

City of Fairview

7100 CITY CENTER WAY
FAIRVIEW, TN. 37062



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

Municipal Planning Commission

Regular Meeting
May 09, 2017
7:00 p.m.

Brandon Butler, Chairman
Matt Beata, Vice Chairman
James Powers
Michael Mitchell, 2nd Secretary
Patti Carroll, Mayor
Derek Burks, Commissioner
Mike Anderson
Tim Mangrum
Christie Slaughter

Present: Butler, Beata, Powers, Mitchell, Carroll, Burks, Anderson, Mangrum, Slaughter

Absent:

Others Present: Kevin Chastine sitting in for Engineer, City Attorney Timothy Potter, City Planner Kristin Costanzo, Codes Director Wayne Hall, and Codes Clerk Sharon Hall

1. **CALLED THE MEETING TO ORDER AT p.m.**
 - 1.1 Butler led the prayer and pledge.
2. **APPROVAL OF THE AGENDA-**
 - 2.1 Mangrum made a motion for approval. Anderson 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 APRIL 11, 2017 – WORK SHOP

Slaughter stated bottom of second page, typo, Owen: nickel and dime.
Carroll made a motion for approval. Mitchell Seconded. All were in favor.
 - 4.2 APRIL 11, 2017 – REGULAR MEETING

Mitchell made a motion for approval. Carroll Seconded. Slaughter couple of typos, item 6.1 should be accept not except and 8.7 Mr. Mitchell cannot make the motion and second it. All were in favor.
5. **RECOMMENDATION –**
 - 5.1 DISCUSS AND/OR TAKE ACTION ON REZONING AND PRELIMINARY MASTER DEVELOPMENT PLAN FOR ROCHDALE ESTATES OFF CUMBERLAND DRIVE FROM RS-40 TO R-20 P.U.D. OVERLAY (RESIDENTIAL). MAP 47, PARCEL 66.00, 33.81 ACRES, LAND DEVELOPMENT.COM INC. OWNER.

Jamie Reed with S.E.C., the engineer working on the project, was present to represent. Reed discussed the desire for rezoning from RS-40 to R-20 with 2.2 lots per acre. The plans call for 68 lots with a little over 9 and half acres of open space. This development will have an onsite sewer system. Carroll made a motion to accept pending traffic study, recommendations from engineer, staff comments, complete temporary cul de sac with sidewalk and curb and complete sidewalk connecting to safe routes to school with Mangrum seconding. FOR: Butler, Carroll, Lowman, Mangrum, Mitchell; AGAINST: Burks.

Hall stated this is just for their information, has been sent to the Board of Commissioners.

- 5.2 DISCUSS AND/OR TAKE ACTION ON ANNEXATION REQUEST FOR OTTER CREEK SUBDIVISION OFF OLD NASHVILLE ROAD, MAP 42, PARCEL 78.00 OF 87.71 ACRES, PARCEL 78.01 OF 15 ACRES, PARCEL 79.00 OF 13.00 ACRES AND PARCEL 79.01 OF 16.04 ACRES, OWNERS: REDA KIDDER & JENNIFER BUFFORD

Burks made a motion for approval seconded by Mangrum and all were in favor.

Hall stated this is just for their information, has been sent to the Board of Commissioners.

- 5.3 DISCUSS AND/OR TAKE ACTION ON ANNEXATION REQUEST FOR OTTER CREEK SUBDIVISION OFF OF TAYLOR ROAD. MAP 42, PORTION OF PARCEL 77.08 OF .60 ACRES, OWNER: KENNY TAYLOR

Burks made a motion for approval seconded by Mitchell and all were in favor.

Hall stated this is just for their information, has been sent to the Board of Commissioners. Carroll asked why these recommendations are on the agenda, they use to not Mr. Hall stated after today, Mr. Collins had ask they be removed from the agenda, so in the future they won't be on the agenda again.

6 BONDS-

- 6.1 DEER VALLEY DOWNS SUBDIVISION- LETTER OF CREDIT IN THE AMOUNT OF \$464,000.00 FOR IMPROVEMENTS, INCLUDING, ROADS, SIDEWALKS, DRAINAGE AND OTHER IMPROVEMENTS SPECIFIED BY THE APPROVED PLANS. PLANNING COMMISSION SET THE BOND ON NOVEMBER 10, 2014. PLANNING COMMISSION REDUCED BOND ON AUGUST 09, 2016 TO \$225,000.00. BOND EXPIRES MAY 21, 2017.

Tony Cavender owner of Deer Valley Down present, Mr. Hall stated he plans on renewing the bond they just need to give permission to call bond if not in place by May 21, 2017. Beata made a motion to call the bond if not renewed by May 21, 2017. Mangrum Seconded. All were in favor.

