

# City of Fairview

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## Municipal Planning Commission

**Regular Meeting**  
**August 11, 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, Mangrum, Dowdy

**Absent:** Lowman

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

**1. CHAIRPERSON ANDERSON CALLED THE MEETING TO ORDER AT 7:04 P.M.**

1.1 Ron Rowe led the prayer and the pledge.

**2. APPROVAL OF THE AGENDA-**

Anderson stated they will be voting on adding two items to the agenda and Mr. Cantrell wants to explain that process. Cantrell stated couple weeks ago they were getting more items added to agendas that should have been. Cantrell stated the Board passed a resolution limiting the times the Board of Commissioners or any Board that is appointed by the BOC, be they an advisory Board or whatever their character is, which they can add items. Cantrell stated the reason is they want to hold those at a minimum; the only way they can justify is by making those items that are added be either emergency items or exigent circumstances. Cantrell stated when the Chairman reads the items, they will determine if there is an exigent circumstance or an emergency situation. Cantrell stated if requires a majority vote to add the items. Cantrell stated the two items they have tonight doesn't qualify as emergency situations. Cantrell stated emergency situations is something that poses immediate threat to life, health, property, environment or has already caused damage to life, health, property or environment. Cantrell stated an exigent circumstance is something that arises suddenly out of circumstances calling

for immediate action or remedy or something helpful that needs to be done at once yet not so pressing as an emergency. Cantrell stated the two items they have before them tonight would come under exigent circumstances, it's something to be done that is helpful to the people that are developing and somewhere along the line there was some confusion along the line with the Hardee's. Cantrell stated the other item has to do with grading and they have rented some equipment and paying for it. Anderson stated adding 8.4 Discuss and/or take action to recommend to the Board of Commissioners that the Zoning Ordinance Table 6-102A Entitled "permitted and conditional uses and structures allowable within mixed used and commercial districts", item O. Restaurants, Fast Food, be amended to allow Fast Food Restaurants to be located within the main street mixed use (MSMU) District. Sutton made a motion for approval. Mangrum Seconded. All were in favor. Anderson stated adding 8.5 Discuss and/or take action on the First District Coffee Company grading plan. Sutton made a motion for approval. Beata Seconded. All were in favor. Cantrell stated by their vote they are approving that each of these items has an exigent circumstance, approving that they be added to the new business agenda for tonight. Anderson asks Mr. Hall to introduce our guest tonight. Hall stated this is Kathy Montgomery; she is the Health Director for Williamson County. Hall stated she is here to observe our process on sidewalks, safe routes to school that type thing. Anderson asked for approval of the agenda. Sutton made a motion for approval. Mangrum 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 July 14, 2015 –Workshop Meeting

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

4.2 July 14, 2015 – Regular Meeting

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

**5. RECOMMENDATION –**

5.1 DISCUSS AND/OR TAKE ACTION ON RESOLUTION NO. 17-15. A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ANNEXATION OF PROPERTY BELONGING TO PRICILLA LAMPLEY AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF FAIRVIEW, TENNESSEE. THE PROPERTY IS LOCATED ON HORN TAVERN ROAD, FAIRVIEW, TENNESSEE AND IS SHOWN ON CITY OF FAIRVIEW, TENNESSEE GEOLOGICAL LISTING OF ASSESSMENT ROLL MAP 022, PARCELS 064.00 AND 065.00

Planning Commission recommend that this be sent to the BOC without a recommendation so they can hear both cases side by side. Cantrell stated this failed at the BOC level so the Plan of Services has not been considered by the BOC.

**6. BONDS-**

6.1 HICKORY SPRINGS SUBDIVISION- IRREVOCABLE LETTER OF CREDIT TO COVER THE PROPOSED SIDEWALK AND DRAINAGE DITCH IMPROVEMENTS. \$43,750.00. BOND EXPIRES SEPTEMBER 18, 2015.

Hall stated certified letter sent out and Walt Totty has received it, we have talked to him and he said will renew by the expiration date. Cantrell stated no action required if not renewed enough time to put on next month's agenda

- 6.2 DISCUSS AND/OR TAKE ACTION ON REDUCTION OF LEVERETTE MEADOWS SUBDIVISION - PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS AND STORM DRAINAGE \$14,000.00. PLANNING COMMISSION VOTED TO REDUCE BOND TO \$11,500.00 ON THE SIDEWALK PORTION ONLY AT THE JANUARY 13, 2015 MEETING. BOND EXPIRES OCTOBER 1, 2015.

