

City of Fairview

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FAIRVIEW, TN. 37062



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Municipal Planning Commission

Regular Meeting
March 10, 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, Mitchell, Carroll, Sutton, Mangrum, Dowdy

Absent: Butler, Lowman

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 Mayor Carroll let the prayer and the pledge.

2. APPROVAL OF THE AGENDA-

2.1 Anderson stated withdraw from the agenda 8.2 and 8.3. Beata made a motion for approval. Sutton Seconded. All were in favor.

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 FEBRUARY 10, 2015 – REGULAR MEETING

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

5. RECOMMENDATION –

- 5.1 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-
- 5.2 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”

6. BONDS-

- 6.1 SWEETBRIAR SPRINGS – PERFORMANCE BOND TO COVER THE ROAD, WATER, SEWER, DRAINAGE, EROSION, STREET SIGN ALLOWANCE, AND EMERGENCY ACCESS - \$45,000.00. THE PLANNING COMMISSION REDUCED THE AMOUNT ON JUNE 14, 2005. BOND EXPIRES APRIL 16, 2015.

Humber stated we have sent the developer a certified letter letting them know bond expires April 16, 2015. Humber stated he recommends calling the bond if not in place by April 16, 2015. Beata made a motion to call the bond if not renewed by April 16, 2015. Mitchell Seconded. All were in favor

7. OLD BUSINESS-

- 7.1 DISCUSS/AND OR TAKE ACTION ON THE PROPOSED ELEVATIONS TO THE KING MARKET AND CONSIDER A VARIANCE FOR THE REQUIRED PARKING SPACES LOCATED AT 1528 HIGHWAY 96, NORTH. MAP 18, PARCEL 4.01, .33 ACRES. OWNERS SAINAATH, LLC

Mr. Russell Hayes present to represent King Market. Beata made a motion for discussion. Sutton Seconded. Beata stated per our design review, regarding the canopy post, they will need to be stone, four feet above grade and finished out with brick the rest of the way, does call for those to project past the roof. Beata stated also in the design review for the building façade, the front and the right side of the building, which can be seen from the street. Beata stated there will need to be some type of reveal or offset in the buildings face and right side at no minimum of twenty feet apart, further detail they could get with Mr. Humber and show them the page design. Beata stated in the parking spaces, he does not see any changes from the last site plan. Mr. Hayes stated there are two additional parking spaces, total of nine parking spaces; one is on the right hand side of the building and one out next to Highway 96. Sutton stated he thinks they are ready to move forward with a variance on the parking if they choose to do so. Carroll asked Mr. Hayes on the other comments that Mr. Beata spoke of, can they handle taking care of those

requirements. Mr. Hayes stated that will not be a problem. Mr. Hayes asks will they have to come back or can they work this out in office. Mangrum stated if everyone is clear of the motion he does not know why our staff cannot handle that. Sutton made a motion to approve to add the improvements that Mr. Beata put in place also to grant a variance to comply with nine parking spaces. Beata Seconded. All were in favor.

8. NEW BUSINESS-

- 8.1 1 LOT SUBDIVISION AT 7300 STARK LANE. 5.68 ACRES, MAP 18, PARCEL 14.00. ZONES RS-40. JASON AND SHANNON LANKFORD OWNERS.

Jason Lankford present to answer questions. Beata read Engineer report, which will become part of these minutes. Exhibit A. Sutton made a motion for approval. Mangrum Seconded. All were in favor.

- 8.2 ANNEXATION REQUEST FOR PROPERTY LOCATED ON THE CORNER OF HIGHWAY 100 AND SPENCER MILL ROAD. MAP 70, PARCEL 4.00. 10 ACRES. LIBERTY HILL, LLC, OWNER.

Withdrawn from agenda.

- 8.3 REZONING APPLICATION FOR THE PROPERTY LOCATED ON THE CORNER OF HIGHWAY 100 AND SPENCER MILL ROAD. MAP 70, PARCEL 4.00, 10 ACRES. FROM RS-40 (RESIDENTIAL) TO CG (COMMERCIAL GENERAL). LIBERTY HILL, LLC, OWNER.

Withdrawn from agenda.

- 8.4 REZONING APPLICATION FOR THE PROPERTY LOCATED ON COX PIKE. MAP 43, PARCELS 30.01 AND 31.00, 32.19 ACRES. FROM RS-40 (RESIDENTIAL) TO RM-8 PUD (PLANNED UNIT DEVELOPMENT). DENNY, PROCTOR & WELCH OWNERS.

