

Agenda

Fairview Planning Commission

February 11, 2025 Regular Meeting @ 7 p.m.

David Magner, Chairman
Hayley Schulist
Mayor Lisa Anderson
Salvatore Cali
Will King

Chris McDonald
Jeff Pape
LaRhonda Williams
Shonda Schilling

- Call to Order
- Roll Call
- Opening Prayer and Pledge
- Approval of Agenda
- Citizen Comments (*limited to the first five citizens to sign in and three minutes each*)
- Approval of Minutes:
 - January 14, 2025, Regular Meeting
 - January 14, 2025, Work Session

OLD BUSINESS

NEW BUSINESS

1. PC Resolution **PC-02-25**, Final Plat, Aden Woods Phase 4, 20.55 Acres, Map: 046F, Group: E Parcel: 069.00. Current Zoning: R-20. Property Owner: A-1 Home Builders, INC.
2. PC Resolution **PC-03-25**, Annexation, Kelly Hollars Annexation, 8.66 Acres, Map: 021, Parcel: 017.01. Property Owner: John Hollars.
3. PC Resolution **PC-04-25**, Subdivision Regulation Variance Request, Reserves on Chester Ruzek Court, Map: 042, Parcel: 136.02. Current Zoning: RS-40. Property Owner: Duke & Duke, LLC.

BONDS AND LETTERS OF CREDIT

REPORTS FOR DISCUSSION AND INFORMATION

- City Planning Staff
- City Manager
- City Engineer
- City Attorney

PLANNING COMMISSION ROUNDTABLE

ADJOURNMENT

MUNICIPAL PLANNING COMMISSION MINUTES

January 14, 2025, Meeting at 7 PM

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

Chris McDonald
Salvatore Cali
Will King

Shonda Schilling
LaRhonda Williams
Jeff Pape

Staff present: Tom Daugherty, Marisa Howell, Josh Hogan, Ethan Greer, Curtis Broadbent, Kevin Chastine, Bre Bailey, Jade Antolec, John Gunn

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

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

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

Motion to approve: Mr. Cali
Second: Mr. Pape

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				
Mr. Cali	X				
Ms. Williams	X				
Mr. King					X
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape	X				
Ms. Schilling			X		
MOTION PASSED 7-0 (1 Abstain)					

- **Citizen Comments - None**
- **Approval of Minutes – December 10, 2024, Regular Meeting**

Motion to approve: Mr. Cali
Second: Mr. McDonald

	YES	NO	ABSTAIN	RECUSE	ABSENT
Mayor Anderson	X				

Mr. Cali	X				
Ms. Williams	X				
Mr. King					X
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Magner	X				
Mr. Pape			X		
Ms. Schilling			X		
MOTION PASSED 6-0 (2 Abstain)					

- **Old Business**

1. **PC RESOLUTION PC-44-24, MASTER DEVELOPMENT PLAN, KINGWOOD SUBDIVISION, 75.86 ACRES, MAP: 42, PARCEL: 123.00. CURRENT ZONING: RS-15 POD. PROPERTY OWNER: LANDSOUTH, LLC.**

Motion to defer indefinitely: Mr. Magner

Second: Mr. Cali

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

Discussion: Mr. Magner stated the applicant wishes to defer. Mr. Magner made a motion to defer indefinitely, and stated the applicant can bring this back when ready. Mr. McDonald stated based on the discussions regarding this development, a RS-15 POD is most likely going to change. Mr. McDonald asked if it is necessary to keep deferring and have it submitted under a new submittal. Mr. Greer stated the applicant requested a deferral on this development. Mr. Greer stated the RS-15 POD can vary in lot sizes with a minimum of 7500 square feet with a maximum as large as the developer wants to go to accommodate the request of the planning commission. Mayor Anderson asked if the deferral was made indefinitely to give the developer enough time to make changes. Mr. Magner stated yes, they can bring it back in thirty days or when they are ready, and this allows for more freedom for the applicant. Mr. Greer stated the applicant is here if there are any questions regarding the deferral. Mayor Anderson stated she was just curious about the defer being indefinite instead of having a time frame. Mr. Hogan stated this can be indefinite and is appropriate under the circumstances and since the applicant has not requested a date for the deferral. Mr. Hogan stated the I get this back on the agenda when they feel confident with the plans to move forward. Mayor Anderson stated she did not have a problem with this, she just wanted clarity.

2. **PC RESOLUTION PC-45-24, 7740 CUMBERLAND DR., 351.27 ACRES, MAP:47, PARCEL: 094.00. CURRENT ZONING: WILLIAMSON COUNTY RURAL PRESERVATION -5. PROPERTY OWNER: FERVALE SPRINGS FARM, LLC.**

Motion to approve: Mayor Anderson

Second: Ms. Williams

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

Staff Report: City Planner, Ethan Greer

Representative: Joe Watson, applicants legal counsel

Discussion: Mr. Magner asked Mr. Hogan if the legal resolutions were resolved. Mr. Hogan stated he spoke with Mr. Carter and with no fault of the applicant or the city, the urban growth boundary has been certified by Williamson County, and this is resolved. Mayor Anderson stated after her research on this annexation, she wants to point out that the homeowner has a single-family home on this property and this property is contiguous with other city property in that area and it is in the urban growth boundary. Mayor Anderson stated the owner has no plans for a subdivision on this property, the property would come in RS-40, which is typical for an annexation that comes into the city of Fairview. Mayor Anderson stated with no plan for development and the use of single-family home she sees it favorable for annexation. Mr. Watson stated this area meets all the requirements to be annexed. Mr. McDonald stated he would like to echo the mayor and the applicant’s legal counsel’s comments regarding this annexation and since this property is in the urban growth boundary and meets the requirements, he feels this should be annexed. Mr. Pape stated the applicant submitted for annexation but not for rezoning. Mr. Pape asked the staff if the area is designated RS-40 because of how the code is read since the applicant did not ask for a rezone. Mr. Greer replied that it is correct.

