

## **MUNICIPAL PLANNING COMMISSION**

**February 12, 2019, Regular Meeting at 7 p.m.**

**Brandon Butler, Chairman**  
**Daniel Jenkins, V Chairman**  
**Mike Anderson, 1<sup>st</sup> Secretary**  
**John Blade, Mayor**

**Derek Burks, Commissioner**  
**Salvatore Cali**  
**Jim Power**  
**Sheree Qualls**

**Present:** Butler, Anderson, Blade, Burks, Power, Qualls, Jenkins

**Absent:** Cali

**Others Present:** City Manager Scott Collins, City Engineer Will Owen, City Attorney Tim Potter, Building Inspector Micah Sullivan, Codes Clerk Sharon Hall

- Butler Called Meeting to Order at **7:00 PM**
- Opening Prayer and Pledge – **Butler led Prayer and Pledge**
- Approval of Agenda –**Power made a motion for approval. Jenkins Seconded. Vote taken. All were in favor.**
- Citizen Comments (limited to the first five citizens to sign in and three minutes each) **None**
- Approval of Minutes: **January 8, 2019 – Regular Meeting**  
**Qualls made a motion for approval. Blade Seconded. All were in favor.**

### **PUBLIC HEARING**

1. PC 2019-01, A Resolution to Adopt Revised Subdivision Regulations for the City of Fairview, Tennessee.

**Butler opened Public Hearing. No one to speak at Public Hearing. Butler closed Public Hearing.**

### **NEW BUSINESS**

1. Officer Election: Vacant Position of 1<sup>st</sup> Secretary

**Staff: Christie Slaughter submitted her resignation from the Planning Commission on 01/23/19, leaving the position of 1<sup>st</sup> Secretary to be filled.**

Butler stated Christie Slaughter moved to Ohio and wanted to thank everyone for her time on the Planning Commission and we want to thank her for her time, we now have an open spot for 1<sup>st</sup> Secretary if they want to fill that position, he will accept a nomination. Butler stated the one thing about being 1<sup>st</sup> Secretary they will sign the plats that are going to be recorded so Mr. Anderson may be a good candidate because he will be able to sign the plats. Burks made a motion for Mike Anderson to be 1<sup>st</sup> Secretary. Qualls Seconded. Butler asked was there any addition nominations. No additional nominations. Vote Taken. All were in favor. Butler stated now they have an open seat for 2<sup>nd</sup> Secretary, if they want to defer it until they have a full Board when Mr. Cali is present, they will have their 9<sup>th</sup> member or they can make a motion tonight. Burks made a motion to defer till next meeting. Blade Seconded. All were in favor.

2. PC 2019-01, A Resolution to Adopt Revised Subdivision Regulations for the City of Fairview, Tennessee.

**Staff: Staff makes a favorable recommendation to the Planning Commission to adopt the Revised Subdivision Regulations for the City of Fairview, Tennessee.**

Burks made a motion to approve. Jenkins Seconded. Vote Taken. All were in favor.

3. Recommendation to the Board of Commissioners on Ordinance 2019-01, and Ordinance to Adopt a Revised Zoning Ordinance, Requested by the Fairview Planning Department.

**Staff: Staff makes a favorable recommendation to the Planning Commission for a favorable recommendation to the Board of Commissioners to adopt the Revised Zoning Ordinance for the City of Fairview, Tennessee.**

Burks made a motion for a favorable recommendation. Anderson Seconded. Power was concerned about run off that goes into the streams, how can that be added to this, they have talked a little about containing the runoff on the jobsites. Butler asked Burks if he has anything on this from last month. Burks stated what they have needs more work before it's put into their documents, make sure it fits for us. Burks asked City Engineer would that be under Zoning Ordinance or Subdivision Regulations. Owen stated the majority of that would be under the Subdivision regulations. Burks stated Mr. Power to answer his question someone would have to make a motion from this Board to adopt whatever that proposal is then that would be included at some point, he agrees they do need something but he agrees that they can go ahead and pass this as is so it can move up to the BOC, since this is just for the Zoning Ordinance's, what they need to be in is the previous item. Power stated he just doesn't want all this to be passed and that be forgotten about. Butler as Mr. Collins does, he have any updates on this. Collins stated yes there are three components of it. This would be in the Subdivision regulations storm water runoff, silk fencing & other things, we would also need to amend the City's Municipal codes for an enforcement, if it's in the Subdivision regulations that still doesn't give an enforcement matter so you could go out and do that, once the Subdivision Regulations were inclusive of that then they could take that to the Board of Commissioners have something adopted at the ordinance level which would give the ability to site and those sort of things. There are two parts of it they want to bring forward knows they have had numerous discussions about it, a little more complicated as they well know. Anderson asked has the County adopted a complete storm water ordinance passed for them to use as a guideline. Collins stated he doesn't know, he can try to get that information but he knows some of the local municipalities have done some of that work and they are going to try to craft ours out of some of that, he can try to find out what the County has and he can send out to the Board at large. Vote was Taken. All were in favor.

