

# City of Fairview

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## Municipal Planning Commission

**Regular Meeting**  
**April 12, 2016**  
**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**  
**Patti Carroll, Mayor**  
**Toney Sutton, Commissioner**  
**Wayne Lowman**  
**Tim Mangrum**  
**Mitch Dowdy**

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

**Absent:** Mitchell, Dowdy

**Others Present:** City Manager Wayne Hall, City Attorney Larry Cantrell, Engineer Will Owen,  
Codes Clerk Sharon Hall, Ron Rowe

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

1.1 Mayor Carroll led the prayer and the pledge.

**2. APPROVAL OF THE AGENDA-**

2.1 Sutton made a motion for approval. Butler 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 MARCH 08, 2016 – REGULAR MEETING

Sutton made a motion for approval. Mangrum Seconded. Owen stated 8.2 about halfway down, should say septic tanks not drip fields. All were in favor.

**5. RECOMMENDATION**

5.1 DISCUSS AND/OR TAKEN ACTION ON REZONING PROPERTY (INCLUDING PRELIMINARY MASTER DEVELOPMENT PLAN) OFF COX PIKE FROM RS-40 TO R-15/CG MIXED USE PUD (RESIDENTIAL/COMMERCIAL GENERAL MIXED USE PLANNED UNIT DEVELOPMENT), MAP 43, PARCELS 30.01 AND 31.00, 32.19 ACRES, DENNY, PROCTOR & WELCH, OWNERS.

Beata made a motion to deny the request based the desire to see the property at RS-20 density seconded by Sutton. Mangrum recused himself from the vote. All were in favor. This is a negative recommendation to the Board of Commissioners

- 6 BONDS-** None
- 7 OLD BUSINESS-** None
- 8. NEW BUSINESS-**

**8.1 DISCUSS AND/OR TAKE ACTION ON INFRASTRUCTURE CONSTRUCTION PLANS FOR KYLES CREEK (PHASE II, SECTION II) MAP 47, PARCEL 32.00, 14.07 ACRES. ZONED R-20. KELLY SHIVER OWNER.**

Kelly Shiver was present to answer questions. Beata read Engineers report, which will become part of these minutes. Exhibit A. Beata asked Owen the staff review comments does this mean you weren't able to review these plans. Owen stated at the time the Engineer report was generated he was not. Owen stated he received an email of the revised plan that afternoon and has since reviewed the revised plans; he has some minor adjustments that he would recommend for some of the drainage patterns but other than that, it does to have appeared to have addressed the initial staff review comments that were given to the applicant March 25, you all have a copy of those with his report. Beata made a motion to defer to next month so everyone will have proper time to review; he just got these plans this evening, feels very uncomfortable without reviewing. Sutton Seconded. All were in favor.

**8.2 DISCUSS AND/OR TAKE ACTION ON INFRASTRUCTURE CONSTRUCTION PLANS FOR SPRING STATION. MAP 42, PARCEL 28.03, 15.49 ACRES. ZONED R-20 PUD OVERLAY. BENNY SULLIVAN OWNER.**

Gary Martin was present to answer questions. Beata read Engineers report, which will become part of these minutes. Exhibit A. Mangrum ask Mr. Hall about Tiger Trail road, there was some questions on this road have they all been ironed out. Mr. Hall stated yes sir, Tiger Trail has been deeded to the City, and it's now a City street. Mangrum made a motion for approval. Sutton Seconded. Sutton asked Mr. Hall has everything been properly recorded in Franklin. Mr. Hall stated yes sir. Butler asked are there sewer taps approved for this. Mr. Hall stated they have 20 approved; he sees there are 30 lots on the plat; they are 10 short on sewer taps at this point. Mr. Hall stated they were willing to go forward and trying to get taps in the future for them. Carroll asked were they leaving their self-open if they wanted to ever finish the road, because it doesn't reflect that. Mangrum stated the phase line has stopped short of that cul-ve-sac. Hall stated Owen has done a review of the road, he's passed judgment that we probably still got a 10 year or better lifetime on the road. Sutton stated we are going to have to do some patching. Hall stated yes sir we will take care of the patching, the developer will take care of the striping, we have to put up some metal signs for the cross walks. Owen stated he will condition that statement of the lifespan of the road, it is strictly based on visual observation, there was no coring done, no investigative digging, or anything like that. Owen stated that wasn't part of his directive, based on what you see, it's held up pretty well considering the school bus traffic and school traffic. Carroll stated she was concerned about the school line blocking the road, has he talked to the school about that. Mr. Hall stated yes and we will be furnishing a crossing guard out there, to help control that. Mr. Hall stated that will be under the police department's budget. No other discussion. Vote taken, all were in favor.

