

City of Fairview

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FAIRVIEW, TN. 37062



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Municipal Planning Commission

Regular Meeting
January 13, 2015
7:00 p.m.

Lisa Anderson, Chairperson
Matt Beata, Vice Chairman
Brandon Butler 1st Secretary
Michael Mitchell, 2nd Secretary
Pattie Carroll, Mayor
Toney Sutton, Commissioner
Wayne Lowman
Tim Mangrum
Mitch Dowdy

Present: Anderson, Beata, Butler, Mitchell, Carroll, Sutton, Lowman, Mangrum, Dowdy
Absent:

Others Present: City Manager Wayne Hall, Planning/Codes Director Frank Humber City Attorney Larry Cantrell, Engineer Will Owen, Codes Clerk Sharon Hall

1. CHAIRPERSON ANDERSON CALLED THE MEETING TO ORDER AT 7:02 P.M.

1. Ron Rowe led the prayer and the pledge.

2. APPROVAL OF THE AGENDA-

- 2.1 Anderson added 8.1 Election of Officer, and then move all items down one number, also add 8.7 discuss the Yard Source Business located at 7100 Sleepy Hollow Road.

3. CITIZENS COMMENTS - (Limited to the first five to sign in and a limit of three minutes each.)- None

4. APPROVAL OF THE MINUTES-

- 4.1 December 08, 2014 – Regular Meeting
Sutton made a motion for approval. Mitchell Seconded. All were in favor.

5. RECOMMENDATION – None

6. BONDS-

- 6.1 STABLE ACRES SUBDIVISION – PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE IN THE AMOUNT OF

\$65,000.00. PLANNING COMMISSION SET THE BOND ON DECEMBER 12, 2008. BOND EXPIRES JANUARY 24, 2014.

Sutton made a motion for approval if bond is not in place by the expiration date. Mangrum Seconded. All were in favor.

- 6.2 DISCUSS AND/OR TAKE ACTION ON REDUCTION OF LEVERETTE MEADOWS SUBDIVISION – LETTER OF CREDIT TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE IN THE AMOUNT OF \$14,000.00. WANTS THE REDUCTION ON THE SIDEWALK PORTION ONLY. LETTER OF CREDIT EXPIRES OCTOBER 01, 2015.

Mangrum recused himself from voting. Beata read Engineers report, which will become part of these minutes. Exhibit A. City Engineers recommendation was to lower Letter of Credit to \$11,500.00. Sutton made a motion to lower the Letter of Credit to \$11,500.00 as recommended by City Engineer. Beata Seconded. All were in favor.

- 6.3 DISCUSS AND/OR TAKE ACTION ON REDUCTION OF LEVERETTE MEADOWS SUBDIVISION PHASE II – LETTER OF CREDIT TO COVER THE ROADS, SIDEWALKS AND STORM DRAINAGE IN THE AMOUNT OF \$78,700.00. WANTS THE REDUCTION ON THE SIDEWALK PORTION ONLY. LETTER OF CREDIT EXPIRES OCTOBER 31, 2015.

Mangrum recused himself from voting. Beata read Engineers report, which will become part of these minutes. Exhibit A. City Engineers recommendation was to lower the Letter of Credit to \$75,500.00. Beata made a motion to lower the Letter of Credit to \$75,500.00 as recommended by City Engineer. Butler Seconded. All were in favor.

7. OLD BUSINESS- None

8. NEW BUSINESS-

- 8.1 ELECTION OF OFFICERS.

Beata made a motion to keep all current Planning Commission in their existing positions. Lisa Anderson Chairperson, Matt Beata Vice Chairman, Branden Butler 1st Secretary, and Michael Mitchell 2nd Secretary. Sutton Seconded. Sutton stated the reason was because no one on this Board has served their full term. All were in favor.

