



City of Munford, Tennessee
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Dwayne Cole, Mayor

Munford Municipal-Regional Planning Commission
October 10, 2017

The regular monthly meeting of the Munford Municipal-Regional Planning Commission met on Tuesday, October 10, 2017 at 6:30 P.M. in the Munford Municipal building located at 70 College Street with the following:

PRESENT: Chairman Gary Fodor, Vice-Chairman Rick Wilson, Jerry Trobaugh, and Roy Meadors.

ABSENT: Mayor Dwayne Cole, Secretary Sue Arthur and David Keeton

ALSO PRESENT: Sonny Pittman, Crystal Durham, Billy McCormick, Planner Will Radford, Code Enforcement/Building Inspector Glenn Stringfellow and Recording Secretary Barbara Younger.

The meeting was called to order at 6:30 PM with a quorum present.

I. APPROVAL OF MINUTES

There was a motion by Jerry Trobaugh, seconded by Roy Meadors to approve the minutes from September 12, 2017 as distributed. Motion carried.

II. OLD BUSINESS

None

III. NEW BUSINESS

A. Barnett Sutphin Minor Subdivision

Background

A minor subdivision plat has been submitted on behalf of John W. Barnett and D & D Custom Homes, LLC to combine two lots into a 2.65 acre (approximate) lot. The properties are located near 2129 Walker Field Road. The properties can be further identified as Parcels 20.08 and 20.09 on Tipton County Tax Map 081. The property is zoned FAR (Forestry, Agriculture, Residential) in the Munford Regional Zoning District. The property does not appear to be located in a federally identified flood hazard area according to FIRM # 47167C0310F, effective on 12/19/2006.

Analysis

Walker Field Road is a collector street according to the Munford Major Road Plan. The plat appears to be dedicating the required amount of right of way. (30 feet from the centerline)

The property assessment information for Parcel 20.08 is listed for "John W. Barnett". The notes of the plat state the owner of this Parcel is "John W. Walker". Staff believes this to be a mistake and needs to be fixed on the final plat.

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The plat has two ownership blocks presumably for D & D Custom Homes, LLC and John W. Barnett. Are they to own the new lot jointly?

The plat is missing the certification for septic approval. If the existing structure has an existing system, then an owner’s affidavit certifying the system is in working order is necessary.

Recommendation

Staff recommends approval provided the septic issue is adequately addressed.

There was a motion by Roy Meadors, seconded by Jerry Trobaugh to approve the Barnett Sutphin Minor Subdivision as presented. Motion carried, all present voting aye.

B. Thomas Tracey Rezoning Request

Background

A rezoning request has been submitted by Thomas Tracey to rezone properties located at 173 Simmons Road and 1141 Pristine Cove from B-1 (Neighborhood Business) to P-B (Planned Business) in the Munford Municipal Zoning District. The properties can be further identified as Parcel 7.01 on Tipton County Tax Map 144H, Group B and Parcel 13.00 on Tipton County Tax Map 145E. The properties do not appear to be located in a federally identified flood hazard area according to FIRM #47167C0315G, effective on 05/04/2009.

Analysis

The Future Land Use Map (2009) is showing the parcels to be a Commercial designation.

The properties have adjacent P-B zoning to the southeast.

Simmons Road is designated as a Collector Street on the Munford Major Road Plan.

The Planning Commission should consider the development trends of the area and determine what the most appropriate use for the future of the property would be.

The area to the north of the properties is a planned residential subdivision. The B-1 district currently serves a “buffer” zone and transitions from the P-B district to the R-1 and FAR (Regional) districts.

Recommendation

Staff recommends in favor of the rezoning request given the parcels commercial designation on the Future Land Use Map and the adjacent P-B Zoning.

There was a motion by Rick Wilson, seconded by Roy Meadors to send a positive recommendation to the Board of Mayor and Aldermen to rezone the properties at 173 Simmons Road and 1141 Pristine Cove from B-1 (Neighborhood Business) to P-B (Planned Business). Motion carried, all present voting aye.

