

City of Fairview

7100 CITY CENTER WAY
FAIRVIEW, TN. 37062



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

Municipal Planning Commission

Regular Meeting
December 13, 2016
7:00 p.m.

Lisa Anderson, Chairperson
Matt Beata, Vice Chairman
Brandon Butler 1st Secretary
Michael Mitchell, 2nd Secretary
Donn Lovvorn, Mayors appointee
Derek Burks, Commissioner
Wayne Lowman
Tim Mangrum
Mitch Dowdy
Ron Rowe, Alternative
Jake Bliek, Alternative

Present: Anderson, Butler, Mitchell, Lovvorn, Burks, Lowman, Mangrum, Dowdy

Absent: Beata

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

1. ANDERSON CALLED THE MEETING TO ORDER AT 7:02p.m.

1.1 Lovvorn led the prayer and pledge.

2. APPROVAL OF THE AGENDA-

2.1 Anderson stated they wanted to defer 6.1 Alfa Technologies LLC. Lovvorn made a motion to defer. Lowman Seconded. All were in favor. Anderson stated under New Business 8.1 they also wanted to defer this. Lowman made a motion to defer. Mitchell Seconded. Butler asked was this at their request. Wayne Hall stated it was basically his request because he did not get the documents in and applicant agreed. All were in favor. Anderson asked for a motion for the approval of the agenda. Mangrum made a motion for approval of the agenda. 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 Mr. Christopher Vance resident of The Meadows Condos stated he spoke back in April thinks they left on the note that nothing had been brought formally brought before the City, well tonight that night has come they're on the agenda. Mr. Vance stated he has sent countless emails asking for clarification on issues that they have had with their Master Plan with no response. Mr. Vance stated mainly with

the Master Plan him and Mr. Hall had a good conversation months ago when he began his research on their property, at that point in time Mr. Hall instructed him that he had sent the Master Plan to the City Engineer in Murfreesboro for review. Mr. Vance stated he ask Mr. Hall why was their Master plan sent to the City Engineer and Mr. Hall told him he doesn't have to tell him why. Mr. Vance told Mr. Hall he was a taxpayer and has every right to know why their Master Plan was sent to the City Engineer for review if nothing had been formally brought before this City. Mr. Vance stated several days go by and he and Mr. Hall talks again and he informs him that a Master Plan does not exist. Mr. Vance stated like he had told the Planning Commission back in April, they have sketch plans, concept plans and minutes that refer to the Master Plan which would lead him to believe ponderance of evidence that there was a Master Plan. It's concerning to him that their Master Plan come up missing, concerning to him about the discussion they are about to have on these section eight apartments. He has known about this for over a year, he has sent the Mayor, Mr. Crutcher and Mr. Hall countless emails asking for clarification from their zoning to their Master Plan. There are 58 residents in the Meadows of Fairview, 58 people that have paid taxes since 1999. He knows the City of Fairview has money problems, as he stated in his email, Federal tax dollars to build more section eight housing isn't the way to resolve the money issues in Fairview. Mr. Vance stated from what he's hearing this is a done deal, he doesn't understand that because this is the 1st time it has come before this Board. Those that make decent money can't find an apartment here in Fairview. Mr. Vance stated he thinks there needs to be more of an emphasis on putting conventional apartments in Fairview if there is going to be Apartments in Fairview. Mr. Vance said he is here tonight because he knew this was coming, that's why he spoke back in April and was told we have a lot of research before it is brought before them. Mr. Vance stated he is going to sit back and listen and see what the City of Fairview is going to do. Mr. Vance stated that property was never intended to be apartments it was intended to be a community a PUD community, The Meadows at Fairview.

4. APPROVAL OF THE MINUTES-

4.1 NOVEMBER 07, 2016 – WORK SHOP

Lowman made a motion for approval. Mitchell Seconded. All were in favor.

4.2 NOVEMBER 07, 2016 – REGULAR MEETING

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

5. RECOMMENDATION –

5.1 DISCUSS AND/OR TAKE ACTION ON REZONING OF PROPERTY LOCATED AT 2480 FAIRVIEW BLVD. FROM RS-40 (RESIDENTIAL) TO CG (COMMERCIAL GENERAL). MAP 46, PARCEL 69.00, 13.39 ACRES. CRAIG & JANET CROPPER OWNERS.

