

# City of Fairview

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## Municipal Planning Commission

**Regular Meeting**  
**JULY 09, 2013**  
**7:00 p.m.**

**Mike Smith, Chairman**  
**Robert Benson, Vice Chairman**  
**Lisa Anderson, 1<sup>st</sup> Secretary**  
**Matthew Beata, 2<sup>nd</sup> Secretary**  
**Beverly Totty, Mayor,**  
**Toney Sutton, Commissioner**  
**Michael Mitchell**  
**Wayne Hall**  
**Todd Behan**

**Present:** Benson, Anderson, Beata, Sutton, Mitchell, Hall

**Absent:** Smith, Totty, Behan

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

**1. VICE CHAIRMAN ROBERT BENSON CALLED THE MEETING TO ORDER AT 7:00M.**

1.1 Benson led the prayer and the pledge.

**2. APPROVAL OF THE AGENDA-**

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

**3. CITIZENS COMMENTS - (Limited to the first five to sign in and a limit of three minutes each.)** Eric Buarte stated he is attending this meeting as one of the last requirements for citizenship in the community. Eric stated one of his three final merit badges, to be able to make one of the highest ranks in boy scouts, eagle scouts. Thank you all for letting him attend, especially Mr. Hall.

#### **4. APPROVAL OF THE MINUTES-**

- 4.1 MAY 14, 2013 REGULAR MEETING –Lovvorn stated that Owens brought it to his attention that he was present at this meeting. Lovvorn stated had him as not being present at this meeting and we need to make that change on these minutes. Sutton made a motion for approval. Anderson Seconded. All were in favor.
- 4.2 JUNE 11, 2013 REGULAR MEETING- Sutton made a motion for approval. Anderson Seconded. All were in favor.

#### **5. RECOMMENDATION – 2013-6**

- 5.1 REZONING APPLICATION TO AMEND THE APPROVED MASTER DEVELOPMENT PLAN FOR FAIRVIEW HISTORIC VILLAGE. MAP 69, PARCEL 62.00, 3.54 ACRES, ZONED H.O.D. CITY OF FAIRVIEW OWNER. Lovvorn stated that Recommendation was sent to the Board of Commissioners at their last meeting. Lovvorn stated they approved the City Attorney to draw up that ordinance. Lovvorn stated we will have first reading at the July 18, 2013 meeting to amend the PUD.

#### **6. BONDS**

- 6.1 BRANDENBURG COVE SUBDIVISION-MAINTENANCE BOND TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$45,000.00. PLANNING COMMISSION SET THE BOND AT THE JUNE 12, 2008 MEETING. BOND EXPIRES JULY 1, 2013.  
Lovvorn stated this bond has been renewed.
- 6.2 STUFF IT INN AGAIN – SITE BOND TO COVER SITE GRADING, EROSION CONTROL, SEED AND STRAW MULCH, AND SITE RECLAMATION. \$47,500.00 BOND EXPIRES JULY 3, 2013.  
Lovvorn stated this bond has been released. Lovvorn stated Certificate of Occupancy has been issued to Stuff it Inn Again.
- 6.3 KYLES CREEK/FAIRVIEW ESTATES – PERFORMANCE BOND TO COVER THE ROADS, SEWER, WATER, AND STORM DRAIN REQUIREMENTS - \$45,000.00 – PLANNING COMMISSION REDUCED THE BOND TO \$20,000 AT THE JANUARY 13, 2012 MEETING. BOND EXPIRES JULY 7, 2013.  
Lovvorn stated this bond was released, the curbs have been repaired, was a stipulation for this bond to be released.
- 6.4 KYLES CREEK PHASE II SECTION I – PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$204,000.00. PLANNING COMMISSION SET THE BOND ON FEBRUARY 12, 2008. PLANNING COMMISSION REDUCED THE BOND TO \$119,000.00 AT THE JANUARY 13, 2012 MEETING. BOND EXPIRES JULY 8, 2013  
Lovvorn stated this bond has been renewed.