**C. Resolution to Adopt a Plan of Services for Foundation Capital Resources, Inc. Property.
(Parcel 6.00 Tipton County Tax Map 145E, Group B)**

Background/Analysis

A request for annexation has been submitted by Foundation Capital Resources, Inc. to annex property adjacent to the corporate limits of Munford, TN. The property is located on Simmons Road and can be further identified as Parcel 6.00 on Tipton County Tax Map 145E, Group B. The property is zoned FAR (Forestry, Agriculture, Residential) in the Munford Regional Zoning District. The property does not appear to be located in a federally identified flood hazard area according to FIRM #47167C0315G, effective on 05/04/2009. Staff will present a Plan of Services to the Planning Commission detailing how all available City Services will be provided the property upon annexation.

Recommendation

Staff recommends the Planning Commission send a positive recommendation on the Plan of Services to the Board of Mayor and Aldermen.

There was a motion by Jerry Trobaugh, seconded by Roy Meadors to send a positive recommendation to the Board of Mayor and Aldermen to adopt a Plan of Services for Foundation Capital Resources, Inc. property (Parcel 6.00, Tipton County Tax Map 145E, Group B). Motion carried, all present voting aye.

**D. Resolution to Annex Foundation Capital Resources, Inc. Property.
(Parcel 6.00 Tipton County Tax Map 145E, Group B)**

Background

A request for annexation has been submitted by Foundation Capital Resources, Inc. to annex property adjacent to the corporate limits of Munford, TN. The property is located on Simmons Road and can be further identified as Parcel 6.00 on Tipton County Tax Map 145E, Group B. The property is zoned FAR (Forestry, Agriculture, Residential) in the Munford Regional Zoning District. The property does not appear to be located in a federally identified flood hazard area according to FIRM #47167C0315G, effective on 05/04/2009.

Analysis

State law prohibits a municipality from annexing property upon its own initiative. State Law allows for annexation of property to take place by Resolution only when requested by the current property owner. Staff is in receipt of a written request for annexation of this parcel to be annexed into the City Limits of Munford. This request should be filed with the Resolution upon its passage.

Recommendation

Staff recommends the Planning Commission send a positive recommendation on the Resolution to Annex to the Board of Mayor and Aldermen.

There was a motion by Rick Wilson, seconded by Jerry Trobaugh to send a positive recommendation to the Board of Mayor and Aldermen to Annex Foundation Capital Resources, Inc. property (Parcel 6.00, Tipton County Tax Map 145E, Group B). Motion carried, all present voting aye

**E. Ordinance to Zone Foundation Capital Resources, Inc. Property.
(Parcel 6.00 Tipton County Tax Map 145E, Group B)**

Background

A request for annexation has been submitted by Foundation Capital Resources, Inc. to annex property adjacent to the corporate limits of Munford, TN. The property is located on Simmons Road and can be further identified as Parcel 6.00 on Tipton County Tax Map 145E, Group B. The property is zoned FAR (Forestry, Agriculture, Residential) in the Munford Regional Zoning District. The property does not appear to be located in a federally identified flood hazard area according to FIRM #47167C0315G, effective on 05/04/2009.

Analysis

The applicants have requested R-1 (Low Density Residential) District zoning to be established upon annexation.

The property currently has FAR (Forestry, Agriculture, Residential) District zoning to the west and B-1 (Neighborhood Business) District Zoning to the East.

The Future Land Use Map (2009) is showing the parcel to be a Commercial designation. The applicant has stated intentions for the parcel to be combined with Parcel 7.00 on Tipton County Tax Map 145E, Group B, which has an FAR Designation on the Future Land Use Map.

Simmons Road is designated as a Collector Street on the Munford Major Road Plan.

The Planning Commission should consider the development trends of the area and determine what the most appropriate use for the future of the property would be.

The area to the north of the properties is a planned residential subdivision.

Recommendation

Staff recommends the Planning Commission send a positive recommendation on the establishment of the R-1 District upon annexation as this district would be consistent with surrounding land uses.

