

City of Fairview

7100 CITY CENTER WAY
FAIRVIEW, TN. 37062



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Municipal Planning Commission

Regular Meeting
September 08, 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: Beata, Butler, Mitchell, Carroll, Sutton, Lowman, Mangrum, Dowdy

Absent: Anderson

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

1. VICE CHAIRMAN BEATA CALLED THE MEETING TO ORDER AT 7:00 P.M.

1.1 Rowe 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 August 11, 2014 – Regular Meeting

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

5. RECOMMENDATION –

5.1 DISCUSS AND/OR TAKE ACTION TO RECOMMEND TO THE BOARD OF COMMISSIONERS THAT SECTION 4-105 AND 16-107.9 OF THE ZONING ORDINANCE BE AMENDED TO ALLOW FOR THE ZONING OF PROPERTY THAT IS BEING CONSIDERED FOR ANNEXATION TO BE RS-40, LOW DENSITY RESIDENTIAL, UNLESS OTHERWISE SPECIFIED BY AN

AMENDMENT TO THE ZONING MAP BY PROCEDURES OUTLINED IN ARTICLE XVI OF THE ZONING ORDINANCE.

Sutton made a motion for approval. Mangrum Seconded. Cantrell stated this was approved by the Board of Commissioners for the first reading and referred to them. All were in favor.

- 5.2 DISCUSS AND/OR TAKE ACTION TO RECOMMEND TO THE BOARD OF COMMISSIONERS THAT THE ZONING ORDINANCE BE AMENDED TO ALLOW RELIGIOUS FACILITIES TO BE A USE THAT IS PERMITTED BY RIGHT IN ALL COMMERCIAL ZONES.

Sutton made a motion for approval. Mangrum Seconded. Cantrell stated all religious facilities in all commercial zones as a matter of right. Cantrell stated this has been approved by the Board of Commissioners on the first reading and referred to them. All were in favor.

- 5.3 DISCUSS AND/OR TAKE ACTION TO RECOMMEND TO THE BOARD OF COMMISSIONERS THAT THE ZONING ORDINANCE TABLE 6-102A ENTITLED "PERMITTED AND CONDITIONAL USES AND STRUCTURES ALLOWABLE WITHIN MIXED USE AND COMMERCIAL DISTRICTS," ITEM O. RESTAURANTS, FAST FOOD, BE AMENDED TO ALLOW FAST FOOD RESTAURANTS TO BE LOCATED WITHIN THE MAIN STREET MIXED USE (MSMU) DISTRICT.

Sutton made a motion for approval. Butler Seconded. Cantrell stated this has been approved by the Board of Commissioners on the first reading and referred to them. Cantrell stated this allows fast food restaurants in the City Center District. All were in favor.

6. BONDS-

- 6.1 HICKORY SPRINGS SUBDIVISION- IRREVOCABLE LETTER OF CREDIT TO COVER THE PROPOSED SIDEWALK AND DRAINAGE DITCH IMPROVEMENTS. \$43,750.00. BOND EXPIRES SEPTEMBER 18, 2015.

Hall stated the letter of credit has been renewed.

- 6.2 LEVERETTE MEADOWS SUBDIVISION – PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$14,000.00. PLANNING COMMISSION REDUCED THE BOND ON THE SIDEWALK PORTION ONLY TO \$11,500.00 ON JANUARY 13, 2015. PLANNING COMMISSION VOTED TO REDUCE THE BOND ON AUGUST 11, 2015 TO \$7,500.00. BOND EXPIRES OCTOBER 1, 2015.

Gary McDonald present to answer questions. Hall stated this just need to be called if not in place by expiration date. Cantrell stated please include in your motion that the bond be called with any pending litigation. Mangrum recused himself. Owen stated the litigation has nothing to do with the City and the Engineers report need to be revised to what Cantrell had just stated, that is based on recent information on the developer's financial situation. Butler read Engineers report, which will become part of these minutes. Exhibit A. Sutton made a motion to call the bond if not in place by expiration date and to include the stipulations by the City Attorney. Mitchell Seconded. All were in favor.

