

2MUNICIPAL PLANNING COMMISSION MINUTES

July 9th, 2024, Meeting at 7 PM

David Magner, Vice Chairman
 Hayley Schulist
 Lisa Anderson, Mayor

Chris McDonald
 Salvatore Cali
 Jeff Pape

Shonda Schilling
 LaRhonda Williams
 Will King

Staff present: Ethan Greer, Josh Hogan, Curtis Broadbent, Kevin Chastine, Maria Bruce, Keith Paisley

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

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

- Prayer & Pledge led by Mr. Magner
- Approval of Agenda
Motion to approve: Mr. Cali
Second: Ms. Williams

	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Schilling	X				
Ms. Williams	X				
Mayor Anderson	X				
Mr. Magner	X				
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Cali	X				
Mr. Pape	X				
Mr. King				X	
MOTION PASSED 9-0					

- Citizen Comments –
 - **Craig Cropper:** I live across the street from the Sullivan farm that's up for discussion tonight about the development and its my understanding that they've got the POD plan that was asked but no other changes is made. Personally, I guess my biggest concern is the rental. I've researched a little bit to find the difference between apartment and townhouse. You know townhouses are nicer built, got a garage on it, and all that, but if you've got how many ever... 100, and you plan on renting them, its still just a nice

apartment complex, basically. I would like to see them privately owned by individuals. If you're building a leasing office, then the plan is to lease them. You're not going to spend a couple hundred thousand dollars on a leasing office if that's not the initial plan. That's my biggest concern, I can't speak for everybody that here or the other neighbors, but I wish a lot people would have come and voiced their opinion, but that's my biggest concern. I really don't think Fairview needs more apartment complexes and whether you call it town houses or apartment complexes, it's the same thing in the long run. That's my biggest concern. Thank you.

- **Approval of Minutes**
 - **June 11th, 2024, Regular Meeting**

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

	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Schilling	X				
Ms. Williams	X				
Mayor Anderson	X				
Mr. Magner	X				
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Cali	X				
Mr. Pape	X				
Mr. King	X				
MOTION PASSED 9-0					

- **Approval of Minutes**
 - **June 11th, 2024, Work Session**

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

	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Schilling	X				
Ms. Williams	X				
Mayor Anderson	X				
Mr. Magner	X				
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Cali	X				
Mr. Pape	X				
Mr. King	X				
MOTION PASSED 9-0					

- Old Business: None
- New Business

1. Election of Planning Commission Chairperson

- Mayor Anderson: I'd like to nominate David Wagner for Chairperson.
- Mr. Pape: Second
- Mr. Wagner: Do we have other nominations? Okay, we'll close the nominations and then open it up for discussions.

Motion to approve: Mayor Anderson

Second: Mr. Pape

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

2. Election of Planning Commission Vice Chairperson

- Mayor Anderson: I would like to nominate Hayley Schulist .
- Mr. Pape: Second
- Mr. Wagner: Any other nominations? Okay, I'll close the nominations and open up any discussion from the Board. Hearing no discussion.

Motion to approve: Mayor Anderson

Second: Mr. Pape

	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Schilling	X				
Ms. Williams	X				
Mayor Anderson	X				
Mr. Wagner	X				
Ms. Schulist			X		
Mr. McDonald	X				

Mr. Cali	X				
Mr. Pape	X				
Ms. Senyard	X				
MOTION PASSED 8-0					

3. PC Resolution **PC-25-24**, Residential Development Plan, Aden Woods Phase 4, 20.55 Acres, Map: 046, Parcel: 016.01. Current Zoning: R-20. Property Owner: A1 Home Builders.

4.

Motion to Approve: Mr. Cali

Second: Ms. Williams

Staff Report: Ethan Greer, Curtis Broadbent

Representative: Allison Corolla

Discussion:

- **Mr. Magner:** I'd like to open up any discussion as well as ask if there is a representative from the applicant tonight.
- **Mr. Greer:** Aden Woods Phase 4 is a Development application submitted by T-Square Engineering specifically Ms. Allison Corolla. The owner of the property is Brandon Robertson with A1 Home Builders. The Aden Woods development contains a total of 151 single-family detached residential lots within four (4) phases. The property for Phase 4 was rezoned to R-20 (One and Two-Family Residential) on the May 2, 2024, Board of Commissioners meeting. Phase 4 contains 20 single-family residential lots on 20.55 (+/-) acres. 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 currently terminates at Pine Street. The 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). The properties located to the South contain Phase 3 of the Aden Woods Subdivision and are located within the City of Fairview and are 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. 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, Multifamily residential, 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 recommends the Planning Commission approve the Aden Woods Phase 4 Development Plan 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 June 20, 2024 with one condition of approval as all staff comments to be addressed. There are a few staff comments that our City Engineer would like to speak to.
- **Mr. Broadbent:** Currently we have 3 open comments, 1 is Planning and 2 is Engineering. The 2 Engineering ones are asking the applicant if road improvements are going to be proposed along Crow Cut Rd and the applicant responded that no they

wouldn't and one of the comments we stated was that with lots fronting Crow Cut Rd, to show curb and gutter and a note that one lane of Crow Cut Rd will be milled and repaved. The other open issue is just changing the nomenclature of the legend for critical lots. There was just confusion on what the slopes are for critical lots.

- **Mr. Magner:** Thank you both. Ma'am could you please state your name and address for the record?
- **Ms. Allison Corolla:** Good evening, I'm Allison Corolla from TSquare Engineering we are at 111 Southeast Parkway Court in Franklin. Tonight, we just come to you with a Development Plan that was, as Ethan said, recently approved with you guys and council as a rezone. This is an extension of the existing Aden Woods subdivision. We have updated the traffic study and feel that we are meeting the requirements and the recommended improvements of the traffic impact study. We're happy to meet all staff comments; Curits do you mind elaborating just a little bit on the critical lot, I was just looking at note number 5 and it mentions the asterisk is the critical lot. Sorry to put you on the spot.
- **Mr. Broadbent:** What was your question?
- **Ms. Corolla:** You had mentioned that there was confusion on the denotation of critical lots.
- **Mr. Broadbent:** In the slope analysis plan you were showing critical lots as any lots that were exceeding 15% existing slopes and I said in the comment that it's not 15%, its 20%, so just to make sure we keep it the same way every time. That's all it way.
- **Ms. Corolla:** Were happy to work with staff to continue this plan.
- **Mr. Magner:** Okay, we'll open up questions from the Board.
- **Mayor Anderson:** With our other Aden Woods Phases, we had issues with construction and dump trucks going through the subdivision, so what entrance will they be using for construction.
- **Ms. Corolla:** That's a great question. We will end up placing a construction entrance right along Bear Creek Trace, which is just the start of our subdivision, it's the start of our property, it's the beginning of right of way. Technically there is another owner-I believe the Jones Company already owns the remainder of Pine Street, so we would not be able to put a construction entrance there, so the construction entrance for this will be along Bear Trace, off of Bear Trace Rd.
- **Ms. Williams:** Ethan, are you pointing at something?
- **Ms. Corolla:** Pine Street is what crosses Crow Cut, so that's already been platted, so we can't put a construction entrance there, so the construction entrance has to go at our new development which would be Bear Trace. Because the remaining section of that road is already platted and its already owned.
- **Mr. Broadbent:** So what the Mayor's speaking of, is that there one entrance to the entire subdivision off of Crow Cut Rd, and there's another entrance which connects to Aden Woods Phases 1 and 2 I believe, and so the concern is onto Castleberry
- **Ms. Corolla:** I understand, I am so sorry for the confusion, I can't speak to exactly the way that the construction traffic will be routed, my guess is that it will be routed from Crow Cut on this side just because of the proximity, because its so clos to this development, although I cant speak exactly to how it will be.
- **Mayor Anderson:** Okay, sounder no circumstances do I want any construction traffic to go through the other phases of Aden woods back through Castleberry, so however we need to do that right now, that's very important.
- **Ms. Corolla:** Staff, maybe you can help me out with that, maybe making that a condition or something.
- **Mr. Hogan:** Mr. Geer is the construction entrance listed on the Phase 4 Development plan that she just discussed? If it is, then I think that entrance is applicable to Phase 4; can't go backwards to the previous phases that have already been approved but from Phase 4 going forward...

- **Mayor Anderson:** If that is not stated it will happen.
- **Mr. Greer:** The construction entrance is not shown in the development plans, it would be shown during the construction plan phase that would be approved by our City Engineering staff. At that point we will make note for that construction entrance to be located where Ms. Corolla has spoken and said that it will be. And then we will work to enforce it.
- **Mayor Anderson:** Just so its noted, when it does happen and we get back with Brandon Robertson, we can show him that its noted on the plans and we are on conventional sewer for this...
- **Ms. Corolla:** Correct, yes, I've spoken with Michael Rogers at WADC and all of the existing infrastructure was sized to accommodate this addition.
- **Mayor Anderson:** Okay, just one last thing, you were talking, Curtis about, or it might have been Ethan, about road improvements on Crow Cut, I just need clarification, did the City ask for them and then we were told no, or do we need them or... I was a little confused about that.
- **Mr. Broadbent:** Those lots that run North to South, those will front Crow Cut Rd, therefore you know that's lot frontage and so we're asking the applicant to provide road improvements on their half of Crow Cut Rd, and so the initial conversation was- are you proposing any road improvement on Crow Cut Rd, which the applicant responded no and the next comment was-hey we need to see road improvements. That was the comment.
- **Mayor Anderson:** And just for clarification, what's on the other side of the road?
- **Mr. Broadbent:** Bowie Park
- **Mayor Anderson:** That's what I thought.
- **Ms. Corolla:** I can elaborate on that, so I think the reasoning for that was primarily just the traffic impact study. So the traffic impact study came back and id not warrant any improvements along Crow Cut and that was the reasoning behind that. Just purely based on their analysis.
- **Mayor Anderson:** Are there sidewalks along that road?
- **Ms. Corolla:** Yes ma'am, we are proposing a sidewalk.
- **Mr. Broadbent:** I think the reason engineering requested for their curbing and gutter to be added would be if you do not, you'll have driveways and then you'll have to put culverts underneath those and its typically not seen in subdivision front edges.
- **Mayor Anderson:** That's all I have.
- **Ms. Schulist:** So is the developer agreeable to road improvements.
- **Ms. Corolla:** I think we could make that work
- **Ms. Schulist:** Staff do we just make this a condition of approval?
- **Mr. Broadbent:** It's an existing condition of approval that all staff comments be addressed, and it's one of the staff comments, therefore it's a condition of approval.
- **Mr. Magner:** Mr. Hogan, do we need to amend the motion on the table to include conditions because I don't know that we specifically stated that.
- **Mr. Greer:** It is within the resolution that the condition of all staff comments to be addressed currently, is listed as a condition of approval on the resolution.
- **Mr. Hogan:** That's correct. So the motion as it is to adopt this as written includes staff comments that have been discussed, no amendment necessary.
- **Mr. McDonald:** I guess I want to have a conversation around the traffic impact study that was completed, I think the most recent was April of this year, is that the one you were working off of?
- **Ms. Corolla:** It was actually revised and resubmitted in June.
- **Mr. McDonald:** I may have been looking at the wrong one, I might have bee looking at the one from April. The concern that I got from reading through that, was it seemed to identify mainly the intersection, the intersection we always talk about, Cumberland/100

and Crow Cut, and the current ratings of that intersection are not great which we know that. And naturally it's getting worse just as things come, situations like this don't help it and it seems like the traffic study stated that there were improvements needed to that intersection, that typically if the State had not already said that they were going to be doing something, that we would be having a conversation about what we were going to do in regards to that intersection. Is that accurate? I mean there was a comment in the traffic study, basically said that the State's doing this, so its kind of a moot point.