- **New Business**

1. **PC RESOLUTION PC-01-25, COMMERCIAL SITE PLAN, FAIRVIEW SELF STORAGE, 2.72 ACRES, MAP: 047, PARCEL: 006.00. CURRENT ZONING: COMMERCIAL GENERAL. PROPERTY OWNER: DEBORAH THOMPSON LIVING TRUST.**

Motion to approve: Ms. Williams

Second: Mayor Anderson

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

Staff Report: Kevin Chastine, City Planning Consultant

Representative: Daniel Kiley, DLK Management / Jonathan Evans, Evans Engineering

Discussion: Mayor Anderson asked Mr. Chastine to read the exceptions again. Mayor Anderson asked if the building material exception is just for the front of the building facing Fairview Blvd. Mr. Kiley stated it was for the entire building. Mr. Greer displayed a picture of the elevations and stated the bottom picture of the elevation is the one that is observed from Fairview Blvd. Mayor Anderson asked about the exception of the steep slope. Mr. Greer stated the steep slopes on this site are due to drainage easements. Mr. Greer explained that there is a culvert that runs under Highway 100 that comes from the Park Village side, and it cuts through this property. Mr. Greer stated this is mainly where the steep slopes are, and the developers would reroute that water bypassing through the site with a piping system. Mr. Greer also stated the developers are seeking this exception to build over the steep slopes that exist for the drainage easement. Mayor Anderson asked what would be directly behind this building. Mr. Greer stated there is an undeveloped commercial site. Mayor Anderson asked how many trees would be removed from this site. Mr. Kiley stated there are several trees on the back side of the property. Mr. Greer stated the back third of the property is the wooded piece of the property and it is heavenly wooded. Mayor Anderson asked if there was already a pond where the proposed detention pond would go or would a pond be created. Mr. Kiley stated the pond would be created. Mayor Anderson asked if the detention pond would be in the wooded area. Mr. Greer showed the site plan to explain where the detention pond would go. Mayor Anderson then asked where loading and unloading for the storage building would be. Mr. Kiley stated there would be six access points. Mr. Kiley stated there would be a road that circles the entire building. Mr. Kiley stated the road would be used for customers and for fire safety. Mr. Kiley stated that typically there is low volume and would only need a dozen to a half a dozen parking spaces. Mayor Anderson asked how many storage units are projected to be in this building. Mr. Kiley stated about six hundred. Ms. Schulist stated she was under the impression that EFIS was allowable. Mr. Chastine stated it is but just as an accent material. Mr. Chastine also stated the lower portion of the elevations are ICMU blocks, or split brick blocks and the rest of the areas will be EFIS. Mr. McDonald asked what the percentage required. Mr. Greer stated the design review manual states there should be seventy percent brick coverage of each wall area and should be accented by stone. Mr. Greer stated that it is required for commercial or industrial buildings whether visible from a public street or not. Mr. Greer stated the manual recommends split face concrete block and should be used in combination with brick or stone and split face concrete block should not exceed twenty percent of the area of each wall. Mr. Greer stated the manual states EFIS, or synthetic stucco should be five feet above grade and above brick or stone and that the brick or stone would be used as accents. Mr. Magner asked if there was a method that would be used to create a stone look in the EFIS. Mr. Kiley stated there would be real split face block at the bottom with ten percent of every facade and all other facades would be seventy to eighty percent of the brick look EFIS. Mr. Kiley stated they would use a technique where the EFIS is gritted like real brick, but it would be EFIS. Mr. Magner asked if they would use a stamp to make the brick pattern. Mr. Kiley stated he was not sure yet because he has not made a contract with anyone. Mayor Anderson asked if the sidewalks are typically on the other side of the street. Mr. Greer stated this location is part of the sidewalk project that is being proposed by TDOT. Mr. Greer also stated staff felt it would be better use of the applicants' resources for the city to utilize the sidewalk funding somewhere else in the city and to allow TDOT to continue to finish the sidewalk project. Mr. Kiley stated the deep ditch in front of the property will be filled in. Mayor Anderson wanted to point the sidewalk out to get it on record so the public would understand the exceptions that have been asked for. Mr. Pape asked if a hydrology report has been completed and if the report has not been done, when is the report be completed during this process. Mr. Broadbent stated to his knowledge commercial site plans would submit a stormwater report in the initial application, and there has not been

one submitted with this application. Mr. Pape stated his concern about the use of a forty-eight-inch pipe being used to pipe the stream that runs through the property. Mr. Pape states if the pipe is not strong enough to hold the stream, it will back up in the neighboring liquor store property. Mr. Pape feels the hydrology report needs to be completed before the approval of the application is approved. Mr. Pape then stated the cite plan showed a fire truck circulation that circles around the building. Mr. Pape asked if a fire truck was needed at the facility and whether a vehicle was there loading or unloading for the storage unit, whether the fire truck would have enough room. Mr. Magner stated a point of clarification that he read that there is a required width of approximately twenty-four feet for the fire apparatus. Mr. Greer stated for the record, it is twenty feet from unobstructed path. Mr. Pape asked if the unobstructed path would be from the building. Mr. Greer stated there would not be any permanent obstructions within the path of travel. Mr. Greer also stated that if life safety services were needed there and a vehicle was parked within the path, the life safety services could force the vehicle out of their path of travel. Mr. Pape stated his concern about EFIS brick pattern on the building. Mr. Pape stated one of the main reasons masonry is required on buildings is not only for the look but for the durability. Mr. Pape stated most patrons will be in big trucks and may not be familiar with operating a big truck and could easily hit the EFIS wall and the EFIS would get destroyed easily even with a two-foot ledge at the bottom. Mr. Kiley stated there will be bollards at the entrances. Mr. Pape just feels that the EFIS has more risk of getting damaged. Mr. Pape stated based on the submittal, there are seventy-six trees greater than ten inches that are projected to be removed, and if the variance is accepted, we would need to grant the developers the ability to buy in to the tree bank. Mr. Pape asked if there was a permit from the Corp of Engineers to pipe the stream. Jonathan Evans with Evans Engineering stated they have not contacted the Corp of Engineers. Mr. Pape asked if they would go through that procedure and Mr. Evans stated they would look at this. Mr. Pape asked Mr. Evan how many lineal feet of the stream would need piping. Mr. Evans stated about one hundred fifty. Mr. McDonald stated his concern with the above ground detention pond and feels it is problematic for the future planning for the city of Fairview, and he feels the material of the building should be built out with the materials that are required for a commercial building. Mr. Magner asked how the mechanical equipment units will not be visible from the streets. Mr. Magner stated whether the units are on the ground or on top of the building the units should be behind a visible protective enclosure. Mr. Kiley stated the units can be on the roof or placed behind or on the side of the building. Mr. Magner stated there is a loading zone in the middle of the building and all loading zones should be screened and he does not see that it will be screened. Mr. Kiley stated they are calling the entrances loading zones but they will look like store front entrances with sliding glass doors so these are not actually loading docks where a truck would be backed into a dock. Mr. Kiley stated the doors would open with a swipe of a badge to enter for loading. Mr. Magner stated the plans are noted with loading zones and the ordinance states for the zones to have screening requirements. Mr. Kiley stated he would change that to customer entrance due to it not being an actual dock. Mr. Manger stated this would be loading and the intent of the zone is to not have clutter. Mr. Kiley stated the staff would clean any clutter, there would not be clutter. Mr. Magner stated his concern about the trees and landscape. Mr. Kiley stated he would be happy to modify the landscape plan, this is just the first look at this area. Mr. Greer stated the lack of landscape on the plan is due to the topography with the steep frontage and the area with the steep slope. Mr. Greer stated the landscape that is on the plan is an area that believes trees and shrubs would flourish. Mr. Magner stated trees could be planted on a sloped terrane. Mr. Pape asked if street trees should be listed as another variance. Mr. Magner stated in his opinion, yes. Mr. Greer stated the board is more than welcome to add that to the exception request. Mr. Greer stated TDOT is still working on the sidewalk plans in this area and this will change some of the final changes that can be made. Mr. Magner stated he did not see a business sign on the plan. Mr. Magner stated the sign is supposed to be centered on the