Mike Smythe present to answer questions. Beata Seconded. All were in favor. Beata read Engineers report, which will become part of these minutes. Exhibit A. Sutton made a motion for approval. Beata. Carroll stated this is just for the rezoning of the property so the TDEC approval will come later. Owen stated Mr. Humber may want to speak to this, the rezoning of a property, when it is designated with a PUD overlay, includes the actual conceptual layout. Owen stated if they choose to approve the conceptual layout as presented he would strongly recommend that it be contingent upon the applicate receiving the appropriate TDEC permits for the proposed sanitary sewer system because if those permits are not received the conceptual layout in front of you does not exist anymore. Developer and the Commissioners discussed the Step sewer system. Humber stated the RM-8 would be four units per acre. Carroll stated they have been introduced to the sand filtration systems for a while now because Dickson Water Authority has kind of been pushing that. Carroll stated she thinks there is a few things they need to be concerned with as a Board, did Dickson Water give them any kind of rules and regulations. Smythe stated they

spent about an hour with Mike Adams and his other Engineers and he said he is 100% behind what he has proposed. Smythe stated the two basic criteria he is trying to streamline involve the discharge, he said they will assume responsibility for monitoring the water quality, maintaining that monitoring and the will support an application for discharging potable, which means it is not just treated by the sand filtering) it is shot with ultra violet. Smythe stated they said they would support the discharged into the streams if TDEC will approve it. Smythe stated the fall back that he would ask for is if they did not approve that would be that he could put it into storage tanks below grade or into open storage ponds. Beata stated his problem is approving a PUD, it will stay with this property forever and do they want to approve this density, he is leaning more of less density. Mangrum stated his problem is, he has developed a subdivision very close to this one, don't take this wrong he wants growth, but as a Board they have to control the growth in a manner that protects the people that is already here. Mangrum stated personally he thinks a 125 units on 32 acres is a lot, a little assuasive in his opinion, him and Mr. Beata must think a lot alike, the RS-15 is 93.3 units and this conforms a little more with our current Land Use Plan, the way he understands it. Mangrum stated he is not concerned as much with the TDEC issue as he is with the overall density because they do not control TDEC. Smythe stated you do understand the cost issue with laying the utilities. Mangrum stated yes he does understand his side to. Cantrell stated to clarify a motion for discussion is a motion to approve.

Sutton amended his motion. Beata Seconded. Sutton made a motion to defer and investigate this, form a committee along with the developer, Water Authority of Dickson and TDEC. Cantrell stated to clarify a motion for discussion is a motion to approve. Mitchell stated the problem he has with the step system if it is not maintained correctly, that is when you have problems. Sutton removed his motion. Carroll ask Cantrell to advise, there was a question on the zoning, is all they can do is approve or deny, because you can't amend the zoning. Cantrell stated you have not approved any zoning yet, you can defer it because it will leave it open for discussion. Cantrell stated he would suggest if they defer it and he comes back, he does not have to pay another fee. Smythe stated he is perfectly confrontable for them to defer. Carroll made a motion to defer without any more fees on the rezoning. Sutton Seconded. All were in favor.

8.5 DISCUSS/AND OR TAKE ACTION ON PRELIMINARY SKETCH PLAN FOR COX PIKE DEVELOPMENT. MAP 43, PARCELS 30.1 AND 31.00, 32.19 ACRES. DENNY, PROCTOR & WELCH OWNERS.

Mangrum made a motion to defer. Mitchell Seconded. All were in favor.

8.6 DISCUSS/AND OR TAKE ACTION ON RECOMMENDATIONS FROM THE CODES REVIEW COMMITTEE.

Humber stated we have several items that the Codes Review Committee has recommended in your packets. Humber stated the 1st one is in Design Review

Manual Section 1.101.4. Humber read this which will become part of these minutes. Exhibit B. Mangrum made a motion for approval. Mitchell Seconded. All were in favor.

Humber read Code Section in the Design Review Manual Section 2.103.4, which will become part of these minutes. Exhibit C. Committee recommended these two sections be eliminated. Cantrell stated he thinks it would be great if they wanted to keep a fifty year old building but if would probably be a better jester if it were donated to the Historic Village. Cantrell stated he does not think they can get that far into managing the way you do your property without running the risk of having an inverse condemnation, if you're going to tell me how to run it, you buy it. Sutton stated so your suggestion is to eliminate those two sections. Cantrell stated yes to eliminate those two sections but leave the rest of the sections. Sutton made a motion for approval. Mangrum Seconded. All were in favor.

Humber stated the next recommendation from the Zoning Ordinance Code Section 16-103.9 Maintenance Bonds; this is for landscaping material only, which will become part of these minutes. Exhibit D. Humber stated the Committee recommended the 3 years. Sutton made a motion for approval. Beata Seconded. All were in favor.

Humber stated the last recommendation from the Committee was provisions in the Tennessee Code Annotated Title 62, Chapter 2, Section 62-2-102, which will become part of these minutes. Exhibit E. Sutton made a motion for approval. Beata Seconded. All were in favor.

- 8.7 DISCUSS/AND OR TAKE ACTION ON RESOLUTION NO. 01-15 PC A RESOLUTION OF THE MUNICIPAL PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, AMENDING THE CITY OF FAIRVIEW, TENNESSEE DESIGN REVIEW MANUAL, ARTICLE 1, SECTION 1-102.2, DEVELOPMENT SUBJECT TO DESIGN REVIEW.