- 8.2 DISCUSS AND/OR TAKE ACTION ON DECREASING 20 FOOT SET BACK TO 10 FOOT SET BACK. NO BUFFER AREA ON THE SOUTH SIDE OF THE PROPERTY, AND ALLOWING A 26 FOOT SIGN IN LIEU OF A MONUMENT SIGN AT 1528 HIGHWAY 96, NORTH. MAP 18, PARCEL: 4.01, .33 ACRES CI (COMMERCIAL INTERCHANGE) ZONED. OWNERS SAINAATH, LLC. Owner, Mr. Hayes and Mr. Cochran present to answer questions. Mangrum made a motion for approval. Sutton Seconded. . Sutton asked were they still planning on doing a total demolition and rebuilding. Mr. Cochran stated yes sir. Humber stated the zoning ordinance says the sign at the Interstate can be tall as tall as 100 feet however the design review manual, which supersedes the Zoning Ordinance, requires it to be a monument sign, therefore request for a variance. Mangrum asks the owners would 26 feet get them over the height to be able to see from the exit ramp? Mr. Cochran stated

he does not believe so. Carroll stated in essence they would still have to give a variance for the larger sign but it would stay with the Codes and keep with the monument sign. Carroll stated she would like to amend the motion for a 6 foot high by 12 foot wide monument sign. Sutton Seconded. Anderson stated with the amended motion that was just about the signs. Anderson stated since this is all on one topic the motion needs to include the other two. Carroll withdrew her motion and restated. Carroll made a motion to decrease the 20 foot setback to 10 foot setback and the buffer area on the south side to the ten feet setback along with a monument sign to be 6 foot by 12 foot no buffer. Sutton Seconded. Owen stated just for clarification the south property boundary of this property according to the conceptual site plan is the adjacent boundary to the right of way of Highway 96. Owen stated believes that would be the eastern boundary line and not the southern. Carroll restated her amended motion for a 10 foot setback, no buffer area on the East side of the property with a 6 foot by 12 foot monument sign. Anderson asked for a vote on the motion as amended. All were in favor. Anderson asked for a vote on the original motion as amended. All were in favor

8.3 DISCUSS AND/OR TAKE ACTION ON FINAL PLAT CONSOLIDATION PLAT FOR PROPERTY LOCATED HIGHWAY 96, NORTH. MAP: 22. PARCELS: 150.00 AND 50.02. OWNERS BIG LITTLE INVESTMENTS.

Dowdy recused himself from voting. Kelly Shiver and Tony Reasons present to answer questions. Beata read the Engineers report which will become part of these minutes. Exhibit A. Sutton made a motion for approval with the City's Engineer report. Mangrum Seconded. All were in favor.

8.4 DISCUSS AND/OR TAKE ACTION ON FINAL SITE PLAN ADDITION TO MINI-WARE STORAGE FACILITY LOCATED AT 712 HIGHWAY 96, NORTH. MAP 22, PARCEL 150.00. 2.34 ACRES. OWNERS BIG LITTLE INVESTMENTS.

Dowdy recused himself from voting. Kelly Shiver and Tony Reasons and Mitchell Leonard present to answer questions. Beata read Engineers report which will become part of these minutes. Exhibit A. Beata asked is this just for the combining of two separate parcels? Humber stated yes. Owen stated all of his comments are for cosmetic in nature and does not have any significant effect of altering what is being proposed for combining the two lots. Sutton made a motion to approve with the requests from the City Engineer. Sutton asked Mr. Owen was anything about handicap parking. Owen stated there was not anything specifically, but when they resubmit the plan that shows the parking the ADA parking will be applied. Kelly Shiver stated for this site, the office that is there will be the office for both buildings. Carroll asked how much parking they currently have. Shiver stated they have the handicap parking and two designated parking spaces in the front. Sutton asked would this qualify for enough parking spaces there. Owen stated he only sees two parking spaces plus one handicap, he believes that they would be at least one spot short. Reasons stated they could fix that if they want them to change it. Reasons ask Owen about number 8 for clarification seems like he was unclear, his intent was to have two discharge locations. Owen stated what you're identifying as