property, twenty-five feet from the center line of the roadway and must follow article twelve requirements. Mr. Kiley asked if the sign needed to be a monument sign. Mr. Kiley stated there was a sign on the building and they would do what is allowed in the zoning. Mr. Magner asked if a monument sign was required, and Mr. Greer stated no monument sign was required at this time. Mr. Magner asked if there would be a dumpster on site and if so, it requires it to be screened. Mr. Kiley stated they typically do not have a dumpster on site because dumpsters bring clutter. Mr. Manger stated the parking spaces provided are more than is required. Mr. Kiley stated he wished there would be a full parking lot but there is not enough space for a large parking lot. Mr. Magner stated the maximum coverage of the site is fifty percent. Mr. Evans stated the plans say the building is seventy-five thousand square feet, the building is two stories, so the building is only thirty-seven thousand square feet, and the site is on 2.72 acres. Mr. Magner stated his concern with sidewalks due to safety for the pedestrians but understands TDOT has plans for that. Mr. Magner stated he did agree with Mr. Pape regarding the EFIS material. Mr. Manger stated he would like to see a variance for the trees and would like to see a variance for addressing a building parapet to conceal any rooftop units. Mr. Kiley stated there could be a variance regarding the unit if that is what is wanted, but they can place the units at the back so no one could see them. Mr. Magner stated at least a stipulation if not a variance. Mr. McDonald stated his comments regarding the underground detention pond and asked if the reason for that request was financial. Mr. Kiley stated underground detention is very expensive and does not want it under the building. Mr. McDonald stated he understands the variance regarding the detention pond from the applicant's perspective but feels that granting that variance would potentially be opening an eye sore in the future and doesn't think the city should grant the variance just to save the applicant money. Mayor Anderson stated her concerns about the above ground detention pond that was granted near her business, and everyone can see the open detention and takes up a lot of space. Mayor Anderson also asked if a future business were to develop behind this property, would the above ground detention pond be seen by the public. Mr. Greer showed the parcel of land on the screen and pointed out the proposed area and explained the area for the proposed detention pond is highly wooded and would be cleared out and if the property behind this parcel was developed, the detention pond would be visible to the public. Mayor Anderson asked how close the detention pond will be to Hobgood Road. Mr. Magner stated the land north of Hobgood Road would see the detention pond. Mayor Anderson asked if any trees would be left in the area to screen the detention pond. Mr. Greer stated trees are proposed to be removed for the above ground detention pond and would need to be removed for an underground detention pond as well. Mr. Evan stated there will be some trees that will remain on the property line. Mayor Anderson has concern with the landscaping and trees and wants to make sure the detention pond is screened. Mr. Kiley stated they could screen the detention pond with landscape or evergreens. Mayor Anderson asked how big the detention pond will be. Mr. Kiley stated approximately one hundred fifty feet long and seventy-five feet wide and shaped like a boomerang. Mr. Broadbent asked the depth of the pond. Mr. Evans answered seven feet at the deepest. Mayor Anderson commented that if the detention pond remained to be above ground, she would like it to be screened and she always felt above ground detention ponds were never a good plan. Mr. Kiley stated they would be happy to screen the detention pond. Mr. Broadbent stated before any conditions were added to the front landscape, when the pre-application meeting took place, the engineer did state the steep slopes would be filled in and would be able to do additional landscaping. Mr. McDonald asked for clarification if this was a site plan. Mr. Greer stated yes. Mr. Greer also stated as a point of order the exceptional requests that have been made are in the resolution as written. Mr. Greer stated if there is a motion to amend, it would be to remove an exception or have a motion to amend to add a condition of approval. Mr. McDonald stated he would like to make a motion to amend the current motion to remove the exception of an above ground detention pond. Mr. Magner stated for clarification this

