



## SMYRNA MUNICIPAL PLANNING COMMISSION

### MEETING MINUTES JUNE 3, 2021

The regular meeting of the Smyrna Municipal Planning Commission was called to order at 5:00 p.m. on Thursday, June 3, 2021 by Councilman Tim Morrell. The meeting was held in the Council Chambers at Smyrna Town Hall, 315 South Lowry Street, Smyrna, Tennessee. The invocation was given by Vice-Mayor Marc Adkins and the Pledge of Allegiance was led by Andrew Atkins III.

The following Planning Commission members/staff were present/absent:

Present: Tim Morrell, Councilman; Marc Adkins, Vice-Mayor; Mike Allen; Amy Wise; Andrew Atkins III; Tim Slate; Tony Dover

Staff Present: Brian Hercules, Town Manager; Todd Spearman, Assistant Town Manager; Jeff Peach, Town Attorney; Bill Culbertson, Fire Chief; Scott Byers, Fire Captain; Kevin Rigsby, Town Planner; Mitchell Wensman, Planner; Jennifer Bizarri, Planning Technician; Kathryn Bobbitt, Office Coordinator; Charles King, Engineer; Mike Strange, Utilities Director; Kathy Ferrell, Public Information Officer

1. Call to Order
2. Citizens' Comments: None at this time.
3. Approval of Minutes of the May 6, 2021 meeting.

Motion by Tim Slate, seconded by Mike Allen to approve the Minutes of the May 6, 2021 meeting.

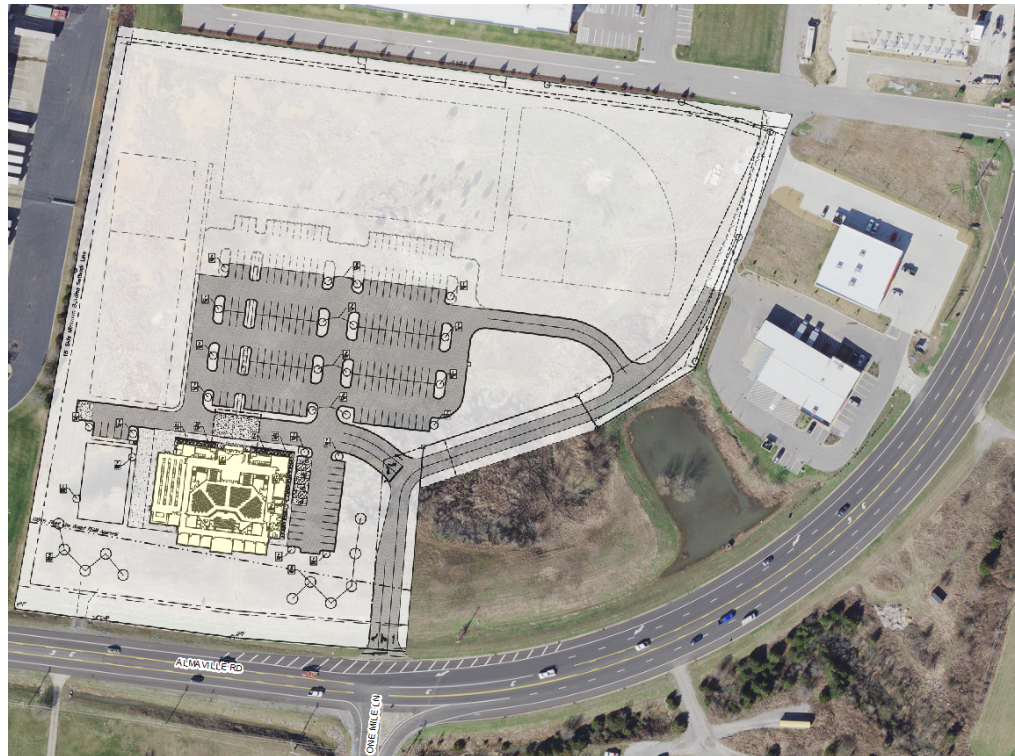
**Vote:** 7 - 0 Passed - Unanimously

4. Old Business:
  - a. Site Plan:
    1. Rutherford County Baptist Church  
2000 Almaville Road  
Owner / Developer: Rutherford County Baptist Church

|                                      |  |
|--------------------------------------|--|
| <i>Location:</i> 2000 Almaville Road | <i>Applicant:</i> Huddleston Steele Eng. – Enoch Jarrell   |
| <i>Tax Map/Parcel:</i> 55/11.01      | <i>Property Owner(s):</i> Rutherford County Baptist Church |
| <i>Zoning:</i> C-2                   | <i>Use Classification:</i> Religious Facility              |

### 1. Location Analysis

Rutherford County Baptist Church is planning to relocate their facility from the current location on Seminary Road. The proposed relocation is to property with road frontage on Almaville Road, across from One Mile Lane. Access to this site has a primary access off Almaville Road with an access easement which is shared among the four commercial tracts of land. At this time, the church is only constructing the main building and a playground with an additional future detached building expansion planned at a later date. There is also a multipurpose field and baseball/softball field planned for the future.



