

CITY OF PORTLAND
PORTLAND MUNICIPAL PLANNING COMMISSION
MEETING MINUTES

May 12, 2026

5:00 PM

LIVE VIDEO ON THE CITY OF PORTLAND WEBSITE

City of Portland City Hall
100 South Russell Street- Room 111
Portland TN 37148

Call To Order

Roll Call

Chairwoman Ann Blackburn asks for roll call at 5:00 pm.

MEMBERS PRESENT:

Ann Blackburn-Chairwoman
Vice Mayor Megann Thompson

MEMBERS ABSENT:

Gail Gentry
Jessica Hunter

Robert Tooker
Ted Jernigan
Jim DiPiazza
Luther Bratton
Chirag Patel

A quorum was established.

STAFF PRESENT:

Nate Heisler-City Planner
Mang Bik-Utilities
Carlton Cobb- Public Works Director
Corbin Keen- Public Works Assistant Director

Other Interested Parties:

Troy Gardner
Darryl Hartley
Mack Hodges
Zach Wilkinson

Approval of Agenda

Motion to Approve: Robert Tooker

Second Motion: Ted Jenergin. All were in favor, motion carried.7-0.

Yes: Ted Jernigan, Vice Mayor Megann Thompson, Jim DiPiazza, Robert Tooker, Chairwoman Ann Blackburn, Luther Bratton, Chirag Patel

Absent: Gail Gentry, Jessica Hunter

Approval of Minutes: April 14, 2026

Motion to Approve: Robert Tooker

Second Motion: Jim DiPiazza, All were in favor, motion carried. 7-0.

Yes: Ted Jernigan, Vice Mayor Megann Thompson, Jim DiPiazza, Robert Tooker, Chairwoman
Ann Blackburn, Luther Bratton, Chirag Patel

Absent: Gail Gentry, Jessica Hunter

Public Comments

In accordance with Resolution #26-33, public comments are allowed when those comments are germane to either the agenda or to the board's governing authority, except where otherwise prohibited. The number of individuals speaking and/or the allotted time to speak may be limited by the presiding officer to ensure opposing viewpoints are fairly represented in a timely manner. Sign-up sheets for public recognition will be available before the start of each meeting in the same room where the meeting is being held and anyone wishing to speak must sign up before the start of the meeting. Speakers will be recognized one at a time.

Public Hearings

1. Troy Gardner (applicant) request annexation: location 120 Old Westmoreland Road, Portland TN. (Tax Map 033 Parcel 039.00) Sumner County 23.00 +/- acres. Zoned Agricultural (County)
2. Troy Gardner (applicant) request rezone approval: location 120 Old Westmoreland Road, Portland TN. (Tax Map 033G Parcel 028.00 & Map 033 Parcel 039.00) 27.2 +/- acres. Rezoned from R-15 (Residential) and Agricultural (County) to Residential PUD (Planned Unit Development)
3. Brian Woodall (applicant) request rezone approval: location 609 Hwy 52 E, Portland TN. (Tax Map 033, Parcel 075.02) Sumner County 2.00 +/- acres. Rezoned from RS-40 (Low Density Single Family Residential) to GCS (General Commercial Services)

Notice of these public hearings was published in the *Portland Sun* on April 7, 2026, and posted on the municipal website and at City Hall in accordance with state law.

Public Recognition for Public Hearings and Agenda-Related Items (5 minutes maximum per speaker)

NO ONE SPOKE

New Business

- A. Brian Woodall (applicant) request rezone approval: location 609 Hwy 52 E, Portland TN. (Tax Map 033, Parcel 075.02) Sumner County 2.00 +/- acres. Rezoned from RS-40 (Low Density Single Family Residential) to GCS (General Commercial Services)

Nate Heisler: Alright, so I'm going to bring this up on the on the map here when I zoom into how way 52 this is at the location you can see in red here at the current Portland Learning Center this is a rezone request the zoning currently is RS-40 residential they are requesting to be zoned to General Commercial Services I'm going to bring up our zoning map here when we're looking at this you can see in the purple

those are residential properties RS- 40. To the east here you can see the Gray area that's CBD central business district in the green across the road this is GCS this is GCS and these over here towards the West are GCS. so that's the request to general Commercial Services. I did put in the staff report this request is in compliance with the City 's Comprehensive plan also. So, if you have any questions let me know.

Motion to Approve: Robert Tooker

Second Motion: Chirag Patel - All were in favor, motion carried.7-0.

Yes: Vice Mayor Megann Thompson, Ted Jernigan, Robert Tooker, Jim DiPiazza, Chairwoman Ann Blackburn, Chirag Patel

Abstained: No One

Absent: Gail Gentry, Jessica Hunter

Motion Passed: (Voice Vote)

- B. Troy Gardner (applicant) request Preliminary Master Development Plan (PMDP) approval:
Location 120 Old Westmorland Road, Portland TN (Tax Map 033G Parcels 28.00 and Tax Map 033 Parcel 039.00) Sumner County,26.6 +/- acres Zoned RM-1 PUD (Planned Unit Development)

Nate Heisler: Alright so I'm going to zoom in on the map here just right across the road and see highlighted in purple here this is the location of the residential planned unit development. This is an overall site layout I'm going to give you some metrics about this planned unit development and before I do that, keep in mind that we have completed the neighborhood meeting for this PUD and then also a conceptual reading with the Planning Commission last month. This is a 94-lot subdivision with an annexation, that's the proposal, total site area is 26.57 acres 9.42 acres of that is open space. All homes are going to be are proposed to be 100% masonry and we got, let me bring up the proposal for home size are down here at the bottom. For 1100 square foot or larger 40% of the development, 1400 square foot or larger is proposed to be 40% of the development and 1800 square foot or larger is 20% of the development, is being proposed. There are amenities in the property I'm going to ask Troy did you want to come up and kind of speak to the amenities and do a quick presentation.

Troy Gardner: Good evening, I'm Troy Gardner landscape architect and project manager for this project, here tonight on behalf of Brimstone Builds as Nate kind of queue us up and as you heard last month, I'm just going to give you a very similar presentation but obviously, if you have any questions, we definitely want to make sure we get those answered for you. The site is located at 120 Old Westmoreland Road and includes approximately 27.2 acres. There are 2 parcels ones in the city, one is in summer county so we'd be proposing to annex the one and then we would rezone both to PUD. When we started looking at this site we researched the Preserving Portland Comprehensive Plan. There's a future of land use policy that's there, that identifies the site as both mixed-use urban and in town neighborhood and so both of these supports residential single family residential the mixed-use urban supports residential densities of 3 to 20 acres and the in-town neighborhood supports 6 to 10 dwelling units per acre. The PUD regulations allow for reduction in lot size and setbacks so that's something that we are seeking, and the regulations also outline the characteristics and amenities that can be proposed in order to support that request. Some of those you see highlighted here, those include the additional landscape buffering around the perimeter, pedestrian facilities, preservation of natural features, recreational and other amenities, ornamental streetlights, street name signs and stop signs. So, then this leads us to the plan which we developed with

the guidance of you know, checking out the requirements of Preserving Portland and the PUD regulations that I just mentioned. We're proposing 94 lots ranging in size from 5 to 10,000 square feet the

neighborhood would have a density of 3.5 dwelling units per acre. This plan exceeds the required open space usable open space and landscape buffer requirements, it also preserves the existing streams and the wetland on the site and we're proposing multiple amenities throughout the neighborhood including at playground here at the front, walking trail through the midsection, sports courts- we have to pickle ball and basketball court shown, shade pavilions, one here at the sports court area and then another in the rear of the site, dog park and the picnic area. This exhibit shows how the lot sizes are distributed throughout the neighborhood 56% of the lots are proposed as 5000 square feet those are shown in red. The remaining 44% from larger than 5000 square feet 5 to 6000 is shown in blue. 6 to 7000 she have an orange, 7 to 8 shown in green and 8 to 10 shown in pink. So, we met in January with the city engineer to determine the scope of the traffic study it included highway 52 at South Russell Street, South Russell Street at old Westmoreland Road, and Old Westmoreland Road at the project access. The conclusions from that report are here essentially just to give you a quick summary of of everything that's written there it's there's no recommended traffic control changes at highway 52 in South Russell and the turn lane that's already there was found to be sufficient. At South Russell Road and Old Westmoreland Road, neither the left or the right turn lanes are warranted and then at Old Westmoreland Road and the project access there's only a need for a one lane ingress and a one lane egress and then no turn lanes were warranted there either. So, with that I would just say you know we would appreciate your consideration of this and hopefully a favorable recommendation to City Council, happy to answer any questions you have.

