



**MINUTES
FARRAGUT MUNICIPAL PLANNING COMMISSION**

December 15, 2022

MEMBERS PRESENT

Rita Holladay, Chairman
Ed St. Clair, Vice-Chairman
Scott Russ, Secretary
Ron Williams, Mayor
Louise Povlin, Vice Mayor
Ron Pinchok
Jon Greene
Shannon Preston
Noah Myers
Hayley Sims, Youth Representative

MEMBERS ABSENT

Staff Representative: Mark Shipley, Community Development Director

1. Approval of agenda

Staff noted that Agenda Item 3 was requested for postponement by the applicant. With this modification, staff recommended approval of the agenda.

A motion was made by Vice Mayor Povlin to follow staffs' recommendation. Motion was seconded by Mayor Williams and was approved unanimously.

2. Approval of minutes – November 17, 2022

Staff recommended approval of the minutes as submitted.

A motion was made by Vice Mayor Povlin to follow staffs' recommendation. Motion was seconded by Mayor Williams and was approved unanimously.

3. Discussion and public hearing on the installation of underground fiber optic cable for Comcast from Kingston Pike along the east side of Concord Road and under Concord Road to the Town Center at Biddle Farms access along Concord Road to service 170 Brooklawn Street (Comcast, Applicant)

Removed from the agenda as part of Agenda Item #1.

4. Discussion and public hearing on the installation of underground fiber optic cable for AT&T from Kingston Pike along the southwest side of S. Campbell Station Road and under S. Campbell Station Road along the northwest side of Brooklawn Street to service 241 Brooklawn Street (AT&T, Applicant)

Staff reviewed this item and recommended approval subject to the following conditions:

1. Please obtain a right of way permit from and coordinate work with the Town's engineering department.

2. A letter of credit will be required in an amount to be provided by the Town Engineer as part of the right of way permit.
3. All work must be performed using directional boring rather than open trenching.

Brian Mitchell spoke on behalf of the applicant. A motion was made by Vice Mayor Povlin to follow staffs' recommendation. Motion was seconded by Commissioner St. Clair and was approved unanimously.

5. Discussion and public hearing on the installation of underground fiber optic cable for Zayo along the south side of Outlet Drive from the western Town limits across the frontage of 11220 Outlet Drive with termination to the east in the City of Knoxville (Apex Advanced Technology, Applicant)

Staff reviewed this item and recommended approval subject to the following conditions:

1. Please obtain a right of way permit from and coordinate work with the Town's engineering department.
2. A letter of credit will be required in an amount to be provided by the Town Engineer as part of the right of way permit.
3. All work must be performed using directional boring rather than open trenching.

No one was present on behalf of the applicant and some concerns were raised about underground fiber in the area and properly coordinating with the property owner of the former Outlet Mall building. Jim Nixon spoke on behalf of the owner of the former Outlet Mall building. A motion was made by Mayor Williams to postpone action on this item until the applicant could coordinate the proposed work with the property owner of the former Outlet Mall building. Motion was seconded by Commissioner Pinchok and was approved unanimously.

6. Discussion and public hearing on a request to amend the final plat of Lots 2 and 3 of the Mary E. Smith Property concerning the requirement to construct a pedestrian facility during home construction across the frontages of 300 and 310 Boring Road. Instead, the applicant is proposing to provide a 20-foot pedestrian facility easement along the lot frontages and a covenant to be approved by the Town Attorney that would be recorded and bind all future property owners of 300 and 310 Boring Road to pay for the installation of a pedestrian facility across their frontages when it would be associated with a larger project that would extend a pedestrian facility to the west along Boring Road. The two lots total to 2.8 Acres and are Zoned R-2 (Benchmark Associates, Applicant)

Staff reviewed this item and recommended approval subject to the following conditions:

1. A covenant is prepared that will run with the land to require the owners of Lots 2 and 3 to pay for the installation of pedestrian facilities across their frontages when a pedestrian facility is constructed to the immediate west on the north side of Boring Road. The wording of the covenant shall be approved by the Town Attorney and a recorded copy returned to the Town for future reference.
2. The revised plat being recorded with a reference to the recorded covenant being added and a plat note provided which states that, "Upon direction from the Town of Farragut, the owners of Lots 2 and 3 shall be responsible for paying for the installation of a pedestrian facility approved by the Town of Farragut across their frontages on the north side of Boring Road."

Benny Moorman spoke on behalf of the applicant and was in agreement with staffs' recommendations. A motion was made by Vice Mayor Povlin to support staffs' recommendations. Motion was seconded by Mayor Williams and was approved unanimously.

