

**MINUTES OF THE REGULAR SESSION OF THE
PIPERTON PLANNING COMMISSION
August 8, 2023, 6:00 P.M.**

The Piperton Planning Commission met on August 8, 2023 at 6:00 p.m., at City Hall, with Board members: Chairman John Henszey, Mayor Henry Coats, Vice-Mayor Mike Binkley, and Commissioner Bob Archer. City Planner Brett Morgan, City Engineer Harvey Matheny, Building Official Elizabeth Reed, and City Recorder Beverly Holloway were also present along with Aneel Siddiqui, Imran Siddiqui, Emile David, Diane Green, Vicki Hancock and et al in the audience. Commissioner Mimi Ragon and Fire Chief Reed Bullock were absent.

Agenda item 1. Call to order, establish quorum

Action taken: Chairman John Henszey called the meeting to order at 6:00 p.m. and established that a quorum was present. Chairman Henszey appointed Commissioner Bob Archer as Secretary for the meeting due to the absence of Commissioner Mimi Ragon.

Agenda item 2. Prayer and Pledge of Allegiance to the American Flag

Action taken: City Planner Brett Morgan led in the opening Prayer and Mayor Henry Coats led in the Pledge of Allegiance to the American Flag.

Agenda item 3. Any changes to Agenda; Additions/Deletions; Motion to adopt the Agenda

Action taken: There were no changes to the Agenda, Mayor Coats moved to approve the agenda as presented, seconded by Commissioner Bob Archer. The Motion received all affirmative votes.

Agenda item 4. Any changes to the Minutes of the Regular Session of July 11, 2023; Motion to approve the Minutes of the Regular Session of July 11, 2023

Action taken: There were no changes to the Minutes of the Regular Session of July 11, 2023, Vice-Mayor Mike Binkley moved to approve the Minutes of the Regular Session of July 11, 2023 as presented, seconded by Commissioner Bob Archer. Chairman Henszey abstained due to his absence at last month's meeting. The Motion received three affirmative votes. The Motion passes.

Agenda item 5. Consideration of a Fence Application, 80 Covered Bridge
Applicant: Donny Stage

City Planner Brett Morgan stated the applicant is seeking approval of an 8-foot high rear yard privacy fence. The applicant built the fence prior to knowing the permit requirements or height allowance. The applicant has provided pictures.

Chairman Henszey stated the applicant is absent.

Mr. Morgan stated is this the extent of the fence he is going to build? If it is, then that is fine. The neighbor behind him didn't have any complaints about the fence other than trees had to be taken out for the installation of the fence. This fence is 2 feet higher than our normal privacy fence. There is no problem with the fence. I did ask Mr. Stage if the fence could be seen to which he said no. With the fence in place, there is the option of requiring it to be torn down but the Planning Commission can allow 8-foot

fences in special circumstances with this being a circumstance that it is already installed. But the condition being that it is limited to what is in place right now and if there is any more fencing that is done here then it needs to be typical to the Piperton fencing of 6-feet high. The applicant did not ask to have any further fencing at 8-foot approved when he submitted the application.

Mayor Coats inquired if anyone in Piperton Preserve complained about the actual fence.

Mr. Morgan stated no, not to my knowledge. The only concern was that it was going to require the taking down of trees but people are allowed to install fences on the property lines. There is one condition under recommendation; "The applicant hasn't indicated an intention to construct additional fencing on the property. An approval of this fence should limit the 8-foot height allowance to the rear line."

Mayor Coats inquired since he is not here, who will get that message to him.

Mr. Morgan stated I will either get it to him or Elizabeth will get it to him.

Probably both of us will get it to him at some point.

Vice-Mayor Binkley inquired that our ordinance allows for a 6-foot fence.

Mr. Morgan stated it does, it does allow us to increase it to 8-feet for privacy and screening but that is typically in more of a commercial area but it doesn't necessarily limit it in a residential area.