- **Mr. Broadbent:** I can speak to that if you would allow me.
- **Mr. McDonald:** I've got more to go from there, but if we can just confirm that that parts accurate. So, we're all aware that there's an issue there, this subdivision stuff, its coming, I guess I'm just wondering at what point do we say we as a city, have to wait for this intersection to get to where it needs to be so it can function for the existing citizens of this community. At what point do we say we've got to stop adding to the problem because the State, it just keeps kind of getting moved a little further back a little further back and we're all hopeful that its coming sooner than later and we've been told that but at the same time it's the State and they can do what they want. I just look at it from all the people that have to deal with that intersection every day they have to deal with that waiting time until the state gets around to doing it and I feel like maybe the developer should feel some of that and wait and then maybe hopefully you or other developers that have impact on that intersection in the area can apply some influence to the State to maybe increase the speed of that project. I think the future rating on that traffic study too was moving to, it was significant, it was going from like worst case I think at peak hours it was a 76 second weight and after in 2026, I think it said it's going to be like 175 second weight, which is a significant increase which clearly is well beyond "e" or whatever the worst rating is. And again all hypothetical, but you know longer weights mean more impatient drivers which mean more bad decisions and then I'm just wondering at what point are we sitting up here with a room full of people who are furious because something tragic has taken place at that intersection it's because we're worried about the "State's going to handle it" and that's all we're doing so, I don't know how everyone else feels about it, I don't know what we can do about that as a City or as a Planning Commission, it's just um something I would like to talk about at least or think about thank you.
- **Mayor Anderson:** After meeting with TDOT, this intersection is going to start construction May of this coming year.
- **Mr. Greer:** Mayor, they will be letting the project out for bid in May of 2025 it starts May it will likely start about 12 months after.
- **Mayor Anderson:** Okay, I was misinformed by a member of TDOT then maybe they were meaning beginning May of 2025 is the beginning of the process. But I just wanted to put it out there that you know this isn't their 10-year plan this is May of 2025 they're already doing surveying out there right now.
- **Mr. McDonald:** And just to reiterate just so we're on the same page, that traffic study was showing the conditions of that intersection in 2026 and what it will be with all of everything that they took into consideration for that study so I think even if they started a bid process in May you're still looking at well beyond 2026 before that's a finished project. Is that accurate or at least, sometime late 26 probably.
- **Mr. Greer:** Commissioner McDonald, from what I've been communicated, the project will go out for bid in May 2025. They will award that project roughly July to August of 2025. There will be approximate 6-month mobilization time prior to construction actually beginning and us as Citizens seeing equipment moving out and then it'll take about 18 months. So if everything goes according to plan, according to TDOT's plan, currently, it would be late summer-early fall of 2027 at the time of completion of the

- project.
- **Mr. Magner:** And for clarification what is the estimated construction timeline to implement phase four.
 - **Ms. Corolla:** So assuming we get development plan approval tonight we'll still have to go through the construction plan approval process as well as the state permitting process for both grading plans as well as public utilities. That approval process is probably looking at about 6 months and then beyond that we'll be looking to start breaking ground.
 - **Mr. Magner:** It's probably fair to say that we might see some residential construction early first half 2026 with final completion within 12 16 18 months.
 - **Ms. Corolla:** I think that'd be fair yes sir. And something I'll note too about TDOT plans as well, is even when we submit private improvement plans for various TDOT intersections and things like that, sometimes those plans even on our end, take 12 months to approve and to review by the time you get surveying and everything, so unfortunately when you work with TDOT, things are just a little bit longer all around.
 - **Mr. Magner:** As a technical clarification I'll just add, I had a discussion with engineering concerning lot number 18 that is the property that's at the Northern east corner of the cul-de-sac. My initial question was does the frontage meet the 100 feet. I think based on our interpretation definition it does and I understand that now, but I just wanted to clarify that for the rest of the Planning Commission.
 - **Ms. Corolla:** Thank you
 - **Mr. Magner:** Any other Planning Commission comments, questions, discussion. All right we will now vote on PC Resolution 25-24 along with the conditions of approval as stated previously.

PC 25-24	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Schilling	X				
Ms. Williams	X				
Mayor Anderson	X				
Mr. Magner	X				
Ms. Schulist	X				
Mr. McDonald		X			
Mr. Cali	X				
Mr. Pape	X				
Mr. King	X				
MOTION PASSED 8-1					

5. PC Resolution PC-26-24, Final Plat, Reserves on Chester Phase 1, 22.96 Acres, Map: 042, Parcels: 136.02. Current Zoning: RS-40. Property Owner: Duke & Duke LLC.

Staff Report: Ethan Greer, Curtis Broadbent
Representative: Louis Sloyan
Discussion:

- **Mr. Greer:** The application has been submitted by TSquare Engineering, Lewis Sloyan. The Reserves on Chester residential subdivision consists of two (2)

phases and a total of 46 single-family residential lots. The entire property is zoned RS-40 (Single Family Residential District). Phase 1 of the development contains 15 single-family residential lots on 22.96 (+/-) acres. Additionally, Phase 1 will create two (2) new public rights-of-way named Severide Street and Florim Court. Severide Street will provide access onto Chester Road and Florim Court will be extended into future phases of the development. Both rights-of-way will have a 62-foot right-of-way width to better accommodate emergency response vehicles, primarily firetrucks. Also, Phase 1 will create five (5) open spaces totaling 4.62 (+/-) acres. Open Space 1, 2, and 5 will contain stormwater detention ponds, while Open Space 6 will contain the cluster mailbox for the subdivision. Finally, a .16 (+/-) acres lot will be created at the Northeast corner of the property to provide a location for a sewer pump station. Our staff recommendation is the Planning Commission to approve the Final Plat for Phase 1 of the Reserves on Chester residential Subdivision in order to create 15 single family residential lots, 2 new public rights of way, create a parcel for locating a pump station, create five open spaces and install all necessary infrastructure as resubmitted on June 20th 2024.

- **Mr. Magner:** Thank you, Mr. Greer. Do I hear a motion for PC 26-24

Motion to Approve: Mayor Anderson

Second: Ms. Schulist

- **Mr. Louis Sloyan:** I'm Louis Sloyan, I'm with TSquare Engineering. 111 Southeast Parkway.
- **Mr. Magner:** We'll open it now up for discussion, questions from the Board and any clarifications here from the applicant or sir, if you wish to start out is there any additional clarifications?
- **Mr. Sloyan:** I don't believe there's any further clarifications. These first 15 lots are in line with the original construction plans that were approved and were just looking to get started and get those underway.
- **Mr. Magner:** I'll start out with one question. Its relative to the cell tower that's on lot 6. This has a conditional approval and perhaps this might be more of a question for City Engineering/Planning. Do we have any restrictions with an object of that height within close proximity of residential properties that you can think of. I couldn't find any. I just wanted to verify.
- **Mr. Sloyan:** I can speak to that a little bit actually. Theres a dashed circle represented on lot 5 that's the approximate height of the cell tower. So if it were to fall it would fall within that dash circle, so we try to keep that outside of any lot or any habitable structure. So we feel that an appropriate setback for all those.
- **Ms. Schulist:** Will there be any kind of barrier or fence around it.
- **Mr. Sloyan:** I believe probably the existing fence that the cell tower currently has will remain and just the access drive will change to follow the public road and then a short driveway up to it.
- **Ms. Schulist:** It'll be managed by a third party, that cell tower lot?
- **Mr. Sloyan:** Yes, whoever is the current lessee.
- **Mr. Magner:** I had one additional question for you. Lots 40 and 41, which on this green, are kind of segmented with a utility easement that's about 2/3 down, does that easement impact the available building area of these lots. I know the gross areas of those was significant, was the net area applicable too.
- **Mr. Sloyan:** There is plenty of area to build quite a substantial house still. The lot slopes from the road downhill to the SW and its very heavily wooded, so we

anticipate the houses to be closer to the street just for buildability purposes, so I don't believe that should impact the house or any structure.

- **Mr. Magner:** Thank you. Any additional thoughts, questions, discussion.

