

# City of Fairview

7100 CITY CENTER WAY  
FAIRVIEW, TN. 37062



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

## Municipal Planning Commission

**Regular Meeting**  
**November 10, 2015**  
**7:00 p.m.**

**Lisa Anderson, Chairperson**  
**Matt Beata, Vice Chairman**  
**Brandon Butler 1<sup>st</sup> Secretary**  
**Michael Mitchell, 2<sup>nd</sup> Secretary**  
**Patti Carroll, Mayor**  
**Toney Sutton, Commissioner**  
**Wayne Lowman**  
**Tim Mangrum**  
**Mitch Dowdy**

**Present:** Anderson, Beata, Butler, Mitchell, Carroll, Sutton, Lowman, Mangrum, Dowdy

**Absent:**

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

**1. CHAIRPERSON ANDERSON CALLED THE MEETING TO ORDER AT 7:02 P.M.**

1.1 Mayor Carroll led the prayer and the pledge.

**2. APPROVAL OF THE AGENDA-**

2.1 Anderson stated 8.1 becomes 8.2 and 8.2 becomes 8.1. 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.)-**

3.1 Renea Cashion at 7411 Cumberland Drive stated they had lived there 28 years and paid City taxes for 28 years, was concerned about this rezoning for property on Cumberland for 265 homes on 7200 square lots. Cashion stated most of the homes in that area are on at least an acre. Cashion stated they are concerned about the 6 inch water line, water pressure already not good and will add about 500 new cars on this road. Cashion stated she wants the Board to consider our town as a whole.

**4. APPROVAL OF THE MINUTES-**

4.1 October 13, 2015 –Regular Meeting

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

**5. RECOMMENDATION –**

5.1 RECOMMENDATION SENT TO THE BOARD OF COMMISSIONERS ON AN APPLICATION FOR REZONING PROPERTY OFF TIGER TRAIL FROM RS-40 (RESIDENTIAL) TO R-20 P.U.D. OVERLAY (RESIDENTIAL /PLANNED UNIT

DEVELOPMENT). MAP 42, PARCEL 28.00, 15.49 ACRES. BENNY SULLIVAN OWNER.

Hall stated this was approved by the Board of Commissioners.

**6. BONDS-**

**6.1 DISCUSS AND/OR TAKE ACTION ON RELEASING CASH BOND FOR ALPHA TECHNOLOGIES IN THE AMOUNT OF \$10,000.00.**

Hall referred to Larry Cantrell. Beata read Engineers report, which will become part of these minutes. Exhibit A. Sutton made a motion to release cash bond. Lowman Seconded. All were in favor. Mr. Hall told Mr. Behan he would call him when the check is ready to be picked up.

**6.2 WAL-MART – PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$325,000.00. PLANNING COMMISSION SET THE BOND AT THE JULY 10, 2012 MEETING. PLANNING COMMISSION LOWERED THE BOND \$97,800.00. PLANNING COMMISSION LOWERED THE BOND TO \$40,000.00 ON FEBRUARY 10, 2015 THE BOND EXPIRES NOVEMBER 30, 2015.**

Cantrell stated this bond has been renewed to 11/30/2016.

**6.3 WAL-MART – SITE BOND 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 LOWERED THE BOND \$50,000.00. BOND EXPIRES NOVEMBER 30, 2015.**

Cantrell stated this bond has been renewed to 11/30/2016.

**6.4 FAST PACE SITE IMPROVEMENT PERFORMANCE BOND IN THE AMOUNT OF \$6,000.00. BOND WILL EXPIRE DECEMBER 05, 2015.**

Cantrell stated bond needs to be called if not renewed by expiration date.

Sutton made a motion to call bond if not in place by expiration date. Mangrum Seconded. All were in favor.

**7. OLD BUSINESS- None**

**8. NEW BUSINESS-**

**8.1 DISCUSS AND/OR TAKE ACTION ON DRAINAGE IMPROVEMENTS ON LOT 37 WESTERN WOODS.**

Mangrum recused himself. Scott Tucker and Marlon Cunningham present. Beata read Engineers Report, which will become part of these minutes. Exhibit A. Cantrell stated since this is on private property, when the bond is released who will keep this drainage line up? Cantrell stated this line is on private property and the City can't work on Private Property unless an Emergency and a drainage line won't constitute as an Emergency. Carroll stated this is an issue for liability for the City. Owen stated when plans are submitted to the City and are given approval, the Design Engineers stamp that is on the construction plans, the City is not guaranteeing that his design will work or there won't be any problems. Owen stated on Mr. Cantrell's issue, just to clarify, the plan in front of them, the proposed installed pipe would be in a public drainage easement and once installed it would be located within that public easement, would be public infrastructure that the City would maintain. Owen stated no different than any other headwall or catch basin that is in the back of a property that drains storm

water to a street. Owen stated so if they approve as is it would become public infrastructure. Cantrell stated he does not have a problem with that as long as it is recorded. Owen stated the installation is purely the developers or the homeowners, not the City's. Tucker stated the drainage doesn't just drain onto lot # 37, it drains water from behind his house, the one on the other side, the three new ones, and it's about 6 to 7 properties this affects. Tucker stated the reason for the larger pipe is to service all these homes drainage. Carroll stated she was glad they came together to fix this problem, been in this neighborhood and seen the problem, thinks if they can get it fixed that's the route they need to take. Sutton made a motion to approve with the Engineers comments and staff comments. Butler Seconded. All were in favor.