Jim DiPiazza: So, the average lots, I was reading is 40 feet wide?

Troy Gardner: That's right, the minimum lot size is 40 feet.

Jim DiPiazza: The minimum lot size what's the maximum lot size.

Troy Gardner: I'm not sure that I know.

Jim DiPiazza: But for the 5000 square foot ones it's going to be probably 40 feet.

Troy Gardner: Right.

Jim DiPiazza: Then the houses range from 26 feet wide to 30 feet wide, so it's pretty much going to take up the whole lot?

Troy Gardner: I don't know that we actually have dimensions of the homes.

So, they have 5-foot side setbacks so yeah 30 foot it would be the maximum width of the home to fit within the building envelope.

Robert Tooker: And we had a lot of discussion the last meeting when we considered the concept, we talked a lot about density. I'm looking at these and it's almost cookie cutter rectangular shaped columns it reminds me of rural housing and larger cities. Kind of getting back to, almost war housing, where we just kind of stamp out from homes. 94 homes seems a lot for this area. I like the concept overall, I still like it, I like the amenities, I like everything except those 5 foot and cookie cutter shaped homes so that's kind of where I'm coming from.

Troy Gardner: So, if I can speak to that. This is a graphic image of the homes, this is not the proposed footprint for the houses, so they may not be you know exact rectangles.

Robert Tooker: But to get that space, most of them are going to be a rectangular shape. I'm saying and we've approved a lot of homes what I'll call starter homes and community. I'm just troubled by how many more really need in Portland, of this style of home, or should we be looking more at a little larger home. I understand why developers do this. I understand the business side of it. Looking at it from a from a community, I'm just not sure how much we really need more of this type of home. So, I'm troubled by that. I'm troubled by 5-foot sides, setbacks, there's 10 foot between homes.

Troy Gardner: So, in the plug regulations the minimum setback for on the side is 5 feet, as written in the PUD regulations, so we're just following what's in the city's PUD regulations.

Robert Tooker: I see, I like the 7 ½ better we've approved a number of those types of homes.

Ted Jernigan: Has there been any conversation and I know the traffic study came back, and I understand that. I'm going to go back to my original concern is South Russell Street and Old Westmoreland Road intersection. The existing structure built out on the property line and the site distance there is going to be,

I don't know if this is your problem, the site distance is going to be not what it should be. Has there any discussion as to resolving that issue?

Troy Gardner: Yeah, I'm unaware of any discussions about that.

Ted Jernigan: Nate, Has it been discussion about that?

Nate Heisler: For the site issue. Can you bring up the plans?

Troy Gardner: Well, I don't know if it's on the plans.

Ted Jernigan: It's not on the plans. you're talking about the intersection of Old Westmoreland Road and South Russell. Where they come down South Russell and turn left to get out on 52. That's currently a bad intersection that's a city problem.

Nate Heisler: That discussion that we had was around scoping the area not around site distance.

Ted Jernigan: I'm just asking, has the city thought about that issue in the future. It's not an ideal intersection.

Nate Heisler: Yeah, not that I'm aware of, Carlton has there been any conversation in public works on that.

Carlton Cobb: No, not at the moment.

Troy Gardner: I'll look to see there's a major thoroughfare plan and I did not see one.

Ted Jernigan: There's not I, It's an existing old structure built on the property line and its build to close.

Megann Thompson: My questions are, In the pattern book with the estimated amount percentages of home square footage it says estimated is that something that we can lock down on those numbers or would it OK or would they be willing to Max out the 1100 square foot houses at 40%. That's the maximum amount percentages of 1100 square foot homes maxing that at 40%.

Darryl Hartley: Yeah, That's the way in interpreted it.

Megann Thompson: Would you be willing to put that in the pattern book that Max 40% and 1100 square foot?

Darryl Hartley: I will be figuring on that.

Megann Thompson: If we're talking about cookie cutter 1100 square foot homes, can we Max that at 40% and then the other 60% you've got? Above that 1400, 1800. Or if you're OK to just say what you're comfortable with at 40,40, 20, I'm comfortable with that. My other question is on the lot sizes on the 5000 at 56% I believe?

Troy Gardner: That's right.

Megann Thompson: Is that something that you would be willing to do on the next tiers instead of 5 to 6000 can we just say there's 6000 square foot they're 7000 square foot they're 8000 square foot plus so you have 17 lots at 8,000 square foot plus 9 lots at 7000 square foot, 15 lots at 6000, just go ahead and max those out, just to give it a little bit of. Difference. Because my concern is we're at 56% at 5000 square feet and then your next big tier. are they going to be 5100 square foot?

Ann Blackburn: I think the lots are set.

Troy Gardner: So, the chart actually has the square feet for every single lot that's on there, it will tell you exactly, it's not a range, it tells you exactly.

Megann Thompson: Oh, got it, OK.

Troy Gardner: So, lot number 6 is 6752 square feet.

Megann Thompson: My concern was we were going to use the chart and go OK, well there's only 56% and then these are 5100 square feet, gotcha, OK. sorry I just got my paperwork OK well yeah then that other concern was just kind of locking down that percentages if the builder is comfortable with that that those.40/40/20 would be permanent with the pattern book that that would be.

Troy Gardner: I guess yeah.

Megan Thompson: Sorry Bob, I tried to get some different lot sizes.

Ann Blackburn: Hey do you remember what that lot size of the community on the other side is?

Nate Heisler: To the West, not right off the top of my head but I can pull it up. If you don't mind to give me just a minute?

Darryl Hartley: Around 10000.

Nate Heilser: 10000?

Megann Thompson: Does it have buffering in between the 2 properties?

Troy Gardner: Yes, I think it's a 15-foot buffer that's required and we're proposing a 20 foot. And a type B we're proposing type C which is more intense buffer.

Ann Blackburn: What is the buffer gonna be like to the east of like the basketball court area seems like I've seen something like a swell or something?

Troy Gardner: we've not gotten into engineering yet so I don't know there will be a swell or not. So obviously we would have to buffer that area if we're doing a perimeter buffer.

Ann Blackburn: I could have sworn I read that in here,

Nate Heilser: the lot sizes to the West vary between 10,000 square feet and around 13,000 square feet.

Ann Blackburn: OK it's going to be a lot tighter.

Troy Gardner: So yeah, there may be a swell there that's preliminary grading plan that we've done so.

Ann Blackburn: It looks like it's just beside the houses on this not beside the park. I was thinking about the house that's like right beside these basketball courts, you know?

Troy Gardner: Right.

Ted Jernigan: Are those courts lit?

Troy Gardner: They will be lit, yes.

Ann Blackburn: And that's a house, not a barn.

Troy Gardner: That is a house yes. That is a barn to the north.

Ann Blackburn: I'd be mad.

Ted Jernigan: Are they going to have the courts lit, being close to that house?

Troy Gardner: I mean I think there's probably a way to do a you know a certain time of day.

Darryl Hartley: The lights would go off at reasonable hour.

Ted Jernigan: I could foresee a potential call for that. I think you better put a timer on that.

Luther Bratton: Last month I had some concerns about Old Westmoreland Road, Actually it's wider than typically I had anticipated and at the intersection is actually more functional than I remembered. So. Some shoulders, maybe on Old Westmoreland road might be something that would help because the width of the road is sufficient, I think but yeah, I don't know if it's private property or it's the city right away and so that that might be something that would help.

Ann Blackburn: Anyone else have questions? Thoughts?

Megann Thompson: I think in terms of a project they went, above and beyond, right off the bat without having to feel like nickel and diming or back and forth. I know I asked for something, overall, like amenities wise and I get the density and not everybody would want to live there. But there are people that do live in tighter homes and don't want a big yard and maybe commute to Nashville every day and they leave early and they come home late. So, in terms of a project I think when we see some things that are presented to this board as complete projects. I do think they put in the time and the effort to present the best project they can think of for this area and at the end of the day you, we, have to decide whether or not we feel like it's what's best for Portland, because I do feel like they put it all in masonry all throughout amenities. Is really just the density? So, I do commend you for stepping in when your best foot forward right off the bat, that is that makes me respect a project a lot more than feel like I'm having to beg for simple things.

Ann Blackburn: Anyone else. How would you like to move forward?

Ted Jernigan: They're asking for approval of the PUD?

