

City of Fairview

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Municipal Planning Commission

Regular Meeting - B
March 14, 2017
7:00 p.m.

Brandon Butler, Chairperson
Matt Beata, Vice Chairman
Mitch Dowdy 1st Secretary
Michael Mitchell, 2nd Secretary
Patti Carrol, Mayor
Derek Burks, Commissioner
Wayne Lowman
Tim Mangrum

Present: Beata, Butler, Mitchell Burks, Lowman, Mangrum, Dowdy

Absent: Butler

Others Present: City Engineer Will Owen, City Attorney Larry Cantrell, City Manager Scott Collins, Codes Director Wayne Hall, Codes Clerk Sharon Hall, Lt. Shawn Sullivan Fire Department

- 1. ANDERSON CALLED THE MEETING TO ORDER AT 7:34p.m.**
 - 1.1 Hall led the prayer and pledge.
- 2. APPROVAL OF THE AGENDA-**
 - 2.1 Mangrum made a motion for approval. Beata Seconded. All were in favor.
- 3. CITIZENS COMMENTS - (Limited to the first five to sign in and a limit of three minutes each.)- None**
- 4. APPROVAL OF THE MINUTES-**
 - 4.1 February 13, 2017 – REGULAR MEETING.
Mitchell made a motion for approval. Beata Seconded. All were in favor.
- 5. RECOMMENDATION – None**
- 6 BONDS-**
 - 6.1 DEER VALLEY DOWNS-7200 CROW CUT ROAD - \$10,000.00. EXPIRES APRIL 15, 2017 ROAD CUT BOND FOR DEER VALLEY
Hall stated this was actually released in November 2016, we actually had a road cut in Deer Valley Downs and this is what confused us. Hall stated we are in the process of looking at Utility cuts. Hall stated he is going to be meeting Piedmont, AT & T & Comcast because they do road cuts to supply necessary utilities to subdivisions. Hall stated normally they work under their own bond, all he is going to be notified so we can

have traffic control. Hall stated him and Todd Bratcher is working on this and will be setting up a meeting with all utilities to discuss the bonds. Hall stated normally the road cut don't come to the Planning Commission. Butler asked for clarification any action need to be taking on this tonight. Hall stated no action needed, it has been released already.

- 6.2 STUFF-IT-INN STORAGE, LLC – SURETY BOND TO COVER. BOND AMOUNT \$55,000.00. BOND EXPIRES APRIL 16, 2016. THE PLANNING COMMISSION VOTED TO REDUCE TO MAINTENANCE BOND FOR \$5,000.00. OWNER KEPT BOND AT \$55,000.00. BOND EXPIRES 4/16/2017.

Hall stated he is requesting this bond be released, has been out there to check site. Hall stated representatives present tonight. Burks made a motion to release bond. Mitchell Seconded. All were in favor.

- 6.3 SWEETBRIAR SPRINGS – LETTER OF CREDIT TO COVER THE ROAD, WATER, SEWER, DRAINAGE, EROSION, STREET SIGN ALLOWANCE, AND EMERGENCY ACCESS - \$45,000.00 – THE PLANNING COMMISSION REDUCED THE BOND ON JUNE 12, 2005. BOND EXPIRES APRIL 16, 2017

Phillip Caldwell present to represent. Mitchell made a motion to renew the Letter of Credit by April 16, 2017 and if not in place by April 16, 2017 Letter of Credit will be called. Beata seconded. All of them were in favor.

- 6.4 FAST PACE TO MAINTENANCE BOND TO COVER THE LANDSCAPING. CASH BOND \$2,000.00. WILL BE IN EFFECT UNTIL 1 YEAR AFTER THE DATE OF THE CO BEING ISSUED. CO WAS ISSUED SEPTEMBER 24, 2015. WORK HAS BEEN COMPLETED STAFF RECOMMENDS RELEASING THE BOND.

Hall asking for this bond to be released, owners are present tonight, made a special trip from California. Hall stated they are recommending this cash bond be released they have made sure all plants are alive and have replanted the ones that were dead. Hall stated he wanted to thank them for traveling this far, they wanted to come in and see the building and this town. Beata made a motion to release cash bond. Mangrum Seconded. All of them were in favor.

