

City of Fairview

7100 CITY CENTER WAY
FAIRVIEW, TN. 37062



Phone: 615-799-1585
Email: codes@fairview-tn.org

Municipal Planning Commission

Regular Meeting
September 12, 2017
7:00 p.m.

Brandon Butler, Chairperson
Daniel Jenkins, V. Chairman
Tim Mangrum, 1st Secretary
Mike Anderson, 2nd Secretary
Patti Carroll, Mayor
Derek Burks, Commissioner
Christie Slaughter
Jim Powers
Salvatore Cali

Present: Butler, Jenkins, Mangrum, Anderson, Carroll, Burks, Slaughter, Powers, Cali

Absent:

Others Present: City Attorney Tim Potter, City Planner Kristin Costanzo, Codes Clerk Sharon Hall

1. BUTLER CALLED THE MEETING TO ORDER AT 7:00 p.m.

1.1 Butler led the prayer and pledge.

2. APPROVAL OF THE AGENDA-

2.1 Butler added under New Business 7.3 Recommendation on a Proposed Plan of Services to Accompany Resolution 18-17. Also 7.4 Elect a 2nd Secretary. Powers made a motion for approval. Carroll 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 08, 2017 – REGULAR MEETING

Mangrum made a motion for approval. Carroll Seconded. All were in favor.

5. BONDS –

5.1 The Meeting Place Church – site performance bond in the amount of \$22,000.00 to cover storm drainage, and other improvements specified by the approved plans. Planning Commission set the bond at the June 09, 2015, meeting. Bond expires September 15, 2017.

Costanzo stated the site is currently unfinished and we haven't received a renewed bond as mentioned it does expire this Friday. Costanzo stated she provided them with photos that show the state of the site. Costanzo stated they have a handful of things they need to fix, drainage, erosion control, in a pretty rough state. Costanzo stated we had received a letter from the Bank saying they didn't plan on renewing the bond, she reached out to them and

stated it was not finished out and the City would go ahead and call the bond if they didn't renew by Friday. Costanzo stated the Pastor wasn't able to attend tonight but he sent her a message around 6:00 stating they will have renewed by Friday. Mangrum made a motion to call the bond if not renewed by September 15, 2017. Slaughter Seconded. All were in favor.

5.2 Hickory Springs Subdivision – irrevocable letter of credit bond in the amount of \$43,750.00 to cover the proposed sidewalk and drainage ditch improvements. Planning Commission set bond on September 9, 2014. Bond expires September 18, 2017.

Costanzo stated the developer was contacted and he brought in the renewed bond today. Butler asked no action on this. Costanzo stated no action needed. Anderson asked when does the new bond expire. Bond expires September 18, 2018.

5.3 Deer Valley Downs Subdivision Phase 3 – performance bond in the amount of \$ 250,000.00 to cover road, sidewalks, storm drainage, and improvements specified by the approved plans. Planning Commission set the bond at the October 13, 2015, meeting. Bond will expire September 30, 2017.

Costanzo stated this developer was contacted and he asked for this bond to be reduced. Costanzo stated on his behalf we did have the City Engineer go out and preform a site inspection, which actually happened today, his recommendation is attached in the email. Costanzo stated there is a substantial amount of work that has been completed so Owen recommends a reduced bond be put into place in the amount of \$47,500.00. Mangrum asked would this be in the form of a Performance Bond or Maintenance Bond. Costanzo stated it would be a Performance Bond. Mangrum made a motion to reduce the Performance Bond in the amount of \$47,500.00 based on our City Engineers recommendation. Jenkins Seconded. All were in favor.

5.4 Leverette Meadows Subdivision – performance bond in the amount of \$14,000.00 to cover road, sidewalks, storm drainage, and improvements specified by the approved plans. 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. Planning Commission voted to reduce to maintenance bond on September 13, 2016, to \$3,600.00. Bond will expire October 01, 2017.