Nate Heilser: Right for the Preliminary Master Development Plan, yes.

Motion to approve: Ted Jernigan

Second Motion: Chirag Patel - All were in favor, motion carried.7-0.

Yes: Ted Jernigan, Robert Tooker, Jim DiPiazza, Chairwoman Ann Blackburn, Chirag Patel, Vice Mayor Megann Thompson, Luther Bratton

Abstained: No One

Absent: Gail Gentry, Jessica Hunter

Motion Passed: (Voice Vote)

- C. Troy Gardner (applicant) request annexation: location 120 Old Westmoreland Road, Portland TN. (Tax Map 033 Parcel 039.00) Sumner County 23.00 +/- acres. Zoned Agricultural (County)

Nate Heisler: Yes, this is the same part of this project, it's the annexation request.

Ann Blackburn: I'm looking for a motion.

Ted Jernigan: I make a motion to approve.

Jim DiPiazza: Second.

Ann Blackburn: a second is there any discussion. All in favor say aye, all members aye' d, any opposed? No one

Motion to approve: Ted Jernigan

Second Motion: Jim Diapiazza - All were in favor, motion carried.7-0.

Yes: Ted Jernigan, Robert Tooker, Jim DiPiazza, Chairwoman Ann Blackburn, Chirag Patel, Vice Mayor Megann Thompson, Luther Bratton

Abstained: No One

Absent: Gail Gentry, Jessica Hunter

Motion Passed: (Voice Vote)

- D. Andy Weaver (Applicant) request Preliminary Plat approval for Rockland Estates: Location: 1026 North Broadway, Portland, TN (Tax Map 16 Parcels 042.00, 042.01, 042.02, 044.00, 043.00, 043.01, 061.00, 61.01, 061.02, 062.03) Sumner County, 132.84 +/- acres. Zoned Residential PUD R7.5 (Residential Planned Unit Development).

Nate Heisler: Yes, so this is a preliminary plat for an already approved PUD the PUD was approved back in 2023 with the Planning Commission. And then an amendment came to the Planning Commission for the PUD back in 2025. So just keep in mind this is the planning process of that PUD to give you a little history, this is located on Hwy 109 North right across from Magnolia springs road. Came through as Rockland Estate so the name stayed the same throughout the entire process. We get some name changes so just a heads up on that. A couple of things to take note of the lot count on this preliminary plat is 274 lots you can see how that's laid out here. This view that we're looking at is flipped upside down from this map, you know looking north here but if we're looking on the plat its flipped upside down. Magnolia springs is right here, so we're kind of looking at it from, South will be up here, so it looks a little different. But like I said, 274 lots, staff has done a technical review on this Preliminary Plat and recommends approval of the Preliminary Plat if you have any questions. Please let me know. And I'll try my best to answer. One other thing to add that there was some conversation around signalization of highway 109 at Magnolia springs the developer has put onto the plat as a general note the signalization will be built out after phase one build out, so keep that in mind we have to add that to the plat.

Ted Jernigan: After phase 1?

Nate Heilser: After phase one is completed.

Ted Jernigan: How many lots are in phase 1?

Megann Thompson: 45.

Nate Heisler: Let me pull up the phasing plan here. Phase one down here in the pink, and again Magnolia springs is to the South so once phase one is built out that that's when the signalization will occur.

Robert Tooker: Is that always been the plan? At the end of phase 1?

Nate Heisler: We had some conversations at the beginning several years back and you know back then the question was, can they provide signalization after the entire build out, but the city felt with the way traffic is, off of Magnolia Springs, it needed to be sooner than that. We, with previous developers we had landed on after phase one that that that was agreed and then also at this point that's agreed. So, the city wanted to see it sooner.

Ann Blackburn: Any other questions?

Megann Thompson: How long is the projected like total build out?

Nate Heisler: As far as time wise?

Megann Thompson: A year? 2 years?

Nate Heisler: I think we have the applicant here if he would like to come speak to that.

Rodney Rogers: Good evening, I'm Rodney Rogers I am the developer that's going to get this done. I've heard from some people that probably, just become a topic of a sore topic of coming up here and talk about but we're getting ready to push this over the edge. As far as the phasing goes or the length of time, I'm going to be realistic and say, you know 4 to 5 years anyway. This is what I do this for a living, and we can we can make it look however good we want to look on paper, and say this or that but realistically, I'm going to say 4 to 5 years.

Robert Tooker: Is Ryan homes still involved?

Rodney Rogers: Yes sir.

Megann Thompson: I think that was that's more of a question for people that might be watching that these houses are not going to pop up overnight, there's not going to be 300 houses here tomorrow. We're looking at a 4-to-5-year, realistic build out, if everything goes smoothly. So that's more of, just in case anyone is watching and seeing these homes be approved but nothing happens overnight, that these are needed in phases and small incremental movements and growth for our city.

Rodney Rogers: And one good thing about Ryan Holmes is and I've dealt with them on other projects, sold them developments, so that they don't come in and put up 20, 30 homes and wait to sell spec homes so they they've got kind of a custom spec model so they will only build houses, built on lots, as the houses get contracts. Houses under contract. I think realistically, that's a good timeframe.

Megann Thompson: Thank you.

Robert Tooker: I'll make a motion to approve.

Jim DiPiazza: I'll second.

Motion to approve: Robert Tooker

Second Motion: Jim DiPiazza- All were in favor, motion carried.6-0.

Yes: Ted Jernigan, Robert Tooker, Jim DiPiazza, Chairwoman Ann Blackburn, Chirag Patel, Vice Mayor Megann Thompson

Abstained: Luther Bratton

Absent: Gail Gentry, Jessica Hunter

Motion Passed: (Voice Vote)

- E. Zach Wilkinson (Applicant) request Preliminary Plat approval for Marlin Estates: Location: 403 and 405 College Street, Portland, TN (Tax Map 033A Parcels 005.00, 005.01) Sumner County, 9.08 +/- acres. Zoned R-7.5 (Medium Density Residential)

Nate Heisler: OK, I'm going to zoom in on the map here, so this is located off of college street the Planning Commission has seen this project come through in many forms. This latest application is called

Marlin Estates; it is a single family R7.5 development. This property is already zoned R 7.5 so the lots will conform to R 7.5 regulations with single family homes. We bring up the plat here, so this is what we're looking at we're looking at a total of 31 lots. You can see the stub out to the West very similar to what the Planning Commission has seen before in the townhome variation that we saw that this is single family homes. So, staff has reviewed this Preliminary Plat that there's no comments to speak of we got them all taken care of and staff recommends to approve it.

Ann Blackburn: Do you have questions?

Megann Thompson: I'm happy to see single family homes.

Robert Tooker: I am too.

Jim DiPiazza: Absolutely.

Ted Jernigan: Motion to approve.

Robert Tooker: Second

Motion to approve: Ted Jernigan

Second Motion: Robert Tooker- All were in favor, motion carried.7-0.

Yes: Ted Jernigan, Robert Tooker, Jim DiPiazza, Chairwoman Ann Blackburn, Chirag Patel, Vice Mayor Megann Thompson, Luther Bratton

Abstained: No One

Absent: Gail Gentry, Jessica Hunter

Motion Passed: (Voice Vote)

- F. Matthew Galvin (applicant) request Site Plan approval: for TCAT Location: 602 S Broadway (Tax Map 033I Parcels 025.00 and 024.00), Sumner County, 27.95 +/- acres. Zoned GCS (General Commercial Service) and RS-40 (Low Density Single Family Residential)

Nate Heisler: So, I'm going to zoom in on the map here this is the this is the Google Earth version of the current TCAT building. This is a site plan from summer county schools for a new TCAT facility and I'm going to bring up the site plan here so this this right here what you're looking at is, in its current form. And I thought it would be good to kind of start here so I can move over from our current form to what we're going to be looking at in the future. So, this is another view of the current form with the parking and the access that we have here in the building in the middle? But when we move over this is going to be the entire development when it's when it's done and I wanted the Planning Commission to know that this is going to be a 2-phase project so tonight we're approving phase one of this. I'm going to go over here and show you what phase one looks like. You can see the new building in the rear with the additional parking, and you can see the current building is going to stay while phase one is being developed. So that's why I thought it would be a good idea to kind of show you the whole project. And then what phase one looks like. We've been through reviews; staff has with the with the applicant on this and I think maybe Carlton did you want to come up and say something as it pertains to stormwater so.