7. OLD BUSINESS- None

8. NEW BUSINESS-

8.1 DISCUSS AND/OR TAKE ACTION ON FINAL SITE PLAN INCLUDING DESIGN COMPONENTS FOR HARDEE’S LOCATED AT 7003 CITY CENTER WAY. MAP 42, PARCEL 168.09. ZONED TCOD/MSMU. (TOWN CENTER OVERLAY DISTRICT/MAIN STREET MIXED USE). BOWIE COMMONS, LLC. OWNER.

Sutton made a motion for approval. Butler Seconded. Butler read Engineers report, which will become part of these minutes. Exhibit A. Beata asked do they have any problems with the Engineers request. Larae Tucker representative from Hardees present to answer questions along with Sam Dryling, Attorney from Franklin. Dryling stated he does have a response letter dated August 24, 2015. Owen stated that letter is in response to the initial staff review comments that was approximately three pages of comments, the items on his Engineers report is considered to be outstanding, meaning they have not been addressed accordingly to your Design Review Manual or to the Zoning Ordinance. Owen stated most of the items are related to the Design Review Manual, he thinks it is a good looking building but it is his job to let them know if it meets or does not meet the requirements. Owen stated the August 24th letter stated they do intend to surround the monument sign with brick or stone but that is not represented in the revised drawings, either by note or detail. Owen stated he does not think that is an issue but needed to be part of the record and brought to everyone’s attention. Owen stated all signs on the site need to add up to 59.94 square feet that is based on your design review. Owen stated on item number four, there is a physical limitation to do that, there is an existing utility pole there. Owen stated he does not have any problems granting a variance for that item. Carroll asked where the heating and air units will be located, because they have had an issue before with being on the roof. Owen stated HVAC units will be on the roof and will be screened from view from any public right of way by parapet walls and they are on the rendering, in front of them. Mangrum amended the motion to include Engineer comments 1-3 and Planning Staff Comments 1, 2, 3,5,6,7 and give a variance on number 4. Butler Seconded. Carroll asked again on the heating and air units on the roof and they assured her that this would be completely screened from public view. Ms. Tucker stated she will have to go back to Hardee’s to see if they can change the parking on item number 2 under Engineering Staff Comments, and they can extend the sidewalk listed item 3. Mr. Dryling stated this is a flagship store; they will no be able to do the 70% brick list on item 1 under Planning Staff Comments and they would ask for a variance on this. Discussion was on the brick and decided they need to meet the 70%. Ms. Tucker stated she will have to go back to Hardee’s to see if they will change this. Beata repeated the motion ask for a vote. Vote was taken. All were in favor.

8.2 DISCUSS AND/OR TAKE ACTION ON SETTING THE SITE BOND AMOUNT FOR HARDEE’S LOCATED AT 7003 CITY CENTER WAY. MAP 42, PARCEL 168.09. BOWIE COMMONS, LLC, OWNER.

Sutton made a motion to set the bond at \$26,000.00 per the Engineers report, which will become part of these minutes. Exhibit A. Mitchell Seconded. Butler read the Engineers report. Vote was taken. All were in favor.

8.3 DISCUSS AND/OR TAKE ACTION ON SETTING THE SITE BOND AMOUNT FOR THE FIRST DISTRICT COFFEE COMPANY LOCATED AT 1180 FAIRVIEW BLVD. MAP 42, PARCEL 43. OWNER MICAH BEHAN.

Brink Fiddler present to answer questions. Butler read the Engineers report, which will become part of these minutes. Exhibit A. Engineer recommended setting bond at \$14,000.00. Mangrum made a motion to set bond at the recommendation of the Engineer. Sutton Seconded. All were in favor.