**8.3 DISCUSS AND/OR TAKE ACTION ON INFRASTRUCTURE CONSTRUCTION PLANS FOR CUMBERLAND ESTATES (FORMERLY GREENLAND ESTATES-PHASE I). PORTION OF MAP 47, PARCEL 66.04, 52.56 ACRES. ZONED R-20 PUD. KENNETH B. GREEN OWNER.**

Richard Houze with SEC, Inc. was present to answer questions. Beata read Engineers report, which will become part of these minutes. Exhibit A. Sutton made a motion for discussion. Beata Seconded. Sutton asked the lots that are facing Cumberland Drive, are they now one acre lots. Mr. Houz Stated he believes so but will have to check that. Sutton stated he believes they were supposed to be one acre lots with buffers. Mr. Houze stated four of them are one acre lots, the two that faces the entrance, thinks they are under an acres. Mangrum stated looks like lots, 48, 195, & 196 are shy of an acre. Owen stated those items were brought to the attention of the Board of Commissioners by way of written comments that were still outstanding when they considered the second and final reading for the PUD rezoning, as you all know it includes the Preliminary Master Development plan. Owen stated the Board of Commissioners approved the Preliminary Master Development plan as presented to them without any notations of his comments to them. Owen stated while the Planning Commission did pass along a recommendation for approval based on those changes, the Board of Commissioners approved the rezoning application, the PUD and the Preliminary Master Development plan without discussion or mention of those comments. Beata stated the PUD, being a preliminary; it's just the zoning of it, it's not necessarily how the subdivision is laid out is that correct. Owen stated not for PUD's, when you have a PUD rezoning and the preliminary master development plan is before you, that is part of the rezoning. Owen stated when you rezone something with a PUD designation that preliminary is what is approved and that is the zoning. Owen stated that's why they have attempted to go through very stringent comments and discussions on the layouts that are shown in those Preliminary Master Development plans for PUD's. Mangrum stated if he is recalling correctly this isn't the plat that they saw last time, doesn't thinks lots 1, 2, 49 & 50 were this big. Butler asked was this one voted on or was the original voted on that they saw. Owen stated this one is the one that was presented to the Board of Commissioners, he had been asked to review that provide any remaining comments based on this revision because Mr. Mangrum you are correct. Owen stated they did revise 1, 2, 49 & 50 to be one acre lots. Owen stated his understanding was the applicant's interpretation of one acre lots fronting Cumberland Drive was any lot that actually accessed Cumberland Drive, the lots that accessed interior streets, they didn't view as fronting Cumberland Drive and that's why those revisions weren't made to make those one acre lots. Owen stated and there was never a revised document submitted showing any type of buffers or landscaping. Anderson stated it's concerning to her that they would approve something and that something different that was presented to the Board of Commissioners. Butler asked can the Board of Commissioners voted on something that they haven't given their approval on. Owen stated yes, the plan that was given to the BOC was the applicant's attempt to revise the plan based on

