

# City of Fairview

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FAIRVIEW, TN. 37062



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## Municipal Planning Commission

**Regular Meeting**  
**FEBRUARY 10, 2015**  
**7:00 p.m.**

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

**Present:** Anderson, Beata, Butler, Carroll, Sutton, Lowman, Mangrum, Dowdy

**Absent:** Mitchell

**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 7:04 P.M.**

1.1 Ron Rowe the prayer and the pledge.

### **2. APPROVAL OF THE AGENDA-**

2.1 Beata made a motion for approval. Butler Seconded. Anderson added 8.6  
Discuss the Yard Source. All were in favor.

### **3. CITIZENS COMMENTS - (Limited to the first five to sign in and a limit of three minutes each.)-**

3.1 Glenda Mangrum lives at 7112 Rusty Drive has concerns about Alex Prince's rezoning request for the 2.5 acres. Ms. Mangrum said this is a residential area with one acre lots on a dead end street. Ms. Mangrum stated that Mr. Prince has obtained an easement, which potentially could allow their neighborhood to be open up with traffic from commercial. Ms. Mangrum said she is concerned about what it will do to her neighborhood.

3.2 Steve Davis lives at 7107 Rusty Drive his concern was the sign at the end of

the road, his understanding was there was going to be easement that was going to be opened up to allow traffic. Mr. Davis stated he believes the road is around 8 to 9 feet long, not a very big road, start opening up to other traffic and it is going to impacting there one acre lot's, as will rezoning from the R-40 to the R-12.

#### **4. APPROVAL OF THE MINUTES-**

##### **4.1 JANUARY 13, 2015 – Regular Meeting**

Sutton made a motion for approval. Butler Seconded. All were in favor.

#### **5. RECOMMENDATION – None**

#### **6. BONDS-**

##### **6.1 CELL SITE TECHNOLOGIES, INC., - SURETY BOND. BOND # 106066570 IN THE AMOUNT OF 1,500.00. BOND WILL EXPIRE MARCH 03, 2015.**

Ken Brison owner of the property present to answer any questions. Humber stated their bond is due to expire in March but they have completed all the work so this bond can be released. Mangrum made a motion to release the bond. Sutton Seconded. All were in favor.

##### **6.2 WESTERN WOODS VILLAGE – PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS AND STORM DRAINAGE - \$155,300.00. PLANNING COMMISSION SET THE BOND ON FEBRUARY 12, 2008. THE BOND WAS REDUCED TO \$106,000.00 AT THE FEBRUARY 10, 2009 MEETING. THE BOND WAS REDUCED TO \$80,240.00 AT THE FEBRUARY 12, 2013 MEETING. BOND EXPIRES MARCH 14, 2015.**

Humber stated he has a letter dated February 10, 2015 to Ms. Hall has reviewed the document and the bond has been extended to March 16, 2016, so no action is needed.

##### **6.3 DISCUSS/AND OR TAKE ACTION ON LOWERING WAL-MART – PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$97,800.00. BOND EXPIRES NOVEMBER 30, 2015.**

Beata read the Engineers report, which will become part of these minutes. Exhibit A. Sutton made a motion for approval. Mangrum Seconded. Carroll stated does he need to say based on the Engineers recommendations. Sutton restated his motion to include move for approval based on the Engineers recommendations. Mangrum Seconded. All were in favor.

##### **6.4 DISCUSS/AND OR TAKE ACTION ON RELEASING SITE PERFORMANCE BOND #B1205739 FOR FAST PACE TO COVER SITE, INCLUDING SITE DRAINAGE, SEED, STRAW AND GRADING. BOND AMOUNT \$4,000.00.**

Sutton asks Mr. Humber is this on the old site that was across the street. Humber stated yes. Humber stated releasing the bond. Sutton made a motion to release the bond. Mangrum Seconded. All were in favor.

#### **7. OLD BUSINESS- None**

## **8. NEW BUSINESS-**

### **8.1 REZONING APPLICATION FOR PROPERTY LOCATED ON 1895. FAIRVIEW BLVD. MAP 42F, A, PARCEL 2.00, 1 ACRE. FROM RS-40 TO RM-12. OWNER ALEX PRINCE OWNERS.**