PC 26-24	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Schilling	X				
Ms. Williams	X				
Mayor Anderson	X				
Mr. Magner	X				
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Cali	X				
Mr. Pape	X				
Mr. King	X				
MOTION PASSED 9-0					

6. PC Resolution **PC-27-24**, Commercial Site Plan, Sherwin Williams, 2.08 Acres, Map: 047, Parcels: 02.03. Current Zoning: Commercial General. Property Owner: Capstone Partners

Motion to Approve: Mr. Cali

Second: Ms. Williams

Staff Report: Ethan Greer, Curtis Broadbent

Representative: Chase Kerr

Discussion:

- **Mr. Magner:** Mr. Greer will you please read the staff report.
- **Mr. Greer:** Chase Kerr with Crunk Engineering has submitted, on behalf of Capstone Partners, a site development plan for Sherman Williams in order to construct a commercial building located at 2310 Fairview Boulevard. The property is located on the westside of Fairview Boulevard, Highway 100, and directly North of the existing Tractor Supply store. The property is zoned Commercial General and contains 2.08 acres in size and has frontage along Fairview Boulevard. No portion of the property is located within a flood hazard area. The proposed commercial building is 4,964 square feet in size along with required parking, trash enclosure, stormwater infrastructure and all other necessary utility infrastructure. The existing access for Tractor Supply crosses this property and will remain as part of this project. The proposed Sherman Williams access point will connect to the existing access for Tractor Supply. The surrounding land use, the two properties to the North are zoned RS-40 Single Family Residential and Commercial General. The properties to the South and east are zoned Commercial General. The properties to the west are zoned AR-15A Agricultural and RS-40 Single Family Residential. The properties to the North contain commercial uses as well as the City of Fairview

Planning and Codes Department and Public Works building. The property to the South contains the existing Tractor Supply store. The properties to the east, across Fairview boulevard, are vacant and part of a condominium development. Finally, to the west one property is currently vacant while the other property is part of Bowie Nature Park. The Fairview Forward 2040 Comprehensive Plan designates this property as Commercial Corridor. All properties to the North, South, and east across Fairview Boulevard are also designated as Commercial Corridor. The properties to the west are designated as Civic and Natural Open Space. The Commercial Corridor classification notes the appropriate land uses are Retail/Restaurant, Office, Light Industrial, and Civic/Institutional. The Commercial Corridor classification notes the Commercial General zone district as an appropriate zone district within this classification. The existing property zoning is Commercial General. The applicant is requesting a few exceptions for this project. The first request is to receive an exception from Section 4-113.205 of the Fairview Subdivision Regulations in order to permit the use of an above ground stormwater detention pond. The second request is seeking an exception from Section 8-103.7 of the Fairview Zoning Ordinance in order to not install sidewalks along Fairview Boulevard, Highway 100 due to existing stormwater drainage pond directly adjacent to Fairview Boulevard. In lieu of installation of the sidewalk the owner will make a contribution to the City Sidewalk Fund. Staff recommends the commission approve the Sherman Williams site development plan in order to construct a 4,964 square foot commercial building along with required parking, stormwater infrastructure, and landscaping as resubmitted on June 25, 2024, with the following conditions of approval included in resolution: an exception to allow above ground storm water detention, exception to allow payment in lieu of constructing sidewalk and an exception to allow less than 70% brick on exterior elevations.

- **Mr. Magner:** Thank you Mr. Greer. Do we have a representative from tonight's applicant.
- **Chase Kerr:** with Crunk Engineering
- **Mayor Anderson:** I'm excited to say that my idea of flipping the building got approved. I think that's a much better plan and I think it works really well that way. Also, I'm in favor of the detention pond exception because it cannot be seen at all from the road.
- **Mr. Broadbent:** Just to clarify, the detention pond has moved from the previous location so it is now more visible than it was before.
- **Mr. Magner:** Other comments, questions. I'll start with one question. There were several other additional comments that I don't think was quite addressed in the City's review such as a monument sign. Do we have an update or know when that's going to be submitted.
- **Mr. Kerr:** I'm not 100% sure on when that's going to be submitted. I can get with the architecture company and confirm what the plan is for the monument sign submittal but as of right now, I'm not 100% sure on when that will be submitted.
- **Mr. Magner:** Okay, my second question is there a reason why were not meeting the

- 70% masonry and Tractor Supply easily meets that with their split face I believe.
- **Mr. Kerr:** I'm not 100% sure. I'd have to get with the Architecture Firm as well on that comment.
 - **Mr. Magner:** For such a high visible project I think it really should comply, my personal opinion.
 - **Ms. Schulist:** There's quite a lot of comments from staff. Does the developer feel like they would comply with the outstanding questions or comments or tasks that they are asking.
 - **Mr. Kerr:** Yes, we would meet all of the City/Staff comments, we would address all of them.
 - **Mr. Geer:** Ms. Schulist, just to speak to the open comments, 1, 2, 3 of these comments are from Fire and Life Safety, fire hydrant must be within 100 feet of the fire department connection. The building footprint originally submitted was greater than 5,000 square ft, dropping that below 5,000 sq ft took those requirements away. The building does not have to be sprinkled because it is less than 5000 feet and so the requirements from Fire and Life safety that were noted in the staff comments become mute at that point. One of the comments was from our City Engineer for future for us to help go back and look whenever we were doing our construction plan review and then there were two comments from our City Planning consultant, with provide percentages for each material on each elevation, which I believe Mr. Magner spoke to tonight and then the signage as well.
 - **Ms. Schulist:** How do we reconcile if we approve it with conditions that some of these conditions are not applicable any more, do we have to amend the approval to be conditions only for 5,000 ft or less?
 - **Mr. Greer:** Help me understand your question.
 - **Ms. Schulist:** So there's 27 open items but three of those are not applicable anymore.
 - **Mr. Broadbent:** 27 you said? Were currently showing 7 on IDT. If you don't mind, just clarify what project number you might be looking at.
 - **Ms. Schulist:** Version 1. Either way, if there's 3 items that are no longer applicable, do we need to amend the approval based on staff comments to not include those three items.
 - **Mr. Greer:** Within the resolution there's not a condition of approval to address staff comments. Only conditions that were listed in the resolution are the exceptions for the above ground storm water detention, the less than 70% brick requirement on the exterior of the building and then the payment in lieu of the required sidewalk along Hwy 100. So, if you were to vote yes, you currently have a motion to approve, so if you were to vote yes, you would be voting and including the existing conditions of approval that are on here. If you would like to amend this and add a condition of approval or amend and remove a condition of approval that is currently on the resolution you may do so.
 - **Ms. Schulist:** Okay, I get it now.
 - **Mr. Cali:** So less than 70% brick, like Mr. Magner said, what's the percentage going to be then? I mean, they could be 20%.
 - **Mr. Magner:** Can we advance back to the front elevation please.
 - **Mr. Greer:** Mr. Cali, that was the comment that was asked for by our Planning Consultant, please provide percentages of building materials. Those were not explicitly provided. The masonry that is on there currently shows us Stone and Ephus as the secondary material. Brick has a zero percentage amount of this project and so they would be asking for zero brick but the exception would be for the less than 70% requirement.
 - **Mr. Magner:** And for clarification here, the top elevation that is actually facing, I guess it would be west towards Tractor Supply, is that correct? The lower elevation

is what faces Fairview Blvd at an angle.

- **Mr. Kerr:** That's correct.
- **Mr. Pape:** Ethan, just so I'm understanding the requirements for brick, but they're providing stone, so there is some stone in lieu of brick, but we don't know the percentages of stone compared to the ephas, so you know my mind is the stone is just as good as brick, but we don't know the percentage. Its still probably going to be below 70.
- **Mr. Greer:** Our design review manual states that it shall be 70% brick, accented by stone and other masonry products so it specifically says 70% brick, the stone does not count as any percentage towards the brick percentage.
- **Mr. Pape:** Just if we were looking at it and saying we were going to grant this variance because the stone is a good replacement for brick we just still dot know the percentage comparison is only challenge.
- **Mr. Greer:** That's correct.
- **Mr. McDonald:** Mr. Greer, when they requested the variance, there was not additional information provided as to why that variance was needing to be requested, they just didn't want to meet it. I don't know if the applicant has the answer to that either. It sounds like your architectural team probably is handling that side of things.
- **Mr. Kerr:** Yes sir, that's correct.
- **Mr. McDonald:** I guess in my mind if there wasn't a reason given its seems more of like a wish list item and personally I think we should amend it to remove that request and require then to retain the 70% brick and curious to see if anyone else has thoughts. I'm happy to make the amendment if its needed
- **Mr. Chastaine:** Mr. McDonald. I made the comment so just for clarity that was comment that I made after reviewing the resubmittal and my comment was provide the exact percentages of the stone to meet, and I don't remember the exact section of the design review manual, and then I said, or a variance can be requested. So, from the time of recall and to now, there's just not been an updated elevations provided, and they just chose to make the request for the variance. So, I did ask for the percentages and then also just let them know that ere was the option if they wanted to choose the variance and that what they've requested.
- **Mr. Pape:** To give additional feedback, I agree, I mean either we remove the exception number 3 about the 70% brick or potentially defer for 30 days and let them come back with it and give us more reason to have the architect come and give us reason and explanation on why. Seems to make sense to me.
- **Mr. McDonald:** I would agree. I think it'd be interesting to know if it's like a design from a corporate level that they just have a specific look that they have to meet, if that's what's not their decision, its someone above them or you know and having the percentages of exactly what its going to end up looking like too, I think is probably something we should know before we say go for it. Is a 30 day deferral something that would work for you, is that enough time for you all to get that information as far as the percentages of the exterior of the building and all of that would 30 day be adequate?
- **Mr. Kerr:** Yes sir, I believe that that would be plenty of time. We would love to get it approved at any capacity today if that possible but understand if you'd like to defer 30 days.
- **Mr. Magner:** Just for clarification its that's the case, not saying that we are, but we will have to postpone tonight's reading on this particular motion, then you'd have to bring it back again to the next Planning Commission, its that's the decision. Otherwise, we have to make a decision on the variance request.
- **Mayor Anderson:** Would you rather defer for 30 days, or do away with the 70%.
- **Mr. Kerr:** I don't believe a formal variance request has been requested for the

except for the 70% brick requirement so if making an amendment to only look exceptions one and two, I think that would be preferred today.

- **Mr. Magner:** I don't think that we could break it apart. What would probably happen is we would not approve the variance and require the application to finish the submission with the City to follow the 70% brick requirement and then everything else would follow however the motion would carry but we cant separate out that one variance only for tonight.
- **Mr. Kerr:** I understand. I miss understood the conversation then.
- **Mayor Anderson:** Can we not separate out the variances?
- **Mr. Hogan:** You could amend the motion to remove condition number 3 and exception to the 70% brick and then if the plan is approved, then they'll have to build it in accordance with code. They would just have to build it in accordance with the code.
- **Mayor Anderson:** So we could make a motion to approve removing the 70% brick.
- **Mr. Hogan:** Yes, Mayor, I would recommend a secondary motion to amend this motion by striking exception number 3.
- **Mr. Magner:** Agreed, that way we can continue any additional conversations on the others.
- **Mr. Hogan:** And then vote on the amendment and continue with the main motion.
- **Mr. Magner:** Thank you Mr. Hogan, I concur with that approach.
- **Mayor Anderson:** I make a motion to amend the motion by removing the 70% brick requirement.