Costanzo stated this developer was contacted and he ask us to release the Maintenance Bond, which has been in place for a year, be released, which is our standard Subdivision acceptance process. Costanzo stated City Engineer went out today did a site inspection and recommends that the Planning Commission make a positive recommendation to the Board of Commissioners to begin the formal process of subdivision acceptance, which would eventually release the bond. Costanzo stated they will have to submit as built drawings, as part of that process, which she will contact them regarding that. Carroll asked was this the neighborhood that had the issues with the paving of the road and has that been resolved. Costanzo stated that Mr. Owen indicated that everything was done to his satisfaction and matches what the approved plans state. Carroll stated at some point there was liens on owner's house's,

because paving of the road, does anyone remember the details. Mangrum stated he thinks that was because he needed the bond to be reduced here to pay for the paving and that was done way back. Butler stated but he did preform the paving? Mangrum stated the paving was preformed but he doesn't know if the bill was paid. Costanzo stated it seems the Planning Commission voted to reduce a couple of times, the reduced to a maintenance bond, that shouldn't have happened if the paving hadn't been completed, that was September 13th, so probably a year ago the paving completed, she will check with him. Anderson asked at what point to you change at a maintenance bond. Costanzo stated should be per the Subdivision Regulations, but hasn't always been this way in the past, when all the improvements have been completed and the Engineer will go out check to see that everything has been completed and compare to the approved site plan. Costanzo stated if he feels that all the improvements have been done satisfactory they should vote to reduce to a Maintenance Bond for one year, that's just so if there is anything that fails, paving, sidewalk cracks, storm drain breaks, they have a little bit of money to make those maintenance upgrades. Anderson ask is there a percentage of his original bond that goes to that. Costanzo stated usually it shouldn't been less than 25% of the original. Carroll stated she thinks the motion needs to be based on finding out the answers because they were contacted by citizens that had liens on their house because the builder hadn't paved, obviously it is done, but if she could get the back ground to make sure it is done. Costanzo stated she would do that. Carroll made a motion to accept the Engineers recommendation to release the bond after the City confirms the fact that the liens were released and there are no more obligations that need to be done. Jenkins Seconded. All were in favor.

6. OLD BUSINESS- None

7 NEW BUSINESS-

7.1 Rezoning of Property, Requested by Kris Mangrum. Property located at the terminus of Black Pine Road and known as Part of Parcel 6, Evergreen Industrial Park (Tax Map 018, Parcel 47.27). 6.97 acres. Current zoning district: IG, Industrial General. Requested zoning district: RS-40, Single-Family Residential. Parcel owned by Kris Mangrum.

Costanzo stated some background, this is roughly 7-acre parcel, it was about a 12-acre parcel, with a piece that is known as 47.25 to the left, used to be parcel 6.00 of the Evergreen Industrial Park and wrapped around Evergreen lake. Mr. Mangrum and his wife bought that piece which is 6.97 acres and the piece directly north of that, which is actually located in the County but those two parcels is being sold together by a current citizen and he bought them for the purpose of building a Single Family Residential house for his family. The parcel is zoned Industrial General and it was under the Covance and Restrictions of the Industrial Park, which restricted the use of those parcels to Industrial Uses, assemblies, processing. Costanzo stated in working with the City he went before the Board of Commissioners last month and requested a waiver from those restricted uses so he could go through the rezoning process and apply to rezone as RS-40 so he could build a house. The Board of Commissioners voted to waive the restriction, we are here tonight, the site has a lot of topography issues which makes it unsuitable for Industrial, it's a nice wooded site that boards the Lake, he would like to build his house there. Costanzo

