

City of Fairview

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Municipal Planning Commission

Regular Meeting
February 11, 2014
7:00 p.m.

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

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

Absent: Behan

Others Present: Interim City Manager Wayne Hall, City Attorney Larry Cantrell, City Engineer Will Owens, Building Codes Inspector John Bledsoe, Codes Clerk Sharon Hall

1. CALLED THE MEETING TO ORDER AT 7:00 P.M.

1.1 Owens led the prayer and the pledge.

2. APPROVAL OF THE AGENDA-

2.1 Anderson stated they have three additions. 8.10 Givens Cut Ordinance. 8.11 Discussion on the McRedmond property. 8.12 Appointment of a Planning Commission member to the Fairview Park Commission. Anderson stated delete 8.4 Discussion and/or take action on a variance for Wal-Mart. Beata made a motion for approval. Sutton 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 John Stark stated he owns property on Highway 96; he is here to speak on the rezoning on Highway 96 on the agenda tonight to be rezoned to commercial and the property is adjacent to his. Stark stated all three sides of the property is residential, he wants to really emphasize that it should stay residential zone and

not be rezoned to commercial. Stark stated he request that we keep this property residential.

4. APPROVAL OF THE MINUTES-

4.1 JANUARY 14, 2014 REGULAR MEETING

Sutton made a motion for approval. Mitchell Seconded. Rowe stated item eleven under adjournment stated that Totty Seconded that was incorrect she was not at the meeting. All were in favor.

5. RECOMMENDATION –None

6. BONDS

6.1 WESTERN WOOD 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. BOND EXPIRES MARCH 14, 2014

Mangrum stated due to some previous knowledge of this subdivision he would like to recuse himself from any voting. Bledsoe stated the developer has been notified by certified letter and he did receive the letter. Bledsoe stated we will actually have one more Planning Commission meeting prior to the expiration of the bond but it is very close to that meeting so we ask that you go ahead and put in place the means to call the bond if it is not renewed by the expiration date. Sutton made a motion to call the bond if not renewed by the expiration date. Beata seconded. All were in favor.

7. OLD BUSINESS – None

8. NEW BUSINESS-

8.1 PRELIMINARY SITE PLAN FOR VERIZON WIRELESS TO BUILD A WIRELESS TELECOMMUNICATION TOWER LOCATED AT 7215 CHESTER ROAD. MAP 42, PARCEL 136.00

Sutton made a motion for approval. Mangrum seconded. Larry Raybon is present to represent Verizon. Raybon stated it would not be any higher than 190 feet. Sutton stated Ken Brison is also here tonight. Rowe asked who is going to maintain the access road. Raybon stated it will be Verizon Wireless for any damage or normal maintenance. Raybon stated if Verizon should sell the tower to American Tower or Crown Castel or something like that, then the tower owner would be responsible for the maintenance. Mitchell asked if there is going to be a gate at the entrance. Raybon stated yes and it should be kept locked at all times. All were in favor.

8.2 FINAL SITE PLAN FOR VERIZON WIRELESS TO BUILD A WIRELESS TELECOMMUNICATION TOWER LOCATED AT 7215 CHESTER ROAD. MAP 42, PARCEL 136.

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

8.3 SITE PLAN REVISIONS FOR TACO BELL TO BUILD A 2,084 SQUARE FOOT BUILDING LOCATED AT 2377 FAIRVIEW BOULEVARD. MAP 47, PARCEL 7.00, 0.88 ACRES. CVHC5 LLC OWNER.

No one present to represent Taco Bell. Sutton made a motion to defer. Beata seconded. Sutton asked if the property was notified. Sharon Hall stated yes. All were in favor.

8.4 DISCUSS AND/OR TAKE ACTION ON VARIANCE FOR WAL-MART TO ALLOW FOR PLACEMENT OF RIP-RAP IN THE BOTTOM OF THE DETENTION POND. 7100 HOPGOOD ROAD. MAP 46, PARCEL 82.04. WAL-MART REAL ESTATE BUSINESS TRUST, OWNER.

Deleted from agenda.

8.5 SITE PLAN REVISIONS FOR TIGER IMPORTS TO BUILD A 3,500 SQUARE FOOT BUILDING LOCATED AT 7107 JUNIPER ROAD. MAP 18, PARCEL 47.16, 1.47 ACRES, IG ZONING. TIGER IMPORTS LLC, OWNER.