Carlton Cobb: One of the comments is going to be about the detention in the floodplain. Because this whole site is in floodway, floodplain. We're just going to be working with them to get them to meet our standards in this in this area.

We've been having discussions with them trying to figure out what's the best route to go with that. If anybody knows anything about building the floodplain, it's pretty difficult to achieve the tension inside of a floodplain because the common theory is to get water out of there so we're trying to figure out the best way to meet our regulations in the same sense.

Ted Jernigan: So have they have they submitted calculations.

Carlton Cobb: They have some very preliminary calculations right now. We're going to go into more depth, so we have some that we can see. They're making the effort

Ted Jernigan: So how is this different than the item we had last month? We asked them to defer.

Carlton Cobb: So, I think on this one, this is actually in a flood way. So, it's kind of different. I think design standards on this one, we've been consulting with a couple of different people on this one, trying to figure out how to make this work, because our regulations pretty much say you must attain In the flood plain, regardless. You could have some reverse hydraulics that tell you that if you release it too fast the pipes downstream may not be able to hold it, may not be able to take the water that your putting out there. So, we trying to figure out how to. I don't think we've ever developed the. Floodway in Portland. Not since I think there for 10 years. So, I'm just trying to figure out what's the proper way to handle this one.

Ted Jernigan: So, I guess I'm being a bad guy here. I'm having a hard time trying to figure out why we would give them a site approval here tonight, when we wouldn't do the same thing last month to another individual.

Carlton Cobb: I think it's different, so just like every subdivision is different, this is an entirely different situation on the way this water is being moved. So, I think with 5 Chefs and the Brown property, they both were kind of in a way where we can get them to detain. the water. This one you almost don't want to detain the water in this area.

Ted Jernigan: I'm good with all that I guess it's a process thing from my mind. We don't have a solution yet.

Carlton Cobb: Correct.

Ted Jernigan: And we didn't have a solution last month. I'm not opposed to it, I'm just saying, to be fair to everybody. If we didn't progress it last month, why should we progress this one, until they get their calculations and their solutions in order.

Carlton Cobb: I feel more comfortable with this one because of the research I had to do between last month and this month, to figure out how to actually build in the floodplain. That's what we've been looking at, with them, is further along than the previous calculations that we dealt with last week.

Ann Blackburn: I think the applicant, which will we need to vote to suspend the rules and let him come up. We need a motion to let him speak:

Robert Tooker: Motion to suspend the rules.

Jim DiPiazza: second.

Ann Blackburn: All in favor say aye

All members said Aye. No opposed

Ann Blackburn: State your name.

Jeff Hooper: Thank you, my name is Jeff Hooper, I'm a principal with Barge Civil Associates. So, what we've talked through with staff is this is really one project that's going to take 2 years to build because we've got to build the first building so we can demo the second building and then build the next 2 buildings in sequence 2. Our conversations have basically been resolved around; How do you deal with the detention adjacent to floods and floodplains? If you attenuate things, you can actually create issues with the large floods, there's a lot of municipalities that don't want you to detain adjacent to floodways for that reason. So, what we have communicated and committed to is we will continue those discussions, if it turns out That we need to provide detention we will do that we just want to have a good conversation with staff and y'all 's engineer to understand what the problems are down stream, that's occurring, so we can address it appropriately. So, coming back with Phase 2, this is again, probably going to be in the next few months that we would come back with phase 2. If we have to add detention in phase 1 as part of this, we will do that.

Ted Jernigan: So, I guess, Why do you not already know what's going to be required? I mean you know the end result; you know where you want to be. You're trying to figure out how to get there.

Jeff Hooper: Because we do not know what's occurring downstream as far as the flooding problems are concerned. So, we want to sit down and understand those specifically so we can develop a solution that is in the best interest of the city is that a 2-year storm event and the 5-year storm event is it 100-year storm event? I can and the 100-year storm event, which is what we're talking about in floodways and

floodplains, attenuation takes peak discharge from our site and takes that peak towards what's coming down the stream and matches it up which can be even more detriment to flooding so that's what we're trying to protect against. So, our commitment was to yes figure out sit down with y'all engineers with your staff to say what is the true problem and what is the best solution for city of Portland.

Ted Jernigan: And I appreciate that and I think that's how we need to approach it. I guess. I'm having a hard time reconciling my mind, voting for this site approval tonight, when we don't know those answers. When we've had past precedent, we had the same problem we didn't give them approved for site approval because of the same issue and I say the issue because we didn't know how to solve that problem. At that point. Am I wrong in saying that?

Ann Blackburn: No, it's like putting the cart before the horse.

Jeff Hooper: That's a fair statement, what I will say is you know from the sequencing standpoint this is not the only opportunity we're going to be in front of you as far as this project is concerned. I guess one just one project this whole development is going we're not just asking for phase one we need to get started on phase one so we can tear down the old building to do Phase 2, but for us it's one big project and we are going to bring that information back to you so that's been our commitment to staff.

Ted Jernigan: I just think that at this point and yet on other projects staff would have required drainage calculations to be complete by this point, is that a fair statement?

Carlton Cobb: On a typical project yes.

Ted Jernigan: And that's all I'm saying, I'm not saying I'm against this project, I'm not saying we're not going to get drainage to work, I'm saying in the process that we treat everybody the same, I'm having a trouble, I'm having stay with that.

Jeff Hooper: And that we have developed an extensive drainage report, the only thing that is not settled out of that is the detention component of it.

Ted Jernigan: And that is something that you need to work out with the city and their city engineers.

Jeff Hooper: We have committed to that, we'll have focal point, we meet the water quality requirements for the project. The discussion is. What is the issue with the flooding? What's in the best interest of the city with regards to that flooding? There are there are further conversations that need to be had, but on the same flip side of the token the state needs to start moving on sequence one.

Ted Jernigan: And I understand that.

Robert Tooker: How much time are we talking about, is it a 30-day kind of a set of discussions, is it 60 days?

Carlton Cobb: So, this one 's depending on what's going on with it, we've been consulting with Metro in Nashville with this one, trying to figure out what's their method of doing detention in the flood way. If you have a large bodies like (in-audible), just being super high level, you're not gonna require detention, because you're not going to affect it. If you have creek such as ours, then you start having those conversations saying what's the best route to figure out if you gonna flood somebody downstream, if it's necessary, so they have to do I think the headrest, on all that. So, depending on how long it takes to do that modeling it could be between 3 months 6 months to a year, depending on what how in-depth they go and we kind of get them the perimeters to go off of. It could be something that we work out next week, it would be something that it takes 6 months, I'm not sure. But what we have discussed is that once they get to phase one. We're going to get this super hard. Before Phase 2 and phase 3 gets moving. And that's just because it's no different than any other project that we have. We know that we can we can hold this amount of water, it's not going to affect anything but once you get to the next level that's going to have the issues. so, I think it's just phase one approval. And that would be our recommendation just to approve phase one not approve Phase 2 or Phase 3 at this time.

Robert Tooker: Phase one is building a brand-new building in the deep part of the floodway?

Carlton Cobb: yeah.

Jeff Hooper: So, phase one sits upon the hill towards the railroad tracks. And that's behind insisting

school; it is the pieces on the highest ground it's out there now and has the least impact to it. Sequence 2 is where the parking actually gets down into the floodway and such, all that to say is yeah, we're still committed to this this is a project the state is going to move forward with, and our commitment is we want to do what's right. We think there's a larger conversation of what's happening in the flood modeling floodplain, floodway. I will say things you know things that we have done already on this set is making sure we have backwater valves for our discharges so we're not pushing water out of the system from the floodway back into our system. We are providing or cut, out in the floodplain to basically offset and provide more storage volume down in the floodplain floodway as well, so try to do the things that are positive to the development and to the floodplain, floodplain. yeah, there's just a bigger conversation about detention do we want to attenuate or do we not.

Ted Jernigan: Do I understand that you've already submitted drainage calculations for phase one.

Jeff Hopper: We submitted a package, but it is basically when it talks about the quantity side, the detention side, it says we will have those further conversations with staff to provide what you want. But we need a better understanding of what's going on in the city and that that's just information we don't have at this point.

Ted Jernigan: What I guess what I'm hearing in? Maybe I'm not hearing you correctly but what I'm hearing is. The city does not have drainage calculations for phase one currently.

Jeff Hopper: Not regarding detention, everything else, yes sir they do. A full package.

Megann Thompson: How's everybody, all the department heads, everybody signed off on this? I mean, I didn't get your staff report this time, so like your staff comments, like city engineer signed off.