There was a motion by Rick Wilson, seconded by Roy Meadors to send a positive recommendation to the Board of Mayor and Aldermen to Zone the property for Foundation Capital Resources, Inc. (Parcel 6.00 Tipton County Tax Map 145E, Group B) from the Regional FAR (Forestry, Agriculture, Residential) to the Municipal R-1 (Low Density Residential) district with the addition of rezoning Parcel 7.00 Tipton County Tax Map 145E, Group B from B1 (Neighborhood Business) to R1 (Low Density Residential) district. Motion carried, all present voting aye

IV: OTHER BUSINESS

A. MUNFORD MUNICIPAL ZONING ORDINANCE

Staff will update the Planning Commission on the progress of the Municipal Zoning Ordinance and receive feedback from the Planning Commission towards current updates.

At the August Planning Commission meeting, staff was asked to present new regulations regarding Swimming Pools regulating them separate from Accessory Buildings.

The Following are current definitions for Yards and Swimming Pools in the Municipal Zoning Ordinance for review by the Planning Commission:

Yard: An open space on the same lot with a principal building open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this Ordinance. The measure of a yard shall be the minimum horizontal distance between any part of the principal building and lot or street right-of-way lines.

Yard, Front: The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building. On corner lots, the yards adjacent to both streets shall be front yards.

Yard, Side: A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side building line.

Yard, Rear: A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line. On all lots except corner lots, the rear yard shall be opposite the front yard. On corner lots, the rear yard shall be defined at the time the building permit is issued.

Zero Lot Line: the location of a building on a lot in such a manner that one or more of the building sides rest directly on a lot line.

Pools (Swimming), Hot Tubs and Spas:

- **Private Swimming Pool:** Any structure that contains water over twenty four inches (24”) in depth and which is used or intended to be used for swimming or recreational bathing, which is available only to the family and guests of the householder. This includes in-ground, and on-ground swimming pools, hot tubs and spas.
- **Private Swimming Pool, Indoor:** Any private swimming pool that is totally contained within a private structure and surrounded on all four sides by walls of said structure.
- **Private Swimming Pool, Outdoor:** Any private swimming pool that is not an indoor pool.
- **Public Swimming Pool:** Any swimming pool other than a private swimming pool.

Staff is proposing the following language for Swimming Pools to be added in a new section in the General Provisions:

Section 53. Private Swimming Pools in Residential Areas

- A. A Pool is not to be operated as a business or private club in residential districts.
- B. A Pool shall not be located closer than five (5) feet to any property line of the property in which it is located.
 - (1) For an in-ground or surface swimming pool, the pool or the property upon which said pool is located shall be enclosed by a fence of a type which effectively controls the entrance by

children to the pool area. The fence must be at least five feet in height. Wooden fences with boards placed vertically shall not have any opening wider than four inches per opening and wooden fences with boards placed horizontally shall not have any opening wider than one inch per opening.

(2) Gates installed for access to the property or pool area shall be equipped with an automatic closing and latching device to protect against uncontrolled access to the property.

(3) For an above ground swimming pool, the pool shall be equipped with an automatically retractable type ladder, a retractable ladder, a removable ladder or shall be fenced in. The ladder must be removed or retracted when the pool is not be attended.

(4) If access to the pool is via a deck or a porch, then no access from the ground is permitted to the deck area unless the property or the ground access to the deck is fenced in.

(5) It shall be the responsibility of the property owner where said pool is located to maintain all pool covers, fences, gates and closure devices in good operating condition.

(6) Failure to maintain pool covers, fences, failure to have gates closed or failure to remove or retract the ladder access to the pool shall constitute a violation of the Zoning Ordinance and is subject to the penalties provided therefore.

C. Enclosed pools that are separate buildings shall be regulated as accessory structures pursuant to Section 40 of this Ordinance. Enclosed Pools attached to the principal structure shall be considered part of the principal building.

The next sections delete the word "Pool" from appearing in any accessory use regulation. Staff is also proposing deleting the following language in every residential district:

"Accessory buildings and uses on corner lots shall conform with front yard setbacks for both intersecting streets".

This section goes against the sections that prohibit accessory uses in the front yard.

The current language in the Residential districts state the following:

"On corner lots, there shall be a minimum required front yard abutting each of the intersecting streets. The remaining yards shall be considered side yards".

