

# City of Fairview

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## Municipal Planning Commission

**Regular Meeting**  
**December 10, 2013**  
**7:00 p.m.**

**Mike Smith, Chairman**  
**Robert Benson, Vice Chairman**  
**Lisa Anderson, 1<sup>st</sup> Secretary**  
**Matthew Beata, 2<sup>nd</sup> Secretary**  
**Beverly Totty, Mayor,**  
**Toney Sutton, Commissioner**  
**Michael Mitchell**  
**Todd Behan**

**Present:** Smith, Benson, Anderson, Beata, Totty, Sutton, Mitchell, Behan

**Absent:**

**Others Present:** City Attorney Larry Cantrell, City Engineer, Will Owens, City Planning/Codes Director Donn Lovvorn, Codes Clerk Sharon Hall

**1. CHAIRMAN MIKE SMITH CALLED THE MEETING TO ORDER AT 7:00M.**

1.1 Lovvorn led the prayer and the pledge.

**2. APPROVAL OF THE AGENDA-**

2.1 Benson made a motion for approval. Sutton Seconded. Smith made an amendment to add 8.7 Schedule of 2014 meetings that they have before them. Smith stated also note the November 2014 meeting is on Veterans Day and City Hall is closed that day. 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 NOVEMBER 12, 2013 REGULAR MEETING

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

**5. RECOMMENDATION – 2013 – 11 - None**

**6. BONDS**

6.1 STABLE ACRES SUBDIVISION – PERFORMANCE BOND TO COVER THE THE ROADS, SIDEWALKS, AND STORM DRAINAGE. \$65,000.00. PLANNING COMMISSION SET THE BOND ON DECEMBER 12, 2008. BOND EXPIRES JANUARY 24, 2014.

Lowvorn stated the developer has been notified that the bond will expire January 24, 2014. Lowvorn stated he just needs the Planning Commission to authorize the calling of the bond if not in place by the expiration date. Benson made a motion they call the bond if hasn't been renewed by January 24, 2014. Sutton Seconded. All were in favor.

**7. OLD BUSINESS –None**

**8. NEW BUSINESS-**

8.1 APPOINT 2 PLANNING COMMISSION MEMBERS TO THE CODES REVIEW COMMITTEE.

Sutton stated they had two volunteers, they have gotten the committee together they held out two spots for people on the Planning Commission and ask for two volunteers, Mrs. Anderson and Mr. Beata, fine with him. Sutton stated they will meet after the first of the year. Smith stated that sound good to him, do they have any other discussion on this. Smith asked Lowvorn do they need make a motion for this. Lowvorn stated if someone wants to. Sutton made a motion to put Lisa Anderson and Matt Beata on the over view committee. Totty Seconded. All were in favor.

8.2 APPROVE AN EXTENSION TO AN APPROVED PRELIMINARY PLAT FOR KYLES CREEK PHASE II, SECTION II. 20 LOTS ZONED R-20. MAP 47, P/O PARCEL 32. MARLON CUNNINGHAM OWNER.

Sutton made a motion for approval. Benson Seconded. Mark Roseberry standing in for Marlon Cunningham. Sutton asked Lowvorn does this section fall under the new guidelines? Lowvorn stated this is part of the phase that was approved in the preliminary when they were in the discussion of reapproving the preliminary plat that had expired. Lowvorn stated the Planning Commission had required him to pave the existing subdivision to be able to get the approval for this phase. Lowvorn stated it was Phase II Section I and II that was on the original preliminary plat. Lowvorn stated he's got Phase II section I plated and they will record it sometimes this month. Lowvorn stated section II is coming up on

expiration date on the approval of the preliminary plat and he's just asking for that preliminary approval to be extended. Lovvorn stated the Planning Commission can extend it and can put an extension time frame on that if they choose to extend it but they don't have to extend it, it's up to this Board what you want to do. Benson read the Engineers report which will become part of these minutes. Exhibit A. Benson amended the motion that the preliminary plat be extended for two years. Anderson and Mitchell stated that's too long. Benson stated the reason for that Mr. Cunningham worked with them when it came to the decisions to complete section one, and the way building construction is going now they're not sure if a year will be enough time. Smith stated in addition to this the approved preliminary plat is also a two year window, so what they're doing is falling in line for what has already been approved. Anderson stated to be clear she thinks he should have done paved anyways, in her opinion. Sutton asked what he requested. Smith stated he didn't request anything, they're suggesting this as a way to give him the opportunity to get his property up and going and not to have to come back in a year to get this reapproved. Anderson stated why he is waiting to submit the final plat. Owens stated he can submit a final at any time, in order for the Planning Commission to approve the final plat one of two things has to happen either he has to have all the infrastructure installed and completely constructed to the City standards, roads, water and sewer or he has to fill a bond that would guarantee that installation of that infrastructure. Owens stated he doesn't want to speak for him but he guesses at this time prepared to file that bond or obviously the construction isn't complete. Anderson stated so it's a financial matter. Owens stated more than likely. Anderson asked could the gentleman that was there for him speak. Mark Roseberry stated he doesn't know Mr. Cunningham's financial situation. Cantrell stated you could defer your motion and request that Mr. Cunningham be here. Benson stated he will redraw his motion for the two year extension and suggest that they go one year. Sutton withdrew his Second. Smith stated they have a new motion on the floor for the approval of the extension to the approved preliminary plat with a time frame for one year and that includes the Engineers report stating that within that one year period, if it's not extended it becomes null and void if the final plat has not been submitted to the City for review and approval by the expiration date of one year. Sutton stated and he would expect Mr. Cunningham to be here to answer the questions. Sutton Seconded. Owens stated just for clarity, you may want to define one year, is that from today's date or is that from which the current approval expires. Smith asks when is the current approval is expiring. Lovvorn stated the end of the month. Smith stated so the extension is from December 31, 2013 for one year. All were in favor.