### 2. Development Standards

|   | <b>Required</b> | <b>Proposed</b> |
|---|-----------------|-----------------|
| <b>Square Footage of Vehicular Use Area</b>     | N/A             | 86,229 SF       |
| <b>Square Footage of Open Space/Landscaping</b> | 8,623 SF        | 9,000 SF        |
| <b>Total Parking</b>                            | 133 spaces      | 178 spaces      |
| <b>Handicapped Parking Space(s)</b>             | 6 spaces        | 6 spaces        |

### 3. Landscaping

Landscape plan shows a variety of canopy trees spread throughout the site in landscape islands and along Almaville Road. Shrubs are proposed to be planted around the base of the building and in landscape islands.

### 4. Design Review

Architectural elevations show primary materials of a mix of brick, stone and glass, a secondary material of EIFS is used as well. South elevations, facing Almaville Road, are shown at 27% EIFS and 73% primary materials. East and West elevations, both visible from Almaville Road,

show 40% EIFS/60% other and 62% EIFS/38% other, respectively. North elevations show 48% EIFS and 52% other materials. All elevations accumulated together yield 43% EIFS/57% brick, stone and glass.

#### 5. Floodway

The 100 year floodplain is located partially on this property and the building is proposed to be built outside of any floodplain.

#### Standard Comments:

1. A Development Agreement will be required prior to any construction activity beginning with this section per Smyrna Municipal Code Title 14, Chapter 7.
2. A NPDES permit will be required for land disturbance activities greater than one acre. The Town of Smyrna must have a copy of the NOC (Notice of Coverage) prior to issuance of any grading or building permits.
3. A grading permit fee will be required to be submitted prior to issuance of a grading permit.
4. Signs will require a separate permit.
5. The Major Thoroughfare Plan designates Almaville Road as a Minor Arterial. As Almaville Road is a State highway, any future right-of-way requirements will have to be coordinated with TDOT.

#### Staff Comments:

1. Submit sewer construction plans for TDEC submission. Sewer main to be extended south to Almaville Road.
2. Additional access permit to Almaville Road is subject to approval by TDOT.
3. Will the private sewer line be connected to the Town's sewer? If so, what is the size of the pipe?
4. A fire hydrant will be required on the west side of the building.
5. CUD's existing infrastructure should be adequate to meet the fire flow requirement of 1,000 GPM for this development as noted in the CUD Will Serve Letter issued 3/21/2021.
6. Submit full set of plans to CUD for further review.
7. Coordinate with CUD engineering department for surveyor to obtain top of water line elevations and show on plans. Contact Will Steele at 615-225-3313 with any questions.
8. Show top of curb elevations near water line at entrance at Almaville Road.
9. Shift drive entrance at Almaville Road to the east 10' for the existing hydrant tee to be utilized for the connection to the meter vaults.
10. Obtain design locate and show correct location of CUD's existing 12" water main and corresponding 30' easement along Almaville Road.
11. Adjust headwalls C1 and C2 to be a minimum of 10' from CUD's existing 12" water main.
12. Show scaled 7'x13' fire meter vault with above ground DCVA backflow preventer.
13. Show scaled 3'x5' domestic and 2'x3' irrigation (if irrigation required) vault with RPBP backflow preventer(s).
14. Submit completed meter application and plumbing plans to CUDengineering@ cudrc.com for review, tap fee calculation and meter sizing.
15. Owner must submit notary signed developer agreement prior to CUD creating water plans.
16. Overlay water line and meters on landscaping plan. No trees may be planted with 10' of CUD water line. Owner must submit notary signed landscape encroachment agreement if any landscaping is proposed within CUD easement.
17. Show CUD easement (40'x40') for fire, domestic and irrigation vaults.
18. Add note to plans: CUD will require an amendment plat or metes and bounds survey with exhibit to be submitted for water line easement dedication.
19. Add CUD water line notes to plans:
  1. Water service, domestic, fire and/or irrigation is provided by Consolidated Utility District of Rutherford County (CUDRC).

