

City of Fairview

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WORKSHOP MEETING SEPTEMBER 13, 2016

Lisa Anderson, Chairperson
Matt Beata, Vice Chairman
Brandon Butler 1st Secretary
Michael Mitchell, 2nd Secretary
Donn Lovvorn, Mayors Appointee
Toney Sutton, Commissioner
Wayne Lowman
Tim Mangrum
Mitchell Dowdy
Ron Rowe, Alternate
Jake Bliek, Alternate

Present: Anderson, Beata, Butler, Sutton, Lowman, Mangrum, Rowe, Jake

Absent: Mitchell, Lovvorn, Dowdy

Others Present: City Attorney Larry Cantrell, Codes Director Wayne Hall, Codes Clerk Sharon Hall

Anderson called the meeting at 6:10p.m.

1. DISCUSSION ON THE REVIEW AND ENFORCEMENT OF ARCHITECTURAL PLANS REGARDING COMMERCIAL STRUCTURES THAT ARE BEING BUILT. MATT BEATA

- Beata stated he wanted to educate himself on how this process works, who approves the plans, who recommends changes and who enforces what is being built, is what is on the plans. As a Planning Commission when they approve the plans or don't approve what happens on the backend.
- Hall stated first they have to bring us in a plan, then staff review, City Engineer to go over the plans. If any changes to be made, the changes are made and resubmitted to Will Owen, then if okay they will bring in plans to get in packets to be sent out to Planning Commission members.

- Beata ask Owen does he review the architect plans. Anderson stated she was curious do they have any architectural on staff to review the plans to see if drawn correctly.
- Owen stated the requirements found in the Design Review Manual are applicable to specific submittals that are seeking approvals from the Planning Commission, as they have discussed in the past there are some scenarios in your documents that are in contrast to each other. One of them is the Zoning Ordinance in Article 15 has 5 criteria's of when a development is subject to being reviewed against the requirements in the Design Review Manual. The Design Review Manual itself has 4 requirements outlined that is entitled Development subject to Design Review. Between those 9 only 1 are paired with each other, as a staff we are left with some challenges on when does Design Review apply and when does it not.
- Owen stated when staff does determine when it does apply based on what's in these two documents, as a staff we have been very conservative, if any question we say yes it applies. So far that hasn't been challenged by an applicant but it's only a matter of time. Once it has been determined that Design Review is applicable to a Development, then the required submittal information that is outlined in the Design Review Manual, color photographs, elevation renderings, material list, the percentage of materials on each building face. When that is determined that packet of information is required for the applicant to submit that information with their site plan, the review that the staff conducts of the site plan and that information happens concurrently. In the past it has been brought to the Planning Commission as two separate agenda items, the site plan for a specific development next agenda item would be the Design Review for a specific development. Nowhere in the book did it say it needed to be a separate agenda item, staff felt like in order to be more consistent, to provide a more comprehensive review, no reason not to review both under the same agenda item. One development let's review the entirety of the proposed development both against the site plan requirements and the Design Review manual and anything that comes out of that discussion could either be approvals contingent upon those discussions or not. In around about way, yes we review as a staff and his staff we review the applications that fall under the Design Review criteria for those Design Review elements, we don't have a licensed

Architect on staff, but if you read through the Design Review Manual requirements, it's his opinion that an Architect isn't necessary required.

- Anderson stated she was an Architect for a long time, knows what elevations, rendering, knows what they are supposed to look like, there was a project, the drawing was done, the elevation of the west wall, showed in full bold line a parapet wall, so she assumed there was a parapet wall on the west elevation, when it was built there was no parapet wall, it looks awful. She questioned the building inspector about why that parapet wall was missing, she got the answer that you all approved the plans, we approved the plans as drawn, and they were drawn incorrectly. Owen asked what development. Anderson stated The Meeting Place Church. Owen stated The Meeting Place Church, because it is zoned residential did not fall under the Design Review Manual. Hall stated he has talked to Pastor Morgan and he will screen the HVAC units, when planting season begins. Beata stated overall the building looks good but putting in that extra 1 to 2% makes a big difference.
- Sutton asked how we can keep this from happening. Hall stated keep him informed, let him know before something goes too far to get it corrected.
- Mangrum stated churches should have to go through the Design Review process. Beata stated churches have a volume of people meeting in one place to him that dictates a commercial site. Mangrum stated we look at the site, look at the parking, got one on the agenda tonight, but they don't look at the building.
- Anderson stated what steps to make churches commercial zoning. Butler stated we could only allow in commercial zones and not residential. Owen stated that's one option but he wouldn't necessarily recommend that option. Beata stated in the wording, say a church has to go through Design Review.
- Anderson stated how we would handle if someone wanted to build a barn on their property and have large groups, like weddings. Owen stated that wouldn't be allowed in our zoning. Owen stated the agritourism lobby has been extremely strong in Tennessee, if a land owner is performing a use on that land that falls under the broad category of agritourism; you have to approach it with kid gloves, because the State has recognized. Owen stated in Murfreesboro,