Gary McDonald present to answer questions. Owen stated final top coat was put on last Monday and Tuesday, he came down and observed, inspected and looked at it again today. Owen stated his recommendation would be to reduce to \$7,500.00. Sutton made a motion that the bond be reduced to \$7,500.00. Beata Seconded. Mangrum recused himself from voting. Vote was taken. All were in favor.

- 6.3 DISCUSS AND/OR TAKE ACTION ON REDUCTION OF LEVERETTE MEADOWS SUBDIVISION PHASE II – PERFORMANCE BOND TO COVER THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$78,700.00. PLANNING COMMISSION VOTED TO REDUCE BOND TO \$75,500.00 ON THE SIDE WALK PORTION ONLY. BOND EXPIRES OCTOBER 31, 2015.

Gary McDonald present to answer questions. Owen stated final top coat was put on last Monday and Tuesday, he came down and observed, inspected and looked at it again today. Owen stated his recommendation would be to reduce to \$25,000.00. Beata made a motion that the bond be reduced to \$25,000.00. Sutton Seconded. Mangrum recused himself from voting. Vote was taken. All were in favor.

## **7. OLD BUSINESS-**

- 7.1 DISCUSS AND/OR TAKE ACTION ON ORDINANCE NO. 890. AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL ZONING CODE, ARTICLE VII, "OVERLAY DISTRICTS," SECTION 8-203, "ADMINISTRATIVE PROCEDURE GOVERNING PLANNED UNIT DEVELOPMENTS," 8-203.3, "PRELIMINARY APPROVAL OF THE PROPOSED PLANNED UNIT DEVELOPMENT," 8-203.3(4), "PRELIMINARY APPROVAL OF THE PROPOSED PLANNED UNIT DEVELOPMENT," 8-203.3(6), "PRELIMINARY APPROVAL OF THE PROPOSED PLANNED UNIT DEVELOPMENT," 8-203.3(8). "PRELIMINARY APPROVAL OF THE PROPOSED PLANNED UNIT DEVELOPMENT,"

Cantrell stated the reason this is back on the agenda is because no motion was taken on July 14, 2015, vote was taken and all were in favor. Sutton made a motion for approval. Mangrum Seconded. All were in favor.

- 7.3 DISCUSS AND/OR TAKE ACTION ON A REZONING APPLICATION WITH PRELIMINARY MASTER DEVELOPMENT PLAN FOR PROPERTY LOCATED ON COX PIKE MAP 43, PARCELS 30.01 AND 31.00, 32.19 ACRES. FROM RS-40 (RESIDENTIAL) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) WITH A BASE DENSITY OF RS-15. DENNY, PROCTOR & WELCH OWNERS.

Anderson stated strike 7.2. Mangrum recused himself from voting but will take part in discussion. Sutton made a motion for discussion. Beata Seconded. Engineer

Joseph Ahlen present representing Mr. Smythe. Beata stated concerned about the density, he's not opposed to RS-15 density, just wants to see larger lots. Mangrum stated the lots would still only be 6, 0000 square feet. Joe Aller asks what size of lots they are looking for. Anderson stated when you have a true RS-15 the goal would to be to get as close to 15,000.00 square feet as possible. Beata stated what they are used to is there would be a mixture of the size of lots not all the same size lots. Carroll stated she has nothing against PUD's but if they are going to approve a PUD's she wants all the amenities that go with a PUD. Mangrum stated we don't have a standalone RS-15; it has to be a PUD. Beata stated the more detail they see on the plans, interesting design, that's what they look for. Mr. Joseph Ahlen stated with the topography it is going to be more difficult to get cul-de-sacs off of this. Ahlen stated he doesn't think Mr. Smythe would object to bringing back a preliminary plan showing the amenities, grading, streets, sidewalks, couple of house sections (in color) the landscaping, if he could get the density and lot size that they are comfortable with. Beata asked Owen everything he reads about a PUD, preliminary master plan has to be submitted. Beata stated one thing they had talked about there is no topo contours on this plat, did he notice anything else that was missing. Beata stated when Mr. Smythe resubmits he wants it to be what they require. Owen stated there was a plan that had been submitted that had two foot contours on it, but not before them tonight. Owen stated those details are up to them how much they want to see it detail. Owen stated typically what they have seen in the past is the road sections, how wide the pavement, curb and gutter section, street trees, where the utilities are going in that street section. Owen stated not a full blown centerline profile of that street but a least a cross section showing what this is going to look like. Joseph Ahlen stated let's just postpone this until they have time to work with staff some more and see if they can get some more detail. Sutton made a motion to defer on request from developer indefinitely. Butler Seconded. Anderson asked had Mr. Ahlen discussed with Mr. Smythe if were deferred from the Board was he okay with that. Mr. Ahlen stated as per their conversation he was okay with that. All were in favor.

