need to make the front more appeasable or what is yalls?
- Ms. Senyard: I think this would be the third metal issue that we've had. The one on the interstate, I was a no on, I know did get approved, but it was a metal building set off the interstate and I think that was why I was a no. The last one I believe had to do with

Phase 3 and theirs was a metal siding, not a metal building, but we approved the lower wainscoting of stone or brick, and he had a whole look, there was a whole very decorative thought process to it that been put together. I think we've talked about revising the design manual a couple times to the lower, so I have no problem with the lower, but if you're going to go with a metal building my personal opinion would be that we need at least the two sides angled to the road to be 70% Stone, but I think at least the renderings they're not very specific, look to me like a metal corrugated building which I think is what we were trying to prevent in the design review manual.

- Mr. Magner: Now I would tend to agree with that, it would be elevations that are visible from a public right of away. So, in this case you'd have the two elevations since it sets at an angle.
- Josh White: You have the top; are you're saying what two sides are you talking about? The top and the front or ?
- Mr. Magner: If I'm interpreting your renderings it would be the far right two renderings.
- John White: No sir just the front far right one.
- Mr. Johnson: If you built the building square to the road you would be correct in the statement you just made, but you said you're
- Josh White: I see what you're saying because the way it's setting on that plan right there okay I see what you're saying.
- Mr. Johnson: So, if you change the position of where you're going to build it and square it to the road then, you'd only have the one side visible.
- Josh White: I see what you're saying now so y'all are saying that the two showing sides either that or change the pitch of the building straight with the road so that you'd only see the front yes sir, I see what you're saying now.
- Ms. Senyard: Submit some siding, or something that's allowed material.
- Josh White: I can do whatever do y'all do hardy board. I mean would y'all rather be hardy board than metal? I can do hardy board.
- Mr. Magner: I think that's consistent with the with the design intent.
- Josh White: Okay but is the metal roof okay?
- Mr. McDonald: I don't think we have anything that addresses the roof do we?
- Mr. Magner: Yeah I think it's a siding requirement.
- Mr. Johnson: Roof should be fine.
- Mr. Greer: Only siding
- Josh White: So do I need to resubmit, or could we put that, and the application is that needs to be changed or what do we need to go.
- Mr. Johnson: That can be a condition added to the motion.
- Josh White: Metal siding gone and add only on the front two sides, or you want the whole building?
- Ms. Senyard: Let me ask the staff a quick question. The design needs to be part of this site plan, or can it be part of the next submittal that comes along. Can we just deny the variance for the whole thing and then that comes back because isn't there another submittal that needs to come or not?
- Mr. Greer: This is the only submittal that you will see from this. Construction drawings will come later in the future and those are approved by staff.
- Ms. Senyard: okay
- **Mr. Magner: I would make a motion to a conditional approval on the variance to architectural compliance to state that the two elevations most visible to the public right of away should comply with the design intent.**

- **Mr. Johnson: Second**
- Josh White: I had to ask for a variance for sidewalks there's no sidewalks in that area right now would y'all want that to be put into a bond or what do you all request on that.
- Ms. Senyard: Staff what's the front of the lot grading wise? is it available, is there a big issue putting in sidewalks?
- Mr. Greer: Currently it is a ditch. If you're familiar with the area; Keith, could you go back to the GIS map?
- **Mr. McDonald: Point of order.**
- **Mr. Johnson: Second**
- Mr. McDonald: We've got a motion; we've got an amendment and now we have another motion. Feel like things are getting a little sideways with the motions here so just one second.
- Josh: Mr. Johnson's or Commissioner Johnson's motion to amend, the first motion to amend, I believe he requested to amend to add the staff comments and when I look at the resolution it appears that staff has drafted it with those conditions already on the resolution. So, I think the simplest...
- Mr. Johnson: I'll remove my motion.
- Josh: That's what I would recommend. And now you have one motion to amend with a condition that the two sides facing the road comply with the design review manual. There's a second on that motion, so the question on the floor is whether or not this resolution should be amended to add a condition that the two sides facing the road comply with the design review manual.
- Mr. Magner: Because the variance was included as part of the submission.
- Josh: So, need to vote on whether or not to amend this and then once the amendment goes in or out, then you're back to voting on the resolution.
- Mr. Magner: Okay.
- Mr. Broadbent: I'd like to ask a question really quick. If you amend the two sides of the building, does it truly amend this approval of the variance that is in in the resolution currently. So, he's already got a variance for the architectural design of the building. Believe me, you know, any form of changing the architecture of the building is a variance. So, it is listed in the resolution, but if we want to get more specific we can, I just wanted to ask.
- Mr. McDonald: Correct because we're allowing the variance on the back side of the building we're not allowing it on the visible side, so I think we're just we're getting a little sideways.
- Ms. Senyard: Previously it listed each side with the percentages of each thing because like, the metal is not listed in that variance and so we're leaving it up to y'all to determine that. In this one I think it's worded very poorly not very specific and previously they've been very specific so that it's locked into what's drawn.
- Mr. McDonald: Also, other variances that need to have consideration not just this particular one um which is going to make the vote even more twisted. I just think we're getting we're trying to do a change a lot here with it being worded the way it is I'm not sure if we're going to reach the conclusion that we're hoping for it's just a concern. I don't know how to fix it.
- Josh: I would recommend moving forward with the motion to amend that Commissioner Magner stated. I think that addresses the specifics of what you were requesting. it will still require a variance but now that variance is for the specific thing that Commissioner Magner stated.