7. OLD BUSINESS- None

8. NEW BUSINESS-

8. 1 DISCUSS AND/OR TAKE ACTION ON INFRASTRUCTURE CONSTRUCTION PLAN FOR HORN TAVERN ROAD SUBDIVISION. MAP 22, PARCEL 15.00, 21.90 ACRES. DUKE & DUKE, LLC. OWNER

Gary Martin present to represent. Mangrum recused himself. Beata read City Staff Report, which will become part of these minutes. Exhibit A. Butler asked do they have sewer taps. Martin stated yes sir. Burks asked Owen does he know if the fire marshal has examined the turn arounds if they were appropriate for any type of vehicle they need to get through this area. Owen stated he doesn't know specifically if they have or not, he knows the proposed radius is in compliance with your standard cull-de-sac radius. Lt. Sullivan stated has reviewed the turn arounds and they are acceptable for them. Burks asked Owen does he have any other concerns other than that what he addressed in the Staff Report. Owen stated he does not. Mitchell asked about a fence around the detention pond. Martin stated yes. Mitchell made a motion for approval with

the City Staff report. Beata Seconded. Carroll asked does he have any problem meeting all the Staff Review Comments. Martin stated they have no problem meeting all comments; they have addressed all the comments except what is noted. Vote was taken, all were in favor.

8.2 DISCUSS AND/OR TAKE ACTION ON CRYE-LEIKE MIXED-USE DEVELOPMENT (FORMERLY AUDUBON COVE) PRELIMINARY PLAT MAP 42, PARCEL 46.01, 8.68 ACRES. HAROLD CRYE, OWNER.

Gary Martin presents to answer questions. Beta read City Staff report, which will become part of these minutes. Exhibit A. Martin stated this is a project that was started years ago, originally approved for 30 lots, construction plans were approved as well. Owner wanted to change the plan, put a perimeter buffer of 20 feet go to a smaller lot, number, they actually reevaluated the storm water calculations have been able to eliminate the detention pond, same design, same road length, same water design, same sewer design, been approved by WADC. Martin stated they had actually paid for 30 lots in previous times, instead of having the 20 lot increment approval they will have 30 lots and the remaining 17, that's the way they phased it. The initial phase will be 30 lots; final phase will be 17 lots. They will have to revise construction plans; they will do that when it goes to the Board of Commissioners. Beata asked what the original zoning on this was. Owen stated he doesn't know what the original zoning was, does know that on March 13, 2007 Planning Commission approved a positive recommendation for rezoning to the current RS-8/CG mixed used PUD. BOC approved on 2nd & final reading the actual rezoning, Ordinance # 668 on June 07, 2007. Mangrum stated just for clarification they are not rezoning they are just amending the PUD. Owen stated correct. Owen stated as they are aware Planned Overlay Districts the Master Plan that goes with those initial rezoning's, RPUD or Mixed Use PUD that Master Plan is a part of that actual rezoning action. Owen stated so with that initial Master Plan that was approved back in 2007 with the 30 lots, they are now proposing to increase, revise that Master Plan to show the 47 lots, that is why it is classified as a major amendment. Owen stated they are just considering the amendment; they are not necessarily opening up the entire plan again. Burks stated this is Crye-leike mixed use development; this is an amendment to previously overlay PUD designation. Correct. Burks asked Cantrell when they have a request to amend a previous PUD on a rezoning request, would they have to require all the same documentation we would under a normal rezoning request. Cantrell stated not dealing with a rezoning, just amending the ordinance, will have to go back to the BOC if the recommendation is to approve it. Cantrell stated the plan will have to be part of that ordinance. Burks asked was there a letter from the owner in the original documentation. Hall stated he would have to go back and look at those minutes. Hall stated if the letter is there in the files he will have at the BOC meeting. Cantrell stated if his agent was at the meeting, verbal would be fine. Cantrell stated or they could correct it now by a letter stating their agent can represent. Butler asked is there any plans for that commercial area in the front. Martin stated a commercial building, they were asked to separate the two projects. Burks stated with this being amended would this be brought up to the new recommendations. Carroll stated she thinks if they are making changes they should bring up to our new codes. Mangrum asked Owen what our current threshold is?

