

City of Fairview

7100 CITY CENTER WAY
FAIRVIEW, TN. 37062



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

Municipal Planning Commission

Regular Meeting
April 14, 2015
7:00 p.m.

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

Present: Anderson, Beata, Butler, Carroll, Mangrum, Dowdy

Absent: Lowman, Mitchell, Sutton

Others Present: City Manager Wayne Hall, Planning/Codes Director Frank Humber, City Attorney Larry Cantrell, Engineer Will Owen, City Recorder Brandy Johnson

1. CHAIRPERSON ANDERSON CALLED THE MEETING TO ORDER AT 7:08 P.M.

1. Dr. Neil Rice led the prayer and the pledge.

2. APPROVAL OF THE AGENDA-

- 2.1 Anderson added 8.4 Cox Pike Concept Plan, 8.5 Library Site Plan and 8.6 Resolution 08-15 PC Tree Bank Variance. Beata made a motion for approval with Butler seconding. FOR: Anderson, Beata, Butler, Mangrum, Dowdy; AGAINST: Carroll. Mangrum made a motion to approve the agenda with the additions with Butler seconding. FOR: Anderson, Beata, Butler, Mangrum, Dowdy; AGAINST: Carroll.

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

Scott Tucker of 7510 Nathaniel Woods Blvd shared photos of his house 1 week after he moved in. Although he was assured the property never flooded it was covered in standing water after a heavy storm. He is very concerned about drainage due to ground water saturation. He shares a photo of a drain box and states it is probably the only thing that has saved his house from being flooded,

however, Codes has told him it is illegal and has to be removed. The developer has not submitted plans for correction of this issue. Tucker's main concern is that it shouldn't have been needed if the property was graded properly to begin with. He also questioned whether a grading plan was submitted for approval prior to building to prevent such problems.

Emily Wade of 7307 Hudgins Court in Polston Place shares concerns about water issues. She has three main issues; 1) flooding in the crawl space due to proximity to culvert which has caused mold, illness even after the expense of adding French drains to the property, 2) saturated foundation (unsealed construction) which is directly under the master bedroom and 3) free flowing water on both sides of the home. She shares these issues hoping it will be required to excavate properly and grade cautiously for better drainage.

Allen Bissell of 7126 Grammar Drive comes as both a citizen and a Commissioner. He states he supports changes to the Design Review Manual and lowering the cost for non-replacement of trees because it puts us on an unfair playing field. Bissell states this applies to commercial development but at the time it was instituted we did not anticipate the current larger developments. It was created to prevent the situation we have currently in front of city hall not to create a revenue stream noting he has concern over the current level we are charging.

Stuart Johnson of 2326 Fairview Blvd agrees with what Bissell stated noting that residential developers have no penalty while commercial is being punished for not replacing trees. Johnson states he has had several calls from developers noting one was quoted \$800,000 penalty amount for trees he could not replace. He wants a level playing field for all.

Jon Cherry of 2060 Fairview Blvd reminds everyone of the Business Expo on Saturday from 10 AM to 2 PM at the Rec Center.

4. APPROVAL OF THE MINUTES-

4.1 March 10, 2015 – Regular Meeting

Mangrum made a motion for approval and Beata seconded. All were in favor.

5. RECOMMENDATION – None

6. BONDS-

6.1 SCARBOROUGH VILLAGE SUBDIVISION – LETTER OF CREDIT TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$52,000.00. PLANNING COMMISSION SET THE BOND ON FEBRUARY 12, 2008. THE BOND EXPIRES MAY 19, 2015.

Codes Director Frank Humber stated he received a letter from Pinnacle Bank replacing the existing letter of credit for another year so no action is required.

7. OLD BUSINESS- None

8. NEW BUSINESS-

8.1 DISCUSS AND/OR TAKE ACTION ON FIANL MASTER SITE DEVELOPMENT PLAN FOR FERNVALE APARTMENTS. MAP 42, PARCEL 65. OWNER, TIMOTHY R. MANGRUM.

Mangrum recused himself from the vote but noted he is available for questions or comments. Beata made a motion to approve with Butler seconding. Beata read the engineers comments (attached to these minutes) and asks for a brief history of the project. Mangrum replies it was approved as presented in 2008 but put on hold due to the economy and have decided now is the time to move forward. After discussing the engineers comments, Butler made an amended motion to approve striking engineer items 5, 8, 9, and 10 with Beata seconding. Carroll amended the amended motion to approve striking 8, 9 and 10 from the engineers recommendations with Beata seconding. All were in favor of amended motion #2 which negated the first and amended motions.

- 8.2 DISCUSS AND/OR TAKE ACTION ON ORDINANCE NUMBER 873 TO AMEND THE CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL ZONING CODE, ARTICLE XVI, SECTION 16-102.5, "BUILDING PERMITS" AND TO AUTHORIZE THE NON ENFORCEMENT OF 2009 INTERNATIONAL BUILDING CODE SECTION 105, PERMITS, SUBSECTION 105.2, "WORK EXEMPT FROM PERMIT", SUB, BUILDING, PARAGRAPH (1), WHICH HAS BEEN ADOPTED BY THE CITY OF FAIRVIEW SHALL NOT BE ENFORCED BY THE CODES DEPARTMENT OF THE CITY OF FAIRVIEW, TENNESSEE AND SHALL BE TREATED AS DELETED.

