

City of Fairview

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PLANNING COMMISSION WORKSHOP JULY 14, 2015

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, Beata, Butler, Mitchell, Carroll, Sutton, Lowman, Dowdy

Absent: Mangrum

Others Present: City Manager Wayne Hall, City Attorney Larry Cantrell, Engineer Will Owen, Codes Clerk Sharon Hall, Ron Rowe

1. Call to order by Chairperson Lisa Anderson at 6:10p.m.

Sutton made a motion to change agenda from 1 to 2 and 2 to 1. Butler Seconded. All were in favor.

2. Discuss Guidelines on Churches

- Owen stated staff wanted to treat religious facilities; from a site plan review standpoint, to treat them as commercial sites.
- 6-102A II. In Zoning Ordinance; Community Facility Activities. Item J. Religious Facilities. Only permitted zone, that is a use by right, does not have to have Board of Zoning Appeals approvals, is MSMU (Main Street Mixed Use) district.
- Normally in other communities Religious Facilities are allowed by use by right across the board in all commercial zones. Owen stated what we have is a conditional use in commercial zones except for this MSMU zone.
- Owen stated so any church outside of the MSMU mixed use area would have to go to the Board of Zoning appeals Board to get a conditional use as a religious facility.
- One thing they may consider allowing Religious facilities as a use by right in all of the commercial zones.
- In the residential zones is a conditional use that is in all our residential zones, that is a very common approach.
- Recommendation from Will Owen was to add to next month's agenda. Discuss and/or

take action on guidelines for Churches.

3. Discuss greenspace in PUD's

- In Subdivision Regulations 4-111 Open Space Requirements. No arbitrary percentage of area shall be insisted upon by the Planning Commission, but in general the developer should set aside not less than ten (ten) percent of the area within a residential development for these purposes.
- Subdivision Regulations are applicable to all residential subdivisions not just PUD's
- A 10 lot subdivision that may or may not have a new road on it, one acre lots, is required to have the same percentage wise as green or open space as a hundred acre lot subdivision. Owen stated some thoughts on may be prorating that to a degree, but as it stands right now, unless the Planning Commission chooses, in each specific case to elevate that 10 percent, is a requirement for every subdivision that comes before them, also comes with it is a requirement for a HOA, for the maintenance and up keep. Owen stated not mandatory for an HOA, three options have to take place for ownership, one is open space, one is an HOA, deed it to the City, a private conservation organization.
- In the Zoning Ordinance section 4-11.403 says, In the event that the organization established to maintain the open space lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the City may assume responsibility to maintenance.
- In section 4-111.404 says, The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners association, conservation organization, or individual property owners who make up a condominium or homeowners association and may include administrative costs and penalties. Such costs shall become a lien on said properties.
- Owen stated they may think about reducing these requirements or changing that threshold as there is not so many of these.
- Carroll asked why can't they enforce the HOA's, these people sign the HOA's in closings. Cantrell stated goes into bankruptcy and bankruptcy court discharges it.
- In the Zoning Ordinance for PUD requirements article 8-207.5 Open Space Requirements; there is nothing in this section that states how much open space should be dedicated. Owen stated so he infers from that they refer back to the Subdivision Regulations and follow that guideline of ten percent.
- Owen stated on page 28 of the Zoning Ordinance separates open space into two areas, 1. Cultural and environmental open space. 2. Improved recreation open space.
- Owen stated on page 29 of the Zoning Ordinance, a. Plan to reflect anticipated needs of Residential Population. A minimum of five (5) percent of the gross area of every residential PUD shall be devoted to improved recreation open space.

4. Adjournment at 6:50p.m.

Chairperson

Secretary