8.2 DISCUSS AND/OR TAKE ACTION ON REZONING APPLICATION FOR PROPERTIES LOCATED ON CUMBERLAND DRIVE. MAP 47, PARCEL 66.04, 113.92 ACRES. FROM RS-40 TO RPUD WITH A MIXED BASE DENSITY OF RS-15 & R-20. KENNETH GREEN, OWNER.

Dowdy recused himself. Jamie Reed present to answer questions. Beata read Engineers report, which will become part of these minutes. Exhibit A. Sutton made a motion for discussion. Mitchell Seconded. Carroll stated asked about number 11 on the Engineers report on the one mile, what is the exact distance. Owen stated approximately 60 feet. Anderson stated which would take the number of lots from 265 to 251. Reed stated that is correct. Anderson stated the lots on Cumberland that have front garage that will be backing out onto Cumberland. Reed stated the lots on Cumberland are the larger lots and they will have side entry garages, won't be backing onto Cumberland, larger lots and all Brick Homes. Sutton stated will they be 15,000 square foot lots. Reed stated going to try to get them a little bigger than 15,000 square feet, half acre to 3 quarter lots. Beata stated the homes should have a landscape buffer or some type of site protection, where you don't have just a bunch of houses in a line. Beata stated the lots on Cumberland; he would like to be struck from the plan and filled in with a landscape buffer or some type of fencing, burn is his personal opinion. Reed stated they would like to request to keep the homes on Cumberland and do some type of landscaping in front of the house that is equivalent across the street. Reed stated they can do a traffic report if the Board wants them to. Carroll stated she does like the fact that they want to make the houses look comparable to the ones already on Cumberland, she like Beata idea of having a landscape buffer. Carroll stated they are going to have sidewalks. Reed stated yes. Reed stated on the step system, they have already got the public notice for the permit; permit will be out at the end of this month, they will be approved with TDEC before it gets signed off with Dickson Waste Water. Owen stated to clarify the public notice that the Design Engineer references are a State TDEC public notice. Anderson stated on lot 113 & 114 is the intent for the driveway to open onto the interior street or Cumberland? Reed stated Cumberland. Anderson refers to the curve, numerous people concerned about that blind curve, would like these driveways to open onto the interior street. Reed stated these lots will open onto the interior street that will be built. Reed stated he will also have lots 104 & 105 open onto the interior street. Owen stated

haven't driven the site today, he would be somewhat surprised if the traffic study didn't reveal that even the new road entrance is going to have to be adjusted one way or the other. Owen stated if they approve today this is only the preliminary, they will have to come back several more times to them and the Board of Commissioners. Beata stated it references a storm water pond, is that going to be a detention pond. Reed stated yes, our water quality, storm water quality and quantity upon it. Anderson asked is there going to be some type of fence around it. Reed stated it will determine how deep it is and what are regulations are, they can put a decorative fence or screen around it, if need to be. Owen stated our standard in residential districts require fencing. Anderson asked is your perimeter lots all 15,000 square feet? Reed stated no, I just got those comments yesterday. Reed stated with the open space all the way around it will be easy to add on some depth and decrees 15 lots to get the 251 lots. Owen goes over what a PUD is, R-20 just establishes the density, other than the 15,000 square foot on the perimeter lots, and the interior lots are up to the determination of the Planning Commission and the negotiations with the PUD. Anderson stated she read house sizes are from 1,600 to 2,200 square feet? Reed stated minimum 1,600 square feet. Anderson stated the houses that front Cumberland are all brick and the interior houses are brick fronts, vinyl sides and back. Reed stated yes. Anderson stated driveways concrete. Reed stated all driveways concrete. All underground utilities, landscape trees. Beata ask Owen their improved open space, the two playgrounds, does that meet our requirements. Owen stated it would meet the definition of improved open space, believes it's a little short about 5% of the total area, that's why one of the comments. Mangrum made a motion to approve with contingencies, items 1-11 of the Engineers report, plus all the lots on Cumberland need to be a minimum of 1 acre, all those that face Cumberland are to have side entry garages with adequate turn around space, so they can turn around without backing into the road and lots 104,105,113 & 114 not to have driveways on Cumberland but to have driveways on the new proposed streets. Sutton Seconded. Beata amended the motion the Cumberland lots with the 1 acre, the front setback is increased to accommodate the 1 acre, some type of detailed landscape plan to go with this. Butler Seconded. Owen stated one thing they did not hear was specify the lot size of the internal lots, as the motion stands now; he would interpret that to mean you will be okay the minimum lot size for internal lots to be as shown on the lot rendering a minimum of 7,200 square feet. Mangrum stated in order to maximize the 2.2 units per acre; they will have to keep some of those typical lots in there. Owen stated he is not recommending that one way or the other, just wants this to be clear. Beata stated to clarify one of the points, number 11, with the RS-15 zone, can't be closer than 1 mile, he takes from Mr. Mangrums motion that would mean this would become an RS-20. Mangrum stated yes. Owen stated the recommendation from here to the Board of Commissioners the density would be a straight RS-20, which results in 251 lots, as opposed to 265. Vote was taken on the amended motion. All were in favor. Vote was taken on the original motion. All were in favor. Cantrell stated he is going to need from the developer

