

City of Fairview

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Municipal Planning Commission

Regular Meeting
May 14, 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, Behan

Absent:

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

1. CHAIRMAN MIKE SMITH CALLED THE MEETING TO ORDER AT 7:05 P.M.

1.1 Lowvorn led the prayer and the pledge.

2. APPROVAL OF THE AGENDA-

2.1 Sutton made a motion for approval. Anderson Seconded. Benson stated he would like to add an item to New Business 8.6, Phase II of the Wal-Mart grading plan and erosion control for the spoil site. All were in favor.

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

3.1 Rick Myer stated he would like to thank the Commission for listening to him

tonight. Myer stated his concern was the fourteen acres that they just brought up about the spoils of Wal-Mart being place over there; it has come to his attention that spoils can be a lot of things. Myer stated and the major concern is about Bowie Park that it would be preserved as much as possible. Myer stated and the EPA and other planning's from the State having indicated that the two major contributors to pollutions and water areas are roads and construction both of which follow under this category. Myers stated he would hope that the Commission would look deep into this as to what kind of material will be taken from the Wal-Mart excavation site and placed in that fourteen acres or parts thereof and the possible adverse effect it may have on the water shed into Bowie, he thanks them very much.

4. APPROVAL OF THE MINUTES-

4.1 APRIL 09, 2013 REGULAR MEETING

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

5. RECOMMENDATION – 2013-4

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

Lowvorn stated the Board of Commissioners at their last meeting has asked the City Attorney to draw up the ordinances for these annexations; they will have first readings on Thursday night's agenda.

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

Lowvorn stated the Board of Commissioners at their last meeting has asked the City Attorney to draw up the ordinances for these annexations; they will have first readings on Thursday night's agenda.

6. BONDS

6.1 HARTLAND RESERVE SUBDIVISION-PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$365,000.00. PLANNING COMMISSION SET THE BOND ON FEBRUARY 12, 2008. THE PLANNING COMMISSION REDUCED THE BOND AT THEIR JUNE 14, 2011 MEETING TO \$250,000.00. BOND EXPIRES JUNE 30, 2013

Lowvorn stated we've been contacted by the developer and he's working on having that reissued. Lowvorn stated he would ask that they follow the normal procedure in authorizing the calling if it's not in place by the expiration date. Totty made a motion for approval. Anderson Seconded. All were in favor.

7. OLD BUSINESS –

7.1 AN AMENDMENT TO AN APPROVED SUBDIVISION PLAT FOR THE ROW AT FERNVALE. MAP 42, PARCEL 86, 1.69 ACRES, 4 LOTS. ZONES RS-15. BENCHMARK PROPERTIES LLC. OWNER.

Mitch Dowdy present to answer questions. Benson read the Engineer comments which will become part of these minutes. Exhibit A Sutton made a motion to change from non-buildable to critical lot. Anderson Seconded. All were in favor.

8. NEW BUSINESS-

8.1 FINAL SITE PLAN FOR TIGER IMPORTS TO BUILD A 3,500 SQUARE FOOT BUILDING LOCATED AT 7107 JUNIPER ROAD. MAP 18, PARCEL 47.16, 1.47 ACRES, IG ZONING. TIGER IMPORT LLC. OWNER;

Sutton made a motion for approval. Elliott Seconded. Gary McDonald was present to answer questions. Benson read Engineer report which will become part of these minutes. Exhibit A. Sutton amended the motion to include any and all recommendations from the City Engineer. Elliott Seconded. Smith stated any discussion, then he would like to get a vote on the amended motion Commissioner Sutton has stated. All were in favor. Smith stated now a vote on the original motion. All were favor.

8.2 DESIGN REVIEW FOR TIGER IMPORTS LOCATED AT 7107 JUNIPER ROAD. MAP 18, PARCEL 47.16, 1.47 ACRES, IG ZONING. TIGER IMPORTS LLC. OWNER.

Benson made a motion for approval. Beata Seconded. Totty stated she has a question about the split faced block being approved in our design criteria. Lovvorn stated it's an approved building material for Industrial buildings and it's in our design manual as such and it can be the major building material of the building. All were in favor.

8.3 SET BOND FOR TIGER IMPORTS LOCATED AT 7107 JUNIPER ROAD. MAP 18, PARCEL 47.16, 1.47 ACRES, IG ZONING. TIGER IMPORTS LLC. OWNER.

Benson read the Engineers report which will become part of these minutes. Exhibit A. Recommendation from Engineer is to set bond for \$3,500.00. Anderson made a motion for approval. Benson Seconded. Smith asks Owens so you believe \$3,500 will cover any erosion control? Owens stated yes. McDonald asks what the timeline for getting his bond back is. Lovvorn stated needs to be posted before the pre-construction meeting; generally a bond runs for a year. All were in favor.

8.4 CONCEPTUAL SITE PLAN FOR THE L & L EQUIPMENT LOCATED AT 1540 HIGHWAY 96 NORTH. MAP 18, PARCEL 1.00, 14.57 ACRES. HOOPER L INMAN OWNER.

Adam Sager the Civil Engineer for the project was present to answer questions. Benson read the Engineers report which will become part of these minutes.

Exhibit A. Totty made a motion for approval with the Engineering report. Beata Seconded. Smith stated he would like to call a vote on the motion as it stands with incorporating the Engineers notes into the motion. All were in favor.