the feedback and the motions that were part of the Planning Commission. Owen stated there were not any changes to the Preliminary Master Development Plan that didn't pertain in some form or fashion to the comments or the request or the desires to the Planning Commission's motion, so in that regards there is nothing changed outside the scope and what you had discussed and what you would like to have seen but as indicated by the plan before you tonight there were comments that were remaining that were not addressed by the BOC. Carroll asks Owen what else is lacking. Mangrum stated he likes the plan except the three lots that front on Cumberland not being one acre lots. Butler stated that was a big point on the discussion that they even talked about possibly having a buffer on the front entry, now still have the small lots on Cumberland. Carroll stated she still has issues with the impact of the whole road, the traffic studies are only on the exits of the road. Carroll stated it's going to have a heavy impact on the schools. Butler stated that would include you Engineer comments from the last reveal, thinks there is eleven. Owen stated yes. Mangrum stated his question would be was their comments relayed to the BOC. Carroll stated there was discussion about the lots, she would have to pull the minutes, been several meetings ago, she doesn't remember, ask Vice Mayor Sutton. Sutton state no. Lowman stated you would think something like that happened because this is a big deviation from what they had talked about. Beata stated the buffer conversation was pretty long. Beata stated they can talk about this in their comments but how can they make sure this doesn't happen again. Hall stated they could ask Will Owen to come to the BOC meetings that had a PUD rezoning. Owen stated he would be more than happy to attend the BOC meetings if requested where there is PUD rezoning considerations. Lowman stated one of the topics of discussion was this little feeder road that dumps onto Cumberland Road, right by the curve, was that part of the traffic study. Owen stated no it was not, his comments to the applicant when they submitted initially for this phase, when the construction plans for the phase that includes that feeder road near the curb is submitted, that his recommendation is going to be a dedicated traffic impact study from a site distance stand point on where that road is being proposed. Carroll stated she would like to look at the minutes because most of the time in their motion it is said based on Will's Engineer report to be included and where that would leave them. Owen stated the on the PUD rezoning's the BOC has final and ultimate say. Carroll stated was the full plan presented to the BOC, she doesn't recall and what date was in. Owen stated January 07, 2016 was when this went to the BOC. Beata was concerned about the landscape plan. Carroll made a motion to defer until next month so they can look into this. Beata Seconded. Owen stated in his opinion what is presented before them tonight doesn't deviate from what the BOC voted on in any manner. Anderson stated the BOC received Owen's comments on this plan. Owen stated email was sent to City staff with his comments he wasn't in attendance and didn't distribute those comments and can't speak to whether or not if the BOC had those comments in their hands or not. Vote was taken to defer. All were in favor.

8.4 DISCUSS AND/OR TAKE ACTION ON CONCEPT PLAN FOR HORN TAVERN ROAD. MAP 22, PARCEL 15.00. 21.40 ACRES. ZONED RS-40. RAYMOND & BROWNIE LEE PRUITT OWNERS.

Mangrum recused himself from voting. Gary Martin present to answer questions. Beata read Engineer report, which will become part of these minutes. Exhibit A. Sutton made a motion for discussion. Beata Seconded. Carroll there was discussion about the sidewalks and she wants to readdress that. Butler stated there is a note on the Conceptual plan that the developer was asking for variance on sidewalks, Curb & gutter, and open space requirements. Beata asked are the sidewalks on both sides or just one side of the street. Martin stated they are requesting for a full variance on the sidewalks. Anderson asked on the curb & gutter. Martin stated they are requesting no curb or gutter. Martin stated they had a good discussion on this in staff meeting, because larger lots allows to not put curbs in water runs to the ditch. Beata asked about ribbon curb, just for the protection of the street. Martin stated they would have to look into the cost. Sutton ask didn't they initially did they allow a variance for only sidewalks on one side of the street. Anderson stated they discussed but never made a decision. Beata asked Owen does he see any issues with not having curb or concrete on the edges on the road. Owen stated esthetically and apart from it being a variance, what your requirements are, from a functional drainage standpoint there's literally million and millions miles in Middle Tennessee of rural roads, a lot in Fairview that have one or two foot of gravel shoulders. Owen stated for clarity, in staff review the discussion did take place on the requested anticipated requested variances, in no way shape form or fashion did staff encourage, promote, approve any variances that were being thought of or potentially requested. Owen stated that is completely their decision, they just made the applicant aware if they decided to seek a variance it needed to be clearly noted on the plans and they have done that. Beata asked would the septic tanks be approved through Williamson County. Martin stated yes. Carroll stated if they are going to be taking on a street she doesn't know if they should deviate on what is required. Carroll stated there is other places on Horn Tavern that have stuck to the rules and made them do exactly what is required, thinks it will be a bad practice. Beata stated he thinks they need to look at sidewalks to see if they are where the community can gather, he believes for this it's mainly for internal use, thinks that is a very reasonable way to look at that variance. Lowman asked do we have a fee provision in lieu of sidewalks. Sutton stated we do. Lowman stated perhaps that is something they could consider. Martin asked did they have a problem with larger lot subdivisions because they will probably be seeing more of them because of the sewer. Carroll stated no, she thinks it's very creative; it's just that they want the City to take care of the road, that's why she doesn't want to lower the standards. Martin said the road would be built to standards. Rowe stated at the staff meeting they were asking for relief from the street lights, is that still a request because not on this plan. Martin stated yes still wants a variance for the street lights. Owen stated the reason street lights aren't listed as a variance request is because he couldn't find where street lights are required in our ordinance. Carroll stated she doesn't see