motion may be isolated from other motions to make it clean. Mr. Cali second the motion. Mr. McDonald stated he agreed with Mayor Anderson stating if the pond will be there, having a visual deterrent is ideal. However, at this location, having the pond there may limit the surrounding properties that may be built out and having the open pond seems like poor planning on the city's behalf. Mr. McDonald also stated he feels allowing variances on a prime piece of property doesn't seem necessary and the developers need to meet the requirements the city has in place. Mr. Magner stated all conditions can be compiled together, and to make it easier, to address any preliminary staff report exceptions and then address any other exceptions separately to make this cleaner. Mr. Magner stated the original exceptions are the tree bank, the underground detention, the sidewalk which will be replaced by TDOT, the EFIS with the brick look, and the steep slopes. Mayor Anderson asked if the parapet wall to hide the HVAC units should be added to the motion. Mr. Magner stated he was going to make that as a recommendation. Mayor Anderson stated her hot points are the building materials, screening the detention pond, and a parapet wall to hide HAVC. Mr. Hogan stated the building material exception was number six on the resolution and considering the board members had a lot of discussion regarding this, the motion should be made separately. Mayor Anderson made a motion to remove the EFIS with the brick look material from the exceptions. Mr. Hogan stated he understands a motion to amend the resolution to remove exception number six for the building material request. Mr. McDonald second. Mr. Magner states the motion passed so the EFIS will not be permitted to that percentage. Mr. Magner stated a motion to have the building envelope and the parapet height to conceal rooftop equipment per section 2-104 should be suggested. Mr. Magner made a motion to require the building elevations address rooftop equipment per section 2-104, proper screening for rooftop equipment. Mr. Cali second. Mr. Hogan stated he discussed it with the planning staff and the plan that was submitted didn't meet several requirements and suggested a motion to amend the resolution to clarify for no confusion that any future submittals will not be in compliance with the zoning ordinance. Mr. Hogan recommends a motion to amend to add specific requirements for any future submittals follow the zoning ordinance unless expressly accepted to resolution. Mr. McDonald made a point of order asking if this board passes this with all the amendments attached to it would there be future submittals. Mr. Greer stated with the amendments that have been made, the applicant would have to resubmit to the planning and engineering departments a building that meets the brick requirement with a site plan that meets underground detention, and the site would still have to be within zoning ordinance requirements. Mr. Greer stated he believed the question would be would you like this to come back to the planning commission with the changes or would be permitted to be approved by staff with a construction plan approval that would adhere to the requirements set forth in this resolution. Mr. Broadbent stated we would make sure it would meet all conditions during this application and would not move toward construction plan submittal all conditions are met. Mr. Hogan stated yes, they would have to come back because the plan that we have now if for EFIS material so they will need to come back with a plan of what has been requested. Mr. McDonald asked if it would be easier on both parties to deny this submittal due to all the amendments that have been added and then have them resubmit the submittal. Mr. Broadbent stated that it is based on the comfort level of the planning commission, and if you are comfortable with us to continue to make sure they meet the requirements of these two exceptions we can move forward and go on or if the planning commission would like to see it again to verify the conditions have been met. Mr. McDonald asked if a deferral would be ideal to give the applicant time to make changes. Mr. McDonald states his concern is that most of the conditions that were changed most likely changed the building they were considering. Mr. Broadbent stated denying is much different than deferring due to a time restraint on a denial. Mr. Kiley stated they have rather not have a denial and it would better if it was a deferral or an approval with removals and meets, but rather not have a denial. Mayor Anderson agrees and thinks a deferral would be best and makes a motion

to defer. Mr. Greer asked if the motion for deferral would be changed to indefinitely so there is not a time restrained attached. Mayor Anderson made a motion to defer indefinitely to give enough time to make changes to the plan. Mr. Cali second. Point of order made by Mr. Greer asking Mr. Hogan if the original motion needs to be taken back. Mayor Anderson stated she made the motion, Mr. Hogans stated the motion as been amended three times so the motion is as amended, and that amendment motion has now been amended to defer and defer has priority over the motion.

Motion to amend to remove the above ground detention pond exception: Mr. McDonald

Second: Mr. Cali

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

Motion to amend the Resolution to remove exception #6 for building materials:

Mr. Magner

Second: Mr. McDonald

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

Motion to amend to require proper screening for rooftop equipment per section 2-

104: Mr. Magner

Second: Mr. Cali

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

MOTION PASSED 8-0

Motion to defer indefinitely: Mayor Anderson

Second: Mr. Cali

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

- **Bonds and Letters of Credit – None**
- **Reports for Discussion and Information**
 - **City Planning Staff** – Mr. Greer stated he would be absent for the February 11, 2025, meeting due to the birth of fourth child. Mr. Broadbent and Mr. Chastine will be present. Thanked the board for the continued review of all projects.
 - **City Manager** – Mr. Daughety thanked everyone.
 - **City Engineer** – None
 - **City Attorney** – None
- **Planning Commission Roundtable**
- **Adjournment by:** Mr. Pape at 8:22 PM

Marisa Howell, Community Services Assistant

<https://www.youtube.com/watch?v=kp88aluHhlw&t=4585s>

MUNICIPAL PLANNING COMMISSION MINUTES

**January 14, 2025, Meeting at 6 PM
Work Session**

**David Manger, Chairman
Lisa Anderson, Mayor
Chris McDonald**

**Hayley Schulist
Salvatore Cali
Jeff Pape**

**Will King
Shonda Schilling
LaRhonda Williams**

Staff present: Tom Daugherty, Ethan Greer, Bre Bailey, Marisa Howell, Josh Hogan, Jade Antolec, John Gunn

- **Mr. Magner called the Work Session to order at 6:00 PM**

Items for Discussion: KINGWOOD MASTER DEVELOPMENT PLAN

Discussion: Allison Corolla with T-Square Engineering represents the developer. Mr. Magner stated the last meeting discussed several variance requests and asked for a recap of those variances. Mr. Greer read the request for variances. Mr. Magner asked Ms. Corolla if she had results from the percentage of disturbance greater than twenty percent. Ms. Corolla stated the percentage of total disturbance is fourteen percent. Mr. Magner asked Ms. Corolla if there was any remedy for the reduction to the forty-foot wall. Ms. Corolla stated they were unable to toy with those elevations, but they will get looked at again during construction plan phases for the exact elevations and height. Nathan McVey with T-Square stated there were some options that he wanted to present to the board. Mr. McVey stated there will not be a solid wall, there is a conveyance there, so a box bridge with spring walls or a span bridge is considered if it is cost effective. Mr. McVey stated there is water going through the conveyance and the water will have to go through. Mr. McVey stated another option would be to make some private roads after the creek crossing and make the roads private so the city would not have to maintain the wall or roads in that area. Mr. Greer asked for Mr. McVey to go over the four exhibits that have been brought forth. Mr. McVey explained on the first exhibit is a colored map of the land. Mr. McVey showed the parts that will be deeded to WADC for a pump station. Mr. McVey showed the northside of the area near the hook, coming in from Kingwood Subdivision is an improved open area for a top lock and then shows the area for a walking trail. Mr. McVey then explained the second exhibit that shows the landscape buffer on the west side of the site. Mr. McVey stated this shows views of placement of the buffer to help with the headlight concerns. Mr. McVey then showed the third exhibit of the tree canopy that is to be retained. Mr. McVey stated they wanted to keep as many trees as they could, considering all of the steep slopes in the area. Mr. Magner asked about the additional buffering. Mr. Magner asked about a T location on the map. Mr. Magner asked if the buffering would be at one T location or both T locations. Ms. Corolla stated both T locations are covered. Ms. Corolla stated the south T is an additional buffer and the existing is already approved with the Cedarcrest Subdivision. Mr. Magner asked if this would be included in the submission in the later planning commission meeting. Ms. Corolla stated the exhibits were for the work session but would be happy to include the exhibits in a resubmittal if approved. Mr. McVey stated the exhibits will be included in the construction plans as well for final approval. Mr. McVey explained the last exhibit that shows all the surrounding areas to this development and the access points. Mr. Pape asked what material the walls will be made of. Mr. McVey stated segmental block will be the first option. Mr. Pape stated looking at both places where the wall crosses the stream, he has concern about the constructability and is not sure how this will work. Mr. Pape stated reinforced concrete poured walls will probably be too expensive. Mr. Pape asked if hydrology had been done to size the culvert underneath the walls. Ms. Corolla stated they have not preliminarily sized that and that it is a portion of flood plain and further calculations and analysis will be completed. Mr. Pape