Tony Reasons present to represent Tiger Imports. Beata read the Engineer report which will become part of these minutes. Exhibit A. Sutton made a motion for approval. Mitchell seconded. Rowe asked what the revisions were. Owens stated the primary revision was that they added three new parking spaces, they already had the appropriate number of parking spaces with the previously approved site but for whatever reason the owner decided they needed three additional parking spaces. Owens stated one of those three is a handicapped spot and there was also a little portion of sidewalk added, he suspects for emergency ingress and egress out of side or back door on the right side of the building. Owens stated those were the two major and the applicant may further clarify any additional items. Reason stated there was also a widening of the driveway, probably nine or ten feet, just to allow easier tractor trailer movement in and out of the site. Anderson asked any other discussion. All were in favor.

8.6 RE-APPROVAL OF EXPIRED FINAL PLAT FOR KYLES CREEK SUBDIVISION PHASE II, SECTION I, MAP 47, PARCEL 32.00, 29.8 ACRES, R-20 ZONING, 20 LOTS. MARLON CUNNINGHAM OWNER.

Beata made a motion for approval. Sutton seconded. Bledsoe stated this item is on the agenda and it probably looks very familiar to you. Bledsoe stated it was on the agenda, and approved in December. Bledsoe stated the reason this item and the next items are on this agenda, when we got to looking at the dates, thinks they were informed that it expired in December when in fact it had already expired. Bledsoe stated we are just bringing this back to you to make sure that the dates and everything is done legally and it is done in the correct procedure.

Bledsoe stated it was approved for one year until December 31, 2013. Anderson stated any discussion. All were in favor.

8.7 RE-APPROVAL OF EXPIRED PRELIMINARY PLAT FOR KYLES CREEK SUBDIVISION PHASE II, SECTION II. MAP 47, PARCEL 32, R-20 ZONING, 20 LOTS. MARLON CUNNINGHAM OWNER.

Mitchell made a motion for approval. Mangrum seconded. Sutton asked on these if it is just the matter of correcting the date. Bledsoe stated yes, this particular item, the final plat was not on the December agenda but it had expired and they are ready to record it. Bledsoe stated we just need approval for them to go ahead and record the final plat. All were in favor.

8.8 REZONING APPLICATION FOR PROPERTY LOCATED ON HORN TAVERN ROAD. MAP 22, PARCEL 133.00, 8.37 ACRES. FROM RS-40 TO R-20. WALT TOTTY OWNER.

Sutton made a motion for approval for discussion. Beata seconded. Sutton asked Bledsoe if all the proper notification had been put up. Bledsoe stated yes and again this probably looks very familiar to you. Bledsoe stated this item 8.8 and 8.9 Mr. Mangrums property also, after these had been approved, it came to our attention proper notification was not given to the property owners that are adjacent to the properties that are being rezoned and signs were not placed on the property for the length of time that they need to be out there. Bledsoe stated these are just re-approvals; the signage has been on the lots. Bledsoe stated in Mr. Totty's case, we put the signs on the property and someone keeps taking them and throwing them away. Bledsoe stated we have pictures where we put the signs on the properties and the property owners have been notified by certified mail. Sutton stated everything is in order. Bledsoe stated yes. Bledsoe stated he had said they have been notified by certified mail, they will not be notified until the public hearing for the Board of Zoning appeals. Sutton stated he understands. All were in favor.

8.9 REZONING APPLICATION FOR PROPERTY LOCATED ON OLD NASHVILLE ROAD. MAP 42, PARCEL 65.12, 1.03 ACRES. FROM RM-12 TO RS-10. TIMOTHY MANGRUM OWNER.

Mangrum recused himself from this item. Sutton made a motion for approval. Beata seconded. Sutton asked Bledsoe if this was the exact same situation as 8.9. Bledsoe stated it was; in fact both properties were brought before the Planning Commission, Board of Commissioners on the same schedule, same dates, the same problem and the same solution. Rowe stated he just has a question to understand what RS-10 zoning is. When he looks at the zoning that is listed on line he does not see RS-10, so he just wants an explanation. Hall stated the RS-10 is in the cluster housing and that is where that particular zoning is and we only, he thinks have one other cluster housing project in Fairview right now, so this is probably one reason that you are not familiar with it. Hall stated but he was on the Board when they passed cluster housing, ten thousand foot square lots is one of those that is available in cluster housing. All were in favor.