## **7. OLD BUSINESS** –none

## **8. NEW BUSINESS-**

### **8.1 VARIANCE REQUEST FROM THE COMMERCIAL DESIGN REVIEW MANUAL FOR TACO BELL. MAP 47, PARCEL 7.00**

Sutton made a motion for discussion. Hall Seconded. Benson read letter from staff, which will become part of these minutes. Exhibit A. Harold Thompson was present to answer questions. Thompson stated since his clients had met with staff, he has modified the building to include masonry, changed the EIFS to masonry in virtually every situation, so with this he thinks they are satisfying our seventy percent brick. Benson asked does the brick go all the way to the roof. Thompson stated yes sir it does. Thompson stated on the front of building, the metal slats will have brick behind them and the stone. Thompson stated the metal is a factory finished; not going to flake or come off, it's baked on. Thompson stated on the back of the building that's EIFS at a certain point above the ground, that's a cooler that they are enclosing in. Thompson stated if necessary they can carry the brick all the way up. Thompson stated on the right side of the building that's where the other metal slats occur, also behind this metal is also masonry same color as the other lighter color masonry. Thompson stated so basically they are satisfying the percentage of the brick, vertically one hundred percent masonry, if they make the changes to the rear. Thompson stated in doing this they will be in line with Taco Bell's national design and will meet Fairview's design standards so the only thing they would ask for them to consider the metal slats in front of the brick masonry and making some type of adjustment to be more subtle on the lighting. Benson asked why put the metal on at all, why not just the brick all the way up. Thompson stated because that complies with Taco Bells national image. Lovvorn stated so you're not going to paint under the slats the purple that you submitted. Thompson stated he's making that change and not painting it purple. Lovvorn stated the Planning Commission has the authority to grant the variance on the metal louvers. Lovvorn stated the metal louvers and the cornice work would be the only variances that you would be granting now because he would be doing over seventy percent of brick on all four sides. Beata stated is the lighting behind the slats going to be colored. Thompson stated no it will be a warm white led light. Beata asked Lovvorn what would be the variance they would issue. Lovvorn stated the variances would be on the painted metal slats and the cornice. Hall ask Thompson to restate where all he's going to add the brick. Thompson stated the right side of the elevation would be all brick masonry, including the area behind the slats, the same would be true on the left side of the elevation, and would all be brick masonry. Thompson stated on the front elevation, behind the slats would be the tan brick masonry, and the stone and the brick masonry underneath the windows as well. Thompson stated the rear elevation; if possible they would like to do it exactly as it is shown brick and lighter color to be EIFS, if it makes a big difference they can make it all brick masonry. Benson stated he suggest all masonry. Thompson stated yes sir. Sutton asked Lovvorn all we need a variance on is the cornice, painted metal slats, one

hundred percent brick and no EIFS. Sutton made a motion to approve with these changes. Beata Seconded. All were in favor.

**8.2 REZONING APPLICATION FOR PROPERTY LOCATED AT 515 HIGHWAY 96 NORTH, FROM RS-40 TO R-20. MAP 22, PARCEL 163.00. 1.01 ACRES. B & B INVESTMENTS OWNER.**

Sutton made a motion for approval. Hall Seconded. Ed Paquin and Joey Fuqua are present. Sutton asked Lovvorn is there going to be a problem with the water or sewage. Lovvorn stated he doesn't know if there will be any issue with water and sewer on Highway 96, there's really no restrictions on sewer, as of right now. Lovvorn stated they probably will be required to put in a fire hydrant. Paquin stated they understood that. Benson stated do you plan on putting a driveway off of Highway 96. Paquin stated they hope to have a separate drive off the property. Benson stated you will have to get the driveway permit from TDOT. Sutton had they considered that, they can be difficult to work with. Paquin stated yes they knew about the driveway permit and that TDOT can be difficult to work with. Benson asked Mr. Lovvorn do you have anything you would like to add. Lovvorn stated the only thing that would hold up the project is if they can't get an additional access permit from TDOT because the easement that is there servicing the two duplexes in the back, is all that our zoning will allow them to access from an easement. Lovvorn stated so they wouldn't be able to build the next unit if they were getting access off that easement, per our zoning. Lovvorn stated so they have to have that other entrance off of Highway 96 into the property to be able to build the new dwelling. Beata asked are you planning on this facing Highway 96, both sides. Paquin stated they really haven't gotten that far along with planning. Sutton stated if it gets approved he thinks it would look better facing Highway 96. Paquin stated he agrees. Fuqua stated when they bought the property several years ago they were under the understanding that this property was zoned for high density. Beata asked Lovvorn what kind of setbacks this would create, would it just be what our required is under our Planning Codes for RS-20. Lovvorn stated yes sir, front setback is thirty-five feet, side setbacks are fifteen feet, and rear setback is twenty feet. Beata asked does it matter if it's a duplex. Lovvorn stated R-20 allows for duplexes. Sutton asked would this be an entrance or will this have to be a road. Lovvorn stated if they get access from TDOT it will be just a driveway to that one building with two units. Lovvorn stated if TDOT won't give them another access point they he can't approve a building permit for them to build the duplex because our zoning won't allow him to have another dwelling off the easement that is there. Lovvorn stated so the only way he could do that is if he built a City street to get the access. Lovvorn stated so it lies in TDOT's hands whether not if they give him another permit for an access. Sutton stated so basically if they approve this it will be under the understanding that TDOT issues permit or a driveway access to the property or they come back to them with plans for a public road. Lovvorn stated yes sir. Paquin stated they understand this. Benson stated any other comments. Hall stated he thinks tonight they were asked to just rezone. Benson stated yes. All were in favor.