Sutton made a motion for approval. Beata Second. Alex Prince present to answer questions. Anderson asks Mr. Prince what is the easement intended to do off the cul-de-sac. Mr. Prince said the purpose is for the Apartments only, that is why he acquired the easement. Mr. Prince stated it is 2.5 acres and he is going to carve off 1 and quarter acres. Carroll asks who he got the easement from. Mr. Prince stated Jennifer Stewart. Carroll asks is this townhomes or rental property. Mr. Prince stated the plan is for all apartments. Mangrum asks Mr. Humber, is he asking to only rezone 1 acre of 2.25 acres. Humber stated this is for the rezoning only, does not approve the site plan, and does not approve the access; he will have to come back with a site plan. Humber stated you make the decision on whatever you want to. Mangrum asks Mr. Prince is that correct you are proposing fifteen apartments? Mr. Prince stated yes. Humber stated it only holds twelve. Mangrum stated he measured Rusty Drive today and it is only fourteen foot wide, very narrow street, from a public safety stand point, that is a concern. Cantrell stated if they are going to rezone an acre of the 2.5 acre, he will have to have an accurate legal description. Carroll asks why this can't come off the main road. Mr. Prince stated the state will not allow that. Sutton asks does he understand what our Attorney is talking about. Mr. Prince stated he does but he was told to put this as a preliminary plan and once he got it approved, he would do the survey to show a site plan. Mr. Prince stated this is on the 2.5 acres it is on the west side of the property. Beata stated what they have is a rezoning and the Map and Parcel number is for the entire property. Cantrell stated there is two things they can do, they could approve contingent upon him building an area in the shape of a cul-de-sac on his property that meets current codes for emergency vehicle turn a rounds. Cantrell stated you cannot write an ordinance when you don't know what the description is. Sutton made a motion for him to come back with a survey plat with the exact location of the apartment complex. Mr. Prince asks about the cul-de-sac, is that something he needs to take into account before he starts surveying? Cantrell stated yes. Mangrum seconded. Anderson stated we are going to defer until he resubmits. All were in favor.

### **8.2 REZONING APPLICATION FOR PROPERTY LOCATED ON OLD NASHVILLE ROAD. MAP 42, PARCEL 65.12 1 ACRE. FROM RS-10 TO RM-12. OWNER TIMOTHY MANGRUM**

Mangrum recused himself from discussion or voting. Sutton made a motion for approval. Butler Seconded. All were in favor.

### **8.3 DISCUSS AND/OR TAKE ACTION CONCEPTUAL SITE PLAN FOR CONVENIENCE STORE LOCATED AT 1528 HIGHWAY 96, NORTH. MAP 18, PARCEL: 4.01, .33 ACRES CI (COMMERCIAL INTERCHANGE) ZONED, OWNERS SAINAATH, LLC.**

Owner and Mr. Hayes present for questions. Sutton made a motion for approval. Mangrum Seconded. Beata read Engineers report, which will become part of

these minutes. Exhibit A. Carroll asked can include these recommendations in the motion. Mr. Hayes asks if we are saying curbing, all the way around, because he was granted a variance on the side next to the motel. Will Owen stated on the Engineer report 8.3 numbers 2, should read- "Covering around all paved areas adjacent to vegetative areas is required" that would cover that. Carroll stated are they good on the other items, the parking spaces, will they provide those. Mr. Hayes stated they will provide that. Beata asks what the required parking spaces are. Owen stated fourteen spaces. Mr. Hayes asked if the spaces at the gas pumps count. Owen stated no. Sutton stated that does include handicap parking, correct. Owen stated yes. Carroll amended the motion to include the Engineers comments with the corrected verbiage. Beata Second. Beata ask Mr. Humber when they come back they will bring their building design in front of them? Humber stated yes Carroll stated her request would be to try to meet our Codes but if they do have trouble and need some kind of a variance please come back and they can review. Carroll stated they want as much parking available and want to try to meet our own Codes but understands they have limited space. Anderson stated all in Favor. Vote was taken. All were in favor.

**8.4 DISCUSS/AND OR TAKE ACTION ON AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL ZONING CODE, ARTICLE XVII, SECTION 16-104.3, "BOARD OF ZONING APPEALS, MEMBERSHIP"**

Sutton made a motion for approval. Butler Seconded. Cantrell stated you can approve it or send it forward with no recommendation. Cantrell stated, they have five members on the Board of Zoning Appeals are appointed by the Board of Commissioners. A liaison Commissioner is also appointed by the Board of Commissioners as an ex officio. Cantrell researched this not illegal perfectly valid the Board appoints all six members. Cantrell recommended amending the ordinance in the event there are two regular members and the ex officio member. He or she would become a regular voting member in order to have a quorum. Cantrell stated the ex officio member can become a voting member to break a tie. Vote was taken. All were in favor.