2. See CUD water plans for specific details and layout.
3. All “live or wet” water main line taps are to be made by CUDRC.
4. CUD water line technical specifications may be found at [www.cudrc.com](http://www.cudrc.com).
5. Utility contractor must attend pre-arranged water line pre-construction meeting with authorized representative from CUD and receive formal TDEC “notice to proceed” from CUD before any water line construction commences.
6. During water line construction, an authorized representative of CUDRC will be inspecting the entire water line installation process to ensure that the construction conforms to approved plans and specifications.
7. No rock larger than six inches (6”) in any dimension may be used in the backfill over the water line and no rock larger than one half inch (½”) may be used in the top six (6”) of the backfill over the water line.
8. Maintain 10 feet horizontal separation and 18 inches vertical separation (water over sewer) between sanitary sewer and water lines.
1. Contractor required to stake all water meter locations prior to taps being installed.
10. Contact CUD Engineering Department for additional information 615-867-7330.

**Staff Recommendation:** Applicant is requesting approval of the proposed building with 43% EIFS and 57% of a mix of brick, stone and glass. This proposal is a mirror image of elevations considered during the May meeting and deferred due to the elevations. The other two businesses within the same commercial subdivision are built with a mix of brick, EIFS and stone, the primary material in both instances is brick with EIFS used as accents.

At this time Councilman Tim Morrell acknowledged Enoch Jarrell with Huddleston-Steele Engineering, Inc. to speak regarding this request.

At this time Councilman Tim Morrell acknowledged Brian Templeton with Upland Design Group to speak regarding this request.

Motion by Tim Slate, seconded by Tony Dover to approve the Rutherford County Baptist Church Site Plan submitted with staff comments.

**Vote:** 1 - 6 Failed

NAY: Councilman Tim Morrell  
Vice-Mayor Marc Adkins  
Mike Allen  
Amy Wise  
Andrew Atkins III  
Tony Dover

At this time Councilman Tim Morrell acknowledged Enoch Jarrell with Huddleston-Steele Engineering, Inc. to speak regarding this request.

Motion by Tim Slate, seconded by Tony Dover to approve the Rutherford County Baptist Church Site Plan with staff comments and modifying the east elevation to include brick to the top of the windows.

**Vote:** 4 - 3 Passed

NAY: Vice-Mayor Marc Adkins

Mike Allen  
Andrew Atkins III

5. New Business:

a. Rezoning Requests:

1. Adam Green / Portico  
Blair Road  
PRD Amendment

A rezoning request of PRD to PRD Amendment was submitted for property located on Blair Road. This property can be further referenced by Rutherford County Tax Map 32, Parcel: 9.04, and is comprised of 5.77 acres. The proposed amendment is to change the approved PRD from 16 single family lots to 33 townhomes. The surrounding zoning consists of C-2, R-6, and R-1. The Future Land Use Plan would support Office/Retail/Multi-Family development in this area. The Major Thoroughfare Plan designates Blair Road as a collector. Development of this property will require dedication of 30' of right-of-way from the centerline of the road. There are proposed improvements for this development and the adjoining I-2 development in La Vergne which will include improvements to Blair Road and the Sam Ridley Parkway/Blair Road intersection. The following comments were made:

1. Submit E911 road name approval for Naron Road.
2. The renderings on Page 12 appear to show on-street parking for Blair Road. This would not be allowed.
3. Provide a public sidewalk along Blair Road.
4. Provide ornamental black metal fencing no more than 3' tall in the front yard of each unit.

At this time Councilman Tim Morrell acknowledged Matt Taylor with SEC, Inc. to speak regarding this request.

Motion by Vice-Mayor Marc Adkins, seconded by Tony Dover to recommend approval to the Town Council for the rezoning request for Portico from PRD to a PRD amendment with staff comments.

**Vote:** 7 - 0 Passed - Unanimously

2. Victory Cove  
2381 & 2483 Rocky Fork Road  
Rezoning R-3 to PRD

A rezoning request of R-3 with ESO to PRD with ESO was submitted for property located at 2381 & 2483 Rocky Fork Road. This property can be further referenced by Rutherford County Tax Map: 33 Parcels: 75.01 & 75.02, and is comprised of 10.1 total acres. The proposed PRD is for 100 townhomes. Surrounding zoning consists of R-3 and PUD (Addition to Village of Valley Green). The Future Land Use Plan would support Medium Density Single Family and Multi-Family development in this area. The Major Thoroughfare Plan designates Rocky Fork Road as a collector. Development of this property will require dedication of 30' of right-of-way from the centerline of the road. Country Village Drive is designated as a collector and will be required to be extended through this project to Rocky Fork Road with a 60' minimum right-of-way. The following comments were made:

1. A traffic study will be required. Improvements as recommended by the traffic study will be required to be installed. The connection of Country Village Drive to Rocky Fork Road may need to be 3 lanes (one ingress, two egress).
2. Provide proof of adequate right-of-way existing for all of Country Village Drive.
3. Staff would recommend additional guest parking be provided beyond the 25 spaces currently shown.
4. Provide additional details for the amenities to be provided in all of the open spaces shown as improved. Three different improved open spaces are shown with no improvements detailed.
5. Show the percentages of each material to be used on elevations. Must comply with all aspects of the Enon Springs Gateway Overlay District.

At this time Councilman Tim Morrell acknowledged Jared Gray with Civil Design Consultants to speak regarding this request.

Motion by Vice-Mayor Marc Adkins, seconded by Tim Slate to recommend denial to the Town Council for the rezoning request for Victory Cove from R-3 to PRD.

**Vote:** 7 - 0 Passed - Unanimously

3. Seven Oaks Business Center, Phase 3  
Seven Oaks Boulevard  
Rezoning C-2 to PUD

A rezoning request of C-2 to PUD was submitted for property located on Seven Oaks Boulevard. This property can be further referenced by Rutherford County Tax Map: 50 Parcel: 7.07, and is comprised of 4.47 acres. The proposed PUD would allow for 26,000 square feet of office/warehouse space in two buildings and one building of self-storage space at 89,752 square feet. Surrounding zoning consists of C-2 and PRD (The Villages of Seven Oaks). The Future Land Use Plan would support Office/Retail/Multi-Family development in this area. The Major Thoroughfare Plan designates Seven Oaks Boulevard as a collector, and it has adequate right-of-way.

At this time Councilman Tim Morrell acknowledged Matt Taylor with SEC, Inc. to speak regarding this request.

Motion by Tony Dover, seconded by Mike Allen to recommend approval to the Town Council for the rezoning of Seven Oaks Business Center, Phase 3 from C-2 to PRD.

**Vote:** 7 - 0 Passed - Unanimously

b. Preliminary Plats:

1. Gwynne Farms, Phase 3  
Robert Gwynne Drive  
Owner / Developer: Lennar Homes of Tennessee, LLC

A Preliminary Plat was received for Gwynne Farms, Phase 3 located on Robert Gwynne Drive. The property can be further referenced by Rutherford County Tax Map: 32, Parcel: 51.00. The subdivision is comprised of 66 lots on 15.57 acres and is zoned PRD. The following staff comments were made:

1. A Development Agreement will be required prior to any construction activity beginning with this section per Smyrna Municipal Code Title 14, Chapter 7.
2. A NPDES permit will be required for land disturbance activities greater than one acre. The Town of Smyrna must have a copy of the NOC (Notice of Coverage) prior to issuance of any grading or building permits.
3. Signs will require a separate permit.
4. A grading permit fee of \$2,722.00 will be required to be submitted prior to issuance of a grading permit.
5. The Major Thoroughfare Plan designates Rock Springs Road as a collector. There are proposed improvements to Rock Springs Road required to be constructed as a part of Phases 1 and 2 of this development.

Motion by Vice-Mayor Marc Adkins, seconded by Tim Slate to approve Preliminary Plat for Gwynne Farms, Phase 3 with the above listed comments.

**Vote:** 7 - 0 Passed - Unanimously

2. Short's Crossing, Phase 2  
Mathew Miller Drive  
Owner / Developer: Michael's Homes, LLC

A Preliminary Plat was received for Short's Crossing, Phase 2 located on Matthew Miller Drive. The property can be further referenced by Tax Map: 27 Parcel: 18.00. This subdivision is comprised of 25 lots on 12.25 acres and is zoned R-1. The following staff comments were made:

1. A Development Agreement will be required prior to any construction activity beginning with this section per Smyrna Municipal Code Title 14, Chapter 7.
2. A NPDES permit will be required for land disturbance activities greater than one acre. The Town of Smyrna must have a copy of the NOC (Notice of Coverage) prior to issuance of any grading or building permits.
3. Signs will require a separate permit.
4. A grading permit fee of \$1,610.00 will be required to be submitted prior to issuance of a grading permit.
5. The Major Thoroughfare Plan designates all of the streets in Short's Crossing as minor streets and adequate rights-of-way are provided.
6. Show dimensions on all public utility and drainage easements for lots 19, 20, and the common open space.