stated the culvert is big and the material will not be cheap. Mr. Pape stated the easier thing to do is bridge over both streams and that would also cause less disturbance. Mr. Pape asked if there had been a plan that avoided the twenty percent slope. Ms. Corolla stated the location of twenty percent slopes are around the streams and without disturbing the streams there is no way to access the site. Mr. Pape stated his concern is that the environmental and slope regulations are in place for a reason, and he feels there should be no reason to grant variances to have so much disturbance on a site. Mr. McDonald asked if the portion of the subdivision beyond the bridge is asking for a different variance for the number of properties. Mr. McVey stated yes, it is max thirty and we are showing thirty-nine. Mr. McVey stated the homes will be on a sprinkler system for fire protection. Mr. McDonald stated that looking at this area from a bird eyes view, it seems practical but when the lots change from bigger lots to smaller lots then back to bigger lots, the smaller lots seem like an odd place to slim in smaller units that will connect to the bigger lots. Mr. McDonald stated there is concern about the walls and building the walls will be a challenge. Mr. McDonald stated to ask for the variance change, request for making the walls fit is asking a lot and he has several issues with this situation. Mr. Magner asked what the speed limit change will be at the curve. Ms. Corolla stated the city ordinance specifies twenty-five and we will change the speed limit for the curve to twenty for safety. Ms. Corolla stated she wanted to note that eighty percent of the traffic will be coming through the Cedarcrest subdivision. Mr. McVey stated the reason for the variance request is to meet the speed limit requirements for the curve. Mr. Magner asked if the curve was level or was there any incline. Ms. Corolla stated there is about three to four percent incline. Ms. Corolla stated staff discussed if this was a feasible access point, staff did decide on the access point and we are trying to accommodate staff and the Fire Marshall. Mr. Greer stated the access point to the back side of Kingwood was requested by Fire Chief Hughes to bring Kingwood into compliance by having two points of connection to get to the existing Kingwood subdivision. Mr. McVey stated one variance is for sidewalk. Mr. McVey stated the typical city section requires a sidewalk with a five-foot grass strip. Mr. McVey stated they were open to any solution; one would be putting the sidewalk where it needs to go according to the plan with it being tucked in closer to the pavement or eliminating sidewalk on the hook. Mr. McVey stated Kingwood does not currently have sidewalks so there will not be anything connected there. Mr. McVey states the sidewalks could be internally. Ms. Corolla stated one concern was to keep the same pavement and curb and gutter with Kingwood. Mr. McVey stated he wanted the boards thoughts on the sidewalk location or the removal of sidewalk on that location. Mr. Pape stated since eighty percent of the projected traffic will come from Cedarcrest, is there a way to only come in that way and not have any other connections and develop some of that property and not disturb the twenty percent slopes. Ms. Corolla stated that the Fire Marshall states that having the connection from Kingwood would bring Kingwood up to compliance. Mr. Pape asked if there was a way to only come in from Cedarcrest, do less lots but have bigger lots and have less density and avoid the twenty percent slopes. Ms. Corolla stated that there would still be twenty percent slopes but not as many. Mr. Pape stated he feels there is too much happening on this property and if it requires variances, there is probably a reason there are challenges with it. Mr. McDonald stated he agreed with Mr. Pape, and if the lots were larger, it may be easier to work with. Mr. McDonald asked if the homes were going to be slab-style homes because that is typically not the ideal product to put on this style of lots. Mr. McDonald stated this is a challenging lot and most likely not best for the city. Casey Keister with Meritage homes stated he appreciated all the conversation regarding this subdivision. Mr. Keister stated T-Square has discussed a few of the variances and is willing to change it how the board would like it. Mr. Keister stated to move forward he would like to get an idea of what the board would like to see to develop in Fairview. It is hard to not disturb twenty percent slopes due to the topography here. Mr. Keister stated they are trying to be efficient and smart with how this is laid out. Mr. Magner stated he feels the developer has noted the board's concerns and he has concerns about the density. Mr. Magner stated he feels this density layout would be better in a flat area and not with this type of topography. Mr. Manger has concerns about the traffic in this area and asked if the traffic study was completed with the projected use of traffic and not the current. Mr. Greer stated the traffic study T-Square completed does reflect Cedarcrest being a primary access point. Mr. Greer stated most of the traffic would access Hwy 100 coming into the subdivision instead of Old Nashville Road. Mr. Greer stated the 2040 Plan lays this out as a transition subdivision area and with Meritage Homes also building the