Nate Heisler: So, as far as everything but the detention, stormwater portion.

Megann Thompson: But they're all comfortable moving forward with this based on not having calculations.

Nate Heisler: As far as staff reviews everything but the stormwater portion and Carlton can speak to the stormwater portion, but I also wanted to say when you're looking at this map, the floodway limits is this blue line right here. So, this side is in, this side is out. So, sequence one here, the phase one is not within the floodway it's outside of the floodplain sequence one. So that's part of the conversation that me and Jeff had had so maybe there needs to be a conversation around Phase 2 but what we're looking at right now is phase one is not in the floodway.

Luther Bratton: You know. I've seen the situations like this before and typically, they solve the issue before they started the project. You know approval phase and hope phase 2 works, and so did you guys look at actually dealing with the entire drainage stormwater for the entire site irrespective of the phases and that's what I've seen is lacking, because something could happen and phase 2 and 3 may not materialize. so typically, what I've seen is it it doesn't matter if it does if it doesn't materialize, It's designed so that the water's been taken care of and so from what I'm hearing sort of like with Ted, you approve this and we and then we'll figure it out, you know. Is that a fair assessment?

Jeff Hooper: It's fair and again I will just say that this is one project we're asking for the first sequence to be approved or first phase to be approved. Everything that you see is based off where we're going with the full project and from the stormwater perspective hydraulics, water, quality side of things, It's all designed for all phase's it's in our report everything else. The conversation has come up multiple times throughout our design with staff of talking about detention, we had it in our we actually had in our first pre app meeting, saying hey, how do we want to handle this and there needs to be further conversation. Can understand where your position is, but we also feel there's not a lot of risk going with phase one and if we need detention, that's a condition of approval staff says we ultimately have detention, we're going to provide it.

From our engineering perspective we just want to make sure we're making the right decision we just don't have all that information until we can sit down with all your staff, and your city engineer and say what are the downstream problems that are going on do we want to attenuate or do we. Not want to attenuate. Yeah, metro would tell you and I understand not metro, don't we want the maximum capacity for the

large storm that's coming towards us. That may not be the exact solution for here, it may be that we want to do some detention to the 2-year storm. yeah, because that's the focus of what you're having issues with downstream, so our request is to consider approving sequence one to the state can continue along with the development of TCAT, We're committed to working with staff and making sure that whatever it is, is the appropriate solution from detention perspective, whether it's in or it's out or it's could be a hybrid.

Carlton Cobb: And again, with this is a unique situation because I've been here 10 years now, I don't think that we've built in the floodplain yet. And so, the directions that we're taking its kind of uncharted territory, even when we dealt with like I say the last meeting but those detention areas and like I said we've been consulting with metro to figure out how they're doing it because

I just don't know, to be honest. But as far as with this portion of the property, we know how the waters reacting up there. I'm not afraid of the first section. We are looking at more or less the second and 3rd sections of how it's going to impact downstream and back to that time frame situation of how long it's going to take to get it done. I really don't know because we've had several people, the college street project, I can't remember the name of it maybe it's Monday property, they had to do a similar drainage thing, and they went to the Army Corps on all of that and I think it's a little close to a year to get that done. It just depends on what is being requested. And we're going to have to go through Food Lion parking lot go under 109 to look at the drainage ditch that runs through the whole city. So, depending on how many structures we required him to go after is what it's going to take for the time frame to design it. I could see probably doing parking lot detention, possibly permeable pavers, possibly something in the ground above the floodplain to stay out of that flood way, we just don't know. But I don't want to tell them to design one way and then it not in not be necessary if that makes sense.

Robert Tooker: Can you give me a rough timeline of the sequence one and sequence 2

Jeff Hooper: Yes sir. The state would love to break ground for next month on sequence one start earthwork and start the sequence one building. It is roughly a 12-month construction project immediately after that the existing building would start being demoed. And the next 2 buildings would be built and that's another 12 and 14 months, so we're looking at about 2 years overall construction schedule.

Robert Tooker: OK.

Ann Blackburn: I'm confused on like you want to go ahead and get started on this in a month. Building this and tear down but we don't you don't even know what's going to be needed to address the water issue.

Jeff Hooper: So again, we've done everything on the quality side of it, treat the stormwater before it's released, we also provide an additional storage volume and the floodplain which we think again is a positive result to flooding and management of the floodplain and floodways. It's the detention piece and how does it affect anything downstream it's just not it's not as straightforward if we were if we weren't on the floodplain we'd already had her detention in the system and saying hey here we go we understand. It. That's when you're in these situations that you're immediately adjacent to floodway and floodplain that you have to question that from an engineering perspective and flooding perspective what's in the best interest and so that's the piece that still needs to be done. Again, if it needs detention. We will provide it if you want us to provide detention now and justice assume that it's needed. We can calculate that in and get it to staff. And then as we study it, if it's OK to take it out, we'll take it, that's an alternative approach. But again, we wanted to have this. Conversation with staff.

Ted Jernigan: There's no doubt you have a challenging piece of property. That's saying it mildly. I think I'm going to vote against it, and I'll tell you why 2 reasons I don't think you should my opinion I don't think we need to be building something we don't have calculations on to know exactly how we're even going to handle the drainage, 1 and 2 is a process problem with within us, I guess. For how we have treated previous people have come before us. In the same situation they just have all their ducks in a row we turn them down and ask him to defer a month so I'm going to be voting no, but I wanted to tell you why I'm voting no.

Ann Blackburn: How long did you say it would take to study this and come up with this.

Carlton Cobb: It will be well into the summertime. So, Like I said this is a unique situation. We've had a

lot of meetings about this property to say the least. And try to do our due diligence on what to make our recommendation to be. Staff feels comfortable releasing. the first phase and working on because they did provide some detention in. We aren't saying what they provided because we don't have actual no calculations of what they did but they are holding some water back before it goes out. The problem that we have is that we don't know if we actually going to move forward with detention. We don't know if it's going to be required or not required to hold back as much as we're anticipating. Umm. It could take like I said it could take anywhere from one week to a year depending on what's going on and what we require them to go through, and we'll be working with Jason on this one and definitely work with Metro this one because they deal with it more than we do. But with this one. It's going to be hard for us to say we can be back in 2 Planning Commission Meetings to discuss this project. And I would be afraid to delay it. And it'd be a phase of where It's a weak soil somewhere and they can't work on it say September /October. And then there'll be. Behind another year or so. We feel comfortable enough to let them go ahead and move forward with this first phase and then go ahead and get it to work with us on getting the detention and everything that we may require may not require worked out. It's just a unique situation.

Ann Blackburn: Because the building could be done by the time the years up.

Carlton Cobb: There could be, but I have faith in them that they're going to have all this stuff done at that time as well. We work with engineers before with this type of stuff and I had to do my research on it to make sure they built in in areas like this before they have so I'm not afraid of that part, I'm afraid of what we may require, what we may not require because we haven't been in this situation before.

Jeff Hooper: Yeah, I think that's been part of the conversation is your regulations say you have to provide detention, we've just questioned that and staff and we don't know the proper answer as a collective group, us as the as the engineer of record and the city and knowing what is in the best interest of the city. So state is desperately needing to start this project, that's why we're here in front of you tonight to ask for you to be able to do that. The commitment is we want to do it right, if we need to provide that detention that it shows, we need to provide that detention, we'll have to provide it. If you prefer, we can go ahead and just design detention and say we're not going to worry about the attenuation and how it might affect the 100-year flood and be in compliance, right, and say hey, here's the detention, we can provide all this calculations really easy, and then we can back it back out if we determined it's not the best solution. our request is as we really need to get going, would love to get approval tonight we're committed to making sure that the detention component is done properly, whether it's providing it or not.

Megann Thompson: To me I don't think it should be delayed or necessarily denied. To me it's more of a risk for the state and that we don't exactly know what is going to be. But your Stormwater Director is standing in front of you telling you he's comfortable on how to figure it out and he said that at the last meeting, he was comfortable. So, at some point we're nitpicking into stormwater that we don't know anything about, you have to lean on your Directors. I think it's a great project for the for the city. I would hate to see it get wrapped up and contingencies and deferrals. Because I do think that your Stormwater Director standing in front of you, saying it's going to get figured out, the phase one is not part of the problem. So, I don't know, I tend to lean in with the Director of Stormwater, on this one.

Jim DiPiazza: So, I just wanted to be clear, so phase one 's good to go, meaning that's the only thing we're voting on here tonight we're just phase one not Phase 2 phase 3 and that is not in any type of floodplain.