- Mr. Boadbent: Again the only question I have is, it kind of locks the applicant into the two sides so if he decides to rotate that building, where it's parallel with the road frontage then you know technically based on the discussion today, he would only have to have a variance for the front of the building if he desired to do that, but I guess if you add something that specific, it may prevent him from rotating the building. Thank you
- Mr. Magner: I think part of the amendment was "elevation visible to the public right of way" so hopefully that would because you're right.
- Ms. Senyard: If he rotated it wouldn't he have to revise the site plan anyway? So, it would have to come back because it'd be a change.
- Mr. Greer: I believe that would be a minor change. Not required to come back before the board, planning.
- Mr. McDonald: So, we will take roll call on the amendment as stated by Mr. Magner and seconded by Mr. Johnson. Correct? Miss Maria, if you can call the roll please?
- Mr. Magner: All right so for which one are we voting on?
- Mr. McDonald: Your Amendment.
- Mr. Magner: My amendment, okay.
- Mr. McDonald: The pass is just to add the architectural
- Mr. Magner: Architectural variance to the two sides, thank you.

PC-34-23	YES	NO	ABSTAIN	RECUSE	ABSENT
Mr. Magner	x				
Ms. Johnson	x				
Ms. Schilling	x				
Ms. Senyard	x				
Ms. Schulist	x				
Mr. McDonald	x				
Ms. Cali	x				
Ms. Williams	x				
Mr. Butler					x
MOTION: Motion to amend motion to approve, to add conditional approval on the variance to architectural compliance. Pass 8-0 (1 Absent)					

- Mr. McDonald: Motion is amended.
- Mr. McDonald: So, you had mentioned sidewalks. It states in here of approval, the approval of the initial of payment for the sidewalks has that clearly been stated to the applicant, on the cost of that, and what that would include?
- Mr. Blackburn: There's a comment currently on IDT, that states sidewalk requirement variants, to please provide engineered construction cost estimation for the sidewalks as determined by current published average unit prices to value the funds in lieu of the sidewalk.
- Mr. McDonald: Do you understand that part?
- Josh White: Yes sir I do, that's why I brought it up is because there's no sidewalks there, so I have no problem putting it to the fund for wherever else y'all install sidewalks at.
- Mr. McDonald: The other thing on IDT and I don't know maybe some of that's taken care of, maybe I'm just not looking at it correctly, but there was like 22 in red items from staff comments that I couldn't figure out if they had been resolved or not, I'm sure they

will be, that's all part of it, it just seemed like a lot compared to past site plans I've looked at so is that a concern of staff or is that just paperwork that needs to be finalized or do you have your answers, are there any I guess, concerns, that are worth mentioning outstanding at the moment.