## **8. NEW BUSINESS-**

- 8.1 DISCUSS AND/OR TAKE ACTION ON REVISIONS TO THE PLANNING COMMISSION SUBMITTAL AND REVIEW SCHEDULE FOR REMAINDER OF 2015. Sutton made a motion for approval. Mangrum Seconded. Exhibit A will become part of these minutes. All were in favor.
- 8.2 DISCUSS AND/OR TAKE ACTION TO RECOMMEND TO THE BOARD OF COMMISSIONERS THAT SECTION 16-107.9 OF THE ZONING ORDINANCE BE AMENDED TO ALLOW FOR THE ZONING OF PROPERTY THAT IS BEING CONSIDERED FOR ANNEXATION TO BE DEFINED IN THE PLAN OF SERVICES. Sutton made a motion for recommendation to the Board of Commissioners. Mangrum Seconded. Cantrell asked what they were talking about defining what. Owen stated an annexed property lies in limbo for 30 days after it is annexed without a zoning designation, he thinks the directive would be to revise language to allow a concurrent rezoning and annexation to take place concurrently, with the annexation first, so they are not rezoning property that is not in the City. Cantrell

stated already an ordinance that states when property is annexed without a zone it automatically comes in as RS-40. Owen said if he could revise this in the zoning ordinance. Cantrell said no need to vote just a recommendation to the Board of Commissioners.

- 8.3 DISCUSS AND/OR TAKE ACTION TO RECOMMEND TO THE BOARD OF COMMISSIONERS THAT THE ZONING ORDINANCE BE AMENDED TO ALLOW RELIGIOUS FACILITIES TO BE A USE THAT IS PERMITTED BY RIGHT IN ALL COMMERCIAL ZONES. Sutton made a motion for approval. Mangrum Seconded. All were in favor.
- 8.4 DISCUSS AND/OR TAKE ACTION TO RECOMMEND TO THE BOARD OF COMMISSIONERS THAT THE ZONING ORDINANCE TABLE 6-102A ENTITLED "PERMITTED AND CONDITIONAL USES AND STRUCTURES ALLOWABLE WITHIN MIXED USE AND COMMERCIAL DISTRICTS," ITEM O. RESTAURANTS, FAST FOOD, BE AMENDED TO ALLOW FAST FOOD RESTAURANTS TO BE LOCATED WITHIN THE MAIN STREET MIXED USE (MSMU) DISTRICT. Sutton made a motion for approval. Butler Seconded. Cantrell stated we have here Mr. Samuel Dreiling; he is the attorney for Hardee's. Cantrell stated he has already indicated to him that he will be at the special called Board meeting on the 24<sup>th</sup>. Mr. Dreiling stated he will be here on the 24<sup>th</sup> and he would like to request to be placed on the agenda for the Planning Commission meeting September 08, 2015 for grading, preliminary plan approval and bonding. Cantrell stated no vote need on this and they have been advised on the submittal dates. All were in favor.
- 8.5 DISCUSS AND/OR TAKE ACTION ON THE FIRST DISTRICT COFFEE COMPANY GRADING PLAN. Beata made a motion for approval. Mitchell Seconded. Todd Behan present to answer questions. Mangrum stated he has an issue with drainage in the area where he is proposing the new asphalt pavement on the eastside of the building where it attaches to the drive to the old City Hall. Mangrum stated there has been a drainage issue there for quite a while. Behan stated based on the calculations the change is very minimal. Owen stated from a calculation standpoint they would not meet the threshold for requiring detention, however if there is a known issue with that catch basin is caved in or if it is covered up, or if it need to be replaced. Anderson asked about the concrete patio, where the handicap parking, the additional three spaces, is there any type of separation. Behan states yes there will be brick pillars and Iron Gate. Vote was taken. All were in favor. .

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

Anderson asks our guest Ms. Montgomery to speak. Ms. Montgomery stated thank you very much, she appreciates the opportunity to be there tonight. Ms. Montgomery stated Commissioner Dreyzehner who is their Commissioner for the Department of Health is truly passionate about looking at the built environment and is a cheerleader for communities particularly rural communities like Fairview that are working on things that are promoting physical activity, healthy nutrition and tobacco cessation. Ms. Montgomery stated when she met with Mayor Carroll and Mr. Hall several months ago; they were sharing with her the information on Safe Routes to School grant, new farmers market, that's being ready to be built, it was a natural fit for a partnership with

the Health Department to work with the City. Ms. Montgomery stated she is really excited to hear that they are elevating plans and requirements to build the infrastructure for kids to have opportunities for physical activities, families as well. Ms. Montgomery stated she thanks them and if there is anything they can do at the Health Department please contact her and she will be helping the City with the grants on the health issues.