This is inconsistent with the definition of "Rear Yard", therefore staff is proposing a change to those sections below:

R-1 District:

61.63 Yards on Corner Lots

On corner lots there shall be a minimum required front yard abutting each of the intersecting streets. ~~Corner lots shall have at least one side and rear yard.~~

61.9 Accessory Buildings and Uses

Accessory buildings and uses shall include private garages, carports and other accessory uses customarily incidental to the previously permitted uses.

61.91 No accessory building or use shall be erected in any front or side yard. Accessory buildings or uses shall not cover more than thirty percent (30%) of any rear yard and shall be at least five feet (5') feet from all lot lines, recorded easements or other buildings on the same lot.

61.92 No accessory building or use shall exceed two (2) stories or twenty-five feet (25') in height.

R-2 District:

62.63 Yards on Corner Lots

On corner lots there shall be a minimum required front yard abutting each of the intersecting streets. Corner lots shall have at least one side and rear yard.

62.9 Accessory Buildings and Uses

Accessory buildings and uses shall include private garages, carports and other accessory uses customarily incidental to the previously permitted uses.

62.91 No accessory building or use shall be erected in any front or side yard. Accessory buildings or uses shall not cover more than thirty percent (30%) of any rear yard and shall be at least five feet (5') from all lot lines, recorded easements or other buildings on the same lot.

62.92 No accessory building or use shall exceed two (2) stories or twenty-five feet (25') in height.

R-3 District:

63.63 Yards on Corner Lots

On corner lots there shall be a minimum required front yard abutting each of the intersecting streets. Corner lots shall have at least one side and rear yard.

63.9 Accessory Buildings and Uses

Accessory buildings and uses shall include private garages, carports and other accessory uses customarily incidental to the previously permitted uses.

63.91 No accessory building or use shall be erected in any front or side yard. Accessory buildings or uses shall not cover more than thirty percent (30%) of any rear yard and shall be at least five feet (5') from all lot lines, recorded easements or other buildings on the same lot.

63.92 No accessory building or use shall exceed two stories (2) or twenty-five feet (25') in height.

R-4 District:

64.63 Yards on Corner Lots

On corner lots there shall be a minimum required front yard abutting each of the intersecting streets. Corner lots shall have at least one side and rear yard.

64.9 Accessory Buildings and Uses

Accessory buildings and uses shall include private garages, carports and other accessory uses customarily incidental to the previously permitted uses.

64.91 No accessory building or use shall be erected in any front or side yard. Accessory buildings or uses shall not cover more than thirty percent (30%) of any rear yard and shall be at least five feet (5') from all lot lines, recorded easements or other buildings on the same lot.

64.92 No accessory building or use shall exceed two stories (2) or twenty-five feet (25') in height.

R-5 District:

65.53 Yards on Corner Lots

On corner lots there shall be a minimum required front yard abutting each of the intersecting streets. Corner lots shall have at least one side and rear yard.

PVD District:

67.693 Yards on Corner Lots

On corner lots there shall be a minimum required front yard abutting each of the intersecting streets. Corner lots shall have at least one side and rear yard.

Discussion between Planning Commission members and Staff ensued regarding proposed definitions and Revisions. Members also reviewed proposed corner lot, side yards, front yards, and back yards regulation and made recommendations to staff as to how they would like wording to be. Staff will make proposed changes and represent at the November Planning Commission meeting.

No action taken regarding this item.

V. Reports

Mayoral Comments and Issues

No Mayoral Report

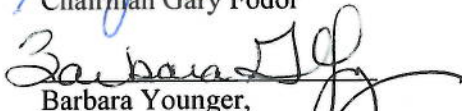
Building Inspector – Permitting and Enforcement Report

There was a motion by Rick Wilson, seconded by Jerry Trobaugh to accept the Building Inspector-Permitting and Enforcement Report as presented. Motion carried, all present voting aye.

There being no further business, the meeting was adjourned at 8:03 PM.


Chairman Gary Fodor


Sue Arthur, Secretary


Barbara Younger,
Recording Secretary

Training: Flood Insurance Rate Maps and Flood Regulations