

City of Fairview

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Municipal Planning Commission

Regular Meeting
December 08, 2014
7:00 p.m.

Lisa Anderson, Chairperson
Matt Beata, Vice Chairman
Brandon Butler 1st Secretary
Michael Mitchell, 2nd Secretary
Pattie Carroll, Mayor
Toney Sutton, Commissioner
Wayne Lowman
Tim Mangrum
Mitch Dowdy

Present: Anderson, Beata, Butler, Mitchell, Carroll, Sutton, Lowman, Mangrum, Dowdy
Absent:

Others Present: City Manager Wayne Hall, Planning/Codes Director Frank Humber
City Attorney Larry Cantrell, Codes Clerk Sharon Hall

1. ANDERSON CALLED THE MEETING TO ORDER AT 7:38 P.M.

1.1 Hall led the prayer and the pledge.

2. APPROVAL OF THE AGENDA-

2.1 Anderson added one addition to the agenda, 8.2 Planning Commission to appoint one of the Planning Commission members to the Park Commission Board. Sutton made a motion for approval. Mangrum Seconded. All were in favor.

2. CITIZENS COMMENTS - (Limited to the first five to sign in and a limit of three minutes each.)

Ron Rowe stated he just had a comment on open space requirements that is addressed in the Subdivision regulations. Rowe stated last month they reviewed a final plat that had open space, he had asked a question to the developer if he was going to put trees, swings sets or

just landscape that area which he responded that he was just going to put grass there. Rowe stated he was concerned about that, being on the Park Board and has also been attending the Tree Board meetings. Rowe stated in the Subdivision regulations it specifically states that the open space requirement be suitable landscape, either by retaining existing natural cover and wooded areas and or landscaping with native trees, scrubs and wild flowers. Rowe stated that could be interpreted a couple of different ways, one of his points was that the Planning Commission and Codes Department review that and tighten that up a little bit. Rowe stated he thinks the open space means trees, Parks, landscaping, that is what Fairview is about, will also enhance the future developments. Rowe stated additionally it states there is a responsibility for the maintenance of that, that the developers have to provide, whether it is taken care of by the homeowners association or conservation district or the City. Rowe stated the developer still has the responsibility to show how they are going to maintain it. Rowe stated it also says the applicator at the time of development plan submission provide a plan for maintenance of open space lands and operation of the common facilities in accordance with the following requirements, talks about all the requirements and the plan. Rowe stated his point is that they are all learning, when he sit on the Planning Commission he was learning the Subdivision Regulations, just bringing up for future that they look into defining it more. Rowe stated he thinks it is important that they require landscape plans for commercial properties and thinks developers should be tied to some sort of landscaping on the open space areas, even though it will be taken care of by homeowners. Thank you.

4. APPROVAL OF THE MINUTES-

4.1 November 10, 2014 – Regular Meeting

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

5. RECOMMENDATION –

5.1 ANNEXATION APPLICATION FOR 7300 STARK LANE, MAP: 18 PARCEL: 14.00, 5.68 ACRES. OWNERS JASON & SHANNON LANKFORD.

Humber stated just on the agenda for your information, going through the process with the Board of Commissioners.

6. BONDS- None

7. OLD BUSINESS-

7.1 DISCUSS AND/OR TAKE ACTION ON SETTING THE BOND AMOUNT FOR PREMIER DEVELOPMENT PARTNERS, LLC. MAP: 42 PARCEL: 174.00 & 175.00, 5.34 ACRES. OWNERS PREMIER DEVELOPMENT PARTNERS, LLC.

Beata recused himself on this item; he is also the representative for this property, he has been hired as the contractor to handle the grading work. Sutton asks Mr. Humber has the Engineer taken a look at this. Humber stated yes he has. Sutton asks what his recommendation was. Humber stated Mr. Hall has that number. Hall stated yes he does and this would have been the only item that Mr. Owens would have had to be here tonight for, they got his recommendation of \$23,500.00 for the bond. Sutton made a motion to set the bond for \$23,500.00 per the recommendation of our City Engineer. Mangrum Seconded. All were in favor.

