

City of Fairview

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FAIRVIEW, TN. 37062



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Municipal Planning Commission

Regular Meeting
May 12, 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, Butler, Carroll, Sutton, Lowman, Mangrum, Dowdy

Absent: Beata, Mitchell

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 7:05 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 APRIL 14, 2015 – REGULAR MEETING

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

5. RECOMMENDATION – None

6. BONDS-

6.1 DISCUSS AND/OR TAKE ACTION ON REDUCTION OF LEVERETTE MEADOWS SUBDIVISION PHASE II LETTER OF CREDIT TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. AMOUNT WAS \$78,700.00 AND REDUCED TO \$75,500.00 ON JANUARY 13, 2015. LETTER OF CREDIT EXPIRES OCTOBER 31, 2015.

Humber asks Owen to make his recommendation. Owen stated as stated the last time they revisited this was on the January 13, 2015 meeting, as of today there has been

some installation of sidewalks. Owen stated per his comments in his Engineer report reflect the reduction based on that sidewalk installation, engineers report will become part of these minutes. Exhibit A. Gary McDonald stated he got an estimate from the paving company, wanted to get this approved so when they pave, he could get this amount of money out of his bond. Cantrell stated he thinks they would not want to reduce the bond until he gets it paved. McDonald stated that is correct when he gets it paved he wanted it reduced. Owen stated he would have no objection after the asphalt is placed in accordance with City standards, he would not have an issue in recommending a reduction in this amount in the letter of credit, after that activity is placed. Sutton made a motion to defer to next month's meeting. Lowman Seconded. All were in favor.

7. OLD BUSINESS-

7.1 DISCUSS AND/OR TAKE ACTION ON REZONING APPLICATION WITH PRELIMINARY MASTER DEVELOPMENT PLAN FOR PROPERTY LOCATED ON COX PIKE. MAP 43, PARCELS 30.01 AND 31.00, 32.19 ACRES. FROM RS-40 (RESIDENTIAL) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) WITH A BASE DENSITY OF RS-15. DENNY, PROCTOR, AND WELCH, OWNERS.

Butler read Engineers report, which will become part of these minutes. Exhibit A. Mr. Smythe present to answer questions. Mangrum recused himself from voting, but will take part in the discussion. Sutton asks how he was going to remedy these problems from the Engineer. Smythe stated he has to get approval from the WADC for the placement of their onsite system. Smythe stated he has read through their eight pages of regulations and he has allocated land in accordance with their demand for the 5 & ½ acres of drip field. Smythe stated Mike Adams of WADC has assured him once he has a concept approval with the appropriate density, he will look at this. Humber stated is this enough information for them to make a recommendation to the BOC on his rezoning? Mangrum stated with a PUD rezoning this becomes his zoning. Humber stated so he will have to have a complete Master Plan before you recommend zoning, he thought what they wanted to do was to get his rezoning to RS-15, is that not correct. Sutton stated as it was. Owen stated his understanding is the item that has been applied for is a rezoning to a residential planned unit development with an RS-15 base density. Owen stated an RS-15 zone is not allowed in your zoning ordinance as a standalone zone, as a free standing district; it has to have a RPUD overlay on top of it. Owen stated his understanding is the request to rezone which is accompanied by the preliminary master development plan. Owen stated shows the lot lay out, the streets, the open space and as Mr. Smythe stated the sanitary sewer provisions conceptually along with the narrative description requirements found in your zoning ordinance for a PUD and the information requirement for a request. Carrol asked what is presented will that meet the requirements for rezoning a PUD, you said there was a list of things. Owen stated he has provided a list of all the bulleted items requesting information for the proposed development, it is up to them if that response is adequate. Owen stated he would not have any reservations on moving forward subject to the final master development plan taking into account his comments in his Engineering report. Smythe stated he is just trying to get this approved so he can move forward. Cantrell stated he would suggest if they want to move forward with this has is to make it