stated based on the previous Board of Commissioners vote, staff's opinion this should be a favorable recommendation to the Board of Commissioners to rezone the property from Industrial General to RS-40, the applicant Mr. Mangrum is present if they have any questions. Powers stated this property came before the BOC before and they wouldn't let it be rezoned, are they being fair to the people that weren't allowed to rezone and now we are going to rezone for these people. Powers stated it really doesn't make any difference to him one way or the other but for continuity how can they tell one person they can't and tell another one they can. Costanzo stated back history, the last owner who Mr. Mangrum bought the property from Ms. Fagan rather than asking for a waiver, which is stated that the BOC has the authority to enter into a piece of property, she tried to get that piece of property vacated from the Subdivision. Costanzo stated to do that you have to get the signatures of all the other parcel in the subdivision, she was able to get all signatures except one which lived in Florida and she never got a response. Costanzo stated so it never got past the BOC level to even get to the rezoning process. When Mr. Mangrum came to her they were reading through the covenants it distinctively states can ask for a waiver from the BOC. Costanzo stated surely if she had taken upon herself to ask for the waiver she probably could have had the uses waived and could have gotten the property rezoned but she didn't do that. Slaughter asked about the road access to this property. Costanzo stated Black Pine is one the right side of the Lake and it end shortly before you get to that lot line then there is a gravel road that goes to the property line. Costanzo stated that's part of the reason why this property wasn't ever rezoned industrially, the plat showed that Black Pine Road was supposed to be extended further and it never happened. Anderson asked who is going to pay for the expense of extending the road. Costanzo stated he is going to use the gravel access. Anderson so they will continue using the gravel instead of asphaltting that section. Costanzo stated that's what he had indicated to her, it's a usable gravel road, he's here tonight if they wanted to talk to him. Butler asked Mr. Mangrum to come up, he stated the drive is about 3quarters of a mile long all gravel, he has no intentions of asking anyone to pave it. Mr. Mangrum stated he has no problem of putting that in writing for this to go thorough, it's a pretty well beaten down path, once you pass that yellow line where it hits the trees. Anderson stated over time gravel roads have to have maintenance, who's going to be responsible for that. Mr. Mangrum stated he has a tractor he has no problem putting gravel down. Mr. Mangrum asked was he talking about where the pavement ends right there in front of the pond. Anderson stated until you get to your property. Mr. Mangrum said no problem at all. Anderson stated at the end of the City road to his property. Mr. Mangrum stated he misunderstood he has no problem with the way it is right now. Anderson, he stated he thinks he needs permission to keep it better of improvements over time. Mr. Mangrum stated that fine whatever they wanted to do. Butler stated he thinks the City hopes for some improvements on that site eventually so it may get paved by the City eventually. Powers asked would the City need to

give him an easement to get to his property. Butler stated he thinks there would be an easement from Black pine road to where it goes to lot 6. Costanzo stated there is and it was actually to be paved by the City all the way to the property line, as shown on the plat, it just never happened for some reason, was supposed to be a 60 foot right of way to the property line. Burks stated it is currently a City road already, the City is already responsible for maintaining that road already, even if it is gravel, up to the end of it. Burks stated so no matter what use it's for we have an obligation to maintain it because it is part of the park, he will have to share with people. Mangrum asked is there a recorded plat showing the right-of-way all the way up to his property. Costanzo stated yes, it's on the plat which it's in their packets. Mr. Mangrum said he doesn't think they should be taking care of the part of road that is his. Jenkins made a motion to have the property rezoned from Industrial General (IG) to RS-40 (Residential Single Family). Mangrum Seconded. All were in favor.

7.2 Rezoning of Property, Requested by Junae Ficken. Property located at the intersection of Highway 96 North and Loblolly Pine and known as Parcel 21, Evergreen Industrial Park (Tax Map 018, Parcel 47.09). 3.00 acres. Current zoning district: IG, Industrial General. Requested zoning district: CG, Commercial General. Parcel owned by Luke and Junae Ficken.

Costanzo stated the Fickens purchased this property which is located at the corner of Loblolly Pine Blvd. and Highway 96, across the street from the Mini Storage operation. Costanzo stated the property been sitting vacant for over 20 years, never was developed Industrially, her family bought it in hopes to use it Commercially to build a family owned gym and potential retail space in the future. Costanzo stated it does front Highway 96, it is on the main entrance corridor to the City of Fairview, it's staff's opinion that it would be a higher better use for this parcel to be used commercially, would be a little more attractive for people traveling into the City. Costanzo stated all the property north up to the interstate is zoned Commercial General, she is asking this parcel of property go from Industrial General to Commercial General. Costanzo stated she also went before the Board of Commissioners last month and also requested the waiver from the Industrial restrictive uses so she could apply for Commercial zoning and she did get a unanimous yes for that request. Ms. Ficken present if they have any questions. Burks asked City Attorney, Mr. Potter, our Vice Chair noticed something when they were starting the meeting, looking at the executor's deed for the property, it was actually deeded to 3 separate couples. Burks stated only Ms. Ficken present representing one couple, do we need some kind of documentation from the other 2 couples that are each a third owner of this piece of property before they move forward. Potter asked are they related? Burks stated he is sure they are but we need to make sure we have a nice clean record. Potter asked is any of them present. Mr. Potter asked were her parent alive. Ms. Ficken stated yes, her parents and in-laws are present tonight. Potter asked were they in agreement with this. Ms. Ficken stated yes. Potter stated they could come in to City Planners office and put in writing that they are in agreement with the request, to be sufficient.