**8.3 PRELIMINARY DEVELOPMENT PLAN FOR PHASE I & II OF DEER VALLEY DOWNS SUBDIVISION. MAP 46, PARCEL 17, 15.17 ACRES, ZONED RS-8 P.U.D. 25 LOTS. TONY CAVENDER OWNER.**

Benson read the engineer comments which will become part of these minutes. Exhibit B. Sutton made a motion for approval. Hall Seconded. Chet Rhodes Engineer with Rhodes Engineering stated the comments from City Engineer they will be glad to revise has no problems and understands what we're asking for. All were in favor.

**8.4 DISCUSS AND OR ACTION ON RECOMMENDATIONS FROM THE WORKSHOP.**

Benson stated the Planning Commission met at 5:00 this afternoon and had a workshop on the Land Use Map. Benson stated the Recommendation from this workshop, to the Board of Commissioners will be to expand Town Center, South of Highway 100, from Chester Road to traffic light, as shown on an existing Land Use Map in the hands of Director Donn Lovvorn. Sutton made a motion for recommendation to the Board. Beata Seconded.

**9. REPORTS FOR DISCUSSION AND INFORMATION**

**9.1 PLANNING/ZONING/CODES DEPARTMENT** – Lovvorn stated just a report on the Wal-Mart spoil site that was approved Phase I. Lovvorn stated during the approval process wasn't any burn pits approved in Phase I and Phase II of the spoil site. Lovvorn stated when they started the clearing they wanted to start burning on Phase I on the parcel, so he had them to resubmit some plans that showed where they wanted to utilize the property for a burn pit. Lovvorn stated sent those over to Will to review, his comment back was that he didn't have a problem with the location of the burn pit but wanted to request some more silt fence erosion control to be put into place. Lovvorn stated they submitted those plans and we approved those plans so now they are burning on that site but with the aid of a burner blower to help in the process of burning to keep it hot and keep it going so there's not as much smoke. Lovvorn stated I'm sure you have been up and down the highway and you see a little bit smoke back there but not as much as you would if they were burning without that burner system.

**9.2 CITY ENGINEER** – nothing

**9.3 CITY ATTORNEY** – Cantrell stated he wanted to congratulate Mr., Beata, and Ms. Anderson to being reappointed to the Planning Commission. Cantrell stated he wanted to congratulate Mr. Hall for being appointed back to the Planning Commission. Cantrell stated Mr. Hall is one of the two remaining people that was on any boards, he may be incorrect but believe he's one of two that the City has that was here when he came here

## **10. COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.**

Mitchell stated he's glad they are seeing strides in Fairview; everything is kind of going the way they want it to, just look forward to the growth and keep on track with what they are doing.

Anderson stated seven years ago she was appointed to the Planning Commission after submitting a request to be appointed and she saw some exciting things going on in Fairview. Anderson stated she also thinks it was a good decision to bring Planning Commissioner Hall back; he's a great asset to our City and to the Planning Commission, she wanted to congratulate him and also Matt Beata, Anderson stated she wanted to highlight two businesses, the new Japanese Steak House, if you haven't been there you need to try it out. It's really good. Anderson stated the other one is Nash Eye care, a few weeks ago; a rock flew into her eye, while she was driving her car, and she lost sight completely in her left eye. Anderson stated within five days her vision was normal, she had lost vision completely in this eye.

Hall stated he would like to thank Eric Durante for coming tonight, he's trying to become an eagle scout, thinks it's very important that they support these young men. Hall stated he would like to say thanks for all the kind words and he just wants to continue to be a Planning Commissioner, he appreciates the confidence people are showing in him, also would thank Ms. Marsha Elliott, she sent him a very nice email. Hall stated he hated he had to be the one to take her seat.

Sutton stated returning members and Wayne Hall, excited to have everyone back. Sutton stated he would also think to commend Eric, he knows it's not easy to become an eagle scout; it takes a great deal of work and desire.

Beata stated he would like to thank Mr. Cantrell, Ms. Anderson and everyone for their kind words; he very excited to be reappointed to the Board.

Benson stated he would like to congratulate Commissioners Anderson and Beata being reappointed to the Board and to Mr. Hall being elected to the Board, we're going to be having good things happen, thinks they have a good Board. Benson also stated he would like to thank Eric and good luck on your Eagle Scout award.

## **11. ADJOURNMENT-** Hall made a motion for adjournment. Sutton Seconded. Adjourned at 8:05p.m.

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Chairperson

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Secretary