- **Motion to amend: Mayor Anderson**
- **Second: Mr. McDonald**

Amendment to the Motion	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Schilling	X				
Ms. Williams	X				
Mayor Anderson	X				
Mr. Magner	X				
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Cali	X				
Mr. Pape	X				
Mr. King	X				
AMENDMENT TO THE MOTION PASSED 9-0					

- **Mr. Magner:** So as it stands, the project moving forward will have to comply with the 70% brick requirement. Back to the original discussion, we still have two additional variance on the table, the above ground storm water detention and the sidewalk exclusion with the sidewalk funding source. I have an additional question for you as well. To the plan North, we abut a property that's zoned RS-40, I don't really see a lot of screening and that elevation above the building is lacking architectural detail. I could not find a specific requirement for a landscape screening of a commercial property this close to the property line. Per the Planning Commission, I'd like to see some screening here to protect the neighbor that might be close.
- **Mayor Anderson:** How is the screening done behind Tractor Supply?

- **Mr. Greer:** Currently there is a fence line there that has mature trees along that fence.
- **Mr. Magner:** Okay, so we already have a natural screening.
- **Mr. Greer:** I have provided their landscape plan that's on the screen before you that shows landscaping between their building and Tractor Supply around their dumpster area and then within their parking lot. Plan North where my office sits and the Fire Department both sit plan North of this property so there's currently a pretty good screen there from our offices and they will be retaining quite a bit of that.
- **Mr. Kerr:** None of the existing mature trees will be demolished with this construction.
- **Mr. Magner:** Any additional comments, questions on storm water and the sidewalk. As it stands, the current retention along Fairview Boulevard that falls within this lot, correct?
- **Mr. Kerr:** Correct
- **Mr. Magner:** And don't we also have a tree requirement every 30 ft along Fairview Boulevard that technically would fall under requirement with this submission?
- **Mr. Greer:** That is within the TDOT right of way and it is currently a detention area. It drops off significantly from the edge of pavement into that drainage area that collects all of Tractor Supply there along with several other businesses across. It actually has a culvert I believe that goes under Hwy 100 at that point and then out across the street. And so there practical no available space there for trees or a sidewalk. Within the TDOT plans of Fairview there is a sidewalk proposed on the North side of Hwy 100 going along there and with that it would be in the best interest of the City to require this developer to pay in lieu of fee for sidewalks since that is currently within the TDOT project and we can utilize those funds elsewhere in the community to connect existing sidewalk infrastructure and to place new sidewalk infrastructure.
- **Ms. Williams:** Are those funds discretionary to the builder or is there a formula that's allocated for how much they donate or provide the city?
- **Mr. Boadbent:** They submit their opinion of probable cost of what it would cost to install the sidewalk and then I approve those number and more often than not, they're changed using today's unit prices and also identifying anything they may have missed. So they're approved by engineering staff, its not just and accepted value.
- **Mr. Magner:** Further questions, discussions from the Board.
 - **Motion to approve: Mr. Cali**
 - **Second: Ms. Williams**

PC 27-24	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Schilling	X				
Ms. Williams	X				
Mayor Anderson	X				
Mr. Magner	X				
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Cali	X				
Mr. Pape	X				
Mr. King	X				
AMENDMENT TO THE MOTION PASSED 9-0					

7. PC Resolution **PC-28-24**, Rezoning, Cumberland and Fairview, 5.60 Acres, Map: 046, Parcels:108.05. Current Zoning: RS-40 Proposed Zoning: CMU. Property Owner: S&W Partners

Motion to Approve: Mr. Cali

Second: Mr. Pape

Staff Report: Ethan Greer, Curtis Broadbent

Representative: Hunter Dale

Discussion:

- **Mr. Greer:** Mr. Adam Seger with Dale and Associates, has submitted, on behalf of S&W Fairview Partners, a request to rezone the entire 5.60 acre parcel located at the Southeast corner of the Fairview Boulevard (Highway 100) and Cumberland Drive. The property is currently zoned RS-40 (Single Family Residential) and the requested zone district is Commercial Mixed-Use District). The properties to the North, South and east are zoned RS-40 (Single Family Residential). The properties to the North, South and west contain single-family detached residences and the property to the east contains a church. Although not directly adjacent to the subject property, additional properties to the South and east contain the Fairview Middle School and Fairview High School, and Fairview Elementary on the other side of Hwy 100. The Fairview Forward 2040 Comprehensive Plan designates this property as Transition Corridor. The Transition Corridor notes appropriate land use are single-family detached, office, and civic/institutional. The Transition Corridor classification lists two zone districts as appropriate zoning, and those zone districts are RS-40 (Single Family Residential) and a *"New District that would permit the adaptive reuse of existing structures, and new development with a residential form."* A new zone district focused on adaptively reusing existing buildings or requiring new development to have a residential form has not been adopted at this time, therefore the only appropriate zone district available is RS-40, which is the current zoning of the property. The primary conflict presented by only having one (1) zone district noted as appropriate and that is that the listed appropriate land uses of office and civic/institutional are not permitted within RS-40. Given the location of the property at the intersection of two (2) primary roadways and the upcoming intersection improvements adjacent to this property, which will include signalization, the applicant feels the property is well suited for commercial development. Staff investigated the other future land use categories in the general area to determine how the Fairview Forward 2040 designates other properties along Fairview Boulevard located at intersections. The next intersection to the North (Glenhaven Drive) and the next three (3) intersections to the South (Old Franklin Road – King Road – Westview Boulevard) along Hwy 100, are each surrounded by properties designated as Commercial Center although only a few of the properties contain commercial uses or are zoned commercially it appears the 2040 Plan envisioned commercial uses along smaller intersections along Fairview Boulevard based on the classification of Commercial Center surrounding all directly adjacent intersections. Given the classifying of these many parcels as Commercial Center and not the intersection of Fairview Boulevard and Cumberland Drive seems inconsistent. Additionally, the intersection of Fairview

and Cumberland will be better suited to handle traffic due to the proposed roadway improvements that will occur as part of an ongoing TDOT project along Fairview Boulevard. Given the location of the property at a major intersection that will be updated as part of a TDOT project that includes signalization, the ability of the intersection to handle commercial traffic, and the pattern of classifying other properties at nearby intersections as Commercial Center, staff recommends the Planning Commission provide a favorable recommendation to the Board of Commissioners. The reason for their proposed rezoning, the applicant provided the following project description as the bases for the rezoning: *"It is a good location for a commercial zoning being on a corner parcel on the main road through Fairview. it is surrounded by a church and school, and other similar parcels in Fairview, they are zoned commercial."* Our staff recommends the Planning Commission provide a **favorable** recommendation to the Board of Commissioners to approve this request to rezone the 5.6 acre parcel at the Southeast corner of Fairview Boulevard and Cumberland Drive from the current zoning of RS40 to Commercial Mixed Use with the following Conditions of Approval: This rezoning request will be placed on the Thursday, August 1st, 2024 Board of Commissioners meeting for consideration with the potential for the Public Hearing and second reading being held at the Thursday, September 5th, 2024 Board of Commissioners meeting.

- **Mr. Magner:** Any initial thoughts, comments from the applicant.
- **Mr. Hunter Dale:** Ethan, you did a great job. The reason we had recommended commercial mixed use was because right now this is just a vision. The existing zoning and commercial are very specific, I think there is five or six uses in each category, so the commercial mixed use just allows more room to dream about what it could be, its 5 acres so could be different vendors and one of those categories may allow retail and the other category may allow restaurant, but some of those didn't allow both, so that was why we recommended commercial mixed use.
- **Mr. Magner:** We'll open up for discussion. I'll start with one comment. Examined this pretty heavily because you would think whatever applies to this particular corner may or may not apply to all four corners, but really when you look at what's happening, there with the school and the church, it does kind of take on a commercial feel on this particular corner. I don't know that that should necessarily be a blanket statement for all four corners of the intersection, but it does have some bearing, that's my personal thought and comment.
- **Mr. Pape:** I'm always a big proponent of following the future land use plan. The Fairview Forward plan in this case I was surprised to see what it was. I think we always have to relook at things and with where things have gone. I think we may have gotten it wrong in the Fairview Forward plan here. You guys have heard me talk before that as we continue to grow, we want good retail, we want good restaurants and things of that nature and those types of businesses want to land in an intersection with a traffic signal, now obviously that traffic signal is critical. I wouldn't want to put a commercial use there until that traffic signal is there and I think we can control that through development plan processes, but I actually think this is a great location and zoning for commercial mixed use, gives the opportunity to attract the good restaurant and retail that we want as we continue to grow.
- **Ms. Williams:** I have to agree with Mr. Pape. A commercial area would be significant for Fairview, but that traffic signal is going to be paramount. Its going to be imperative.

- **Mr. Magner:** Just curious from the Engineering department, do we have any updates , do we happen to know if there is a current updated schedule on the intersection?
- **Mr. Greer:** Expected completion of that signalized interchange is late summer, early fall of 2027.
- **Ms. Senyard:** You said this was a vision, I'm not a huge fan of blanket zoning on something where were not really sure what going to go there because the developer could walk away, somebody else come in and totally botch it, is there a few concepts that are being ...
- **Mr. Dale:** Mr. Wright's here, he can speak to that more, but essentially, nothing specific, the CMU isn't broad enough to where it can just be anything, it is still specific in that retail restaurant field, child care is there and maybe there's some conditions for automotive but its really restrictive in those kind of things, so you may be able to speak into that more than me and what uses are allowed in that but when I was looking through it it didn't feel like the range was so wide where it would be just like its going to be very similar regardless of what it turn into, just in my opinion, but as far as specifics, there no specific vendor or anything like that has been committed to.
- **Mr. Broadbent:** Ms. Schulist, if you'd like we can read of the uses with CMU, let us know.
- **Ms. Schulist:** I just wanted to see if you had narrowed down on anything more specific
- **Mr. Dale:** No, just because from a design perspective, entitlement is usually the first piece versus instead of going down the rabbit hole, figuring out what actually works, so getting it zoned to commercial would be the first step and exploring options more detail.
- **Mayor Anderson:** We are very lacking in child development and day care situations, so I think this would be a great opportunity with all the schools around, to do something like that. And retail that people dropping off could take advantage of— coffee shop, smoothie shop, breakfast, something that they drop their kids off, they get that, they head to work. With all the children we have and the lack of daycare/child development I think that's the perfect spot for something like that.
- **Mr. Magner:** Any additional comments?