**8.5 DISCUSS/AND OR TAKE ACTION ON ITEMS REFERRED TO THE PLANNING COMMISSION FROM THE JANUARY, 29, 2015 MEETING ON THE CODES REVIEW COMMITTEE.**

Humber asked the PC to look at 2-105.4 Interior Parking Lot Area Landscaping, 2<sup>nd</sup> part 6, which is being eliminated. A Tree Density Worksheet would be added. Exhibit C, if the recommendation of the Commission. Mangrum made a motion to amend code section 2-105.4 to reflect the Codes Review Committee. Sutton Seconded. All were in favor.

Section 16-103.3 Site Development Plans, which will become part of these minutes Exhibit D. Humber stated all site plans shall be subject to approval by the Planning Commission all Commercial. Sutton made a motion to amend code section 16-103.3 Site Development Plans. Beata Seconded. All were in favor.

Section 3-108 Issuance of Building Permits and Certificate of Occupancy, which will become part of these minutes. Exhibit E. Humber stated the Codes Review Committee recommended to Delete Paragraph 2. Mangrum made a motion to

amend code section 3-108 Issuance of Building Permits and Certificates of Occupancy. Beata Seconded. Sutton stated this is all for housekeeping, clarity of the policies we have. Humber stated yes. Vote was taken. All were in favor, Humber stated the next one is 1-101.2 Development Subject to Design Review, which will become part of these minutes. Exhibit F. Humber stated the wording is changed. Mangrum made a motion for amend code section 1-101.2. Butler Seconded. Vote was taken. All were in favor.

Code Section: Zoning Ordinance Article 16 Section 16-102.5. 2008 International Building Code Section 105, which will become part of these minutes. Exhibit G. Humber stated will require all commercial buildings to get a permit. Beata made a motion to amend section 16-Section 102.5. Mangrum Seconded. Cantrell stated what the City will have to do is not to revise 2009 International Building Codes, instead put in the ordinance "that Section" will not be enforced. Vote was taken. All were in favor. Cantrell stated just for their information on these and he will prepare the documents, 2-105.4 is the Design Review Manual, will not go to the Board Commissioners that is their approval. Cantrell stated when he presents that it will be added to the Design Review Manual. Cantrell stated he suggest they need to put on the bottom of the last page, the date it was revised and have Chairman of Planning Commission to sign it and the Secretary to verify it. Cantrell stated 16-103.3 is a Zoning Ordinance will have to go forward to the Board of Commissioners to authorize him to prepare the documents then will have two readings on it, then will be sent back to the Planning Commission to sign off on it. Cantrell stated 13-108 Issuance of Building permits, is Subdivision Regulation, strictly the Planning Commission's, will not go to the Board of Commissioners. Cantrell stated 1-101.2 Development Subject to Design Review is in the Design Review Manual and it will not go to the Board of Commissioners. Cantrell stated the last one 16-102.5 conflict with commercial, this is a Zoning Change and it will have to the Board of Commissioners.

- 8.6 **DISCUSS THE YARD SOURCE. JAMIE AND ANGEL STEWART OWNERS.** Jamie and Angel Stewart present to answers questions. Mr. Stewart stated the Yard Source is located on the corner of Highway 100 and Sleepy Hollow, 7100 Sleepy Hollow Road. Mr. Stewart stated they will be selling stone, mulch and masonry supplies. The building will be all brick and stone and ADA accessible. Sutton asked how they would bring product in. Mr. Stewart stated their entrance is on Sleepy Hollow. Sutton asked if they would be able to get the big trucks in there. Mr. Stewart stated he is going to have to widen the entrance. Mr. Stewart stated it may come up that he may need access on the road behind them. Ms. Stewart stated TDOT would not allow an entrance on Highway 100. Beata ask what kind of equipment or vehicles are you going to keep on site overnight. Mr. Stewart stated a bobcat, dump truck and trailer. Beata asked if there are any plans to have any privacy around that equipment. Mr. Stewart stated they are going to be asking for a storage shed. Mr. Stewart stated they were going to tie it to the office. Carroll stated she has concerns since it never come before them, one is it is next to residential, a church, are they going to be putting up fencing. Carroll asked what is going to keep kids from trespassing, climbing on the mulch.