7. OLD BUSINESS- None

8. NEW BUSINESS-

- 8.1 DISCUSS AND/OR TAKE ACTION ON SUBWAY RETAIL CENTER-SITE PLAN MAP 18, PARCEL 018.00 AND 019.00; 2.16+- ACRES PRAKASH PARTEL: OWNER.

Trent Smith with Sothern Consulting was present to represent. Beata read Staff Comments, which will become part of these minutes. Exhibit A.

Butler asks could Mr. Smith give a summary of this project. Smith stated right now there are two units showing on the site plan, one is the Subway, and the second unit is unknown at this time. Smith stated they left open area thinking at some point in the future there may be a third unit that could be so many years off, it hardly exists at this time. Smith stated the Staff comments, he thinks several of those are architectural comments which he is hoping they can approve the site plan contingent upon revising those, from their point of view those are easy for them to fix, they could easily submit those to staff for their review and concurrence, the brick and sign isn't a problem. Carroll asked has this gone to the Tree Board. Mr. Hall stated this will have to go to the Tree Board. Carroll stated that probably needs to be added to Staff Comments, would have to be approved by the Tree Board for the landscaping. Mitchell asked the very back of that detention pond are they planning on fencing that off. Smith stated yes, shows fencing on three sides on the property line, between the pond and the building, it would be fully enclosed. Butler stated two new faces up here tonight, Kevin Chastine is here subbing for Will Owen, and Kristin Costanzo is our new City Planner, do either of you and Mr. Hall have any additional comments. Butler asked some of the comments from the Staff comments that were missing, would that be something that would be required on this site plan submittal. Costanzo stated she isn't a fan of contingencies but if you vote to approve tonight staff can insure that items such as the landscaping, tree buffer as well as the required materials are met. Costanzo stated it is their decision but it sounds like they want to see it on the plans, if they approve contingent upon it won't come back to them will only come back to staff for approval. Carroll stated it's kind of hard to approve without knowing the percentage. Butler stated he understands sometimes there are things they can approve with a variance with a staff submittal but thinks they open their selves to miss something. Smith stated they aren't asking for a variance, they would hope to get an approval contingent on sending in the revised drawings on brick issue, architect on the project, the elevation views, he could resubmit those to staff, they could revise those to show at least meeting the minim standards. Burks stated on the detention pond, our current regulations for commercial require it be underground a retention pond, they are asking to do a variance to do the detention pond, above ground. Smith stated correct. Burks stated he knows in the past they have but it's been behind the building, not the case here. Smith stated they considered putting behind the building but it's almost adjacent to the Hotel's pond, they pushed it back to the rear property line that they could go. Burks stated if it is something he would consider he would request some kind of landscaping, maybe a small berm be in front of that so it's not visible, it's really not behind the building it's beside the building, something that it's not visible at all, ask would that be something they would consider. Smith stated yes that's not a problem. Butler asked about #6 on the parking

does he think they will have enough room putting that there. Smith stated he regrets putting that 3rd building on the plat, he doesn't know if they have enough parking, there's the adjacent property that's being combined, that may be their next building site, they are going to take advantage of some of the shard property, that we allow. Smith stated he doesn't know if they have enough parking for that size of a building and if they don't they just couldn't, what they believed when that time came they would have to present and make that presentation to them. Carroll stated she was looking for the placement of the HVAC units has concerns if they will be visible. Butler asked does he know where the placements of the HVAC units will be. Smith stated he doesn't know. Carroll stated they don't want them seen. Carroll stated she is having trouble approving, can do a lot of this on contingents but the percentage is hard not knowing what it's going to be made of. Smith stated is there any way they can approve it with a statement that says "they meet at least that brick percentage" which they will bump over that and would present to staff for approval before any permits could be applied for. Butler stated Mr. Smith this is really hard because they have had a lot of discussion over the past year or so about elevations and how they have looked and how they have been presented and then they changed, hard to review without exactly knowing what they're going to get. Beata stated looking at it, probably the main thing that is going to change is their going to put more brick on the back of the building where it's just concrete block, which that's not really allowed, think that will have to change to split face anyways, the ac units, if they go on the roof, doesn't look like these parapets aren't tall enough to hide the units from the street or parking lot. Anderson asked who would be creating the list, check the list to make sure that everything on the list was done. Butler stated they could make a motion for approval based on the list, motion for deferment, motion for disapproval based off a list but they could list those items with their motion based on the details that they want to see. Beata made a motion to defer the site plan and architectural plans until everything is addressed and they get to approve it like it needs to be. Mangrum stated additional information they want to see. Beata added to his motion to include all staff review notes, the additional planting in front of the detention pond, HVAC placement (not visible at all), further detail on the building & the material percentage's. Burks stated and the shading in of the potential parking in the future. Mangrum Seconded. All were in favor.