Carroll stated for the record her Dad was at the BOC meeting don't know if her in-laws were. Carroll made a motion they approve the rezoning of this property from I-G (Industrial General) to C-G (Commercial General). Mangrum Seconded. Powers stated he would like to amend that they add they would be coming in. Potter stated they could amend the motion they come in and sign a notice of consent with Ms. Costanzo. Carroll amended her motion that they provide a notice of consent for the request of the rezoning. Mangrum Seconded. Vote was taken, all were in favor.

7.3 Recommendation on a Proposed Plan of Services to Accompany Resolution 18-17, a Resolution Calling for a Public Hearing on the Proposed Annexation of Territory into the City of Fairview by Owner Consent and Approving a Plan of Services (7312 Taylor Road), Requested by Kenny Taylor.

Costanzo stated Mr. Chairman this was an item that came before the BOC last Thursday, was vote 5-0 to send Plan of Services to The Planning Commission. Mr. Taylor lives at 7312 Taylor Road, he's got 8.8 acres, his property is bisected by the County line, so 3.3 acres, the northern 3.3 are in the City, the southern 5.5 acres are in the County. Costanzo stated he asking that the 5.5 acres in the County be brought into the City so the entirety of his land will be located within the City, as such the State Legislator spells out the steps you have to take for annexation, goes before the BOC, they vote whether they want to entertain a Public Hearing, that's what happened last Thursday. Costanzo stated they did vote to a Public Hearing, before it gets to the Public Hearing they draft up a Plan of Services, which is in their packet, resolution 18-17, it's a standard resolution that states how City services will be provided to that new piece of property. Costanzo stated staff recommends this be voted to send a favorable recommendation back to the Board of Commissioners and Mr. Kenny Taylor is present if they have questions. Butler asked the current in City zoning would be RS-40. Costanzo stated yes it would come in as RS-40 which is what all the other surrounding property around it are zoned. Burks stated when Mr. Taylor went before the BOC he stated the bottom portion of his property which is in the County was actually a right-of-way that belongs to the City, do we know if that is accurate. Costanzo stated Mr. Taylor was confused because that was part of that last Otter Creek request for annexation, that did not pass. Mangrum stated part of this property was shown on that plat. Costanzo stated yes it was to allow for a 60-foot road, which would have been the 2nd access point to Taylor Road but that project has pretty much died. Carroll stated it was just the access road, the one that came before them does not own the property, Mr. Taylor owns it. Costanzo stated yes Mr. Taylor owns all the property. Jenkins ask was there any negative effects for the City if they approve this. this. Costanzo stated not in staff opinion, she thinks this is probably the most straight forward request for an annexation that they could probably get. Carroll stated at the BOC meeting she did question and wanted to make sure that the BOC did realize this was tied in with that property and worried about any legal ramifications for them to annex this one and not that one and the City Attorney