- 8.3 CONCEPTUAL SITE PLAN FOR ALPHA TECHNOLOGIES TO BUILD A 21,714 SQUARE FOOT BUILDING LOCATED AT 7121 LOBLOLLY PINE BOULEVARD. MAP 18, PARCEL 47.23, IG ZONING. TODD BEHAN OWNER. Behan recused himself from both voting and discussion but he will be representing as the owner of this building. Anderson made a motion for approval. Totty Seconded. Smith stated one small change on the conceptual that they

would like to talk about. Behan stated they are looking at this in a two phase project, in the initial phase, what they would like to do is, eliminate the east drive which is on the right hand side to about the mark where it's marked twenty five foot. Behan stated that would come in the second phase of construction, then addition to that they also would want to eliminate next to the ramp, in the rear of the building one possibly two of the parking areas and put a temporary dumpster site there, that would be removed in the completion of phase two. Sutton asked Lovvorn will this still fall within the restrictions for the parking places. Lovvorn stated yes sir, he's only required ten and he's providing seventeen, even with removing one to two from the back. Smith stated one of the things that needs to be done on the conceptual is fire access and that will meet with the Fire chiefs recommendations and desires from the staff review. Smith stated it was done with the driveway before but now it will be done with hard surface that meets his approval that will be temporary until second phase two happens. All were in favor.

**8.4 PRELIMINARY SITE PLAN FOR ALPHA TECHNOLOGIES TO BUILD A 21,714 SQUARE FOOT BUILDING LOCATED AT 7121 LOBLOLLY PINE BOULEVARD. MAP 18, PARCEL 47.23, 3.78 ACRES, IG ZONING. TODD BEHAN OWNER.**

Sutton made a motion for approval. Beata Seconded. Behan stated this is phase I verses phase II. Behan stated what they are looking to do is to eliminate the drainage off to the right over by the east drive and discontinue it up front in the parking lot and grade downward to the detention pond, when phase II comes about move in to complete the piping and go on with the full plan that you see here. Benson read the Engineers report, which will become part of these minutes. Exhibit A. Lovvorn stated both variances had been stricken from the plans. All were in favor.

**8.5 FINAL SITE PLAN FOR ALPHA TECHNOLOGIES TO BUILD A 21,714 SQUARE FOOT BUILDING LOCATED AT 7121 LOBLOLLY PINE BOULEVARD. MAP 18, PARCEL 47.23, 3.78 ACRES, IG ZONING. TODD BEHAN OWNER.**

Benson made a motion for approval. Anderson Seconded. Benson read the Engineers report, which will become part of these minutes. Exhibit A. All were in favor.

**8.6 SET THE SITE BOND FOR ALPHA TECHNOLOGIES. MAP 18, PARCEL 47.23, 3.78 ACRES. TODD BEHAN OWNER.**

Benson read the Engineers report which will become part of these minutes. Exhibit A. Bond set by the Engineer is recommended to be set at \$42,000.00 Anderson made a motion for approval. Mitchell Seconded. All were in favor.

**8.7 SCHEDULE OF 2014 MEETING**

Smith stated noting that the November meeting will be on Veterans Day. Totty made a motion for the Schedule of meetings for 2014. Benson Seconded. Smith

asks the Board what they want to do about Novembers meeting falling on Veterans Day. Totty asked what was done in the past if City Hall was closed. Sutton stated it was the day before, wasn't it Donn. Lovvorn stated as far as the Planning Commission goes, he doesn't know if they have actually had a meeting that fell on a holiday other than Valentine's Day and City Hall's not closed for Valentine's Day because it's not a holiday. Sutton made a motion for the November 10<sup>th</sup> meeting to be the Monday before the 10<sup>th</sup>. All were in favor of the motion. All were in favor of the amended motion.