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

- 8.8 DISCUSS/AND OR TAKE ACTION ON RESOLUTION NO. 02-15 PC A RESOLUTION OF THE MUNICIPAL PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, AMENDING THE CITY OF FAIRVIEW, TENNESSEE DESIGN REVIEW MANUAL, ARTICLE 2, SECTION 2-105.4 "INTERIOR PARKING LOT AREA LANDSCAPING, SUBSECTION 6 INTERIOR LANDSCAPING FLEXIBILITY.

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

- 8.9 DISCUSS/AND OR TAKE ACTION ON RESOLUTION NO. 03-15 PC A RESOLUTION OF THE MUNICIPAL PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, AMENDING THE CITY OF FAIRVIEW, TENNESSEE DESIGN REVIEW MANUAL, ARTICLE III, SECTION 3-108, "ISSUANCE OF BUILDING PERMITS AND CERTIFICATE OF OCCUPANCY."

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

9. REPORTS FOR DISCUSSION AND INFORMATION

9.1 DIRECTOR OF PLANNING AND CODES

Humber stated we will have approximately 60 new building permits this year, very encouraged by this. Humber stated concerning the Codes Review Committee meetings, he has form they can fill out if any of them would like to suggest that something be changed. Humber stated they can bring it to him and he will take it to the Committee for them to review it.

9.2 CITY ENGINEER-

Owen stated the State of Tennessee, Tennessee Environment Conservation will not permit, or allow any of those, sand filter, UV systems, unless a licensed and approved authority agrees to take ownership, maintenance and operations of that facility. Owen stated so before TDEC would permit or allow that facility to be constructed, they would mandate that Dickson sign on and agree, not only operate, maintain it they would own that system, once it is installed. Owen stated it is certainly admirable to have some concerns about being the first; they would be regulated on that system and that treatment plant, because in essence that's what it is, just like all other treatment plants in their jurisdiction. Owen stated they would receive notices of violations, if they were not in compliance with those permit requirements. Owen stated they would be on the hook for making those fixes, corrections and maintaining it as permitted. Owen stated he thinks it is good that they will be sitting down with TDEC and the Dickson Water Authority but he wants them to go in there with appropriate expectations. Owen stated he anticipates that they will say they are all for these systems but they will want to see all the data, all the Engineering application, the design calculations, the full blow deal before they will comment specifically on whether that systems will be allowed. Owen stated the other thing that was mentioned was the applicant had desire to place the septic tanks within the street right of way between the sidewalk and the back of the curb. Owen stated that is an innovative approach, he wants to caution them that due to the City not owning that tank, the maintenance, the replacement or the fixing of that tank, that would be under the control of the Dickson Water Authority. Owen stated he's not saying they would do this, but if a tank need to be dug up to be repaired and they left a big mess to be cleaned up, it would be in the Cities right of way, so the City would be responsible for it. Owen stated the last thing was, there is a provision in your PUD requirements that calls for the perimeter lots around a PUD development to be seventy five percent of the lot area and ninety percent of the lot width for the adjoining lots.

9.3 CITY ATTORNEY- Cantrell stated what Mr. Owen said about the tanks in the right of ways, he too would have some great concern, if the City allows that to happen you are acquiescing in allowing private individuals to use public property, now that in itself is not illegal, if they put it out there and someone comes along and they trip over it, gets hurt, the City will get sued with everyone else because the City allowed them to put it on their property.

- 9.4 **CITY MANAGER-** Hall stated he wanted to apologize, he misquoted something earlier, that the recommendations had gone to the Board of Commissioners because they cancelled that meeting. Hall stated so the recommendations will go to the Board of Commissioners next month. Hall stated this was an exceptional meeting tonight, he wanted to thank them all for all their hard work and doing their due diligence. Thank you all.

10. COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.

Sutton stated a lot of stuff they done tonight was because of the Code Committee, they put in a lot of hours to come to these determinations that they have and there is going to be a lot more changes come up. Sutton stated they have just barely dusted the cover of it. Sutton stated things have changed, times have changed, the legality of a lot of things has changed, cases have been heard, they want to simplify. Sutton stated they want to make it easier for everyone to understand, for new people coming into town that wants to do business here, build here, they need to keep working on that. Sutton stated if anyone has any suggestions please let Mr. Humber know so he can bring it before the Committee. Sutton stated he appreciates all the hard work that is being done on the Codes Committee.

Beata stated he has something for Mr. Owen that he has been seeing and he wanted to get his opinion or have him to bring back something next month, they do the 630 curb and gutter. Beata stated he has been seen lately what he believes is what they call a roll over curb, that's a curb and gutter, but a lot smaller. Beata stated he was hoping he could bring something back next month to talk it, he feels like it is something they should look at, he believes it is the next thing for residential.

Anderson stated she did want to say that Mr. Butler did call that he was going to be out of town. Anderson stated they had a good meeting; it was long but the way our City is growing and all the new development with housing, this is important. Anderson stated she appreciates everyone's hard work. Anderson stated with all the new businesses here in Fairview and we want them to succeed, please patronize them and think about before you leave our City to spend money, if it is here, spend your money here.

11. ADJOURNMENT- Anderson adjourned at 9:10 p.m.

Chairperson

Secretary