explained and she would like him to explain again for the record. Potter stated Mayor what he recalls her asking was whether or not if we would have any equal protection argument by allowing this annexation, in his opinion he gave at the BOC meeting, this is an in-rem request, meaning all property annexations are unique. Potter stated unless they are not making the decision to allow an annexation for someone based on some immutable characteristics, if their Islamic, African American, every piece of land is different. Cities have the purgative to allow an annexation here and not allow it here, every annexation is going to change the boarder of your town. Carroll stated the BOC did say they felt like this was justifiable to them because it is one property owner that's wanting their property rezoned and bringing into the City. Powers questioned on the paperwork had listed Hickman County. Costanzo stated it is defiantly in Williamson County, could be a typo. Costanzo stated she will get this changed. Powers stated why would he want to pay City taxes on 5 acres, is it going to be developed, is there a plan with this property. Costanzo stated Mr. Taylor has indicated the property is for sale, he's hoping that his children will buy it. Costanzo stated even if it were to be developed, it's 5 acres couldn't have more than 5 houses on it with the zoning, there's no plan of development that she is aware of but they can have Mr. Taylor come up if they want to ask him. Mr. Taylor stated he would just like to have the convenience of being in the City, the Fire protection, water & sewer in the future. Potter asked would they be voting on a public hearing. Costanzo stated they would vote on a recommendation to be sent to the BOC on the annexation and The Plan of Service then it would go to the BOC for a public hearing. Carroll stated the process to be annexed in the City is a lot lengthier, will we see it here again. Costanzo stated it will go to the BOC after this. Burks made a motion for a positive recommendation to the Board of Commissioners. Cali Seconded. All were in favor.

7.4 Elect a 2nd Secretary.

Butler stated he would entertain nominations. Anderson stated he would volunteer. Potter made a motion to nominate Mr. Anderson. Carroll Seconded. All were in favor.

8 REPORTS FOR DISCUSSION AND INFORMATION

8.1 CITY PLANNER- Costanzo stated the majority of the new members which is almost the whole Board, new Planning Commission handbook, provided to them tonight, which covers a lot of pertinent roles, responsibilities being on the Planning Commission, good helpful background. Costanzo stated between herself, City Engineer and the City Manager their working on getting that 1st training session put together for them.

8.2 CITY ENGINEER-Not present

8.3 CITY ATTORNEY- Potter stated to all the Board if they have any questions for him at any time feel free to call him directly he will be glad to help them.

8.4 CITY MANAGER-Not present.

9 COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.

Slaughter stated the Tree Commission wants to make sure they have the opportunity to suggest some information into the Design Codes book that's in process. There are some things regarding maintenance of plants and perpetuity of that for businesses that they want to make sure that's considered for the Codes. Butler stated he thinks when that time comes they are going to try to have a Boards involved to try to have input on it.

Cali stated Thursday at 6:30 Industrial Board is having a meet & greet with the state people that is bringing industry to different parts of Tennessee. If anyone could make it would be a good thing.

Jenkins stated thanks Ms. Costanzo for the awesome binders, does she have any update on the builder's work session? Costanzo stated we have compiled a data base, thinks there is plans in the works but haven't secured a date, thinks it was pushed back because of other pressing issues that we've had with weather and infrastructure. Costanzo stated hopefully Mr. Collins will be at the next meeting and will have a date specified so they can attend.

Carroll stated Mr. Powers feels a little left out because he didn't get one of these cool binders, Mr. Anderson also needs one. Costanzo stated we anticipated that our suggestions for our new books would have happened by now but the process has been a little lengthier. Costanzo stated at first, she was wondering if she should even print out the entire book for two weeks but turned out longer, she will get them a copy of the book. Carroll stated she would encourage them to go to the attend the Industrial Board, it will give them an opportunity to understand some of the process and what they look for site ready property for development, normally they are very informative. Carroll welcomed all the new members, also Ms. Costanzo if she would give them some training, knows they are going to do some in house training as she gets information, any on line or classes available. Carroll stated those that have been on the Planning Commission for July & August they should have received additional pay & they didn't, it was an oversight on the City. Carroll stated the pay rate for Planning Commission went from \$100.00 to \$200.00 depending on if they attended the meeting, obviously don't get paid if don't attend. Carroll stated they will get additional checks to catch them up, everyone else get your information in to Mr. Daugherty to set up for payroll.

Butler stated thanks for the raise and thank the Planning Commission members.

10.ADJOURNMENT- Butler asked for motion for adjournment. Mangrum made a motion to adjourn. Carroll Seconded. All were in favor. Adjourned at 7:50p.m.

Chairperson

Secretary