8.4 DISCUSS AND/OR TAKE ACTION ON PRIOR APPROVAL STATUS OF EXPIRED SWEETBRIAR SPRINGS PRELIMINARY PLAT. PRIOR PC APPROVAL FOR THE PRELIMINARY PLAT WAS GRANTED ON 07/08/03 AND EXPIRED ON 07/08/05. PRELIMINARY PLAT IS FOR 32 TOTAL LOTS, 10 OF WHICH HAVE ALREADY RECEIVED FINAL PLAT APPROVAL AND RECORDED AS PHASE I ON 07/01/02. MAP 22, PARCELS 128.00, 128.01 AND MAP 42, PARCEL 36.00. JAMES PHILLIP CALDWELL OWNER.

Sutton made a motion for discussion. Carroll Seconded. Sweetbriar Springs Subdivision Section 2 Revised Construction Plans Exhibit B, which will become part of these minutes. Josh Shultz stated he is the land development manager for Reagent Homes; they are coming to them respectively to reapprove the subdivision under option 1. Mr. Shultz stated they have done due diligence in trying to keep everything as close to the original approval as possible with the exception of changing a few lot lines, tweaking the storm detention areas, one increase the volume and also make buildable lots out of the existing storm design. Owen stated just for clarity the motion would be to approve the previous approval under the option 1 with the prior subdivision regulations, which is located in their packets and following those steps with section 2. Beata stated they had this to come up in Kyles Creek and he believes they had that developer to follow their new guidelines. Beata stated this one being from 2003 that is twelve years, to keep in line to follow the precedence, that they had done before. Beata stated he would actually vote for option 2. Lowman stated he agrees with Beata because better coincidence with the precedence that has been set already. Carroll stated she has actually seen it go both ways over the years, but this is a long time frame so she sees their point. Sutton stated about two years ago the decision was made on Kyles Creek. Mangrum stated it was the Final Stage of the subdivision. Butler stated is there a way instead of going all the way back to conceptual can they incorporate this plan and make revisions to include curb and gutter and some of the newer requirements. Owen stated all the requirements are housed in the Subdivision Regulations, which they have full authority over. Owen stated it would be up to them to what stage they wanted them to go back to; he does not see a problem with that. Owen stated that is why this item is before them, so that staff can have a better understanding on how to move forward, how to evaluate the submittals that are given to them. Owen stated if they tell us that they want them to be evaluated based on the current standards then that is

what we evaluate on, if you tell us you want to renew the prior approval under the prior subdivision regulations and that is what we evaluate the submittals on then that is where we will pick up. Owen stated the outline of the options and the procedures with each option is a step by step process based on what the current requirement is in the subdivision and can be deviated from as they direct us. Mangrum stated he thought Will was right by reviewing the plans to the current standards but is there a way to tweak the plans they already have instead of going all the way back to the conceptual approval. Mangrum stated he liked a little of option 1 & 2. Owen stated he was going to encourage them to see the construction plans because of the past history, generally they don't see the construction plans. Owen stated if it is desired by this Board to review the minutes for Kyles Creek and see specifically what was done, what was deliberated on. Beata stated he just wants to set a line of equity what they make one person do make everyone. Owen stated Kyles Creek already had a lot of their infrastructure in under those prior approvals. Owen stated in this subdivision he believes there is no infrastructure currently installed in essence it would be a clean slate in the field. Owen stated there are significant differences, primarily sidewalks are required on both sides of the streets, street trees required, those are the two primary differences from a cost standpoint if required to go under the current subdivision regulations. Carroll stated in some ways she would want things to look unified and if it is a second or third phase she could see going with that and finishing. Owen stated from Engineering standpoint the City's future maintenance, primary item at hand would be the curb and gutter section. Owen stated the current subdivision regulations require the 630 curb and gutter, they are functionally better than what was previously allowed. Mitchell stated there needs to be a mix, some needs to come out of option 1 & 2, need to get a standard going. Beata made a motion whether conceptual or construction will leave that to the applicant that they come back reflecting out 2008 subdivision guidelines and they could discuss further from there. Mitchell Seconded. Dowdy recused himself from voting. Vote was taken. All were in favor. Owen stated for clarity to the applicant the desire is to have them submit either a conceptual plans or construction plans at their desire and clearly labeling what variances they are requesting from the current subdivision regulations.