4. Recommendation to the Board of Commissioners on the Rezoning of Property, requested by Catherine Hudgins. Property located at 1091 Highway 96 North, Tax

Map 21, Parcel 52. 6.23 acres. Current zoning district: RS-40, Single-Family Residential: Proposed zoning district: CG, Commercial General

**Staff: The Future Land Use Map indicated this parcel as Medium Residential. If the rezoning is approved, the Future Land Use Map will need to be amended as well.**

Ms. Hudgins present and stated her husband died this past December from a heart attack and they had already talked to a relator about selling and they think it would be a good place for business the way the land is laid. Butler asked does anyone have any questions for the applicant. Burks stated his concern is they have the Comprehensive plan and they have a meeting coming up next month with a rough draft, and rezoning this piece of property to Commercial when it doesn't meet the current Land Use Map, until they see what that proposed Land Use Map will look like. Qualls was asking where the property was. Butler stated it's right at the end of Horn Tavern where it meets Highway 96. Jenkins was concerned if they denied this tonight because it doesn't meet the current Land Use Map and when they get the new Land Use Map complete and it does meet that will the applicant have to pay again to come back to the Board. Collins stated if they want to avoid that the proper method would be to assist Ms. Hudgins through the process to make sure everyone is treated fairly, at this point he thinks staff would encourage Ms. Hudgins to withdraw, given the fact that she has already filed they can carry that forward if there's an action by the Board then that's going to take them down a different path. If that's where they are Ms. Hudgins favorable to that his request to her would be to consider withdrawing this matter before them tonight so that it may be brought back up with no penalty or process moving forward. Quall asked how soon are they going to know about this Land Use Map. Collin stated the comprehensive plan is set to be delivered to the City of Fairview in April, so they are 6 weeks to 2 months away, beyond that there's still some work that needs to be done because you have to adopt The Land Use Map and change it and do those things. So, when the Land use Map would be adopted could be some time, several months, however you'll have a document to work from in about 2 month's that will give them some direction where this area will go and look like. Quall stated so this is a suggested Land Use Map that they are anticipating in April. Collin stated that is correct. Butler stated they have a current Land Use Map that is referencing medium residential for that area but it's from 2000. Anderson stated when we attentively adopt the new Land Use Map, they are going to have a lot of pros and cons from citizens, lot of people are going to like what they see and a lot that don't like what they see. Butler stated he thinks the biggest thing is if they in vision this being commercial, they change the current Land Use Map or would they try to defer and kind of see how the Land Use Map heads, she could put it for sale and reference on it contingent on approval present what there idea is and they would know what kind of commercial use they are asking for, couple of different ways. Power stated his concern was that he knows in the past they have had properties come before them that had residential on both sides and wanted to rezone to commercial and they denied those properties, he's wondering if that would set them up for problems. Collins stated given the fact this is rezoning it will have to be heard by the Board of Commissioners as they go forward, if they were to take action tonight can still go to the Board of Commissioners with a favorable or