Craig & Janet Cropper owners present. Sutton made a motion for approval. Mangrum Seconded. Beata read Engineers report, which will become part of these minutes. Exhibit B. Rowe asked do they have a contract on this

property. Mr. Cropper stated no. Rowe stated he has a concern about the residential houses that will back up to this property, if it becomes Commercial. Good planning practices are to provide a transition zoning between residential and commercial. Anderson asked for roll call vote. Sutton yes, Mangrum yes, Bliek yes, Anderson yes, Dowdy yes, Rowe no, Beata no, Butler no, Lowman no. Motion passes.

Hall stated this is just on the agenda for their information. The Board of Commissioners deferring to another meeting.

6 BONDS-

- 6.1 ALPHA TECHNOLOGIES, LLC- IRREVOCABLE STANDBY LETTER OF CREDIT \$42,000.00. BOND EXPIRES 12/31/2015. PLANNING COMMISSION VOTED ON DECEMBER 08, 2015 TO CALL THE LETTER OF CREDIT OF \$42,000.00 IF THE MAINTENANCE BOND OF \$4,200.00 WASN'T IT PLACE BY 12/31/2015 CASH BOND OF \$4,200.00 WAS PAID ON 12/22/2015. MAINTENANCE BOND WILL EXPIRE 12/22/2016.**

This was deferred until next month.

- 6.2 WESTERN WOODS VILLAGE – PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE – \$155,300.00. PLANNING COMMISSION SET THE BOND ON FEBRUARY 12, 2008.THE BOND WAS REDUCED TO \$106,000.00 AT THE FEBRUARY 10, 2009 MEETING. THE BOND WAS REDUCED TO \$80,240.00 AT THE FEBRUARY 12, 2013 MEETING. BOND EXPIRES MARCH 14, 2017. DEVELOPER ASKING FOR BOND TO BE REDUCED TO MAINTENANCE BOND.**

Hall stated let the record show that Marlon Cunningham present to represent, Will Owen will speak on this. Owen stated he went to the site today for a site observation, and concurred that this portion of Western Woods is prepared to start the acceptance process and the conversion to a Maintenance bond. Owen stated there is some process involved in that as far as submitting an as built survey as well as a certification from the Design Engineer that it was constructed in accordance with the approved plan. Owen stated then the council can vote to accept that dedication and at that time it can be converted over to a Maintenance Bond and he would recommend the Maintenance Bond amount be \$20,000.00. Mitchell made a motion to reduce to a maintenance bond in the amount of \$20,000.00 once the as built is turned in and the as built survey is done. Lowman Seconded. All were in Favor.

- 6.3 WESTERN WOODS VILLAGE, SECTION 4 – IRREVOCABLE STAND BY LETTER OF CREDIT TO COVER GRADING, STREETS, CURBS AND SIDEWALKS FOR 38 PROPOSED LOTS - \$430,000.00. PLANNING COMMISSION SET THE BOND ON JUNE 09, 2015. LETTER OF CREDIT WILL EXPIRE FEBRUARY 05, 2017. DEVELOPER ASKING FOR A REDUCTION.**

Hall stated Marlon Cunningham present to represent, Will Owen to speak on this. Owen stated he made a site observation visit today and would recommend, based on the progress of Section 4 development, reduction in irrevocable letter of credit in the amount of \$181,000.00. Lovvorn made a motion for approval for bond to be reduced to \$181,000.00. Burks Seconded. All were in favor.

7. OLD BUSINESS- None

8. NEW BUSINESS-

- 8.1 DISCUSS AND/OR TAKE ACTION ON SITE CONSTRUCTION PLANS FOR PIEDMONT INDUSTRIES BUILDING EXPANSION. MAP 18, PARCEL 5.00, 8.97 ACRES. JONATHAN CUMMINGS OWNER.**

Deferred.

