

City of Fairview

7100 CITY CENTER WAY
FAIRVIEW, TN. 37062



Phone: 615-799-1585
Email: codes@fairview-tn.org

Municipal Planning Commission

Regular Meeting
March 12, 2013
7:00 p.m.

Mike Smith, Chairman
Robert Benson, Vice-Chairman
Lisa Anderson, 1st Secretary
Matthew Beata, 2nd Secretary
Beverly Totty, Mayor,
Toney Sutton, Commissioner
Michael Mitchell
Marsha Hock-Elliott
Todd Behan

Present: Smith, Benson, Anderson, Beata, Totty, Sutton, Mitchell. Hock-Elliott,

Absent: Behan

Others Present: City Engineer Will Owens, City Attorney Larry Cantrell,
Planning/Codes Director Donn Lovvorn, Codes Clerk Sharon Hall

1. CHAIRMAN MIKE SMITH CALLED THE MEETING TO ORDER AT

1.1 Lovvorn led the prayer and the pledge.

2. APPROVAL OF THE AGENDA-

2.1 Anderson made a motion for approval. Sutton Seconded. Benson stated would like to add to new business 8.7 Discussion on Islands. 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.)

Sharon Armstrong, 2508 Pleasant view Road, requested item to be added to the April's agenda.

4. APPROVAL OF THE MINUTES-

4.1 FEBRUARY 12, 2013 REGULAR MEETING

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

5. RECOMMENDATION -2013

6. BONDS

7. OLD BUSINESS –

7.1 DISCUSS AND OR ACTION ON AN AMENDMENT TO THE FAIRVIEW ZONING ORDINANCE RELATIVE TO MINOR HOME OCCUPATIONS.

Sutton made a motion for approval. Marsha Seconded. Ordinance No. 803 will become part of these minutes. Exhibit A.

7.2 DISCUSS AND OR ACTION ON AN AMENDMENT TO TABLE 5-102 A OF THE FAIRVIEW ZONING ORDINANCE.

Benson made a motion for approval. Beata Seconded. Smith made an amendment to the motion to change chart to add ASP to RS-5, RS-8, R-MHP, RM-8, RM-12, and RM-20 for Minor Home Occupations. Totty Seconded. Ordinance No. 802 will become part of these minutes. Exhibit B. All were in favor of the motion. All were in favor of the amendment to the motion.

8. NEW BUSINESS-

8.1 DISCUSS AND OR ACTION ON AN APPLICATION FOR ANNEXATION. PROPERTY LOCATED AT 2950 FAIRVIEW BOULEVARD. MAP 69, PARCEL 9.00. JERRY CARY OWNER.

No one was present to represent. Sutton moved to defer. Anderson Seconded. All were in favor.

8.2 DISCUSS AND OR ACTION ON AN APPLICATION FOR ANNEXATION. PROPERTY LOCATED AT 2931 FAIRVIEW BOULEVARD. MAP 69, PARCEL 79.00. RUSSELL SPICER OWNER.

No one was present to represent. Sutton moved to defer. Anderson Seconded. All were in favor.

8.3 DISCUSS AND OR ACTION ON AN APPLICATION FOR ANNEXATION. PROPERTY LOCATED AT 2980 FAIRVIEW BOULEVARD. MAP 69, PARCEL 4.00 ELDRIDGE SEXTON OWNER.

No one was present to represent. Sutton moved to defer. Anderson Seconded. All were in favor.

8.4 DISCUSS AND OR ACTION ON SITE PLAN FOR A PARKING LOT LOCATED AT 1365 FAIRVIEW BOULEVARD. MAP 23L, GROUP B, PARCEL 12. ZONED CG. NORDALE III L.P. OWNER.