structure three that would be the outlet discharge from the detention basin? Reasons stated yes there is actually three a small portion is going there from headwall from outlet structure four then the remainder is going to the Highway. Owen stated could they revise the grading so that number three is discharged to the South to the Highway? Reasons stated if they do that he thinks they will have to increase the size of the detention pond and that is his concern. Owen stated for what purpose. Reasons stated he did not want to run anymore to the Highway, there is actually a portion that is draining to an existing house. Shiver stated they talked to the homeowner and he like the fact that the detention pond was in the back and he did not have a problem with it. Owen stated he does not disagree that is a good place for the discharge but they need to have a written drainage easement from that property owner saying that location is acceptable to him in the placement of this discharge point. Sutton asked Cantrell how they need to adjust this to make sure they obtain an easement. Cantrell stated if you're going to approve this, he would approve subject to contingencies of Owen document should be on the minutes of the meeting. Cantrell stated his experience they need to get the easement in the beginning. Sutton asks Owen would he be in agreement with this. Owen stated yes. Sutton made a motion to approve with the addition of obtaining a written easement from the property owner along with all the other Engineer comments. Beata Seconded. Anderson asked how that affects number 8. Owen stated if the easement is obtained then that would indirectly satisfy comments number 8 and comment number 10. Sutton made a motion to approve with the addition of obtaining a written easement from the property owner along with all the other City Engineers recommendations, only adding 8 and 10 if the easement is obtained also grant a variance for three additional parking that would eliminate 4. Butler Seconded. All were in favor.

- 8.5 **DISCUSS AND/OR TAKE ACTION ON AN AMENDMENT TO THE ZONING ORDINANCE PERTAINING TO THE VESTED PROPERTY ACT PASSED BY THE TENNESSEE LEGISLATION.** Sutton made a motion for approval. Mangrum Seconded. Cantrell stated the Stated Legislation passed the vested property act and they do not have any choice in what the state law says. Cantrell stated since this is a Zoning Ordinance, the state law required the Planning Commission review all Zoning Ordinance changes and do one of three things. Cantrell stated can make a recommendation for approval to the Board of Commissions, not to approve by the Board of Commissioners or to send it as is with no comment at all, no recommendation with approval or disapproval. Cantrell stated if the Board of Commissioners does not approve this, they will still have the base structure of the law because it was passed by the State Legislation. Sutton made a motion for recommendation to the Board of Commissioners as is if they approve, we will approve, if they do not approve, we will not approve or send with no Butler Seconded. All were in favor.
- 8.6 **DISCUSS AND/OR TAKE ACTION ON RESOLUTION NO. 26-14 A PLAN OF SERVICES FOR THE ANNEXATION OF PROPERTY BELONGING TO JASON LANKFORD AND SHANNON LANKFORD LOCATED AT 7300 STARK**

LANE. Owner Jason Lankford present. Sutton made a motion for approval. Butler Seconded. Cantrell stated this is part of the annexation process that all plans of services be submitted to the Planning Commission for their review, you either approve or disapprove or send with no recommendation. Cantrell ask Sharon Hall does she have the original resolution. Hall states yes. Cantrell stated he would request if it is approved or not approve to have the Chairperson sign before she leaves tonight so they can give to the Board of Thursday. Cantrell stated there is not a set procedure on who signs on the previous one as long as in the records of the minutes. Cantrell stated anything that is dealing with an annexation needs to be signed off by the Board that is considering this for recommendation also. All were in favor.

- 8.7 **DISCUSS THE YARD SOURCE BUSINESS LOCATED ON 7100 SLEEPY HOLLOW ROAD. MAP 69, PARCEL 56.00. ZONED CG (COMMERCIAL GENERAL).** Humber asked what they would like to know about it. Sutton stated it follows under the jurisdiction of the size that it does not have to comply certain elements. Humber stated yes, not required to have Design Review and can be approved by staff. Carroll stated even though it is Commercial, wouldn't that be different. Beata stated his concern was this went from Residential use to Commercial. Humber stated under the section 1.101.2 of the Design Review- Development Subject to Design Review. Humber read this section. Exhibit B, which will become part of these minutes. Beata stated he thought this was referring to an accessory building, could build an accessory building if there was already a primary building but there is no primary building. Carroll stated are they going to have a restroom, because in a commercial building you have to offer a restroom. Anderson stated yes it is a handicap unisex restroom. Humber stated this building is 10 x 10, if he's not mistaken. Humber stated if it is the Planning Commissions interpretation that this is not an accessory structure, and then he will have them to present their plan to them. Beata asked did they get a building permit. Humber stated a building permit is not required for this size of a building per our building inspector John Bledsoe. Lowman stated he thinks they need to revisit the design manual. Mangrum stated we can ask Mr. Humber to contact him and come before them and present them with something so they can get a better understanding. Hall stated his thought is this needs to be brought up at the Codes Review Committee and needs to be changes. Hall stated they have several items that need to be changed. Carroll ask Mr. Humber to go ahead and contact them to see if they will come in and on the next agenda put this revision to this one part. Humber stated they will have a Codes Review meeting and they will have a recommendation. Anderson stated she thinks if it is Commercial it needs to come before them, they need to get this one part fixed as soon as possible. No Motion was made.