Carlton Cobb: No. This one isn't.

Megann Thompson: That's what I'm saying, to me it's more of a risk that the state might have to put in more than you were anticipating when we get into Phase 2 and phase 3. You're saying the state wants this project, we're going to get it done.

Ann Blackburn: So, what are we voting on? So, good with what we're actually voting on.

Carlton Cobb: Yeah.

Ann Blackburn: It's the later stuff.

Megann Thompson: Its phase 2 and 3.

Jim DiPiazza: And we are going to have to vote on phase 2 and 3, right?

Jeff Hooper: Yeah, there's only 2 phases. If you want to make it contingent on that don't approve Phase 2 until we suffice all your detention requirements, that's OK with us. Again, it needs a study, and we have committed to that study we've had lots of conversations about it; we had one last Wednesday in depth about it again. I think that's part of some of the reasons that staff is leaning on some of the metro folks to say hey how have y'all been handling, Is the best way to handle it? I can tell you how we've handled it on other projects I don't need the city or staff to rely on me on how we did it on other projects I need the city to be you know reliable on themselves of this is what we want you guys to do, and make that determination to see what do you want us to do. We question what is the best thing and we are committed to studying that best thing and provide a solution.

Ted Jernigan: Just so everybody knows, you still have not submitted calculations for phase one.

Jeff Hooper: We did not submit detention calculations for phase one.

Ted Jernigan: OK, so if you if you want to vote for this tonight you need to make it contingent upon them having detention. Which is not currently involved but to make them put detention in phase one.

Megann Thompson: You can make that motion.

Ted Jernigan: I can, if you want me to, I'm still voting no, just out of principal. And you understand why.

Luther Bratton: And I think, some of the members are concerned about, you know how we treat and treat everybody the same, and I have that same concern. But I do think that when one government entity is working with another government entity, I feel more comfortable that those things are going to happen, than John Cue developer it may not come out right it may not be the correct way but it's not just like some other. So, agree with the Ted, that I would offer a motion to approved if we included the language that he just recommended.

Megann Thompson: The detention for phase one?

Ted Jernigan: Yeah, the drainage calculations need to have detention for phase one, they currently do not have that built in.

Jeff Hooper: And I'm ok with that, may I ask a question? If it's determined, we need to take it out and not do it are we ok if presenting that and taking it back out at a future date and I don't want to commit to it if it's not the right thing.

Ted Jernigan: In my opinion, I'm speaking for Carlton or anybody else, but in the future if you determine how the system is going to work, and it needs to come out or can come out in order to take it out.

Jeff Hooper: it's your insurance to make sure you're getting it. If it's not needed, we don't necessarily have to build it is what I'm hearing is that correct.

Luther Bratton: That's my motion, can I get a second.

Robert Tooker: Second

Ann Blackburn: OK, there any discussion? OK so we're the motion is.

Luther Bratton: The motion is to approve with the Contingent that commissioner has put in whatever that might be you want to. Repeat that for the minutes.

Jeff Hooper: I want to make sure I'm clear about that to.

Ted Jernigan: Well, my I guess in my mind, what I'm saying is you're going to submit calculations with detention for phase one, with knowing that once the entire system is resolved if you need to take detention out you can.

Jeff Hooper: So, we're committing detention in phase one regardless and it can be removed if the studies support it correct?

Ann Blackburn: everybody clear on that? Is there any discussion on the motion? OK all those in favor say aye, aye. Any opposed? No. (Ted Jernigan)

Motion Passes contingent to having drainage calculations and detention for phase 1.

Motion to approve: Luther Bratton

Second Motion: Robert Tooker- All were in favor, motion carried.6-0.

Yes: Robert Tooker, Jim DiPiazza, Chairwoman Ann

Blackburn, Chirag Patel, Vice Mayor Megann Thompson, Luther Bratton

No: Ted Jernigan

Abstained: No One

Absent: Gail Gentry, Jessica Hunter

Motion Passed: (Voice Vote)

- G. Zach Wilkinson (Applicant) request Preliminary Plat approval for Richland Estates Subdivision:
Location: North Russell Street and Victor Reiter Parkway, Portland, TN (Tax Map 033A Parcels 006.00, 007.01, 011.00 and 011.02) Sumner County, 6.23 +/- acres. Zoned NMU (Neighborhood Mixed Use) and RMU (Residential Mixed Use)

Nate Heisler: OK, so this property is located just right up from City Hall. here this is Richland Estates. the Planning Commission is also seeing this project in other forms originally it had come through as a town home development, last Planning Commission, the board approved the conceptual version of this plat. So, the developments changed from townhomes to single family homes and with a total of 27 lots. For the review of this one we went through the review with our new subdivision regulations, so it matches what we have in our subdivision regulations. And like I said before this preliminary plat this is a start of the plating process and the conceptual was approved last month. Staff has done reviews on this and staff recommends approval, based upon reviews that we've done.

Motion to approve: Robert Tooker

Second Motion: Chirag Patel- All were in favor, motion carried.6-0.

Yes: Ted Jernigan, Robert Tooker, Jim DiPiazza, Chairwoman Ann

Blackburn, Chirag Patel, Vice Mayor Megann Thompson

Abstained: No One

Absent: Gail Gentry, Jessica Hunter

Motion Passed: (Voice Vote)

Old Business

- A. Zach Wilkinson applicant request a site plan approval for 5 Chefs & Occasions location is 103 McGlothlin Street, Portland Tennessee (Tax Map 033 H Parcels 017.00& 019.00 Sumner County, 1.47 +/- acres. Zone CBD central business district.

Nate Heisler: So, a little history this came through last month and the Planning Commission voted to defer based off of stormwater concerns, and before I bring Carlton up to say to say something. Another thing that was discussed about this project was a design review appeal, that went to the City Council or last meeting for the building materials. The reason behind that is because of central business districts they allow only for brick, but the City Council voted to approve the appeal for fiber cement to match the surrounding property. So, just wanted to let you know that about the appeal process for Design review. Carlton, you want to talk about Storm Water?

Carlton Cobb: So going back from last item on the agenda, so we've met with the engineer on this one, on phase one is only 1400 square feet of additional impervious surface. You think about, is about the size

of a house, so we're not going to require detention in this first phase. Detention will be designed for Phase 2 to help the entire project. So basically, it wasn't enough to affect the area. I recommend approval.

Motion to approve: Ted Jernigan

Second Motion: Chirag Patel- All were in favor, motion carried.6-0.

Yes: Ted Jernigan, Robert Tooker, Jim DiPiazza, Chairwoman Ann Blackburn, Chirag Patel

Abstained: Vice Mayor Megann Thompson

Absent: Gail Gentry, Jessica Hunter

Motion Passed: (Voice Vote)

Discussion:

1. Changing IG Religious Facilities

Nate Heisler: Yeah so, just to give you a little detail about this discussion the Planning Department had been approached by a property located off of Victor Reither Road here you can see this is where Victor Reiter connects with Highway 109 and you have the 7th day Church right here, it's this building here. This building is located within an IG district which is industrial general zoning, the problem that we had run into when the when the applicant had spoken to me is that the request was just to put a Church in that building. I'm going to bring up the chart here for industrial uses and kind of show you what I'm what I've been working with him. So, this is the permitted uses and conditional uses chart for industrial districts we got IR, which is industrial restrictive, which is a limited Industrial zone we have IG which is general and then we have specialized industrial which is your higher impact uses in industrial zone. So, when we come down under community facility activities under F, we have a religious facility. So, now we're looking at this column under IR it allows for conditional use with the BZA for religious facility under IR zoning. The problem that we have with this site is this IG, so it says that it's not permitted, this discussion revolves around a zoning ordinance change how would the Planning Commission fill about a zoning ordinance change to allow conditional uses to be available in IG districts? For not only this property, but if it changes, it would be for all industrial general properties. Another thing to keep in mind that's a part of this we see with the conditional use if the BZA were to grant something like that, this provision that is 14 - 506.7. I'll bring that up; 2 things need to be changed in the zoning ordinance to make this come to fruition, one changing the conditional use to be available on IG and the other is that regulation. I'm going to bring that up here. There's a provision in that regulation that regulates such facilities and this is under religious facilities only be allowed on major or only be allowed on major collector streets as shown in the major thoroughfare plan which would, at this point, be our comprehensive plan and Victor Reiter is considered a local road so it's not a collector road. So, to fit what this request is, Provision 3 would need to be removed and then we'd have to allow for conditional uses under IG for religious facilities. So that that's the discussion, before I bring an Ordinance change, I wanted to talk with the Planning Commission to see how you guys felt about that?