8.5 DISCUSS AND OR ACTION ON RECOMMENDATION FROM THE WORKSHOP.

Benson stated this evening the Planning Commission met to discuss the City of Fairview Land Use Map particularly Industrial zones. Benson stated in the conversation it became clear that there is Industry out there that is looking for areas in Williamson County particularly in Fairview, although there are some areas that they do have zoned Industrial, there's a need for more area. Benson stated so based on the discussions we had this evening he will make a proposal that all property northeast of I-40 approximately one thousand plus acres be recommended for Industrial. Totty seconded the motion. All were in favor.

8.6 PHASE II OF THE WAL-MART SPOILS SITE.

Sutton made a motion for approval. Anderson Seconded. Benson read the recommendation from the tree Commission which will become part of these minutes. Exhibit B. All were in favor except Mayor Totty she wasn't able to vote she had to leave early.

9. REPORTS FOR DISCUSSION AND INFORMATION

9.1 PLANNING/ZONING/CODES DEPARTMENT – Lovvorn stated the second packet that went out to you; he put in there a spread sheet that had development fees for Franklin, Brentwood, Springhill wasn't able to everything from Thompson Station to make all the calculations, so show you a comparison of Fairview fees verses other Cities in Williamson County. Lovvorn stated as you can see our fees come in at the bottom of the list if you look at the projects. Lovvorn stated and out of these you can look and see which city's build road, and those are the ones that builds roads. Lovvorn stated they will have it on next month's agenda for them to discuss fee structures and to make a recommendation to the Board to either leave them the same or change our fee structures. Lovvorn stated the way that we calculate residential properties right now; we calculate the building permit based on a \$68.00 per square foot. Lovvorn stated Franklin or Brentwood's was based on \$90.00 a square foot. Lovvorn stated not that needs to necessarily change but what they may need to look at most is requiring a road impact fee that would go towards building new roads and maintenance on existing roads. Behan, Beata, Mitchell said didn't get one and would like to get one before the next meeting.

9.2 CITY ENGINEER –Owens stated one thing that he wanted to commend them on is the proactive approach that you have taken to this Industrial Future Land Use option. Owens stated to many times he see communities that are reacting to a rezoning request particularly for commercial or industrial, as opposed to being

proactive to establish an area within your corporate limits that has the potential to have sufficient infrastructure to support an industrial type of application so he applaud them for taking that proactive stance and looking at areas of your City to see where you would like for patterned and designed and thoughtful growth to take place, because that doesn't always take place.

9.3 CITY ATTORNEY –Cantrell stated the Land Use Map is solely the purview of this Board, you pass the Land Use Map, previous Boards have always provided copies to the Board of Commissioners but it doesn't require approval by the Board of Commissioners, it's your pet. Cantrell stated it is very important what he is about to say, it is a Land Use Map, it is a liquid document, he has always told Boards not to fall in love with the Land Use Map because it's a very important document but over a period of time if the City's demographics change, don't be afraid to change it if it needs changing. Cantrell stated he gets really scared when people want to run out a zone this because it's not as easy once you put that zoning on there to go back and change the zoning as it is to change what your suggested use of that land is. Cantrell stated the second thing he wanted to talk about with the annexation, initially they were going to go with September twenty thirteen now they dropped back to twenty fourteen that's a moving target but for just your education, the mere fact that someone wants their property annexed doesn't mean that it's going to fly through and be real simple sometimes it can get really complicated. Cantrell stated right now that any annexation that the City was going to do for the good of the City is on hold. Cantrell stated on impact fees, he's not saying they are good or bad he's just saying what the state statute requires on some impact fees. Cantrell stated general statute on impact fees that authorizes City's to enact impact fees, previous to that statute most impact fees were done by private acts of the legislature and they ran a hodgepodge, they ran all over the place. Cantrell stated you can't just come up with a fee and it's going to be the same twenty years from now, most people put in there three, five years generally, say you need to update my study.

10. COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.

Elliott stated she was going to talk a little bit about quality of life but since it's 8:45 she thinks she will make that very short. Elliott stated she would like to add to next month's agenda a discussion and may be a short report from our City Engineer about what storm water quality regulations exist now in our Subdivision regulations. Elliott stated she was wondering if it would be possible to get the Engineering report by email a few days in advance by email. Owens stated he could try to get them to them a day or two before the meeting. If that is something that the planning commission desires he thinks they could structure that to quality for their training do you want to conduct a general storm water discussion part of that discussion would include your storm water quality in your existing storm regulations, may not be able to next month but give him maybe

until the July meeting to formulate PowerPoint and you can actually incorporate that into part of your required training, if you wanted to go that route.

Beata stated they were talking about roads and the City getting their head wrapped around some road building, what would the state moratorium annexation, how could that potentially impact road building Eminent domain. Cantrell stated that annexation has nothing to do with eminent domain; annexation is annexing a piece of property into the corporate boundaries of the City. Cantrell stated Eminent domain is taking of properties, physically taking it from citizens from private holdings and converting it to public use. Beata stated what if that land is in the County that the road needs to go through. Cantrell stated if it's in the County you would need to annex it or get some sort of an agreement with the County, the reason being it gets real tricky if you doing that and if it gets challenged at all, the first question is why you are spending City money outside City boundaries. Cantrell stated normally you can't just annex an road you have to annex property.

- 11. ADJOURNMENT-** Anderson made a motion for adjournment at 8:55p.m. Behan Seconded. All were in favor.

Chairperson

Secretary