9. REPORTS FOR DISCUSSION AND INFORMATION

9.1 DIRECTOR OF PLANNING AND CODES-

Humber stated there is a lot in the Subdivision Regulations, Zoning Ordinance that needs to be reviewed and revisited but when something comes up we need

to go ahead and fix it so it will not happen again. Humber stated we will be glad to take this to the Committee and bring back to you all. Humber stated he wants to treat everyone the same and require people to do what their supposed to do. Humber stated if he misinterpreted he admits he was wrong and we need to fix it. Humber stated if they want to review everything, to be site reviewed, we can do that.

- 9.2 **CITY ENGINEER-** Owen stated the broad context of the discussion on the backend of the meeting falls under what trigger and threshold point you require a changed use of property or a revision to an existing commercial property. Owen stated at what threshold that development comes into full compliance or parcel compliance of your current regulations, that is a very difficult arena, for not only you all but for all Cities. Owen stated he would encourage the Codes Committee and this group to really look at what trigger points they really want to inforce for that redevelopment or change of use, to come into compliance with what is currently required.
- 9.3 **CITY ATTORNEY-** Cantrell stated he wanted to remind the Board that they are required to file with the Ethics Committee Commission a disclosure statement by January 31st. Cantrell stated each one of you have to file this, the statute does not say that but in the list from the Ethics Commission, Regional Planning Commissions, Municipal Planning Commissions, any members of a Planning Commission has to file this with the Tennessee State Ethics Committee. Cantrell stated the form SS-8005. Cantrell stated you can file on line or you can print in off and fill out and mail. Cantrell stated web site is, Tennessee, ethicscommission,forms-8005 to file on line. Cantrell stated the max penalty is removal from office and can be fined up to \$10,000.00.
- 9.4 **CITY MANAGER-** Hall stated public safety is one of the first things he learned, main issue he basis his decisions on. Hall stated he believes back as far as Kathy and Ron Cooper a movement, whether from the Planning Commission or the BOC to have some of the smaller things to be addressed by staff that may be where this got into the ordinance. Hall stated looked at the calendar and we have a town Hall meeting on the 29th at 7:00p.m., if they can have a Codes Review Committee at 5:30p.m., Frank and Sharon can contact everyone. Hall asks Mr. Cantrell did he get permission for them to do this training. Cantrell stated yes. Hall stated he will see to it that gets handled and present those certificates at a Planning Commission meeting.

10. COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.

Lowman stated he had neglected to thank Ron Rowe for his service and to welcome Mayor Patti Carroll, good to have her back.

Carroll stated consistency; she thinks it will be huge for them, does think as we grow things are going to happen quick and know where they stand to be consistent as much as they can

Beata stated he thinks most of their thresholds are based on the cost and he thinks it is at 50%, so if someone is going to improve a building and it reaches 50% of that cost. Beata stated he never liked that, he does not know what the answer is. Beata stated on the variances, he does not know if is on a Code

Book, if someone comes before them, if they could put in in a letter. Beata stated if the City had a variance folder.

Anderson stated she is glad they are getting back on track with the Codes Committee because that is something they need to work through and get completed. Anderson stated what was discussed tonight, she does not think it had any reflection on staff, them, or for people that is coming to them to ask to do something. Anderson stated if we are not consistent, this part of the code conflicts with another part of the codes; it is hard for anyone to interrupt what it says.

11. ADJOURNMENT- Chairperson Anderson adjourned at 9:28 p.m.

Chairperson

Secretary