- 9.1 **DIRECTOR OF PLANNING AND CODES** –Mr. Hall stated thank you Ms. Montgomery and anything she can do with partnering with them on the grants on the health part as far as the safe routes to school, the bicycle access that's a big help with the grant process, really appreciates her help on this. Hall stated thought they had a great meeting and thinks they gave Mr. Smythe direction they need to be sending him in, this will help him in the next few days. Hall stated Will, Larry, John Bledsoe, Sharon and I are in a discussion on how to proceed forward when a development comes to them, were going through the procedures and they are given up front. Hall stated he thinks that is what happened with Mr. Smythe's project; how to proceed wasn't made clear to him.
- 9.2 **CITY ENGINEER**- Owen stated he appreciates them voting on the new schedule submittal so you can put that in place next month. Owen stated Mrs. Sharon, Mr. John, Mr. Wayne and he are excited about that, hopefully they can move to a process in conjunction with what Mr. Hall is trying to do. Owen stated it is important to give good verbal guidance on the initial stages to developers that call in but at the same time there is some personal responsibility by those developers to know, understand and follow the guidelines in a particular City, in this case the City of Fairview. Owen stated he does not want them to think that their staff is anyway deficient. Owen stated there is responsibility on both parties to do their due diligence. Owen stated with all that said hopefully they can move forward with a system to have documents in front of them that are final documents that have very little or any comments, for revision. Owen updated them on a patrician plat that came to the staff for review that will come to them soon for chairperson to sign. Owen stated the Glaser property on Fairview Blvd., currently zoned commercial. Sutton stated he can already see the work the staff is doing, the Tree Board, things like that, that things are already be expedited with the work staff is doing, giving the people what they need.
- 9.3 **CITY ATTORNEY**- Nothing
- 9.4 **CITY MANAGER**- Hall introduced Mr. Scott Tucker he is assisting him with the Board of Zoning Appeals & the Tree Board. Also Mr. Ron Rowe with be helping him out. Hall stated he appreciates both of them.

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

**Beata** stated he was excited about the progress on the gas station on Highway 96 until he saw the massive mechanical systems on the roof. Beata stated parapet to extend beyond the roof line, it is part of our Design Manual and he does know that individual showed them a color rendering of what the building was going to look like. Beata stated it did not have those units on there and did not show any parapets. Beata stated he just wanted to bring up and see what they could do to inforce their design manual. Hall stated he will be watching this in the future and have developers bring as close as rendering as possible.

**Dowdy** stated he would like to thank the BOC and the staff for the work they did for the Dickson youth baseball recognition of all the teams that made it to the state tournament, everybody showed up, the kids were more than excited, got to see how the meeting went. Dowdy stated he was one of the coaches that took the kids to state; kids and coaches had a great time. Dowdy stated he would also like to thank the BOC for letting him retain his seat on the Planning Commission, thank the staff and our guest tonight. Anderson stated Mr. Lowman informed her before the meeting that he would not be able to attend his mother had a stroke; please keep his family in our thoughts and prayers.

**Carroll** stated she wanted to thank Ms. Montgomery for coming, sorry they kept her so late, excited about the relationship and the connections that she and Mr. Hall have tried to make with other divisions of the County. Carroll stated when they go to meetings they keep hearing that people are looking for a community that provides a certain amount of recreation, walk ability. Carroll stated she thinks as they move forward; this Board especially has a great opportunity to design our City on how they want it to look like and make sure they are getting the types of structures they want. Carroll stated we are designing our Community with a direction and sticking by our codes that they can get that end results.

**Anderson** stated wanted to thank Ms. Montgomery for coming, she is very excited, as a Mother of a twelve year old, the encouragement of getting kids out walking, spending time outside. Anderson stated we have so much going on here in Fairview, just a reminder to keep your money here in Fairview, if it is offered here please buy it here and help our City to grow.. Anderson stated she sees such a great Planning Commission, staff; everyone is working really hard to make Fairview a wonderful place and to help developers that are coming to know the process, really appreciates everyone.

**11 ADJOURNMENT-** Anderson adjourned at 8:44 p.m.

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Chairperson

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Secretary