8.10 GIVENS CUT ORDINANCE

Cantrell stated Madam Chairman could he please explain why he wanted this put on the agenda. Cantrell stated he would ask before the vote is taken that someone read the caption of the ordinance for the record. Cantrell stated the reason he ask for this to be put on the agenda is because there has been an annexation issue that has been going on for several months. Cantrell stated the lawsuit has been filed contesting that annexation, there were four principle issues when it started, by agreements and some legal reasons for it has been reduced to one issue. Cantrell stated the one issue remaining is Givens Cut Road. Cantrell stated the reason he asked the Board of Commissioners to pass this on first reading last Thursday night; state statute requires before the first reading that it come to this Board for a recommendation. Cantrell stated the recommendation that this Board has goes onto the Board of Commissioners before second reading. Cantrell stated for the benefit of the new members, that recommendation is not binding on the Board of Commissioners; they can pass it with the recommendation of this Board or they can dis-approve it. Cantrell stated he would ask the Board to approve this and he would love to tell them the reason, he will tell them the scope of the reason. Cantrell stated there is a hearing, related to this, set for the third of March at nine a.m. in the Circuit Court in Franklin. Cantrell stated the reason he is asking that this not go to our Board of Commissioners until the second reading and the Public Hearing until the sixth of March, which is three days after the Public Hearing, it gives him a strategic tool that he will be able to use, that he will not have if they do not have this pending. Cantrell stated the reason he has not told the Board the strategic reason is because he doesn't want that to be out to tell the adversary of what he is going to be doing. Thank you. Beata read the Bill # 2014-01, which will become part of these minutes. Exhibit B. Beata stated he would also like to recuse himself from a vote because he is involved in this property. Butler made a motion for discussion. Sutton seconded. Mangrum asked where this puts us in a legal standpoint on an ongoing litigation issue. Cantrell stated it puts us in the best position we can be in, that is the reason he did it. Sutton stated so simply we are just going to drop Givens Cut Road from the annexation. Cantrell stated that would be one of the possibilities, he is not saying what we do; it will be up to the Board of Commissioners. Mangrum stated his concern was with ongoing litigation and will each member of this Board be dragged into this? Cantrell stated no. Cantrell stated the Board of Commissioners has the absolute right to drop the whole thing if they want to; they have the absolute right to drop any piece of it they want to.

For
Anderson

Against
Sutton
Mangrum
Butler
Rowe
Mitchell

8.11 DISCUSSION ON MCREDMOND PROPERTY

Anderson asked is there anyone here to represent the McRedmond family? No one present to represent. Anderson stated if no one here to represent this item will have to be deferred. Cantrell stated cannot discuss without someone here representing, it is due process. Sutton made a motion to defer. Mangrum Seconded. All were in favor.

8.12 APPOINTMENT OF THE PLANNING COMMISSION MEMBER TO THE FAIRVIEW PARK COMMISSION

Anderson stated Mr. Ron Rowe has shown interest in this. Anderson asked is there anyone else interested in being on the Park Commission. Sutton asked is this just a recommendation to the full Board? Cantrell stated yes. No more discussion. All were in favor. Anderson stated congratulations Mr. Rowe you are on the Park Commission.

9. REPORTS FOR DISCUSSION AND INFORMATION

9.1 PLANNING/ZONING/CODES DEPARTMENT - Nothing

9.2 CITY ENGINEER –Owens stated he has three items, one is the staff wanted to make the Planning Commission aware there was a partition plat submitted to the planning department for approval. Owens stated your current subdivision regulations allow a partition plat to be administratively reviewed and approved and signed off by the Secretary on behalf of the Planning Commission. Owens stated this particular partition plat was located on Old Nashville Road and it involved an existing parcel of a little over two acres that was divided into two parcels of a little over one acre each. Owens stated the owners are David and Susan Hudgins and the addresses are 7309 & 7311 Old Nashville Road. Owens stated we just wanted to make you aware that the staff has received this and has moved forward under the provisions of approving under a partition plat. Owens stated the second item, one thing he thinks that they've been accustomed to in the past is when site plans are submitted, you've generally gone through an essence of four approval procedures. Owens stated one for a conceptual site plan, preliminary site plan and a final site plan and for the development review guidelines approval. Owens stated as outlined in your current zoning ordinance requiring site plan submittals, none of those four are specifically defined in your zoning ordinance. Owens stated third was if you recall last month he had mentioned to you if your so inclined to hear him speak for a couple of hours on your zoning ordinance and subdivision regulations, that would be an opportunity for you guys to obtain hours. Owens stated you are required for have four hours training per year. Owens stated if you wanted to break it up into two hour work sessions, they could certainly do that or if you wanted to knock it all out, they could try that. Owens stated he would ask if you guys want to do this you get together tonight and come up with a couple of dates and he will look at his schedule and see what might work for him.