several that he is aware of, there is the massive barns that have been converted over to wedding reception area's and they don't follow any commercial building codes. The City of Murfreesboro is trying to figure out how to get their hands on them, but they haven't been able to. Lowman stated Franklin is dealing with this also, huge congregations in barns, cakes, flowers, cigarettes, alcohol. Cantrell stated he agrees with Will, Unfortunately we are only going to see it get worse before it gets better for this reason, as more and more people are able to skirt zoning restrictions, safety restrictions most any other kinds of restrictions, by saying they are agriculture business, going to see more and more spring up. As more and more of them spring up odds of something really catastrophic happens, catches on fire and some people unfortunately lose their life. Then people are going to look at the City and we will have to say the state wouldn't let us. Cantrell stated churches being permitted use in residential, you may as well make them a permitted use in commercial because he doesn't think you're going to be able to keep them out if you wanted to, because someone will say their discriminating against their church, your violating my constitutional amendment. Under the Federal, State constitution they will be allowed there anyway.. Best thing they can do is get the best set of plans that they can get.

- Lowman stated on the Meeting Place, we have issued a temporary C.O., is there any recourse we can go back and say the drawing shows this they need to do this. Cantrell stated he assumes they approved what was there to issue the temporary, once you have done that you're going to end up in a real bind trying to go back and be an Indian giver on approving their plans. Cantrell stated it would be really hard to say you didn't see the wall. Hall stated Bledsoe had said the building passed the final, because the site hadn't been finished up, that's the reason we decided to issue a temporary.
- Butler asked can we go to one document instead of having three documents could we create just one document., instead of trying to pick through all the changes we've made. Owen stated it is necessary to have the three separate documents because they inforce three different things. Butler stated couldn't you have subsections. Owen stated you could potentially have the Design Review Manual housed within the Zoning Ordinance; he will have to explore that with Larry. You absolutely have to have a differentiation between Subdivision Regulations and Zoning Ordinance; legally there is no way to combine

the two. Not aware of any community in the State that has a combined document of those two because one is under the full purview and the authority of the Commission or Counsel, that's the zoning ordinance, that deals with Land Use. The other is the Subdivision Regulations, under the full authority and purview of the Planning Commission and all that dictates is the manner in which land is divided and the public infrastructure with those divisions of land, road, water & storm drainage. There may be some opportunity to house the Design Review requirements within a subsection of Zoning Ordinance but the Subdivision Regulations and the Zoning Ordinance have to stay separate. Don't try to regulate the same thing in all three documents. We need to get completely independent documents of one another so they are stand alone, and there isn't any crossover.

- Beata asked was our intent to salvage what we have or to scratch it. Owen stated his intent unless given a different directive would be to take that requirement, understanding some of their desires, he would ask for some autonomy to be able to make some decisions; certainly they will present a draft version of all the documents for them to review at a great length. They need to be involved in the actual components of the documents. Loman stated and also determine if there are duplicate documents and which document does it need to be in. Owen stated it's not just those three documents there are standalone City Ordinances that have been adopted that affect those three documents. One that comes to mind is the Tree Ordinance, take the Tree Ordinance and incorporate what they want as a Planning Commission for those restrictions on Landscaping, preserving existing trees, vegetation. House them in the Zoning Ordinance under Landscape requirements provision and make the Tree Ordinance null in void.
- Butler stated that's what he envisioned a new document that's adopted that would override any previous questions. Owen stated his suggestion once they are comfortable with the three documents, the Subdivision Regulations, they can adopt whole and independently as a Planning Commission. The Zoning Ordinance, The Design Review Manual they would recommend to the BOC for adoption as presented to them if they agreed with them and they would adopt them in their entirety. After those actions are taken they have three completely new documents, not a revision to a section, a whole new document. Then from that point forward City staff needs to keep up with not only the revisions to specific sections but incorporating them into the parent

document. What most communities do, they will reprint that document once a year with any changes that have taken place and you will adopt that entirety document again annually, keep up with your annual changes as the years go by. Owen stated the time is now, they need to have their BOC to comment to a contractual amount, whether it's him or anyone else, he certainly wants the work, thinks it's in the Cities best interest to have this done. Sutton asked Hall that he believes they had an estimate on it. Hall stated yes we do, the estimate is \$30,000.00.

- Anderson stated for clarification say there is a restaurant being built and their building something that wasn't what they approved what is the process in moving forward. Owen stated when they approve a plan for a restaurant they are approving the Site Plan and the Design Review opponents the elevations, not approving the actual building plans, structural building plans, mechanical, plumbing, electrical plans, you never see those. Owen stated he believes the key is going to be, when your building official receives those building plans, someone needs to take those plans, the ones that the building official actually stamps for the structure itself, either make sure it is in compliance with approved esthetics. Anderson asked is the Building inspector the one that would know if the building is being built to the plans. Owen said he would be the only one looking at the building and signing off on it. Owen said we can issue a stop work order and hold the Certificate of Occupancy if the finished construction isn't in compliance with the approved plans.

**2. DISCUSSION ON REQUIRING TURNING LANES FOR
SUBDIVISIONS OF 25 LOTS OR MORE. WAYNE HALL**
Deferred until next month.

Chairperson

Secretary