Cedarcrest development, the Cedarcrest development would be the higher density piece followed by the lower density piece to get further off Highway 100. Mr. Magner asked what the split of the traffic volumes between the two different entry points. James Ensley with T-Square Engineering stated there was about an eighty percent split going through Cedarcrest and twenty percent going through Kingwood. Mr. Ensley stated the thought process is people would find the easiest way in and out once they get adjusted to the area which would probably be the Cedarcrest access due to the right turn lane that TDOT required and then to a left turn lane that is already there. Mr. Ensley also stated the distribution of traffic volumes in the traffic study were based on existing traffic volumes and the projected volumes of how people would travel from their homes. Mr. Pape stated he feels that just because the 2040 Plan suggests how the area should be zoned, it is still up the planning commission to decide what fits best for the land. Mr. McVey stated the north part of this site is residential transition neighborhood, the max zoning it RS-15 down to RM-8 with a PUD, so if the plans were changed to R-20, it would not be compliance with the comp plan for that section. Mr. McVey stated the highest zoning from that section was applied for this design. Mr. Pape stated he didn't open the map he went by the staff report regarding the zoning which is medium density residential. Mr. Pape said for the developers to feel free to bring in a plan that matches that for the north part of the site. Ms. Corolla stated the intention was to come from townhome residential then transition to single family homestyle. Ms. Corolla stated T-Square didn't op for RM-8 or other higher density zoning and is exceeding the R-15 required density and trying to find a happy medium on the density that will work with this site. Mr. McDonald stated seeing what is on the plans make sense but for him personally he feels as you get further back those lots should be larger, especially knowing the plans of the other subdivisions and the lots that are in Kingwood. Mr. Greer showed the zoning map and read the 2040 Plan for that area. Ms. Corolla stated the intention was to keep out of the steep slopes but would be open to potentially extending some of the slopes back if this is something that the board is requesting. Ms. Corolla stated doing that would make those lots meet the R-20 and that would be marrying the two zones. Mr. McDonald stated he feels that if the acres were a half-acre lots that would eliminate some of the variance request and he has concerns about the density. Mr. Pape stated a true POD is to mix the different sizes but due to the topography this is a difficult area. Mr. Keister thanked the board for having these discussions and felt this was very beneficial for this project and future projects. Mr. Keister stated he is willing to look at the plans and look at the plot sizes. Mr. Magner stated he agrees with looking at the southern part of the plans, but he personally feels it all needs to be looked at. Mr. Magner states his concern about the density. Mr. McDonald thanked the developer and engineering company for having this conversation regarding this plan. Mr. Magner thanked them as well and stated the dialog was very beneficial and that is the type of development coming to Fairview and hoped other developers would follow this approach. Mr. Keister stated he always wants to be partners and have dialog with staff and be able to work with cities.

- **Adjourned by Mr. Magner at 6:42 PM**

Marisa Howell, Community Services Assistant

**PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE
RESOLUTION NO. 02-25**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, RECOMMENDING THE APPROVAL OF THE FINAL PLAT FOR PHASE 4 OF THE ADEN WOODS RESIDENTIAL DEVELOPMENT CONTAINING 20 SINGLE FAMILY RESIDENTIAL LOTS ON 20.83 (+/-) ACRES, LOCATED NORTHWEST OF THE INTERSECTION OF CROW CUT ROAD AND PINE STREET, ON TAX MAP 046 PARCEL 016.01 AND TAX MAP 46F GROUP E PARCEL 069.00, OWNER: A-1 HOME BUILDERS, INC.

WHEREAS, Daniel Wolterman (T-Square Engineering) is requesting approval of a Final Plat for Phase 4 of the Aden Woods Residential Subdivision in order to create 20 single-family residential lots, create one (1) new public right-of-way, create two (2) open spaces, and install all necessary stormwater, water, and wastewater infrastructure.

WHEREAS, the staff report is attached as Exhibit PC-02-25-A,

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS:

The City of Fairview Planning Commission hereby **approves** the Final Plat for Phase 4 of the Aden Woods Residential Subdivision, as resubmitted on January 23, 2025, with the following conditions:

Adopted this _____ day of _____, 2025

Planning Commission Chairperson

Attest:

City Recorder

Approved As To Form:

City Attorney

EXHIBIT PC-02-25-A
STAFF REPORT
PC-02-25

Project: Aden Woods: Phase 4

Application Type: Final Plat

Applicant: Daniel Wolterman (T-Square Engineering)

Owner: A-1 Home Builders, Inc. (Brandon Robertson)

Developer: A-1 Home Builders, Inc. (Brandon Robertson)

Initial Submittal Date: 12/20/2024

Final Submittal Date: 1/23/2025

Tax Map: 046 **Parcel:** 016.01 and **Tax Map:** 46F **Group:** E **Parcel:** 069.00

Property Zoning: RS-20 (One and Two-Family Residential)

Project Summary

Daniel Wolterman (T-Square Engineering) has submitted a Final Plat for Phase 4 of the Aden Woods residential development. The Aden Woods development contains a total of 151 single-family detached residential lots contained within four (4) phases. The property for Phase 4 was rezoned to R-20 (One and Two-Family Residential) at the May 2, 2024 Board of Commissioners meeting. Phase 4 contains 20 single-family residential lots on 20.55 (+/-) acres and two (2) open spaces. Phase 4 will create one (1) new 50-foot public right-of-way that will connect to Pine Street and create an intersection with the existing Bear Trace Road that terminates at Pine Street.

The property is located on FEMA FIRM Panel, 47187C0135F and no portion of Phase 4 is located within a flood hazard area. Although no portion of the property is located within a flood hazard area, there is an existing pond and wetland area in the northern portion of the property. All proposed aspects of Phase 4 are located outside of the existing pond and designated wetland area.

Surrounding Zoning and Land Use

The five (5) properties to the north and one (1) property to the west are located within Williamson County and are currently zoned MGA-5. The property to the east contains Bowie Park and is zoned AR-15A (Agricultural/Residential). The properties located to the south contain Phase 3 of the Aden Woods development and are located within the City of Fairview and is zoned R-20. All surrounding parcels contain single-family residential

land uses, with the exception of one (1) parcel to the north that is vacant and the parcels to the east, across Crow Cut Road, that contain Bowie Park.

Fairview Forward 2040 Plan

The Fairview Forward 2040 Comprehensive Plan designates this property as New Residential – Medium Neighborhood. The New Residential – Medium Neighborhood classification notes the appropriate land uses are single-family detached residential, single family attached residential (limited to two-family houses), Mixed-use/Commercial/Office (TND only), Multifamily residential (TND, CS Only), and Civic/Institutional. All phases of the Aden Woods residential subdivision contain single-family detached residential units; therefore, the proposed land use of Phase 4 is in compliance with the New Residential-Medium Neighborhood classification found within the Fairview Forward 2040 Plan.

Staff Recommendation:

Staff recommends the Planning Commission approve the Aden Woods Phase 4 Final Plat in order to create 20 single-family detached lots, create one (1) new public right-of-way, create two (2) open spaces, and install all necessary stormwater, water, and wastewater infrastructure as resubmitted on January 23, 2025.

**PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE
RESOLUTION NO. 03-25**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, RECOMMENDING THE APPROVAL OF AN ANNEXATION RESOLUTION AND PLAN OF SERVICES RESOLUTION FOR THE PROPERTY LOCATED AT 7922 CROW CUT ROAD, 8.66 (+/-) ACRES, MAP 021, PARCEL 017.01.