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

### **9.1 PLANNING/ZONING/CODES DEPARTMENT –**

Lovvorn stated we are in the process of trying to work with Wal-Mart on the construction of the Highway. Lovvorn stated their going to have a meeting tomorrow morning at ten o'clock. Lovvorn stated he said they was trying to get in touch with someone with TDOT to attend that meeting so they can discuss; TDOT has them under the hours of being able to work nine and three. Lovvorn stated so they're not able to put a lot of hours on the construction on the Highway. Lovvorn stated the construction and the completion of the Highway is part of their contingency on their certificate of occupancy because it's a safety issue. Lovvorn stated typically we don't issue a permanent certificate of occupancy when there is safety welfare or health issues still out there that has to be taken care of. Lovvorn stated talked to Sam today, the foreman of the project, he let him know that they had every intention of having the road completed by January 15, 2014 but TDOT has put some constraints on them and they didn't know if they were going to meet that deadline or not. Lovvorn stated the asphalt plants will be closing this week but you can still get limited asphalt if the temperatures are at what TDOT allows them to be for the application of asphalt. Lovvorn stated so there working toward the end but don't know if they will make the deadline, the qualifications to the highway will be complete when the get ready to open up so hopefully they can get to that point and issue them a certificate of occupancy but that could be a hold up. Sutton asked what's the temperature, forty degrees. Lovvorn stated by TDOT's standards the temperature has to be forty degrees and rising. Sutton asked and for how many hours. Lovvorn stated at least a couple of hours before they start. Anderson stated is that why the nine to three or is that different. Lovvorn stated the nine to three, they actually stop them from working on the highway, they working as soon as they got on site, around six o'clock until four or five o'clock, but TDOT stopped them because they were getting a lot of complaints from parents going to school picking their kids up and people going into work with the highway being shut down. Lovvorn stated they're only allowed to work on one side of the highway at a time, can't work on both sides of the highway at the same time. Lovvorn stated they have a lot of constraints on them. Lovvorn stated the gas company held them up about three weeks, when they got into the project they decided they weren't going to let them construct the project until they moved the gas lines, so Piedmont held them up about three weeks, moving the gas lines. Lovvorn stated so they have had a lot of weather issues,

issues with TDOT, and the gas company that's kind of held them up a little bit. Sutton asked Mayor when was it that they went on the caravan tour around the City. Totty stated a year, year and half in the summer. Sutton asked did they discuss putting the doors on the dumpsters at Caspian Hills. Lovvorn stated they did and John had sent them a letter and the last he heard they had been working on it. Lovvorn stated they did install all the landscaping they had required around the enclosures themselves. Lovvorn stated he will ask John tomorrow where they are at on that. Lovvorn stated he know they actually had a design and John told them that would be fine. Lovvorn stated they were having some issues and he couldn't remember exactly what the issues were but John told him they were having some issues on trying to design enclosures for them and wanted to know what they could use. Sutton stated if they could get some action on this, it would be great.

**9.2 CITY ENGINEER** – Owens stated he wanted to wish everyone a Merry Christmas and a Happy New year and they'll see you in January. Owens stated he apologizes for his voice; he's three weeks into a basketball season, sometimes their little ears don't listen as well as he would like them to.

**9.3 CITY ATTORNEY** –Cantrell stated thanks to Mr. Owens for reminding him this is the last meeting before Christmas, he has lots of meetings and sometimes forgets. Cantrell stated he would also like to wish everyone a Very Merry Christmas and a safe one and a Happy New Year and will see you at the next meeting in January.

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

Behan stated he would like to wish everyone a Merry Christmas and Happy New Year and a safe holiday and everyone to enjoy your time with your family and your time off.

Mitchell stated he would also like to wish everybody a Happy Christmas and good New Year and thanks for the opportunity to be on the Board, he thinks they have made some good strides and hopes next year is just as good.

Anderson stated she will repeat that, Merry Christmas and Happy New Year to all of Fairview. Anderson stated just remember that the Christmas Parade is rescheduled for this Saturday at 1:00p.m. Anderson stated just wants to see everyone come out thinks it a good time for our City.

Sutton stated he too wants to wish everyone a Merry Christmas and Happy New Year, someone else said it he didn't say it, just remember the reason for the season. Sutton stated count your blessing, remember all the things that we take advantage of, as far as our lives go we don't pay attention to them, how blessed we really are. Sutton stated with that he wishes everyone a Happy New Year and Merry Christmas.

Beata stated he would like to say Happy Holidays and Happy New Year.

Benson stated he wasn't going to be any different, he wishes everybody a Merry Christmas and most happy, prosperous, healthy New Year.

Totty stated daring to be different she just wants to remind everyone the gifts that they're giving and the reason for the season. Totty stated she wanted to wish everyone a very safe and Merry Christmas, look forward to seeing you next year.

Smith stated he wanted to wish everyone a very Merry Christmas and Happy New Year and a Holiday season. Smith

**11. ADJOURNMENT-** Smith asks for a motion for adjournment. Totty made a motion for adjournment. Beata Seconded. All were in favor. Adjournment at 8:45 p.m.

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Chairperson

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Secretary