

**MINUTES OF THE REGULAR SESSION OF THE
PIPERTON PLANNING COMMISSION
August 10, 2021, 6:00 P.M.**

The Piperton Planning Commission met on August 10, 2021 at 6:00 p.m., at City Hall, with Board members: Chairman John Henszey, Mayor Henry Coats, Commissioner Bob Archer, and Commissioner Mimi Ragon. Vice-Mayor Mike Binkley was absent. City Planner Brett Morgan, City Engineer Harvey Matheny, and Fire Chief Reed Bullock were also present along with Vicki Hancock, Jason and Hannah South, Ray Shaul, Frank Fitzgerald, John McCarty, Jim Ragon, Josh Burnett, Pete Pinckney Jr., Trey Sowell and Carson Hardwick in the audience. City Recorder Beverly Holloway was 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.

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

Action taken: Chairman Henszey led in the opening Prayer and Commissioner Bob Archer led in the Pledge of Allegiance to the American Flag.

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

Action taken: There were no changes to the Agenda, Mayor Henry Coats moved to adopt the agenda, seconded by Commissioner Mimi Ragon. The Motion received all affirmative votes.

Agenda item 4. Any changes to the Minutes of the Regular Session of July 13, 2021; Motion to approve the Minutes of the Regular Session of July 13, 2021

Action taken: There were no changes to the Minutes of the Regular Session of July 13, 2021, Commissioner Archer moved to approve the Minutes of the Regular Session of July 13, 2021 as presented, seconded by Mayor Coats. The Motion received all affirmative votes.

Agenda item 5. Sign Application - Request by Shane Strickland to approve a Complex Sign for multi-tenant commercial building.

City Planner Brett Morgan stated this is something we took up last month and as you know the sign ordinance is going through the Board of Mayor and Commissioners and will be up for second reading next week, we are making a number of changes to the sign ordinance but one of the changes is to allow multi-tenant commercial to have an additional 32 square feet of signage for complex signs and so Mr. Strickland has made an application to put a complex sign for the commercial building in which the City offices reside, the sign will be located on the Hwy 196 side and this Body had requested that they flip the colors from a white background and dark lettering to a dark background with white lettering with LED lighting behind it and the applicant has submitted a revised plan and staff recommends approval of the revised plan.

Chairman Henszey stated we had previously approved everything except the lettering and now they have complied with the City's request to have the white on black.

Action taken: Commissioner Archer moved to approve the Shane Strickland Sign Application, seconded by Commissioner Ragon. The Motion received all affirmative votes.

Agenda item 6. Subdivision Application – Request to subdivide 3.04 acres, Parcel 183 008.00, to a 2-lot subdivision – Dunn Schoolhouse Subdivision

Mr. Morgan stated this is something we also discussed somewhat the last Planning Commission meeting, and the ordinance is going before the Board of Mayor and Commissioners for second reading that allows R-1 to be split under 4 acres and so this is 3.04 acres and Jason South is or has purchased this property from Mike Russell, the plat shows the existing school house and is seeking to make the minimum lot size for lot 1 which is 150 feet wide and leaves the remainder lot which Mr. South is making the original schoolhouse his residence and will be doing some improvements to it along the way, overall we were good with this but we needed to make sure where the schoolhouse sits and that it does not sit within any setbacks of this 2 lot minor subdivision and staff recommends approval with conditions and several of those conditions include items along Keough Drive to dedicate and improve it and that would be the main condition and then we also talked about what we would normally do under a development situation and that is require payment in lieu of for improvements along Keough but for minor subdivision we did not put that condition in the list of conditions because we wanted it to be a discussion item whether or not that would be something that needed to be added as a part of this approval and as a minor subdivision that is something that is always done but Keough Drive is on our major road plan and at least something that is discussed and there is a list of 28 conditions on page 3 and 4 of the staff report and a lot of these conditions will not apply to a minor subdivision but we places all of these on every subdivision but we did not included the payment in lieu of for street improvement in this list and it is certainly within the Planning Commission's purview and prerogative to include that.

Commissioner Archer inquired what improvements are we talking about being needed.

Mr. Morgan stated he would defer to Mr. Matheny on that.

City Engineer, Harvey Matheny stated I believe Keough Road is previsionsed to be a three lane road way when it is fully developed and so other development along Keough most recently Piperton Preserve paid in lieu of adding a half of lane on their side and each side has a half lane and you end up with three lanes in the future, so the question here is whether or not we would require either improvements which we wouldn't recommend the improvements at this time but whether or not you want to require a payment in lieu of for those improvements.

