

# City of Fairview

7100 CITY CENTER WAY  
FAIRVIEW, TN. 37062



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

## Municipal Planning Commission

**Regular Meeting**  
**April 08, 2014**  
**7:00 p.m.**

**Lisa Anderson, Chairperson**  
**Matt Beata, Vice Chairman**  
**Todd Behan, 1<sup>st</sup> Secretary**  
**Michael Mitchell, 2<sup>nd</sup> Secretary**  
**Ron Rowe**  
**Toney Sutton, Commissioner**  
**Brandon Butler**  
**Tim Mangrum**  
**Mitch Dowdy**

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

**Absent:** Behan

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

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

1.1 Hall led the prayer and the pledge.

### **2. APPROVAL OF THE AGENDA-**

2.1 Anderson stated she would like to entertain a motion to change, under new business 8.2 to change preliminary to conceptual plan. Rowe made a motion for the change. Sutton 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 MARCH 11, 2014 - REGULAR MEETING

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

**5. RECOMMENDATION -None**

**6. BONDS**

6.1 SWEETBRIAR SPRINGS – PERFORMANCE BOND TO COVER THE ROAD, WATER, SEWER, DRAINAGE, EROSION, STREET SIGN ALLOWANCE, AND EMERGENCY ACCESS - \$45,000.00. THE PLANNING COMMISSION REDUCED THE AMOUNT ON JUNE 14, 2005. BOND EXPIRES APRIL 16, 2014.

Bledsoe stated we have contacted the developer and the bank and they are preparing another bond and it will probably be renewed on April 16, 2014 but it will be renewed by expiration date. Sutton made a motion for approval on the condition that we receive this bond by April 16, 2014, if not they will automatically call the bond. Butler Seconded. All were in favor.

6.2 SCARBOROUGH VILLAGE – PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$52,000.00. THE PLANNING COMMISSION SET THE BOND ON FEBRUARY 12, 2008. THE BOND EXPIRES MAY 19, 2014.

Bledsoe stated contractor has been notified and he stated will have bond renewed by the expiration date. Sutton made a motion for approval on the condition that we receive this bond by May 19, 2014, if not they will automatically call the bond. Butler Seconded. All were in favor.

**7. OLD BUSINESS- None**

**8. NEW BUSINESS-**

8.1 DISCUSS AND/OR TAKE ACTION ON PROPOSED THP FAIRVIEW TDOT COMMUNICATIONS TOWER LOCATED AT 520 HIGHWAY 96 N. MAP 22, PARCEL 158.00. STATE OF TENNESSEE, OWNER.

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

8.2 CONCEPTUAL PLAT FOR WHISPERING WIND SUBDIVISION. MAP 47, PARCEL 67.01, 10.47 ACRES, R-20 ZONE, 4 LOTS. WALT TOTTY, OWNER.

Beata read the Engineer comments which will become part of these minutes. Exhibit A. Beata also read Staff requirements which will become part of these minutes. Exhibit B. Walt Totty present to answer questions. Sutton asked Totty does he have any questions. Totty stated most everything is pretty plain does have one question on number seven on the staff review about the 10% on the green space. Totty stated there is an area in there about 1.7acres that can't be used for anything and left wooded; he figured that could be used for that. Sutton