Owen stated 5% of the total area of the development is required to be open space. Burks asked Owen what items that would possibly be. Owen stated mini park or tot lot (playground) neighborhood park, recreational building, pedestrian open space system (trail system) specialized facilities (golf course, tennis courts, swimming pools) Martin stated he thinks they could address that, walking trail, has 3.7 acres, could easily put in a walking trail, possibly a picnic area and trails. Butler stated could they get a list of any variances that may vary from the new subdivision regulations that would be on this plan. Martin stated he would have to have Owen to help him out with that. Carroll stated she thinks if they are changing the plan they should have to bring up to current regulations. Burks stated he agrees or go with what was already approved. Owen stated to the best of his knowledge, what's before them tonight there is only two items that he believes would be considered not to be in compliance with the current regulations. Owen stated one is the street trees and the other is the improved recreational open space. Owen stated if those are items they desire to see in order for them to make a positive recommendation; he thinks they would we well in their right to make a positive recommendation contingent on those items being added to the plan before it goes to the BOC for 1st reading and consideration. Mangrum asked what percentage of open space is on this new design. Martin stated he believes it's quite more than is required. Beata made a motion to send a recommendation for approval to the Board of Commissioners with City Staff Report, with adding street trees and some type of improved useable amenity of their choosing of the five they discussed (mini park or tot lot (playground) neighborhood park, recreational building, pedestrian open space system (trail system) specialized facilities (golf course, tennis courts, swimming pools) Would like to say those changes be made before goes to the BOC, so they could see the plan with the changes. Burks Seconded. All were in favor.

8.3 DISCUSS AND/OR TAKE ACTION ON REZONING REQUEST FOR LOT 2 OF DONALD H. TIDWELL SUBDIVISION FROM RM12 TO R-20. MAP 23, PARCEL 44.01, 4.74 ACRES. DONALD M. & ROSEMARY CUNNINGHAM, REVOCABLE LIVING TRUST, OWNER.

Mangrum recused himself. Chapdelaine was present to represent. Carroll asked Chapdelaine were they were taking this from condo's to two lots. Chapdelaine stated yes. Burks stated does he have a letter stating he is representing the owner. Chapdelaine stated he is his agent, surveyor working for him. Burks ask Chapdelaine does he have an agency agreement, it is required. Chapdelaine stated this was a last minute; he just called today and said he couldn't make the meeting. Chapdelaine stated he could turn that in at a later time, if that is acceptable. Burks asked Cantrell, Cantrell stated as long as it's here before the 1st reading; they can pass contingent upon having the authorization. Burks stated just wanted to make sure they hold everyone to the same standard across the Board. Hall stated our new application & requirement went on line yesterday. Beata asked was there an existing driveway. Chapdelaine stated there is a small culvert and existing driveway. Beata asked is that where this road easement is for lot 2. Chapdelaine stated it is not. Beata stated so TDOT will have to approve. Chapdelaine stated yes that's correct. Carroll asked does he know what they want to put on this land. Chapdelaine stated he believes he wants to put a home on the

1st lot. Beata stated he would like to see one road coming from this property, so lot 1 would be using the easement from lot 2. Burks asked Owen, he noticed no Staff Comments, were there any concerns that weren't mentioned. Butler asked Owen is there anything that speaks to that setback based on the primary road. Owen stated this is a straight rezoning to R-20, not a PUD, it's nice to have this proposed plat; technically the action in hand is just the rezoning consideration, since it is just a straight rezoning. Owen stated probably the time to address as far as the access and the driveways would be at the staff level on the minor final that would be administratively approved, since their just creating two lots. Owen stated that is what they've typically done in the past and what their book allows and they can try to address that if that's something the Planning Commission desires. Mitchell made a motion for approval contingent upon the written authorization from the owner. Dowdy Seconded. All were in favor.

