

City of Fairview

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FAIRVIEW, TN. 37062



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Municipal Planning Commission

Regular Meeting
October 14, 2014
7:00 p.m.

Lisa Anderson, Chairperson
Matt Beata, Vice Chairman
Brandon Butler 1st Secretary
Michael Mitchell, 2nd Secretary
Ron Rowe
Toney Sutton, Commissioner
Wayne Lowman
Tim Mangrum
Mitch Dowdy

Present: Anderson, Beata, Butler, Mitchell, Rowe, Sutton, Lowman, Mangrum, Dowdy

Absent: City Manager Wayne Hall, Planning/Codes Director Frank Humber

Others Present: City Attorney Larry Cantrell, Owen Will Owen, Clerk Susan Fox

1. ANDERSON CALLED THE MEETING TO ORDER AT 7:03P.M.

1.1 Rowe led the prayer and the pledge.

2. APPROVAL OF THE AGENDA-

2.1 Sutton made a motion for approval. Rowe seconded. All were in favor.

- ### **3. CITIZENS COMMENTS - (Limited to the first five to sign in and a limit of three minutes each.)**
- Linda Waters spoke she is a resident of Western Woods. She expressed concern over the rezoning of the properties on Cox Pike and wanted to know if there was a specific plan for those properties. She stated that apartments or something similar would cause issues with traffic. Anderson stated that there was no specific plan for any of the properties and they were only rezoning them at this time. She also stated to Ms. Waters that this was a time for comments only; not questions and answers. She stated that if more apartments or stores went in on Cox Pike the traffic would be bad, and asked if there was a plan to widen the road. Anderson stated that these things would be discussed during the meeting as they were on the agenda, and this would hopefully answer her questions/concerns.

4. APPROVAL OF THE MINUTES-

4.1 September 09, 2014 – Regular Meeting

Sutton made a motion for approval. Rowe seconded. All were in favor.

5. RECOMMENDATION - None

6. BONDS

6.1 LEVERETTE MEADOWS SUBDIVISION PHASE II – LETTER OF CREDIT TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE IN THE AMOUNT OF \$78,700.00. LETTER OF CREDIT EXPIRES OCTOBER 31, 2014.

Anderson stated that Mr. Humber was ill tonight and was unable to attend the meeting tonight, and that this issue has already been authorized to be called. Mr. Mangrum recused himself from voting on this issue. Sutton made a motion to call the bond by October 31, 2014 if not picked up; Mr. Lowman seconded. Cantrell stated that it this board had already authorized it to be called; Anderson state yes. Owen stated that if at the next meeting it was determined that all punch list items for items 6.2 and 6.3 have been completed, the subdivision regulations call for those bonds to be converted over to one year maintenance bonds. Owen stated that the subdivision bond would include the new roadways, and street lights, and would be for the purposes of making sure that roads, curve and gutter, and streetlights and all facets of the improvement are maintained and kept in working order for one year after acceptance. Owen stated that the site bond that would be converted to a maintenance bond would ensure that the city would have some leverage primarily on landscape elements that may not make it through the winter and would need replacing. Anderson stated again that there was a first and second motion, and asked if there was anymore discussion; none. All were in favor.

6.2 WAL-MART – LETTER OF CREDIT TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$325,000.00. PLANNING COMMISSION SET THE LETTER OF CREDIT AT THE JULY 10, 2012 MEETING. PLANNING COMMISSION REDUCED THE LETTER OF CREDIT ON AUGUST 12, 2014 TO \$97,500.00 THE LETTER OF CREDIT EXPIRES NOVEMBER 30, 2014

Cantrell stated that he suggested to the chairman that 6.2 and 6.3 don't expire until November 30th and there would be another meeting before then. Cantrell stated that after reading Owens comments that he would like for the board to consider requesting Mr. Hall to have Owen reassess 6.2 and 6.3 prior to November 15th so there would be time to call them. He stated that we don't know if they have accomplished anything, or what amount it would be reduced to, so he recommended that the board request that Mr. Hall authorize Owen to reassess 6.2 and 6.3 and 6.3 before the November meeting. Owen said he could get that done by the next meeting. Sutton asked if the motion needed to be deferred until

the first meeting in November to give Owen time to reassess, and if at that time it is not completed, to move forward with the call of the bond. Cantrell stated that if it was completed we would release it, and if three fourths of it is completed, we would reduce the bond. Sutton made that his motion. Beata seconded. All in favor.