what benefits for the City taking on this street. Beata stated this would be 13 tax payers that will be in the City. Martin said he could get with Will Owen on the curbs & gutters for the drainage. Owen stated they can accomplish from an Engineers standpoint on drainage, with curbs, without curbs, ribbon curbs, in his opinion it's a matter of ecstasies and standards for your subdivisions. Owen stated to the best of his knowledge and the research he had conducted, he could have missed it, the reason City Street lights isn't on this for a variance is because there is no requirement for City street lights to be put in. Owen stated from a City standpoint having curb & gutter, storm drainage, culverts, catch basins, curb inlets or sidewalks the cost to the City long term, maintenance and operation cost is much less. Beata stated he thinks this is a real creative plan with the large lots. Anderson stated she was in favor of the variances. Owen stated his recommendation would be to require the curb & gutter or don't require anything but don't allow the extruded curb because it bust and will be a constant maintenance for the City. Carroll asked are we clear on the motion. Sutton stated motion is approval with the variances. Anderson stated this is a conceptual. Vote was taken. All were in favor.

#### 8.5 DISCUSS MASTER PLAN ON MEADOWS OF FAIRVIEW. CHRIS VANCE.

Christ Vance stated he is the president of the HOA for the Meadows of Fairview he represents 58 tax payers that live there, been there since Phase I of the development when it started back in 1998. Three Phases are currently completed out of a six phase development. The problem they are running into is they have got through phase 3, construction has stopped there has been surveyors on the land, the current owner of the property John Coleman Hayes is attempting to sell the property to a Mr. Huff out of Alabama to put affordable housing apartments in, instructed them that he has had several conversation with the City, they met with him yesterday. Vance stated Mr. Coleman had some preliminary plat drawings drawn up for that development, they ask him about the sewer situation, he said going to put a drip system in. Vance stated their problem is, he is trying to defend their community, he attempted to get all plats and minutes, since the development originated, which he has done with the exception of the Master Plan. Vance stated this is a PUD, there was a PUD overlay, the problem is, no master plan, the City doesn't have it, developer doesn't have it, and the deeds office doesn't have it. Vance stated in a PUD overlay, the most basic plan of all is the Master Plan, the reason he knows this is they now have a Law firm to represent them; He has emailed the Commissioners trying to set up a meeting with them but hasn't got a response from them, got 58 people that wants some answers, also the homeowners behind the property. Vance stated he has talked to the Mayor, he has done his homework. Vance stated Mr. Hayes said he has talked to the City about this, he couldn't find anything showing there has been a meeting on this. Beata asked does he know if this was a PUD, don't know if they had PUD's back then. Vance stated yes it was a PUD. Mangrum stated they did have PUD's back then. Vance stated there were several things that reflected in the minutes that never got done, why weren't they completed. Beata stated since he's been on this board no one has brought them any new plans, he did hear someone was surveying on this property months ago, they haven't approved anything that he is aware of. Vance stated he has seen the plans

and Mr. Coleman Hayes will probably be coming to see them. Beata stated a big road block he will hit will be getting sewer. Vance stated his response is he has tested the soil and he will be putting in a drip system and he has already talked to some people. Anderson stated he can say all he wants but until he comes before this Board and it's approved it's not happening yet. Carroll stated she spoke to Mr. Vance on the phone, she sees a couple of things, he don't own the road. Carroll stated what she gets out of this conversation, we the Planning Commission can learn from., none of them were on the Planning Commission, so they don't know if there isn't a Master Plan, don't know why things weren't followed through they can just guess, can learn from this. Carroll stated this development hasn't come before them, it's based on a grant and they may not get the federal grant. Carroll stated she wanted to set the record straight , about Mr. Bledsoe, he didn't work here at the time, not sure he is related to Bledsoe Engineer in Dickson, someone stated he is. Mangrum stated when it's an Engineering issue, Bledsoe wouldn't inspect that, it would be our City Engineer. Cantrell stated normally what the City requires a bond for is those amenities that are relevant to the City, i.e. streets, sidewalks, curbs & gutters that type of thing, City doesn't bond that the development will be built in accordance with the plans, specifications; City does inspect the buildings to see if they meet Codes, don't bond the building, if don't meet Codes, don't issue a use and occupancy permit. Cantrell stated we would have to pull the documents; to see how was it zoned, or if it was a PUD, it would show in the zoning documents. Cantrell stated can't keep a man from selling his property, can't build something that's not zoned for that unless that zoning gets changed, not going to happen. Cantrell stated will say that this Board or the Board of Commissioners or future Boards can't give someone the right to drive over private roads. Beata stated he appreciates him doing due diligence and making them aware but the developer has many hoops to jump through to get approval, sewer being first thing. Mr. Vance asked the things that were referenced in the minutes on the easement & the playground, who oversees that. Mangrum stated lets defer this and have our City Engineer, staff to briefly research this to get them up to speed. Owen stated key word term used there is briefly, that's not going to be the case, his suggestion would be to direct them to do it now or wait till we actually have a plan in front of them. Anderson stated that is what she suggest is to wait till we have a plan that is brought before them. Sutton stated he has put them on notice and it will be looked at the time it is presented thoroughly. Mr. Vance stated he appreciates their time and how does he go about setting up a meeting with our Commissioners. Anderson stated two of our Commissioners is on this Board so he has made them aware. Mr. Hall ask him is there 34 lots behind the swimming pool that can be built on. Mr. Vance stated he thinks he only has 1 or 2 sewer taps on phase 3. Mr. Hall stated they can bond that road, if any damage done to it, where he would have to take care of it.