8.2 DISCUSS AND/OR TAKE ACTION ON FINAL PLAT SUBMITTAL FOR CUMBERLAND ESTATES – PHASE 1 (52 LOTS) MAP 47, PARCEL 66.04, 52.56+- ACRES. CUMBERLAND ESTATES, LLC - OWNER.

Jason Beavers with Ole South Properties present to represent. Beata read City Staff Report, which will become part of these minutes. Exhibit A. Butler asked had they received these comments. Beavers stated yes they have received them & he's hoping the Engineer has made the correction

on the plat & their Attorney is drawing up the documents for the HOA, all that's in the works. Carroll said some of them are at a disadvantage since they weren't here from the beginning; it's hard to read everything, on the Staff Comments is this all the Engineer wanted corrected. Kevin stated they do match the previously approved plans. Mangrum made a motion contingent upon the City Staff Report, items 1-6, which will become part of these minutes. Exhibit A. Beata Seconded. Butler stated he did want to mention, trying to keep the site clean. Beavers stated he had that conversation with the building guy about 2 weeks ago. Vote was taken. All were in favor.

8.3 DISCUSS AND/OR TAKE ACTION SITE PLAN FOR INDUSTRIAL WAREHOUSE FACILITY LOCATED ON JUNIPER ROAD LOT 4 OF EVERGREEN INDUSTRIAL PARK. MAP 18, PARCEL 47.06. OWNERS TENN-TEX, LLC.

Tony Reasons present to represent. Beata read the Staff Comments, which will become part of these minutes. Exhibit A. Carroll stated still thinks there is a lot of things that aren't answered, like the other one, thinks they are in the same situation where they don't know what they are voting on. Butler stated when this originally came to the Staff Review meeting last month it had two lot sections a little bit different. Reason stated correct. Butler stated a few changes; you made some changes based off the initial comments & these are off of the new revised comments, it's like they need more time to review to get it changed again because when it's presented to them it meets our requirements, then we can get a list these are the variances they are requesting change on. Butler stated he agrees; feels like their missing a lot of things. Reasons stated he is here with the owner, if there is a concern about the architectural elevations, the City staff will review those will have to be in an accordance with the current regulations. Reason stated the landscaping items, which he thinks is the bulk of the comments, they will agree to them and abide by them. Beata stated he thinks to be equal and fair how they treat 8.1, moves to make a motion to defer this so they could actually see architectural elevations. Mitchell Seconded. Butler stated looks like a lot of trees were taken out; one recommendation would be if they come back that landscaping buffer be a little more intensive because now it's been cleared and can see all those houses, would like to help those homeowners to have some kind of buffer from this building going in. Vote was taken. All were in favor.

8.4 DISCUSS AND/OR TAKE ACTION ON REZONING REQUEST FOR 7309 COX PIKE .89 ACRES, OWNER JOSEPH MORRIS AND 7307 COX PIKE 1.41 ACRES, OWNER TIFFANY FORSHEY, FROM RS-40 TO R-20.

Tim Morris present standing in for his Father Joseph Morris the property owner and he has a letter giving him approval to do this. Letter will be exhibit B, also Tiffany Forshey present. Beata read Staff Comments, which will become part of these minutes. Exhibit A. Mangrum made a motion for approval. Carroll Seconded. Beata asked Mr. Morris does he understand

the Staff Comment about having to come back in. Morris stated yes about a final plat. Beata state yes sir. Morris stated Chapdelaine has done the preliminary plat already and thinks they have a copy of that. Beata stated yes sir. Morris stated they are going to do a hard survey between the 1st and 2nd reading to finalize that, the fact the Randy Chapdelaine has put his stamp of approval on the plat speaks for itself. Morris stated there is a copy of a letter from the City Engineer from Franklin saying this would not violate the Land Use Plan, he signed off on this, he gave 3 points why he's okay with this, and one was did comply with the Land Use Plan, also they are adding one additional home. Morris stated he has a rendering of one of the homes; they haven't purchased both blue prints yet. Carroll asked has he built this house somewhere else in Fairview. Morris stated no. Morris stated they may close in the carport to add square footage, the home would have hardwood floor, stainless steel appliances, granite counter tops, square footage around 1,700 feet. Morris stated he, Mr. Hall & Chapdelaine have complied with the 20,000 foot ordinance, also the 100 feet across the width of the front elevation ordinance and they are going to leave Ms. Forshey at least 50 feet of road frontage and she will have a remaining 1.34 acres. Vote was taken. All were in favor.