PC 28-24	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Schilling	X				
Ms. Williams	X				
Mayor Anderson	X				
Mr. Magner	X				

Ms. Schulist	X				
Mr. McDonald	X				
Mr. Cali	X				
Mr. Pape	X				
Mr. King	X				
AMENDMENT TO THE MOTION PASSED 9-0					

8. PC Resolution **PC-29-24**, Rezoning and Master Development Plan, Barkeast Fairview, 37.52 Acres, Map: 046, Parcels: 087.00. Current Zoning: CG Proposed Zoning: RM-8 POD and RS- 10 POD. Property Owner: Barkeast, LLC

Motion to Defer: Mr. Pape

Second: Mr. Cali

Staff Report: Ethan Greer, Curtis Broadbent

Representative: Josh Roland, Kevin O'Brien

Discussion:

- **Mr. Pape:** Mr. Chairman, I'd be glad to explain why I made the motion to defer. Before we get into any of the presentations, I think its still a good time to have some discussion over it. The first thing is I just don't think the application is complete. One of the things our code requires for a POD is a variance or deviations list and that wasn't submitted and I think there are some and I think its important as Planning Commission members that we know exactly what variations to the underlying codes are there before we act, so I think that's part of it. I also have comments to the plan that I think are significant enough that I'd love to see changed and rather than potentially denying the application tonight, I'd love to talk to them about that and give some comments in the hopes that we can get something that is more palatable moving forward, that why I made that motion.
- **Ms. Schulist:** Could we do a work session before the Planning Commission meeting next month?
- **Mr. Magner:** We can always all for a work session.
- **Mr. Greer:** This applicant had a work session about two months ago with this same similar plan and they made a few changes to that and then submitted it based on the information that was provided to them at that point by this Planning Commission, without the addition of Mr. King, so the applicant would love to hear any questions and provide any answers that you have tonight.
- **Mr. Magner:** So as a point of order here, if we vote on a motion to defer, we cant have that discussion in an open forum, so just as a statement to the Planning Commission.
- **Mr. McDonald:** Point of order , the motion and a second is on the table now, discussion is open before you call for the vote, correct.
- **Mr. Hogan:** I believe that is correct. You can discuss the motion to defer.

- **Mr. Magner:** That said, Mr. Pape, would you state for this forum that comment? First, we have a member here representing the application correct?
- **Mr. Josh Roland:** I'm Josh Roland with Kimley Horn. Were here representing the applicant tonight and I just wanted to say that we did get an email from Commission Pape today, outlining some of his questions and were very ready to answer those. I would love the opportunity to go over what we talked about in our work session and what we've been doing with staff and other members of the Commission in some of our early meetings. So I think were in a great place tonight to move this project forward and I think we've got some pretty good answer for Commission Pape and others if given the opportunity.
- **Mr. Pape:** Imo open to hearing what they've got to say and I'm glad to give my additional comments after that.
- **Mr. Magner:** We still need to hear the staff report.
- **Mr. Greer:** Kimley Horn has submitted, on behalf of Barkeast, LLC, a request to rezone a 37.52 (+/-) acre portion of Tax Map 046 Parcel 87.00 from Commercial General (CG) to RM-8POD and RS-10POD and approve a Master Development Plan for the Barkeast Fairview project. The Planning Commissions role tonight is to provide a recommendation to the Board of Commissioners. If this item is deferred at the next meeting you would provide your recommendation to the Board of Commissioners. The property is located at 2451 Fairview Boulevard (Highway 100) which is east of Fairview Boulevard, North of Cumberland Drive and South of Glenhaven Drive. The property contains a total of 50.63(+/-) acres and is currently zoned Commercial General (CG). The rezoning request is for 37.52 (+/-) acres of the parcel, which are located in the middle and along the back perimeter, the front along Hwy 100 would remain commercial, so the rezoning request would be for RM8 along the middle piece and RS10POD along the perimeter. The proposed Planned Overlay District (POD) development consists of 237 residential total units consisting of 42 single-family detached residential units, 123 townhomes with front loading garages, and 72 townhomes with surface parking. The 42 single-family residential units are proposed within the requested RS-10POD zone district and the 195 townhome units are proposed within the requested RM-8POD zone district. The requested rezoning will leave 10.52 (+/-) acres that will maintain the existing zoning of Commercial General and remain in the possession of the current owner for development in the future. The development will be protecting several streams and wetlands on site with long linear green spaces that stretch from the Northern boundary to the Southern boundary of the property. Additionally, the required 20-foot bufferyard is proposed along the Northern, Southern, and eastern boundaries of the property in order to buffer against the existing single-family residences adjacent to the property. In regards to required open space the RM-10POD portion of the development, 12.51 (+/-) acres, is required to provide 10 percent of the property or 1.2 acres in open space, with 50 percent of the open space being improved. As proposed, the RS-10POD portion is providing a total of 3.8 acres of open space and the .6 acres of improved open space. Within the RM-8POD portion of the development 25.01 (+/-) acres, 10 percent or 2.5 acres are required with 50

percent or 1.25 acres of improved open space. As proposed, the RM- 8POD portion is providing 11.1 acres of open space and 1.39 acres of improved open space. The proposed improved open spaces include a clubhouse and pool, a playground with seating areas, walking trails, a second playground area and a community garden and pavilion area. The properties to the North and east are zoned R-20 (One- and Two-Family Residential), and the properties to the west (across Fairview Boulevard) and South are zoned RS-40 (Single Family Residential). The Fairview Forward 2040 Comprehensive Plan classifies the western portion of the property, along Fairview Boulevard, as Commercial Corridor that notes CG as an appropriate zone district. The remaining portion of the property, the back half plan east is designated as a Transition Neighborhood in the 2040 Plan that notes RS-15, which is 15,000 sq ft lots, RS-8, which is 8,000 single family square foot lots, RS-5 5,000 sq foot single family lots, RM-8 with a PUD as an appropriate zone district. The portion of the property designated as Commercial Corridor is currently zoned Commercial General (CG) and will retain that zoning. Also, the portion designated as Commercial Corridor is not part of the requested POD development but will remain and be developed by the current owner. The portion of the property that is requested to be within the POD development is found within the area classified as Residential Transition. The requested zoning for the POD is RS-10POD and RM- 8POD. The RM-8 zone district with a POD is listed as an appropriate zoning. The RS-10 zone district with a POD is not listed as an appropriate zoning, however more intense zone districts, RS-8 and RS-5 are listed as appropriate zone districts, so the RS-10 zone district, with PUD, will produce similar or less intense development than the appropriate zone districts of RS-8 and RS-5. Also, the proposed land uses of single-family detached residential and townhomes are both listed as appropriate land uses within the Residential Transition Neighborhood classification. The requested rezoning to RS-10POD and RM- 8POD and the stated land uses are in alignment with the Fairview Forward 2040 Plan. Staff recommends the Planning Commission provide a favorable recommendation to the Fairview Board of Commissioners to approve this request to rezone 12.51 (+/-) acres from CG to RS-10POD, 25.01 (+/-) acres from CG to RM-8POD and approve the Master Development Plan for the Barkeast Fairview development, as resubmitted on June 25, 2024, with the following conditions of approval included in Resolution PC-29-24: This rezoning request will be placed on the Thursday, August 1st, 2024 Board of Commissioners meeting agenda for consideration with the potential for the Public Hearing and second reading being held at the Thursday, September 5th, 2024 Board of Commissioners meeting.

- **Mr. Magner:** Mr. Pape, will you initiate some of your concerns.
- **Mr. Pape:** There wasn't that list of deviations listed and I think there are some of those. First of all, let me say guys, I do appreciate you guys listening. You came back with a POD so you guys listened to some of what we said. I just don't think you heard it all. I went back and looked at the notes from the work session and Ms. Senyard specifically said, in the back she would struggle to support anything smaller than R15 with the single family part, and I agreed with that. We have R20 surrounding it and some R40 and I think the lots need to be bigger and the concern I have is that the

RS10 gets a little bit deceiving with a POD-they can go to 50% of that, so the minimum lot size is 5,000 sq ft lots and all those lots are literally 6 to 8,000 square feet back there, so significantly smaller than the RS20. What I'd like to see is everything behind that wetland, essentially everything east of that wetland, be single family you get rid of that one row of town homes, you expand those lots and make them closer to R15 and expand those lot sizes. I think that's the biggest issue that I have with it and I just think its really important that with PODs we require a list of variances to the plans. Another question I had was, relative to PODs, when we do some of the review stuff, there's a lot of mature trees in the back of that and obviously our design standards have a requirement for tree plants, existing trees and tree save requirements and I know that's usually dandled later, but I also know that we have a plan in front of us that has grading, basically right to the property lines and I don't want you guys as the applicant to think we're great with these lot layouts and everything and then you come back later with a tree plan and we say I'm sorry we want to save these trees and its going to affect your layout. And so I understand that its not a specific requirement of the POD stuff but if we don't address it now, I don't want to get in a situation where later on somebody tires to say, well we don't have to meet the tree save requirements of the design standard because we got this master plan approved. I just want to make sure were going through the process the right way and clarify if you guys aren't asking for any other vairances or modification to the code, that's great, then we can deal with that stuff later, but those were my main concerns that I brought up through some emails in the last couple of days.