asked Bledsoe could that area be used for green space. Mangrum asked did you say that was wooded and can't be used, is that per the county. Totty stated yes wooded and by the county's. Mangrum stated to him that looks like that should be part of lot one because it serves lot one for the septic systems. Owens stated it should be but the plat that has already been recorded had indicated that it is not. Owens stated as far as the green space he wants to be careful about the technicality of the language that is to be used. Owens stated the language in the subdivision regulations actually state recreational use then it gives an example of a neighborhood playground. Owens stated there is no use of the language green space so he believes, if they will allow him to interpret the intention of the particular requirement. Owens stated he believes it was intended to be applicable to large scale subdivisions, that which you would have homeowners associations that kept up entrance signs and maybe have a community pool, community club house and also a neighborhood playground that would be located in a publically owned, being publically owned by the home owners association, not an individual lot owner. Owens stated his suggestion would be the 10% recreational use, what his interpretation of what the requirement would be that it may not be completely applicable to a scenario such as this where you're just dividing a ten acre parcel into four in essence larger tract parcels in what would be considered a smaller more dense type subdivision. Owens stated he would advise them if they require that 10% standard that it would need to be in public lands that would be operated, owned and maintained by some type of association in which they would have documents recorded that stated they would be responsible for that maintenance. Owens stated he would suggest to them that this may not be a suitable application for that particular standard. Mangrum asked Mr. Totty if he had discussed with the county to see if they will actually let someone else own someone else's septic and fill lines? Totty stated they have ever since this was recorded. Totty stated Steve Wymer bought it from the original owner that set this in motion, that's the way they let it go. Totty stated with the easement that covers that area to protect it from someone coming in there and cutting a ditch straight up the property line and cutting the field lines loose from the property. Bledsoe stated on past situations on other subdivisions, where the subsurface system is on another property, as long as that easement is in place, they have been approved and recorded, not ideal but it works. Anderson asks what is the difference between a major subdivision and a minor subdivision for clarification. Owens states in order to meet the definition of a major subdivision one of these four things has to be present or more, a new or extended street or street right-of-way, improvements within an existing street right-of-way other than repair construction of sidewalks or other pedestrian connections. Owens stated if you deem it necessary, there are sidewalks that would be required along the existing right-of-way along Cumberland Drive but that's specifically excluded from being considered meeting the requirement for major subdivision. Owens stated the third one is future public school site, park site, greenway court, that's not applicable. Owens stated the last one is the dedication of a right-of-way or easement for construction of public water distribution or sewage collection lines, that could be applicable. Owens stated if

each individual lot isn't served individually by a service line back to the public main then an easement would be required for that line that is coming to serve more than one lot. Owens stated if that is the case it would meet the definition of a major subdivision. Owens stated if each lot has individual service lines, water and sewer, if you deem sewer to be extended and power then there would be no easement required because those individual service lines fall within the boundaries of the property that it's serving, therefore would not meet the definition of a major subdivision. Anderson asks Owens does he consider this a minor subdivision. Owens stated if each lot having individual utility services to it with individual water taps on the main along Cumberland Drive, then yes he would consider this a minor subdivision. Owens stated it meets the definition of a minor subdivision. Owens stated the drives that are being presented are not easements they are part of the lots and they will need to be fifty feet wide each, there would not be any access easements required since each of the lots would have fifty feet road frontage that go to them. Anderson stated at this point they are showing twenty five foot each, so they would need to be increase to fifty foot wide. Owens stated in order to meet the subdivision regulations yes they would need to be increased to fifty foot. Owens stated that is regardless if it is considered a minor or major subdivision. Anderson asked and they can remain gravel drives? Owens stated yes, since it is not considered an easement, the City has no requirement or no determination or care as to what their individual driveways are. Owens stated if it was an access easement that was accessing more than two lots then that access easement would need to be constructed to City street standards. Beata stated he would like everything to come back to them that is noted, even the five foot sidewalks. Beata stated then they could come back and ask for variances that way they could have a trail to understand. Beata stated then they could mark on the plat as he comes before them with any changes. Cantrell stated would you not want to consider whether you are going to require the greenway area, play area or whatever it is, that would need to be included into your variance if you are not going to require that or if you are going to require that. Cantrell stated it would need to show on the drawing, something you may want to consider along with the other stuff but you don't want to leave it just hanging out there. Sutton stated he does not have a problem with not having the greenway with this small of a subdivision. Mangrum stated he would like to see some clarification from the County if that should be part of lot one or if it can remain in that easement. Owens stated the formal approval from the County will be their signing off on the septic notes and the septic certification, if they sign off on it they have accepted it. Owens stated if you desire for Mr. Bledsoe to touch base with them and get some preliminary feedback. Sutton stated he thinks that would be good for Mr. Totty to know too. Owens stated the one specific item of clarity will be the septic verses public sewer. Owens stated depending on your guidance on that requirement that could significantly change the division of land for this particular parcels. Owens stated so if it is okay with the Planning Commission he would suggest that they at least offer specific guidance on yes you do want to see public sewer extend there or no you don't. Owens stated he suggest they follow through with Mr. Beata's suggestion to see all the remainder