Motion by Tim Slate, seconded by Amy Wise to approve Preliminary Plat for Short's Crossing, Phase 2 with the above listed comments.

**Vote:** 6 - 0 Passed

Other: Vice-Mayor Marc Adkins (ABSTAIN)

c. Final Plats:

1. Amberton, Section 4  
Carnation Drive  
Owner / Developer: BMCH Tennessee, LLC



3. Lee Crossing HPR Plat, Section 4, Phase 3  
Amlaville Road and Leadville Drive  
Owner / Developer: Ole South Properties, Inc.

A Final Plat was received for Lee Crossing HPR Plat, Section 4, Phase 3 located at Almaville Road and Leadville Drive. This property can be further referenced by Rutherford County Tax Map: 50, Parcel: 10.00. This subdivision is comprised of 46 units on 4.30 acres, and is zoned PRD. The following staff comments were made:

1. The Major Thoroughfare Plan designates Almaville Road as a minor arterial. Adequate right-of-way is provided with this plat.
2. A road cut across Almaville Road will not be allowed. This will be required to be bored for the waterline installation.

Motion by Vice-Mayor Marc Adkins, seconded by Amy Wise to approve Final Plat for Lee Crossing HRP Plat, Section 4, Phase 3 with the above listed comments.

**Vote:** 7 - 0 Passed - Unanimously

d. Site Plans:

1. Pinto Place Townhomes  
Pinto Drive  
Owner/Developer: Egbert Reberio

|  |   |
|--|---|
| <i>Location:</i> Pinto Drive             | <i>Applicant:</i> Dr. Egbert Reberio                |
| <i>Tax Map/Group/Parcel:</i> 27O/D/10.00 | <i>Property Owner(s):</i> Harmony Health, LLC       |
| <i>Zoning:</i> PRD                       | <i>Use Classification:</i> Multi-Family Residential |

**1. Location Analysis**

Pinto Place Townhomes is a proposed multi-family residential development located along Pinto drive. In its current state, the property is heavily wooded. The PRD zoning of this property was approved by the Town Council during the February meeting for 22 townhomes. Surrounding zoning consists of R-4, duplexes to the south, and C-2 along other property boundaries. The development would have two access points onto Pinto Drive.



## 2. Development Standards

|   | <b>Required</b> | <b>Proposed</b> |
|---|-----------------|-----------------|
| <b>Square Footage of Vehicular Use Area</b>     | N/A             | 26,127 SF       |
| <b>Square Footage of Open Space/Landscaping</b> | 2,613 SF        | 17,000 SF       |
| <b>Total Parking</b>                            | 44 spaces       | 55 spaces       |
| <b>Handicapped Parking Space(s)</b>             | 0 spaces        | 4 spaces        |

## 3. Landscaping

Landscape plan shows a Type C landscape buffer along the property boundaries as well as trees planted in landscape islands around the parking lot. Street trees are shown along Pinto Drive.

## 4. Design Review

Architectural elevations show buildings to be built entirely with brick. Approved PRD showed a mix of brick and fiber cement board, staff finds the elevations would still be consistent as proposed entirely brick with fiber cement accents.

### Standard Comments:

1. A Development Agreement will be required prior to any construction activity beginning with this section per Smyrna Municipal Code Title 14, Chapter 7.
2. A NPDES permit will be required for land disturbance activities greater than one acre. The Town of Smyrna must have a copy of the NOC (Notice of Coverage) prior to issuance of any grading or building permits.
3. A grading permit fee of \$599.00 will be required to be submitted prior to issuance of a grading permit.
4. Signs will require a separate permit.
5. The Major Thoroughfare Plan designates Pinto Drive as a minor street. Adequate right-of-way

- exists for this street.
6. Water and sewer constructions plans are under review.

**Staff Comments:**

1. No burn permit will be allowed to clear this site.
2. Revise fire apparatus movement plan. It is not adequate as shown at this time.
3. The public sewer main is shown connecting through a private easement. This is not allowed. Revise the sewer plan so that only public easements or rights-of-way are utilized. Sewer shall be served from Joyner Drive.

**Staff Recommendation:** Staff does not recommend approval at this time due to the Fire Department concerns with the auto-turn and maneuvering through the site.

At this time Councilman Tim Morrell acknowledged Steve Steele with Huddleston-Steele Engineering, Inc. to speak regarding this request.

At this time Councilman Tim Morrell acknowledged Scott Byers with the Smyrna Fire Department to speak regarding this request.