Vice-Mayor Binkley stated if we are going to allow an 8-foot fence, we need to change our ordinance to an 8-foot fence.

Mr. Morgan stated the ordinance does state that we allow up to 8 feet for screening purposes.

Commissioner Archer stated my issue is that we need to get standardized but every so many months we get one of these projects that someone builds something that is not within the ordinances and then comes before us apologizing.

Mayor Coats inquired if he was penalized?

Building Official Elizabeth Reed stated he will be, it should be double fee for building.

Mayor Coats stated we may need to review the penalty fees to increase later.

Mr. Morgan stated it is generally limited to two things; it is either to a fence that gets put in or to an accessory structure that is over 1,200 square feet that didn't come to the Board to get approval.

Mrs. Reed stated the penalty is double fee of whatever the permit would be, so it is significantly more for an accessory structure, which depends on square footage.

Action taken: Mayor Coats moved to accept the existing portion of the backyard fence for the applicant at 8 feet and with any additions being 6 feet, seconded by Commissioner Archer. The Motion received three affirmative votes. With Vice-Mayor Binkley voting nay. The Motion passes.

Agenda item 6. Consideration of an Accessory Structure application on Lot 28, 140 Lake Edge Dr., Lakes of Greenbrier
Applicant: Dave Moore

Mr. Morgan stated the applicant has requested approval of a 2,400 square foot (80'x30' footprint) accessory structure (garage/workshop) on the 9.87-acre parcel (lot 28 of Lakes of Greenbrier) on which they are currently building a primary residence. This is over 5 acres and therefore accessory structures are not within the 30%, 40%

guidelines of lots that are 1.5 acres up to 5 acres. Anything over 5 acres it is kind of unlimited but anything that is over 1,200 square feet has to go before the Board of Mayor and Commissioners with a recommendation by this Body. The accessory structure will be located on the other side of the powerline and sewer easement line.

Mayor Coats stated there maybe a little more than a 75 foot easement on that property. I don't know if it is 80-foot or 85-foot easement but Elizabeth, we probably need to know so the house doesn't encroach on the easement. It looks like it is touching right now.

Mr. Morgan stated there is plenty of land, the house is behind the setback and the proposed accessory structure is well within the setbacks of the lot and so there is not any problem as far as the location. There is not any problem with the square footage of the accessory building because of the size of the lot. The only real issue with the accessory structure is in the building itself. It is an all-metal structure with two more bays to the end. I did let Mr. Moore know that Piperton has approved some metal accessory structures as long as metal is not the principal exterior skin of the building. The ordinance speaks to the accessory structure being similar to the principal structure. The principal structure is all brick. It is a white/grey brick mix. Everything works as far as the location and the size but for the Planning Commission to be consistent there would need to be some acknowledgement that 51% of this needs to be something other than metal and not including the metal roof but as far as the siding is concerned.

Mayor Coats inquired what is the house, brick?

Vice-Mayor Binkley inquired if the submitted covenants are applicable?

Chairman Henszey stated it was excluded but now that it has been purchased for a residence then all the covenants apply.

Vice-Mayor Binkley stated per the covenants, "accessory buildings must be in harmony with the main residence and constructed of the same materials as the house".

Mr. Morgan stated when Lakes of Greenbrier was first approved, lot 28 which is a conservation lot was not included in the HOA and it was in the covenants of the HOA, that upon the sale of this lot, it would be included in the HOA. There is a letter from the HOA, that says the shed is ok in the sense that they can have three sheds but it doesn't really speak to the nature of the building as far as the skin is concerned. Piperton's ordinance does not allow for any metal structures, with metal being the principal material. It must be similar to the residential principal structure and does not allow for more than 50% of the siding to be metal. There will also be 4 big metal doors on the front of the structure and that would need to be considered as well.

Commissioner Archer stated we are all indicating that we want to stick with our ordinances, if they want to do this, then resubmit it with samples of the materials and drawings so we can see what it would look like.