- 8.2 DISCUSS AND/OR TAKE ACTION ON COMPOSITE DEVELOPMENT PLAN AND INFRASTRUCTURE CONSTRUCTION PLANS SUBMITTAL FOR WILLOW CREST SUBDIVISION. MAP 22, PARCEL 66.00, 17 ACRES. HABITAT FOR HUMANITY OF WILLIAMSON COUNTY OWNER.**

Anderson stated let the record show no staff comments. Owen stated as they were looking over the plans, one item was brought to staffs attention that needs to be addressed. Owen stated lots 11, 12 & 13 do need to have a designation of being critical lots due to the slopes that are on the back half of those lots. Owen stated at this stage it is purely a designation on paper, what that will require, the actual actionable item is at the time building permits are pulled, for any critical lots, it requires a little bit more site plan for that specific lot that tells where that house is going in reference to those slopes. Owen stated if it is on those slopes there are some requirements for some engineered plans on the foundations, that sort of thing. Owen stated but at this stage that can be a note that can be added on paper. Anderson asks for the representative to come up to podium, Tony Reasons comes up. Anderson stated just for clarification, lot 11 isn't being built right now due to a sewer tap. Reasons stated lot 11 could be considered a buildable lot but want be considered until the last lot to be built in the event there are sewer taps available and may come back and subdivide that lot to create 2 or 3 lots. Reasons stated they only had 22 sewer taps available so they created 22 buildable lots. Anderson stated the driveways on lot 1 & 22 that enter and exit out onto Horn Tavern Road those will be removed correct. Reasons stated they made a note on the plans that all driveways will come off Willow Crest Drive. Mitchell stated he knows last time they talked about the tree buffer, their leaving 30 foot non disturbance area, are they going to leave that tree buffer in the open space as well. Reasons stated he developed and submitted a plan for that open space and it will remain untouched and undeveloped, remain in its natural state. Lovvorn asked Owen if they had submitted a maintenance plan for the drainage, detention. Owen stated yes they have. Lovvorn asked is it noted on the plan what his response to maintenance. Owen stated he has that on file, has HOA charter, HOA bylaws, proposed charter, proposed bylaws and proposed open space ownership management plan. Lovvorn made a motion to approve. Butler Seconded. All were in favor.

- 8.3 DISCUSS AND/OR TAKE ACTION ON MASTER DEVELOPMENT PLAN AND SITE DEVELOPMENT PLAN FOR WEST WAY APARTMENTS. MAP 47, PARCEL 24.04, 24.07 AND 11.00, 26.64 ACRES. JOHN C HAYES JR. IRREVOCABLE FAMILY TRUST, SHERRY PEEK & MARLENA GLASER OWNERS. APPLICANT JOHN HUFF, JOHN HUFF CONSTRUCTION, LLC.**

Butler read Engineers report, which will become part of these minutes. Exhibit A. Scott Williams present to represent. Lovvorn made a motion to defer because the plans that were submitted to them, he doesn't feel they are adequate to make analyses of the plan because they're not to scale. Mangrum Seconded. Scott Williams Engineer said staff requested 15 set of half sizes and 3 full sets, so they submit the adequate request. Lovvorn stated what was submitted to them is not to scale so they really can't review it not being to scale. Scott Williams stated he supposed to follow the rules for what he is asked to submit, he submitted what he was supposed to submit, he doesn't understand. Butler asked did the City get the 3 sets that were to scale. Hall stated yes. Owen stated there was previous discussions with this Board, it was requested that half sizes be included in your packets. Owen stated that what was requested of this applicator, just like all the other applicants that has come before them recently and that is what they submitted. Lovvorn stated how can they do a proper review without it being to scale? Anderson stated we have a 1st and 2nd for referral all in favor. Vote was taken. Mangrum yes, Burks yes, Lovvorn yes, Anderson yes, Butler no, Lowman no, Mitchell yes, Dowdy no. Motion carries to be deferred.

8.4 DISCUSS AND/OR TAKE ACTION ON RESOLUTION NO. 12-16. A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ANNEXATION OF PROPERTY BELONGING TO ERICK ALLEN MAGGART AND WIFE KELLY LENORE LAMPLEY MAGGART AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF FAIRVIEW, TENNESSEE. THE PROPERTY IS LOCATED AT 7338 OVERBY ROAD, FAIRVIEW, TENNESSEE AND IS SHOWN ON CITY OF FAIRVIEW, TENNESSEE GEOLOGICAL LISTING OF ASSESSMENT ROLL MAP 46, PARCEL 44.06.