8.5 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 R-20. PRISCILLA LAMPLEY, OWNER.

Priscilla Lampley present to answer questions. Sutton made a motion for approval. Mangrum Seconded. Butler read Engineers report, which will become part of these minutes. Exhibit A. All were in favor.

8.6 DISCUSS AND/OR TAKE ACTION ON REZONING APPLICATION, INCLUDING THE PRELIMINARY MASTER PLAN, FOR PROPERTY LOCATED AT 7718 HORN TAVERN ROAD. MAP 22, PARCELS 15.00 &

15.01. FROM RS-40 TO RS-15 PUD. 24.09 ACRES. RAYMOND & BROWNIE LEE PRUITT OWNERS.

Mangrum recused himself from the voting but will take part in the discussion. Gary Martin present to answer questions. Sutton made a motion for approval. Mitchell Seconded. Butler read Engineers report which will become part of these minutes. Exhibit A. Motion was amended contingent upon approval of Water Authority for sewer. All were in favor.

9. REPORTS FOR DISCUSSION AND INFORMATION

9.1 **DIRECTOR OF PLANNING AND CODES**-Hall stated for the record Tom Smythe had requested to be deferred tonight. Hall stated your Chairperson is in the hospital and should be out tomorrow, he hopes she gets well and everything goes well. Hall stated when a developer comes to them the first thing they are told is to get approval from the WADC. Hall stated Mr. Mangrum was told this, correct. Mangrum stated yes.

9.2 **CITY ENGINEER**- Owen stated on Smythe property, for the record, this is property located on Cox Pike, Map 43.00, parcels 30.01 & 31.00. Owen stated based on the minutes last month the applicate requested to defer indefinitely, so he would suggest to you all and Mr. Hall, until there is a written request by email, he would state that item will not be on your agenda until there is a written request from the applicant. Hall stated he has an email on this.

9.3 **CITY ATTORNEY**- Cantrell stated he was asked to mention to this Board and all the others also, you have a report that is due by the end of the year to the Tennessee Ethics Commission. Cantrell stated it is required annually, has to be in by January 31st, he will mention again. Cantrell stated all elected officials have to file this, if your late they can fine up to \$10,000.00. Cantrell stated they can contact him to get more information.

9.4 **CITY MANAGER**- Nothing

10. COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.

Mitchell stated the WADC is really going to be the kilos heel of the Fairview growth, we have no chose to depend on them until they release more it is going to stop our growth. Mitchell stated he thought it was a good meeting.

Lowman stated he wanted to thank everyone, the staff, these run long sometimes but he want to thank everyone for their diligence for attending the meetings.

Carroll stated the Dickson Water is a big concern of theirs; the biggest is what it will do to our local builders. Carroll stated show up this coming Monday night at the WADC meeting with her and Mr. Hall encourages any builder to go, won't get to speak. Carroll stated their presence will be a good tool for them, to let them know we are not going away. Carroll Stated the best thing for the citizens is to try and work with them; she encourages them to show up and

help them with this fight. Carroll stated Hardee's was difficult for her because she does think it is a nice design but she thinks they are going to have to decide if they are going to stick to their standards, this is in the middle of our town center. Carroll stated it is a good location to not give variances, but it is difficult when they come up and say we are going to be the flagship. Sutton stated 2003 is a long time ago; they need to put something in place, if nothing has been done since the conceptual in five years they will have to conform to the new plans.

Beata stated he likes where everything is going. Beata stated he thinks it is going to be very interesting to see that TDEK report. Beata stated he always believes it is hard to fight with reason, data; numbers could be a tool to make their cases. Beata stated Mr. Martin made a point, it would be smart for the City to start tallying these individuals that want to develop but can't because of the current sewer requirement. Beata stated hope Madam Chair recovers and gets back here next month.

- 11. ADJOURNMENT-** Beata asks for a motion for adjournment. Sutton made a motion for adjournment. Butler Seconded. All were in favor. Adjourned at 9:05p.m.

Chairperson

Secretary