WHEREAS, John Hollars, owner of the property is requesting annexation of the entire property at 7922 Crow Cut Road which is located adjacent to and contiguous to the City of Fairview city limits and located within the City of Fairview Urban Growth Boundary; and

WHEREAS, **THE CITY OF FAIRVIEW MUNICIPAL PLANNING COMMISSION** considered the annexation request submitted by the owner, John Hollars, at its regular meeting on February 11, 2025; and

WHEREAS, **THE CITY OF FAIRVIEW MUNICIPAL PLANNING COMMISSION** acting as the Planning Agency for the municipality made study of and a report on a Plan of Service for the 8.66 (+/-) acre area proposed for annexation to the Fairview Board of Commissioners as authorized under § 6-51-107, Tenn. Code Annotated; and

WHEREAS, Tennessee Code Annotated § 6-51-102 requires a Plan of Service be adopted prior to annexation of territory into the City, and

WHEREAS, the property boundaries are shown on Exhibit PC-03-25-A, the staff report is attached as Exhibit PC-03-25-B; and the Plan of Services is attached as Exhibit PC-03-25-C.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS:

Section 1. The Fairview Municipal Planning Commission in its deliberations makes the following findings pursuant to Tenn. Code Annotated, §6-51-102(b), § 6-51-104, and § 6-51-107 and Tenn. Code Annotated, § 13-4-103

1. The City of Fairview Municipal Planning Commission deems it necessary and reasonable to annex the territory described herein.
2. The Plan of Service is in agreement and consistent with the recommendations of Fairview Forward 2040 Plan for the area.
3. The City is not in default on any existing adopted plan of services. (Tenn. Code Annotated, § 6-51-102(b)(5))
4. The annexation and plan of service will not create an adverse effect upon adjoining property owners or any such adverse effect is justified by the public good or welfare.

5. No one property owner or small group of property owners will benefit materially from the annexation and plan of service to the detriment of the general public.

Section 2. Action – The Fairview Municipal Planning Commission as authorized by T.C.A. § 6-51-102(b) and § 6-51-107 hereby **recommends/does not recommend** approval of the Annexation Resolution (Exhibit 'A') and the Plan of Service Resolution (Exhibit 'B') to the Fairview Board of Commissioners.

Adopted this _____ day of _____, 2024

Planning Commission Chairperson

Attest:

City Recorder

Approved As To Form:

City Attorney

Exhibit PC-03-25-A PROPERTY BOUNDARIES

Kelly Hollars Annexation



2/7/2025, 4:38:15 PM

Incorporated Areas

FAIRVIEW

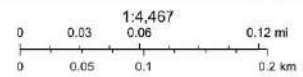
County Boundary

Streets

Lakes Ponds

Parcels

Streams



Williamson County GIS

**EXHIBIT PC-03-25-B
STAFF REPORT
PC-03-25**

Project:7922 Crow Cut Road: Annexation Request

Application Type: Annexation

Applicant: John Hollars

Owner: John Hollars

Initial Submittal Date: 12/4/2024

Final Submittal Date: 1/13/2025

Tax Map: 021 Parcel: 017.01

Project Summary

John Hollars, owner of the property, has submitted to the City of Fairview an annexation request for the parcel located at 7922 Crow Cut Road. The parcel is designated as Tax Map 021 Parcel 017.01. The property contains 8.66 (+/-) acres and is currently zoned MGA-5 (Williamson County Zoning).

The entirety of the property is located within the Urban Growth Boundary (UGB) of the City of Fairview. Additionally, the parcel is contiguous to the current Fairview municipal boundaries. The parcels located to the north, south and west (across Crow Cut Road) are located within Williamson County and zoned MGA-5. The parcel to the west (Tax Map 021 Parcel 021.21) is part of the Bellehaven Development, is located within municipal boundaries of Fairview and is currently zoned RM-8PUD.

Fairview Forward 2040 Plan

The parcel of land at 7922 Crow Cut Road is classified as Rural Settlement in the Fairview Forward 2040 Plan. The Rural Settlement future land use classification lists five (5) zone districts, and two (2) land uses as appropriate. The five (5) zone districts are AR-15A, AR-5A, RS-40, RSM-40 and R-20 with a Conservation Development Overlay. The two (2) appropriate land uses are Agriculture and Single-Family Detached Residential.

Section 5-105 of the Fairview Zoning Ordinance requires that properties annexed into the City be zoned RS-40 (Low Density Residential), therefore this property, if annexed, would be zoned RS-40 and that would be in alignment with the Rural Settlement future land use classification. The current land use on the property is single-family detached residential, which is also in alignment with the Rural Settlement future land use classification.

Utilities:

The application notes that water and sewer taps are currently located at the road and future residence will be able to utilize conventional water and sewer services from the Water Authority of Dickson County (WADC).

Annexation Description:

The applicant stated, on the annexation request application, that the tract of land does abut property located within the municipal boundaries of Fairview and that the current land use is single-family residential.

Staff Recommendation:

Staff recommend the Planning Commission provide a **favorable/non-favorable** recommendation to the Fairview Board of Commissioners to approve this request to annex the entirety of the property located at 7922 Crow Cut Road Drive (Tax Map 021 Parcel 017.01), as indicated on the attached map and with the following conditions of approval included in Resolution PC-03-25:

1. This annexation request will be placed on Thursday, March 6th Board of Commissioners meeting agenda for consideration with the potential for the Public Hearing and second reading being held on Thursday, April 6th, 2025, Board of Commissioners meeting.
2. All staff comments to be addressed prior to Thursday, March 6th, 2025, Board of Commissioners meeting.

EXHIBIT PC-03-25-C PLAN OF SERVICES

A. Police

Patrolling, radio response to calls, and other routine police services, using present personnel and equipment, will be provided on the effective date of annexation.

B. Fire

Fire protection by the present personnel and equipment of the City of Fairview Fire Department, within the limitations of available water and distances from fire stations, will be provided on the effective date of annexation.

C. Water

Water Service is provided by the Water Authority of Dickson County, Tennessee, in accordance with their established policy and procedures. The owner indicates that a water tap is located at the road for this property. The City of Fairview, Tennessee, does not provide this service.

D. Sanitary Sewers

Sanitary Sewer Service is provided by the Water Authority of Dickson County, Tennessee, in accordance with their established policy and procedures. The property owner indicates that a sewer tap is located at the road for this property. The City of Fairview, Tennessee, does not provide this service.

Where Sanitary Sewer Service is not provided, an individual sewage disposal system shall be required for residential and non-residential occupied structures. If public sewer facilities are not available and individual disposal systems are proposed, the individual disposal system, including the size of the septic tank and size of the tile fields or other secondary treatment device shall be approved by the County Health Department.