8. NEW BUSINESS-

8.1 SCHEDULE OF PLANNING COMMISSION 2015 MEETINGS.

Sutton made a motion to approve the schedule that was recommended by the staff. Beata Seconded. All were in favor.

8.2 PLANNING COMMISSION TO APPOINT ONE OF THE PLANNING COMMISSION MEMBERS TO THE PARK COMMISSION BOARD.

Sutton made a motion to nominate Branden Butler to be on the Park Board from the Planning Commission. Carroll Seconded. Anderson asked were there any other nomination. No other nominations. All were in favor. Anderson stated Branden Butler welcome to the Park Board.

9. REPORTS FOR DISCUSSION AND INFORMATION

9.1 DIRECTOR OF PLANNING AND CODES- Humber stated he appreciates them adopting the schedule for 2015 for the meeting and the deadlines for submissions. Humber stated we need the time to prepare the packets to be able to get to them in a timely fashion. Humber stated next month will be a busier meeting, one bond that will be coming up, probably a site plan from Kelly Shiver on his expansion of his mini warehouses on highway 96. Humber stated there is also a new convenient store on highway 96 at the interchange of I40. Humber stated that is the convenient store that has been boarded up for sometimes; they will be tearing that building down and building a new one. Humber stated also the Planning Commission will get to consider a variance on the back setback of the building being 10 feet from the rear of the property line to 20 feet setback. Humber stated which they have the authority to approve when they review the site plan. Sutton stated he thinks it is going to be a Shell station. Humber stated that is correct. Humber stated the company that is going to build it is Hayes Construction and they understand all of our design manual requirements and landscaping. Humber stated what they had told him is that they want to make something really attractive there. Humber stated he has had a gentlemen talk to him about a restaurant out there on this side of the interstate. Humber stated a little further down the road he has someone interested in a multifamily development and the hotel we are still expecting that to happen. Humber stated unless Mr. Hall objects they are

expecting something to break lose on Brownlyn Farms. Hall stated that is what he was pretty well told this afternoon. Humber stated he thinks we are going to see a lot of new construction next year.

9.2 CITY ENGINEER- Nothing.

9.3 CITY ATTORNEY- Cantrell stated for our new members, we have not had an annexation request but one thing they have to have is a plan of services. Cantrell stated state statute requires the Planning Commission to review it and to make a recommendation. Cantrell stated statute involves two time limits, the first one is you cannot have a seconded reading on the ordinance of annexations, it must be advertised in the paper for at least seven days before there can be a hearing. Cantrell stated it also requires you have a Public Hearing on this; you cannot have a second reading on an ordinance less than fifteen days, so you will have ninety days to make a recommendation otherwise the Board will move on without a recommendation. Cantrell stated he was sorry he was late tonight.

9.4 CITY MANAGER- Hall stated he wanted to have Mr. Cantrell to look into the training they do, about issuing them a certificate of completion on their training each year. Hall stated just a little appreciation for the City to show for the time they put into it. Hall stated they could put it in their personal file, who knows they may move on to another City and want to apply for their Planning Commission. Hall stated another thing he would like Larry Cantrell to talk about is why they bond personal property. Cantrell stated basically when you're talking about bonding private property, just that property, as a general rule we don't bond just private property. Cantrell stated you have every right that private property will comply with the building codes, zoning codes. Cantrell stated what they typically bond on private property is the installation of roads, sidewalks and curbs, because those entities will be dedicated to the City when the development is finished, they become property of the City upon dedication. Cantrell stated since the City will be taking it over you have the right to require that it meet the state standard or your standard, if the state has a standard on the road, you can exceed that and go less than that. Cantrell stated the reason you bond it is, if someone does not do it in accordance with the code. Cantrell stated that is the reason the staff and everyone connected with this, pursue so you know before the bond expires because once the bond expires, whoever put up the bond, letter of credit, whatever it may be, has no duty, none what so ever to honor that bond. Cantrell stated the reason the City bonds private property is because the City will not be responsible for paying to fix something that is not correct. Cantrell stated when the City bonds a subdivision, a commercial development, we are not bonding that will be built in accordance with their plans and specifications, that it will ever be finished; we won't spend a dime on that. Cantrell stated if they do it they are going to be doing it in accordance with the building codes, but if they walk away from it, we don't have any duty to build that