Commissioner Archer inquired that would only involve Keough adjacent to this property.

Mr. Matheny stated their frontage on their side and as Brett said that being a minor subdivision that is not necessarily a given.

Chairman Henszey inquired how much.

Mr. Morgan stated our estimate for a half lane at somewhere around \$10,000.00 maybe for improvements and that would not include curb and gutter or anything like that it would just be strictly the asphalt in front of it, the right of way is being dedicated with this plat it is not fully there yet but when this plat is recorded we will have the full right of way on that side of Keough and the reason we get payment in lieu of for these improvements is because if one day Keough Road gets fully paved to its full width any monies that we don't have through payment in lieu of the City will have to pay for it itself and a two lot subdivision could take a pretty good hit for making a payment in lieu of and that is quite frankly why I did not add it but felt like it needed to be discussed.

Mayor Coats and Commissioner Archer were in agreement concerning no payment in lieu of on the two lot subdivision.

Chairman Henszey inquired to Mr. South if he had in questions on the 28 conditions that does not included the road to which Mr. Morgan stated he emailed it to Mr. South last night and Mr. South has not read the staff report and Mr. Morgan stated they are the standard conditions.

Mr. Matheny stated on the water/sewer services, typically in a subdivision the developer would provide water and sewer stubs at each property for each newly created lot and the

condition (#4) is worded that it would be put in by the developer whose is subdividing or by the builder who comes in to build the lot so it was modified to be either or.

Mayor Coats stated he could connect across the street.

Mr. Matheny stated correct, the connections are right across the street.

Action taken: Commissioner Archer moves to approve the recommendations of staff for the subdivision of 3.04 acres Parcel 183 008.00 to a 2-lot subdivision of Dunn Schoolhouse Subdivision including the 28 recommended conditions by staff, seconded by Mayor Coats. The Motion received all affirmative votes.

Ray Shaul stated we do need a walking trail and I volunteer to donate the space for a walking trail.

Mayor Coats asked Mr. Matheny to comment.

Mr. Matheny stated we had talked about putting a trail on the north side basically widening the road on the northside and creating a path but there are still details to work through.

Mayor Coats stated we are going to widen both sides by two feet if we restripe it and we would have a four foot walking trail.

Mr. Shaul stated that would be nice.

Mayor Coats stated it is already approved.

Agenda item 7. Application to amend Madeline Farms CD-O Master Development Plan

Mr. Morgan stated back in May of 2020, the master development plan for Madeline was amended and then the next month some of the conditions were amended yet again for this and in this amendment there are two issues at play here, the main one issue is that they want to do a land swap and change the overall boundary by removing a total of 34.79 acres of the existing Master Development Plan in the low wood area and grant an easement on this property to a conservation group and a portion of Parcel 163 006.03 was acquired by the applicant and east of Madeline Farms and will be added in as part of the future Phases 4 and 5, so essentially the residents are not losing that as open space, it is just not part of what the Association is going to be responsible or liable for at this point and even though it reduces the overall acreage and the overall common open space of the development, it doesn't take anything from the residents because that land is basically going to be there looking as it looks right now and the overall development still meets the minimum common open space requirements for CD-O's and that is 15%, the acreage was 269.50 and the proposed acreage is 238.32, the overall density was .76 units to the acre and it is now .68 units to the acre which is still under 1 unit to the acre and there is an increase in the number of lots from the last amendment going back up to the 208 lots that was originally approved in the first Master Plan so there is not anything outside of what was expected of this development in the first plan, the overall lot size which if you recall the lots were significantly smaller lots and they have now been increased to be the same size as what is basically in the rest of the development, we did have four phases and now we have five phases, the bulk requirements that were in the small lots are being changed to what is in the overall development.

Chairman Henszey stated it all stays within the approval number for the drip field.

Mr. Morgan stated staff recommends approval the amended CD-O and in Mr. McCarty's letter requested a condition of approval #2 in Ordinance 328-20 be addressed so if you recall in phase 1A there is a right of way dedication and part of the conditions of phase 2 was that the developer would complete all of the open space improvements in phase 1 and in phase 2 as a part of that and complete this road that was left incomplete when phase 1 was built.

John McCarty stated that is the same request we brought last time, it was brought up that the City decided that they wanted it back when the phase 1 plans had been amended and approved to not make the connection and dedicate the right of way.

Mayor Coats stated it is already dedicated to the City to which Mr. McCarty stated yes, sir.

Mr. Matheny inquired if it was dedicated all the way to the west line to which Mr. McCarty stated I do believe it is, through the common open space I am fairly certain we did that plat four years ago

Mr. Morgan stated he thinks it is too.