- **Mr. Magner:** I'll raise additional questions from the work group. I don't know that we finished the conversation, but currently the entire property is zoned commercial, and it appears were only preserving about a fifth of that as commercial and I appreciate, I think most people on the Planning Commission like the POD because it gives us the ability to have a transitional residential portion but it looks like were limiting the commercial upfront. I'm just curious from a technical standpoint-because the depth off Fairview Boulevard and just measuring this off of a PDF, not a CAD drawing, it looks like our limitations on any commercial building is going to be 655ft deep. Has there been any studies to even know, what can we even fit within a building structure so shallow.
- **Mr. Roland:** I will attempt to address all those questions. Thank you again for the opportunity to share our project with you tonight. I'm going to start with just a little history-you mentioned the work session we had that was welcomed information and feedback from you all. The big takeaway that we heard was that when we came to you with a request to split zone this property we were dealing with the seller of the property who wants to retain the commercial parcels along the front and we were looking to split the back two pieces into straight zoning for the RM8 and the, at the time, the RS5, which ar both supported land uses in the Comprehensive Plan. We heard loud and clear that you wanted more control over that. You wanted buffers along the edges, you wanted the open spaces amenities that come with the

POD and I think those are the real benefits that this plan provides. It pulls lots back from the edges, it provides the buffers that the POD regulates, it provides for preserved and improved open space which we're exceeding on all fronts and our original request was for RS5. We did hear suggestions from some folks about different lot sizes-what this ends up with is the same product that we had hoped to build in the RS5 with bigger setbacks and with more open space and buffers. The folks that are here tonight that I'm representing are Lenar Homes and Quarterra who are a family of companies that do both Townhomes and Single Family detached and this is the product that they think will be real successful here in Fairview. So with that I just wanted to point that out, where we started with the work session and how we got to where we are today. To quickly answer your question about commercial, that 65ft depth is pretty typical for an inline retail space that provides for a variety of different users. We don't have specific information from the seller who's retaining those parcels, but those would be well suited for the two South parcels and the one to the North has some more depth because he's got ideas for a slightly larger marketplace type use there. That's hearsay but that's kind of what we've heard in the background. Ethan, if you wouldn't mind switching to that slide there, this one depicts really well some of the encumbrances on the site. We've got two wet weather conveyance channels splitting the site up into about three chunks. There are some wetlands that we have to protect and maintain and really what that does it makes the property in large part, not real great for commercial. So being that this mix of uses and this transition from commercial to town homes to single family is in keeping with the comp plan, the residential transition designation, we came back to you with the RS10 POD in lieu of the RS5 straight zoning that we had requested which is also supported by the comp plan to build in all those additional criteria that ultimately benefits the project and Commission Paper, to answer your question about variances because they've confirmed that were meeting the POD requirement, we do have on variance listed on the cover sheet in the certificate of compliance. Staff had asked about sidewalk on both sides of streets which we are doing on our public right of ways, but we have private driveways in the town home area and so we have sidewalk on one side in some instances two in others, but its just a connected and cohesive network of pedestrian walkways. So that's just a clarification more than a variance, I think working within the POD-we do have that on the cover sheet. A couple of other items, the phasing, Commissioner Pape, you mentioned that in your email as well, on the cover sheet we have a written phasing description as well as a plan below that shows the existing commercial and the town home and the single family. The intent as its described is to develop the town homes first, in tandem and shortly followed by the single family, the infrastructure is shared, and we'll be developing that starting from the front to the back. We did receive a couple of cleanup comments from the engineering staff this afternoon and there was some questions about the new traffic study that we submitted with the project. So there are going to be turn lanes required on Fairview Blvd with this project that we'll be constructing. It'll be split between

the residential first and the commercial second and so with the North access pint we will be constructing a Southbound left turn land into the site which will require widening of the road and tapering to the South after the turn lane, so that's going to be the residential requirement and then a duplicate Southbound left turn into the second access point with a Northbound right turn in and another Northbound right turn in on the North access by the commercial development. The comment about tree protection, Ethan if you wouldn't mind going to the grading plan real quick, we do have the benefit actually in the back and along probably 60 to 70% of the edges, were not grading into the buffer and in some instances not really beyond the back of those lots that have the nice big pie shape in the corner, so we can certainly provide some additional clarification that there is the potential to do a significant amount of tree save in our buffers and along those larger corners and those edges, so that's certainly our intent and we can provide some additional info with this submittal for the Board of Commissions. That is everything I had on my list. I'm here to clarify or answer any additional questions but we are on a pretty, had to take a pause just based on how the work session timing went where we kind of lost a month there. We would love to be able to answer your questions and agreed to any conditions to move this project forward this evening. Weve worked great with staff, we have their recommendation to send this thing forward and again, that there's things we need to clarify with the condition and were happy to do that tonight, but we would certainly appreciate your blessing to move this project forward.

- **Mr. Pape:** I'll just jump in first here. Just a couple of things on the list of deviations and variances-we all know a POD is a variance, that's the point, and that's why our code has a specific requirement to list how the POD is different from the way it would be developed if it was a straight zoning, that's the whole pint to ask the applicant to come in and list all the ways its different., so we know exactly what were approving, otherwise we have to go in and measure lot sizes and things of that nature. Just one example is for RS10, the minimum lot width is 60ft-you guys are using 55, things like that, that nobody's going to see on a plan if we just look at that-that's the whole point that there is a specific line item in our code to list the way this POD is different than it would be if it was straight zoning, that's the whole point of that condition and it just helps us with an approval and to me that's a very important thing when were considering a POD. The other big piece of this is, you guys presented RS5 in the work session, we said we wanted them bigger, all you did was bring in RS10 as a POD that can then have the standards that are the same as RS5, so you didn't increase the lot sizes. To me, that's the biggest thing-all the other things are things that we can deal with but I personally cant support this plan unless the lots in the back are bigger. I'm only one vote, so I'll stop talking here in a second and let everybody else chime in, but I think its too much to try to add conditions to say okay, we want to eliminate that back row of town homes and we want all at the back to be R15 or something of that nature. I think that's just too much to try to approve with conditions and that's why I made the motion to defer,

so we could work on some of those things. Now you may tell us that that is not a possibility that you can increase the lots in the back and then maybe we should vote on it and I just think its going to be a different outcome for you guys, so I'm trying to help get something that's palatable. Those are my thoughts and I'll stop talking now and let other people talk because I'm only one vote.

- **Mr. McDonald:** Mr. Pape mentioned a lot of things that I was going to mention, so I figured I'll just jump in. I have questions with the POD and everything is open to discussion and the big thing just to start off, clarification Private Roads, those are all gated, those are not open to the public or what is that when on the design it says private road
- **Mr. Roland:** Its not a road, that the responsibility of the City to maintain, its going to maintained by the Town Home Development.
- **Mr. McDonald:** Okay, but within that its still going to accessible traffic—people come over, visit your house, people will have parties, all that, there's a subdivision in this town that half of it was built with side loaded garages and you can walk down those sidewalks every single day and you never have to swerve or walk out of your way to get off that sidewalk, second half of that subdivision was built with front loaded garages where the sidewalks they're aesthetically pleasing, but as far as functionality goes, they're not very functional. Me, on my feet—not a big deal, ADA, I don't mean you would be swerving all over the place, because cars hang out all the way to the road, and believe your are 20ft setbacks on those lots, so most of those garages aren't massive garages either, unfortunately they fill up with other stuff and they're not used for a car, and then if you have two vehicles, then you look at the width of those private roads. I know that's not on the single family portion, but its a lot of houses, a lot of residential space where people are going to be parking on the side of the road, and it jus starts to get into functionality of it all, and I believe there something in our regulations that state that private roads should be built to the City standards. Is that also part of the variance that you were asking?
- **Mr. Roland:** That's the clarification-these are not roads, its a driveway- its accessing parking for these units, so I think it's just the clarification. It's not a road, it's the equivalent of being in a commercial or multifamily driveway.
- **Mr. McDonald:** So we can call them big driveways but I mean, there's still cars parked on the side—emergency vehicles, other people driving down—obviously a school bus, probably isn't going to be wandering back in there, but I know in that neighborhood that I reference, that there's been many a morning where school buses are sitting in the middle of the road blasting a horn to get someone to come out of their house and move their vehicle because two people park right across the street from each other and you cant get a full size truck let alone school bus through it, so I know school bus doesn't really play into this role, but really it just comes down to the road width for me, it seems a little narrow for the amount of cars that I imagine are going to be in that area and especially with the single family, the setbacks where those sidewalks, you're going to have cars parked all the

way out to the sidewalk—that's guaranteed to happen.

- **Mr. Roland:** We did take that into account and these driveways are 21ft deep, it's not a minimum depth for a parking stall. We understand there are trucks and SUV's and so we try to be cognizant of that because the group that's going to be the property manager is the HOA and they're required to police that, and so that's something we do consider early on in the process.
- **Mr. McDonald:** Just like Mr. Pape mentioned, I'm just one vote, but that is my opinion. I would like to personally see a little bit more space, taking into consideration on the front end instead of letting an HOA deal with the problem to police it on the back end I think we could get in front of it especially from the City, it's a POD, we can talk about these things and it's not a huge change, yes, some things are going to have to move around to make that work if that's what you decide to do, but that's just my opinion.
- **Mr. Magner:** I have two additional questions as well. Because of the RM8, this POD would be required to follow the supplemental conditions and it does state that paved pedestrian walkway should be provided that connects all living units and all recreational facilities. Basically, we would need to have a continuous network of sidewalks throughout, it can't stop or terminate—just as a comment. Then, I also have a concern with the edge—please zoom back out just a little bit so we can see plan left side where the RM8 backs up to the commercial section, there's just no screening there. Anybody coming up to utilize the commercial properties are going to look right in the back of somebody's grill or vice versa. Someone's going to see a dumpster back there, a grease trap and my opinion, there needs to be some additional screening behind those town homes, that high density town home there. Those two are fairly large comments. I agree that there's a number of conditions here, we would have to list everything out tonight, if for any reason the motion to defer is not passed and we were to move forward with this, just as a reminder to the Planning Commission. Would there be any objection to adding screening?
- **Mr. Roland:** Not at all, and I think our approach to some extent has been that you know, this is our zoning approval and we will be back for a detailed site plan, and absolutely—we have not addressed some of the minutia of the site of the final development plan which has a much longer list of criteria. We've met the list of the Master Development Plan in the POD and that's really kind of the metric that Ethan was asked or asked us to measure this project by, and we 100% agree that there will be fencing and more landscaping and more screening that will go into that. We just needed to get over the first hurdle and understand what our zoning approvals are before we invest that next level of time and effort. And your comment about sidewalks—we do have a continuous interconnected network of sidewalks that we have a sidewalk on every single road through that, we have sidewalks through the open space that connect to the clubhouse and the parks, that connect to the perimeter road—as we get into the final development plan, if there's a little extra sidewalk you want here or there, were totally open to that as well.