Mr. Stewart stated they can put up fencing if that is what they are requesting, but if a kid is going to come onto the property they will jump the fence. Ms. Stewart stated they have not come up with a plan yet. Anderson stated this is just for discussion only; we invited them to make the public aware of what is going on in on their property. Carroll stated that she thinks there may be a safety issue and was wondering what they had planned. Carroll stated as a Board and they have no authority on what is going to transpire on this property, she would just like to make a recommendation for them to consider putting something around the mulch. Ms. Stewart stated they were thinking about putting the screens just on top but there is nothing to stop the front. Sutton stated is there any fire retardant because this mulch catches on fire easily. Ms. Stewart stated they will have a water spigot somewhere close to the mulch. Beata asked when they were going to be putting up the shed. Mr. Stewart stated after talking to Mr. Humber he thinks they will have to get approval for that. Mr. Stewart stated they now will have to go back to the drawing board and resubmit. Beata stated he noticed they have an outdoor fireplace out there. Ms. Stewart stated that is a display, they are going to be selling those. Carrol asked if the delivery trucks will be coming down Westview Drive. Mr. Stewart stated they will be coming down Sleepy Hollow. Mangrum stated he has a concern about the bend. His concern is the block walls, not being core fill. Mr. Stewart stated they did core fill every fourth one. Anderson stated they really appreciate them coming out.

## **9. REPORTS FOR DISCUSSION AND INFORMATION**

- 9.1 **DIRECTOR OF PLANNING AND CODES-** Humber stated just to bring the Commission up to date on our Single Family building permits; we issued 19 Building permits in 2013, 2014 we issued 39, in 2015 we have already issued 13, we have started out strong. Humber stated probably next meeting will have a new site plan for you all to review for a new fast food restaurant. Humber stated they have had a lot of people looking and interested, hope to be very busy this year. Carrol stated she knows there are a few citizens in the audience about Western Woods Subdivision that she spoke to prior to the meeting about the drainage issue that she had talked to Mr. Hall to look into this. Mr. Hall stated they are taking care of cleaning the culvert but the maintenance of cutting the detention pond is the developer's responsibility. Hall stated they are also going to be looking at the other side of Wiley Circle, from what he understands from Todd, street supervisor, that detention pond is lower than the other side of the property. Hall stated they will probably have to get permission to go over there from the property owner, so they can lower that side, but he has not had time to go over there himself.
- 9.2 **CITY ENGINEER-** Nothing
- 9.3 **CITY ATTORNEY-** Nothing
- 9.4 **CITY MANAGER-** Hall stated thank them for a really good meeting tonight, they had really good discussions. Hall stated the Codes Committee meetings will continue until they correct all the things wrong in the codes and get them corrected. Hall stated the next meeting will be February 26, 2015 at 7:00 p.m., if anyone that is one the Planning Commission that is not a part of that Committee

you're welcome to come and your input will be very much appreciated. Hall stated he thinks there was three more from the other night that they did not get to, needs more time for discussion on these. Hall stated it is very important that they get these Codes changed because it is their future, when developments come to them now they feel like they have everything in proper respective. Thank you.

#### **10. COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.**

Lowman stated thank you Mr. Hall, Mr. Humber for the updates. Lowman stated good to hear we have a fast food place coming in; maybe we can get a slow food place in.

Carroll stated she appreciates everyone coming out tonight; it always matters, especially when they are voting on items that effect their life. Carroll stated she enjoyed them discussing with her why they were at the meeting, it is important when they are making decisions that they know the people they are effecting. Carroll stated now that she is getting the hang of things, she does ask a lot of questions. Carroll stated she will ask questions that people ask her to ask the Board, it is a practice that she tries to do because she feels like the decisions they make will affect people's lives and will impact their future. Carrol stated she encourages when they make motions that they restate the motion to make sure it is documented correctly, they have been going through a lot lately and have had to go back through the minutes, they are crucial. Thank you.

Mangrum stated he would like to thank our Staff for keeping them updated and keeping them prepared for these meetings.

Sutton stated he appreciates the Codes Committee they eliminated a lot of possible problems. Sutton stated he wanted to congratulate the Fairview Boys Wrestling Team. Sutton stated he was at Eagleville this past Saturday night; they have five young men going to the state finals which is Friday, starts around 10:00 at the Ag center. Sutton stated his grandson doesn't go to school here but he was in that tournament; congratulate him for being first in the region, making state qualifications, real proud of him.

Anderson stated she would like to thank the staff for all their hard work. Anderson stated she wanted to let everyone know that the Fairview Chamber is having an event on February 24<sup>th</sup>. Anderson stated you can go on their website except an invitation. Anderson stated they will be highlighting the businesses in our area, and she would like to invite everyone. Anderson stated please keep your money in Fairview, shop here.

#### **11. ADJOURNMENT-** Anderson made a motion for adjournment. Sutton Seconded. Adjourned at 8:25 p.m.

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Chairperson

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Secretary