6.3 WAL-MART – LETTER OF CREDIT TO COVER SITE, GRADING EROSION CONTROL, SEED AND STRAW MULCH, AND SITE RECLAMATION. \$390,000.00 BOND WAS SET AT THE JULY 10, 2012 MEETING. PLANNING COMMISSION REDUCED THE LETTER OF CREDIT ON AUGUST 12, 2014 TO \$50,000.00. THE LETTER OF CREDIT EXPIRES NOVEMBER 30, 2014

Cantrell stated that he suggested to the chairman that 6.2 and 6.3 don't expire until November 30th and there would be another meeting before then. Cantrell stated that after reading Owens comments that he would like for the board to consider requesting Mr. Hall to have Owen reassess 6.2 and 6.3 prior to November 15th so there would be time to call them. He stated that we don't know if they have accomplished anything, or what amount it would be reduced to, so he recommended that the board request that Mr. Hall authorize Owen to reassess 6.2 and 6.3 and 6.3 before the November meeting. Owen said he could get that done by the next meeting. Sutton asked if the motion needed to be deferred until the first meeting in November to give Owen time to reassess, and if at that time it is not completed, to move forward with the call of the bond. Cantrell stated that if it was completed we would release it, and if three fourths of it is completed, we would reduce the bond. Sutton made that his motion. Beata seconded. All in favor.

7. OLD BUSINESS-

7.1 FINAL PLAT FOR PHASE I AND PHASE II DEER VALLEY DOWNS. RS-40, MAP 46, PARCEL 17.00. TONY CAVENDER OWNER.

Anderson asked Beata if he would read the City Engineer's comments. This was read from an e-mail from Will Owen, City Engineer to the property owner and his engineer. A copy of this e-mail will be entered as Exhibit A, and become a part of these minutes. Owen clarified that this correspondence went to the developer, his engineer, and Mr. Humber, and that the purpose of this correspondence was to clearly and concisely lay out an approval plan for this development according to the subdivision regulations. Owen addressed each item as follows: 1. Final plat-phase 1A, 4, 5 – these have been approved but need clerical procedures done for signing and recording; 2. Obtain construction plans - 98% complete, but there were drainage calculation revisions that needed to be done, and to date he has not seen any revisions; 3. City planning agreement – Owen stated he is uncertain if the planning department has drafted a development agreement, but possibly Cavender would know if that has been provided; 4. Before the board tonight; 5. Owen understands that the community association documents have been drafted but is uncertain whether they have been recorded, and he has not seen a copy of these documents; 6. He is prepared to give

a bond amount if the board decides to move forward in that direction; 7. A summary of where we need to be at this point, which documents should be submitted to the city for final review, and approval of the plat. Owen stated that when looking at the plat there were seven lots that were still showing under the minimum area requirement of 8,000 square feet and several lots below that which need revising. Also storm water infrastructure on the plat does not match what was submitted on construction plans, and thus needs revising. He also believes that the sanitary sewer shown on the plat is different than the construction plans but can't confirm that without looking at the plans. He stated to the board that it would be to their discretion whether to move forward contingent on the revisions being made. Sutton made motion to approve moving forward; Beata seconded. Anderson asked for discussion. Sutton asked Mr. Cavender if this was the final plat which needed several changes; Cavender confirmed. Cavender stated that the square footage on seven lots was an oversight, and could be corrected in a couple of days. He also stated that he had the stamped, approved plans from WADC from the construction plans. He also stated that he can't confirm whether they match the plat, but can take a copy to Kenneth Carroll to be sure they match. Cavender stated that he would be sure to get those changes done if it could be approved. Sutton asked Owen for clarification on several lots and how they would need to be shifted. He asked Cantrell for his opinion on whether to approve it contingent on the work being finished, or defer it. Cantrell stated that this was the Planning Commission's call, and they could approve it, but he suggested that to defer it to the next meeting might be better since there were so many changes that needed to be made. Sutton made the motion to defer to the next meeting in order to get the final plat approved with recommendations from the City Engineer; Rowe seconded. Cantrell stated that Sutton and Beata would need to withdraw their first and second motions, which they did. Anderson asked for any more discussion. For clarification, Owen stated that his desires were based on the subdivision regulations, and not his personal desires. Anderson asked for vote; all in favor.

8. NEW BUSINESS-

8.1 REZONING APPLICATION FOR PROPERTY LOCATED AT 7151 COX PIKE, FROM RS-40 (RESIDENTIAL) TO TCOD (TOWN CENTER OVERLAY DISTRICT) W/O DESIGNATION. MAP 42H, PARCEL 3.00, 1.28 ACRES. ELTON C. & DEBORAH L. HALL OWNERS.