Mangrum made a motion for approval. Burks Seconded. Owen stated the applicant made an error on their application on the Parcel number listed as 44.06 that is incorrect parcel number, Parcel number should be 48.01. Cantrell stated they can approve this based on Will Owen change on parcel because this has to go back to the Board of Commissioners for approval. Cantrell stated so we can have a written result of vote they need to have a roll call. Mangrum amended his motion to change the parcel number to 48.01. Lovvorn Seconded. Roll call was taken all votes yes. Motion carries

8.5 DISCUSS AND/OR TAKE ACTION ON RESOLUTION NO. 13-16. A RESOLUTION TO ANNEX CERTAIN PROPERTY, LOCATED AT 7338 OVERBEY ROAD, MAP 46, PARCEL 44.06, HEREIN DESCRIBED BELOW AND TO INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF FAIRVIEW, TENNESSEE; BELONGING TO ERICK ALLEN MAGGART AND WIFE KELLY LENORE LAMPLEY MAGGART. ALL THE PROPERTY PROPOSED FOR ANNEXATION LIES WITHIN THE CITY OF FAIRVIEW, TENNESSEE'S GROWTH BOUNDARY, CONTAINING 2.17 ACRES.

Kelly Maggart present to represent. Mangrum made a motion for approval. Burks Seconded. All were in favor.

8.6 DISCUSS AND/OR TAKE ACTION ON ORDINANCE NO. 946. MUNICIPAL FLOODPLAIN ZONING ORDINANCE. AN ORDINANCE ADOPTED FOR THE PURPOSE OF AMENDING THE CITY OF FAIRVIEW, TENNESSEE MUNICIPAL

ZONING ORDINANCE (ORDINANCE 444) REGULATING DEVELOPMENT WITHIN THE CORPORATE LIMITS OF FAIRVIEW, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM AND TO REPEAL IN ITS ENTIRETY BILL NUMBER 2004-18, ORDINANCE NO. 579.

Mangrum made a motion for approval. Burks Seconded. Cantrell stated this ordinance is required by the State of Tennessee, the language in this ordinance is basically the language of the Department of Commerce and Insurance, has to be brought up to date, that's the reason the last bill was passed was to bring the one before it up to date so the City can participate in the Flood Insurance programs. Cantrell stated the Board of Commissioners passed this on 1st reading at the 1st meeting in December and referred it mandatory 1st statute to the Planning Commission for them to take action upon, the will go back to the Board of Commissioners to have a special meeting on the 19th. Cantrell stated because there was not enough time for the statute of notification to have their regular meeting in December, that's why the meeting was moved to the 19th. Cantrell stated so this was sent to this Board, mandatory referral by statute for you to take action upon so the City can continue to participate in the flood insurance program. Cantrell stated the State has to have this back by the 22. Vote was taken. All were in favor.

8.7 DISCUSS AND/OR TAKE ACTION ON APPROVING TRAINING HOURS FOR THE PLANNING COMMISSION MEMBERS.

Anderson stated on her hours, November 9th, the power of Tennessee Regional Planning Summit, she attended that, would like that to be reflected. Lowman stated the APA winter retreat wasn't at the Music City Center was actually at Montgomery Bell. Training log will become part of these minutes, Exhibit B. Butler made a motion for approval. Mitchell Seconded. All were in favor.

8.8 DISCUSS AND/OR TAKE ACTION ON APPROVING PROPOSED FAIRVIEW PC SUBMITTAL AND REVIEW SCHEDULE FOR 2017.

Lovvorn made a motion for approval. Lowman Seconded. Anderson asked does it bother anyone else that the February meeting in on Valentine's Day that month, doesn't matter to her, she just wanted to point that out. Mangrum stated lets work on moving that date, Butler agreed, Dowdy stated they may all be in trouble. Butler asked what their options are. Anderson stated could they move it to Monday? Mangrum ask Owen would that double book him. Owen stated no. Anderson stated so February 14th will be moved to Monday February 13th. Burks asked would that affect any of the deadlines. Lovvorn stated meeting just a day earlier, packets can still go out the same day. Lovvorn amended the motion to approve with the change for February's meeting to be changed to Monday February 13th. Lowman Seconded. Proposed Fairview PC Submittal and Review Schedule-2017 will become part of these minutes. Exhibit C. Vote was taken. All were in favor.