development, we are not bonding that, Cantrell stated once it is dedicated to the City, the sidewalk breaks, the City will fix it, if the road get holes in it, we're going to repave it. Cantrell stated the only time we bond something that is on private property, if it is something that is going to become the City's or something that could become a hazard or a damage creator to the City or even the State, if it is in the right-of-way. Hall stated thank you. Mr. Cantrell stated would like to wish everyone a Merry Christmas. Thank you.

10. COMMUNICATION FROM THE PLANNING COMMISSION MEMBERS.

Mitchell stated he wanted to thank the staff, sounds like it is going to be an exciting year and wish everyone a very Merry Christmas.

Lowman stated Merry Christmas to all of you.

Carroll stated just wanted to let everyone know that she is really excited about being back on the Planning Commission, looks forward to working with everyone and wanted to wish everyone Merry Christmas. Carroll stated Ron Rowe you will be missed but she does look forward to seeing him around and look forward to the work that you do in other places for the City. Thank you for your service. Merry Christmas.

Mangrum stated this touches on what Mr. Rowe brought up, we had a committee formed, two or three of you all on there as well, to review Subdivision Regulations with some other things. Mangrum stated he does not know if that has got lost in the shuffle, he knows that was in preparation for bigger things and more things to come, we've sort of got behind on this. Mangrum stated we need to figure out where we are on that. Humber stated we are going to be meeting in January; you will be getting information on that. Mangrum stated thank you very much. Mangrum stated congratulations to Mrs. Carroll and welcome her back to the Planning Commission and hopes everyone has a very, very Merry Christmas.

Sutton stated about every three weeks there is a car wash in front of Tractor Supply, they hand wash your car. Sutton stated it is a men's shelter that is out of Burns, they strictly just take donations, and he told them that he would mention it. Sutton stated if you want to get a car wash and make a donation to a really good cause, they do a lot of great work; he has looked into it. Sutton stated it is this Saturday, starts at 9:00a.m. runs until, so if you get a chance go by and see them. Sutton stated Merry Christmas to everyone, thank everyone for their hard work, and remember what the season is for and what it is truly all about because we lose sight of that. Sutton stated we got to keep Christ in our minds and hearts, when you think about Christmas. Thank you.

Butler stated he wanted to wish everyone a Merry Christmas.

Beata stated after hearing Mr. Cantrell speak on bonds and the importance of requiring bonds on private property, it's somewhat fitting, considering the reason the property here in front of City Hall, the state it has been in for four or five years is because the very fact that it did not have a bond to make the owner fix it. Beata stated he thought it was appropriate to mention this and to see something come full circle. Beata stated they learn everyday up here to form rules to try to keep that from happening again. Beata stated also would like to say Merry Christmas and Happy New Year. Thank you.

Anderson stated she would like to thank Mr. Rowe for serving, she is sure he will do wonderful work as Chairman for the Park Commission. Anderson stated she would like to welcome Mayor Carroll to the Planning Commission, they have a great group of people up here, and they're doing a lot of great things, glad she is going to be part of it. Anderson stated she has enjoyed serving with all of them and the staff, she thinks we have an exciting year coming up. Anderson stated she looks forward to 2015 and just wanted them to know she thinks their doing a great job, our City has a lot of exciting things happening. Anderson stated she wanted to wish a Merry Christmas, blessed and healthy, prosperous New Year to all of our citizens and everyone she serves with, all the staff. Anderson stated please support your local businesses and make sure before you leave your own City to shop here first, so they can stay in business.

- 11. ADJOURNMENT-** Anderson asks for a motion for adjournment. Sutton made a motion for adjournment. Beata Seconded. All were in favor. Adjourned at 8:05 p.m.

Chairperson

Secretary