Mr. Matheny stated if it is not dedicated all the way to the west line of the CD-O to which Mr. McCarty stated we will happily dedicate anything owed by LaGrange Pointe to their property.

Mr. Morgan stated the initial discussion of this is basically the same that we just had for the minor subdivision and that is if the developer is not responsible for this improvement ultimately the City will become responsible for this improvement unless by chance someone comes in and makes an application to this piece of land and then we might could tie a condition of improving this road and if you look at page 3 of the staff report: "Applicant is requesting Condition of Approval #2, Ordinance #328-20 recorded on July 21, 2020, shall be removed from the Madeline Farms CD-O-Master Development Plan".

Action taken: Commissioner Archer moved that the Planning Commission approve the recommended amended Madeline Farms CD-O Master Development plan and recommends it to the Board of Mayor and Commissioners subject to the 4 listed conditions and the addition of condition #5 to remove the condition of the current PD-O to payment in lieu of in phase 1 for the road extension to the west, seconded by Mayor Coats. The Motion received all affirmative votes.

Agenda item 8. Application for Final Plan for Phase 3, Madeline Farms CD-O

Mr. Morgan stated Phase 3 is 28.07 acres containing 33 lots, the density is 1.17 lots per acre and the setbacks are now the standard front yard setback of 40 feet, side yard setback is 10 feet and the rear setback is 30 feet that are throughout the development and basically it conforms overall to the Master Development Plan.

Mr. Matheny stated everything in the subdivision is pretty standard with the water, sewer and drainage, it is part of the decentralized sewer collection system and the water service is coming off the 12-inch main on Raleigh LaGrange Road and it is a series of 8-inch mains throughout the subdivision and they will be extending that through the new street network, it is a rural cross section roadway with roadside swales along the roads and Phase 1 was first designed around 2011 and the plan at that time was to lower the crest of the hill about 5 feet or more to meet the 45 mph design speed of the road so the current vertical geometry of this road does not meet roadway design standards but it has been that way for decades and the corporate limit line is the south right of way of Raleigh LaGrange Road so the roadway is all in Fayette County and they approached the County and the County said we are not going to let you lower the road because you would have to shut down the road for a period of time or at least shut down a lane of the roadway and so for emergency response reason and other reasons the County said no, so the secondary drive that will come out of phase 1A/1B was deferred until a later date and so when phase 2 was approved it was approved that before phase 3 could be accepted we have got to figure out what to do with the connection.

Mr. Morgan stated or a second connection.

Mr. Matheny stated there are three connection proposed for this overall development, one existing on the west side, one in the center which we are discussing now and then there is another one currently proposed that we will discuss in a minute but if there were two connections the subdivision regulations would be satisfied for the number of lots that are proposed and obviously would be better, so McCarty Granberry engineers developed a plan for lowering this road some that would make the roadway geometry better it still wouldn't achieve a 45 mph speed limit but it would be better and the site distance would be improved

and they approached the County and the County talked to their engineer and they said no and the only way we would allow you to do this is if you can do it and maintain 2 lanes of traffic at all times and that is very difficult thing to do even if you are lowering it 2 feet and they are not going to accept that so they said to both Carson with McCarty Granberry and to me on separate conversions that we will accept the road to come out at the existing crest of the hill which is right where the temporary construction entrance is today so they are agreeable to the road coming out at the crest of the hill and from the stand point of people exiting the subdivision you have good site distance both directions the issue is for people traveling along the roadway pertaining to the geometric standard for safe stopping distance so my conversation with the County's engineer was they would allow the roadway and would not lower the road and they would put up signage recommending a reduced speed on each side but they were satisfied and accept it in that fashion and I am in the process of requesting that the County put that in writing to us for the file.

Mr. Morgan stated we have not received that from the County as yet.

Mayor Coats inquired what if we don't receive that from the County, what recourse do we get because this is a situation liability and if they send a letter then they are liable since they won't let us do the road.

Mr. Matheny stated I cannot speak to the legal impact but if they are saying that we can accept and they allow us to accept here I don't know what the liability would be whether they write a letter or not, it is their road and our original attempt was to make the roadway meet the design speed and more recently it was to make it as good as we can with minimal cost and effort, also there is a 12-inch water line along the side of the road also and I don't know if it was installed deep enough to account for the lowering of the road so if you lower very much there is a chance you will get into utility relocations (gas, water, etc) and one alternative option is if the developer chose not to put this in at all and the roadway way connected to the east and just have the other connection so that makes two permanent connections and with regards to this connection out of phase 4, I would recommend it be moved as far to the east as we can to get it away from the crest of the hill, that is a separate discussion but it is also in the staff report as a recommendation.