a copy of the deed where it has been sold or an accurate description of the property, you can give to Mr. Hall or to Ms. Sharon, to give to him. Owen stated the next step in the process, he will recommend will be, the plan be amended according to their contingencies, resubmit to the City, and go before the Board of Commissioners for their consideration for the rezoning. Owen stated prior to the Board of Commissioners having their 2<sup>nd</sup> and final reading, there is a mandatory Public Hearing, notice will be published in the Newspaper, and signs will continue to be posted on the property.

### 8.3 DISCUSS AND/OR TAKE ACTION ON PROPOSED FAIRVIEW PLANNING COMMISSION SUBMITTAL AND REVIEW SCHEDULE FOR 2016.

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

## 9 REPORTS FOR DISCUSSION AND INFORMATION

9.1 DIRECTOR OF PLANNING AND CODES –Nothing

9.2 CITY ENGINEER- Nothing

9.3 CITY ATTORNEY- Cantrell stated at the last Board of Commissioners meeting they passed on 1<sup>st</sup> Reading two Ordinances that dealt with the Design Review Manual. Mr. Will and he was looking in the Zoning Ordinance and noticed, referenced to any changed that the Planning Commission made or wanted to make in the Design Review Manual, recommendation would go to the Board of Commissioners, and they would pass and it would come back down. Cantrell stated that's not the way most people do it, the Board of Commissioners were gracious enough to pass on the 1<sup>st</sup> Reading, and he assumes they will on the 2<sup>nd</sup>. Cantrell stated the two Ordinances after Public Hearing & 2nd reading would change in the Zoning Ordinance absolutely clarify the Design Review Manual, is this Boards Manual, it's theirs to amend, theirs to do the initial enforcement. Cantrell stated it doesn't change anything if the event that somebody doesn't agree, they can still appeal to the Board of Commissioners and if they want to from there on to the chancery court. Cantrell stated just makes it clear that they are the ones that make the suggestions among yourselves for changes and you're the ones that approve the Design Review Manual.

9.4 CITY MANAGER- Hall stated he has a question for Will & Larry, does the landscaping that will be going in front of the property on Cumberland Drive, does that need to go to the Tree Board for approval? Owen stated his initial reaction in no, will review that landscaping plan as a part of this bodies duty, but he reserves the right to change that opinion after full review. Cantrell stated he agrees. Owen stated one thing they will be getting from Ms. Sharon in the coming days to remind us of your attendance work session they have had because in the December meeting to have a tally of your training hours. Owen stated in addition to that have they been to anything outside the City, no training to small that they can't consider. Owen stated if anything at all that has to do with development, City Development, City Planning, City Design, anything associated with building of anything, ask that they send to us, what date, what it was and how long, so we will have a formal record that they will adopt next month as excepting the training. Hall stated one of those things was the seminar that that Owen put on for the sand filter systems. Owen stated we will send a reminder of everything that we have done eternally, just need their help if they have gone to anything externally. Cantrell stated they have to send their ethics report by the end of December. Anderson asked will the

landscaping affect the sidewalks on Cumberland. Owen stated he didn't interpret anything tonight that the landscaping would replace the sidewalks. Anderson stated she thought that was a good opportunity for children to walk to school.

**10 COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.**

**Sutton** stated tomorrow is Veterans Day, if you see a Veteran on the street, think about them, thank them. Sutton stated tell them you appreciate them.

**Anderson** stated would also like to thank all the Veterans for their service to our Country. Anderson stated just remember to shop in Fairview, spend your money in Fairview, we have a lot of new businesses, if keep money in Fairview, Fairview succeeds. Sutton stated make sure fill out census report and get back into us. Anderson stated appreciates everyone on the Planning Commission, she thinks their doing a great job, and also the staff, moving forward in a positive manner.

**11 ADJOURNMENT-**Anderson adjourned at 8:25p.m.

---

Chairperson

---

Secretary