- Mr. Broadbent: So that goes back to what I stated before uh before we discuss the project that you know due to some delays, that he received comments last Wednesday, so he hasn't had, applicable I'm sorry, the appropriate amount of time to address these comments.
- Mr. McDonald: Any additional comments or questions from the board?
- Ms. Senyard: Sorry y'all were saying that there is a ditch so in order for him to put a sidewalk in there would have to be buried storm water infrastructure effectively, it'd be much more than just putting in a sidewalk at this moment.
- Mr. Broadbent: So, all of those items that require that sidewalk to be put in, he would be providing in his engineered construction cost, so that entire cost would be shown to us, we would approve it and we would say hey, here's the here's the cost that you need to pay in lieu of the sidewalk.
- Ms. Senyard: So that's new.
- Mr. Broadbent: I understand that.
- Ms. Senyard: Okay I think it's good, just that is totally new.
- Mr. Broadbent: Would you mind sharing your previous impression of it?
- Ms. Senyard: It was set at a number, a percentage of a number by TDOT.
- Mr. Schulist: 75% of TDOT's costs per linear foot.
- Ms. Senyard: We've had this discussion many times because I thought too many people paying into the sidewalk walk and tree fund, we should probably raise the prices.
- Mr. Broadbent: It's in the design review manual. I'm going to pull it up really quick.
- Ms. Senyard: I'm not saying you're not right, that sounds really good so excited.
- Mr. Broadbent: I just want to make sure that we're speaking the language that the document has.
- Mr. McDonald: While we wait, is this business open to the public, will you have foot traffic coming in out?
- Josh White: No.
- Mr. Magner: Also, while he's looking that up, we typically have to look at firetruck access for site plan approval. Was that a condition, did you have to look at that?
- Josh White: The only thing I had from the fire department was knock box and monitoring that was already on the plans that I guess they didn't see on there, so I had already fixed that on the revised plans to them and I resubmitted that.
- Mr. Magner: Okay
- Josh White: Driveway is 20 foot wide. I didn't have any notes for that, no sir, that's what I see right here.
- Mr. McDonald: That's a requirement of the approval process for the Fire Chief to sign off on that as well as police and all that so I just assume that would be part, it might be caught up in the delayed stuff but yeah that will be.
- Josh White: I never saw anything from any the only thing I got from the Fire, was the Knox box and the monitoring system.
- Mr. Magner: Great and that was going to be my second question, so you answered that thank you.
- Mr. Boadbent: All right so in the zoning ordinance the sidewalk requirement variant, I won't read the beginning of it, but the valuation of any funds remitted to the city of

Fairview shall be not shall be less than 75% of the engineered construction cost as determined by current published average unit prices. So I don't want to speak on the intentions of previous staff, but to my understanding this means that at minimally 75% is what is required by the zoning ordinance and it's just by current published average unit prices doesn't have to be TDOT, that's why we as a staff have put it on the applicant to provide this, is what it should cost tom, if we had to put this sidewalk in, this is what it would cost. And then we would approve that cost estimation as a staff and then present it to you all.

- Ms. Schulist: Do you require three bids?
- Mr. Broadbent: Sorry?
- Ms. Schulist: Do you require three bids to reference or is it just one?
- Mr. Boadbent: It's just a probable cost of that estimation that's provided by the design engineer that is acting on behalf of the applicant.
- Ms. Schulist: Okay
- Mr. McDonald: Bring it back on topic here. Anny other questions for the applicant? Miss Maria if you could call the role please.
- Mr. Magner: Can we remember which amendment and what we're voting on?
- Mr. Johnson: Original motional motion to approve.
- Josh: I believe the question is to approve resolution 34-23, as previously amended.
- Mr. Magner: Thank you.

PC-34-23	YES	NO	ABSTAIN	RECUSE	ABSENT
Mr. Cali	x				
Mr. Magner	x				
Ms. Schilling	x				
Ms. Senyard	x				
Ms. Schulist	x				
Mr. McDonald	x				
Ms. Johnson	x				
Ms. Williams	x				
Mr. Butler					x
MOTION: Motion to Approve resolution 34-23, as previously amended. Pass 8-0 (1 Absent)					

Bond and Letters of Credit

- None

Reports for discussion and Information

- City Planning Staff: Mr. Greer thanked the Planning Commission members for their continued dedication to the City of Fairview. Discussed IDT training that will take place prior the November 14th Planning Commission meeting. Kevin Chastine, with Griggs and Maloney, will be the trainer. Instructions on how to access IDT will be sent by Mr. Greer to the Planning Commission.
- City Manager: The City website has been updated with current Planning Commissioners city emails.
- City Engineer: Agenda item reports and staff reports are being evaluated, given the new staff dynamics. Staff would like to know what the expectations of these reports are from

Planning Commission, and would like Planning Commission to evaluate the current benefits and note ideas or improvements that can be made to help and benefit the Planning Commission.

- City Attorney: No reports.

Planning Commission Round Table

1. Mr. Magner: Really appreciates the planned training and for asking about the staff reports.
2. Mr. Cali: nothing.
3. Ms. Schulist: nothing.
4. Mr. Johnson: nothing.
5. Ms. Schilling: nothing.
6. Ms. Williams: nothing.
7. Ms. Senyard: Very pleased about the update to the "In Lieu of" Sidewalk fee calculation.
8. Mr. McDonald: Appreciated the training coming up in November and appreciated everyone sitting through the discussions tonight.

Adjournment: Motion to adjourn by Mr. Johnson at 8:38 p.m.

Maria Bruce

Maria Bruce, Community Services Administrative Assistant