Mayor Coats inquired based on the design is that problematic to eliminate the center drive?

Mr. McCarty stated we looked at several different things and the one in phase 4 we have actually moved it to the east a little bit at the spot where the best site distance at the sag of the curve, there is a break in the hill to the east and the original location of the original Master Plan almost had the same issue as the center drive so we moved it to the bottom, we also looked at doing the connection interior of the development over to that and part of the reason we did a whole new phasing plan-the center part of the property is very high so we moved our connection to the east so we didn't have street stability issues in the crossing which is why it is farther south on the new Master Plan.

Chairman Henszey inquired on an acceleration lane and a turn lane.

Mr. Matheny stated the original plan in 2011 was for a contingent left turn lane all the way across the frontage from the western entrance to this entrance and little bit to the east of it and we are not recommending that, there is no left turn lane at the western entrance but we do recommend that this frontage around the center entrance be widened on the south side to create a left turn lane and a short acceleration/deceleration lane as well and that recommendation is in the staff report as opposed to the entire frontage being widened.

Mr. Morgan stated we can't really widened that road because it is not our road.

Mr. Matheny stated it can be widened their issue is grade adjustment and I don't know if they have ever opposed widening the road as long as we can maintain 2 lanes of traffic at all times which can be done.

Mayor Coats inquired if it is widened is it our responsibility or the County's.

Mr. Matheny stated the road would still be all within the County.

Mr. McCarty stated that it is my understanding that the original road improvements were stated in the County and we would have to make application for whatever recommendation you are requesting and then that has to be approved by the County, if this Body is in agreement for what is on the table tonight and approve it, we will go through and design that connection and get it approved in the County whatever Mr. Matheny's recommendations are.

Mr. Morgan stated there are no issues with the phase 3 plan itself, the issues are once we get to phase 3 we know there has to be a second entrance and they have wiggled the second entrance to the very apex of that vertical curve so there is as much site distance as there can be, there is plenty of room to widen this entrance drive to allow for an extra lane to let people turning left and right but there will still be an issue with people cresting the hill and we do not have the letter from the Fayette County yet and that would essentially any responsibility or liability off of the City but as Harvey said the letter may or may not do that anyway.

Mayor Coats inquired if we have written correspondence that states to leave the hill alone to which Mr. Matheny stated not currently but we did in 2011.

Carson Hardwick stated that he has an email stating we are not allowed to change the geometry of the road to which the Mayor and Harvey requested a copy of that.

Frank Fitzgerald stated we need the entrance, our residents expect it and it will make a nicer subdivision and it will be safer for us.

Mr. Morgan stated staff recommends approval of Phase 3 and we feel we have gone as far as we can with the County on this issue and if the County is satisfied, we would still like to receive that letter from the County but it is up to the Body as whether or not that issue is big enough to hold us up at this point and so we recommend approval with 34 conditions, striking the current number 35 and adding as the new condition 35: the entrance to be approved by City Engineer and Fayette County Engineering.

Mr. Matheny stated Phase 3 can't be platted until that entrance exists.

Mr. McCarty stated we will move forward and will be all in place for the Development agreement prior to the recording of the plat for Phase 3.

Action taken: Mayor Coats moved to accept the final plan for Phase 3, Madeline Farms CD-O based on 34 conditions and adding number 35 that states; "the entrance is to be approved by the City Engineer and Fayette County Engineer", seconded by Commissioner Archer. The Motion received all affirmative votes.

Agenda item 9. Application for a Land Disturbance Permit for Piper Hollow MUPD

Mr. Morgan stated this permit is essentially for the entire acreage of Piper Hollow and as everyone knows this is an after the fact permit request, the initial phase 1 and phase 2 site plans were approved with the final plan for phase 1 being approved and phase 1 construction drawings were approved and consequently because of that phase 1 was the only phase approved by the City to have any clearing, grubbing or land disturbance on it, these plans require TDEC approval and the applicant did get TDEC approval for a mass grading and erosion control for the entire site and with that preceded to move forward to do a mass grading and tree removal in order to make a burn of the trees all at one time as opposed to burning phase by phase and when that was discovered the operation was stopped and they have since made this application to the Planning Commission.

Mayor Coats inquired if it has all been cleared.