Anderson asked if there was anyone representing the owners present; the owners were present and Mr. Hall spoke. He stated that after speaking with city officials they decided to request rezoning the property into the City Center Overlay, but there was no specific plan for the property at this time. He also stated that they may sell some of the property in the future. Sutton clarified for the citizen who commented before the meeting that there was no specific plan for this property, but that it was being rezoned for future use. Beata made a motion for approval; Sutton seconded. Anderson asked for discussion; none. Anderson asked for vote; all in favor.

8.2 REZONING APPLICATION FOR PROPERTY LOCATED AT 7119 COX PIKE, FROM RS-40 (RESIDENTIAL) TO TCOD (TOWN CENTER OVERLAY DISTRICT)

W/O DESIGNATION. MAP 42H, C, PARCEL 4.00, .58 ACRE. ELTON C & DEBORAH L. HALL OWNERS.

This property belongs to the same owner, and he stated the same purpose for rezoning request. Sutton moved to approve; Mitchell seconded. Anderson asked for discussion; none. Anderson asked for vote; all in favor.

- 8.3 REZONING APPLICATION FOR PROPERTY LOCATED AT 7114 WILEY CIRCLE, FROM RS-40 (RESIDENTIAL) TO TCOD (TOWN CENTER OVERLAY DISTRICT) W/O DESIGNATION. MAP 42H, C, PARCEL: 1.00, .50 ACRE. ROGER & DEBBY LAMPLEY OWNERS.

Mrs. Lampley was present and stated that there were no specific plans for this property. Sutton moved to approval. Rowe seconded. All were in favor

- 8.4 REZONING APPLICATION FOR PROPERTY LOCATED AT 7112 WILEY CIRCLE, FROM RS-40 (RESIDENTIAL) TO TCOD (TOWN CENTER OVERLAY DISTRICT) W/O DESIGNATION. MAP 42H, C, PARCEL 2.00, 1.00 ACRE. ROGER & DEBBY LAMPLEY OWNERS.

Mrs. Lampley was present and stated that there were no specific plans for this property. Sutton made a motion for approval. Beata seconded. All were in favor.

- 8.5 REZONING APPLICATION FOR PROPERTY LOCATED AT 7159 COX PIKE, FROM RS-40 (RESIDENTIAL) TO TCOD (TOWN CENTER OVERLAY DISTRICT) W/O DESIGNATION. MAP 42H, C, PARCEL 2.02, 1.25 ACRES. ROGER & DEBBY LAMPLEY OWNERS.

Mrs. Lampley was present and stated that there were no specific plans for this property. Sutton made a motion for approval. Butler seconded. All were in favor.

- 8.6 REZONING APPLICATION FOR PROPERTY LOCATED AT 7161 COX PIKE, RS-40 (RESIDENTIAL) TO TCOD (TOWN CENTER OVERLAY DISTRICT) W/O DESIGNATION. MAP 42H, C, PARCEL 2.01, .62 ACRE. RICHARD W. MCCORD & DENISE R. MCCORD OWNERS.

Owners were not present, but were represented by Elton C. Hall. He stated that there is also no specific plan for this property, and that all of these properties are under the same "blanket". Beata made a motion for approval. Lowman seconded. All were in favor.

- 8.7 REZONING APPLICATION FOR PROPERTY LOCATED AT 7169 COX PIKE, RS-40 (RESIDENTIAL) TO TCOD (TOWN CENTER OVERLAY DISTRICT) W/O DESIGNATION. MAP 42, PARCEL 179, 1.3 ACRES. MARGIE LEE MCCORD OWNER.

Mr. Elton Hall stated that Mrs. McCord is his sister, and she asked him to represent her also. He stated that there is no specific plan for this property. Butler made a motion for approval. Sutton seconded. All were in favor.

8.8 EXPLAIN THE INDEPENDENT INVESTIGATION, DISCUSS AND OR TAKE APPROPRIATE ACTION WHERE ALLOWED RELATIVE TO THE CONSTRUCTION OF THE WILLIAMSPORT SUBDIVISION

Due to the absence of Mr. Humber and Mr. Hall, Anderson asked for a motion to defer this item to the next meeting. Rowe made a motion to defer; Sutton seconded. Anderson asked for discussion; none. Anderson asked for vote; all in favor.