Motion by Tony Dover, seconded by Tim Slate to defer the Site Plan for Pinto Place Townhomes to the next meeting on July 1, 2021.

**Vote:** 7 - 0 Passed - Unanimously

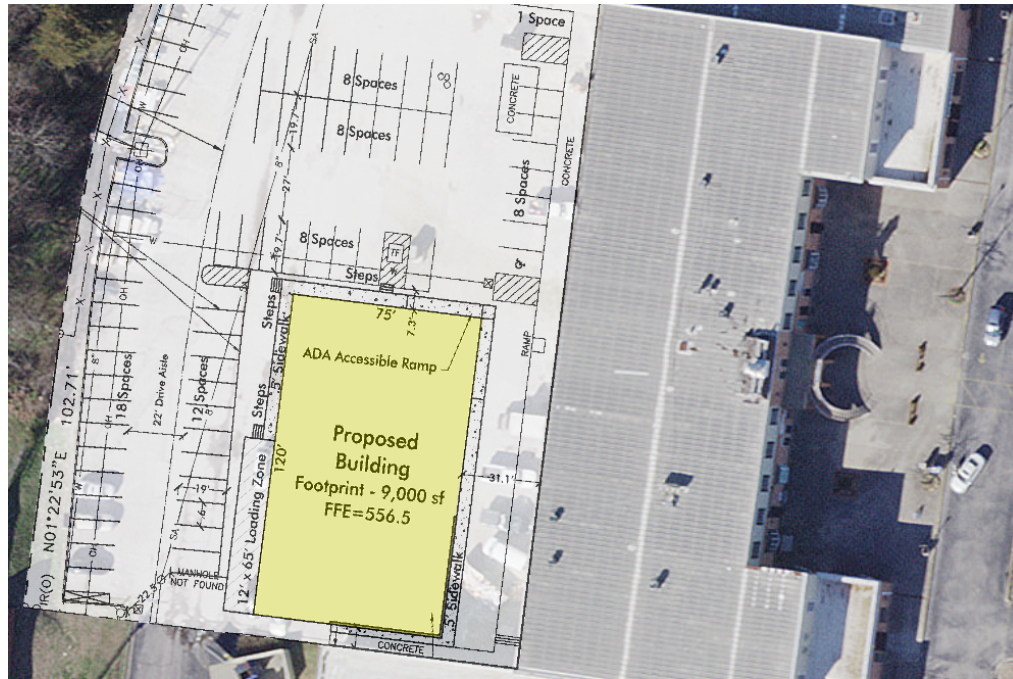
2. Smyrna Storage  
11691 Old Nashville Highway  
Owner / Developer: Akbar Arab

|  |  |
|--|--|
| <i>Location:</i> 11691 Old Nashville Highway | <i>Applicant:</i> TNG Contractors, LLC |
| <i>Tax Map/Part of Parcel:</i> 33/38.03      | <i>Property Owner(s):</i> Akbar Arab   |
| <i>Zoning:</i> C-2                           | <i>Use Classification:</i> Storage     |

**1. Location Analysis**

The applicant is proposing a 9,000 square foot building behind the principal structure, out of sight from Old Nashville Highway and Hazelwood Drive. As existing, this piece of the larger parcel is being utilized as parking. The purpose of this building is for extra storage for the existing tenants in the strip center. The property is zoned C-2 and has commercial uses ranging from offices, retail, medical and religious activities on the same parcel in a larger strip center.

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5. Building will be required to meet side setback of 15'. 7.7' is shown.
6. Drive aisle is required to have a minimum width of 26', not 22'.

**Staff Recommendation:** Staff does not recommend approval at this time due to the unaddressed comments above.



At this time Councilman Tim Morrell acknowledged applicant Akbar Arab to speak regarding this request.

At this time Councilman Tim Morrell acknowledged Scott Byers with the Smyrna Fire Department to speak regarding this request.

Motion by Tony Dover, seconded by Vice-Mayor Marc Adkins to defer the Site Plan for Smyrna Storage to the next meeting on July 1, 2021.

**Vote:** 7 - 0 Passed - Unanimously

6. Ordinance Amendments:
  - a. Critical Lots - Subdivision Regulations

The new language is italicized in red.

## ARTICLE 5

### REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN

## 5-101 General Requirements

5-101.4 Character of the Land -- Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which would be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of the Director of Public Works and/or Town Planner, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for such uses as will not be endangered by any feature deemed by the Planning Commission to be harmful to the public health, safety, and general welfare.