Sutton made a motion to defer since no one was present to represent. Elliott Seconded. Lovvorn stated he would like to have some bylaws; this is the parking lot on the eastside of town, the landscaping business. Lovvorn stated the Board of Zoning Appeals gave them variance to locate the parking lot in the twenty foot buffer strip and required them to submit a site plan to the Planning Commission to be on this agenda, they complied with the submittal but they are not here to take action. Lovvorn stated he is wondering now since no one showed up if we can follow through with the citation to him because they have not complied. Sutton stated he would say move forward with the citation. Totty ask are you saying nothing has been done. Lovvorn stated he hasn't done anything but submit the plan, the plan that you have before you. Beata ask can they Board have the ability to grant that kind of variance. Lovvorn stated the can give a variance on the location of the parking lot. Lovvorn stated his request to them is if they want to give a variance to them not to give a variance on building materials for the parking lot because he wanted to just have a gravel parking lot. Lovvorn stated he told the Board if they continue to give variances on the ordinances then the ordinance doesn't have a stand, you can't enforce it because so many variances have been given. Lovvorn stated so they voted to require him the paving, curb and the striping of the parking lot but they gave him a variance on the location that it could be put within the twenty foot bumper strip. Lovvorn stated they also required him to submit plans to the Planning Commission for this month's agenda and to have the parking lot fully completed by May. Beata stated he would recommend the citation. Lovvorn ask Cantrell will we be in our rights, since he didn't come to the meeting to present this to the Board that we follow through with the citation. Cantrell stated normally when someone doesn't show up for the meeting we would defer then certify them a letter or hand carry. Anderson made a motion. Sutton Seconded. All were in favor.

8.5 DISCUSS AND OR ACTION ON THE ROW AT FERNVALE A 4 LOT SUBDIVISION LOCATED AT 7357 FERNVALE ROAD. MAP 42, PARCEL 86, 1.69 ACRES, RS-15 ZONING. BENCHMARK PROPERTIES LLC. OWNERS.

Mitch Dowdy present to answer questions. Benson read the Engineers report which will become part of these minutes. Exhibit C. Beata made a motion for approval. Anderson Seconded. Sutton stated he visited the site and his opinion lot four is unbuildable. Sutton amended the motion that the fourth lot is unbuildable. Elliott Seconded. Dowdy ask if he gets

an Engineer and they say it's okay could he bring it back to the Board. Lovvorn stated you can designate it as a critical lot and when he comes in to get a building permit it's already designated as a critical lot so we already know he will have to get a go tech submitted to us to be able to build on it. Lovvorn stated you can do either or say it's unbuildable or say it's a critical lot, it's up to you all how you want to proceed.

FOR

Sutton
Smith
Benson
Mitchell
Elliott

AGAINST

Beata
Anderson
Totty

All were in favor of the original motion as amended.

8.6 DISCUSS AND OR ACTION ON RECOMMENDATIONS FROM WORKSHOP MEETING RELATIVE TO THE CITY OF FAIRVIEW LAND USE PLAN.

Smith stated there was no recommendation from the workshop to discuss or take action on.

8.7 DISCUSSION ON ISLANDS INSIDE OF THE CITY OF FAIRVIEW

Benson read a letter which will become part of these minutes. Exhibit D. Benson stated he would like to have this put on next month's agenda for discussion and/or action.

9. REPORTS FOR DISCUSSION AND INFORMATION

9.1 *PLANNING/ZONING/CODES DEPARTMENT* – Nothing

9.2 CITY ENGINEER –Nothing

9.3 CITY ATTORNEY- Cantrell stated if an item comes before this Board it may sound harsh but if the plan doesn't meet City ordinances or something the staff said needs to be included; you have a duty as a Board to disapprove that. Cantrell stated if something comes in and meets all the requirements you will have no choice to approve it.

10. COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.

Sutton thanked everyone for coming out and for the support he looks for jobs to double in the next five years.

Beata stated in regards to the annexation of the Islands, what are our choices if they don't voluntarily want to be in the City. Cantrell stated as of right now unless the legislature changes you can annex someone without them requesting it. Cantrell stated we can't govern through fear; we have to do what's best for our City.

Mitchell stated wanted to thank everyone for coming out, also good to see red light going in at Cox Pike and Fairview Boulevard.

Totty stated she would like to invite everyone out to the 9th annual Business Expo on March 19, 2013 from 4:00p.m. To 8:00p.m. At the Fairview Middle School there will be a Business Expo, sponsored by the Tennessee Technical students of Fairview Middle School and Fairview Middle School.

11. ADJOURNMENT- Benson made a motion for adjournment. Sutton Seconded. All were in favor. Meeting was adjourned at 8:00 p.m.

Chairperson

Secretary