9.3 CITY ATTORNEY –Nothing

10. COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.

Rowe stated he had talked to Mr. Hall about a book that he has come across; it's done by the American Planning Association. Rowe stated this book is the Planning Commissions guide 2013 edition; it is great for new members and old alike, explaining what the job of a Planning Commission is, how to hold the meeting. Rowe stated Mr. Hall has been gracious enough to work with him on getting a copy of this book, for Planning Commission members.

Sutton asks if the Scouts would stand up and be recognized. Ray Flake stated he is the Scout Master of troop 515 each one of them introduced themselves and was recognized. Sutton stated he appreciates them coming out. Sutton asked Cantrell can you help me out on this, do you have to apply, it's in your requirements, in the ethics committee for the State of Tennessee, if you sit on the Board, is that correct. Cantrell stated yes. Sutton asked has everyone done that so far, you can do it on line and not a big deal, it is required that you do that. Sutton stated third, people running for office, Dena Hood, could you please stand up. Sutton stated Dena Hood is running for Division One General Sessions for Williamson County judgeship. Sutton asked Dena is there anything she wanted to say. Hood stated it's been very interesting listening to all that is happening and love this community. It's a hidden gem of Williamson County. Hood stated about our Bowie Park, she grew up in Williamson County and did not know it existed until she started this campaign, it is fabulous. Hood stated it is a great place and you all are doing a wonderful job. Sutton stated Ms. Hood is an attorney. Hood stated yes she is and has been practicing law going on eighteen years, looks forward to meeting you all.

Anderson stated she just wanted to thank everyone for coming out and she is glad that the Boy Scouts are involved and like to come out and see. Anderson stated her brother became an Eagle Scout and she watched him go through the whole process, and she knows what you have to go through to go get that. Anderson stated like she always says, we have so many wonderful new businesses here in Fairview and please make sure before you leave your City to purchase something, because we want to support our City. Lady in audience as to approach the podium, Anderson stated please approach.

Joy Gallagher stated she is the marketing chairperson for the Chamber of Commerce. Gallagher stated Mr. Wayne Hall invited her tonight, last Friday morning she and John Cherry met with Mr. Wayne Hall and they would like to synergize with the Planning Commission in regards to making the City of Fairview economically prosperous and progressive. Gallagher stated the reason she is here is to know everybody and see how the Chamber can help the City of Fairview meet its goals economically. Gallagher stated they are trying to reach out to every business here in Fairview to promote and go hand in hand with the

Chamber of Commerce. Gallagher stated what they're trying to coordinate with Mr. Wayne Hall on how the Planning Commission would like to get assistance from the Chamber of commerce, so if they have anything in mind she has her contact information and she really wants to help you all. Anderson stated thank you.

Owens stated to further in light of the reference to Taco Bell to further clarification, they have all approvals necessary from previous submittals to move forward if they so desired. Owens stated what was before you tonight was a submittal to revise something that was on their previously approved plan, and obviously they had no presentation, you had to choose to defer. Anderson stated thank you for clarifying that.

Mangrum stated he does have one question. Is there a way if something has already been resubmitted and approved, we they get a site plan for what they got for Taco Bell, could we do some kind of overlay, for what was approved. Mangrum stated because some of us was not on the Board when it was approved before. Owens stated he thinks that is a wonderful idea, at a minimum, even if it is actually not shown on a plan, a requirement for the applicant to submit a written native of what was revised or changed would certainly be very appropriate.

- 11. ADJOURNMENT-** Anderson asked for a motion for adjournment. Rowe made a motion for adjournment. All were in favor. Adjourned at

Chairperson

Secretary