of all the improvements then from there if you allow some deviation in some of those gray areas. Anderson stated she would like to see it come back to them with these issues addressed on the plat and they can decide now which ones we are not going to require. Beata stated he wanted to see this back in print because there are so many clarifications. Beata stated he thinks hearing it out is the main things to consider, so when he goes back to the drawing board he has a little more clarification. Beata stated from Mr. Owens are we going to make them connect to the water authority of Dickson, which was several thousand feet down the road. Beata stated he does think the ten percent subdivision area is worth discussing that would greatly alter how these lots lay out, because they are talking that the sewer easement for lot one really does not count as official public space. Anderson stated she does not think it states that each one of the drives has to be fifty feet wide. Beata states it does say on the staff, number five, minimum lot frontage needs to be fifty foot. Anderson stated they will have to show fifty feet wide with separation. All were in favor on the lot size no need for play area and septic was fine as long as all the lots perk. Rowe asks do we need to make a motion for this. Cantrell stated he would just to get it formally passed so when Mr. Totty revises his drawing he know he will not have to face these issues again. Sutton made a motion to comply with the City Engineer and staff comments with the exception of no play area needed and can have septic as long as the lots perk. Beata Seconded. All were in favor.

## **9. REPORTS FOR DISCUSSION AND INFORMATION**

### **9.1 PLANNING/ZONING/CODES DEPARTMENT- Nothing**

9.2 CITY ENGINEER-Owens stated good job guys; he thinks their discussion tonight was very beneficial for everyone involved. Owens stated he wants them to always know that certainly his comments and his drafting of the staff comments is an indication of here is what is required in your book and this is exactly what just took place tonight, your determinations on what and how you want to see those addressed or not addressed. Owens stated it is certainly at your determinations and he has told them before they are never going to hurt his feelings by striking anything from his report. Owens stated he is always going to do his best to give them, here is where the discrepancies are, and you discuss them and decide how you want to move forward. Owens stated he thinks this was done in a very logical and meaningful manor tonight, so good job.

9.3 CITY ATTORNEY-Cantrell stated he just wanted to echo what Mr. Owens said he won't go through everything he went over because they have already heard it. Cantrell stated he does think they did a good job working on this because some of the issues were not that complicated but the overall project could get very complicated really quickly when they start looking at the availability of sewer, availability of water, availability of the roads and keeping the public safe. Cantrell stated he wanted to compliment his friend Mr. Owens and he thinks they will agree, he was very well prepared on the issues tonight. Cantrell stated anytime

you are prepared for something that comes up, two things, one it makes you look like you were prepared two you generally do a much better job. Cantrell stated he has seen cases lost when the other person didn't have the facts but the other guy was much better prepared. Cantrell stated he will say something now that he would have not said before, going back to the days when the City owned the water sewer system, did not want to influence anyone's decision but at that time, your decision was in line with what has gone on in this City for years. Cantrell stated at the time they owned the water they looked at two things, one was sewer available on that street and two what the distance was to run the sewer line, is it cost effective for a four lot subdivision. Cantrell stated just wanted to pass this along to them.

- 9.4 CITY MANAGER-Hall stated in the past they have let someone come in for a conceptual, preliminary and a final. Hall stated this is a question for Mr. Cantrell, or possibly Mr. Owens, if Mr. Totty were to choose when he comes back for all three or whatever it takes, can he proceed even though there may be a variance from the Board. Hall stated would they allow or could they approve on a contingency? Owens stated he may suggest the next step in the process would be go ahead as indicated in the motion make the revisions that are necessary then submit a final plat. Owens stated because in his estimation determination of the development as proposed it does not meet the major subdivision threshold and as a result there is not a requirement for conceptual and preliminary plats. Owens stated minor subdivisions only require final plat review and approval. Owens stated the step that was taken tonight was felt necessary both by the applicant and City staff so that a lot of these issues could be addressed so the project could move forward with the understanding of the vision that everyone had on those things. Owens stated he would suggest the next step would be the submittal of a final plat; staff would have a staff review meeting. Owens stated staff would make their comments at that time, if there are any lingering items during the staff review meeting then the owner would make those revisions and submit a revised set to come to the Planning Commission meeting for their review and approval. Owens stated and at that stage you could decide if you wanted to allow further variances from anything or if you wanted to move forward as what you determined tonight. Cantrell stated and from a legal stand point there is no problem with that because if you bring it back, if the staff approved something and you wanted something additional you could certainly approve that final plat subject to them making the changes. Cantrell stated you have the final say; you would have to sign off on the plat. Hall stated thank you. Sutton asked Mr. Hall was there anything he could share with the public about anything new coming in. Hall stated Taco Bell has poured their footing, had some contact from Murphy Oil on the property between Pizza Hut and Fred's. Hall stated John has been getting some activity on some subdivisions, not at liberty to say right now. Hall stated he believes someone else interested in retail space at Bowie Commons. Sutton asked about the entrance across from McDonalds, there is a piece of metal, looks like a sign has been run over and cut off, about four or five

feet. Bledsoe stated yes someone ran over it and it is their sign and he thinks they have been contacted. Bledsoe stated he can verify that tomorrow.