subject to the comments from our Engineers report and have exclusively that their recommendation is that no building permits for this be issued until he comes back in with his final, because his final in a PUD will be the zoning in that particular project. Carroll stated as a Board do they want to change the Land Use Map to meet this zone. Mangrum stated the problem is on a PUD the plat become part of the zoning. Humber stated RS-15 is required to be a PUD, he is submitting a PUD plan, he is asking for his property to be rezoned RS-15 with PUD, so the question is are you ready to make a recommendation to the BOC based on what he has submitted and in light of what Mr. Owen has said. Smythe stated Cox Pike is one of your main roads into town; he is working under the consumption that Fairview wants to attract homeowners in that \$250,000.00, 2,000 square foot midrange. Carroll stated she would be concerned about the traffic increase on Cox Pike. Smythe stated there was a traffic study being done and he looked at the traffic counts back fifteen years, traffic count today is averaging from 1,900 to 2,000 cars a day. Smythe stated back in 2006 average around 3,000, does not know why this number has went down. Smythe stated he does think that Cox Pike will need to be widen, he thinks the only way that can be widen is for developers to adjoin the cost. Anderson asks number five on the Engineers report how he feels about an alternate to that. Smythe stated that is fine, he had already agreed that they take them out of the public right of way, remember he said he would place them between the homes and they are not going to discharge directly into a blue line. Carroll asks in the description the discharges are going into a drip field, you originally said you were going to discharge in a creek and where is the creek. Smythe stated the creek was on adjoining property, the Tidwell's, they have decided they do not want this going into the creek. Sutton said if you could take it up to a RS-20 that would be a density of 2.2 instead of 2.9, roughly 60 or 70 homes on thirty-two acres. Sutton stated he would be a lot more comfortable with the RS-20 than the RS-15 in this area. Smythe stated one of the issues is cost, he originally asks for 120 lots now they are down to 93 lots. Sutton stated he had been working with WADC, TDEK and they have looked at the cost efficiency, it is not efficient unless there it is under 50 homes. Sutton stated once you get above 50 homes, it becomes very cost efficient. Owen stated as far as he was concerned the three page narrative is revised to reflect the plan that is before you, he does not have any further issues with that, has been accomplished by Mr. Smythe, will become part of these minutes. Exhibit B. Owen stated if they desire more detail on any of those individual items that is certainly their prerogative at this stage. Owen stated there are some vested rights after this preliminary master plan approval that the developer would have. Owen stated anything that's ambiguous now or you don't feel comfortable with he would encourage them to make it very clear that they would like to evoke the privileges of his comment number 6, that says any specific items not discussed at the preliminary stage, you have the ability to revisit those items at the time the final master development plan is submitted. Owens stated if they choose to move forward be very specific as far as the, **Density, Lot Sizes, Building Setbacks, General lay out of the street & lot, required improvement in the proposed open space.** Carroll asks Smythe did he try to get water and sewer with WADC. Smythe state yes they said don't have enough taps; will have to go with the drip system, just

waiting on our approval to take to WADC. Cantrell stated he would suggest that their recommendation also have the minutes attached to it so when the BOC gets the recommendation, they will have a chance to read it. Anderson stated she thinks they need to decide if they can accept the density and the lot size because she thinks that is where they are all stuck on making a decision. Sutton made a motion to move forward for discussion the lot size of RS-15 with the five recommendations of the Board that they be satisfied plus the six comments from the Engineers report to be satisfied. Carroll Seconded for discussion, r, with clarification that it will be approved for the RS-15 with the six recommendations from the Engineer and the five points discussed with clarification that the open space can be reviewed when a final plan is brought in. Sutton said he is still more comfortable with the RS-20 than the RS-15. Dowdy stated he wished we would have decided that before instead of give Mr. Smythe the run around. Dowdy stated need the houses that range around the \$250,000.00 range, you want to widen Cox Pike this is the way to get it started. Sutton amended his motion for recommendation to the Board of Commissioners to included items 1-6 of Engineers report (attached) and the 5 items 1) density, 2) lot sizes, 3) building setbacks, 4) general lay out of the street & lot, 5) required improvements in the proposed open space) for discussion, leaving as RS-15. Hall stated these amendments that you are making will become part of the PUD , that is correct Mr. Owen? Owen stated if there is specific amendments required per you recommendation then the BOC can choose to heed those recommendations and require that or they can say no they are happy the way it was originally submitted. Owen stated if they recall the March meeting was the initial submittal for a PUD 125 lots, at that stage it was their opinion that it was too many lots on 32 acres. Owen stated it was vaguely discussed that it would be a higher comfort level with an RS-15 verses 125 lots. Owen stated on the April meeting and the revised conceptual plan was submitted the Friday before your Tuesday Planning Commission meeting, was not in your packets, and believes it was handed out at the meeting. Owen stated he believes that is why this has been going on for three months. Owen stated he would certainly suggest that they don't defer anymore. Mangrum stated he believes the biggest hurdle looking at these lots they really got RS-5, because only 5,000 square feet. Owen stated that is correct the density is RS-15; the PUD overlay is a base density of RS-15. Owen stated Mr. Mangrum is correct the actual lot size is a RS-5. Carroll Seconded. Vote was taken. Mangrum recused himself from voting, Beata & Mitchell absent.