Chairman Anderson read the caption. Butler made a motion for approval with Beata seconding. Attorney Cantrell states the city requires all commercial buildings to have a permit and since we can't change the International Building Code the only way to strike this is to remove in this way. Cantrell notes the Board of Commissioners has passed this on first reading. Mangrum verifies this includes pre-fab storage buildings and Cantrell confirms. All were in favor.

- 8.3 DISCUSS AND/OR TAKE ACTION ON RESOLUTION 05-15 PC TO AMEND THE CITY OF FAIRVIEW, TENNESSEE DESIGN REVIEW MANUAL, ARTICLE III, SECTION 3-104.2, "MAINTENANCE OF IMPROVEMENTS".

Chairman Anderson read the caption with Beata making a motion for approval with Butler seconding. All were in favor.

- 8.4 DISCUSS AND/OR TAKE ACTION ON COX PIKE CONCEPT PLAN, TOM SMYTHE DEVELOPER.

Mangrum recused himself from voting. Beata made a motion to defer based on the fact the item was a late addition and 3 commissioners were absent with Carroll seconding. Codes Director Humber stated at the last meeting Tom Smythe had a concept plan with RM-8 PUD but the Planning Commission didn't agree on the density and requested lower density. Beata asked why this wasn't in the packet and Humber replied he received it on Friday and was asked to add it to the agenda. Engineer Will Owen states the supporting documents submitted with the original plan will need to be amended and he suggested those documents be amended before presenting back to the Commission. All were in favor.

- 8.5 DISCUSS AND/OR TAKE ACTION ON LIBRARY SITE PLAN WITH 800 SQUARE FOOT ADDITION, JEFF CORLEW OF C&I DESIGN.

Corlew apologized and noted the property manager said it was all worked out but when he came to get the building permit he discovered it wasn't. He noted this is an 800 square foot addition to the Fairview public library with the same brick façade. Beata asked when they planned to begin work and Corlew answered last week. Beata made a motion to approve with Carroll seconding. All were in favor.

8.6 DISCUSS AND/OR TAKE ACTION ON RESOLUTION NO. 08-15 PC, A RESOLUTION OF THE MUNICIPAL PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, AMENDING THE CITY OF FAIRVIEW, TENNESSEE DESIGN REVIEW MANUAL, ARTICLE II, "DESIGN REVIEW STANDARDS", SECTION 2-103.4, "TREE BANK, VARIANCE REQUEST".

Mangrum made a motion for approval with Beata seconding. Carroll states she thinks this is going in the wrong direction as this was put in place for a reason, to protect our green space. She notes she asked Mr. Humber for figures on what other cities charge. Attorney Cantrell states this is a revision to the Design Review Manual which is totally under Planning Commission control, however, this item was suggested by members of the Board of Commissioners. Beata states a drop from \$50 to \$5 does seem extreme but he does like the max fee so a developer would know where that would be. It was agreed that a cap was a good idea because no two parcels of land are created equal. It was noted that Franklin has a \$400 fee per tree and also a \$25 tree removal permit per tree. Carroll amends the motion to defer the item for time to review tree ordinances of surrounding areas. Chairman Anderson asks Commissioner Johnson for comments and he states if you don't feel the \$5 is appropriate it can be changed but I feel the max fee is critical to moving forward. Mangrum questions any pending development this would hinder to defer and Humber replies not that he is aware of. Vote on the amended motion, FOR: Beata, Butler, Carroll, Dowdy, Mangrum; AGAINST: Anderson, motion passed. Original motion negated by amendment.

9. REPORTS FOR DISCUSSION AND INFORMATION

9.1 DIRECTOR OF PLANNING AND CODES-

Humber asks for guidance from the Planning Commission on late submittals for the future noting he has been going by the published schedule to be fair. The consensus was that the customer's request to be added to the agenda should be acknowledged, however, they should also be made aware that no decision will be made without the proper information and adequate time for staff and Commission review. It was noted that there will be some exceptions, such as the library tonight, and requests for added items should be voted on individually at the agenda approval.

9.2 CITY ENGINEER- Owen encouraged the Commission to continue to read through the zoning ordinances noting that confusion comes from language and wording and some from the procedural aspects. He specifically points out the PUD section noting to maintain specific language of steps to track approvals. He add the Codes Review Committee is doing good things and suggests they look

at multi-family developments such as the 2000 square foot clubhouse as we saw tonight.

9.3 **CITY ATTORNEY-** Cantrell stated he agrees with Mr. Owen on the PUD noting that the Planning Commission gives a recommendation but the Board of Commissioners approves. He continues that if we continually are requested to issue variances on a particular item we should look at changing those requirements.

9.4 **CITY MANAGER-** Hall requested clarification that he can issue a permit for the library addition tomorrow and Cantrell confirmed.

10. COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.

Mangrum requested the clubhouse requirement be added to the next Codes Review Committee agenda noting that size of the development would dictate cost efficiency

Beata apologized for making an incorrect statement at the last meeting regarding the brick ratio for the gas station on Hwy 96. He requests a workshop prior to the next meeting regarding the various PUD requirements. All were in agreement on the 6:00 workshop prior to the next meeting.

Carroll noted it is a crucial time with a lot of development on the table. We need to do things correctly and be very careful of our considerations to make sure we are moving forward. She requested follow up from the citizen comments at the next meeting. City Manager Hall stated he would follow up.

Anderson stated she appreciated the citizens who spoke and notes water issues can create big problems. She declares a real problem of clear cutting property prior to commercial zoning. Anderson thanks the Commission for good discussion tonight noting we need to do the right thing.

11. ADJOURNMENT- Chairperson Anderson adjourned at 9:08 p.m.

Chairperson

Secretary