Vice-Mayor Binkley stated along with approval from their HOA.

Mr. Morgan stated my recommendation was going to be since this goes to the Board next month, that the applicant at the next Planning Commission brings back how that will be remedy.

Mayor Coats stated he needs to abide by rules on the accessory structure to which all members agreed with this statement.

Action taken: Chairman Henszey moved to defer this to next month with all details being provided by the applicant, seconded by Vice-Mayor Binkley. The Motion received all affirmative votes.

Agenda item 7. Consideration of an application to rezone a portion of Lot 184 062.00 (6.32 Ac. west side of Milton Dr.) from a R-C Rural Conservation to PD-O Planned Development Overlay district.

Applicant: Tuscan Entries

Mr. Morgan stated Tuscan Iron Entries, Inc. is seeking to rezone a portion of Parcel 184 062.00 (6.32 acres) from R-C (Rural Conservation) to a PD-O (Planned Development Overlay) district. The PD-O will maintain B-2 (Minor Planned Commercial), O (Office), and M-3 (Planned Industrial) as the base districts. This lot currently is a part of a bigger lot which is dissected by Milton Drive. This lot will have to be removed from the overall parent lot. On the Master Development Plan Data chart on page 2 of the staff report, B-2 was added. It was mislabeled as office, and they are calling for 10% of lot area as minimum open space required. I just want to note that 10% is a manufacturing requirement. If it was office, it would be 40% and if it was commercial, it would be 25%. I am not saying it's wrong that 10% is there but we have had this discussion before of what is the most appropriate open space to have on the lot. I'm not sure but it looks that 25% would not really be problematic and inquired to John McCarty if he thought it would be close. Mr. McCarty stated maybe but he would have to go back and look at it. Mr. Morgan stated that is a call the Planning Commission needs to make and right now they are proposing 10% and if this body is good with that, that is fine. Otherwise, we would need to decide what the percentage would be. The impervious surface ratio on office is 60% with means the open space is 40%, M-3 is 90%, meaning 10% open space and B-2 uses 75%, meaning open space is 25%. There is nothing that says anywhere in a PD-O any particular open space requirements has to be met, you could create a 15% open space or a 20% open space. The Planning Commission and the Board would be setting the terms of this and right now they are proposing a manufacturing, and they are primarily a manufacturing business.

Chairman Henszey stated where the open space is, is probably more important than the percent to which Mr. Morgan stated yes sir, absolutely.

Mr. Morgan stated parking shall be considered according to use: O, M-3 and B-2. Any one of these would be fine and they would meet the parking requirements. Landscaping/screening, and lighting shall be in accordance with Article 11 of the Zoning Ordinance. Equivalent alternatives may be approved by the Planning Commission or their designated staff in Final Site Plan review. Air conditioning, heating, ventilation or other mechanical equipment including, that located on roofs, which is visible from an adjacent street or residential lot, shall be screened with the use of architectural features of the building or by other means approved by the Planning Commission/Design Review Committee (DRC). A streetscape easement shall be provided along Hwy 72 and Milton Drive as a part of the PD-O Master Development Plan approval. Minimum streetscapes according to the zoning ordinance are 10 feet wide and use that as a starting point and this Body can go up to whatever streetscape it sees or deems preferable. Streetscapes and Buffers should be provided as a part of the overall PD-O Master Development Plan.

Maintenance of all open space shall be the responsibility of a Property Owner's Association. Since this is a one building PD-O, it could be the property owner or some other responsible party and the responsibility of this maintenance needs to be part of this process. And if there is any fencing along Milton Drive or any other part of it, it must be per the zoning ordinance. All signs shall conform to Article 8 (Provisions governing signage) and approved by the Planning Commission/DRC. All buildings, signs and accessory structures shall be in a consistent architectural style and use consistent building materials as approved by the Design Review Commission.