9 REPORTS FOR DISCUSSION AND INFORMATION

- 9.1 DIRECTOR OF PLANNING AND CODES** – Hall stated 1st he would like to have Micah Sullivan to stand up; he is our new Codes Inspector. Hall stated he is doing a great job already, this is his 3rd week. Hall stated he needs clarification he thought the ½ size

plans was what they wanted, thought they had all agreed on this size of plans. Hall stated Sharon has so much of these large ones to go in the packets sometimes two or three per agenda, he just needs clarification what they want. Lovvorn stated he wasn't on the Board when they approved the smaller sizes. Lovvorn stated they wouldn't have to have the whole plan because it's got the floor plans and they really don't need to review that, they just need to review the civil, so probably they would only had 2 to 3 sheets that would need to be presented to the Planning Commission. Hall stated everything we been getting is the larger set, correct. Mangrum stated they had two of the larger ones this month in their packets. Lovvorn stated he knows it's cumbersome but it's hard to do an adequate review without it being to scale, especially when looking at drainage issues, percentages of slopes, road lengths and things like that, if not to scale it's hard to scale it out. Hall stated he understands that so is that what they want the larger plans. Mangrum stated he thinks it would be better. Mitchell stated he agrees with Donn, they don't need the architectural, if it was just the civil and the base sheets. Lovvorn stated on that particular one because it is a Commercial entity, you would have two different reviews, review for the Commercial design standards, could be on two separate sheets and not folded together in one big packet. Hall stated that's the way it will be.

9.2 **CITY ENGINEER** – Nothing

9.3 **CITY ATTORNEY** – Merry Christmas, welcomes Burks to the Planning Commission.

9.4 **CITY MANAGER** – Collins stated question on 8.3 they deferred, when they defer, when does that meeting occur or does it. Cantrell stated it would have to be the next Planning Commission Meeting. Collins stated 2nd question was to make sure they didn't miss anything on the staff, the packets that were delivered, were delivered last week? Yes they were delivered last week. Collins stated so the issue on this there wasn't scaled drawings. Lovvorn stated that was his issue, doesn't know if anyone else had an issue with it or not, he couldn't do an adequate review with it not being to scale. Collins stated he understood, thanks them.

10 COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.

Mangrum stated wanted to wish everyone a Merry Christmas and welcome Mr. Burks to this task.

Burks stated Merry Christmas to everyone and thanks for the warm welcome. Burks stated he may ask a lot of stupid questions but that's okay that's how you learn, from what he can tell it's going to be a growing process so please bear with him he will do the best he can.

Lovvorn stated echo Merry Christmas and welcome Mr. Burks to the Planning Commission. When he was first appointed to the Planning Commission back in 1998 there wasn't such a thing as a stupid question.

Mitchell stated wanted to wish everyone a Very & Blessed Christmas and welcome Mr. Burks to the Planning Commission.

Lowman stated welcome Mr. Burks to the Planning Commission and wish everyone a safe and Blessed Christmas.

Butler stated Mr. Burks pleasure to have you and Merry Christmas to all.

Anderson stated she would like to welcome Commissioner Burks to their Planning Commission and Merry Christmas to everyone and hopes everyone has a safe and prosperous New Year. Anderson stated she appreciates all the staff & Commission, feels like they work really hard to get the best information and do what's best for our City. Anderson stated she just wants to remind everyone we have a lot of new businesses here in our Community and before leaving our Community to shop, make sure you can't get it in Fairview first.

- 11 ADJOURNMENT-** Anderson asked for motion for adjournment. Butler made a motion for adjournment. Mitchell Seconded. All were in favor. Adjourned at 7:55p.m.

Chairperson

Secretary