Mr. Matheny stated first of all it is just clearing but not clearing and grading, and as far as I know there has been no moving of dirt around but at best I can tell in going out to the site and looking from different vantage points I believe they cleared based on what the Master Plan showed that would ultimately be cleared and the Master Plan had certain groves of trees in certain areas that were to be protected or saved and those have been, so yes they did go beyond their phase one approval and they should have gotten done plotting before this was

done but they did comply with the Master Plan layout for future inspection and one thing I will add is they did cut through a relatively narrow 50 foot wide path on the north side opening up to Old Stateline Road and from the neighbor's point of view that is the most significant impact in our conditions and we do recommend some mitigation be placed back in that area to block that off again because we don't know how many years it will be before they get up to the north for development and we also don't know exactly if that is where the drive will be that could still potentially going to shift.

Chairman Henszey stated it was specifically stated that it would not be done because it had not been determined and that was in the original agreement that none of that was to be done and they went and did it to which there was some disagreement voiced by Mr. Sowell regarding the Chairman's statement and also discussion ensued regarding this and the future entrance lining up with Hwy 196.

Mr. Morgan recommends that the Planning Commission approve the Land Disturbance Permit for the Piper Hollow MUPD subject to the 4 conditions (listed in the staff report) to which he read for the benefit of all and Mr. Morgan called for the aerial of the property and requested Vicki Hancock to explain what she has observed with the trees piled in the middle of the open space.

Mr. Matheny stated any downed trees need to be removed and we have said no more clearing beyond what has already happened and the place where they cut through Old Stateline Road in view of that potential roadway connection we are asking for a mitigation plan to be put in place for trees to be planted back, so the conditions that Brett read address the concerns that have been expressed.

Mrs. Hancock stated they won't be clearing any more trees along Old Stateline.

Mr. Matheny stated anywhere beyond what was already done and the conditions that Mr. Morgan read addresses the concerns that have been expressed.

Mr. Morgan stated when this first came in the Mayor and I sat down and we specifically looked at the old growth areas as places that we wanted to see how they could be saved and some of that would be along Old Stateline Road and not as much down at the Keough Road end but along the east area and the Master Plan pretty much does preserves a lot of that area but the Stateline frontage is something that we definitely wanted to maintain as natural as possible and then put new trees in areas where it is sparse but that is in the future and would happen when these phases occur so in the mean time in the area they have gone through we will have them mitigate it, and the approval of the mitigation plan will be a joint effort.

Mr. Sowell inquired about the mitigation, when do you want the trees planted and where are we talking about the opening or all of the Stateline Road frontage.

Mayor Coats stated where you cleared and I would not plant anything until fall.

Mr. Morgan stated is it basically evergreens but we can't replace the old oaks and so staff recommends approval of the land disturbance permit under the 4 conditions provided.

Action taken: Commissioner Archer moved to approve staff's recommendation to approve the land disturbance permit for Piper Hollow MUPD subject to the listed 4 conditions, seconded by Commissioner Ragon. The Motion received all affirmative votes.

Agenda item 10. Pinckney Accessory Residence

Mr. Morgan stated this application is by Pete Pinckney, the square footage is approximately 1500 square feet, the map shows the location of the proposed accessory residential relative to the existing principal structure, and the square footage is consistent with the overall requirements of the ordinance and it is within the building setback line and the applicant would have to meet all the conditions of the accessory residential which includes one meter, one driveway, etc. and there are pictures of the existing principal structure and they have agreed that it will look like the principal structure as far as materials and colors are concerned, the overall height is 20 feet and based on the new ordinance and what they have

submitted and of course the final building plans will have to go to the Building Department for full review and approval and so staff recommends approval.

Chairman Henszey inquired if this needs to go to the BZA to which Mr. Morgan stated it doesn't have to go to the BZA, it is over 1200 square feet but it will need to be recommended to the Board of Mayor and Commissioners.

Mayor Coats stated it meets the percentage of primary structure to which Mr. Morgan stated correct.

Ray Shaul stated the building plans have been submitted and reviewed but are waiting on this Body's approval.

Action taken: Commissioner Ragon moved to approve the Pinckney accessory structure site plan for 25 Old Stateline Road and recommend it to the Board of Mayor and Commissioners, seconded by Mayor Coats. The Motion received all affirmative votes.

Agenda item 11. Any other old/new business, questions or matters from the audience

Mr. Morgan stated an amendment to the Lakes of Greenbrier was received today for the phases that are left over to the south, they are wanting to redo those occurring to the new CD-O requirements and so that will probably be on next month's agenda.

Agenda item 10. Adjournment

Action taken: Commissioner Archer moved for adjournment, seconded by Mayor Coats. The Motion received all affirmative votes, and the meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Beverly Holloway, City Recorder

Approved: _____ date: _____