9 REPORTS FOR DISCUSSION AND INFORMATION

- 9.1 DIRECTOR OF PLANNING AND CODES – Hall stated he wanted to welcome the new members and appreciates all the hard work of the Board. Butler welcomes our new City Planner Kristin Castanzo and asks does she have anything. Castanzo stated it's an honor to be here and a privilege to work with them looks forward to it also congratulations to the new members on their new positions.
- 9.2 CITY ENGINEER – Nothing
- 9.3 CITY ATTORNEY – Potter stated for the new members, like he told everyone last month, this is his 2nd Planning Commission meeting; if they need anything just give him a call.
- 9.4 CITY MANAGER – Not Present.

10 COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.

Powers stated he is glad to be on the Commission, he probably won't say much for a little bit, he will watch and learn.

Mitchell stated he wanted to welcome the new members to the Board, glad to have them here, the new City Planner, welcome.

Anderson stated first of all he is glad to be here, appreciates them letting him join this Board. Anderson stated he has a lot of simple questions, doesn't understand the process, how the people desire to do construction, development, who they meet with, who gives them the guidelines, so when they come to them, we don't have to defer. Anderson stated as a builder in his past, thirty days is a lot of money. Anderson stated he thinks there should be a better way give these people the guidelines they need, they are going to give you what you ask for, or they will go to another County. Anderson stated he needs to meet with the people to understand that process if someone could

help him get that set up to understand that process. Butler stated to defend the staff a little; those two projects came in and had a lot of adjustments from the initial submittal, they submitted to our staff, our staff reviewed, gave them notes they made the changes to those notes and the new submittals had to be reviewed again the it came to them and that's why it had a few adjustments, they had some substantial changes. Anderson stated in building, there are people that don't listen to what you say and don't get in correct and that takes time, he understands that.

Slaughter stated she is excited to be here, thank you so much for letting her be part of the Planning Commission and the future of Fairview.

Mangrum stated would like to welcome the new Planning Commission members, our new City Planner; you've got your work cut out for you.

Burks stated welcome the new members, it's a real steep learning curve, he's still on that curve, he's still learning, don't be afraid to ask questions, the staff is amazing to work with, you can contact them if you have questions. Burks stated if they need any resources we will see what we can find for you, we want to make their job as easy as possible. Burks thanks' them for stepping up and volunteering, they really appreciate it, their City appreciates it.

Carroll welcomes new members glad to have them; they will try to work with them to get them what they need. Carroll stated they are in the process of trying to get things cleaned up where it's very clear for the builders. Carroll stated Will Owen our Engineer is working on trying to make things ready easy and connect between the Design Review & our Codes, which that process is going. Carroll stated she thinks that's some of our problems where there have been a lot of times just letting the Developer know that our standards are high, this is what's required making it easier on them & us. Carroll stated she feels horrible for turning these people away knowing they've already spent money but a rule is a rule. Carroll stated if they are going to start making people present properly the first round, it's just what has to be done. Carroll stated it starts with them. Carroll stated the quicker they can get things right & on the same page the better off they are going to be, so welcome they are here if they need anything, staff contact them. Carroll stated maybe they can set up a time with someone from the office and review the procedures and help guide them, our manuals are on line if you all don't have a hard copy.

Mr. Hall stated he has a suggestion but the Attorney will have to answer it, in the past we have only allowed one Planning Commissioner to attend the Staff meeting, does he take the opinion if they allowed the three new members attend, so they could understand the procedure, would that be violating the open meeting law. Mr. Powers stated the City could classify the meeting as a training session that would be okay. Hall stated Tuesday next week at 9:30a.m. Is the meeting, if you all want to attend? Carroll stated for the record they could not interact they could attend to just view.

Beata stated he would like to welcome the new member's looks forward to working with them. Beata stated he does agree with Mr. Anderson it's always being a builder & developer, it's hard to defer projects because he's been on

both sides of it. Beata stated he does want to defend their process going through it, we have staff review meeting, Will Owen gives many comments after that, they should have ample time to answer them. Beata stated a lot of times they do approve contingent upon, however both of these defer were retail or industrial buildings. Beata stated in the great scheme of things for a builder 30 days is a lot but for our City these buildings will be there for the rest of lives, for us they have one chance to get it right. Beata for the Board they don't want the perception that they are just up there to turn people down, they just want to get it right. Beata stated he thinks knowing the process, that's what he feels more comfortable deferring because they shouldn't even come up without having the architectural.

Butler stated well said, welcome new members excited to have them; it's a busy time, glad you guys are serving.

- 11 ADJOURNMENT-** Butler asked for a motion to adjourn. Burks made a motion for adjournment. Powers Seconded. All were in favor. Adjourned at 8:05 p.m.

Chairperson

Secretary