E. Refuse Collection

Private haulers or the county convenience center will handle refuse collection in the annexed area.

F. Streets

1. The State Highway Commission under the standards currently prevailing by the State of Tennessee will serve the State Controlled Streets in the annexed area. The City of Fairview, Tennessee under the standards currently prevailing in the City will serve the City Controlled Streets in the annexed area.
2. Traffic signals, traffic signs, street markings, and other traffic control devices will be installed as the need is established by appropriate study and traffic standards.

G. Schools

The annexed area will be served by the Williamson County School system that serves the entire City of Fairview, Tennessee.

H. Inspection Services

Any inspection services provided by the City will begin in the annexed area on the effective date of annexation.

I. Planning and Zoning

The planning and zoning jurisdiction of the City will extend to the annexed area on the effective date of annexation. City Planning will thereafter encompass the annexed area.

J. Public Works

Services provided by the Public Works department will be extended to the annexed area on the effective date of annexation to include seasonal chipper and leaf pick up. Reference the city's website for pickup times and specific information regarding what qualifies for this service.

K. Street Lighting

Any existing street lighting will continue to be maintained by the utility provider in the annexed area.

L. Recreation

Residents of the annexed area may use all City parks on and after the effective date of annexation.

M. Miscellaneous

Any other service(s) not classified under the foregoing headings will be in accordance with the standards prevailing in the City of Fairview, Tennessee.

**PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE
RESOLUTION NO. 04-25**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, APPROVING A VARIANCE REQUEST TO REDUCE THE REQUIRED ROAD DESIGN SPEED OF 30MPH TO 25MPH, AS REQUIRED IN SECTION 4.106.2 AND TABLE 4-106B OF THE FAIRVIEW SUBDIVISION REGULATIONS, ON RUZEK COURT IN PHASE 2 OF THE RESERVES ON CHESTER RESIDENTIAL SUBDIVISION ON TAX MAP 42 PARCEL 136.02. PROPERTY CONTAINS 66.21 (+/-) ACRES AND IS LOCATED NORTHEAST OF CHESTER ROAD AND SOUTH OF HUNTING CAMP CREEK. OWNER: DUKE & DUKE, LLC.

WHEREAS, is requesting approval of a variance from Section 4-106.2 General Design and Tables 4-106B General Design Standards for Streets of the Fairview Subdivision Regulations; and

WHEREAS, The variance request is to reduce the road design speed from 30 miles per hour, as required by Table 4-106B, to 25 miles per hour, in order to permit lots to be more accessible (less slope); and

WHEREAS, Section 1-112 of the Fairview Subdivision Regulations permits variance requests from the regulations found within the Subdivision Regulations; and

WHEREAS, Section 1-112 of the Fairview Subdivision Regulations provides four (4) standards for the Planning Commission to consider when reviewing variance requests from Subdivision Regulation requirements; and

WHEREAS, the staff report is attached as Exhibit PC-04-25-A,

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS:

The City of Fairview Planning Commission hereby **approves** the variance from Section 4-106.2 of the Fairview Subdivision Regulations to permit a reduction of the road design speed for Ruzek Court from 30 miles per hour to 25 miles per hour as required by Table 4-106B General Design Standards for Streets, with the following conditions:

Adopted this _____ day of _____, 2025

Planning Commission Chairperson

Attest:

City Recorder

Approved As To Form:

City Attorney

EXHIBIT PC-04-25-A
STAFF REPORT
PC-04-25

Project: Ruzek Court: Variance Request

Application Type: Subdivision Regulations Variance Request

Applicant: Mr. Louis Sloyan (T-Sqaure Engineering)

Owner: Duke & Duke, LLC

Developer: Tim Mangrum

Tax Map: 042 Part of Parcel: 136.02

Project Summary

The Reserves on Chester is a single-family detached residential development that contains 46 lots. The development is located on Tax Map 042 Parcel 136.02, which contains a total of 66.21 (+/-) acres and is zoned RS-40. The development is creating three (3) new public rights-of-way, one of which is Ruzek Court.

Ruzek Court is a cul-de-sac with a 50-foot-wide right-of-way with curb and gutter, five-and-a-half-foot wide grass strip and five (5) foot sidewalks on both sides of the street. The proposed length of Ruzek Court is approximately 850 feet, and it provides access to 12 residential lots.

The design of Ruzek Court will remain as approved in regards to width, sidewalks, and length, however the developer wished to alter the grading of the proposed cul-de-sac in order to reduce the slope of the street, which in turn will make the lots more accessible. With the proposed change in grading, the roadway is not able to have the 'k' value necessary to meet the required design speed of 30 miles per hour as required within Section 4-106 and Table 4-106B of the Fairview Subdivision Regulations. Therefore, the applicant and developer are requesting a variance from Section 4-106 and Table 4-106B of the Fairview Subdivision Regulations in order to lower the design speed of the road to 25 miles per hour.

Standards for Variance:

Section 1-112 of the Fairview Subdivision Regulations provides four (4) standards for the Planning Commission to consider when reviewing variance requests. The four (4) standards and related information are listed below.

1. Granting of the variance will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood where the property is located.

Staff Information

- *If approved, the variance would not be detrimental to public safety, health or welfare due to the 25 miles per hour road design speed would be slower than the required design speed of 30 miles per hour.*
2. Conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

Staff Information

- *The requested variance would not be applicable to properties, whether adjacent or in other areas of the city, due to the request being based on the proposed design for Ruzek court and existing topographic conditions.*
3. Because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out; and

Staff Information

- *This variance request is not self-imposed in that severe topography does exist within this area of the parcel and the applicant is requesting the variance to lower the design speed of the roadway, which is necessary given the 'k' value following the lessening of the slope of the roadway to make lots more accessible.*
4. The variance will not in any manner alter the provisions of the land development plan, the Major Thoroughfare Plan, or the Fairview Zoning Ordinance.

Staff Information

- *The variance request, if approved, will not alter any provisions or regulation found in the Fairview 2040 Plan, the current Major Throughfare Plan or the Fairview Zoning Ordinance. The requested variance is from the Subdivision Regulations and not any other city regulation.*

Staff Recommendation:

Staff recommends the Planning Commission approve the variance request from Section 4-106.2 and Table 4-106B of the Fairview Subdivision Regulations to permit the reduction of the road design speed on Ruzek Court from 30 miles per hour to 25 miles per hour.