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

Sutton stated a couple of things; he would like to recognize Mr. Burk. Mr. Burke stated he is running for City Judge, he is a ten year resident of Fairview. Mr. Burke stated he has been practicing law for going on eleven years. Mr. Burke stated he has two young children, one is in Westwood, the other in Pro Kids, and these are his two most important reasons for wanting to be Judge. Mr. Burk stated to make sure this is a very safe community for them and everyone else. Thank you. Sutton stated Walker Book store has moved to the building where the old parts store used to be behind the BP. Sutton stated please continue to shop local. Sutton had a lady to stand up and said you're at every meeting and he wanted to commend her for coming out, and he also thanks another guy in the audience for coming out.

Mangrum stated he would like to thank our City Engineer for one and our staff for another because without these thorough comments they would not have productive meetings as they do.

Butler stated he wanted to seconded those comments, thank you very much for helping them prepare for decisions tonight.

Dowdy stated he would like to thank everyone for all the useful information; he is new and learning as he goes. Dowdy stated it was good information and a great meeting and he thinks everyone did the right thing.

Mitchell stated he wants to echo what Mr. Mangrum said, thank you Mr. Owens and staff for the good comments on this review.

Rowe stated thank the staff and Mr. Owens and the great comments. Rowe stated one request from the staff if it is possible, by the next meeting to have a digital copy of the zoning map. Owens so we could put up in the meetings.

Anderson stated she agrees that all staff did a great job, they need all the information they can get to make the best decisions. Anderson stated a lot of activity going on next door, at least four or five new businesses going in, exciting to see things happening out here. Anderson stated there was an article in the Tennessean that highlighted Fairview it talked about residential housing coming available. Anderson stated being part of Williamson County and to be able to get a great house verses Franklin and Brentwood, which are a little more expensive, here the houses are reasonable. Anderson stated people can move out here in this great community and enjoy being in Williamson County with our schools. Anderson stated she really enjoyed that article you may want to read it. Anderson stated she just wants to say keep your money in Fairview, shop local;

we want to support our City. Anderson stated thanks to all the Planning Commissions hard work in making the decisions tonight, good meeting.

**11. ADJOURNMENT-** Sutton made a motion to adjourn. Beata Second. All were in favor. Adjourned at 8:15p.m.



Chairperson

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Secretary



**CITY OF FAIRVIEW  
MUNICIPAL PLANNING COMMISSION  
REGULAR MEETING  
APRIL 8, 2014**

**ENGINEERING REPORT**

**6. BONDS**

**ITEM 6.1 SWEETBRIAR SPRINGS – PERFORMANCE BOND TO COVER THE ROAD, SIDEWALKS, WATER, SEWER, DRAINAGE, EROSION, STREET SIGN ALLOWANCE, AND EMERGENCY ACCESS - \$45,000.00. THE PLANNING COMMISSION REDUCED THE AMOUNT ON JUNE 14, 2005. BOND EXPIRES APRIL 16, 2014.**

No Engineering Comments.

**ITEM 6.2 SCARBOROUGH VILLAGE - PERFORMANCE BOND TO COVER THE ROAD, SIDEWALKS, AND STORM DRAINAGE - \$52,000.00. THE PLANNING COMMISSION SET THE BOND ON FEBRUARY 12, 2008. THE BOND EXPIRES MAY 19, 2014.**

No Engineering Comments.