Chairman Henszey inquired if Mr. Matheny will deal with the entrance and roads.

City Engineer Harvey Matheny stated those things are listed in the conditions and I realize this is a PD-O or a zoning request and the comments related to the access and utilities are really more pertaining to the site plan approval which is really not on the agenda tonight but wanted the applicant to know the kind of things that we need to make them aware of and we will work through this during the process. The waterline along Hwy 72 needs to be extended. I believe it terminates at the west property line between them and Hillwood. That should be extended along their frontage over to the Milton Drive corner. I believe that is a 12-inch main. The sewer is already there for the site. We will need to look at stormwater detention to determine if detention is needed to control runoff. The access drive is very close to the TDOT right-of-way. TDOT does have requirements for how close a drive can be off of a side road. I believe this would be too close per their guidelines. I didn't look up the TDOT guidelines but I believe it is too close so we would recommend a site to the south to get away from that intersection location where we will have more traffic over time and it creates more chances for congestion and difficulty for their customers to get in and out of their site. The intersection at Milton and Hwy 72 does need to be improved. There needs to be opportunity for left turn movement, right turn movement, and through movement at that location. We can work with their design consultant and determine what that needs to look like.

Mr. Morgan stated even though this is a rezoning case and we are not dealing with site planning issues right now per se, the Master Development plan as being a one lot development does need to show something about the plan and that is somewhat why the plan is being addressed here even though it is a zoning case. When we met on this, the Fire Chief indicated that right now this building would not meet his code because he doesn't have 360-degree access to it and felt like Milton was too far away. He also noted that if this drive shown here moved down here, he felt like that was enough and that was all he needed to be able to fight fire 360-degrees around this building. There will need to be a master plan shown as part of this, and now would be the time to change some of those things if they are going to get changed. We would ghost them back in our plan as far as the rezoning is concerned and pick up the details of these as we go through preliminary and final site plan approval.

Mayor Coats inquired on any entry requirements to which Mr. Matheny stated it would certainly have to be a right in and right out. There is a median in Hwy 72.

Mayor Coats inquired would there have to be a deceleration lane added?

Mr. Matheny stated TDOT would have to get input and approval on that, and they may require acceleration/deceleration.

Mayor Coats stated if they do require anything it might be better to have one entrance off of Milton. It might be cost prohibitive coming off Hwy 72.

John McCarty stated Tuscan Iron has a 30,000 square foot office currently in Collierville. This facility will be mainly manufacturing facility but we wanted the B-2 use because there will be a little bit of a store front up front for customers. This is the first pass to give everyone an idea of what it will look like. We have not vetted any of the TDOT entrances. We do know that process well. If they let us put a right-in and right-out there with very minimal improvements on Hwy 72, great. We know we are not putting a median cut in on Hwy 72. That is not an option. As far as Harvey's request for the Milton intersection improvements, we would love to soften the language to know that we are responsible for whatever we get approved in the final site with TDOT. The plans for Milton Drive were TDOT plans, they weren't standard developer plans and so they were okay with it being built the way they were. And with us being such a small facility compared to the Hillwood building next door and then all the future development as mentioned before. If we just look at what our acreage is and pay a fee-in-lieu versus all of that. Those intersection improvements get pretty expensive.

Mayor Coats stated we are going to start a study on Mann Drive signalization.

Mr. McCarty stated as far as the signages and all that stuff, we feel like it would be much fairer if we looked at either the acreage or the traffic we will produce. Back to some of the conditions that Brett was talking about; so, you got the manufacturing use which is going to drive 90 to 95% of the operation. The parking is probably in that same ratio, I can't image them having more than 10 clients coming to look at product versus a majority of the parking is for all the employees that are on site working.

Mr. Morgan stated he is totally fine with the M-3 designation, we just need to choose one.

Mr. McCarty stated they will make sure they have enough parking. Michael Walker is the architect on the project. We are 100% good with the streetscapes and the landscaping.