Robert Tooker: So, is that a separate parcel of land. Or is it merged in with.

Nate Heisler: So that's another part of the discussion that we had had, the person that talked to me for rezone came to the discussion, but the problem that we have with the rezone is that this building is a part of the bigger parcel and it includes this manufacturing facility, so if we were to rezone the property it could affect that manufacturing facility. So, when talking with him, I felt like the path of least resistance, would not be to rezone the entire parcel but to change the zoning ordinance?

Megann Thompson: They're not interested in like making that just a separate lot.

Nate Heisler: They don't want to subdivide it as far as I know, that was brought up but, it didn't seem like

that was an interest.

Ted Jernigan: So, to me, It feels like, It would be changing everything to fit this one piece of property. And that's not, in my mind, the intent of what this is for, I thought this was to guide everybody as to what we could do. To me this. Is going backwards And saying we're going to make this fit just based on that.

Megann Thompson: Yeah, you don't want to subdivide, we'll just create an ordinance.

Ted Jernigan: Yeah, that's the way it feels.

Ann Blackburn: I agree

Jim DiPiazza: I agree

Robert Tooker: So, the BZA could consider this and approve this one time.

Ann Blackburn: They can't right now I'm not with the current zoning.

Nate Heisler: And if changed. It would still give BZA the ability to make those decisions you know. It wouldn't be a permitted by right use it would be the BZA making a conditional use for that.

Ted Jernigan: The other conditional use you would be taken out of the BZA, right? We would have to remove that, for them to even be able to vote on it.

Nate Heisler: For it to be located on the collector street, yes, because Victor Reiter is a local road. So, there's 2 things that need to be changed.

Ted Jernigan: Just feels like we're trying to change the ordinances to fit one piece of property.

Nate Heisler: And it could affect future properties yes.

Luther Bratton: You know typically it's a detached facility. It's still some of the corporate offices, and in my mind, its one block off of off Broadway and then, it just in my mind be reasonable since there's a church across the street. I don't know that and I agree with the commissioner that the changing it for one particular situation, but this is a very unique situation where it's detached and to me that that that leads me to want to support something there, I don't know what.

Megann Thompson: What zoning does religious facilities fall under now?

Nate Heisler: It's a conditional use.

Megann Thompson: It's only a conditional use.

Nate Heisler: They would have to have BZA and it's only a conditional use in some spots like, as you see with the industrial uses, it's only available in IR districts. It's only conditional use and it's also available in residential districts too like ours.

Luther Bratton: Did the city not utilizes facility at one time?

Megann Thompson: It was the library at one point. The city didn't utilize it; it was the library. that there.

Luther Bratton: I don't know what the answer is but because of the close proximity. To 109 and that is detached the thought of actually changing the guidelines for every industrial building they would be leasing sections. You know for that's a Church it's not something I know that we would want to push but since its oscillated and stand along. you know, corporate probably not going to agree with you but just cutting an acre office adequate parking is everything that's. You know is there. So, I don't know what the answer is.

Jim DiPiazza: I don't think that changing the ordinance for everyone for this one parcel.

Nate Heisler: So, I think I got the feedback.

Ann Blackburn: Yeah.

Megann Thompson: Unless you have more information, I worry about precedence down the road and what that looks like with opening conditionally since it's a vacant building vacant corporate buildings attached to these big warehouses and kind of just have this sporadic stuff around town, I don't know if you think there's more information or more ways to look at it.

Nate Heisler: Well typically we would do a rezoning or a subdivision and a rezone, but I don't think that was the route they wanted to go. So, my thought was how can you make it work and this was the path that I felt like if you make it work but I wanted to have a discussion first.

Megann Thompson: To me, I think it's a great lot anyway with a great building. I don't understand why you subdivide it and eventually sell it. You know to me it looks like great piece of property anyway, if

you subdivide it and rented it.

Robert Tooker: It certainly would make it a lot easier if it was rezoned.

Megann Thompson: Yeah, I mean that had to break off that parcel then rezone it, I think that's a very valuable piece of property to stand on its own but it's not my decision.

Luther Bratton: I think you got your feet. If that's what you were looking?

Nate Heisler: That's what I was looking for right there.

2. Fences

Nate Heisler: Yes, I wanted to bring this discussion to the Planning Commission the planning department in the last year or so, I mean it's every year pretty much, but we pick up a lot of neighborhood arguments around fencing. A Lot of spite fences going up, a lot of fences being built without contacting the city and you know we don't have a permitting process for fences we have ordinances on fencing. But there's no permitting process for fences. So, the discussion that I wanted to bring up to the Planning Commission was there's a provision in there that the planning department is having issues with and that is in the fencing ordinance calls out the finished side of the fence needs to be facing towards the neighbors and the mayor actually brought this up on the council agenda last meeting to talk to them about it but I wanted to talk to this group we see a lot of fences being built and either neighbors or property owners don't know that and the fence has already been committed to it it's already been paid for and then I have to send them a violation letter and it becomes a very emotional thing and it sometimes they don't want to change it and it becomes more violation letters in court and trying to make them change it or it becomes well I'll just tear it down, type deals and they're kind of long processes and we see a lot of them. So, I guess the discussion is centered around is how the Planning Commission feels about the finished side of the fence even facing the neighbors, is that's something that the board even cares about. Could we remove that provision and let people build fences the way they want to build them. That way we're not having to chase them down and they build the wrong way and spend a lot of department time and you know trying to get them to change that the violation letters and stuff. So, I just kind of wanted to have that conversation with you like I said that Mayor had brought it up at council and in his Mayor report I think he's going to talk with them next meeting too, but just kind of wanted to see how the group felt about that removing that finished side towards the neighbor provision.

Ann Blackburn: You said you have a lot of them, like last year, how many did you do?

Nate Heisler: I would say probably within the year, 3 to 4, this year we're up to 3 to 4 and you know they last pretty long time and would constantly calling and the neighbors call and it becomes us rereferring pretty much between neighbors you know, and then they're mad and they're mad and then you're kind of stuck in the middle and it takes a lot of time and a lot of effort to get it to where it needs to be and eventually somebody just ends up getting mad and taking down the fence or they end up fixing it usually but it's a long thing that takes up a lot of time and I just wanted to kind of bring it to your attention and see how you felt about it.

Jim Dipiazza: I always thought throughout the United States it was pretty much standard that the good side had to face the neighbor.

Ann Blackburn: I did too.

Megann Thompson: Yeah, that's what I think, what I ever put up in a subdivision has always faced outward like a good side right and my neighborhood she landscaped that whole side of my fence on her side. You know I'm saying like. I get it's frustrating my concern is, we think about all the new homes that we're building are we going to have facing in facing out facing in facing out? That's a concern and I don't know if that's something you can ask in HOA 's, can you put it in the HOA, our fencing, and then you enforce it? And then that takes it off the city. Our fencing policy needs to be in

your HOA regulations, and then it's HOA 's problem, right?

Nate Heisler: Yeah, that could be a possibility.

Robert Tooker: I think your city ordinance should be kind of overarching and the HOA's can restrict some of that. I've never heard of putting fences in the front yard in a city. But that basically says you can, but our HOA says no fences in the front yard in our neighborhood. Just as an example. I did an Internet check quick check and it's interesting they say well fences should in essence fences should be installed following a good neighbor policy with finished exterior towards neighbors. This is just an AI Internet search.

Megann Thompson: And I think that's the consensus here, that's the standard I think everybody 's always taken if you're going to put a fence like finish that gives out.

Robert Tooker: But if you're talking about height weather fences are in the front yard HOA 's kind of take care of some of that it's a little more restricting than what the city would require.

Megann Thompson: I guess that's the question, can we have our fencing policy put in the HOA 's moving forward?

Nate Heisler: We can we can request that.

Megann Thompson: Well, I mean they have their own thing. I know you can't dictate their bylaws, but you can you can ask for things.

Ann Blackburn: But they have to be on top of our standards, like we have a minimum standard, they have to be that, in addition to like they can't be less than our standards.

Megann Thompson: If it was in there though they would have the leg to stand on as like when you bought your home you agreed to this not like oh, I didn't know. To me it could take the city out of it, it's just the city standard and you're adopting that in your HOA bylaws.