(1) Where protection against flood damage is necessary, in the opinion of the Planning Commission, flood-damage protection techniques may include, as deemed appropriate by the Planning Commission any or all of the following:

(1)(a) the imposition of any surety and deed restrictions enforceable by the Planning Commission to regulate the future type and design of uses within flood-prone areas;

(2)(b) flood-protection measures designed so as not to increase, either individually or collectively, flood flows, height, duration, or damages, and so as not to infringe upon the regulatory floodway;

(3)(c) installation of flood warning systems;

(4)(d) the use of fill, dikes, levees, and other protective measures; and

(5)(e) the use of flood-proofing measures, which may include:

(a)(i) anchorage to resist flotation and lateral movement.

(b)(ii) accessory structures containing fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(c)(iii) reinforcement of walls to resist water pressures.

(d)(iv) use of paints, membranes, or mortars to reduce seepage through walls.

(e)(v) addition of mass or weight to structures to resist flotation.

(f)(vi) installation of pumps to lower water levels in structures.

(g)(vii) construction of water supply and waste treatment systems so as to prevent the entrance of or contamination of flood waters.

(h)(viii) installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures.

(i)(ix) building design and construction to resist rupture or collapse caused by water pressure of floating debris.

(j)(x) installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and storm water into buildings or structures.

(k)(xi) location and installation of all electrical equipment, circuits, and appliances so that they are protected from inundation by the regulatory flood.

(l)(xii) location of storage facilities for chemicals, explosives, buoyant material, flammable liquids, or other toxic materials which would be hazardous to the public health, safety, and welfare at or above the regulatory flood protection elevation, or design of such facilities to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials.

The acceptability of any flood-protection methods formulated by the subdivider or his agent shall be determined by the Planning Commission, as recommended by staff, which shall be guided by the policies set forth in Sections 1-104 and 3-102.4, of these regulations.

*(2) When a proposed lot contains natural or manmade features that affect the feasibility of construction, it shall be designated a critical lot. Lots are designated critical during the preliminary plat review process and/or subsequent subdivision submittals based on soil conditions, degree of slope, flooding, or other lot features. A lot shall be designated as critical if one of the following conditions apply:*

- 1. The lot is created on a natural slope of 15% to 20%. Any lot/area with a slope exceeding 20% shall be set aside and noted on the plat as a No Disturbance Area that is not to be disturbed by grading operations. The Planning Commission has the right to grant variances for construction/disturbance of areas of slope exceeding 20%.*
- 2. The lot contains natural floodplain. Lots in floodplains shall be subject to the floodplain/floodway development standards in the Smyrna Municipal Zoning Ordinance.*
- 3. The lot is adjacent to a large/significant drainage channel, blue line stream, sinkhole, and/or otherwise low lying area with the potential for flooding as determined by the Town Engineer.*
- 4. The lot contains problem soils, sinkholes, or other adverse earth formations or topography.*

*A star symbol (\*) shall be used to identify critical lots on the face of the preliminary plat, construction plans, and final plat. A critical lot designation can be removed if evidence has been presented to the Town Engineer that the lot no longer fits the definition of a critical lot. Any lot that will be created as a result of the grading process that meets the definition of a critical lot shall also be identified as such on the final plat.*

*Prior to application for a building permit on a lot designated as critical, a surveyed plan shall be submitted to the Town Engineer for approval. Said plan shall be stamped by a State of Tennessee licensed professional civil engineer with expertise in geotechnical, soils, hydrology, and/or structures. The plan shall provide a survey of existing conditions, details of the proposed development, and address any concerns in relation to the feasibility of construction (all shown to a point 10 feet outside of the lot boundaries). No building permit shall be issued on a critical lot until the Town Engineer approves the plan submitted for the lot. Items to be reviewed as a part of the plan include driveway slope, driveway/sidewalk crossings, the diversion of runoff away from foundations, grading near lot boundaries, avoidance of excessive foundation and retaining wall heights, design details of any retaining walls subject to structural loading, and any other details deemed necessary by the Town Engineer. No Certificate of Occupancy shall be issued for any lot designated critical until certification from the design engineer has been provided to the Town Engineer stating that the site was constructed in reasonable accordance with the approved plan, including certification from a*

*registered land surveyor stating the exact elevations of the finished floor and garage for any lot that requires a minimum finished floor elevation.*

Planning Commission discussed the proposed amendment, and it will be placed on the agenda for July 1, 2021 with a public hearing.

b. Exterior Building Materials - Design Review Manual

The items to be removed are struck-through and the new language is italicized in red.

3.4 ARCHITECTURAL CHARACTER 1. Compatibility with Surroundings

Building forms should be tailored to fit within the existing topography and site features as much as possible.