For

Against

Dowdy
Lowman
Carroll
Anderson
Butler
Sutton

Motion denied.

8. NEW BUSINESS-

8.1 DISCUSS AND/OR TAKE ACTION ON REZONING APPLICATION FOR PROPERTY LOCATED ON TIGER TRAIL AND COX PIKE. MAP 42, PARCEL 28.03, 15.2 ACRES. FROM RS-40 TO RS-8. BENNY SULLIVAN, ETAL, OWNERS.

Sutton made a motion for approval. Dowdy Seconded. Mangrum stated as Mr. Owen stated earlier RS-8 is designated for the City Center Overlay District only, according to Article 5 in our Zoning ordinance. Mangrum stated this is a problem for him because it is not allowed per our current zoning ordinance. Branden Robertson stated he is trying to purchase the property from Mr. Sullivan. Robertson stated the reason he wanted to rezone to RS-8 is because the property layout is kind of quirky, all the lots are 12,000 feet except for one, and it is mainly the road frontage that he is trying to reduce. Robertson stated he was under the impression that RS-12 was a PUD. Robertson stated he is trying to get house price around that \$200,000.00 price range, which Williamson County desperately needs. Sutton asks what the lot sizes are going to be. Robertson stated about 12,000 square feet. Robertson gave them a layout to look at. Discussion was held about the RS-8 zone not being allowed in this area, designated only for the Town Center. Sutton stated that is something he can work with Mr. Humber to change the zoning to meet our zoning ordinance. Anderson stated she likes the plan so hopefully he will come back with a plan that will meet our zoning. Robertson asks Owen what was the smallest lot size he could go down to without being in a PUD, is it a RS-15? Owen stated no RS-15 requires a PUD; the smallest without a PUD is R-20. Owen stated RM-8 has its own set of rules. Mangrum stated hopefully he will come back but wanted to let him know that it requires a PUD but they can grant variances on PUD requirements. Sutton made motion to disapprove. Lowman Seconded. All were in favor. Motion denied.

8.2 DISCUSS AND/OR TAKE ACTION ON ANNEXATION REQUEST FOR PROPERTIES LOCATED ON HORN TAVERN ROAD. MAP 22, PARCELS 64.00 AND 65.00, 9 ACRES. PRISCILLA LAMPLEY, OWNER.

Braden Robertson present to answer questions. Sutton made a motion for approval. Butler Seconded. All were in favor

8.3 DISCUSS AND/OR TAKE ACTION ON REZONING APPLICATION FOR PROPERTIES LOCATED ON HORN TAVERN ROAD. MAP 22, PARCELS 63.00, 64.00, 65.00, 66.00, 15 ACRES. FROM RS-40 TO RS-8. PRISCILLA LAMPLEY, OWNER.

Sutton made a motion for discussion. Carroll Seconded. Mr. Moore present to answer questions. Sutton stated this property is not in the Town Center so they can not approve for this RS-8, RS-8 is in the Town Center District only. Sutton made a motion to deny. Carroll Seconded. All were in favor. Motion denied.

8.4 DISCUSS AND/OR TAKE ACTION ON SITE PLAN FOR PROPERTY LOCATED AT 7100 SLEEPY HOLLOW ROAD. MAP 69, PARCEL 56.00. JAMES AND ANGELIA STEWART, OWNERS.

Owners present to answer questions. Mr. Stewart stated they are requesting is a utility shed, storage facility, will connect to the back of the building, full metal building, same color as main building. Sutton made a motion for approval. Carroll Seconded. Stewart stated the only reason he wants it in this area is because trucks have to get in to turn around, building will be facing Sleepy Hollow Road. Carroll asks has the site plan been approved. Humber stated yes. All were in favor. Motion passes.