7. Discussion and public hearing on a revised preliminary plat for the Bridgemoor Subdivision, Phases 3B and 4, Parcel 025.03, Tax Map 152, 70.28 Acres, 102 Lots, Zoned R-1/OSR (Carter McCall – Ardurra, Applicant)

Staff reviewed this item and noted that the remaining comments are as follows and some will need direction from the Planning Commission:

1. Please revise the plans to not show any disturbance (cut or fill) within areas bound by the sinkhole lip elevation. This would also apply to any tree cover removal within these areas. Please revise the tree preservation/removal plan sheets accordingly as well.
2. The Fire Marshal is requiring a secondary fire apparatus road to be constructed to Allen Kirby Road. Please provide design and engineering details, including road profiles, cross section of road composition and compaction, drainage, any associated grading, etc. to assure fire code compliance and ongoing roadway sustainability/maintenance. There should also be a discussion of who (developer or HOA) will be responsible for ongoing maintenance and/or repairs until the final phase of the development and full public roadway connection is made to Allen Kirby Road. This would need to be referenced on the plans and captured on the final plat for Phases 3B and 4 and their associated covenants and restrictions. Regarding the fire apparatus road, a question from staff is whether it would not make sense for the fire apparatus access road to follow the envisioned location of the public connector street to Allen Kirby Road since the fire apparatus road has to be constructed to certain compaction and composition requirements?
3. Please provide an irrevocable letter of credit in an amount to be determined by the Town Engineer to ensure that the public connector street from Phases 3B and 4 to Allen Kirby Road and improvements to Allen Kirby Road will occur in accordance with the Subdivision Regulations.
4. The drainage permit fee is \$3,960 and will be required prior to issuance of a grading permit.
5. Please provide an irrevocable letter of credit in an amount of \$434,000 for erosion control and site stabilization.
6. Please submit the NOC.
7. If the walking trail is permitted within a portion of the sinkhole lip elevation, please adjust the location to minimize any disturbance (cut or fill) and encroachment within the sinkhole lip elevation. In terms of advancing a public policy of walking trail connections, there are other critical trail sections nearby (e.g., much of the Montgomery Trail) that are within sinkhole lip elevations. Staff would view the walking trail extensions associated with Phases 3B and 4 to be critical providing impacts to the area within the sinkhole lip elevation are avoided.
8. Note #9 on Sheet C2 will need to be more specific or reference specific geotechnical recommendations. Notably, in terms of proposed building lots impacted by the 50-foot building setback from sinkhole lip elevations, the Planning Commission will need to determine if the applicant, as required in the Sinkhole Ordinance, can provide sufficient and proper evidence that there is no danger other than what would normally be encountered in the construction of a similar building in other areas and that the drainage function of the sinkhole will not be compromised. Staff would recommend that if this

is provided for staff verification and lots are platted where a building would likely be within the 50-foot building setback from a sinkhole lip elevation, the Town will require for each affected lot specific detailed geotechnical analyses and structural engineering reports along with a program for ensuring that the geotechnical report recommendations are followed during each phase of the construction process with appropriate written and visual verifications provided to the Town. All building foundations must also be designed and approved by a structural engineer, as stipulated in the Sinkhole Ordinance.

9. Please confirm that centralized mail delivery for Units 3B and 4 are provided for at the clubhouse location. If this is not correct, please show where the centralized mail delivery will be located for these units.
10. The Site Assessment section of the SWPPP narrative should be more specific to the project. Please identify by outfall ID the specific outfalls that meet the requirements for site assessments (any that receive at least 5 acres of drainage). Since this site drains to waters with unavailable parameters, no reference to outfalls receiving 10 acres of drainage is necessary and may add confusion. Please revise.
11. Pre-construction meeting with Town staff is required before the grading permit can be obtained. This should be clarified in the sequencing notes on the EPSC plan sheets. No grading can begin, including that required for sediment pond installation, until the grading permit is issued.
12. The stormwater easement is very close to the apparent graded building pad on lot 143. Can the drain and pipe be shifted a bit closer to the property line?
13. Please implement the recommendations of the Town's geotechnical engineer that was hired to provide a peer review of the GEOS Services Report.
14. Has draining to sinkholes been specifically evaluated in terms of potential impacts to the subsurface? Please address to the Town Engineer's satisfaction to ensure compliance with the Sinkhole Ordinance.
15. FUD will need to approve the water and sewer sheets associated with this preliminary plat and this will need to be included in the final approved set of plans.

Billy Fulgham and Ben Mullins spoke for the applicant. The applicant agreed with the sinkhole related comments but stated that they did not want to provide a letter of credit for the connector road and improvements to Allen Kirby Road at this time. After consulting with the client, Attorney Ben Mullins asked to postpone action on the preliminary plat until further discussions could occur with the Town regarding improvements to Allen Kirby Road.