9. REPORTS FOR DISCUSSION AND INFORMATION

9.1 DIRECTOR OF PLANNING AND CODES-

Not present

9.2 OWEN-

Owen suggested that Planning Commission look over Article 8-501 which pertains to Town Center Overlay Districts and be familiar with the requirements before the next BOC meeting. He clarified that this was in the Zoning Ordinance.

9.3 CITY ATTORNEY-

Cantrell stated that he feels it was a good idea to defer the explanation of the Williamsport subdivision to the next meeting when Mr. Hall and Mr. Humber will be present. Anderson apologized for Mr. Cantrell having everything prepared, and not being able to present tonight. He stated that the Planning Commission did not cause the necessity of this report, but that the failure of items and information that should have come to the board, but didn't. He stated that none of the 20 items that were listed as deficiencies were zoning, but that they were due to failure to follow the subdivision regulations. He stated that the report will help new board members know what to do, and what not to do for planning commissions. He stated that the presentation will be informal, and he wants the board members to feel free to ask any questions they might have. He stated that the independent investigation was the right thing to do, and that the people who did the report did a good job. He asked if everyone had a copy of the report. Anderson stated that there were only 3 of the members who were on the Planning Commission when this took place, and she would like for everyone to have a copy to review. Cantrell stated that she could get copies from the City Recorder. She stated that she would ask the City Recorder to add these to the packets for the next meeting so that everyone has a chance to review it, regardless of feelings on the outcome. Anderson stated that she has written an outline of how to keep this from happening in the future. Cantrell stated that the board has already acted on this by requiring two signatures for a plat to be recorded, and also the Codes Director. The purpose of the presentation will be to hit the highlights, and to add a few things that will be helpful specific to Planning Commissions. He stated that he agrees with the report in every facet with the exception of one, and he would discuss this later. He also stated that the City Recorder has copies, and if not he will send another one. He made a joke that he had everything prepared and then

didn't get to shine. Anderson stated that she noticed he had some items highlighted, and asked if those were important points that they would need to know. He stated that he would trust the board's reading for understanding, and that he would go over his highlighted points at the next meeting. Anderson stated that she would make sure that a copy would be in everyone's packet so that everyone can be prepared for the next meeting. He stated that he would hit the highlights, because it is very boring and they can ask questions at any time.

9.4 CITY MANAGER-

Not present

10. COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.

Mangrum stated that the final plat had been received tonight, and that he believes those should always be in the packets for review by the board before the meetings, and that in cases where the board does not have them ahead of time, they should automatically be deferred to the next meeting. Anderson stated that Sharon Hall, Codes Clerk, was going out of town, and the packets were sent out earlier in the day than they were supposed to, and Mr. Cavender was not aware of this, but did bring the plat in that day, but it was after the packets had been delivered. Mangrum stated that this is what happens when you wait until the last minute, and that he was notorious for that.

Sutton thanked everyone for coming out tonight, and stated that it is a good example of everyone paying more attention to something that needs to be approved, and being sure that the final plat is in place and corrected at the time it is submitted and that requiring two signatures will help keep things from happening in the future.

Anderson thanked Cantrell for putting the investigation together for review and discussion, and that lots of people don't really understand what happened, how it happened, and the outcome. She stated that she was looking forward to the discussion when Mr. Hall and Mr. Humber are present because she does not want to see this happen again in the future. Cantrell clarified that he did some investigation of his own in order to know what needed to be done, but that he did not prepare the investigation, but the people who did the independent investigation prepared it. He did state that they sent him a draft copy before they sent it to the city, which is not uncommon. He stated that he did not tell them how to conduct their investigation, but that he only gave information regarding Municipal Codes, and that he did not prepare the report. Anderson clarified that she did not mean to suggest that he did the investigation and report, but only that he brought it as an agenda item regarding Williamsport. Anderson also stated that Gary's Place is under new ownership and now called Overtime Grille with new staff, owner, and chef from Florida, and she does creole cooking and did gumbo today that was fabulous. She hopes everyone will try it. She also wanted to point out that we have a Williamson County Health Clinic located here in town, and sometimes there is a stigma with these places, but it is a fabulous facility for

people who don't have insurance or low income families and others with needs to get health care. Anderson thanked everyone for coming out, and she hoped everyone would be safe and have a great month.

- 11. ADJOURNMENT-** Rowe made a motion to adjourn; Sutton seconded. All were in favor. Adjourned at 7:51 p.m.

Chairperson

Secretary