- 8.5 DISCUSS AND/OR TAKE ACTION ON BILL #2015-16, ORDINANCE #881. AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE MUNICIPAL ZONING CODE, ARTICLE II, "CONSTRUCTION OF LANGUAGE AND DEFINITIONS", SECTION 2-101, "RULES FOR CONSTRUCTION OF LANGUAGE, "PARAGRAPH L."
- Sutton made a motion for approval. Carroll Seconded. All were in favor.
- 8.6 DISCUSS AND/OR TAKE ACTION ON RESOLUTION NO. 06-15 PC. A RESOLUTION OF THE MUNICIPAL PLANNING COMMISSION OF THE CITY OF FAIRVIEW, TENNESSEE, AMENDING THE CITY OF FAIRVIEW, TENNESSEE DESIGN REVIEW MANUAL, ARTICLE I, SECTION 1-101.4, "MAINTENANCE OF IMPROVEMENTS."
- Sutton made a motion for approval. Lowman Seconded. All were in favor.
- 8.7 DISCUSS AND/OR TAKE ACTION ON RESOLUTION NO. 07-15 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, 1. RETENTION OF SITE FEATURE, 2. PRESERVATION OF NOTABLE OLD STRUCTURES.
- Sutton made a motion for approval. Mangrum Seconded. All were in favor.
- 8.8 DISCUSS AND/OR TAKE ACTION ON RESOLUTION NO. 09-15-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, "PROCEDURES," SECTION 3-101 "SUBMISSIONS REQUIREMENTS," PARAGRAPH L," "PAGE III-2
- Sutton made a motion for approval. Mangrum Seconded. All were in favor..
- 8.9 DISCUSS AND/OR TAKE ACTION ON RESOLUTION NO. 10-15 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 2-104 "ARCHITECTURAL CHARACTER," "SECTION 2-104.1, "ARCHITECTURAL DESIGN AND BUILDING REQUIREMENTS," PARAGRAPH 2, "CONVENIENCE MARKETS AND GAS STATIONS."
- 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 -Nothing
- 9.2 CITY ENGINEER- Owen stated just a reminder, he takes his job as to bring to them what he thinks is or don't think as the appropriate information for them to make informed decisions. Owen stated a lot of times it is easy for an applicant or others watching to say something along the lines as if he hadn't brought that up they would have been okay. Owen stated then staff gets viewed as obstructions, he generally tries to stay away from support or not supporting a specific item and try to steer them, here is what's in your code, then they can may the formal decision. Owen stated none of them have at this table had a vote, he hopes they find it useful because that's how he views his job. Owen stated long meeting, good job hanging in there.
- 9.3 CITY ATTORNEY- Nothing
- 9.4 CITY MANAGER- Hall stated he was asked to report on dentition pond in Western Woods, he has got permission to get on the Spicer property, when weather dries up they will try to get this fixed. Hall stated the problem is the other side of the drainage

pipe in on private property and they do not have rights to be on that property. Hall stated from what he heard from Todd, Marlon Cunningham is willing to get on that property and clean the detention pond and seed and straw. Hall stated the other thing was Ms. Wade's property, he did not go onto his property, he did access it from the neighbor's yard, from what he has gathered there has been a swimming pool added to that property, possibly changed the elevation. Hall stated he can see what needs to be done, he believes if the drainage swale was lowered in one end of the property would access the drainage that is already in the back of the property. Hall stated this is his update on these two pieces of property.

10. COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.

Lowman stated he wanted to thank you guys for the support and the information they provide for them to do their jobs to make intelligent decisions, thank you all. Lowman stated the other things would be just a suggestion to think about, it has to do with their four hours of continued education they are required to get, and he would like to suggest that they consider collectively trying to assemble, coordinate or schedule, or they could do this as a group.

Mangrum stated they had a workshop scheduled before this meeting, will that be rescheduled? Hall stated let him do some readjusting on the schedule, kind of got messed up, he apologizes for cancelling it but the budget process is the most important. Hall stated he will get an email out to them that possibly scheduling at the next Planning Commission meeting. Mangrum asked could they possibly add to the workshop, putting their heads together discussing the RS-15 and the PUD's and the land use map. Anderson stated that is a good idea. Hall stated that is exactly his though. Carroll stated she thinks it is going to be crucial to have a workshop as he was suggesting it would give them an opportunity to make sure they understood

Sutton stated he appreciates everyone hanging in tonight, some of them started at 5:00, it is now 10:00p.m. Sutton stated they are sorry some people had to wait for a little while but this is progress with everyone's input. Sutton stated he wanted to thank a couple of people here; Commissioner Mangrum helps with the Boys and Girls Club on several occasions and Mr. Dowdy is responsible for them getting the sign completed, donated his services, run the wire, hook it up. Sutton reminded everyone, The Taste of Fairview is coming up this Tuesday the 19th in the parking lot at the old Food Lions. Sutton stated the tickets are \$25.00 per person, \$75.00 per family with the children being under 18. Sutton stated all the proceeds go to the Meals on Wheels. Sutton stated please come out and supports the Meals on Wheels.

Anderson stated shop in Fairview, keep your money in Fairview, we have a lot of great businesses out there. Anderson stated her number one goal is, everyone is saying streamline things that there is less confusion, and for people to kind of know what direction to go in. Anderson stated there was some subdivisions that she really liked and she hopes they can figure things out and come back

ADJOURNMENT- Anderson adjourned at 9:56p.m.

Chairperson

Secretary