Nate Heisler: That could be something that we add to some sort of restrictive covenants and PUD's, you know when they build those but I just I just kind of wanted to hear your thoughts on it you know the planning department, each spring we brace for fencing season. You know, we get phone calls and they're not happy campers, you know, either side of it so.

Megann Thompson: My concern is, this is the uniformness in these newer subdivisions, if we don't enact something, in which I mean, we don't have that in any of those. so that. might still be your issue if that came up, but moving forward. if we could somehow get it in our language just to take that off of you guys. I do think the standard is important, I think it's there for a reason, I think most people, common courtesy, understand that.

Jim DiPiazza: Right.

Luther Bratton: you know I'm torn, but I think the issue that we possibly get into, is that if all fences are not created equally, irrespective of which side is next to me, this would be nice but if it was someone Ted's metal material from USA or something that finished side versus and then we do not involved with that so I'd be reluctant to change something . I know he claims he gets the call but there's the person that gets beat up and I wish I could help but I don't know.

Megann Thompson: Maybe just looking to see about adding that secondary language into this, so we can direct it like hey, you're in this company, your HOA would take care of this problem for you not the city.

Nate Heisler: I think that's good.

Megann Thompson: Maybe that would alleviate some of it, because that's not our business, spats aren't our business.

Robert Tooker: But there's a lot of places that don't have HOA's.

Jim DiPiazza: Right.

Megann Thompson: But I think moving forward, our dense development, I mean yeah, we're not going to be able to stop the random fences showing up in already established neighborhoods or older homes or whatever, I mean that's not going to go away, but, If we can you know, protect.

Luther Bratton: Not to beat up those 5000 square foot lots, that I support, you know when we start dealing with fences and your lots only 5000 square feet, it creates another and most of those HOA 's have restrictions about, in some situations, no fences and so for us to insinuate that we want you to put a fence up and I can reach out and touch my neighbor, so the fence I could touch, so I think if we push that I think that that's going to be an issue.

Megann Thompson: I'm not telling anyway to do their fences, what kind of fences or anything. I'm just saying that we, as our city, our fencing policy is the good side out.

Luther Bratton: If you allow?

Megann Thompson: I'm not dictating anybody's fencing guidelines on an HOA. I'm just saying, can you add in this language that any fences have to be good side out in your HOA bylaws, If you allow fencing, any fences have to be, good side out.

Robert Tooker: I like that approach; the other thing was I mean you could require a permit for fences. Fences are pretty expensive.

Megann Thompson: Nate said no!

Nate Heisler: I will say that we have a lot of fences and.

Robert Tooker: I'm not even talking about fee's for fences and that kind of thing, but, , just something that helps to regulate it.

Nate Heisler: Yeah, we thought about that we've had internal conversations around that but there's so many fences. We just don't know if the staff is there for that, to manage it. You know. So, we're managing violations at this point.

Robert Tooker: That's the problem, that's the after the problem solution.

Nate Heisler: Yeah.

Luther Bratton: When you want some feedback, you got it?

Nate Heisler: I got it.

Ann Blackburn: Maybe put it on the website, more prominent, maybe if it's they can see it easier.

Megann Thompson: Cedric could do a post on Facebook; it's spring season reminding.

Nate Heisler: That's a good idea, we did put the fencing ordinances on the Planning page a couple of years ago, front and center you know, so everybody can see it, we get so many, I was like, we got put that there.

Ann Blackburn: Send letters to the fencing companies and say hey, just for a reminder.

Jim DiPiazza: The fencing companies, do they call and ask what the ordinance is?

Nate Heisler: Not usually, no.

Ann Blackburn: I know more than likely, it's people who put up their fences their selves that's done this, but I know if I paid somebody to put up a fence and then it comes back and I'm getting violations I'm going after the fencing company.

Megann Thompson: I mean at some point a license and insured fencer should know the ordinance to say oh, in Portland you have to have, it's not a choice. So, I would agree with Ann, if I paid somebody to put up a fence, I would say, you messed this up, I don't know anything about ordinances.

Ann Blackburn: When I list somebody 's house I got to know this the ordinance for signs before I put it in somebody 's yard.

Nate Heisler: We have permits for those?

Ann Blackburn: Or I'm going to get a violation.

Nate Heisler: Well, thank you for the feedback.

Planning Commission Members' Comments: No Comments

City Planner's Comments: Nate Heisler:

Nate Heisler: Yes ma'am, so our last meeting we had discussed what we had a public comment around prints and when prints should be turned in. I'll look back and look at our regulations; I looked at the

zoning ordinance which pertains to engineer site plans I looked at the subdivision regulations as it pertains to plats and also look at PUD's. We have no specific requirement for sizes as it pertains to prints to Planning Commission. So, what we did this meeting was is we asked for 11 x 17 and we delivered it to you. I guess what I really need to know from the Planning Commission is that sufficient, is that or are they is the size big enough for you to understand it and see it. You know Zach had spoken last month in the in the bigger ones we get, those are very expensive. You know those are thousands of dollars to print off and 11X 17 you can print off with an office copier. So, our regulations don't have any impact on that but that's what I really want to say I want to ask the group are they comfortable with the way that we did it tonight, we'll just keep doing it this way.

Jim DiPiazza: I've already given you my opinion, I liked It better.

Megann Thompson: It was a lot more manageable.

Nate Heisler: OK, we will keep doing that.

Megann Thompson: Yeah, I felt like I was able to flip and find things quicker.

Ann Blackburn: If I can't see something we can always open that attachment you e-mail us and like zoom in.

Nate Heisler: And I've also changed the staff report to. You know how I used to do attachments to it but now I figured out a way to link our IDT projects in there that way oh you got to just click on it it'll bring it up. So, that's been changed over the last several meetings, I don't know if you've noticed but being able to do that you can pull it up the PDF and you can look at it that way if you want you to.

Megann Thompson: And one thing if anybody had any more issues maybe talking to the mayor if you know the laptops that we have for City Council maybe seeing if we can bring those out for Planning Commission just to have on standby if we need to pull something up.

Nate Heisler: I can discuss with IT on that, that was a thought of mine too. That's all. I got.

Public Recognition on Non-Agenda-Related Items (3 minutes maximum per speaker)-No One Spoke

Motion to Adjourn: Jim DiPiazza

Second Motion: Robert Tooker- All in Favor, Motion carried 7-0

All in Favor: Vice Mayor Megann Thompson, Robert Tooker, Ted Jernigan, Chairwoman Ann Blackburn, Jim DiPiazza, Luther Bratton, Chirag Patel

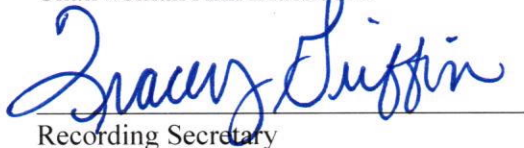
Absent: Jessica Hunter, Gail Gentry

Motion Passed: (Voice Vote)

Adjournment 6:43 PM


Chairwoman Ann Blackburn

6-9-2024
Date


Recording Secretary

6/9/2026
Date

City of Portland Public Recognition Sign-In Sheet

- In accordance with Resolution #26-33, public comments are allowed when those comments are germane to either the agenda or to the board's governing authority, except where otherwise prohibited.
- The number of speakers and/or allotted time may be limited by the presiding officer to ensure all views are heard in a timely manner.

All wanting to speak must complete the signup sheet before the start of the meeting.

Public Hearings & Agenda Item Comments Use This Section			
Comments must be germane to agenda & public hearing items and each speaker has a maximum of 5-minutes			
Speaker Information		List the agenda item to comment on	
<i>Print Name</i>			
<i>Address</i>			
<i>Print Name</i>			
<i>Address</i>			
<i>Print Name</i>			
<i>Address</i>			
<i>Print Name</i>			
<i>Address</i>			
<i>Print Name</i>			
<i>Address</i>			
Non-Agenda Item Comments Use The Section Below			
Comments must be germane to the authority of the board and each speaker has a maximum of 3-minutes			
Speaker Information			
<i>Print Name</i>		<i>Address</i>	
<i>Print Name</i>		<i>Address</i>	
<i>Print Name</i>		<i>Address</i>	
<i>Print Name</i>		<i>Address</i>	
<i>Print Name</i>		<i>Address</i>	
<i>Print Name</i>		<i>Address</i>	

The Following Information Is To Be Filled Out By The Presiding Meeting Clerk

Board/Committee: Planning Dept Meeting Date: 5/12/26 Page # 1 of

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