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

- 9.1 **DIRECTOR OF PLANNING AND CODES** –Hall thanked all the Board members. Recently they had a public hearing regarding the uncertainty of the sand filter systems on certain neighborhoods. He hasn't talked to Will Owen about this but has talked to

the Mayor about doing another presentation on the sand filter construction, talked to Michael Rodgers with the WADC, if he would attend and bring their steps of maintenance inspections & these types of things. If Will Owen is willing to set a time and try to get the word out to the citizens, Planning Commission & BOC. Thinks it's time to go forward to educating our citizens about this, will try to arrange this and get it set up. Mr. Hall stated Sharon just advised him to make sure they bring back the deferred items to the next meeting.

## 9.2 CITY ENGINEER – Nothing

## 9.3 CITY ATTORNEY - Nothing

## 9.4 CITY MANAGER –Nothing. Ron Rowe has something. Rowe stated he wanted to thank them for coming to the workshop tonight session, to gain more knowledge on the parkland dedication, again it's very important that you all learn as much as they can so when looking at these plans they have a whole view of development and where the City is going. Also that hour counts as training, he was talking to Sharon and she ask that each one of them keep track of their hours so at end of the year she will collect them.

# 10 COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.

**Mayor Carroll** stated she has said all along it's so important that they get their job right because there will be other Boards that will refer back to what they are working on and try to decipher what they meant or what the intentions or whether things were followed through. Anxious to see the minutes to see what happened, hates to have the development to have to come back but she couldn't feel good about voting on this tonight knowing that not remembering enough time passing exactly what they thought they were passing.

**Vice Mayor Sutton** stated if this is what it is and there is no recourse to come back on it, Mr. Hall he would like for him to put on the agenda for the Board of Commissioners, To Discuss and/or take action on having the City Engineer attends meetings that have PUD rezoning's.

**Butler** stated last week at the Tree Board meeting they set up a workshop with the Planning Commission, if they decide to accept it, for next month, to discuss the role of the Tree Board as it pertains to the Planning Commission, don't know if they are going to direct Will Owen to try to help them to better establish that role to help determine. Hall stated thinks that is good and Mr. Cantrell will be here also thinks there is some issues where they need to address private property. Owen stated he would be glad to do that but with the understanding that it is not his opinion what their role is, his only information would be what they have currently adopted ordinances and how those ordinances define responsibilities and roles of the Tree Board. Butler stated some references there are some questions about what their role is, how the role works and are they following it correctly. Sutton stated he would also like this to be extended to the Board of Commissioners to be at the workshop, if they would like. Carroll stated it was



suggested that the Planning Commission, BOC and Will Owen could come together on this because there was things getting missed.

**Beata** stated he would like 2 items to be added next month's meeting. Discussion on the need for fencing around detention ponds will be bringing a packet with pictures. 2<sup>nd</sup> item, Discussion on potential restrictions & guidelines on digital signs. Beata stated another good meeting; he feels staff & Board wise they are getting better with every meeting & discussion.

**Anderson** stated would like to thank the two citizens for staying for the meeting, been a nice long meeting, thinks it is important. Anderson stated excites her that this Board is together, they generally care. Anderson stated they have a great Planning Commission, great staff and they are all working together to make sure things of the past are not repeated. Anderson stated that is what is most important to protect the citizens. Anderson stated shop here first, keep money in Fairview to help our community to grow and succeed. Thank you.

**11 ADJOURNMENT-** Anderson adjourned at 9:15 p.m.

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Chairperson

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Secretary