A motion was made by Commissioner Myers to postpone action on the plat as requested by the applicant. Motion was seconded by Vice Mayor Povlin and was approved unanimously.

8. Discussion and public hearing on a site plan for a new fieldhouse and athletic field improvements at First Baptist Church of Concord, 11704 Kingston Pike, Zoned R-3 and R-1-S-A (Izic Jeffers - MBI Companies, Applicant)

Staff reviewed this item and noted that the remaining comments were as follows:

1. An on-site pre-construction meeting with Town staff is required prior to issuance of a grading permit. Staff will check initial erosion controls (construction exit, silt fencing) during this meeting.
2. In the northeast corner of the proposed ballfield area how will sediment be controlled during grading to prevent sediment from leaving the site through the nearby storm sewer to the east? Have check dams or similar applications been considered? Was

- moving the outlet protection in the northeast corner of the ballfield area intentional or was it meant to stay adjacent to Headwall 2?
3. Please provide SWPPP for review.
 4. Please note that, prior to the issuance of a grading permit, a drainage permit fee for \$5,482 and an erosion control irrevocable letter of credit for \$33,000 will be required.
 5. Please address the comments noted on Sheet C800 associated with civil details.
 6. Please label the 35-foot buffer strip on all pages. Staff will need to review the existing buffer strip with the property owner to ensure that the required plant material is still in place to meet the 35-foot buffer strip planting requirements.
 7. Please provide a detail (height, materials, colors, etc.) of all fencing proposed with this site plan submittal.
 8. Please clearly outline the open space easement. No structures, other than fencing, is permitted within this easement.
 9. Please provide construction type per IBC. Structure must be of Type I, II, III or IV per local code amendment. Structure shall be fire sprinkler protected per local ordinance. Please confirm compliant fire apparatus access within 150' of all exterior points.
 10. Please provide flow data, less than 12 months old, for closest fire hydrants. Please provide fire flow calculations in accordance with Appendix B & C or the 2018 International Fire Code. Please address if there are any gas utilities proposed to this structure for fire code compliance purposes.
 11. Please check the size at maturity for the blue point juniper. They may be too big for the space. You may want to consider a lower growing shrub.
 12. Please note that the scoreboard is a separate review and approval through the VRRB. Site plan approval does not constitute approval of the scoreboard. The envisioned location for the scoreboard would not appear to be optimal for spectator viewing and would be difficult to screen so that it will not be visible from adjacent rights of ways and properties.
 13. Please ensure that lot coverage requirements are met even if the fields become artificial turf.
 14. Please provide all required information for the proposed building mounted lights. Please refer to the Outdoor Site Lighting provisions in Chapter 4 of the Zoning Ordinance.

A long discussion ensued. Some residents spoke regarding concerns over noise and increased activity on the ballfields. An agreement from the church's lawyer that was included in the March 2, 2008, Planning Commission minutes was referenced. Among other items, the agreement stated that there would be no sound systems utilized for athletic activities on the ballfields. A question was raised concerning whether the Town could enforce the aspects of the agreement that applied to ballfields since updates to these facilities were being requested. Commissioners were uncomfortable acting on this site plan until staff could discuss the agreement with the Town Attorney and whether it may affect the action being requested at this time.

A motion was made by Vice Mayor Povlin to postpone action on this item until the Town Attorney could be consulted regarding the church's agreement and whether it would affect the site plan approval being requested at this time. Motion was seconded by Commissioner Greene and was approved unanimously.

9. Discussion and public hearing on a site plan for JPMorgan Chase Bank, 11242 Kingston Pike, 1.32 Acres, Zoned PCD (Nicholas Bender – JPMorgan Chase, Applicant)

Staff reviewed this item and recommended approval subject to the following conditions:

1. Please submit the NOC, a drainage fee for \$800, and an irrevocable letter of credit for erosion control for \$8,700.
2. Please provide Stormwater Maintenance and Repair plan for permeable pavers.
3. Please consolidate the building elevation sheets with the civil sheets so that all are included in one site plan set.
4. Please provide TDOT permit for working on TDOT right of way.
5. Pipe DI-1 must be RCP.
6. Please note that there are sign standards that apply to ATM facilities. Excessive lighting could also be an issue. The approximate location of any planned ground signs is not addressed on this plan. While separate ground sign applications are required for all such signs, the applicants should be coordinating potential locations with other site features. All signs will have to meet applicable Town standards.
7. A detailed Landscape plan will have to be submitted to the Visual Resource Review Board for approval. Please make sure to provide screening for the transformer shown on the site utility plan.
8. Please ensure FUD approves their portion of the site plan set.
9. On the lighting plan, please correct to show that the footcandles do not exceed 3.0 along the property lines. One area is at 3.1. Please provide required lighting information for building mounted lights and any lighting associated with the ATM.
10. Please complete the applicable sections of the Architectural Design Standards Checklist and address what you are proposing as the iconic element.
11. The north elevation is most visible from Kingston Pike and the iconic element (which is assumed to be the tower element) needs to be more pronounced. The Commission may also have input concerning an iconic element for this location.