unfavorable recommendation from the Planning Commission, so they could vote to approve, vote to deny, would still go to the BOC which is another step in the process. Qualls stated even if they approve it doesn't mean they would have to necessarily if someone comes to them to approve what they want to put there. Collins stated yes in actuality if it's rezoned for commercial or whatever the purpose is the Planning Commission nor the BOC will have the opportunity to deny based on what's coming or what be proposed as long as it met the zoning regulation. Burks stated his other concern was sandwich two pieces of property with commercial in-between them, he understands Vardens is a Commercial of property but it has been there, was there when he moved here in 2004. Ms. Hudgins stated the apartments are commercial. Butler stated he thinks they are zoned Multi family, Residential zoning, Commercial is for businesses. Qualls stated if they hold off on changing anything from residential to commercial, say on Fairview Blvd. because there is a house there, then 25 years from now it will look like it does right now, because there are houses scattered up and down Highway 100. Mr. Power stated he knows they denied someone on Highway 96 that was trying to rezone commercial and he believes they will be setting themselves up for lawsuits in similar situations. Mr. Potter stated he doesn't necessarily agree with that, everyone of these pieces of property interarm issues, their unique, if you state a rational basics for it, you're not locking yourself into to grant every rezoning that comes along just because their surrounded by other commercial properties, we have to look at each one case by case. Burks stated Mr. Power, he believes that piece of property he was talking about was closer to the interstate was a request for rezoning so they could put in storage units and there were no commercial properties touching that, this is a little bit different because the backside of this property does touch commercial property but they would be creating an island of residential inside of that. Power stated the piece of property he was talking about was on 100 and they wanted to put in an event center or something like that. Collin stated in the interest of where they are his suggestion would be not a motion to defer his suggestion would be to a motion to approve or a motion to deny knowing it's going to go to the Board of Commissioners with a favorable or unfavorable recommendation based on their vote. Jenkins stated he wanted to offer his condolences to Ms. Hudgins for losing her husband, then he went over the process with her about the Land Use Map and her options. Qualls made a motion to approve the rezoning to commercial. No one Seconded, motion failed for lack of Second. Jenkins made a motion to deny request. Burks Seconded. Vote was taken. All were in favor except Qualls. Butler stated Ms. Hudgins it will now go to the Board of Commissioners.

5. Final Plat, Hudson Family Subdivision. Four Proposed Lots on 7.62 acres. Property located on Northwest Highway (Tax Map 21, Parcels 61.22). RS-40 Zoning District. Property owned by Hudson Family Irrevocable Living Trust.

**Staff: All Staff Comments were met.**

John Bledsoe present to represent. Burks made a motion to approve. Jenkins Seconded. Vote taken. All were in favor.

**BONDS AND LETTER OF CREDIT - None**  
**Reports for Discussion and Information**

- City Planning Staff – None
- City Manager – **Collins** stated this is for information only don't have to vote on, as they are aware the City's zoning ordinance is typically adopted by the Planning Commission taken to the Board of Commissioners for final approval then it becomes a municipal ordinance outside of the purview of this body. That said The Planning Commission typically approves changes to the City's Zoning Ordinance. There is one matter he has proposed to the Board of Commissioners that will make a change to the zoning ordinance however it will have no affect on the function of the Board, did want to make them aware of that change, as it currently sits a person is eligible to serve on The Planning Commission if they are a resident of the City of Fairview. A person is eligible to serve as an elective official of the City if their a resident of the City of Fairview affectively for 30 days prior to that election. As a matter of appointment to the City's Board of Zoning Adjustment, the current zoning ordinance requires that someone live in the City for 3 years prior to their appointment to the Board of Zoning Adjustment. The matter was brought up to them a couple weeks ago he proposed the change it would simply state someone's a resident of the City of Fairview just like you would be for the Planning Commission appointment. This matter isn't for them tonight just for informational purposes only to let them know he's taken to the BOC and they have had their 1<sup>st</sup> reading on it, he expects it will be adopted at the next BOC meeting, if they hear there has been a change to the Zoning Ordinance which would otherwise come to them, that's the change, there's no action required on their part for that item.
- City Engineer – **Owen** stated congratulations on a new Subdivision Regulations. **Butler** stated thank you all for all the hard work. **Owen** stated point of clarity, several years ago the State Legislature passed what's commonly referred to as a vested rights act, so there will still be some submittals that come through that gained vested rights prior to tonight's adoption of the new Subdivision Regulations, so they will be following under those regulations.
- City Attorney – **Nothing**
- **COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS**
  - Qualls- Nothing**
  - Anderson – Nothing**
  - Power – Nothing**
  - Burks – Nothing**
  - Blade – Nothing**
  - Jenkins- Jenkins** stated on last month's meeting says he was absent and he was present, ask to adjust. **Hall** stated yes, she would correct. **Collins** stated if the minutes are going to be changed his request would be, they put that in a form of a motion, minutes be amended to reflect that Mr. Jenkins was present, if that passes tonight that would not be brought back before them. **Jenkins** made a motion to add himself as present to the January 8, 2019 meeting. **Burks** Seconded. Vote taken. All were in favor.

Butler- Butler stated March 4<sup>th</sup> at 6:00p.m. at Camp Marymount is our next Comprehensive Plan meeting, all try to attend if they can. Butler stated Mr. Cali was out of town this week for work.

**ADJOURNMENT** – Butler stated he would entertain a motion for adjournment. Burks made a motion to adjourn. Butler so moved. Adjourned at 7:36p.m.

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Chairperson

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Secretary