- **Mr. Wagner:** I have a procedural question then from Mr. Hogan-part of the request here is a zoning submission, however, if anybody from the Planning Commission chooses to request a change in that, it essentially voids the request for the application of that zone. I'm not certain of the procedure of how you could request a modification to that—do you have any additional insight.
- **Mr. Hogan:** I think you bring up a good point. Obviously, a lot of planning and time goes into the development of the Master Plan they have submitted and if it was one small thing that would be a different point, but to undertake a lot of tweaking or amending, I don't think it would be advisable-and then obviously, there's a motion to defer on the table right now. If for some reason that fails, it's a recommendation you can still vote your conscience and its no on the approval, then it'll still go to the Board of Commissioners regardless. It'll just be with the negative recommendation instead of a positive.
- **Mr. Wagner:** Thank you Mr. Hogan.
- **Mr. Pape:** Mr. Chairman, I guess one way to help decide which direction to go is, I threw it out there-I don't know if I heard a response, is there any flexibility from you guys on the back lots and making them larger. If you guys are going to tell us, if we defer for 30 days, and you're not going to change the plan, we might as well vote on it tonight. That to me, that's a big part and I'll be honest, I'm just a no vote with these current lot sized in the back. If there's flexibility to that, I think we should take 30 days and get those lots the right size in the back.
- **Mr. Greer:** Mr. Pape, just from our staff standpoint, looking at this from the 2040 plan, what they're showing is consistent with what the 2040 plan shows is there preferred lot size that you would prefer.
- **Mr. Pape:** The 2040 plan is a guide and zoning is completely discretionary-we can decide whatever we want, that's why we're here to have this discussion and the consensus out of the work session as well as my personal preference is at least R15. The problem is if we go to R15 POD now, they can go to 50% of that, now they can do down to 7500 lot sizes. I'd like to see RS20 POD with no lot smaller than 10,000 sq ft. You have RS20 all around there and you're going from 20,000 sq ft lots down to 6 to 8,000 sq ft lots. I'd like to see the minimum of 10 and again, in order to do that you're likely going to lose that row of town homes, but all you have to do is lose that row of town homes, slide the road over, make the lots bigger on both sides and they're going to lose density, that's why I'm asking the question if they're going to tell us that's not a possibility from an economical standpoint, then we might as well vote on it like this, and again I'm one vote. Everybody may look at this and say its fine, but those are tiny lots back there. In general, again, the overall concept of the design I think makes sense, I just would like to see those lots larger.
- **Mr. Hogan:** Mr. Chairman, if I may add a point of information. Just to verify for the record, the decision of the Board is an administrative decision. Its not a complete discretion. You're supposed to apply the standards that are set

forth in the zoning code that's been approved by the Board of Commissioners. 10203.3(2) Lists all the things for a Master Development Plan. Mr. Pape already pointed out- one of those is the subsection L, there is the list of exceptions and deviations from all the subordinate regulations which is certainly a valid thing to base your assessment on and that's not arbitrary at all, but I just wanted to clarify for the record, its not a complete discretion, your decision needs to be based on the factors that are in the code and the other one is the 2040 plan and whether or not it conforms. So those factors there, the 2040 plan and subsection L that Mr. Pape already mentioned, are certainly valid considerations.

- **Mr. Roland:** I'd like to chat briefly offline here, but please keep in mind that this is a transitional parcel here and to go from a town home development, next door to 10,000 sq ft lots its kind, it's a little disjointed there, we feel like given the compact nature of this development and the minimal amount of single family that exists here, we don't have the depth especially along the North side, to do the bigger lots. If we were to reduce the lot sizes to the RS10, we'd cut them by 2/3 and that's, I will say at some point, it becomes infeasible financially. We feel like this is more compatible with the town homes and then adding the buffer in the open space is what makes it compatible with the surrounding single family lots, it is consistent with the 2040 plan, and we would absolutely would put the variances on the table, but is our understanding and dealing with planning, that by working within the parameters of the POD, it didn't require that we list them specifically, we can certainly add some of those variances if that's how we're going to define them, but I apologize if that was not, if we were not on the same page on POD versus the listed variances.
- **Mr. Magner:** I believe the density was a big portion though, of our work session. Because of the number of existing residences that this particular project backs up to and is surrounded by, I think that was the reason why a lot of Planning Commissioners had stated that comment in the work session, so I just wanted to clarify that's why it's a little shocking to still see the higher density.
- **Mr. Roland:** Just to clarify on our end, we did lose about eight or nine lots. We went from 50 foot wide lots to 55 foot wide lots because the RS10 POD requires that we keep the 7.5 foot side yard setback, so we've got more room between homes and we do have fewer lots, so there has been a reduction on the single family side since our work session.
- **Mr. Magner:** But that is a variance to the RS10, correct?
- **Mr. Roland:** Within the POD, its allowed within the RS10 POD.
- **Mr. Greer:** It would be abnormal in a straight zone district to see that, and it would be requested as a variance in a straight zone district, but as a POD overlay, there are certain allowable changes that are within our zoning ordinance and staff believes that the changes that are allowable, they have utilized those to the best of their ability and that the exception that was asked for on the cover page listed in their design certification, which is what we require from every applicant--is a design certification listing what

variances and exceptions that they would like to seek from this Board or from the Board of Commissioners specifically in a Master Development Plan it has to be within the plan set that's noted. You've recently seen within the last seven or eight months the Bellhaven project, had all of the variances listed on the Master Development Plan, it was on the actual plan, not a separate letter and so we asked them to put that within the cover page of the document so that it was listed in the plan moving forward.

- **Mr. Magner:** That's moving forward, that's the next stage as the Master Development Plan following zoning, is that correct?
- **Mr. Pape:** No, this is the Master Plan. That's the whole point. This is the Master Plan.
- **Mr. Greer:** This would be both, this would be the Master Plan with the overlay zone, not a rezoning of the base zone, but an overlay onto that.
- **Mr. Pape:** Just to clarify a few things. The reference to Bellhaven, I don't believe is correct. They didn't list any variances but that's a whole different story. We shouldn't be talking about that tonight, but, its our job as the Planning Commission to come up with a plan that we think is good for Fairview, that fits into the 2040 comprehensive plan and all the zoning regulations-that gives us a lot of flexibility. The 2040 plan is very open to discretion and I don't disagree that this potentially meets that, I also think that what I'm suggesting also meets that because of the broad range of things we can do, so us as a Planning Commission, its our job to send something to the Board of Commissioners that we think not only fits within all the ordinances and the comprehensive plan, but also is appropriate for what we see here, again my opinion is that those lots in the back should be bigger. I think there's a great transition from the town homes to the larger lots if you get rid of the row of town homes and you let the wetlands be more of that transition again, you guys are going to say that that's an economic impact and that is what it is.
- **Mr. Roland:** It would reduce our town home and increasing lot sizes would greatly reduce the single-family lot count as well. This is the plan that works for us tonight. We heard at the work session all the concerns about buffering and open space and we believe all those added benefits balances out the impacts of the smaller lots in the town home density.
- **Mr. Magner:** So its still the motion on the table, is currently to defer.
- **Mr. Kevin O'Brien:** I wanted to see if I could potentially ask legal a question. Mr. Pape, I understand where you're coming from, you did just say you believe that we met the 2040 plan, but thought you had a better way to do it, shouldn't they be voting on if they think it meets the 2040 plan and not how they would do it in the 2040 plan.
- **Mr. Hogan:** They should be voting on the standards that I alluded to for the approval of a POD and a Master Development Plan planned overlay district, there's a number of standards there. I mentioned 10203.3 and A-O and several subsections within that, so all of those things need to be considered.
- **Mr. O'Brien:** So Mr. Pape, you do agree that we're hitting the 2040 plan, just not the way you want it to go there?

- **Mr. Pape:** I agree that there are 35 different plans we could put up there that all satisfy the 2040 plan and as a rezoning its our job to come up with something that we think is the best fit relative to not only the 2040 plan, but all the other things in the zoning ordinance. I think the zoning ordinance—20 different times—talks about consistency with surrounding properties. Our surrounding properties are 20,000 sq ft lots, so there is a huge amount of leeway in there. We are not a Board that has to vote and say approval just because this particular plan may fit into the 2040 plan when 35 other ones will as well.
- **Mr. O'Brien:** We've been working on this for a long time, and trying to meet the feedback and hit the 2040 plan. You said you're not a guy that votes against it, except obviously in the last one if you see fit, but you largely believe in it. Weve come and we've tried to meet that every step along the way. The 2040 plan doesn't even call out RS20, it starts at RS15 and you keep wanting RS20. I mean we've brought something we could come in with RS5 for it and we've elected to go something bigger.
- **Mr. Pape:** You could come in with anything you want and I said I would prefer RS20, but I said it would need to be RS15 because I know that's one of the things in the plan.
- **Mr. O'Brien:** We didn't come in with anything we want, but we came in with what was in the 2040 plan
- **Mr. Pape:** But you also didn't listen form the work session when literally one of the Commissioners said RS15 is a minimum, all you guys did was change from RS5 to RS10 POD which gave you the same standards as RS5, so you didn't reduce any, you didn't increase the lot sizes in the back from the work session. Its pointless to argue about this, I'm one vote, we should just take a vote.
- **Mr. O'Brien:** I just want to point out that we've been here trying to work for a long time, trying to come and meet what you guys have asked for. Weve spent a lot of money on our end, and I don't know that we can continue much further. We had to get a contract extension to be here tonight, if we hit a deferral don't think we can get the time to go do it again.
- **Mr. Pape:** Also, I'm glad to meet with anybody anytime, my numbers and emails are all over the website and between the work session and now, nobody reached out to me to get any...
- **Mr. O'Brien:** I'm not allowed to Mr. Pape.
- **Mr. Magner:** As a point of order, lets get back to the discussion here.
- **Mr. O'Brien:** Can legal confirm that I'm not allowed to reach out?
- **Mr. Hogan:** No sir, I cant give you an opinion, I'm here to give advice to the Board.
- **Mr. O'Brien:** Were not supposed to reach out to you.
- **Mr. Magner:** That's correct, all discussion here needs to be in this public forum. So, we'll keep it to today. If there's any additional questions from the Board.
- **Mayor Anderson:** Just to clarify, the road that goes out to Hwy 100, that's an easement through the commercial, right?