9 REPORTS FOR DISCUSSION AND INFORMATION

- 9.1 DIRECTOR OF PLANNING AND CODES – Hall stated he wanted to thank Ms. Anderson, the many years he served with her, not only on the Planning Commission, BOZA, Tree Board, possibly one other Board. Hall stated she has always been a big help to him, he's going to miss her. Hall stated Mr. Chairman, Ms. Anderson did attend staff review meetings, he doesn't have to attend but if he can't attend if he could get someone else to take his place because he does like the fact that a Planning Commissioner is at the staff review meeting. Hall stated unfortunately they can only be one Planning Commissioner member at the staff review meeting, if more than one they will be violating the open meetings law. Hall stated also on the plats that get recorded, Mr. Butler has been signing them but it will also fall on Mr. Dowdy to sign them, so at certain times we will need documents signed. Hall stated they did a fantastic job tonight and congratulations on being the Chairman of the planning commission. Thanks them very much.
- 9.2 CITY ENGINEER – Owen stated wanted to update them, if they weren't aware the BOC has given final authorization for them to start on updating your planning documents that includes the , Subdivision Regulation, Zoning Ordinance, Design Review Manual, Zoning Map and The Proposed Land Use Map. Owen stated so we are getting started on that and if they will entertain him for a minute he would like to introduce Kevin Chastine, he's with their firm; he's just recently come on Board. Kevin is an AICP certified Planner that spent several years in the City of Gallatin, in their Planning Department. Owen stated you may see Kevin around City Hall, doing a lot of the research looking through lots of minute books, he's excited about that and they will team together on that and look forward to making progress on that.
- 9.3 CITY ATTORNEY – Nothing
- 9.4 CITY MANAGER –Not present

10 COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.

Mangrum wanted to thank our Planning Staff that they have in place, there has been a lot of confusion going on. He knows with the educational impact fee that was going on knows there was a rush of permits that put a burden on you all on top of everything else and it appears that you all have worked your way through it. Mangrum stated he wanted to thank them for what they do.

Burks stated he wanted to thank Ms. Anderson for her numerous years of service, no one does this job for the pay, this is a volunteer position for the most part, it's not always thankful but it is normally difficult. Burks stated he does appreciate anyone that is willing to step up and invest their time and often their own money to help out, because when they are up here helping out doing these positions their taking away from their home time and businesses, things they would rather be doing. Burks stated he wanted to congratulate the new Board, he knows they will work very hard as this Board has always done to help take care of the City; he appreciates them stepping up to do it. Burks thanked Will Owen for getting started on this project as quick as possible, he thinks it's going to help business run smother in the City, it will put everyone on the same level playing field, everyone will know what's supposed to be done. Burks stated he thinks they have some new processes going in to help with rezoning request to make sure when it is turned into City Hall that everything is provided, that is needed, so they don't have situations where, someone comes to this Board and doesn't have what they need and there is a possible deferment, trying to fix on the front end, hopefully that will help everyone out.

Beata would like to recommend them setting a time for a workshop Board of Commissioners, if they would be so good to attend, or their representative on the Board, Mayor Carroll, Commissioner Burks, he thinks they should meet and discuss the Land Use Map, go over it, what it is, what it currently is and certain things they think they could do to improve on it. Beata stated the other thing which he thinks goes hand in hand with the Land Use Map is based a lot on our road systems and thoroughfares, throughout the town. Beata stated he thinks they need to either add it to the Land Use Map or have another mirror document; obviously they know Highway 100 and Highway 96. Beata stated they do have a 20 year plan that was done by Gresham Smith that pointed out feeder roads. Beata stated they had Wal-Mart put in a road parallel to Highway 100, which right now it is a road to nowhere. Beata stated he thinks they need to really get all these roadways and start planning ahead for that because he thinks they can all tell that our town is going to continue to grow. Beata stated some of these roads can be built by developers, if they're in place and everyone knows on the front end, some will have to be done through the City. Beata stated he would recommend Workshop before next meeting in April and see if that works for everyone.

Butler stated he thinks that's an excellent recommendation, what would be the right process to invite, ask Mayor Carroll, she said they could invite the BOC; you all can schedule a Workshop and they can definitely invite the BOC, she will mention that at the next BOC Meeting

- 11 ADJOURNMENT**-Butler asked for a motion for adjournment. Beata made a motion for adjournment. Mangrum Seconded. All were in favor. Adjourned at 8:30 p.m.

Chairperson

Secretary