Mr. Morgan inquired if there was any fencing to which Mr. McCarty stated we are planning some type of fencing, something to secure the rear part of the building but it would be tasteful. So, these conditions tonight on the planned development were put into place because initially we were thinking about doing preliminary approval with this, but we can do a preliminary for this prior to the Board's final approval. It is up to the Planning Commission. If the Planning Commission doesn't want to do that then we can wait until the Board gives final approval and then start preliminary and then go to final but I don't feel like it is necessary to do that in this case since it is a one lot, one building development.

Chairman Henszey stated I think we ought to wait to give the preliminary at the next meeting and we can hold a special call meeting anywhere in this process to speed it up. I don't know what you are looking at as far as construction schedule, grading, do you have any idea?

Mr. McCarty stated one of the main factors on this is getting through the master development plan, the final approval so it is a legal zoned use on the property and they close on the property from a contractual standpoint. We will start the full design on the site but let's get the BMC next month and the next month to get the land use legal.

Mr. Morgan stated the earliest we can get to the Board is October 17th. I would suggest to come to preliminary in either September or October but don't come until you have the DRC items worked out too so we can do the DRC preliminary all at the same time.

Mr. McCarty stated we plan on bringing a good solid package as far as the architectural and landscaping.

Mr. Siddiqui stated the only thing we are concerned about is the closing of the property, they have pushed it back to August 30th. They said they would work with us on the closing. We need to make sure that we can do what we want to do.

Mr. Morgan stated staff recommends approval with the 26 conditions of the Planned Development Overlay.

Action taken: Commissioner Archer moved to grant the rezoning of Parcel 184 062.00 from R-C Rural Conservation to PD-O Planned Development Overlay. Planned Development Overlay will maintain B-2, O, and M-3 as the base districts with the 26 conditions that are provided and recommends to the Board of Mayor and Commissioners, seconded by Vice-Mayor Binkley. The Motion received all affirmative votes.

Agenda item 8. Any other unfinished/new business, questions or matters from the audience

Vice-Mayor Binkley stated MCR took down their dead trees, are they planning on replacing them?

Mr. Morgan stated they are supposed to, but I don't know.

Mrs. Reed stated she will make a call.

Commissioner Archer inquired if we will be coming back to the ordinances about fences at the next meeting to which Mr. Morgan stated I will try to have it ready for the next meeting along with some other stuff.

Vice-Mayor Binkley stated I like the Mayor's suggestion that commercial fencing is at discretion but residential is 6 foot.

Mr. Matheny stated sometimes with topographic challenges between you and your neighbor, you might want something taller than a 6 foot in residential.

Mr. Morgan stated it is good to have the ability to be flexible, but the moment you are you open yourself up to everybody wanting that same flexibility. Our fence ordinance is not very complicated as it is. We need to make sure we are good with the dimension and it needs to be a little bit more clearly in black and white what you can and can't do.

Vicki Hancock stated the trees (Piper Hollow) put in on Old Stateline Road where they were going to put a nice driveway in are dead so they need to be replaced.

Mayor Coats stated when you tell them Elizabeth, lets remember to tell them if they plant them now, they will be dead again. They need to be replanted October or November.

Mr. Morgan stated our minimum tree caliber is two inches.

Mayor Coats stated the Vesta Home Show will be there in March or April in Piper Hollow.

Emile David inquired about the walking path along Keough. I sent comments for Harvey to which Mr. Matheny stated he did receive your comments.

Mayor Coats stated it has been postponed because nobody bid on it. So, Richard is going to add that portion of it to some repaving that we are going to do this fall.

Agenda item 9. Adjournment

Action taken: Mayor Coats moved for adjournment, seconded by Vice-Mayor Binkley. The Motion received all affirmative votes, and the meeting was adjourned at 7:08 p.m.

Respectfully submitted,

Beverly Holloway, City Recorder

Approved: _____ date: _____