- **Mr. O'Brien:** Its deeded.
- **Mayor Anderson:** I just wanted to clarify. So that road is deeded to you by the owner of the commercial part, right?
- **Mr. Roland:** Theres deeded access that currently exists in those two locations. When this property is developed that will be a public right of way, that will be built to city standards and handed over to the city.
- **Mayor Anderson:** But you're doing plan North, first, and then after the commercial is completed, plan South will be developed, correct?
- **Mr. Roland:** Correct
- **Mayor Anderson:** Just curious, what is the need for a property management office on the site?
- **Mr. O'Brien:** So to address that, the homes will be for sale—our business plan on for rent, to address that, or for sale, we don't know-the economics right now, its likely going to be for rent, but where Lennar will sell, will rent-its going to be either a leasing or sales office. Properties of this size will always have a sales office on it, and then ultimately will turn into a clubhouse for the townhomes as an amenity.
- **Mayor Anderson:** What you're saying is, its possibly for rent, but it would turn into a clubhouse if you choose to sell them.
- **Mr. O'Brien:** The townhomes, that's correct.
- **Mr. Magner:** But, is it possible that that remains as a rental/sales office.
- **Mr. O'Brien:** No, it would ultimately become an amenity with shared workspaces, something to be used by the townhome residents.
- **Mr. Magner:** Of course, I don't know that that purpose can be stated in the Master Development plan.
- **Mr. Roland:** I can speak to the size of that. That accommodates pool equipment, restrooms, fitness and then I think about a third is a kind of flex office/leasing space. So its not one big building that's all about sales or leasing, there are amenities that go with the pool that'll be part of that clubhouse facility.
- **Mayor Anderson:** So, the clubhouse would have one room in it that's an office and then the rest of it would be...
- **Mr. O'Brien:** We can share visuals with you of how we do this, it's a very open concept clubhouse that flows-there's work offices that you would be able to rent out and use, that's where sales and leasing will run out of in the opening phase and then it transitions-you can book it and use it, kind of into a large kitchen area that's shared-big open vaulted ceiling with bathrooms and a fitness off the side.
- **Mayor Anderson:** So, what would determine if it were going to be rented or sold.
- **Mr. O'Brien:** The market-this is 2 years from where we're out of the ground, if we get approval, and its going to be where the markets at in two years.
- **Mr. Pape:** My only question on that, is if you decide to sell the town homes, how are you going to deal with individual lots for that, because right now you don't show that.
- **Mr. O'Brien:** I'm not sure that the business plan has to be a part of the

zoning request.

- **Mr. Pape:** You're right, it doesn't, so right now though you don't have individual lots, so you couldn't sell them.
- **Mr. O'Brien:** So we would need to come back and replat and do an HPR.
- **Mr. Magner:** Any additional discussions, reminder the motion on the table is to defer.
- **Mr. O'Brien:** The last comment I want to make is to address the density. The previous submission here was for 400 units and we've taken that and come almost in half. Originally, we were at 60 singles and 200 towns, 260 were down to 240. I'm not sure the economics for this site can justify purchasing it at much lower than where we're at. Obviously, the previous owner had a lot more on here. We tried to take the feedback and do the best we can to get something built here that we believe Fairview needs. Fairview and Nashville in general has a shortage of housing.
- **Mr. Magner:** Thank you for your input. As a procedural reminder, if we vote yay on the motion to defer, the question here for Mr. Hogan at the end of the day, this is a recommendation for the Board of Commissioners.
- **Mr. Hogan:** That's correct, and from what I've heard from the discussion, at the end of the day its not binding on the Board. You have your interpretation of the regulations they've put in front of you, and then the Board is going to make their interpretation. So nothing you do here is binding on the Board. Its just a recommendation.
- **Mr. Magner:** As a commentary here, we're not really providing a recommendation to the Board if we defer tonight, so if the deferment does not pass, we at least provide some positive or negative recommendation.
- **Mr. Pape:** I just have a follow up question to that. If we defer, can it go to the Board with no recommendation from the Planning Commission?
- **Mr. Hogan:** No, if they choose to submit another application, that application must be submitted to this Board, so it'll come back to this Board and it'll be subject to the same standards of review.
- **Mr. Magner:** All right Ms. Bruce, let's call for a vote. This is a vote for motion to defer on PC 29-24.

PC 29-24	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Schilling		X			
Ms. Williams		X			
Mayor Anderson		X			
Mr. Magner		X			
Ms. Schulist		X			
Mr. McDonald		X			
Mr. Cali	X				
Mr. Pape	X				
Mr. King	X	X			
MOTION TO DEFER FAILS 7-2					

- **Mr. Magner:** Motion to defer fails 7-2. I need to call for a renewed motion on PC 29-24. I will move a motion to approve , and as a Board, you could either approve that to pass as a positive recommendation, so yes, my motion is for a positive recommendation, so the Board would either approve or deny that.
- **Mr. Greer:** The resolution states the City of Fairview Planning Commission hereby recommends the Board of Commissioners approve the rezoning request and Master Development Plan with the following conditions which is tat it would be placed on the August 1st Board of Commissioners meeting and then the September 5th Board of Commission meeting, so your motion to approve would be approving the resolution as written which recommends approval to the Board.
- **Mr. Magner:** Thank you Mr. Greer. And that's similar to the previous votes that we've had tonight on the other resolutions. Do I have a second?

Motion to approve: Mr. Magner
Second: Ms. Williams

- **Mr. Magner:** Any additional conversation, discussion on the current motion on the table.
- **Mayor Anderson:** I am going to encourage the sale of the Townhomes and not rentals. I just want to put that out there.
- **Mr. Magner:** Ms. Bruce, would you please call the vote. This is a motion to recommend to the Board of Commissioners with the additional standards and conditions that were previously mentioned for PC 29-24.

PC 29-24	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Schilling	X				
Ms. Williams	X				
Mayor Anderson	X				
Mr. Magner		X			
Ms. Schulist	X				
Mr. McDonald		X			
Mr. Cali		X			
Mr. Pape		X			
Mr. King		X			
MOTION TO RECOMMEND: FAILS 5-4					

9. PC Resolution PC-30-24, Final Plat, Richvale Phase 4, 60.83 Acres, Map: 043, Parcels: 023.00. Current Zoning: R-20 POD. Property Owner: Brightland Homes of TN, LLC.

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

Representative: Adam Sanders

Discussion:

- **Mr. Greer:** David Parker (SEC) has submitted, on behalf of Brightland Homes, a Final Plat for Phase 4 of the Richvale Estates Subdivision. The Richvale Estates development contains a total of 141 single-family detached residential lots within five (5) phases. Phase 4 is zoned R-20PUD and contains 51 single family detached residential lots on 60.83 (+/-) acres. Additionally, Phase 4 will extend Dutch River Circle and Shoal Mill Point, which were both created in Phase 2 of Richvale Estates. Phase 4 contains two (2) open spaces totaling 7.77 (+/-) acres and a multi-purpose field containing 9.22 (+/-) acres. Finally, Phase 4 contains a lot for locating the STEP System. The STEP system lot contains 13.75 (+/-) acres and is located North of lots 49 through 52 at the end of Shoal Mill Point. The three (3) properties to the North are all zoned RSM-40. The properties to the South are both zoned RS-40. The properties to the east are all zoned R-20PUD and are Phase 1 of the Richvale Estates. The properties to the west are zoned R-20 and RS-40 and are located within the Montgomery Place, Lincoln Park and Stable Acres residential subdivision. Staff recommends the Planning Commission approve the final plat for Phase 4 of the Richvale subdivision in order to create 51 single family residential lots, extend Dutch River Circle and Shoal Mill Point, create new public Right of Way-Wind River Court, create two open spaces, one multi-purpose field, two detention ponds, one wastewater lot and install all necessary storm water and waste water infrastructure as resubmitted on May 30th, 2024.
- **Mr. Magner:** Thank you Mr . Greer. Do we have a representative tonight of this application?
- **Mr. Adam Sanders:** My name is Adam Sanders, I'm with SEC Engineering.
- **Mr. Magner:** Do you have any additional opening comments, clarifications that would help us with our decision tonight?
- **Mr. Sanders:** Honestly, I do not.
- **Mr. Magner:** Okay, that's fine. We'll open this up now for discussion. Any comments, questions from the Planning Commission. Okay, hearing none. Ms. Bruce, please call the vote for PC 30-24.

PC 30-24	YES	NO	ABSTAIN	RECUSE	ABSENT
Ms. Schilling	X				
Ms. Williams	X				
Mayor Anderson	X				
Mr. Magner	X				
Ms. Schulist	X				
Mr. McDonald	X				
Mr. Cali	X				
Mr. Pape	X				
Mr. King	X				
MOTION TO RECOMMEND: PASSES 9-0					

- **Bonds and Letters of Credit - None**
- **Reports for Discussion and Information**
 - City Planning Staff:
 - Mr. Greer: Thanks to the Planning Commission for consideration of all individual projects. States the following month is looking lighter than the previous month, it's been quite a bit of work that the Planning Commission has put it, and is very appreciative of everything PC has done. Congratulations to Mr. Magner on becoming Chairman and Ms. Schulist on becoming Vice Chair. Welcome to Mr. King, to the Planning Commission, hope that he enjoyed his first meeting.
 - City Manager – none
 - City Engineer – echoes Ethans sentiments and thanks Planning Commission
 - City Attorney – none
- **Planning Commission Roundtable**
 - **Mr. Pape:** States that it can appear that he can be antagonistic, but really appreciates staff's efforts, time spent talking with him and answering questions. He is trying to ensure that the Planning Commission does the best they can do for the City. Thanks staff.
 - **Mr. McDonald:** Congratulates Mr. Magner and Ms. Schulist, welcomes Mr. King.
 - **Mr. Cali:** Echo's Mr. Pape and Mr. McDonald and thanks staff.
 - **Ms. Schulist:** none
 - **Mr. King:** Appreciates all the welcomes, happy to be here and looking forward to being a part of the Planning Commission.
 - **Ms. Williams:** Appreciates the passion that's shows the care for Fairview, welcomes new leadership and new team member, looks forward to the future. Thanks the City for the outstanding Fire Works show.
 - **Ms. Schilling:** none
 - **Mayor Anderson:** Congratulations to Mr. Magner, Ms. Schulist, Mr. King. Acknowledges the level of passion the Board has for taking care of the community. Thrivant Financial at 8:30am is the Round Town coffee for networking/business owner gathering. Richard Ross will be giving the report from the 3rd of July event.
 - **Mr. Magner:** Believes that the current Board is one of the most diverse professionally with the strongest representation of the community and professional environment. Would like to continue to observe and respect the opinions of the existing residents who have invested into the community. Would like to develop a nice living environment as the city continues to grow. Looking forward to continued training and focus for the Board. Welcomes Mr. King's insight to the Board.
- **Adjournment – Motion to adjourn by Mr. Cali, 9:19 PM**

Maria Bruce, Community Services Assistant