In most cases, buildings are not viewed in isolation, but rather in the context of other buildings. While architectural style may vary, buildings of a proposed development shall be compatible with surrounding buildings with regard to massing, scale, proportion of openings, roof types, types of glazed openings, and degree of detail.

The use of materials and colors compatible with buildings adjacent to a site is required.

The use of materials and colors on buildings and structures, which are along arterial streets, are to create a unified appearance. The elevation of the buildings and structures visible from the arterial street shall not include standard block, metal siding and vinyl.

~~The following are acceptable as exterior materials: brick, limestone, tile, plaster, stucco, glass and glazing, and EIFS architectural pre-cast. Ground face masonry and engineered fiber cement products (e.g. James Hardie products) may be used as an accent only.~~

*The following are acceptable as primary exterior materials: brick, stone, and glass and glazing.*

*The following are acceptable as secondary exterior materials: stucco, EIFS architectural pre-cast, ground face masonry, and engineered fiber cement products (e.g. James Hardie products).*

*For commercial developments, 75% of any building façade that is visible from a public street is required to be finished with primary exterior materials. At least 50% of the entire building is required to be finished with primary exterior materials.*

For multi-family developments, engineered fiber cement products may be used as the primary material only when other materials such as brick or stone are used as accent materials.

Tilt panel concrete may be allowed in Industrial Zones. Metal siding may be allowed in Industrial Zones where the building is not visible from an arterial street.

The Planning Commission may vary from the materials listed above on a case-by-case basis as long as the decision does not contradict the goals set forth in this Manual.

Motion by Vice-Mayor Marc Adkins, seconded by Mike Allen to provide a positive recommendation to the Town Council for the Design Review Manual amendment to the exterior building materials with staff recommendations:

1. Removal of tile and plaster from the acceptable list of primary materials.
2. Primary exterior materials shall consist of 75% and secondary materials 25% on any

elevation which is visible from a street.

3. The overall building materials shall be 50% of the primary materials.

**Vote:** 7 - 0 Passed - Unanimously

c. Fences - Zoning Ordinance

The items to be removed are struck-through and the new language is italicized in red.

2.020 Definitions

FENCE: An artificially constructed barrier of wood, masonry, stone, wire, metal, *vinyl*, or other manufactured material or combination of materials erected *as a boundary, privacy screen, or enclosure.* ~~to enclose, screen, or separate areas.~~

FENCE, DECORATIVE: A ~~designed open or solid fence or wall~~ *constructed of wood, wrought-iron, vinyl, or brick that is no more than three feet tall.* ~~that is not erected to enclose, screen, or separate areas.~~

3.180 Fences. Fences are allowed to be installed on any lot in any district subject to the following limitations:

1. No encroachment on the front *yard* setback is allowed. In the case of a lot with multiple road frontages, this would include the front yard setback on which the principal structure faces. On any road frontage, which the principal structure does not face, a fence could encroach on the front yard setback provided the provisions of Article III, Section 3.080 are met.
2. Fences and decorative fences are allowed to be located along property lines in the side and rear yards.
3. In no case shall a fence or decorative fence encroach upon a public utility or drainage easement without prior written approval of the Director of Utilities or the Town Engineer, whichever is applicable.
4. Decorative fences are allowed to encroach upon a front yard setback *along the side property line only.* However, no fence or decorative fence is allowed to encroach upon public right-of-way.
5. *Any fence on land utilized for agricultural use as defined by this ordinance is exempt from these provisions other than the prohibition against encroachment on public right-of-way.*

At this time Councilman Tim Morrell acknowledged Charles King Town of Smyrna Engineer to speak regarding this request.

Motion by Tony Dover, seconded by Tim Slate to provide a positive recommendation to the Town Council for the Zoning Ordinance Amendment for Fence Regulations as described in the above listed staff recommendations.

**Vote: 7 - 0 Passed - Unanimously**

7. June Bond Review Report

Motion by Vice-Mayor Marc Adkins, seconded by Mike Allen to approve the June Bond Review Report with staff comments and recommendations.

**Vote: 7 - 0 Passed - Unanimously**

8. Staff comments and/or other business

At this time Kevin Rigsby Town Planner informed the Planning Commission members that the comprehensive plan was complete, and has been distributed to the Town Council and Planning Commission. Please submit any questions or comments regarding the plan to staff.

9. Adjournment

Respectfully submitted:

Certified by:

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Kevin Rigsby  
Secretary

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Councilman Tim Morrell  
Chairman