The project architect spoke and had a question about the building's iconic element comment. Staff noted that the building had been increased in height to transition with the buildings that will be constructed as part of the Town Center project and that feedback was needed on the north building elevation that would face Kingston Pike. Commissioners were in support of the building elevations as presented and felt that the applicant had addressed all applicable requirements in the Architectural Design Standards. A motion was made by Vice Mayor Povlin to approve the site plan subject to conditions 1-10 and that condition #11 be omitted. Motion was seconded by Commissioner Pinchok and passed unanimously.

10. Discussion and public hearing on a site plan for parking lot modifications and display/storage area associated with Current Watersports in a portion of the old Outlet Mall building at 11221 Outlet Drive, Zoned C-2-R/W (Savannah Greco – R2R Studio, LLC., Applicant)

Staff reviewed this item and noted that the original staff recommendation that included the NOC, drainage fee, and erosion control letter of credit was not applicable. Staff recommended approval subject to conditions 2-6:

1. Please submit the NOC, a drainage fee for \$800, and an irrevocable letter of credit for erosion control for \$8,700.
2. Please provide current fire hydrant flow data on drawings for site fire hydrants.
3. Any locking setup for the gates should include a Knox Company Access System lock.

4. Due to the length of the gates, please consider a rolling style to help support the gates and lessen stress on the support posts.
5. Please provide written documentation from the occupant acknowledging that no storage is allowed under canopies.
6. Updating the trim color. on only a portion of this building could look uncoordinated with the rest of the building. Why isn't the rest of the building being updated in conjunction with this project?

A short discussion ensued and, since condition #6 was more of a question than condition, a motion was made by Commissioner Greene to approve the site plan subject only to conditions 2-5. Motion was seconded by Vice Mayor Povlin and was approved unanimously.

11. Discussion on a concept site plan for Planning Commission feedback on parking and vehicular connectivity associated with an envisioned Japanese restaurant on Parcel 184.03, Tax Map 130, adjacent to Hampton Inn and Suites, 1.04 Acres, Zoned C-2 (Anna Katherine Kittrell – R2R Studio, LLC., Applicant)

For discussion purposes only.

12. Discussion on a zoning map amendment request for a portion of Parcel 069, Tax Map 142, north of the Ingles, from Office (O-1), General Single-Family Residential (R-2), and Rural Single-Family Residential (R-1) to Community Service (S-1), 10 acres (Joe Conver – Farragut IL – AL Investors, LLC)

For discussion purposes only.

13. Discussion on a future land use map amendment request for a portion of Parcel 069, Tax Map 142, north of the Ingles, from Office/Light Industrial and Medium Density Residential to Civic/Institutional (Joe Conver – Farragut IL – AL Investors, LLC)

For discussion purposes only.

14. Consideration of appointment of a representative from the Planning Commission to assist Town staff in design related questions that may arise for individual tenants specific to the Mixed-Use Town Center planning area portion of the Town

Staff reviewed this item and recommended that a representative be appointed by the Planning Commission. Staff also asked the commissioners about a specific tenant that was requesting a deeper building than what was originally shown on the approved site plan. Staffs' specific concern was that this would narrow the width of the pedestrian space between the building and the curb from 20 feet to roughly 14 feet. Given that the tenant would offset the pedestrian space along the frontage with a much larger outdoor seating area to the south side of the building commissioners were okay with the requested increased depth.

In terms of appointing a representative from the Planning Commission to assist Town staff in design related questions specific to the Mixed-Use Town Center planning area, a motion was made by Commissioner Myers to nominate Mayor Williams as the representative. Motion was seconded by Commissioner Preston and was approved unanimously.

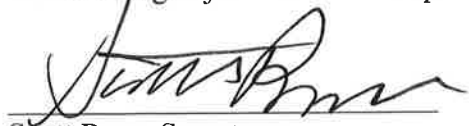
15. Approval of utilities

None.

16. Citizen forum

FMPC Minutes
December 15, 2022
Page 8

The meeting adjourned at 11:28 p.m.



Scott Russ, Secretary