**7. OLD BUSINESS - NO AGENDA ITEMS**

**8. NEW BUSINESS**

**ITEM 8.1 DISCUSS AND/OR TAKE ACTION ON PROPOSED THP FAIRVIEW TDOT COMMUNICATIONS TOWER LOCATED AT 520 HIGHWAY 96 N. MAP22, PARCEL 158.00. STATE OF TENNESSEE, OWNER.**

No Engineering Comments

**ITEM 8.2 PRELIMINARY PLAT FOR WHISPERING WIND SUBDIVISION. MAP 47, PARCEL 67.01, 10.47 ACRES, R-20 ZONE, 4 LOTS. WALT TOTTU, OWNER.**

- 1) Please note the existing pavement width of Cumberland Drive on the plat.
- 2) Please show the septic soil areas and their absorption rates for each of the proposed lots. All proposed septic system components must be fully located within the proposed boundaries of the lot in which the system will serve. Additionally, the Williamson County Health Department will require a certification block and standard septic notes on the final plat.
- 3) The existing SSDS easement for the existing Lot 1 needs to be labeled as an easement and should include the metes and bounds for the exact boundary of the area as delineated on the previously approved plat for the existing Lot 1.
- 4) Section 4-104.2 of the Sub Regs requires 5' wide sidewalks to be installed along Cumberland Drive unless the Planning Commission determines otherwise. Please show the proposed sidewalk location on the plat.
- 5) Section 4-114.4 of the Sub Regs requires a fire hydrant to be within 500' of proposed building envelopes. Please show the location of the closest fire hydrant. If there isn't an existing fire hydrant that meets this requirement, please show the proposed location of a new fire hydrant that meets the requirement.
- 6) Section 4-115.2 of the Sub Regs requires mandatory connection to the public sanitary sewer line if, in the determination of the Planning Commission, the existing line is accessible to the subdivision.
- 7) If each lot will not have separate and independent water and electric service lines, then the location and size of the proposed shared service lines needs to be shown on the plat along with the appropriate utility easements.



- 8) Please show contour lines at a minimum of 2' intervals on the plat.
- 9) Storm water detention is to be provided for projects in which the post developed runoff exceeds the predeveloped runoff. Please provide storm water analysis submittals in accordance with Section 4-113.4 of the Sub Regs in order to effectively determine if storm water detention will be required.



**CITY OF FAIRVIEW  
MUNICIPAL PLANNING COMMISSION  
REGULAR MEETING  
APRIL 8, 2014**

**PLANNING STAFF REVIEW COMMENTS  
FOR NEW BUSINESS AGENDA ITEMS**

**ITEM 8.1 DISCUSS AND/OR TAKE ACTION ON PROPOSED THP FAIRVIEW TDOT COMMUNICATIONS TOWER LOCATED AT 520 HIGHWAY 96 N. MAP22, PARCEL 158.00. STATE OF TENNESSEE, OWNER.**

This site plan was submitted to the City by the State of Tennessee as a courtesy submittal to inform the City of the State's intentions to erect a communications tower for the exclusive use by the Tennessee Highway Patrol. If desired, the planning commission can request for changes/revisions to be made to the proposed plan but being a State entity, formal site plan approval isn't required from the City.

**ITEM 8.2 PRELIMINARY PLAT FOR WHISPERING WIND SUBDIVISION. MAP 47, PARCEL 67.01, 10.47 ACRES, R-20 ZONE, 4 LOTS. WALT TOTTY, OWNER.**

- 1) Please include the zoning designation of all adjacent parcels.
- 2) Under the Existing Lot 1 label, please include a reference to the plat book and page of the previously recorded plat for Lot 1 (PB 42, PG 7). Also, include this plat reference under the label for the existing 30' ingress/egress eaement.
- 3) The proposed plat should be titled "Resubdivision of Lot 2 of Whispering Wind Subdivision"
- 4) The correct zoning of the subject parcel is R-20. There is no P.U.D. zoning designation for the subject parcel. Please revise plat accordingly. Additionally, please relabel the lots as Lots 2A through 2D.
- 5) Section 5-103.2(3) of the zoning ordinance requires the proposed lots to have a minimum lot frontage width of 50' along the public R.O.W. Please revise plat accordingly.
- 6) On the previously recorded plat, there is an existing 50' ingress/egress easement that generally runs east-west across the proposed Lot 2. If this easement is to be abandoned, please include a note on the plat stating that.
- 7) Section 4-111.1 of the Sub Regs requires at least 10% of the subdivision area be reserved for neighborhood recreational uses unless the Planning Commission determines that this requirement is not practical for the proposed development. If determined not to be practical, a recreation fee may be paid in lieu of a reservation of land per the fee schedule established by the governing body.

